

Planning proposal to amend height and floor space ratio controls for 374 and 376-382 New South Head Road, Double Bay (11 dwellings)

Proposal Title : Planning proposal to amend height and floor space ratio controls for 374 and 376-382 New South Head Road, Double Bay (11 dwellings)

Proposal Summary : The planning proposal seeks to amend Woollahra Local Environmental Plan 2014 (LEP 2014) in relation to 374 and 376-382 New South Head Road, Double Bay by:
 * increasing the maximum building height from 14.7m to 23.5m (6 storeys); and
 * increasing the floor space ratio from 2.5:1 (374 New South Head Road) and 3:1 (376-382 New South Head Road) to 4.5:1.

PP Number : PP_2017_WOOLL_003_00 **Dop File No :** 17/04506

Proposal Details

Date Planning Proposal Received :	20-Mar-2017	LGA covered :	Woollahra
Region :	Metro(CBD)	RPA :	Woollahra Municipal Council
State Electorate :	VAUCLUSE	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :			
Suburb :		City :	Postcode :
Land Parcel :	Lot 11 DP608859		
Street :			
Suburb :		City :	Postcode :
Land Parcel :	Lot B DP162458		

DoP Planning Officer Contact Details

Contact Name : Michael Kokot
Contact Number : 0292746564
Contact Email : michael.kokot@planning.nsw.gov.au

RPA Contact Details

Contact Name : Brendan Metcalfe
Contact Number : 0293917140
Contact Email : brendan.metcalfe@woollahra.nsw.gov.au

DoP Project Manager Contact Details

Contact Name : Martin Cooper
Contact Number : 0292746582
Contact Email : martin.cooper@planning.nsw.gov.au

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Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :		Consistent with Strategy :	
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	11
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **The Department of Planning and Environment's Code of Practice in relation to communication and meetings with lobbyists has been complied with. Sydney Region East has not met any lobbyists in relation to this proposal, nor has the Director been advised of any meetings between other Department officers and lobbyists concerning this proposal.**

Supporting notes

Internal Supporting Notes : **The planning proposal seeks to amend the height and FSR controls applying to the subject land to enable its development from 4 storeys to 6 storeys, comprising 4 commercial and two residential levels. This would facilitate a 'gateway' intensification of a prime corner site within the Double Bay Centre, creating additional dwellings and jobs close to public transport and other services.**

On 7 July 2014, Woollahra Council (Council) approved alterations and additions to the existing building at 376-382 New South Head Road (DA 568/2013), to change the use of level 4 from commercial to residential and allow an additional residential storey. While the approved 5th storey has not been constructed, the DA consent remains active.

On 10 June 2015, a planning proposal for 7 storeys was submitted to Council. Council deferred consideration of the proposal until March 2016, to enable the outcomes Hill PDA Economic Feasibility Study to be considered.

On 1 March 2016, a revised planning proposal for storeys was submitted to Council. On 10 October 2016, Council considered the revised proposal and resolved that the proposal be submitted to the Minister for Planning requesting a Gateway determination.

As the Double Bay Commercial Building Envelope Review is still yet to be finalised it is recommended that prior to finalisation, the planning proposal be updated to demonstrate consistency with any available findings of the review, in conjunction with clarifying its consistency with the Hill PDA Double Bay Economic Feasibility Study.

The planning proposal is supported because it:
*** is generally consistent with State planning policy;**
*** would foster economic and community benefits by increasing population and**

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External Supporting Notes :

providing expansion of the residential and commercial components of the Double Bay Centre; and

* facilitates renewal of the Double Bay Centre in a vibrant mixed use precinct, taking advantage of good nearby road and rail transport facilities.

The planning proposal seeks to amend the height and FSR controls applying to the subject land to enable the development of the subject land to 6 storeys, comprising 4 commercial and two residential levels. This would facilitate a 'gateway' intensification of a prime corner site within the Double Bay Centre, creating additional dwellings and jobs close to good public transport and other services.

Council has requested delegation of the Minister's plan making functions under section 59 of the Environmental Planning and Assessment Act 1979 (EP&A Act), which is considered appropriate for this matter of local planning significance.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment :

The objective of the planning proposal is to amend the planning controls applying to the subject land to enable its development to 6 storeys, comprising 4 commercial and two residential levels. This would facilitate a 'gateway' intensification of a prime corner site within the Double Bay Centre, creating additional dwellings close to good public transport and other services.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment :

The planning proposal seeks to amend Woollahra Local Environmental Plan 2014 (LEP 2014) in relation to 374 and 376-382 New South Head Road, Double Bay by:

- * increasing the maximum building height from 14.7m to 23.5m (6 storeys); and
- * increasing the floor space ratio from 2.5:1 (374 New South Head Road) and 3:1 (376-382 New South Head Road) to 4.5:1, by inserting 'Area 1A' in Clause 4.4A and the Floor Space Ratio Map.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 1—Development Standards

SEPP No 19—Bushland in Urban Areas

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 33—Hazardous and Offensive Development

SEPP No 55—Remediation of Land

SEPP No 64—Advertising and Signage

SEPP No 65—Design Quality of Residential Flat Development

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SEPP No 70—Affordable Housing (Revised Schemes)
 SEPP (Building Sustainability Index: BASIX) 2004
 SEPP (Exempt and Complying Development Codes) 2008
 SEPP (Housing for Seniors or People with a Disability) 2004
 SEPP (Infrastructure) 2007
 SEPP (Major Projects) 2005
 SREP (Sydney Harbour Catchment) 2005
 SEPP (Affordable Rental Housing) 2009

e) List any other matters that need to be considered :

SEPPs

The Planning Proposal states the proposal is consistent with most of the relevant SEPPs and deemed SEPPs. In Council reports attached to the planning proposal, Council planners have indicated the residential levels of the proposal are inconsistent with the Apartment Design Guidelines (ADG), because building separation with the Cosmopolitan Hotel is under the 18m standard specified for 5-7 storey apartment buildings. It is considered that consistency with SEPP 65 and the ADG can be assessed as part of the consideration of a future development application (DA) for the subject land.

Section 117 Directions

The planning proposal is consistent with all Section 117 Directions, except for the following:

Direction 4.1 Acid Sulfate soils

The planning proposal seeks to intensify land use on land identified as Class 2 Acid Sulfate Soils, as identified on the Acid sulfate soils Map in WLEP 2014 (Sheet ASS_0030). The proposal therefore needs to satisfy the Secretary that the inconsistency is either justified by a study or is of minor significance.

The planning proposal states this inconsistency is justifiable as the matter is of minor significance, because it involves a relatively small site (699.8 sqm) and seeks to add additional stories to an existing building without excavation or creating any basement levels, thereby not having any acid sulfate soils impacts. Any acid sulphate soils issues can also be further addressed at the DA stage.

It is agreed that the inconsistency with this Direction is considered of minor significance.

Direction 4.3 Flood prone land

The objectives of this Direction are to ensure development is consistent with the NSW Flood Prone Land Policy and Flood Plain Development Manual 2005. It applies when a planning proposal creates, removes or alters a zone or provision affecting flood prone land. A planning proposal may be inconsistent with this Direction if the Secretary can be satisfied that the inconsistencies are of minor significance.

The planning proposal states inconsistency with this direction is minor because:

- the zoning is not changing, as the current B2 Local Centre zoning will remain;
- the proposal will increase the FSR, but is only essentially creating one additional level to the building;
- the commercial floors will remain the same, while the residential component will be located on the top two floors; and
- consequently the flooding risk is considered minimal and will be further addressed at the development application stage.

It is agreed that the inconsistency with this Direction is of minor significance.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

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Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The mapping includes relevant map extracts identifying the current and proposed provisions, which are adequate to identify the subject land and for community consultation.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes a 28 day community consultation period, which is supported.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Woollahra Local Environmental Plan 2014 was finalised in January 2014.**

Assessment Criteria

Need for planning proposal : **A large proportion of existing buildings in the Centre are currently under-developed and do not achieve the maximum height and floor space controls under WLEP 2014. The planning proposal responds to the changing nature of the Double Bay Centre, which is undergoing a transition, with larger scale mixed development up to 6 storeys being introduced.**

By enabling an increase in the maximum building height and FSR for the site, the planning proposal is the most appropriate means of achieving the desired outcome of maximising the development potential of the site and assisting the LGA's dwelling contribution to Woollahra's 300 dwellings by 2021 under the draft Central District Plan.

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Consistency with strategic planning framework :

NSW STATE PLAN

The planning proposal is consistent with the NSW State Plan, particularly in relation to the following goals:

- 5. Place downward pressure on the cost of housing: by enabling a greater number of dwellings in the LGA, near good public transport (bus, train and ferry); and
- 20. Build liveable centres: by helping to increase the percentage of the population living within 30 minutes of the Sydney CBD.

A PLAN FOR GROWING SYDNEY

The subject land is located within the Central Subregion and the Global Economic Corridor, close to the Urban Renewal Corridor between Sydney CBD and Bondi Junction. Key priorities for this subregion are to accelerate housing supply, choice and affordability, and build great places to live.

The planning proposal is consistent with A Plan for Growing Sydney, particularly by assisting the following directions:

- 2.1 Accelerate housing supply across Sydney: the proposal assists action 2.1.1 Accelerate housing supply and local housing choices, by providing 11 more dwellings in a Centre close to good public transport;
- 2.3 Improve housing choice to suit different needs and lifestyles: additional residential floor space will improve housing choice;
- 3.3 Create healthy built environments: the proposal provides additional residential density within walking and cycling distance of shops, schools and local parks; and
- 4.3 Manage the impacts of development on the environment: through a modest increase in housing density without any adverse environmental impacts.

DRAFT SYDNEY CENTRAL DISTRICT PLAN

The planning proposal is consistent with the draft Plan by assisting with the implementation of its Productivity, Liveability and Sustainability priorities (pp 32-35 of the planning proposal). It is also consistent with the draft Towards our Greater Sydney 2056, issued by the Greater Sydney Commission in November 2016.

DOUBLE BAY ECONOMIC FEASIBILITY STUDY (Hill PDA)

This Hill PDA Study recommends increased densities for the Centre up to 3.5:1 to facilitate new residential development. The planning proposal will increase the FSR to 4.5:1 which will further enable this goal.

DOUBLE BAY COMMERCIAL BUILDING ENVELOPE REVIEW

Council clarified the Review was initiated in response to the Hill PDA Double Bay Economic Feasibility Study, a key recommendation being for Council to review the existing Double Bay planning controls, to permit an FSR of between 3:1 and 3.5:1, based as an incentive for viable redevelopment. Further, the actual appropriate FSR to apply for particular locations should depend on urban design testing and other environmental considerations, with each site's feasibility 'tipping point' being determined on its merits.

Council urban design staff have prepared new building envelopes for eight locations in the Centre which would accommodate an FSR in Hill PDA's recommended range. Council is currently also preparing a community impact statement which will include a transport study to assess future transport trends and investigate alternative modes of transport to manage movement of additional residents, workers and visitors to the Double Bay Centre based on the new building envelopes.

Council's planning staff have advised that the outcome of this work, intended to guide the assessment of proposals for increasing maximum building height and FSR across the Double Bay Centre and the broader strategy outlined in the Double Bay Place Plan, will be reported to the Council in the near future.

In view of the above, it is recommended that prior to finalisation, the planning proposal be

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updated to demonstrate consistency with any available findings of the review, in conjunction with clarifying its consistency with the Hill PDA Double Bay Economic Feasibility Study.

Environmental social
economic impacts :

Environmental impacts

The proposal is unlikely to have any adverse environmental impacts on any critical habitat or threatened species, populations or ecological communities and their habitats, given the highly developed nature of the subject land.

In relation to built form and scale, the planning proposal is supported by a detailed Urban Design Report by Eeles Trelease Architects and an Urban Design Opinion by Hills Thalys Architects.

The Hills Thalys Opinion states the subject site can be redeveloped within the proposed building envelope and have no unacceptable impacts, as it will be more prominent at the corner of Knox Street and Old South Head Road, but comparable in height to the adjoining Sir Stamford development, and smaller than the nearby Intercontinental Hotel, noting that:

- * the proposed 6 storey development would only generate an additional 7% of overshadowing compared with the 5 storey scheme, maintaining a minimum 2 hours of daylight access between 9am-3pm at mid-winter;
- * the proposed built form would not impede any views from conservation areas or heritage items; and
- * the proposal would have negligible traffic and parking impacts, given neither the existing nor the proposed buildings include off-street parking, given abundant nearby public transport.

It is noted that the adequacy of the above built form related matters would need to be revised as necessary, as part of the general proposed condition that the proposal be so revised upon the availability of any consideration of the findings of the Double Bay Commercial Centre Building Envelope Review.

Social and economic

The planning proposal is not anticipated to have any negative social or economic impacts, and that it is not likely to create any additional demand on existing public infrastructure.

The proposal would have the following positive social impacts:

- * providing 11 dwellings close to public transport, infrastructure and other services, contributing to the LGA's 300 dwelling target under the draft Central District Plan;
- * additional jobs during construction and additional retail expenditure from future residents; and
- * more efficient use of urban in-fill land, thereby easing pressure on other areas.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	28 Days
Timeframe to make LEP :	0 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d)			

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Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Cover Letter - 374 and 376-382 New South Head Road, Double Bay.pdf	Proposal Covering Letter	Yes
Planning Proposal - 374 and 376-382 New South Head Road, Double Bay.pdf	Proposal	Yes
Annexure 1.1 - Planning proposal submitted by Mecone - Part 1.pdf	Proposal	Yes
Annexure 1.2 - Planning proposal submitted by Mecone - Part 2.pdf	Proposal	Yes
Annexure 1.3 - Planning proposal submitted by Mecone - Part 3.pdf	Proposal	Yes
Annexure 2 - UPC Report - 2 November 2015.pdf	Proposal	Yes
Annexure 3 - Council Minutes - 2 November 2015.pdf	Proposal	Yes
Annexure 4 - UPC Report - 23 May 2016.pdf	Proposal	Yes
Annexure 5 - Council Minutes - 23 May 2016.pdf	Proposal	Yes
Annexure 6 - UPC Report - 10 October 2016.pdf	Proposal	Yes
Annexure 7 - Council Minutes - 10 October 2016.pdf	Proposal	Yes
Determination Documents.pdf	Determination Document	Yes
Determination Documents.pdf	Determination Document	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions
- 7.1 Implementation of A Plan for Growing Sydney

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Additional Information : It is recommended the planning proposal proceeds subject to the following conditions:

- 1. The planning proposal must be made publicly available for a minimum of 28 days.**
- 2. No consultation is required with public authorities.**
- 3. Prior to finalisation, the planning proposal be updated to demonstrate consistency with any available findings of Council's Double Bay Commercial Centre Building Envelope Review, in conjunction with clarifying its consistency with the Hill PDA Double Bay Economic Feasibility Study.**
- 4. A public hearing is not required under 56(2)(e).**
- 5. The timeframe for completing the LEP is to be 9 months.**

Supporting Reasons : The planning proposal is supported because it:

- * is generally consistent with State planning policy;**
- * would foster economic and community benefits by increasing population and providing expansion of the residential and commercial components of the Double Bay Centre; and**
- * facilitates renewal of the Double Bay Centre in a vibrant mixed use precinct, taking advantage of good nearby road and rail transport facilities.**

Signature:



Printed Name:

MARTIN COOPER

Date:

13/04/2017

