PLANNING PROPOSAL

374-382 New South Head Road, Double Bay

TRIM: 17/25805

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Part 1 – Introduction

This planning proposal has been prepared by Woollahra Municipal Council based on documents submitted by Mecone Pty Ltd (Mecone) on behalf of Fivex Pty Ltd. The proposal is to increase the maximum building height and floor space ratio for the site at 374-382 New South Head Road, Double Bay (the site). The proposal will facilitate an additional level to the approved building on the site and will create a 6 storey development.

This planning proposal pertains to the land described as follows:

- 374 New South Head Road, Double Bay (Lot 11 DP608859); and
- 376-382 New South Head Road, Double Bay (Lot B DP162458).

It is proposed to amend the Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014) to allow for:

- An increase in height of buildings from 14.7m to 23.5m (6 storeys); and
- An increase in the maximum 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.

This planning proposal has been prepared in accordance with:

- Section 55 of the *Environmental Planning and Assessment Act 1979 (the Act)*; and
- NSW Department of Planning and Environment's *A Guide to Preparing Planning Proposals* (August 2016).

This planning proposal includes the following information:

- A description of the site in its local and regional context;
- A statement of the objectives or intended outcomes of the proposed instrument;
- An explanation of the provisions that are to be included in the proposed instrument; and
- The justification for those objectives, outcomes and provisions and the process for implementation, including:
    - Compliance with relevant directions under s117 of the Act;
    - The relationship to the strategic planning framework;
    - Environmental, social and economic impacts;
    - Any relevant State and Commonwealth interests; and
    - Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

1.1 Background

Existing Development Consent

On 7 July 2014 Council approved alterations and additions to the existing building at 376-382 New South Head Road under DA 568/2013 for:

> *Mixed Residential/Commercial Alterations and additions to the existing building including a change of use of level 4 from commercial to residential and a new levels 5 and 6 for residential use (15 x studio/1 bedroom units)*

This consent allows for a single additional storey on top of the existing 4-storey building (for a total of 5 storeys).

It is highlighted that the existing building currently exceeds the height of buildings control by 4% (0.6m) and the floor space ratio control by 4% (80sqm). The approved 5th storey will

further breach the height control by 32% (4.7m) and the floor space ratio control by 47.3% (951sqm).

Note: the subject planning proposal relates to the land at 376-382 New South Head Road plus the adjoining land at 374 New South Head Road, which was not covered under the abovementioned development consent.

Planning proposal history

A planning proposal for the site was originally submitted by Eeles Trelease to Council on 10 June 2015 for a building height of seven (7) storeys. On 16 November 2015 Council resolved the following:

> *That a decision on the planning proposal for 374 and 376-382 New South Head Road, Double Bay be DEFERRED until March 2016, in order to allow sufficient time for the Hill PDA report [Economic Feasibility Study] to be considered fully by Council and for further discussion to take place between Council Officers and the Applicant.*

A revised planning proposal featuring a building height of six (6) storeys was submitted to Council on 1 March 2016. Council officers advised (via email) that assessment of any proposal for the site should be deferred until the review of the planning controls has been completed. In addition, Council requested the following:

- That the planning proposal be treated as a new concept, rather than an amendment to the previous one; and
- That the planning proposal be revised to address the Department of Planning and Environment's (DPE) 'A Guide to Preparing Planning Proposals'.

On 10 October 2016 Council resolved the following:

> *THAT the revised planning proposal for land at 374 and 376-382 New South Head Road, Double Bay, submitted by Eeles Trelease Pty Ltd Architects in association with Tony Moody, Consultant Planner and Hill Thalis Architecture + Urban Planning Pty Ltd on behalf of the owner Fivex Pty Ltd, as contained in the report to the Urban Planning Committee on 10 October 2016, be submitted to the Minister for Planning requesting a gateway determination to allow public exhibition.*

This planning proposal has been prepared in response to Council's resolution on 10 October 2016 and in response to Council officer's advice to revise the planning proposal.

Mecone was engaged by the proponent to compile a new planning proposal document for the '6 storey' concept, in accordance with Council's resolution and *A Guide to Preparing Planning Proposals*.

1.2 Description of this planning proposal

Section 55(2) of the *Act* outlines the required contents of a planning proposal. DP&E has produced A Guide to Preparing Planning Proposals (August 2016), which divides these requirements into six parts. These parts are addressed in the next chapters as follows:

- Chapter 5 addresses Part 1 – a statement of the objectives and intended outcomes;
- Chapter 6 addresses Part 2 – an explanation of the provisions to be included in the proposed instrument;
- Chapter 7 addresses Part 3 – justification of the objectives, outcomes and the process for implementation;
- Chapter 8 addresses Part 4 – maps to identify the modifications required to the proposed instrument and the area to which it applies;

- Chapter 9 addresses Part 5 – details of the community consultation to be undertaken; and
- Chapter 10 addresses Part 6 – draft timeline for the planning proposal.

Part 2 – Existing sites and surrounding context

2.1 The sites

Site Location and Description

The site is located at 374 and 376-382 New South Head Road, Double Bay as shown in *Figure 1* below.

Figure 1 – Aerial view of site
Source: SIX Maps

Table 1 provides the legal description and a brief summary of the site and its surrounding context.

Item	Detail
Legal description	Lot 11 DP608859 Lot B DP162458
Total site area	669.8sqm
Shape	The site is roughly parallelogram in shape.
Frontage	Approx. 28m frontage to New South Head Road Approx. 25m to Knox Street Approx. 30m to Goldman Lane

Item	Detail
Site topography	The site is generally flat.
Existing buildings/ structures	No. 374 New South Head Road comprises the eastern half of single storey shops, currently occupied by the pizzeria “Crust”. At the rear of No. 374 is a substation kiosk accessed off Goldman Lane. Nos. 376-382 New South Head Road contain a 4-storey retail and commercial building on the corner of Knox Street and New South Head Road, wrapping around in to Goldman Lane. The building is exemplary of good corner treatment and has received multiple awards for architectural excellence and sustainability. The existing building exceeds the height of buildings control by 4% (0.6m) and the floor space ratio control by 4% (80sqm). While this building currently features 4 storeys, Council has approved (DA568/2013) a 5th storey which would breach the height control by 32% (4.7m) and the floor space ratio control by 47.3% (951sqm). The approved 5th storey has not yet been constructed but the development consent is active.
Surrounding uses	To the north across Goldman Lane at 22 Knox Street is a 6-storey mixed use development known as The Stamford Cosmopolitan Centre, with retail on the ground level and residential uses above. To the south across New South Head Road is a strip of 2-3 storey commercial buildings and The Sheaf. To the east across Knox Street is a strip of 2 storey shops. Immediately to the west is a 1 storey shop, with 1, 2 and 3-storey shops beyond this.
Access and parking	Pedestrian access to the site is via all three street frontages. There is no on-site vehicular parking at the site or vehicular access into the site.
Transportation	The site is well serviced by high-frequency bus services along New South Head Road, including: Route 323 (Dover Heights to Edgecliff) Route 324 (Watsons Bay to City – Walsh Bay) Route 325 (Watsons Bay to City – Walsh Bay) Route 326 (Edgecliff to Bondi Junction) The site is located less than 700m walking distance from Edgecliff railway station and Edgecliff bus interchange. The site is approx. 550m from Double Bay Wharf.

Table 1 - Site Description

Figures 2-5 are photos of the site from each street frontage.

Figure 2 – View of site from New South Head Road looking north
Source: Google

Figure 3 – View of site from New South Head Road looking north-west
Source: Google

Figure 4 – View of site from Goldman Lane looking southeast
Source: Google

Figure 5 – View of site from intersection of Knox Street and Goldman Lane looking south
Source: Google

2.2 Existing context

The site is located within the suburb of Double Bay, which is a part of the Woollahra local government area (Woollahra LGA). The site is in the Double Bay Commercial Centre (the Centre) at the western corner of New South Head Road and Knox Street, refer to figure 6 below.

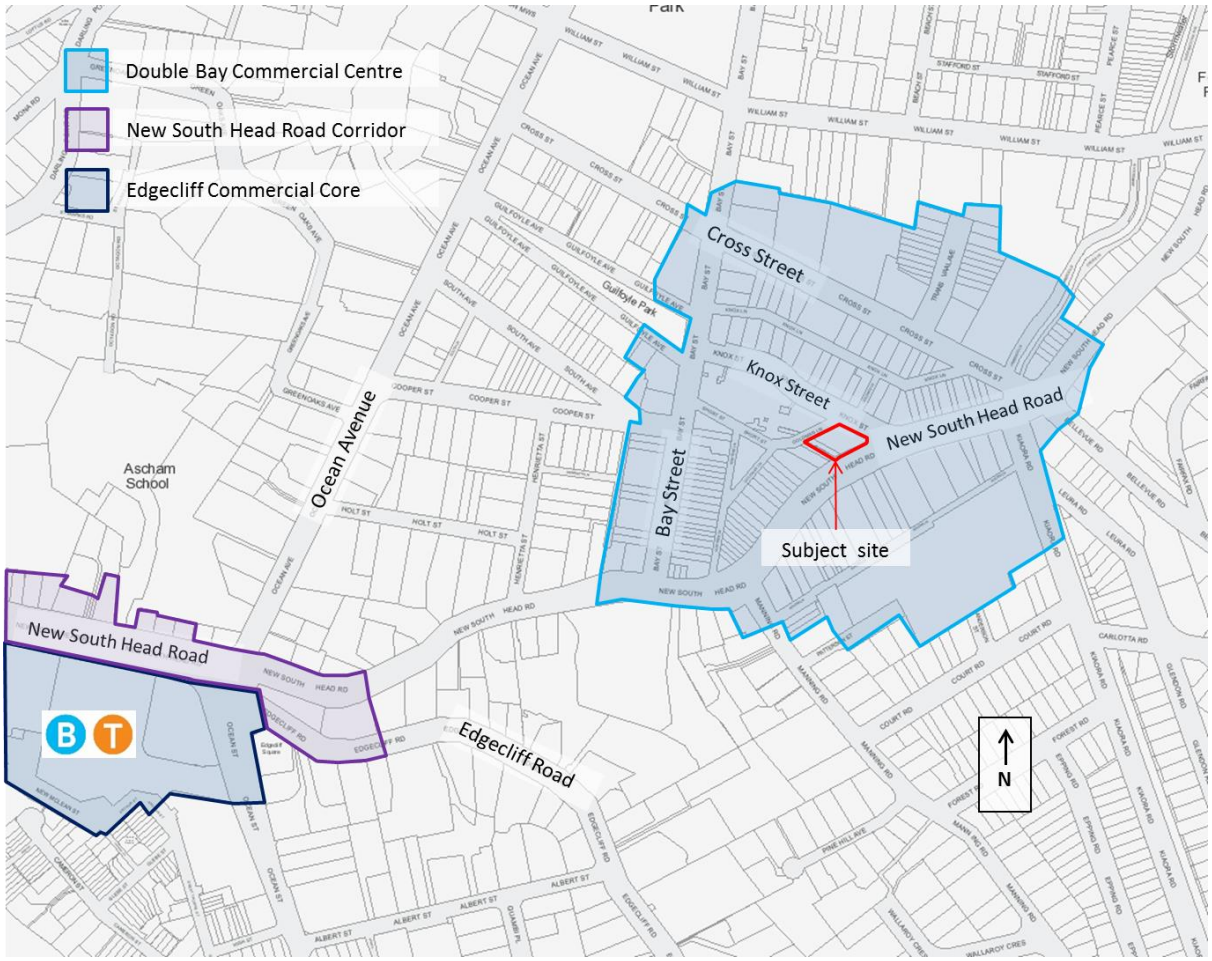


Figure 6 – Local context
Source: Woollahra Council

The Centre features a range of amenities, including retail shops and cafes/restaurants. Notable nearby services and facilities include:

- Kiaora Lands Development which includes a large supermarket, retail shops and cafes/restaurants (80m to the south);
- Steyne Park (280m to the west);
- Guilfoyle Avenue Park (130m to the northwest);
- Double Bay Wharf (430m to the north);
- Double Bay Public School (280m to the northwest);
- Cranbrook School (900m to the northeast); and
- Blackburn Gardens and Redleaf Beach (670m to the northwest).

Buildings in the Town Centre generally range from two to seven storeys with taller (10+ storeys) buildings on the surrounding slopes of Edgecliff and Bellevue Hill. A large proportion of existing buildings within the Town Centre are underdeveloped and do not achieve the maximum height and floor space ratio requirements in the LEP. The locality is generally

undergoing a transition with larger scale developments being introduced as outlined below (also refer to *figures 7-12* below):

- *The Stamford Cosmopolitan Centre (2-22 Knox Street):* includes a 6 storey mixed use development with ground floor retail and residential above. Council approved a floor space ratio of 2.49:1 and a maximum height of 20.7m for the development;
- *Kiaora Lands Development (1-9 Patterson Street and 451 New South Head Road):* is a 3-4 storey mixed use development which incorporates a supermarket, retail shops and residential accommodation. The proposal incorporated the Woollahra Council Library which fronts New South Head Road and is part 4/part 5 storeys. Council approved a maximum height of 24.24m for the development;

- *Hunters Lodge (16-18 Cross Street):* is a 6 storey mixed use development which was approved 25 July 2016 (reference DA571/2014). The DA allowed an FSR of up to 4.54:1 while there was an FSR control of 2.5:1 under the Woollahra LEP 1995;
- *20-26 Cross Street:* is a 6 storey mixed use development which was approved 12 September 2016 (reference DA390/2016). The DA allowed an FSR of up to 3.5:1 while there was an FSR control of 2.5:1 under the Woollahra LEP 2014 and a height up to 21.1m which was in excess of the 14.7m height of buildings control in the Woollahra LEP 2014;
- *The Gallery (45 – 51 Cross Street):* is a 6 storey mixed use development with ground floor retail, offices to the first floor and residential above; and
- *Intercontinental Hotel (33 Cross Street):* is a 7 storey mixed use development with retail tenancies on the ground floor and hotel or motel accommodation above. Council approved a floor space ratio of 4.74:1 and a maximum height of 26.95m.

Figure 7 – The Stamford Cosmopolitan Centre (2-22 Knox Street)
Source: Google maps

Figure 8 – Hunters Lodge (16-18 Cross Street)
Source: Bates Smart

Figure 9 – 20-26 Cross Street
Source: JRPA

Figure 10 – The Gallery (45-51 Cross Street)
Source: Google maps

Figure 11 – Intercontinental Hotel (33 Cross Street)
Source: Google maps

Figure 12 – Woollahra Council library (451 New South Head Road)
Source: Google maps

Regional

The site sits approximately 4km east of Sydney's CBD. The site is located within the global economic corridor and is within close proximity to the urban renewal corridor linking Sydney's CBD and Bondi Junction. *Figure 13* below illustrates the regional context of the site.

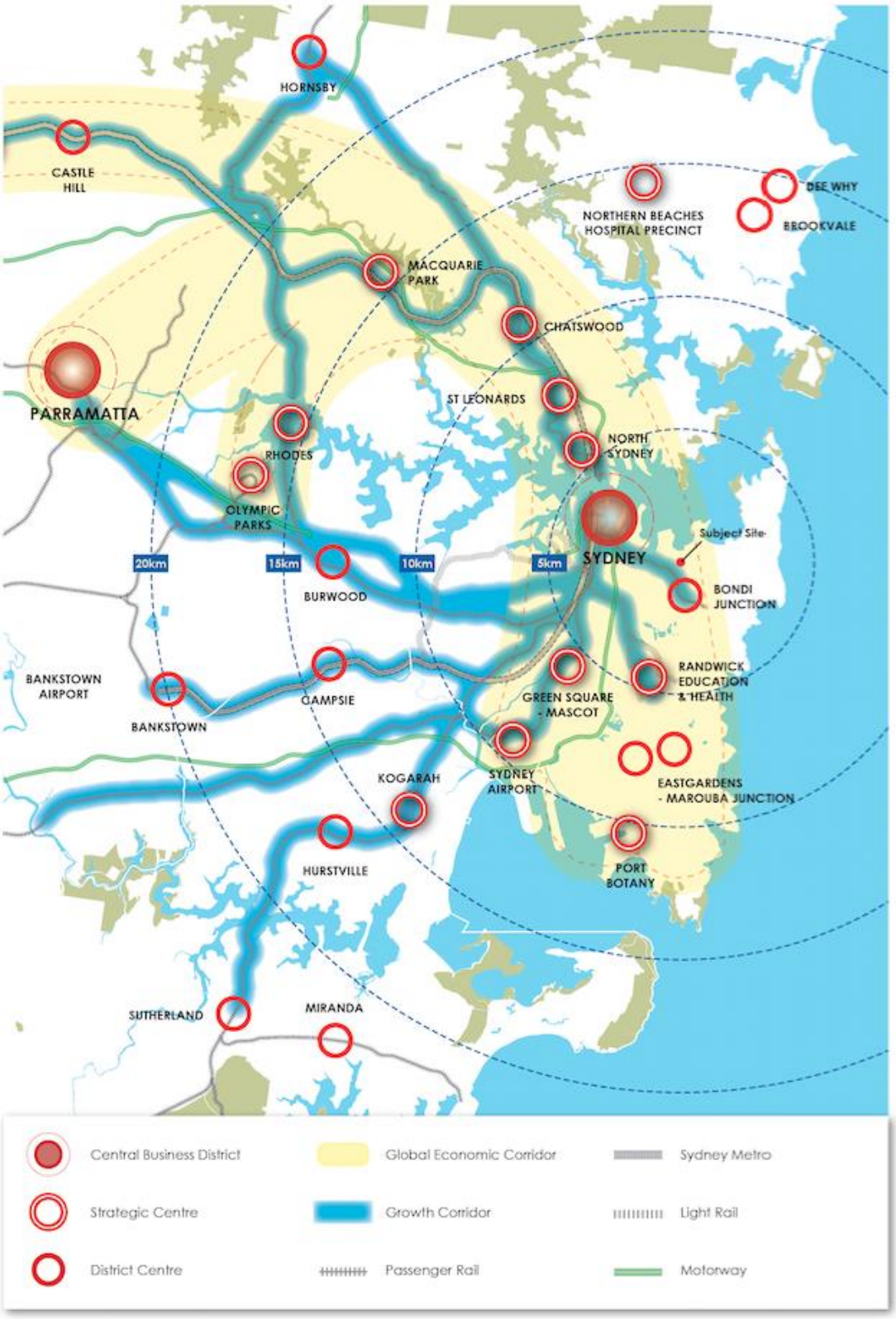


Figure 13 – Regional context map
Source: A Plan for Growing Sydney, modified by Mecone

Part 3 Existing planning controls

Woollahra Local Environmental Plan 2014

The site is subject to the Woollahra LEP 2014. *Table 2* below provides an overview of the key Woollahra LEP 2014 standards that relate to the site and *figures 14 and 15* illustrate the existing LEP maps.

Item	374 New South Head Road	376-382 New South Head Road
Zoning	B2 Local Centre	B2 Local Centre
Maximum building height	14.7m	14.7m
Maximum floor space ratio	2.5:1	2.5:1, with 3:1 allowed under Clause 4.4A *Exceptions to floor space ratio (Area1—Double Bay)*. Clause 4.4A states that development at the site can achieve up to 3:1 FSR if the consent authority is satisfied that the development will be compatible with the desired future character of the zone in terms of building bulk and scale.

Table 2: Woollahra LEP 2014

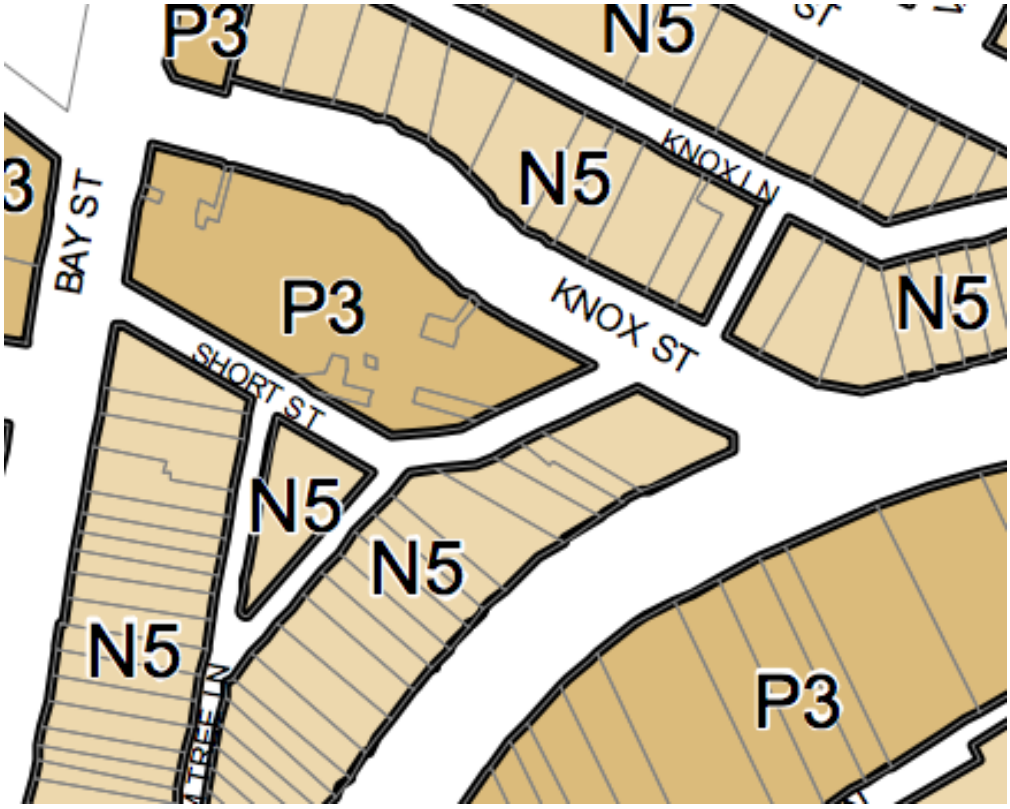


Figure 14 - Height of Buildings Map (Sheet HOB_03)
Source: Woollahra LEP 2014

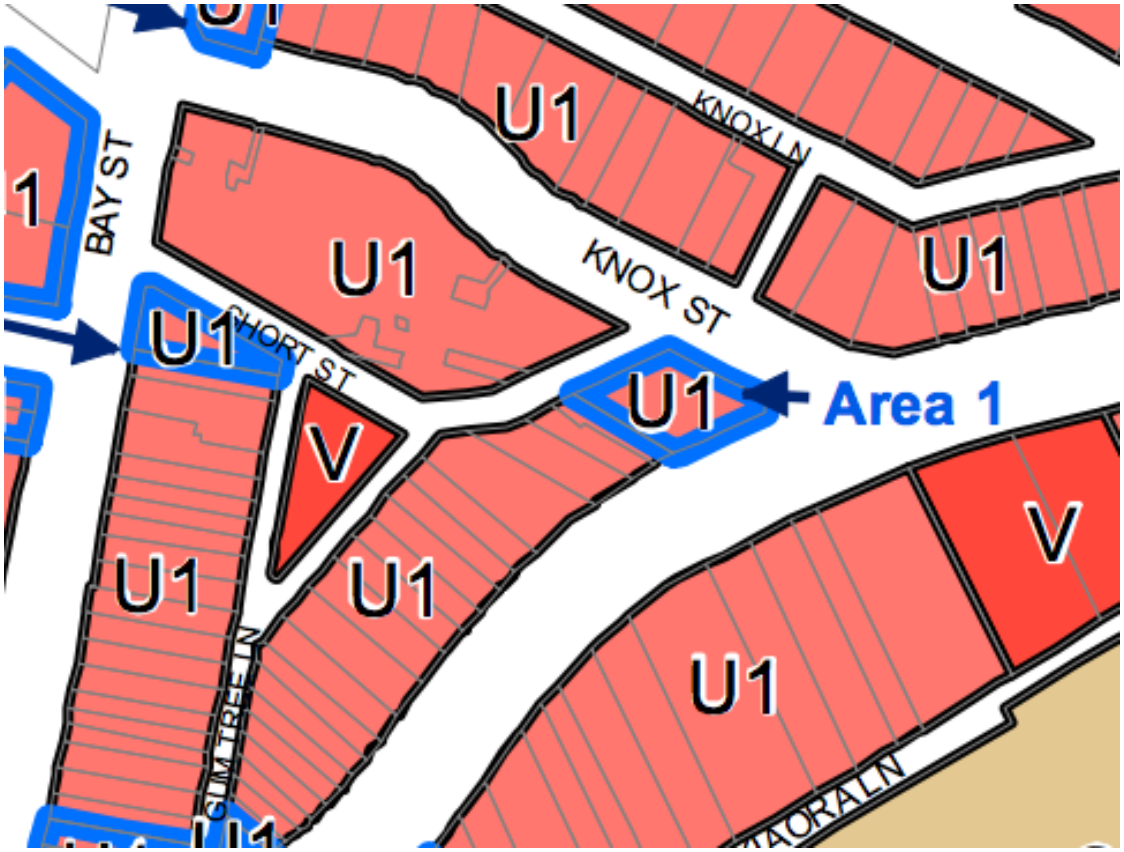


Figure 15 - Floor Space Ratio Map (Sheet FSR_03)
Source: Woollahra LEP 2014

Part 4 – Objectives of planning proposal

The objectives and intended outcomes of the proposal are:

- To amend the Woollahra LEP 2014 to enable the redevelopment of 374-382 New South Head Road, Double Bay for a 6 storey mixed use development. The concept submitted with the planning proposal has 4 levels of commercial and 2 levels of residential accommodation. It is noted that the concept would provide for an additional residential level to the approved mixed use development at 376-382 New South Head Road (from five to six storeys) and for the associated redevelopment of the adjoining site at 374 New South Head Road (up to 6 storeys);
- To facilitate the intensification of a prime site on the corner of New South Head Road and Knox Street and within the Centre;
- To enhance the site's prominent corner location by creating a gateway to the Centre and provide for a built form that is compatible with the existing and future surrounding context.

Part 5 – Explanation of provisions

This planning proposal seeks to achieve the intended outcomes by proposing the following amendments to the Woollahra LEP 2014 in relation to the subject site:

- An increase in height of buildings from 14.7m to 23.5m (6 storeys); and
- An increase in the maximum 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.

These changes will be achieved through an amendment to the Height of Buildings Map (Sheet 3) and an amendment to the Clause 4.4A Exceptions to floor space ratio (Area 1 – Double Bay) and associated Floor Space Ratio Map (Sheet 3).

In relation to the floor space ratio provision, the proposal seeks to insert 'Area 1A' in Clause 4.4A and on the floor space ratio map which allows for a floor space ratio of 4.5:1. It is highlighted that currently 'Area 1' only relates to the sites 376-382 New South Head Road and the proposal seeks to insert 'Area 1A' which is to relate to the entire subject site (including 374 New South Head Road).

The specific proposed amendments to the Woollahra LEP 2014 clause is provided below (amendments in red).

> **4.4A Exceptions to floor space ratio (Areas 1 and 1A – Double Bay)**
>
> (1) The objective of this clause is to encourage the development of prominent corner buildings in Double Bay.
>
> (2) This clause applies to land identified as "Area 1" and "Area 1A" on the Floor Space Ratio Map.
>
> (3) Despite clause 4.4, development consent may be granted to development on land to which this clause applies that results in a floor space ratio that does not exceed 3:1 (Area 1) or 4.5:1 (Area 1A) if the consent authority is satisfied that the development will be compatible with the desired future character of the zone in terms of building bulk and scale.
>
> The proposed changes to Woollahra LEP 2014 maps are shown in Part 7 Mapping, and in Attachment 4.

Part 6 – Justification

6.1 – Need for planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

The planning proposal responds to the changing nature of the Centre which is undergoing a transition with larger scale mixed developments being introduced which are up to 6 storeys in height. The Kiaora Lands Development, The Stamford Cosmopolitan Centre, Hunters Lodge, 20-26 Cross Street and The Gallery are key examples of where larger scale buildings have been introduced in the Centre. It is noted that a large proportion of existing buildings in the Centre are currently underdeveloped and do not achieve the maximum height and floor space ratio controls with the Woollahra LEP 2014.

A Plan for Growing Sydney identifies the site within the Central Subregion and one of the key priorities for the subregion is to accelerate housing supply, choice and affordability and build great places to live. Councils are to identify suitable locations for both housing

intensification particularly around established centres and along key public transport corridors. The planning proposal seeks to support this priority by providing additional housing choice within the Centre, a highly accessible location close to public transport services including bus services along New South Head Road, Edgecliff train station, Edgecliff bus interchange and Double Bay ferry.

The draft district plans were recently released by the Greater Sydney Commission and identify priorities and actions for each district. The subject site falls within the Central District. The Draft Central District Plan (District Plan) encourages the '30 minute city' by enhancing access to a broader range of jobs and services within 30 minutes of housing. Furthermore, the draft Plan provides 5-year housing targets for each Local Government Area (LGA) and promotes housing diversity. The planning proposal will be consistent with the District Plan in that it will provide additional housing less than 30 minutes from jobs and services located in the Centre. The planning proposal will also provide housing to assist in achieving the Woollahra LGA housing targets and will provide a diversity of housing without impacting on the commercial floor space.

The planning proposal also responds to the recent Double Bay Economic Feasibility Study prepared by Hill PDA, which was commissioned by Council to investigate opportunities for increased residential development within Double Bay Centre. The study recommends increased densities for the Centre (up to 3.5:1) to facilitate new residential development. The planning proposal exceeds the recommended minimum density, thus ensuring the economic feasibility of redevelopment of the site for residential purposes.

Q2. Is the planning proposal the best means of achieving the objectives and outcomes, or is there a better way?

The planning proposal is the most appropriate means of achieving the intended outcomes. The intended outcomes require an increase in the maximum building height and floor space ratio for the site. As such, a planning proposal to amend the allowable building height and floor space ratio for the site under Woollahra LEP 2014 is needed to achieve these outcomes.

6.2 – Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Yes. The planning proposal is consistent with the objectives of *A Plan for Growing Sydney* (2014) and the initiatives of the *Draft Central District Plan* (2016). These plans are discussed in detail in **Attachment 1**.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The planning proposal is consistent with the objectives and actions contained within the following local strategies:

Woollahra 2025 – Our community, our place, our plan

Woollahra 2025 is Council's Community Strategic Plan that presents a long term vision for Woollahra. Goal 4 of the Plan is to create well planned neighbourhoods. The following relevant actions are contained under Goal 4:

- Action 4.1: Encourage and ensure high quality planning and urban design outcomes.

- Action 4.2: Promote sustainable design in future private and public development.
- Action 4.3: Protect local heritage and residential amenity, including protection of significant architecture and the natural environment.
- Action 4.4: Encourage diversity in housing choice to suit a changing population.
- Action 4.5: Support and enhance the form and function of the local village atmosphere.

The planning proposal is consistent with these actions given the building envelope of the proposal will define the corner and is consistent with surrounding development which will ensure a good urban design outcome is achieved. The bulk and scale of the development is considered suitable for the site and will not significantly impact upon the Golden Sheaf which is heritage listed. The residential component will encourage diversity in housing choice to suit the changing population in the locality. Furthermore, the proposed building envelope will support the form and function of a local village atmosphere with ground floor retail.

Double Bay Place Plan 2014

The Double Bay Place Plan (the Plan) sets out a series of strategies, priorities and actions aimed at achieving a new vision and place story for the Centre. It introduces a place-making approach to the management, future planning and development of the Centre to ensure that the vision and place story are achieved.

Strategy 3.1 of the Plan seeks to make the Centre a place for people to live, work and play by encouraging retail, commercial and residential mixed use developments. The proposed mixed use development will provide commercial and residential uses thereby creating a development in which people can live and work.

Strategy 3.2 of the Plan is to provide increased housing and opportunities for people to live in the Centre. Action 3.2.1 contains four parts:

- Commissioning an economic study to examine the opportunities for an additional residential population accommodated in the Centre in smaller apartments with car share.
- Reporting the outcome of that study to Council.
- Amendment of Council's planning controls in the Woollahra LEP 2014 and Woollahra Development Control Plan 2015 as required to encourage new moderate scale housing.
- Working with and providing assistance to landowners to implement the revised planning controls.

Stages one and two of this action are complete. On 28 December 2015 Council resolved to receive and note the Double Bay Economic Feasibility Study prepared by Hill PDA, conduct a review of planning controls in the Double Bay Centre and prepare a community engagement strategy.

The Hill PDA report recommends that Council consider a review of the planning controls to permit a minimum FSR of 3:1 and 3.5:1 in the Centre to ensure future development is viable. This range, the report concludes, would allow for viable development. The planning proposal meets the report's suggested density baseline and provides for additional density in a suitable location.

The subject planning proposal thus responds directly to Step 3 of Action 3.2.1 by providing an amendment to Woollahra LEP 2014 to encourage new moderate scale housing. It is noted that the proposal is consistent with the bulk and scale of sites that have been redeveloped for medium density.

Priority 3.6.1 of the Plan seeks to create distinctive gateways and one of the actions under the priority is to review the planning controls for corner sites to better define and activate street corners. The existing building has an excellent corner treatment which addresses both street frontages and has received multiple awards for architectural excellence and sustainability. The proposed building envelope will define the street corner and will activate both New South Head Road and Knox Street.

Q5. Is the planning proposal consistent with the applicable State Environmental Planning Policies?

Yes. The planning proposal is consistent with all relevant Environmental Planning Policies (SEPPs). The following outlines the intent of the relevant SEPPs and consistency of the planning proposal (Refer to **Attachment 2**).

SEPP 65 – Design Quality of Residential Flat Building

The concept scheme for the site by Eeles Trelease has been prepared with regards to the nine design principles in SEPP 65 and with the relevant design criteria in the Apartment Design Guide (ADG). It is anticipated that any future Development Application for the site for residential apartments would be capable of achieving general consistency with SEPP 65 and ADG.

As demonstrated in figure 10 below, it is clear that at least 70% of apartments achieve the required 2 hours of direct sunlight to private open space and living areas between 9am and 3pm at mid-winter. Given the building's orientation, the majority of apartments will benefit from both morning and afternoon sunlight. Furthermore, at least 60% of units will achieve natural cross ventilation which is consistent with the ADG requirement, refer to *figure 16* below.

The scheme does not achieve the full 18m of building separation from the development to the north (No 2-22 Knox Street), with only 12m provided. However, visual privacy will be maintained through the use of fixed privacy screens and this would be addressed in further detail during the development application stage.

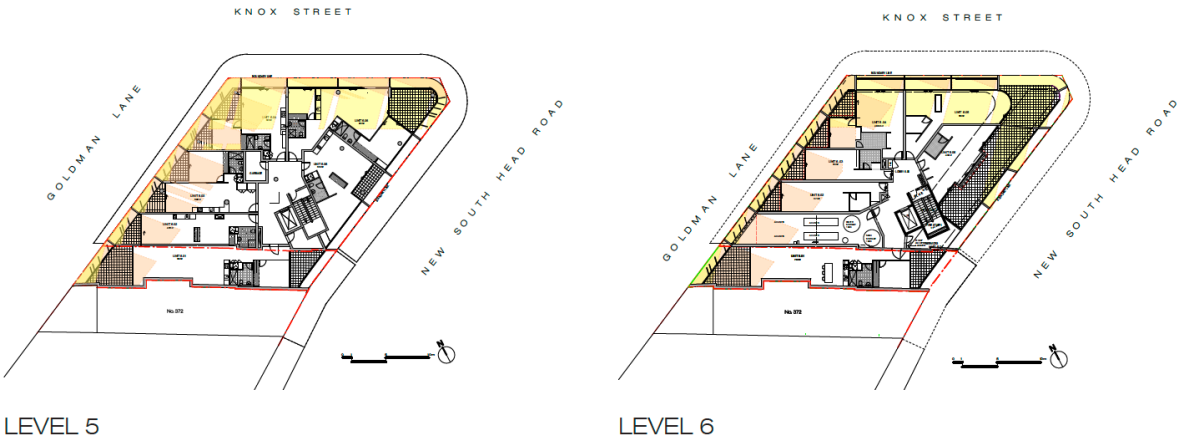


Figure 16 - Solar access diagrams
Source: Eeles Trelease

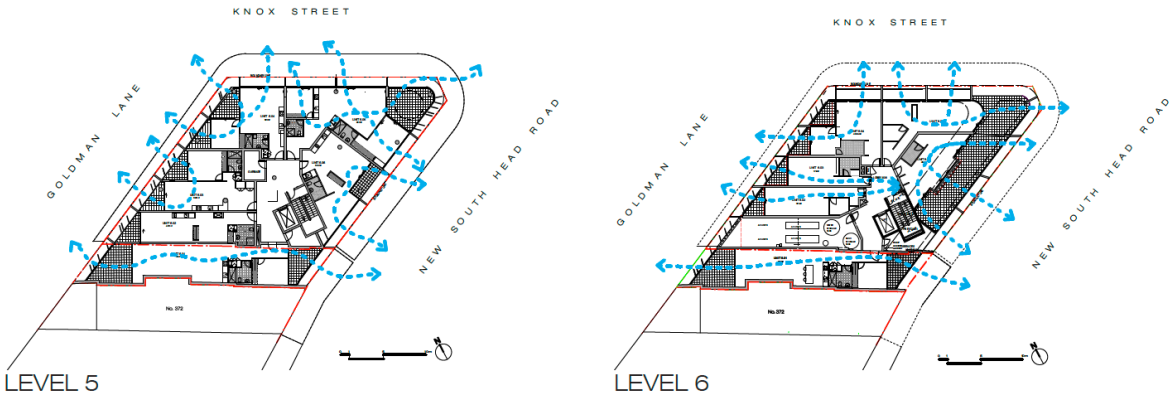


Figure 17 - Cross ventilation diagrams
Source: Eeles Trelease

Q6. Is the planning proposal consistent with applicable Ministerial Directions (section 117 directions)?

Yes. The planning proposal is consistent with all relevant section 117 Directions (Refer to Attachment 3).

6.3 – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

There are no critical habitat or threatened species, populations or ecological communities, or their habitats on or around the site that will be affected by this planning proposal.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The planning proposal will not result in any unreasonable adverse environmental impacts, as discussed below.

Built Form and Scale

It is highlighted that development consent 568/2013 was granted on 7 July 2014 by Council for nos. 376-382 New South Head Road (excludes 374 New South Head Road) which included a height of 19.4m and floor space ratio of 3.8:1. The approved height and floor space ratio already exceeds the LEP provisions by 32% (4.7m) and 47.3% (951sqm), respectively. It is noted that this planning proposal is essentially creating an additional level to the approved building while the 6 storey built form will be extended to no. 374 New South Head Road. It is also noted that the overall building height has been reduced from 7 to 6 storeys from when the planning proposal was originally submitted to Council.

The Town Centre is undergoing a transition with larger scale mixed use developments being introduced up to 7 storeys in height. Some key examples of recent large scale mixed use developments are outlined below:

- *The Stamford Cosmopolitan Centre (2-22 Knox Street)*: includes a 6 storey (20.7m) mixed use development;

- *Kiaora Lands Development (1-9 Patterson Street)*: is a 3-6 storey (24.24m) mixed use development which incorporates a supermarket, retail shops and residential accommodation;
- *Hunters Lodge (16-18 Cross Street)*: is a 6 storey mixed use development which allowed an FSR of up to 4.54:1 while there was an FSR control of 2.5:1 under the Woollahra LEP 1995;
- *20-26 Cross Street*: is a 6 storey mixed use development which allowed an FSR of up to 3.5:1 while there was an FSR control of 2.5:1 under the Woollahra LEP 2014 and a height up to 21.1m which was in excess of the 14.7m height of buildings control in the Woollahra LEP 2014;
- *The Gallery (45 – 51 Cross Street)*: is a 6 storey mixed use development with ground floor retail, offices to the first floor and residential above; and
- *Intercontinental Hotel (33 Cross Street)*: is a 7 storey (26.95m) mixed use development with retail tenancies to the ground floor and residential above.

The planning proposal is supported by a detailed Urban Design Report prepared by Eeles Trelease Architects and an Urban Design Opinion prepared by Phillip Thalis of Hills Thalis Architects (refer to ***Appendix 1***). The design approach for the site recognises and maximises the importance of the site's prominent corner location by providing a high quality, sympathetic addition to the existing building.

Figures 18 and 19 below places the proposed built form within the context of LEP-permissible heights in the area. As seen, the proposed built form is modest in scale and very compatible with the existing and potential future character of the area. The built form define the corner while the upper level along New South Head Road will incorporate an open style terrace to reduce the bulk and scale along this elevation.

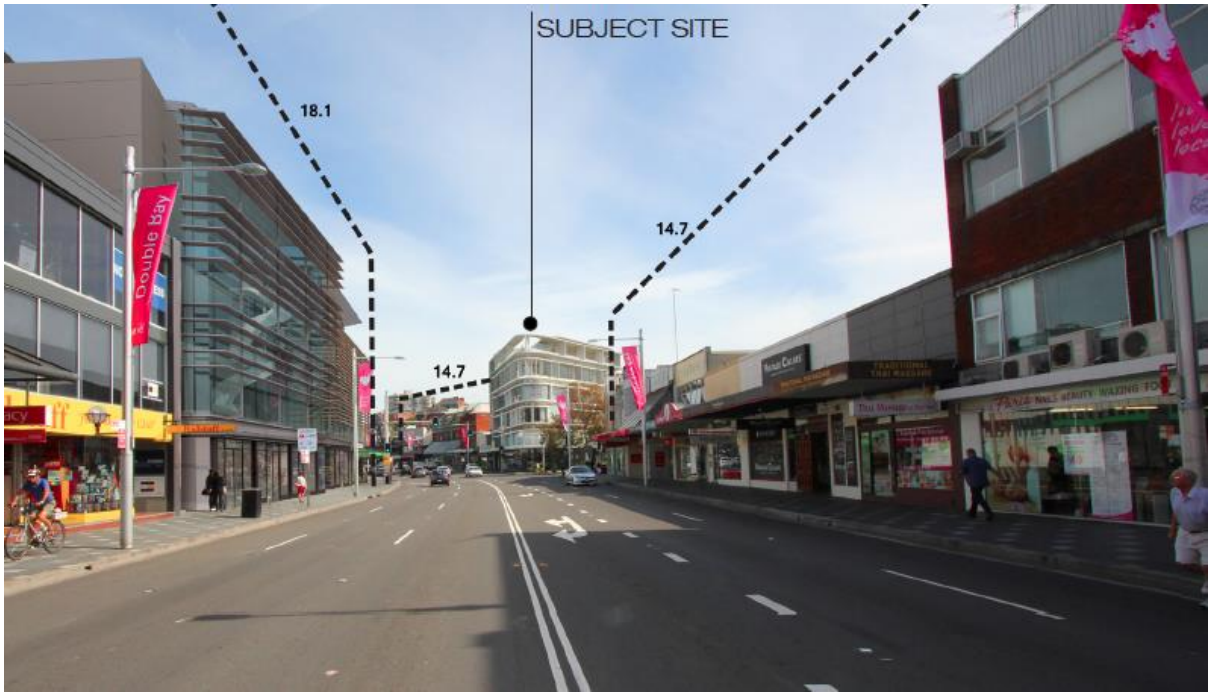


Figure 18 - Built form context - looking west along New South Head Road
Source: Eeles Trelease

Figure 19 - Built form context - looking south along Knox Street
Source: Eeles Trelease

The key conclusions from the Urban Design Opinion prepared by Phillip Thalis are outlined below:

- The architecture (of the concept design) is very compatible with the existing structure, being the work of the same architects (Eeles Trelease);
- The scale of the building envelope will make the building more prominent in Knox Street and New South Head Road, and will be comparable in height to the large Sir Stamford development adjoining the site to the west and smaller than the nearby InterContinental Hotel; and
- The built form would not impede any views from conservation areas or heritage items.

The Urban Design Opinion Report shows that the subject site can be redeveloped within the proposed building envelope and have no unacceptable impacts. The report also provides potential massing and solar impact analysis for the adjoining commercial sites, indicating how the proposal might fit in with future development.

Overshadowing

As shown in the Urban Design Opinion Report (refer to **Appendix 1**), the built envelope established by the planning proposal supports an additional height that minimises overshadowing to neighbouring properties and public domain.

Figures 20 and 21 below provide a comparison of overshadowing impacts between the approved 5-storey scheme and the 6-storey scheme envisioned by the planning proposal.

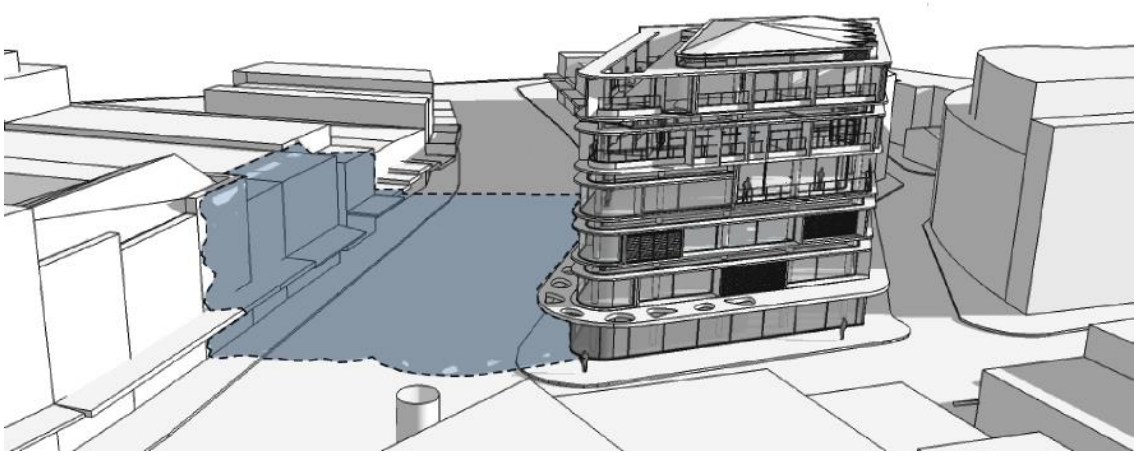


Figure 20 - Overshadowing 3pm on 21 June - planning proposal
Source: Eeles Trelease

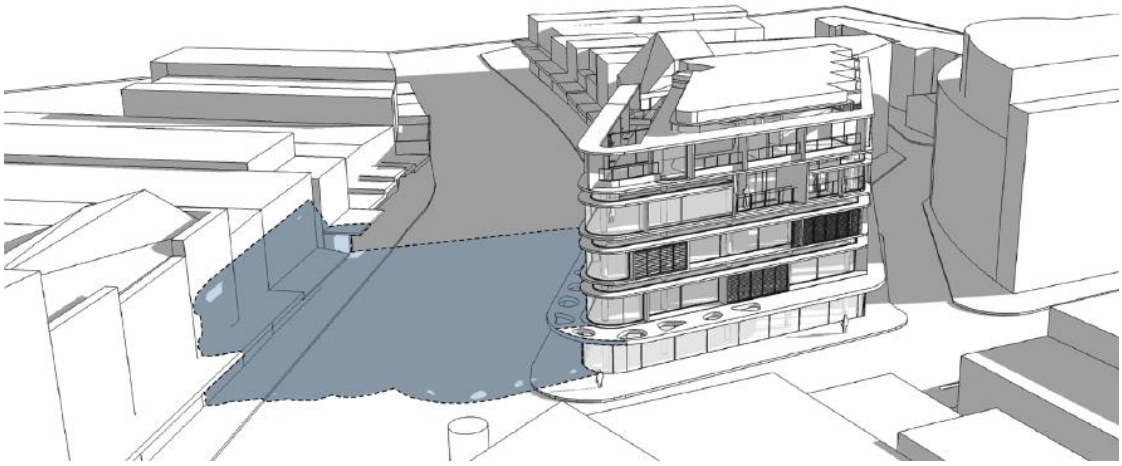


Figure 21 - Overshadowing 3pm on 21 June - Approved DA 563/2015
Source: Eeles Trelease

Due to the orientation of the site, the additional overshadowing created by the proposed additional height will primarily fall across New South Head Road.

Compared to the approved 5 storey scheme, the planning proposal's overshadowing impact to the south side of New South Head Road commences approximately 60 minutes earlier and contributes an additional 7% of overshadowing. It is considered that this additional overshadowing is minor and would not have any unreasonable adverse impacts on pedestrian amenity.

At all times, daylight access is maintained to surrounding properties for a minimum of two hours between 9am and 3pm at mid-winter.

Parking and Traffic

The planning proposal is expected to result in negligible traffic and parking impacts. It is noted that the existing building on the site features no on-site parking, and no on-site parking is provided under the planning proposal. It is anticipated that future residents at the site will utilise the various convenient public transport options in the area, including bus, ferry and rail.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal will result in positive social and economic effects as outlined below:

Social Effects

The planning proposal will create a number of positive social outcomes, including:

- Providing residential accommodation and commercial uses in close proximity to transport, employment in Sydney's CBD and services within the Centre meeting the overall objectives of A Plan for Growing Sydney;
- The building envelope is considered to be suitable for the site and will not create any additional significant overshadowing to the adjoining neighbours;
- The additional residential floor space will create further housing opportunities for the locality; and
- The increase in commercial floor space to the locality will potentially create further employment opportunities.

Economic Effects

The planning proposal will provide positive short-term and long-term economic impacts, including:

- Additional output and jobs during the construction process;
- Additional retail expenditure from future residents;
- Contributing to new dwellings to the housing supply in Woollahra LGA. This accords with State and local government objectives and promotes economic activity, infrastructure viability and business investment opportunities; and
- Efficient use of urban infill land, easing pressure on less suitable locations to accommodate residential need.

6.4 – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

The Centre is well serviced by existing public transport, infrastructure and services. Further investigations will be undertaken as part of the preparation of the Development Application to determine whether any upgrade of existing facilities is necessary.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

At this stage, the views of appropriate State and Commonwealth public authorities have not been obtained. This will occur following the gateway determination.

Part 7 – Mapping

This chapter provides information on the maps that support the proposed changes.

Item	Current Controls		Proposed Controls
Height	14.7m		14.7m with 23.5m allowed under Area J in Clause 4.3A
FSR	2.5:1 (374 New South Head Road)	2.5:1, with 3:1 allowed under Clause 4.4A (376-382 New South Head Road)	FSR: 2.5:1, with 4.5:1 allowed under Area 1A in Clause 4.4A

Table 3: Proposed Mapping Changes

The following maps that relate specifically to Woollahra LEP 2014 have been drafted:

- Height of Building Map; and
- Floor Space Ratio Map.

The proposed maps, extracts of which are shown below in *Figures 22-23* are provided in full form at **Appendix 1**.

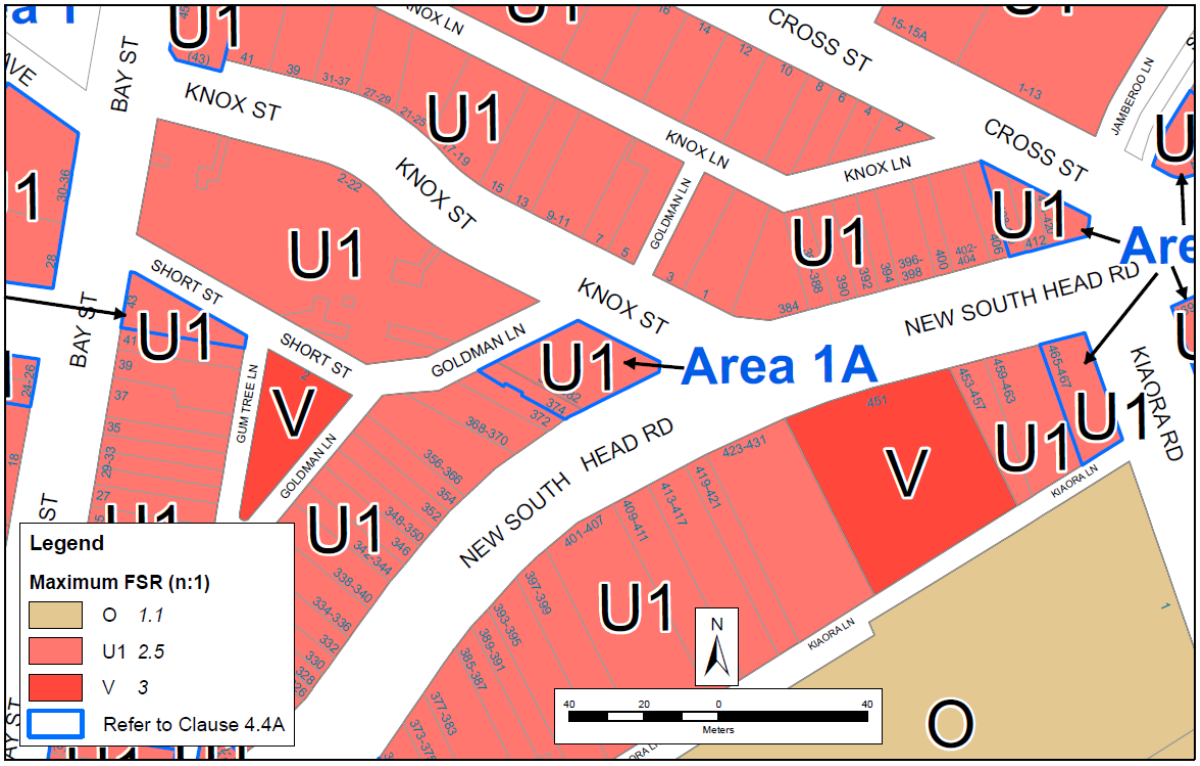


Figure 22 - Amended Floor Space Ratio Map
Source: Woollahra Council

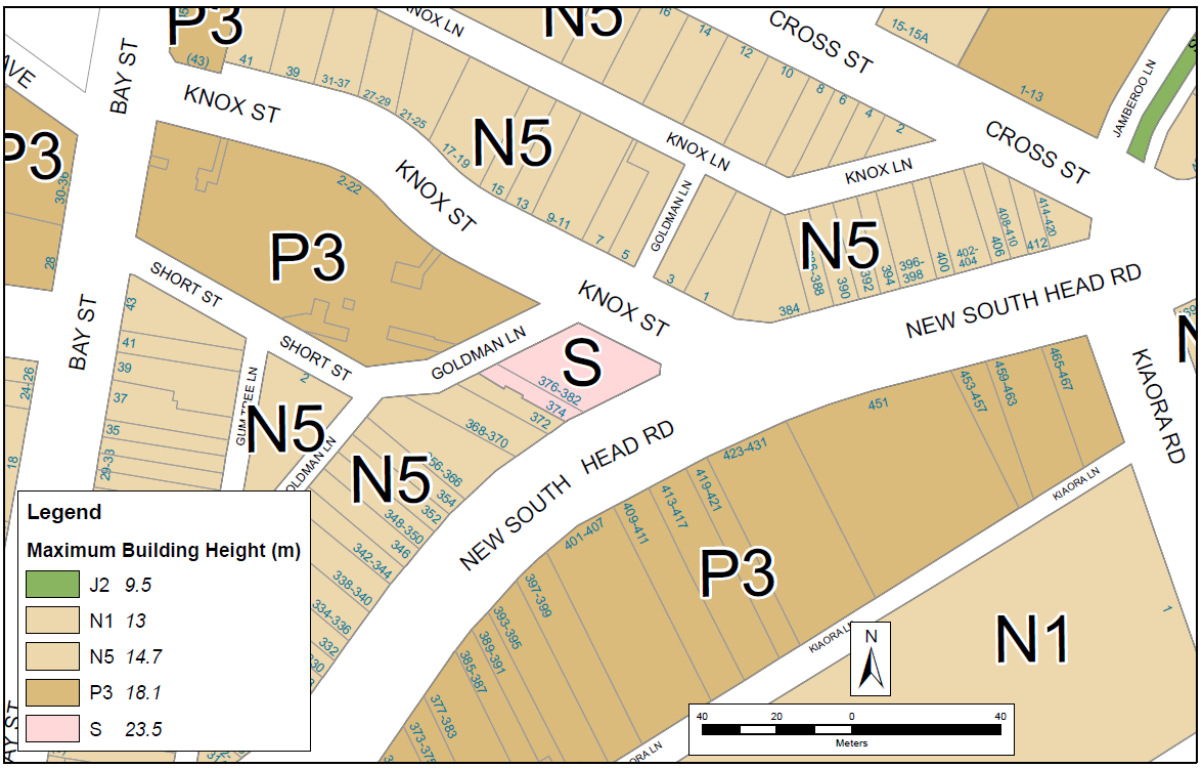


Figure 23 - Proposed Height of Building Map
Source: Woollahra Council

Part 8 – Community consultation

Community consultation would take place following a Gateway determination, in accordance with Section 56 and 57 of the *Environmental Planning and Assessment Act 1979*. It is anticipated that public exhibition would include:

- Notification on the Woollahra Council website;
- Advertisement in local newspapers that are circulated within the local government area;
- Notification in writing to adjoining landowners and neighbours, and any other relevant stakeholders;
- A four-week exhibition period; and
- Consultation with local community groups such as the Double Bay Chamber of Commerce and the Double Bay Residents' Association.

During the exhibition period the following material will be available on Council's website and in the customer service area at Woollahra Council offices:

- the planning proposal, in the form approved by the gateway determination.
- the gateway determination.
- information relied upon by the planning proposal (such as the urban design study).

Part 9 – Project timeline

This project timeline has been provided to assist with monitoring the progress of the planning proposal through the plan making process and assist with resourcing to reduce potential delays.

Milestone	Date	Comments
Anticipated commencement date (date of Gateway determination)	March/April 2017	
Anticipated timeframe for the completion of required technical information	Completed prior to lodgement	Updates to be made if necessary
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	April 2017	Other relevant agencies to be consulted as necessary or required by the Gateway determination
Commencement and completion dates for public exhibition period	May 2017	
Dates for public hearing (if required)	-	A public hearing is not anticipated to be required
Timeframe for consideration of submissions	June – July 2017	
Timeframe for consideration of a proposal post exhibition	As above	
Date of submission to the department to finalise the LEP	August 2017	
Anticipated date for publishing of the plan	September 2017	
Anticipated date RPA will forward to the department for notification	As above	

Table 4: Project timeline

Attachments

Attachment 1
Consistency with *A Plan for Growing Sydney* and the *Draft Central District Plan*

The planning proposal is consistent with the objectives and actions contained within the following plans and strategies:

NSW State Plan

NSW 2021 is a plan to make NSW number one. It is a 10-year plan based on strategies to rebuild the economy, return quality services, renovate infrastructure, strengthen local government and communities and restore accountability to government. The plan sets a number of goals, targets and actions to achieve the NSW 2021. Of the 32 goals outlined this proposal contributes to Goal 5 and 20 as shown in *table 1* below.

Goal	Target	Action	Consistency
5. Place downward pressure on the cost of living.	Improve housing affordability and availability.	This includes ensuring that targets for housing and growth are reflected in local plan making instruments.	The proposal will contribute to housing targets by incorporating additional residential dwellings. The proposed increase of FSR and height to the site will enable a greater number of dwellings in the LGA. This proposal will increase housing availability to put downward pressure on the cost of living and improve housing affordability, in a location well serviced by transport.
20. Build liveable centres.	Increase the percentage of the population living within 30 minutes by public transport of a city or major centre in metropolitan Sydney.	This includes outlining clear local housing and employment targets and working closely with Councils to deliver local land use zones that support the delivery of housing and employment targets in the metropolitan strategies.	The proposal will provide additional housing and employment opportunities within the Double Bay Commercial Centre (the Centre) which supports the government targets. Additional housing and employment would be highly accessible to public transport services including bus services along New South Head Road, Double Bay ferry, Edgecliff train station and Edgecliff bus interchange.

Table 1: Consistency with NSW State Plan 2021

A Plan for Growing Sydney

A Plan for Growing Sydney is Sydney's metropolitan strategy outlining the State government's strategy to guide Sydney's future growth for the next 20 years. *Table 2* below provides an overview of the consistency of the proposal with the relevant directions and actions contained in the metropolitan strategy.

Goal/Direction	Action	Consistency
Goal 2: A city of housing choice, with homes that meet our needs and lifestyles		
2.1 Accelerate housing supply across Sydney	2.1.1 Accelerate housing supply and local housing choices	The Government is working to achieve its target of an additional 664,000 new dwellings by 2031. The planning proposal is consistent with increasing housing supply and addressing housing affordability and choice. The most suitable areas for housing capacity are those areas best connected to public transport and employment. The site is located within the Centre which has a range of employment opportunities and is well connected with public transport services.
2.3 Improve housing choice to suit different needs and lifestyles		The planning proposal will provide further residential floor space to the site and therefore additional housing can potentially be provided to improve housing choice to suit different needs and lifestyles.
Goal 3: Great Places to Live		
3.3 Create healthy built environments		The planning proposal is consistent with creating a healthy built environment. The proposal provides for additional residential density in close proximity to a range of services. This promotes healthy activity such as walking to the shops or school, cycling to the train station as part of the daily commute, or meeting friends at a local park or café.
Goal 4: A Sustainable and Resilient City		
4.3 Mange the impacts of development on the environment		The planning proposal is consistent with managing the impacts of the environment, as it will provide for modestly increased densities in an urban location while having any unreasonable adverse impacts on the environment.

Table 2: A Plan for Growing Sydney 2014

Central Subregion

The subject site falls within the Central Subregion under A Plan for Growing Sydney, refer to *figure 1* below. The site is also located within the Global Economic Corridor and in proximity to the Urban Renewal Corridor located between Sydney CBD and Bondi Junction.

One of the key priorities for the subregion is to accelerate housing supply, choice and affordability and build great places to live. Councils are to identify suitable locations for both housing intensification particularly around established centres and along key public transport

corridors. The planning proposal seeks to support this priority by providing additional floor space which may be used for additional housing within the existing Centre which is highly accessible to a range of public transport services and jobs.

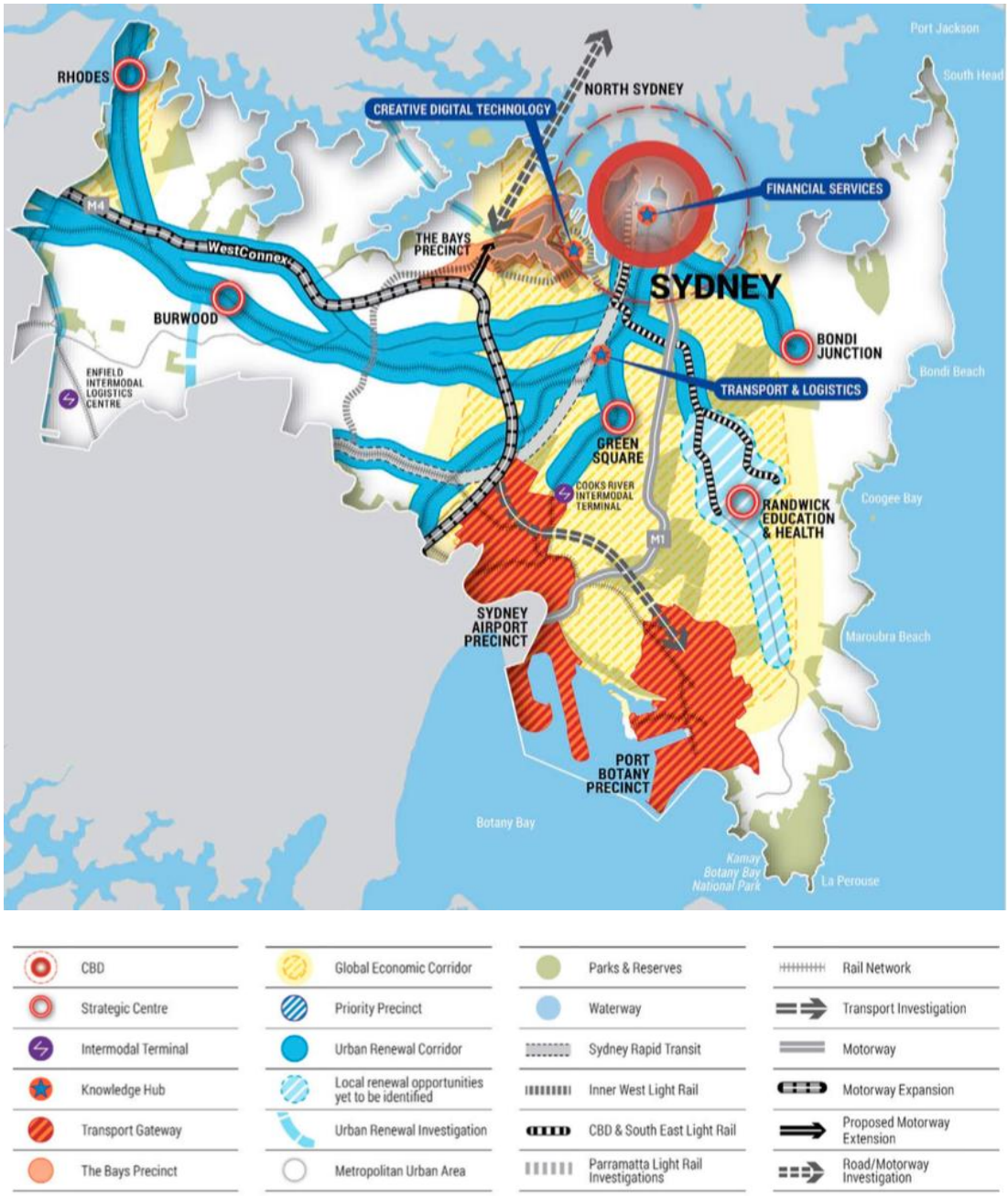


Figure 1 – Central Subregion
Source: A Plan for Growing Sydney

Draft Towards our Greater Sydney 2056

In November 2016, the Greater Sydney Commission released a draft amendment to *A Plan for Growing Sydney* titled draft *Towards our Greater Sydney* (TGS). The document outlines a draft amendment to *A Plan for Growing Sydney* which aligns with the draft District Plans.

The draft TGS introduces the concept of three cities—Eastern City, Central City and Western City (refer to Figure 2 below). The Eastern City is focused on the existing Sydney City and economic corridors from Macquarie Park in the north through Sydney Airport and Port Botany south to Kogarah, the Central City focuses on Greater Parramatta and the Olympic Peninsula at its core and the Western City will focus on the Western Sydney Airport.

The draft TGS identifies three priorities including ‘A Productive Sydney’, ‘A Liveable Sydney’ and ‘A Sustainable Sydney’ which are consistent with the priorities in the draft District Plans.

One of the key priorities in the draft TGS is to create a ‘30 minute city’ which is similar to the draft District Plan. The ‘30 minute city’ seeks to increase the range of jobs, services and other opportunities that people can get to within 30 minutes to improve the overall quality of life and give businesses better access to a broad labour pool. Another priority of the draft TGS is to create an equitable and polycentric city where residents have equal access to employment education, services, shops and recreational areas. Furthermore, similar to the draft District Plan the draft TGS encourages a city of housing choice and diversity by:

- supporting a range of housing choices at different price points to suit people through all stages of life;
- increasing housing supply that broadens choice and diversity;
- locate more jobs close to where people live; and
- in existing areas, prioritise new housing in places where daily needs can be met within walking distance or by public transport.

The planning proposal will provide additional floor space which may be used for housing and employment which will contribute to the ’30 minute city’. The proposal will increase employment opportunities in the Centre. It will also provide additional housing in the Centre within 30 minutes of Sydney’s CBD in The Centre and close to surrounding parks and Redleaf Beach. The residential accommodation will be within walking distance to daily needs in the Centre and a range of public transport services. The planning proposal will also provide a range of residential accommodation at various price points which will suit people through all stages of life.

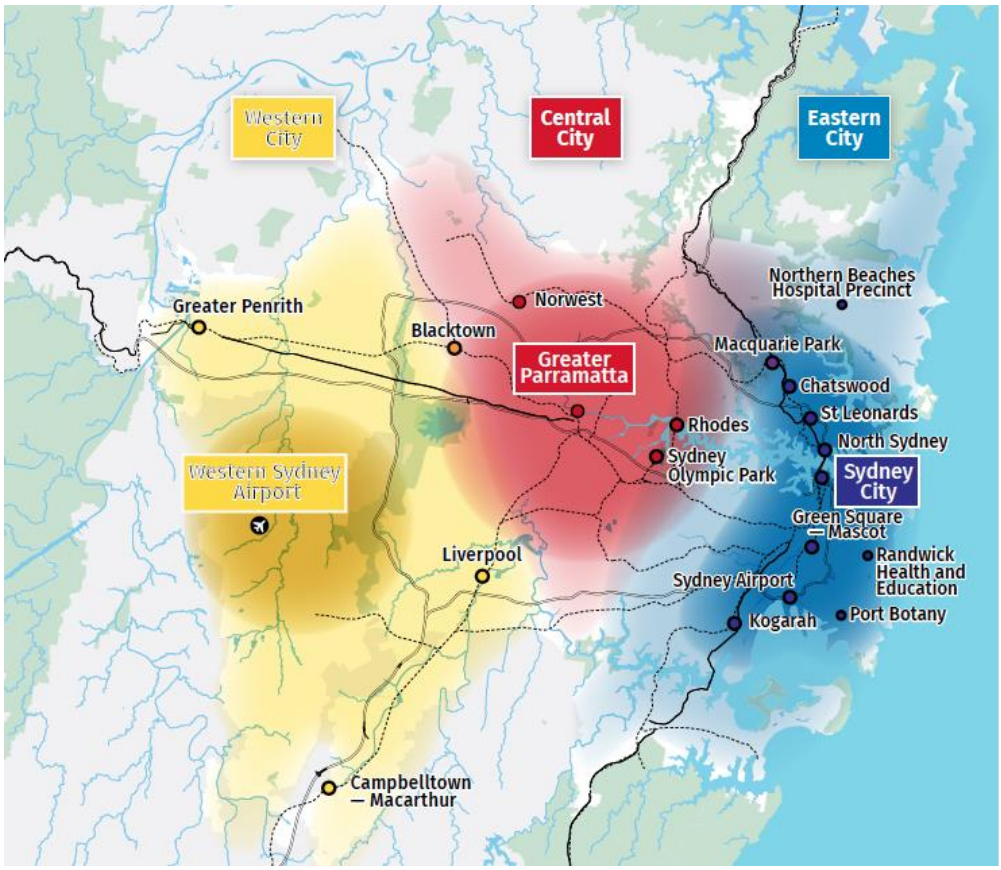


Figure 2 – Location of Three Cities
Source: Greater Sydney Commission, November 2016

Draft Central District Plan 2016

Concurrently with the release of the draft Towards our Greater Sydney, the *Draft Central District Plan* was released. The subject site is located within the Central District.

There are three priorities for the Central District: Productivity, Liveability and Sustainability. Each of these priorities has a series of related sub-priorities and actions. *Table 3* below outlines the planning proposal's consistency with relevant priorities, sub-priorities and actions.

Priority	Sub-priority/action	Consistency
A Productive City		
Productivity Priority 1: Creating opportunities for the growth of commercial floor space		The planning proposal will provide additional commercial space to the Centre on the ground and first floors of 374 New South Head Road. The additional commercial floor space will support the economic viability of the Centre and increase the opportunities for the commercial space to diversify.
Productivity Priority 2: Support the growth of innovation and creative industries		-
Productivity Priority 3: Manage growth and change in strategic and district centres and, as relevant, local centre		The site falls within Double Bay Town Centre under the *draft Central District Plan*. The proposal will extend the existing commercial area to ground and first floor of 374 New South Head Road. The additional commercial floor space will assist Government in achieving job targets. The commercial use will be within close proximity to public transport services which will promote the use of these services. The proposal will provide further causal surveillance while the residential and commercial uses will be separated to improve safety of each component.
Productivity Priority 4: Prioritise the provision of retail floor space in centres		The planning proposal will create additional commercial floor space in the Centre. The increase in commercial floor space will allow different commercial types.
Productivity Priority 5: Protect and support employment and urban services land	3.6 Improving 30-minute access to jobs and services	The planning proposal will contribute to the vision of a '30-minute city' by locating additional density in an existing urban area well serviced by public transport and within close proximity to major employment hubs, including the Strategic Centre of Sydney City.

Priority	Sub-priority/action	Consistency
A Liveable City		
Liveability Priority 1: Deliver Central District's five-year housing targets	4.3 Improving housing choice 4.3.3 Deliver Central District's five-year housing supply target	The *draft District Plan* provides 5 year housing targets for each Local Government Area (LGA) and the target for Woollahra LGA is an additional 300 dwellings by 2021. The planning proposal is consistent with improving housing choice, as it will allow for increased residential densities in an area with good transport connectivity and services.
	4.3.4 Establish the Central District's 20-year strategic target Action L2: Identify the opportunities to create the capacity to deliver 20-year strategic housing supply targets	The *draft District Plan* also suggests that 20 year strategic dwelling targets will be established in the final District Plans and the DP&E will work with Council to identify investigation areas for additional housing capacity to form part of a housing strategy. The draft District Plan identifies three ways in which additional capacity can be accommodated and one of these is through introducing medium density infill development. The planning proposal seeks to provide additional housing in the existing Centre which has access to jobs, services and high frequency public transport services.
	4.3.5 Create housing capacity in the Central District Action L3: Councils to increase housing capacity across the District	The *draft District Plan* suggests that the Central District is to increase its housing target by 157,500 dwellings from 2016 to 2036. The *draft District Plan* further suggests that Woollahra Council is to investigate local opportunities to address demand and diversity in and around local centres and infill areas and other areas with high accessibility. The planning proposal is consistent with this action as it will provide additional housing around the existing Town Centre to contribute to the housing targets.
Liveability Priority 2: Deliver housing diversity	4.4 Improve housing diversity and affordability 4.4.1 Plan for housing diversity Action L4: Encourage housing diversity	The planning proposal is consistent with this action in that it will provide housing for different needs and lifestyles including singles, couples and families and housing at differing price points.

Priority	Sub-priority/action	Consistency
Liveability Priority 3: Implement the Affordable Rental Housing Target		*A Plan for Growing Sydney* requires affordable housing to be provided in Government- led urban renewal projects and on Government-owned sites to meet the shortfall in affordable housing. Furthermore, *A Plan for Growing Sydney* requires local Councils to include affordable housing in the their local housing strategies to respond to local demand. The subject site does not fall within a Government led urban renewal project or on a Government owned site. It is noted that affordable housing is not required in any of Woollahra's local housing policies. Furthermore, the proposal will only result in a minor increase in residential units.
Liveability Priority 4: Increase social housing provision		-
Liveability Priority 5: Facilitate the delivery of safe and healthy places		The proposal will provide further causal surveillance which will minimise potential crime in the locality.
4.6 Create great places		The planning proposal is consistent with creating great places as it will facilitate a sympathetic addition to an existing award-winning building at a prominent location, which will simultaneously recognise and respect the existing valued characteristics of the area while maximising improvements that come with growth and change.
	4.6.1 Provide design-led planning Action L11: Provide design-led planning to support high quality urban design	The planning proposal is consistent with design-led planning as it capitalises on the strengths of the site's prominent corner location and existing architecture.
Liveability Priority 6: Facilitate enhanced walking and cycling connections		The proposal will promote walking given there are a range of facilities and public transport services within walking distance.

Priority	Sub-priority/action	Consistency
	4.7 Foster cohesive communities	The planning proposal is consistent with fostering cohesive communities in that it does not impact adversely upon any identified environmental heritage items or areas, including Aboriginal European and natural.
Liveability Priority 7: Conserve heritage and unique local characteristics		-
Liveability Priority 8: Foster the creative arts and culture		-
Liveability Priority 9: Share resources and spaces		-
Liveability Priority 10: Support innovative school planning and delivery		-
Liveability Priority 11: Provide socially and culturally appropriate infrastructure and services		-
Liveability Priority 12: Support planning for health infrastructure		-
Liveability Priority 13: Support planning for emergency services		-
Liveability Priority 14: Support planning for cemeteries and crematoria		-
A Sustainable City		
Sustainability Priority 1: Maintain and improve water quality and waterway health		-

Priority	Sub-priority/action	Consistency
Sustainability Priority 2: Protect and conserve the values of Sydney Harbour		-
Sustainability Priority 3: Enhance access to Sydney Harbour foreshore and waterways		-
Sustainability Priority 4: Avoid and minimise impacts on biodiversity		-
Sustainability Priority 5: Align strategic planning to the vision for the Green Grid		-
Sustainability Priority 6: Maximise benefits to the public from the innovative use of golf courses		-
Sustainability Priority 7: Protect, enhance and extend the urban canopy		-
Sustainability Priority 8: Improve protection of ridgelines and scenic areas		-
Sustainability Priority 9: Support opportunities for District waste management		Issues surrounding waste management would be addressed in further detail in the development application.
Sustainability Priority 10: Mitigate the urban heat island effect		The proposal essentially relates to the additional level on top of the approved building envelope and will not impact upon the urban heat island effect.

Priority	Sub-priority/action	Consistency
Sustainability Priority 11: Integrate land use and transport planning to consider emergency evacuation needs		-
Sustainability Priority 12: Assist local communities develop a coordinated understanding of natural hazards and responses that reduce risk		-
	4.3 Mange the impacts of development on the environment	The planning proposal is consistent with managing the impacts of the environment, as it will provide for modestly increased densities in an urban location without having any unreasonable adverse impacts on the environment.

Table 3: Draft Central District Plan

Assessment Criteria

a) Does the proposal have strategic merit? Is it:

- Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or
  The planning proposal is consistent with the relevant directions and actions in A Plan for Growing Sydney. One of the overarching priority in A Plan for Growing Sydney is to accelerate housing supply, choice and affordability and to build great places to live. The most suitable locations for housing intensification are those around established centres, along key public transport corridors and with a range of employment opportunities. The planning proposal is an excellent opportunity to facilitate additional housing in the established Centre which has access employment and public transport services.
  The draft Towards our Greater Sydney (TGS) is an outline document for the draft amendments to A Plan for Growing Sydney. The planning proposal is consistent with the 'productivity' and 'liveability' priorities outlined in the draft TGS. One of the key priorities in the draft TGS is to create a '30 minute city' and to increase the range of jobs, services and other opportunities that people can get to within 30 minutes.
  The planning proposal will contribute to the '30 minute city' by locating additional housing and employment in an existing centre which is well serviced by public transport and close to employment opportunities in Sydney's CBD, recreational facilities and services. The proposal will improve the quality life of future residents and give businesses better access to a broader labour pool.
  The planning proposal is also consistent with the priorities set out in the draft Central District Plan. The additional residential accommodation will assist the LGA in achieving the 5 year housing targets. One of the key actions in the draft District Plan is to deliver housing diversity and choice. The planning proposal seeks to provide a range of housing at different price points and to suit couples, singles and families. The residential accommodation will be located in an established Town Centre where daily needs can be met within walking distance.
- Consistent with a relevant local council strategy that has been endorsed by the Department; or
  The Planning Proposal is consistent with the Double Bay Economic Feasibility Study prepared by Hill PDA. The study recommends increased densities for the Centre (up to 3.5:1) to facilitate new residential development. The Planning Proposal exceeds the recommended minimum density, thus ensuring the economic feasibility of redevelopment of the site for residential purposes. While this local report has not been endorsed by the Department, the proposal is still consistent with the report.
- Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.
  The draft TGS suggests that since the release of A Plan of Growing Sydney the housing projections to 2036 have increased by 105,000 dwellings owing to revised population projections. The Planning Proposal will assist in providing further dwellings which will contribute to the housing targets. Furthermore, the Planning Proposal is consistent with State Government Policies in that it will provide further housing and employment within an existing centre that is highly accessible to public transport and services.

b) Does the proposal have site-specific merit, having regard to the following:

- the natural environment (including known significant environmental values, resources or hazards); and
  The site has been used as mixed use premises over many years and is located in a highly urbanised area. Accordingly, no significant environmental values will be impacted by the proposal.
- the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and
  The existing building is mixed use and incorporates commercial uses and residential accommodation. The Planning Proposal will maintain the existing land use however it will increase the commercial and residential components. The existing and proposed uses will be consistent with the surrounding land uses.
- the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.
  The site is in close proximity to a number of bus services along New South Head Road which provides links to Sydney CBD, Watsons Bay, Walsh Bay and Bondi Junction. Furthermore, the site is within walking distance (700m) to Edgecliff train station and Edgecliff bus interchange. The site is afforded by high frequency and superior public transport which will support the intensification of the site. The proposal will leverage existing utilities and other services.

Attachment 2
Consistency with state environmental planning policies

SEPP	Consistent	Comments
SEPP No. 1- Development Standards	Applicable	The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No. 14 – Coastal Wetlands	Not Applicable	-
SEPP No. 19 – Bushland in Urban Areas	Consistent	The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 21 – Caravan Parks	Not Applicable	-
SEPP No. 26 – Littoral Rainforests	Not Applicable	-
SEPP No. 30 – Intensive Agriculture	Not Applicable	-
SEPP No. 32 – Urban Consolidation (Redevelopment of Urban Land)	Consistent	The proposal is an example of infill development and provides for multiple uses on site. The proposal meets the aims and objectives of this SEPP.
SEPP No. 33 – Hazardous and Offensive Development	Consistent	The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No. 36 – Manufactured Home Estates	Not Applicable	-
SEPP No. 44 – Koala Habitat Protection	Not Applicable	-
SEPP No. 47 – Moore Park Showground	Not Applicable	-
SEPP no. 50 – Canal Estate Development	Not Applicable	-
SEPP No. 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	Not Applicable	-
SEPP No. 55 – Remediation of Land	Consistent	No change of land use zoning is proposed for the site. The site has been used for commercial and residential uses

SEPP	Consistent	Comments
		for some time. It is high unlikely the land would be subject to a level of contamination that would preclude its use for residential accommodation.
SEPP No. 62 – Sustainable Aquaculture	Not Applicable	-
SEPP No. 64 – Advertising and Signage	Applicable	Not relevant to the planning proposal.
SEPP No. 65 – Design Quality of Residential Flat Development	Consistent	The concept design has been prepared in consideration of SEPP 65 and demonstrates consistency with the 9 Design Principles. Refer to **Appendix 1** for the Urban Design Report by Eeles Trelease, which provides an assessment of the design against key design criteria contained in the Apartment Design Guide (ADG), including natural cross ventilation and solar access. Any future Development Application for the site would be subject to a detailed assessment under SEPP 65 and associated ADG. Refer to additional discussion in Part 6.3 above.
SEPP No. 70 – Affordable Housing (Revised Schemes)	Consistent	The proposal would not affect the schemes within this SEPP, nor does it propose any new scheme for affordable housing that would need to be included in this SEPP. The planning proposal is consistent with the objectives of this SEPP.
SEPP No. 71 – Coastal Protection	Not Applicable	-
SEPP (Affordable Rental Housing) 2009	Consistent	This proposal does not inhibit any operations of this SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	Consistent	This proposal does not inhibit any operations of this SEPP. Any future Development Application for residential uses at the site would be accompanied by a BASIX certificate.
SEPP (Exempt and	Consistent	This proposal does not inhibit any

SEPP	Consistent	Comments
Complying Development Codes 2008		operations of this SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	Consistent	This proposal does not inhibit any operations of this SEPP.
SEPP (Infrastructure) 2007	Consistent	The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not Applicable	-
SEPP (Kurnell Peninsula) 1989	Not Applicable	-
SEPP (Major Development) 2005	Consistent	The proposal does not inhibit the operations of the former Part 3A provisions or the replacement measures.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not Applicable	-
SEPP Penrith Lakes Scheme	Not Applicable	-
SEPP (Rural Lands) 2008	Not Applicable	-
SEPP (Transitional Provisions) 2011	Not Applicable	-
SEPP (State and Regional Development) 2011	Not Applicable	-
SEPP (State Significant Precincts) 2005	Not Applicable	-
SEPP (Sydney Drinking Water Catchment) 2011	Not Applicable	-
SEPP (Sydney Region Growth Centres) 2006	Not Applicable	-
SEPP (Three Ports) 2013	Not Applicable	-
SEPP (Urban Renewal) 2010	Not Applicable	-

SEPP	Consistent	Comments
SEPP (Western Sydney Employment Area) 2009	Not Applicable	-
SEPP (Western Sydney Parklands) 2009	Not Applicable	-
SREP No. 8 – Central Coast Plateau Areas	Not Applicable	-
SREP No. 9 – Extractive Industry (No 2 – 1995)	Not Applicable	-
SREP No. 16 – Walsh Bay	Not Applicable	-
SREP No. 20 – Hawkesbury – Nepean River (No 2 – 1997)	Not Applicable	-
SREP No. 24 – Homebush Bay Area	Not Applicable	-
SREP No. 26 – City West	Not Applicable	-
SREP No. 30 – St Marys	Not Applicable	-
SREP No. 33 – Cooks Cove	Not Applicable	-
SREP (Sydney Harbour Catchment) 2005	Consistent	The planning proposal does not contain a provision which is contrary to the operation of this policy.

Attachment 3
Compliance with section 117 directions

Clause	Direction	Consistent	Comments
1 Employment and Resources			
1.1	Business and Industrial Zones	Consistent	The proposal is consistent with this direction in that it maintains existing B2 lands. The proposal does not propose a land use change, and it does not reduce the potential floor space area for employment uses. In fact, the proposal increases potential floor space available for employment purposes.
1.2-1.5	Directions 1.2-1.5	Not Applicable	These directions are not relevant to the Sydney metropolitan area.
2 Environment and Heritage			
2.1	Environment Protection Zones	Not Applicable	-
2.2	Coastal Protection	Not Applicable	-
2.3	Heritage Conservation	Consistent	The Golden Sheaf which is opposite the subject site across New South Head Road is listed as a local heritage item (referenced 208) under the WLEP 2014. The proposed building envelope will be appropriate for the site and will not significantly impact upon the heritage significance of the heritage item.
2.4	Recreation Vehicle Areas	Not Applicable	-
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not Applicable	-

Clause	Direction	Consistent	Comments
3 Housing, Infrastructure and Urban Development			
3.1	Residential Zones	Consistent	The proposal allows for a range of residential unit types, consistent with the existing trends and market demands.
3.2	Caravan Parks and Manufactured Home Estates	Not Applicable	-
3.3	Home Occupations	Not Applicable	-
3.4	Integrating Land Use and Transport	Consistent	The proposal is consistent with this direction in that it increases density (for potential residential and commercial uses) in a location that is close to a range of public transport options, including bus, ferry and rail. The site is located within proximity to services in the Centre and employment opportunities in Sydney's CBD.
3.5	Development Near Licensed Aerodromes	Not Applicable	-
3.6	Shooting Ranges	Not Applicable	-
4 Hazard and Risk			
4.1	Acid Sulfate Soils	Consistent	The proposal is consistent with this direction in that it is 'of minor significance'. Refer to additional discussion below this table.
4.2	Mine Subsidence and Unstable Land	Not Applicable	-
4.3	Flood Prone Land	Consistent	Refer to further discussion below.
4.4	Planning for Bushfire Protection	Not Applicable	-
5 Regional Planning			
5.1-5.9	Strategies 5.1-5.9	Not Applicable	These strategies do not apply to the Woollahra LGA.

Clause	Direction	Consistent	Comments
5.10	Implementation of Regional Plans	Not Applicable	No regional (or district) plan applies to the Woollahra LGA.
6 Local Plan Making			
6.1	Approval and Referral Requirements	Consistent	The proposal does not include consultation, referral or concurrence provisions, nor does it identify development as designated development.
6.2	Reserving Land for Public Purposes	Consistent	The proposal does not contain any land that has been reserved for a public purpose, and no requests have been made to reserve such land.
6.3	Site Specific Provisions	Consistent	The proposal is for a site-specific increase in maximum height of building and floor space ratio in accordance with existing clauses in the Standard Instrument Woollahra LEP 2014. It does not impose any unnecessarily restrictive site-specific planning controls.
7 Metropolitan Planning			
7.1	Implementation of A Plan for Growing Sydney	Consistent	The proposal is consistent with the planning principles, directions and priorities for subregions, strategic centres and transport gateways in *A Plan for Growing Sydney* and associated draft *Towards Greater Sydney 2056* and draft *Central District Plan*.
7.2	Implementation of Greater Macarthur Land Release Investigation	Not Applicable	-
7.3	Parramatta Road Corridor Urban Transformation Strategy	Not applicable.	-

Further comment on Direction 4.1 Acid Sulfate Soils

This direction states:

> *(6) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director General prior to undertaking community consultation in satisfaction of section 57 of the Act.*
>
> *[…]*
>
> *(8) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are: (a) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or (b) of minor significance.*

The planning proposal constitutes as an intensification of land use on land identified as having a probability of containing acid sulfate soils [Class 2 Acid Sulfate Soils as identified on the Acid Sulfate Soils Map within Woollahra LEP 2014 (Sheet ASS_0030)]. This inconsistency is considered justifiable as the planning proposal is of minor significance. The site is relatively small (669.8sqm), and the planning proposal is essentially for an additional two levels above the existing building and does not propose any basement levels. This degree of intensification is considered insignificant from an Acid Sulfate Soil perspective. Further, the intent of the planning proposal is to provide for an addition to the existing building, which would involve any excavation and accordingly, no potential Acid Sulfate Soils impacts.

Further comment on Direction 4.3 Flood Prone Land

This direction states***:***

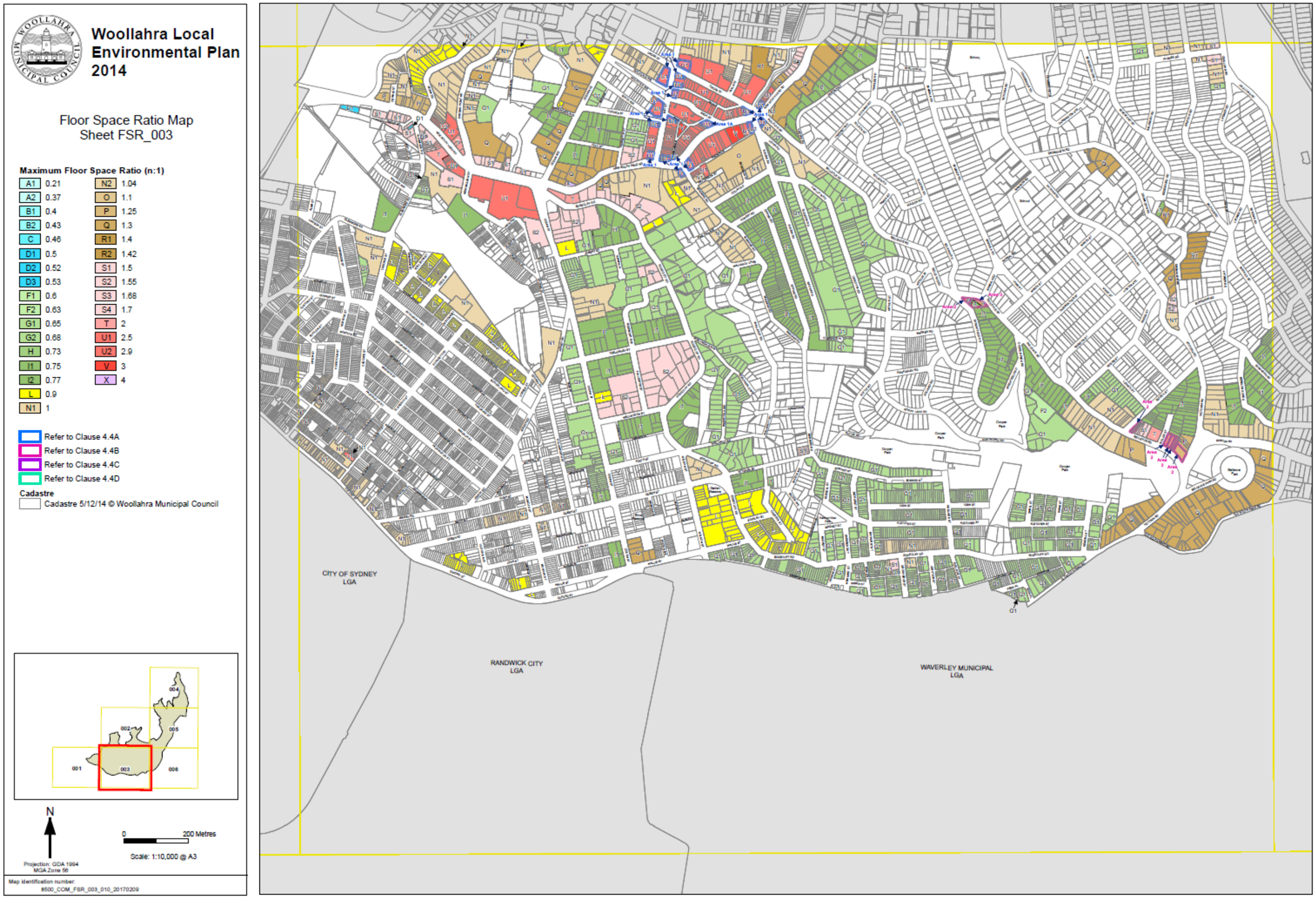
> *(4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).*
>
> *(5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.*
>
> *(6) A planning proposal must not contain provisions that apply to the flood planning areas which:*
>
> *(a) permit development in floodway areas,*
>
> *(b) permit development that will result in significant flood impacts to other properties,*
>
> *(c) permit a significant increase in the development of that land,*
>
> *(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or*

(e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.

(7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).

(8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).

The subject site is identified as flood prone under the Woollahra LEP 2014. It is highlighted that the planning proposal does not seek to rezone the site and its B2 Local Centre will be retained. The planning proposal will increase the FSR provision however it is only essentially an additional level to the approved building while the 6 storey building envelope will be extended to no. 374 New South Head Road. The floor levels of the proposed retail use to no. 374 New South Head will be consistent with the existing to no. 376-382 New South Head Road. Furthermore, it is noted that the commercial floors will remain the same as existing while the residential component will be located to the top two storeys. Therefore in this regard it is anticipated that the planning proposal will have a low flood risk. Further flooding advice will be provided at DA stage.



Proposed Floor Space Ratio Map

Woollahra Local Environmental Plan 2014

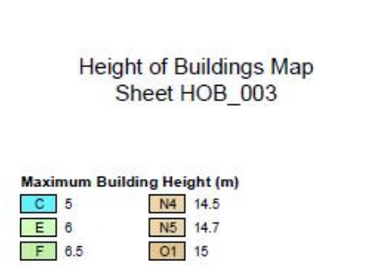
Height of Buildings Map
Sheet HOB_003

Maximum Building Height (m)

C	5	N4	14.5
E	6	N5	14.7
F	6.5	O1	15
G	7	O2	16.5
H	7.5	P1	17.5
I1	8	P2	18
I2	8.2	P3	18.1
J1	9	Q1	19
J2	9.5	Q2	19.5
K	10.5	Q3	20.5
L1	11	R1	21.5
L2	11.5	R2	22.5
M	12	S	23.5
N1	13	T	26
N2	13.5	U	34
N3	14.1		

Refer to Clause 4.3A
Refer to Clause 4.3B
Refer to Clause 4.4C

Cadastre
Cadastre 5/12/14 © Woollahra Municipal Council



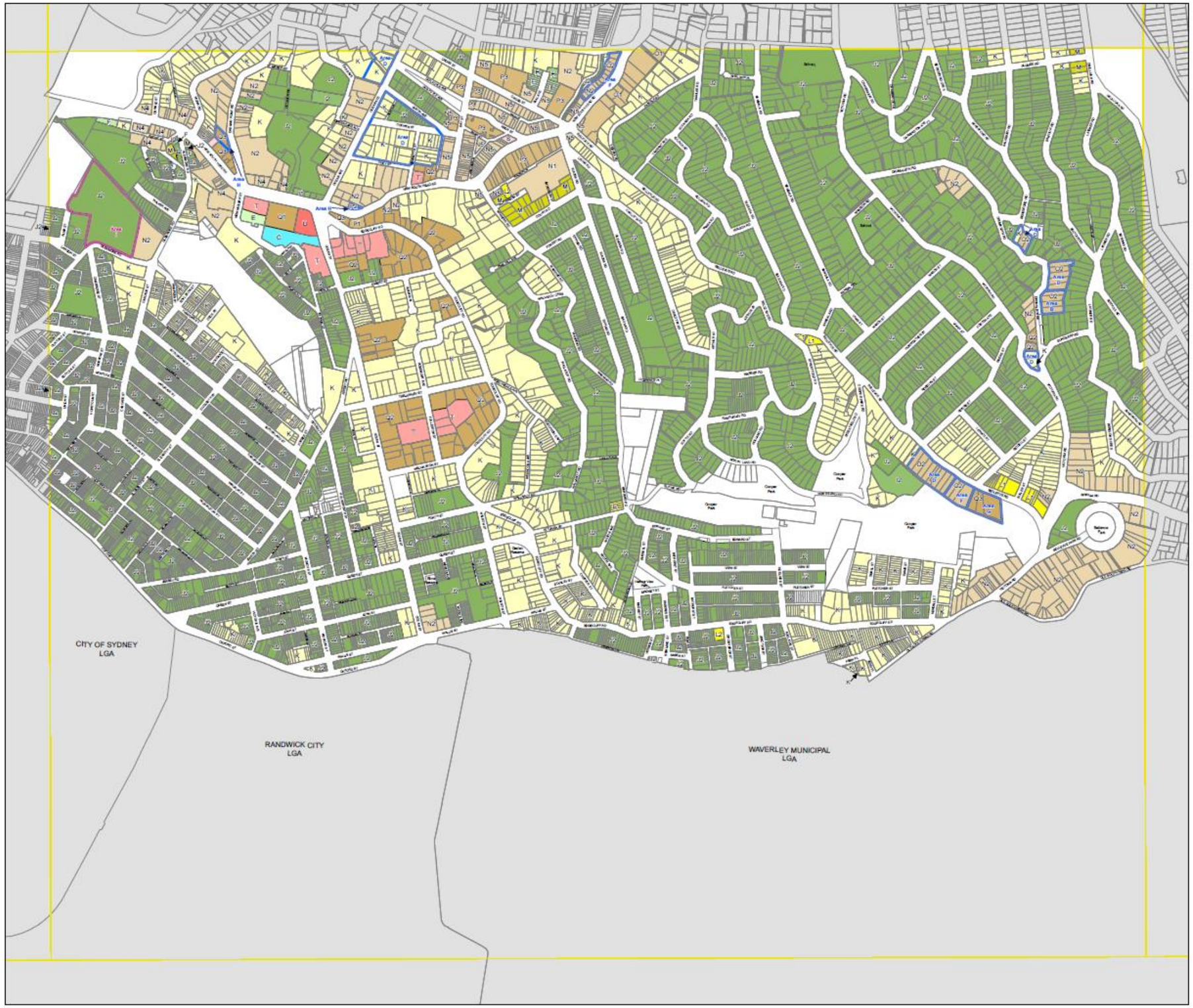
N

0 200 Metres

Scale: 1:10,000 @ A3

Projection: GDA 1994
MGA Zone 56

Map identification number:
8500_COM_HOB_003_010_20170209



Proposed Height of Buildings Map

Supplementary material

Annexure 1 – Planning proposal submitted by Mecone December 2016

Annexure 2 – Report to the Urban Planning Committee of 2 November 2015

Annexure 3 – Council resolution of 2 November 2015

Annexure 4 – Report to the Urban Planning Committee of 23 May 2016

Annexure 5 – Council resolution of 23 May 2016

Annexure 6 – Report to the Urban Planning Committee of 10 October 2016

Annexure 7 – Council resolution of 10 October 2016