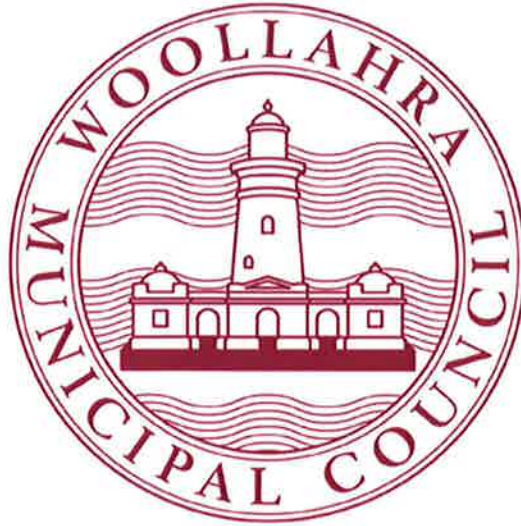




PLANNING PROPOSAL

240 New South Head Road, Edgecliff

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Part 1 – Introduction

This planning proposal is for the property at No. 240 New South Head Road, Edgecliff, legally described as Lot 4 in DP 431756.

This planning proposal and has been prepared in accordance with Planning and Infrastructure's '*A Guide to Preparing Planning proposals*'.

The planning proposal is to change the height and floor space ratio (FSR) controls in Woollahra Local Environmental Plan 1995 (WLEP 1995) by:

- increasing the maximum FSR from 0.875:1 to 4:1
- increasing the maximum building height from 9.5m to 18m
- applying a second height limit of 14m at the highest part of the site to protect views.

The proposed density for the subject site will facilitate additional residential development. It will also result in a built form that addresses the site's prominent location, and is in context with surrounding development.

Background

In 2010, Woollahra Council responded to NSW Government requirements to change the planning controls to increase dwelling capacity across the Woollahra Local Government Area (LGA). Council identified 24 'opportunity sites' to assist in meeting housing targets set by the NSW Government in the Sydney Metropolitan Strategy and the Draft East Subregional Strategy.

Council identified the subject land as an opportunity site to increase residential capacity by amending the FSR and maximum building height controls. A change of zone was also proposed. Council consulted the community under former s62 of the *Environmental Planning and Assessment Act 1979* (the Act) regarding the following proposed controls for the site:

- Zone: B4 Mixed Use
- FSR: 4.8:1
- Height: 24.9m.

This planning proposal does not include a change from the current 2(b) Residential zone, as it is the site owner's intention to redevelop the subject site for medium density residential dwellings. However, changes to FSR and height controls are proposed.

The FSR of 4:1 is approximately 17% less than the Council's opportunity site proposal. The height of 18m is more than 25% lower than the Council's opportunity site proposal (the equivalent of two storeys).

Part 2 – Site and context description

The site

No. 240 New South Head Road is located to the east of the Edgecliff Commercial Centre. It is approximately 150m east of the Edgecliff bus and rail interchange, and is approximately 500m west of the Double Bay Centre. Location maps for this site are shown below in Figures 1 and 2.



Figure 1: Location of 240 New South Head Road, Edgecliff showing broader context



Figure 2: Location of 240 New South Head Road, Edgecliff showing immediate context.

The triangular site slopes from west to east down towards Double Bay and is approximately 384m². The entire site is occupied by the existing building, comprised of an upper level office area and a basement commercial area.

Pedestrian access to the site is via New South Head Road. There are two vehicular access points to the site. One via New South Head Road, and a second entrance off Ocean Avenue via a right of carriageway. Three other properties share the carriageway: 218-228 New South Head Rd, 230-238 New South Head Road and 4 Ocean Avenue.

The site is not located in a heritage conservation area and the existing building is not a heritage item. However, a heritage item is located on the opposite side of the road to the south-west at 287-289 New South Head Road.

The site is located on a bend in New South Head Road and is highly prominent when driving west from Double Bay as shown in Figure 3 below. The existing building has a modest streetscape appearance and does not make a strong contribution to the eastern gateway of the Edgecliff Commercial Centre.



Figure 3: The site as viewed from New South Head Road westbound

Context

New South Head Road and the area surrounding the subject site are characterised by medium and high density mixed use and residential development. In the immediate vicinity of the subject site there is:

- a five storey mixed use building over one level of car parking at No. 218-228 New South Head Road and
- a six to seven storey residential flat building over two levels of car parking adjoining the site at Nos. 230-238 New South Head Road.

These two buildings contribute to the creation of the Eastern Gateway to the Edgecliff Commercial Centre.

Adjoining the site to the north is a six storey residential flat building over one level of parking at 250 New South Head Road. In the surrounding area, buildings range between six and 20 storeys.

Part 3 – Objective of planning proposal

The objective of this planning proposal is to facilitate additional residential dwellings in a location that is near shops, services and public transport.

Part 4 – Explanation of provisions

This planning proposal is to amend WLEP 1995 to increase the FSR and height on 240 New South Head Road, Edgecliff. The proposed planning control changes are:

- Amendment of the WLEP 1995 Density Map to a maximum permissible FSR of 4:1, in accordance with Figure 10 - Proposed Density Map; and
- Amendment of the WLEP 1995 Height Map to a maximum building height of 18m and a second height limit of 14m, in accordance with Figure 11 - Proposed Height Map.

WLEP 1995 contains seven locations where two maximum building heights apply. The first height limit is the overall maximum height for development. The second height is a maximum height of development at the highest part of the site, or the crown of the adjoining road, whichever is the higher.

The purpose of the two height controls in this planning proposal is to:

- provide an element of compatibility with the scale of adjoining development, and
- minimise impact of new development on existing public and private views.

Part 5 – Justification

The key reasons to amend WLEP 1995 are:

- The site is in proximity to commercial centres and public transport
- The proposal is compatible with the existing character and context
- The proposal will provide capacity for additional dwellings in accordance with the Metropolitan Plan for Sydney to 2036 and the Draft East Subregional Strategy
- The proposal will provide suitable amenity and improve the streetscape.

5.1 - Proximity to centres and public transport

The subject site is within 150m of the Edgecliff Commercial Centre, which includes commercial and retail tenancies together with medical centres and other facilities.

The Edgecliff Commercial Centre also includes a timed customer car park and rail/bus interchange and taxi rank. The Edgecliff Railway Station provides train services on the Eastern Suburbs and Illawarra Railway Line, which carries passengers between Central, the CBD and Bondi Junction. The interchange services eight local and regional bus routes and provides several bus services to the CBD.

The subject site is also within 650m of the Double Bay Commercial Centre. The Double Bay Commercial Centre consists of retail and commercial tenancies, restaurants, pubs, bars and other local services. Five bus routes run along New South Head Road to the CBD, including Route Nos. 323, 324, 325, 326 and L24 from Double Bay.

Given the site's proximity to services and public transport, increased density will positively contribute to the Woollahra LGA and provide the opportunity for residents to work closer to home and reduce vehicle trips.

Medium density residential development on the subject site is consistent with the well-established best planning practice of increasing development potential near transport nodes and shopping centres to promote sustainable and public transport oriented development.

5.2 – Character and context

The owner of the land has submitted a preliminary concept design as an example of what could be built on the site using a maximum building height of 18m and FSR of 4.09:1.

The concept drawings from the design are shown below in Figures 4 and 5. They indicate a built form of five storeys addressing New South Head Road, with six storeys to the rear. This form of development will change the site from a low level commercial use to medium density residential use.

The drawings demonstrate that the building would be in context with the adjoining six to seven storey building at 230-238 New South Head Road, and would be generally lower than the height of surrounding multi storey buildings.

The drawings illustrate a built form which would contribute to the eastern gateway to the Edgecliff Commercial Centre. The concept design is 6.9m (2 storeys) lower than the controls provided in Council's opportunity site proposal.

The concept design uses a slightly greater FSR than the 4:1 recommended by this planning proposal. Notwithstanding, the concept design is a reasonable representation of what a building could look like under the controls recommended by this planning proposal.



Figure 4: Indicative concept – view to the north east from New South Head Road

Source: Simmons Architects



Figure 5: Indicative concept – view to the west along New South Head Road

Source: Simmons Architects

5.3 – Provision of additional dwellings in accordance with local and State planning strategies

In December 2010, the NSW Government released 'The Metropolitan Plan for Sydney to 2036' (Metropolitan Plan). The Metropolitan Plan replaced the Sydney Metropolitan Strategy City of Cities: A Plan for Sydney's Future (2005). The Metropolitan Plan draws on the strengths and principles of the Metropolitan Strategy. It is a single integrated plan for Sydney and incorporates the Sydney Metropolitan Transport Plan (2010).

The Metropolitan Plan estimates that between 2006 and 2036 Sydney's population will grow by 1.7 million people to 6 million people. While Sydney's population is growing, the average household size is falling, creating demand for smaller and more affordable homes. As a result, Sydney will need 770,000 additional homes by 2036 - a 46% increase on the city's current 1.68 million homes. The location, size and type of new housing must reflect the population's changing needs. In addition, Sydney's growth will require 760,000 more jobs closer to home.

The Metropolitan Plan is divided into Strategic Directions, including Housing Sydney's Population, which provides a strategic approach to housing growth with an emphasis on achieving the most efficient use of existing urban areas where small, medium and large centres enjoy good access to services, jobs and public transport. Relevant objectives of the Housing Strategic Direction are:

- D1. To ensure an adequate supply of land and sites for residential development;
- D2. To produce housing that suits our expected future needs;
- D3. To improve housing affordability;
- D4. To improve the quality of new housing development and urban renewal.

The subject site is near employment generating uses, local services and public transport. Given the location of the site, a higher density for residential development is consistent with the aims of the Metropolitan Plan.

The Draft East Subregional Strategy (2007) takes the Metropolitan Strategy and applies it to the Woollahra LGA. Two key elements of the Subregional Strategy are the provision of additional dwellings and increasing opportunities for new jobs.

The Metropolitan Strategy set targets of 20,000 additional dwellings and 12,500 new jobs for the eastern region up to 2031. Targets set for the Woollahra LGA are 2,900 additional dwellings and 300 new jobs.

The Subregional Strategy has identified Edgecliff and Double Bay as important Town Centres, particularly as Bondi Junction expands as a Major Centre. Initiative C2.1 of the Subregional Strategy is to focus residential development within centres and corridors with access to public transport and local services. The Subregional Strategy further states that increasing residential densities within the walking radius of smaller local centres can make these places more vibrant and provide much needed housing choice for the ageing and changing population.

The planning control changes for the subject site will increase the dwelling capacity of the site. Based on a dwelling size of 100m², the subject site could provide a yield of three dwellings under the current WLEP 1995 controls and 15 dwellings under the proposed controls.

Accordingly, the planning proposal is consistent with the objectives of the Metropolitan Strategy, Metropolitan Plan and the initiatives of the Subregional Strategy.

5.4 – Suitable amenity and streetscape

The indicative concept proposed by Council during the 2010 community consultation included controls to match the adjoining five, six and seven storey buildings in New South Head Road, while maintaining the existing building footprint.

The proposed 18m height limit in this planning proposal is lower than the height proposed during the opportunity site consultation and will provide an appropriate contextual fit with the locality.

The existing building does not have any heritage or conservation value. It is out-dated and offers no visual interest in the streetscape. The planning proposal provides opportunities to mark the eastern gateway to the Edgecliff Commercial Centre and improve the streetscape appearance.

The subject site is located on the northern, lower side of New South Head Road. It is opposite a four to five storey commercial building at 295 New South Head Road, which adjoins a four storey over basement commercial building at Nos. 287-289 New South Head Road to the west.

Shadow modelling has shown little to no impact on sunlight for these buildings. A view assessment has been conducted by the land owner's planning consultant, GSA Planning, from some of the surrounding properties.

These issues are further discussed below.

5.4.1 View assessment

A key issue associated with this planning proposal is the potential impact on views from neighbouring buildings to the south of the site. To assist with an assessment of the potential view impacts, GSA Planning submitted a view analysis which is attached as **Annexure 1** of the supplementary material.

The analysis started with the erection of poles on the site indicating a height of 18m. Observations were then taken from surrounding buildings and photographs were taken from some surrounding buildings. The photographs were then used to superimpose a 3D building over the site. The potential view impact was assessed using methodology set out in the planning principle contained in the Land and Environment Court decision for *Tenacity v Warringah Council (2004) NSWLEC 140*.

Having considered this view analysis, Council is satisfied that there is sufficient information to place the planning proposal on public exhibition. This will enable submissions to be received from adjoining and neighbouring property owners.

The view analysis will form part of the planning proposal and will be placed on exhibition. It provides information for the community to assess the potential impacts on their properties and make a submission to Council for our further consideration.

5.4.2 Shadow assessment

Simmons Architects have undertaken an urban design analysis for overshadowing based on an 18m height limit and 4.09:1 FSR. Although the FSR is slightly more than the 4:1 FSR recommended in this planning proposal, the maximum building height is the same. The shadowing demonstrates that increased height and FSR can be reasonably accommodated on the subject site.

Shadow diagrams that formed part of the community consultation for this site in 2010 indicate the shadow cast by the existing building at 9am, noon and 3pm (Figure 6).

Shadow diagrams prepared by Simmons Architects for 9am, noon and 3pm indicate that the additional shadow, as a result of the proposed concept using a maximum building height of 18m and FSR of 4.09:1, will be cast over New South Head Road and the commercial buildings to the south only (Figure 7).

The diagrams show that north facing windows of residential developments will not be impacted on.



Figure 6: Shadow diagrams – Existing buildings



Figure 7: Shadow diagrams – 3D model under the proposed controls

5.4.2 Privacy

Any redevelopment on the site must be designed in accordance with *State Environmental Planning Policy 65 – Design Quality of Residential Flat Building Development*, ensuring that distances and treatments of windows and balconies will protect the privacy of surrounding residences.

The Woollahra Residential DCP 2003 also contains provisions to ensure adequate acoustic and visual privacy are provided to occupants of neighbouring residential properties. For example, balconies, terraces, decks, roof terraces and other like areas within a development must be suitably located and screened to prevent direct views into habitable rooms (including bedrooms) or private open space of the adjoining and adjacent dwellings.

Section A - Need for planning proposal

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

Yes. This planning proposal is a result of Woollahra Council's Opportunity Site Report, dated June 2010. Council identified the subject site as an opportunity site at the eastern gateway to the Edgecliff Commercial Centre.

The report included a proposed change in zoning to B4 Mixed Use with an FSR of 4.8:1 and a height of 24.9m for the subject site. This would have resulted in an estimated yield of 19 dwellings based on a unit size of 100m². The key justifications for the planning control changes contained in the report in summary were:

- consistency with best planning practice of increasing development potential in centres to promote more sustainable and public transport oriented development and
- that increased height and floor space ratio can be reasonably accommodated on this site. This point is discussed in detail in Section 5.2 of this planning proposal.

The recommended planning controls for this site contained in this planning proposal are an FSR of 4:1 with a maximum building height of 18m and second height of 14m at the highest part of the site fronting New South Head Road.

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

Yes. This planning proposal is the best means of achieving the objectives. A planning proposal is needed to change the maximum FSR and height on the site to facilitate residential development. The planning control changes proposed for this site are consistent with the Council's opportunity site investigation to increase capacity for residential development and will allow additional dwellings near transport and centres.

The Council at its meeting of 10 February 2014 has endorsed this approach. Accordingly, a planning proposal is the most appropriate way of achieving the intended outcome.

Section B – Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The planning proposal is consistent with the objectives of the Metropolitan Plan for Sydney to 2036 and the initiatives of the Draft East Subregional Strategy (2007). This has been discussed in detail in Part 5.3 above.

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

Yes. Woollahra 2025 is Council's 15 year strategic plan for the LGA. Woollahra's future planning is based on the principle of sustainability. That is, meeting the needs of the present, without compromising the ability of future generations to meet their own social, economic, environmental and civic leadership needs.

A key theme of Woollahra 2025 is to provide quality places and spaces to meet the different needs of people living in the area and houses within easy distance of shopping areas, business precincts and local facilities.

The planning proposal will enable additional dwellings near the services, facilities and transport offered in the Double Bay Commercial Centre and the Edgecliff Commercial Centre. The planning proposal is therefore consistent with Council's Community Strategic Plan.

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

Yes. The planning proposal is consistent with the *Standard Instrument – Principal Local Environmental Plan* and all other applicable *State Environmental Planning Policies*.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Yes. The planning proposal is consistent with applicable section 117 directions (refer to **Attachment 1**).

Section C – Environmental, social and economic impact

7. 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?

No. There are no critical habitat areas, threatened species, populations or ecological communities or their habitats present on the subject land. Accordingly, the proposal will not have any impact in this regard.

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

Potential environmental effects were discussed in Part 5 above. Other environmental effects that might arise through the use of a building on this site would be identified via a development application for the site. Good design and conditions of consent will limit these effects.

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

For the reasons discussed in Part 5, the planning proposal will have positive social and economic effects. In summary, these include:

- Increased development potential near shopping centres and transport nodes to promote more sustainable and public transport oriented development;
- An increase in maximum FSR and height on the subject site will provide opportunities for additional dwellings which will assist with meeting the housing targets of the Metropolitan Strategy;
- Additional dwellings in this locality will increase the population and provide economic support to local businesses;
- Redevelopment will create job opportunities while a future building is being constructed, with additional potential for employment with on-going maintenance;
- Additional residential apartments will increase housing supply and potentially increase affordability;
- Potentially greater housing choice offered by a development that includes a mix of apartment sizes;
- An opportunity to contribute to the creation of the eastern gateway to the Edgecliff Commercial Centre.

Accordingly, for the reasons stated elsewhere in this report and summarised above, the planning proposal will have positive social and economic benefits, with a multiplier effect that will benefit the broader community. The proposal has addressed social and economic impacts and it is in the public interest.

Section D – State and Commonwealth interests

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

Yes. The site is connected to water, sewer, electricity and telephone services. The site is also in proximity to regular and frequent public transport services which have capacity to accommodate increased demand.

There is no significant infrastructure demand that will result from the planning proposal. The existing services that are available to the subject site are suitable for the proposal and appropriate for the requirements of a medium density residential use.

Notwithstanding, we will consult with public utility and service providers during the public exhibition.

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

This section will be completed following consultation with public authorities identified in the gateway determination.

Part 6 – Mapping

The existing FSR controls are shown in Figure 8 and existing height controls in Figure 9. The proposed FSR controls are shown in Figure 10 and proposed height controls in Figure 11.

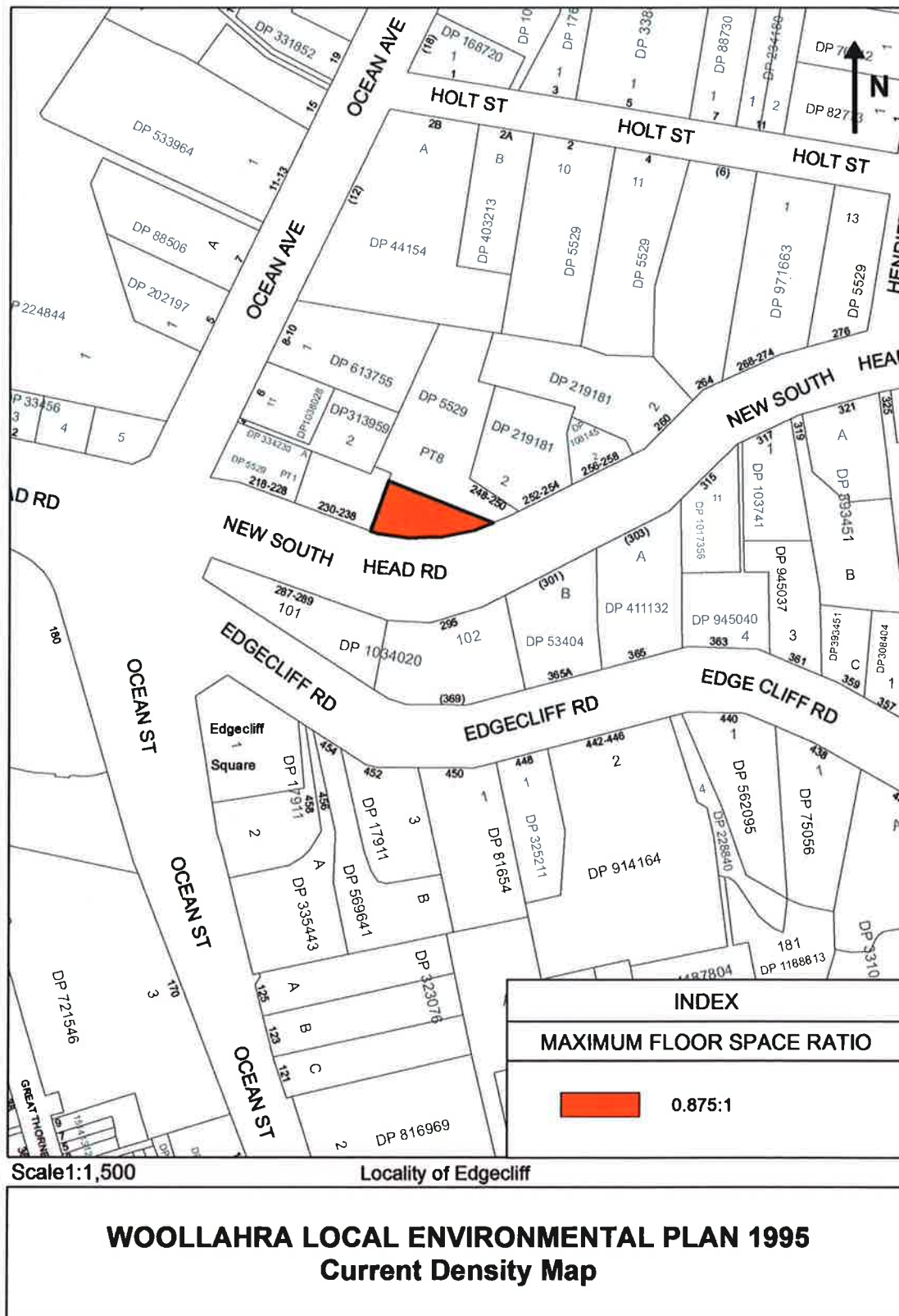


Figure 8: Current FSR Map

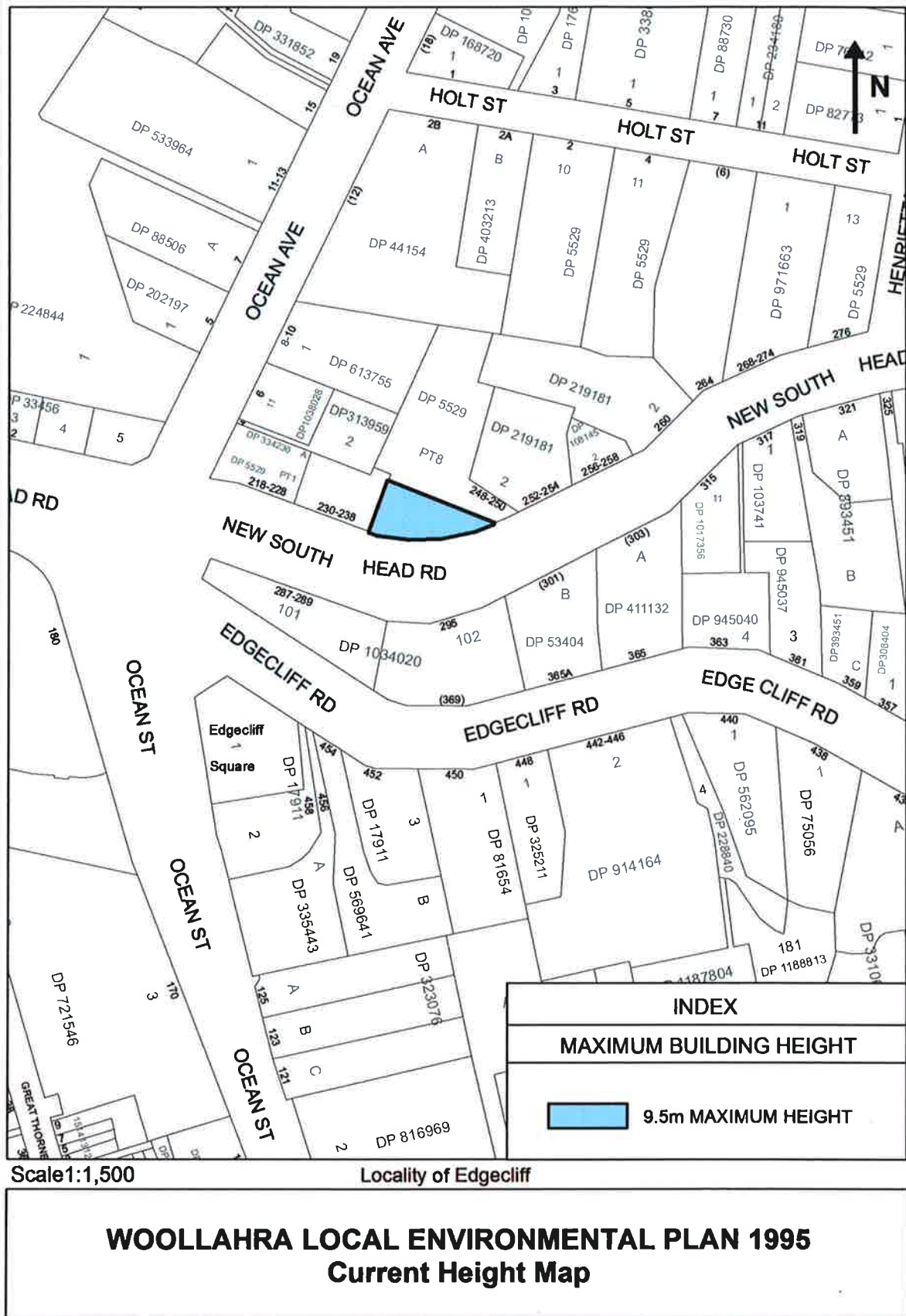
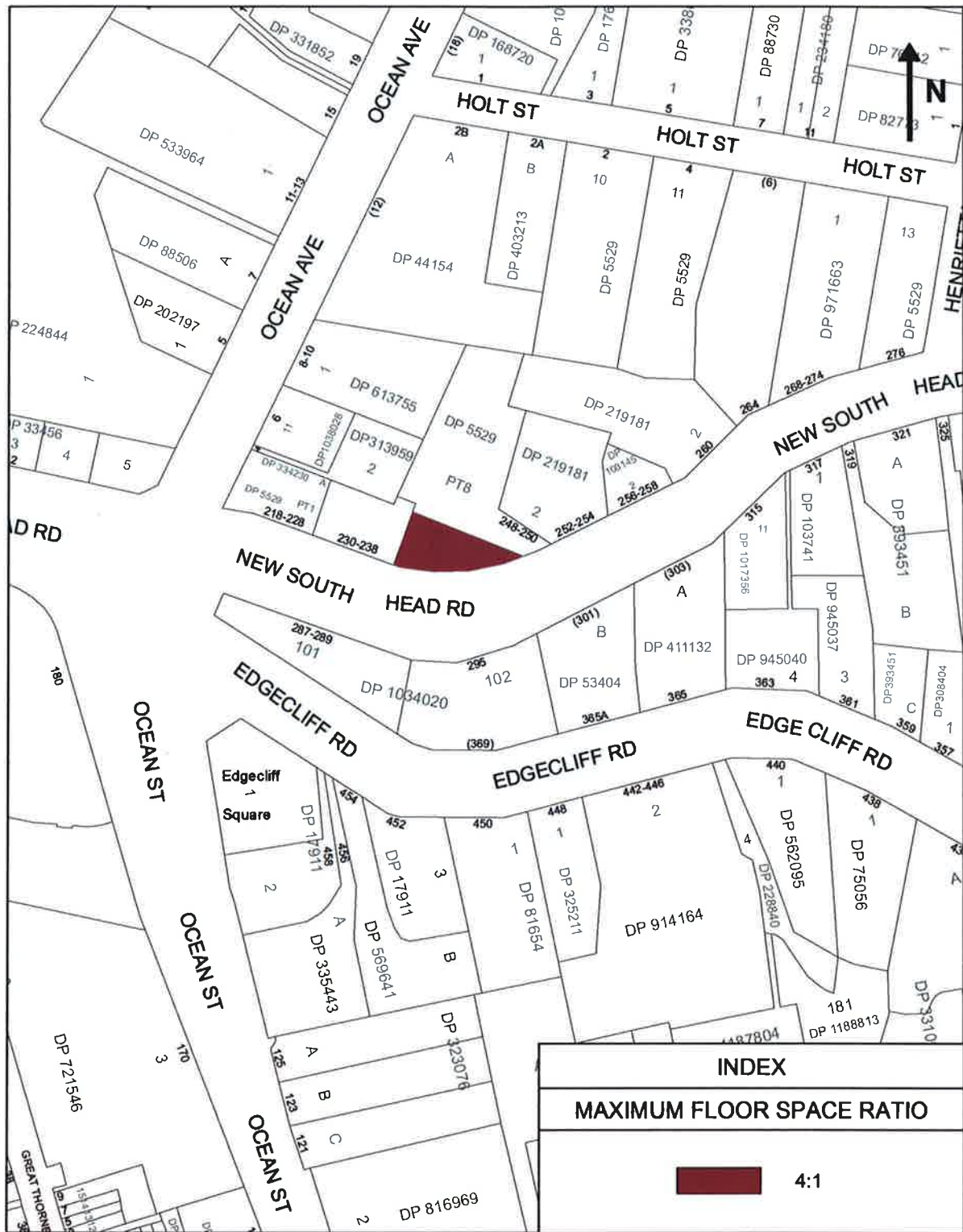


Figure 9: Current Height Map

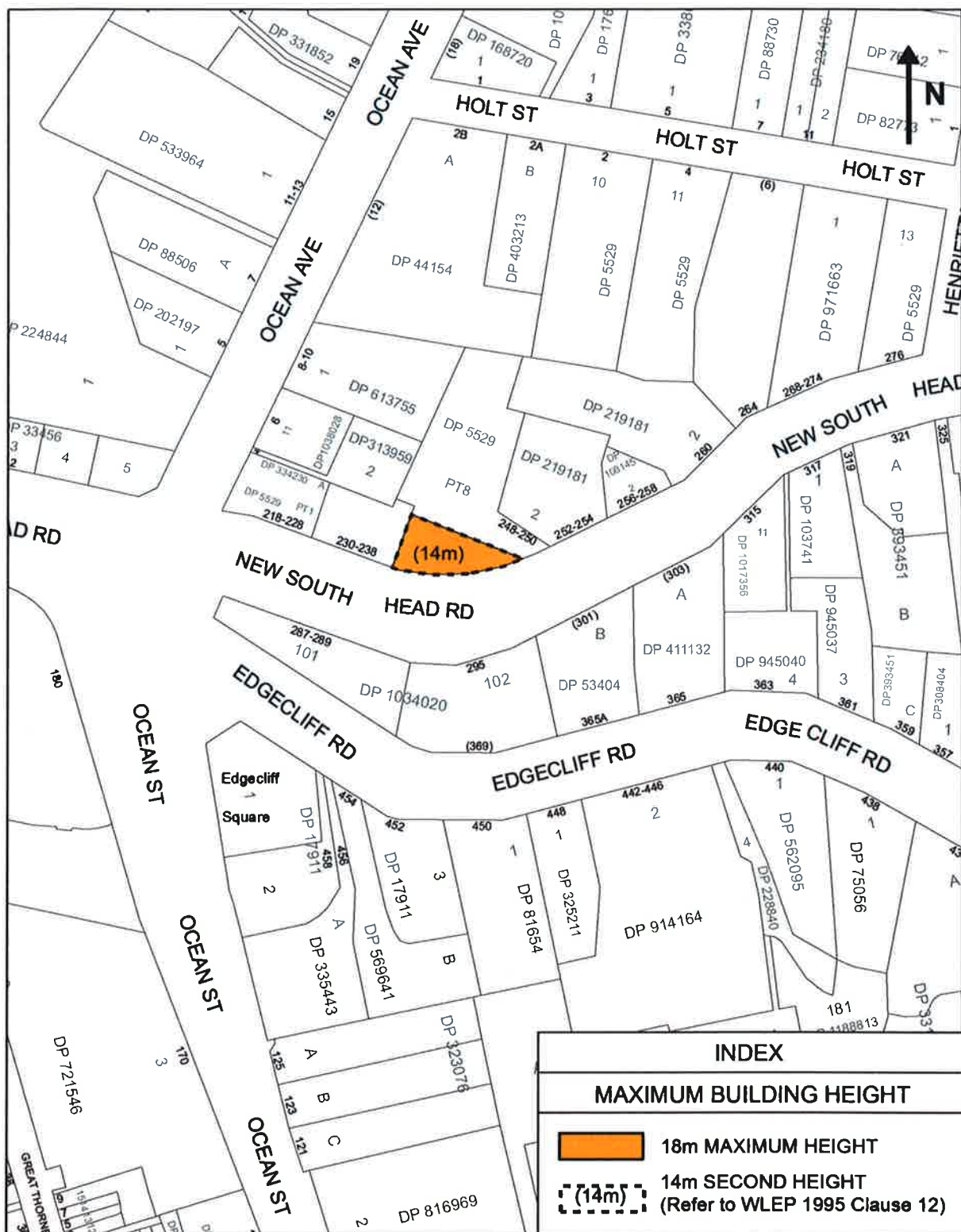


Scale 1:1,500

Locality of Edgecliff

Proposed Density Map

Figure 10: Proposed Density Map



Scale 1:1,500

Locality of Edgecliff

Proposed Height Map

Figure 11: Proposed Height Map

Part 7 – Community consultation

The public exhibition will be undertaken in accordance with the requirements of the Act and the *Environmental Planning and Assessment Regulation 2000*.

We recommend that the planning proposal is exhibited for 28 days.

Public notification of the exhibition will comprise:

- a weekly notice in the local newspaper (the Wentworth Courier) for the duration of the exhibition period,
- a notice on Council's website,
- a letter to land owners in the vicinity of the site, and
- a letter to persons that made a submission (or signed the petition) to the exhibition of the opportunity site consultation in 2010.

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, and
- the gateway determination, and
- information relied upon by the planning proposal (such as the view analysis and relevant Council reports).

Part 8 – Project timeline

The proposed timeline for completion of the planning proposal is as follows:

Plan-making step	Estimated completion
Urban Planning Committee recommends proceeding	December 2013
Council resolution to proceed	February 2014
Gateway determination	April 2014
Completion of technical assessment	None anticipated
Government agency consultation	April 2014
Public exhibition period	May 2014 (28 days)
Submissions assessment	June 2014
Council assessment of planning proposal post exhibition	July/August 2014
Submission of planning proposal to the DPI finalising the LEP	N/A – proposal subject to delegation
Council decision to make the LEP amendment (if delegated)	September 2014
Forwarding of LEP amendment to DPI for notification	September 2014
Notification of the approved LEP	October 2014

Attachment 1
Compliance with section 117 directions

Planning proposal – Definition of ‘height’ and ‘existing ground level’ Compliance with section 117 directions		
Direction		Applicable/comment
1	Employment and resources	
1.1	Business and industrial zones	Not applicable. The planning proposal does not affect land within a business zone.
1.2-1.5	Strategies 1.2-1.18	Not applicable. These directions are not relevant to the Sydney metropolitan area.
2	Environment and heritage	
2.1	Environment protection zones	Not applicable. The planning proposal does not apply to land within an environmental protection zone or land identified for environmental protection.
2.2	Coastal protection	Not applicable. The planning proposal does not apply to land within the coastal zone.
2.3	Heritage conservation	Not applicable. The planning proposal does not apply to an item of environmental heritage, nor does it seek to amend any existing heritage provisions.
2.4	Recreation vehicle areas	Not applicable. The planning proposal does not apply to an area of significant conservation, nor will it allow land to be developed for a recreation vehicle area.
3	Housing, infrastructure and urban development	
3.1	Residential zones	Consistent. The proposal will facilitate residential development in proximity to public transport, shops and services.
3.2	Caravan parks and manufactured home estates	Consistent. The planning proposal does not relate to caravan parks or manufactured home estates.
3.3	Home occupations	Not applicable. The planning proposal does not affect home occupations in dwelling houses.
3.4	Integrating land use and transport	Consistent. The planning proposal is consistent with the aims, objectives and principles of <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001) as it: • facilitates residential development within walking distance to public transport and shops and services, thereby reducing the need for vehicle trips • supports the nearby commercial centres of Edgecliff and Double Bay.
3.5	Development near licensed aerodromes	Not applicable. The planning proposal does not apply to land near a licensed aerodrome.

Planning proposal – Definition of 'height' and 'existing ground level' Compliance with section 117 directions		
Direction		Applicable/comment
3.6	Shooting ranges	Not applicable. The planning proposal does not apply to land adjacent to or adjoining an existing shooting range.
4	Hazard and risk	
4.1	Acid sulfate soils	Consistent. The planning proposal applies to land identified as Class 5 on Council's Acid Sulfate Soils Planning Map. This is the lowest risk category. Existing acid sulfate soils provisions will not be altered by the planning proposal and will apply to any future development which might intensify the use of the land.
4.2	Mine subsidence and unstable land	Not applicable. The planning proposal does not apply to land within a proclaimed Mine Subsidence District or to land identified as unstable.
4.3	Flood prone land	Not applicable. The planning proposal does not apply to land within a flood prone area.
4.4	Planning for bushfire protection	Not applicable. The planning proposal does not apply to land mapped as bushfire prone land.
5	Regional planning	
5.1 - 5.9	Strategies 5.1-5.9	Not applicable. These strategies do not apply to the Woollahra LGA.
6	Local plan making	
6.1	Approval and referral requirements	Consistent. The proposal does not include provisions that require development applications to be referred externally and is not related to designated development.
6.2	Reserving land for public purposes	Consistent. The planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3	Site specific provisions	Consistent. The planning proposal does not propose a rezoning or include additional land uses for the land.
7	Metropolitan Planning	
7.1	Implementation of the Metropolitan Plan for Sydney 2036	Consistent. The planning proposal will facilitate additional residential development in proximity to public transport, shops, services and employment.

Supplementary material

Annexure 1 - View Analysis submitted by GSA Planning

Annexure 2 - Urban Planning Committee report (16 December 2013)

Annexure 3 - Council resolution (10 February 2014)