

Item No: R Recommendation to Council

Subject: **PLANNING PROPOSAL FOR 240 NEW SOUTH HEAD ROAD, EDGECLIFF**

Author: Anne White—Senior Strategic Planner

File No: 1064.G Plan Prop 1

Reason for Report: To report on a planning proposal prepared by GSA Planning for 240 New South Head Road, Edgecliff
To obtain Council's approval to forward the planning proposal to the Department of Planning and Infrastructure so that it can be placed on public exhibition.

Recommendation:

- A. That the planning proposal prepared by GSA Planning for 240 New South Head Road, Edgecliff, as contained in Annexure 1 of the report to the Urban Planning Committee meeting of 16 December 2013 including the following amendments, is forwarded to the Minister for Planning and Infrastructure requesting a gateway determination so that it can be placed on public exhibition. The amended controls are:
- Floor Space Ratio 4:1
 - Overall maximum building height 18m
 - Second building height 14m
- B. That when requesting a gateway determination for the planning proposal at point A above, we seek delegation of the plan-making steps under section 59 of the *Environmental Planning and Assessment Act*.
- C. That all costs associated with the preparation, submission and exhibition of the planning proposal are to be met by the applicant.

1. Summary

A planning proposal including a view analysis for 240 New South Head Road, Edgecliff was submitted to Council by Gary Shiels and Associates Pty Ltd (GSA Planning) on behalf of the owner Peter Thane.

The planning proposal seeks to amend Woollahra Local Environmental Plan 1995 (WLEP 95) by increasing the height and floor space ratio controls to facilitate a 5-6 storey residential development on the site. Overall, we support this planning proposal for the purpose of exhibition, however, we are recommending amendments to the proposed controls. These amendments slightly reduce the floor space ratio (FSR) and introduce a second height limit.

The purpose of this report is to obtain Council's approval of the amended planning proposal for the purpose of referring it to the Department of Planning and Infrastructure (DPI) for a gateway determination. The determination will enable the planning proposal to be placed on public exhibition.

2. The site

The site to which this planning proposal relates is located to the east of the Edgecliff Centre. It is approximately 150m east of the Edgecliff bus and train interchange, and is approximately 500m west of the Double Bay Centre.

The site is triangular in shape and slopes down from west to east. The existing building on the site is built to the boundaries and consists of a two storey commercial building addressing New South Head Road. Pedestrian access to the site is provided via New South Head Road. There is one vehicular access to the site via New South Head Road, and a second entrance off Ocean Avenue is provided via a right of carriageway. This carriageway is shared with three properties to the west being 218-228 New South Head Rd, 230-238 New South Head Road and 4 Ocean Avenue. A location map for this site is shown below in **Figure 1**.



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

It is relevant to note that in June 2010 this site was identified as one of Council's 24 opportunity sites. These were identified for their potential to meet the housing targets set for Woollahra by the State Government subject to planning changes. For this site, we identified that increased development potential would be achieved by increasing the maximum building height and FSR. In relation to this proposal we received 26 submissions during the exhibition period: 3 submissions of support and 23 objections including one petition.

On 25 July 2011 Council resolved to defer further consideration of the opportunity sites in order to focus its resources on the preparation of Draft Woollahra Local Environmental Plan 2013 (Draft WLEP 2013). It was anticipated that the opportunity sites would be further considered after the Draft WLEP 2013 was adopted.

3. The planning proposal

The planning proposal submitted by GSA Planning seeks to amend WLEP 95 by increasing the height and floor space ratio standards to facilitate a 5-6 storey residential development on the site. A summary of the current and proposed controls are below:

	WLEP 95	Planning proposal
FSR	0.875:1	4.09:1
Height	9.5m	18m

A preliminary concept design included with the planning proposal demonstrates what could be built on the site under the proposed controls. The concept drawing shown below in **Figures 2 and 3** indicates a built form of five storeys addressing New South Head Road, with six storeys to the rear accommodating 19 apartments.



Figure 2: Concept drawing - view of the frontage to New South Head Road

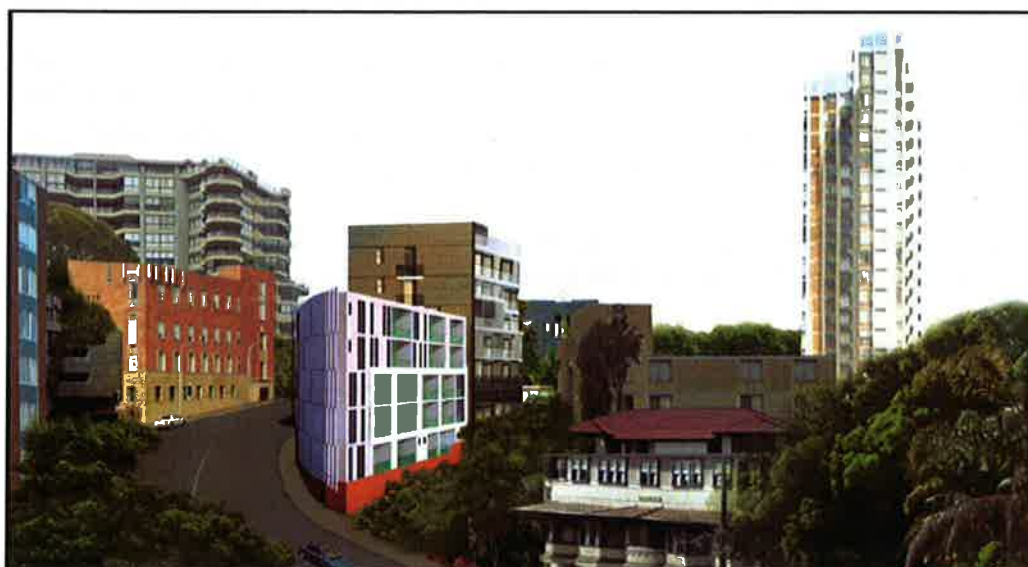


Figure 3: Concept drawing - view of the northern façade

4. Review of the planning proposal

Section 55 of the Act sets out what information a planning proposal is to include when submitted for a gateway determination. The DPI has prepared the document titled *A guide to preparing planning proposals* (the guidelines) dated October 2012.

We have reviewed the planning proposal in accordance with section 55 of the Act and the guidelines (see **Annexure 3: Review of the Planning Proposal**). The review identifies where:

- amendments are to be made to the planning proposal, and
- additional information is to be included in the planning proposal.

The key issues identified in our review are below.

4.1 Strategic merit

We identify that the planning proposal has strategic merit and we provide in principle support. The site is well located for additional residential development due to its close proximity to the Edgecliff railway and bus interchange. This is consistent with the well-established planning practice to increase development potential in and around our centres to promote more sustainable and public transport-orientated development.

Based on the concept drawings, view analysis and support material in the GSA submissions, the proposal for a 5-6 storey building is appropriate in this location, and of a scale in keeping with the surrounding buildings.

4.2 Previously identified in the opportunity site consultation

In June 2010 this site was identified as one of Council's 24 opportunity sites. Planning staff identified that the site could accommodate increased development potential. Planning changes proposed for this site were:

	WLEP 95	Opportunity site proposal
Zone	2(b) Residential	B4 Mixed Use
FSR	0.875:1	4.8:1
Height	9.5m	24.9m (part 6-7 storeys)

The issues raised during the consultation included impacts on views, noise, traffic, loss of property values and parking. Having regard to the submissions on view impacts, staff recognised that the proposal required further consideration. An assessment of the issues raised in the submissions is included in **Annexure 3: Review of the Planning Proposal**.

GSA Planning has sought to address the key issue of view loss in the planning proposal. This was achieved by reducing the overall height and FSR from that which was proposed in the opportunity site process.

We have not notified those residents who made a submission to the opportunity site consultation in 2010 for the following reasons:

1. Their submissions related to a previous proposal, and
2. They will be notified when the planning proposal is placed on public exhibition, and they will have the opportunity to make comments on the amended controls.

4.3 Amendments to the proposed FSR and height controls

Height

The applicant proposes a maximum building height of 18m across the site. A height of 18m would facilitate a 5-6 storey residential flat building, a scale generally in keeping with neighbouring buildings.

However, due to the sloping nature of the site and the potential impacts on views, we recommend that a second height limit of 14m is also applied to the site. Second height limits apply at the highest part of the site, which for this site would be the south-western corner adjoining New South Head Road. A second height limit of 14m would restrict the built form to provide certainty that the building can extend to a height no greater than indicated in the view analysis.

Floor space ratio

The applicant proposes an FSR of 4.09:1 for the site, based on a 5 storey residential flat building with 100% site coverage. We do not support an FSR of 4.09:1.

Instead, we have looked at the principles of *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development* (SEPP 65) which aim to improve the design quality of residential flat development in New South Wales. SEPP 65 recommends that a well designed building should be articulated and fill no more than 80% of the overall building envelope. We have taken this approach in determining the maximum FSR for the site. Applying a figure of 80% results in an FSR of 4:1.

In summary, our recommendations are as follows:

	WLEP 95	Planning proposal	Recommendation
FSR	0.875:1	4.09:1	4.1
Height	9.5m	18m	18m
Second height limit	—	—	14m

4.4 View analysis for public exhibition

A key issue associated with this planning proposal is the potential impact on views from neighbouring buildings to the south of the site. In order to assist with an assessment of the potential view impacts, GSA Planning submitted a view analysis as an addendum to the planning proposal (see **Annexure 2**).

Having reviewed this view analysis we are satisfied that the planning proposal has sufficient merit to be placed on public exhibition for comment. Whilst the overall scale and bulk of the building envelope contained in this planning proposal may have impacts on views, these impacts appear to be minor. The view analysis will form part of the planning proposal placed on exhibition to provide information for the community to assess the potential impacts on their properties and make a submission to Council for our further consideration.

4.5 Additional information to be submitted

Section 55(2) of the Act outlines the components a planning proposal must contain. The planning proposal submitted by GSA Planning has generally been prepared in accordance with the Act. However, there are certain components that have not been addressed or do not contain sufficient information to submit the planning proposal for a gateway determination.

The additional information that must be included in the planning proposal relate to:

- the proposed community consultation including which public agencies should be consulted,
- the indicative project timeline, and
- four maps identifying the current and proposed FSR and height controls.

These matters are all addressed in **Annexure 3: Review of the planning proposal for 240 New South Head Road, Edgecliff**.

5. Options for proceeding

Council has three options for proceeding with this planning proposal:

Option 1: Forward the planning proposal as submitted by GSA Planning to the DPI requesting a gateway determination.

Option 2: Forward the planning proposal subject to amendments to height, FSR and various other matters identified in Annexure 3 to the DPI requesting a gateway for determination. This is our preferred approach.

For options 1 and 2 above, Council will forward the planning proposal to the DPI requesting a gateway determination under section 58(2) of the Act. A gateway determination will then be issued by the Minister specifying whether the planning proposal is to proceed and if so, in what circumstances. The gateway determination will confirm the information and consultation required before the planning proposal can be placed on public exhibition.

Under section 59 of the Act, if a planning proposal is of local significance Council can seek the delegation of the plan-making steps. This planning proposal is considered to have local significance only, and we would seek the delegation of the plan-making steps under section 59 of the Act. This delegation will be to the position of General Manager, and sub-delegated to the position of Director Planning and Development, as per Council's resolution of 29 November 2012. Delegation of a planning proposal removes duplication and streamlines the plan-making process.

Option 3: Notify the applicant that the planning proposal is not supported.

In the event that Council does not support the planning proposal or does not indicate its support within 90 days, the applicant can ask the DPI's Regional Panel to prepare an independent review of the strategic merit of the planning proposal. This is not our recommended approach as it removes our ability to consider this matter at the local level.

6. Identification of income

When a planning proposal is not initiated by Council, under section 11 of the *Environmental Planning and Assessment Regulation 2000* (the Regulations) we can request payment of all costs and expenses incurred in relation to the planning proposal. Council's hourly cost of \$233.65 is set out in the Delivery Program 2013-2017 and Operation Plan 2013-2014. We recommend that the applicant is responsible for all costs associated with the planning proposal.

7. Conclusion

In principle this planning proposal has merit and, subject to amendments, we recommend that Council forwards the planning proposal for 240 New South Head Road, Edgecliff to the Minister for Planning requesting a gateway determination so that it can be placed on public exhibition for comment.

As this matter is of local significance, we recommend seeking delegation of the plan-making steps under section 59 of the Act.

If the gateway determination recommends that the planning proposal proceeds, it should be exhibited for a minimum of 28 days in accordance with the Act and any conditions imposed by the gateway.

Submissions to the exhibition will be reported to the Urban Planning Committee for Council's further consideration.

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Allan Coker
Director Planning and Development

Annexures

1. Planning proposal for No. 240 New South Head Road, Edgecliff *prepared by GSA Planning, April 2013*
2. Addendum to planning proposal - View analysis *prepared by GSA Planning, November 2013*
3. Review of the planning proposal for 240 New South Head Road, Edgecliff



Urban Planning Committee

Annexures

Agenda: *Urban Planning Committee*

Date: *Monday 16 December 2013*

Time: *6.00pm*

Item: *R1 – Planning Proposal for 240
New South Head Road, Edgecliff*



PLANNING PROPOSAL

To amend the height and FSR development standards for

**No. 240 New South Head Road,
Edgecliff**

Prepared for:
Mr Peter Thane
PO Box 76
Edgecliff NSW 2027

Prepared by:
GSA PLANNING
Urban Design, Environmental & Traffic Planners
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JOB NO. 12169
April 2013

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1.0 INTRODUCTION

This Planning Proposal has been prepared for Mr Peter Thane by Gary Shiels & Associates Pty Ltd – (hereafter referred to as GSA Planning). GSA Planning has expertise in Town Planning, Urban Design, Environmental & Traffic Planning.

This Planning Proposal is for the property known as the “Thane Building” at No. 240 New South Head Road, Edgecliff, legally described as Lot 4 in DP 431756 (hereafter referred to as the “subject site”).

This Planning Proposal is to amend the Woollahra Local Environmental Plan (LEP) 1995 and has been prepared in accordance with the NSW Department of Planning and Infrastructure's *“A Guide to Preparing Planning proposals”*.

The planning proposal is for a scheduled change to the provisions of Clauses 11 and 12 in the LEP to allow an increase in the height and floor space ratio (FR) for the subject site. It is proposed to increase the maximum FSR from 0.875:1 to 4.09:1 and an increase the maximum building height from 9.5m to 18m.

The Thane Building is two (2) storeys with upper level office area and a basement commercial area which does not address its gateway location. The existing building also has an inactive and poor streetscape appearance.

The subject site adjoins a luxury eight (8) storey apartment building with frontage to New South Head Road. This building was not considered an opportunity site as it was already approved for eight (8) storeys.

The proposed density for the subject site would provide opportunities to increase residential accommodation in the locality and result in a built form that addresses the prominent location and is in context with surrounding development.

In 2010, Woollahra Council acknowledged potential 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.

The subject site was identified as an opportunity to increase the development potential by increasing the maximum building height and FSR. In June 2010, Council proposed a change in zoning to B4 Mixed Use with an FSR of 4.8:1 and a height of 24.9m.

This Planning Proposal does not include a change to the current 2(b) Residential zoning as it is the proponent's intention to redevelop the subject site for medium density residential. However, a change in planning controls is proposed, in accordance with Council's opportunity site proposal for FSR. Our proposed height of 18m is 25%+ lower than Council's previous proposal. This planning is the equivalent of two (2) storeys less than the original proposal by Woollahra Council.

This document is divided into ten (10) sections. Section 2 contains a site analysis, Section 3 outlines the statutory context, Section 4 contains the details of the Planning Proposal, Section 5 contains a justification, Section 6 assesses the proposal against the NSW DoPI Guidelines, Section 7 assesses the consistency of the Planning Proposal against the relevant Section 117 Directions, Section 8 addresses the Environmental, Social and Economic impacts of the proposal, Section 9 considers any state and commonwealth interests and Section 10 concludes the report.



Source: NSW Land and Property Information



The Subject Site



Not to Scale

Figure 2: Aerial Photograph

2.2 Existing Built Form

The subject site is occupied by a two (2) storey commercial building known as the Thane Building. The basement level is occupied by a new and used car sales showroom. The Thane Building has been owned by the Thane family for over 100 years. While the building has recently undergone re-painting, it is nearing the end of its economic life (see Photographs 1, 2 and 3). The Thane Building is built to all boundaries and, therefore, the site does not contain any landscaping.

**Photograph 1:** The Subject Site, as viewed from New South Head Road.



Photograph 2: The Subject Site, as viewed from New South Head Road.



Photograph 3: The Subject Site, as viewed from the rear.

2.3 Access

Pedestrian access is via a door on the New South Head Road frontage from the footpath (see Photograph 1).

Vehicular access to this site is from an entrance on New South Head Road and a right of carriageway off Ocean Avenue, which is shared with No. 4 Ocean Avenue, Nos. 218-228 New South Head Road and Nos. 230-238 New South Head Road (see Photograph 4).



Photograph 4: Shared Right of Way

2.4 The Surrounds

Development in the surrounding area comprises predominantly medium to high density residential development, the Edgecliff Centre, the Double Bay Town Centre and retail and commercial activities. In particular, the Edgecliff Centre has a bus/rail interchange, taxi rank, a wide range of shopping outlets and a medical centre. Some educational and community uses area also located in the surrounding area (see Figures 3 and 4).



Source: Bing Maps

Figure 3: The Immediate Surrounds



Not to Scale



Source: NSW Land and Property Information

Figure 4: The Wider Surrounds

Not to Scale

Development to the North

To the north of the site at No. 248 New South Head Road is a seven (7) storey residential flat building with four (4) storeys below the car park (see Photograph 5). This site has driveway access from New South Head Road leading to four (4) single car garages, four (4) visitor spaces and basement car parking for eleven (11) vehicles. Further to the north are multi-level residential flat buildings and some dwellings.

**Photograph 5: Residential flat building to the north at No. 248 New South Head Road**

Development to the East

To the east is the driveway access to No. 248 New South Head Road. Further to the east, on the northern and southern sides of New South Head Road are multi-level residential flat buildings and the Double Bay Town Centre.



Photograph 6: Residential flat buildings to the east along New South Head Road

Development to the South

To the south, on the opposite of New South Head Road at No. 289 New South Head Road, is a four (4) storey commercial building that has an equivalent height to a six (6) storey building with basement car parking (see Photograph 7). This site also contains a three storey commercial structure over the Edgecliff Centre bus way, which is accessed from Edgecliff Road. Also to the south is Nos. 297-299 New South Head Road, which is a three (3) storey commercial building which has an equivalent height to a six (6) storey building (see Photograph 8). Further to the south are multi-level residential flat buildings (see Figure 4).



Photograph 7: Development to the south Nos. 289 New South Head Road.



Photograph 8: Development to the south Nos. 297-299 New South Head Road.

Development to the West

To the west at Nos. 230-238 New South Head Road, is a newly refurbished seven (7) storey residential flat building with two levels of basement car parking accessed from Ocean Avenue and New South Head Road. This site was formerly occupied by the Metro Hotel and is now the "East" building. The refurbished building is now a luxury residential dwellings above with a northerly aspect (see Photograph 9).



Photograph 9: Development to the west Nos. 220-238 New South Head Road.

Further west, on the corner of New South Head Road and Ocean Avenue at No. 220 New South Head Road, facing New South Head Road, is a five (5) storey mixed use building with retail on the ground floor and residential above.

To the south west is the Edgecliff Centre and Edgecliff Rail and Bus Interchange. The Edgecliff Centre offers a wide range of retail outlets and commercial services.

2.5 The Surrounding Road and Rail Network

2.5.1 The Surrounding Roads

The subject site has a southern frontage to New South Head Road and vehicular access with a shared right of way from Ocean Avenue (see Photograph 10). New South Head Road, in the vicinity of the subject site, is a five lane carriageway with two lanes of traffic heading east and three lanes heading west. Ocean Avenue is a four lane road carrying two way traffic in a north south direction. Two lanes of parking are located on each side of the road.

New South Head Road is RMS classified as a regional road, which carries traffic between Sydney's CBD and Vaucluse. Ocean Avenue is classified as a local Road.



Photograph 10: Residential flat building and the Edgecliff Centre.

2.5.2 Railway

The subject site is 150m to the north east of Edgecliff Railway Station. Edgecliff is serviced by the Eastern Suburbs and Illawarra Line, which operates regular and frequent services between Bondi Junction, the CBD, Central and Southern Sydney.

3.0 STRATEGIC CONTEXT

This section will assess the suitability of the site in strategic terms with reference to the Council's opportunity sites.

3.1 Background to Opportunity Sites

In 2010, Woollahra Council acknowledged potential to change the planning controls to increase dwelling capacity across the Woollahra Local Government Area (LGA). Council identified 24 "opportunity" sites, which would assist in meeting housing targets set by the NSW Government in the Sydney Metropolitan Strategy and the Draft East Subregional Strategy. The "opportunity sites" were to provide increased development potential and were estimated to yield 1,000 new dwellings.

The opportunity sites were identified following critical planning analysis of all land within the Woollahra LGA. These sites are able to provide a balance between protecting character and providing for increased housing opportunities. The subject site is close to a key nodal point, Edgecliff and Double Bay.

Council's strategy to increase development potential in and around the transport nodes and shopping centres is consistent with good planning practice and promotes sustainable and transport oriented development. Importantly, it also helps protect the character and amenity of Woollahra's low density residential areas by limiting the need for significant change to the planning controls in these areas.

The subject site was identified as an opportunity to increase the development potential by increasing the maximum building height and FSR.

3.2 The Thane Building in Context

The subject site as an opportunity site is ideally located and is potentially an "Eastern Gateway". The subject site is prominently located on the New South Head Road corridor between Rushcutters Bay and Double Bay. The site is the gateway to the Double Bay centre and is in close proximity to the Edgecliff Centre.

The Thane Building poorly addresses New South Head Road and provides no weather protection for pedestrians. Council previously proposed a change in zoning to B4 Mixed Use with an increase in FSR to 4.8:1 and a height to 24.9m for the subject site. This would have resulted in an estimated approximate yield of 35-40 one (1) bedroom dwellings. The key justifications for the planning control changes contained in the Council's Report, dated June 2010, are stated, inter alia:

Key justifications for planning changes:

- Increasing density at within 400m of Edgecliff Centre is consistent with the well-established best planning practice of increasing development potential in centres to promote more sustainable and public transport oriented development.
- Urban design analysis (including overshadowing and view analysis) undertaken by consultants demonstrates that increased height and floor space ratio can be reasonably accommodated on this site.

Council undertook 3D modelling as an example of how the site could be developed under the proposed controls. Council's indicative 3D model anticipates a seven (7) storey mixed use development, depending on the site topography (see Figures 5-9).



Figure 5: Council Photomontage of the 3D model, looking east from the corner of Ocean Street and New South Head Road



Figure 6: Aerial view from the Eastpoint Tower, Level 14 to Double Bay



Figure 7: View from New South Head Road looking west



Figure 8: View from Edgecliff Road



Figure 9: Aerial view looking south towards the Edgecliff Centre

This planning proposal is to amend the LEP to allow an increase in the FSR to 4.09:1 and the height to 18m. While Council envisaged a six (6) and seven (7) storey building on the site, concept drawings, prepared by Simmons Architects, propose a five (5) storey building. We note that while the proposal is for an overall height of 18m, the subject land falls significantly from west to east and the concept drawings respond to the site's topography. Along the street (southern) frontage, the building height is 13.8m in the western corner and rises to 18m in the eastern corner. Our proposed concept is also lower than Council's proposal and results in a reduced bulk and scale on the site. The proposed concept will also reduce amenity impacts when compared to a six and seven storey built form in Council's modelling.

Council resolved to defer consideration of the proposed planning control changes for the opportunity sites. However, in our opinion, now is an excellent opportunity to change the planning control changes on the subject site to provide additional dwellings and meet targets. This would result in a better planning outcome for the site and is a more efficient and economic use of the land.

4.0 STATUTORY CONTEXT

4.1 Woollahra Local Environmental Plan 1995

The Woollahra Local Environmental Plan (LEP) 1995 was gazetted on 10 March 1995 and applies to the subject site. The current zoning of the subject site is Residential 2(b) (see Figure 10). The site is not listed as a heritage item or within a heritage conservation area.

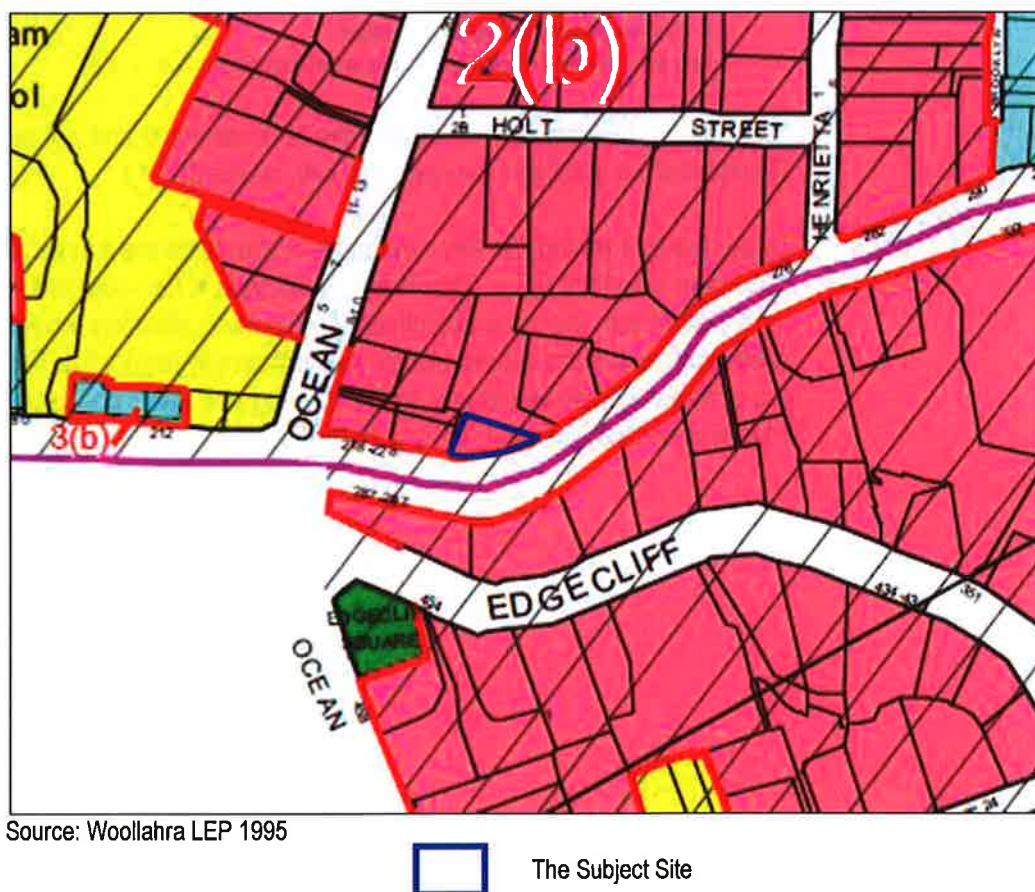


Figure 10: Extract from Woollahra LEP Zoning Map

Clause 8 of the LEP contains the objectives of the Residential 2(b) zone. The relevant objectives are stated, inter alia:

- (a) to provide for areas of medium and high density residential development in appropriate locations,
- (b) to encourage a diversity of dwelling types and tenure,
- (c) to allow non-residential development of low intensity which is compatible with the residential character and amenity of the locality,

The relevant LEP objectives encourage medium and high density residential uses as well as some non-residential uses.

Clause 8 also contains the permissible and prohibited uses for the Residential 2(b) zone, which are stated, inter alia:

"4 Development which may be carried out without development consent

Development for the purpose of:

Drainage; home occupations carried on in dwelling-houses; roads.

5 Development which may be carried out only with development consent

Development for the purpose of:

Bed and breakfast accommodation; boarding houses; child care centres; dwelling-houses; home industries; home occupations carried on in residential flat buildings; hospitals; parks and gardens; medical consulting rooms; residential flat buildings; utility installations (other than gas holders or generating works); works to enable public pedestrian access to and along Sydney Harbour foreshore.

6 Development which is prohibited

Any development other than development included in Item 4 or 5."

The existing building on the subject site is commercial and not permissible in the zone. Residential flat buildings are permitted with consent.

Under the 2(b) zoning, the key development standards are a maximum FSR of 0.875:1 and maximum height of 9.5m. The Thane Building is a non-conforming commercial use and inconsistent with the zone objectives. The existing planning provisions do not encourage redevelopment of the subject site for medium density residential. The continued operation of the commercial use would rely on the existing use rights provisions of the Environmental Planning and Assessment (EP&A) Act 1979.

5.0 PLANNING PROPOSAL

This section has been prepared in accordance with the NSW Department of Planning and Infrastructure's, "A guide to preparing Planning Proposals" and "A guide to preparing Local Environmental Plans". This Section includes: a Background to the Planning Proposal; the Objectives and Intended Outcomes; and an Explanation of the Planning Provisions.

5.1 Background to the Planning Proposal

From **8 June 2010 to 31 July 2010**, Woollahra Council undertook a community consultation process and publically exhibited the opportunity sites. As discussed in Section 3.2, Council proposed a change in zoning to B4 Mixed Use with an FSR of 4.8:1 and a height of 24.9 for the subject site.

On **30 July 2010**, on behalf of the owners of the subject site, GSA Planning prepared a submission in support Council's initiative to rezone the site as part of the Eastern Gateway and increase its development potential. The submission contained a number of planning reasons to support the Eastern Gateway status and the proposed rezoning and planning control changes. The reasons included the following:

1. Proximity to shopping Centres and Public Transport;
2. Provision of additional housing in accordance with Local and State planning Strategies;
3. Out-dated Nature of Existing Controls;
4. Character and Context; and,
5. Negligible Development Impacts on Amenity and Streetscape.

On **16 October 2012**, a meeting was held with Council's senior planning staff to discuss a proposal for a new five (5) storey residential development on the subject site.

At that meeting, Council Officers advised that their expectation is that any redevelopment of the site would better address the gateway location and prominently mark the entry to Double Bay.

The owner advised that they intend to develop the site for residential purposes; however the planning controls do not provide any incentive for redevelopment. Council Officers advised that a planning proposal should be submitted to increase the density on the subject site. This Planning Proposal supports the owner's intention to redevelop the subject site for a residential development, which would otherwise exceed the existing development standards.

5.2 Objectives or Intended Outcomes

This section sets out the objectives or intended outcomes of the planning proposal and comprises a statement of what is planned to be achieved, not how it is to be achieved.

The objective of this Planning Proposal is to provide for medium to high density residential development in an appropriate location.

The intended outcome is to increase the density on the subject site to provide opportunities for additional dwellings, in accordance with Council's opportunity sites and housing targets set by the NSW State Government.

By increasing the maximum height and FSR, the development potential of the site and housing opportunities also increase. Increased densities around business centres and transport nodes, particularly Edgecliff and Double Bay, is consistent with good planning practice and promotes more sustainable and transport oriented development.

5.3 The Planning Proposal

This planning proposal is to change the provisions of Clauses 11 and 12 in the schedule of the LEP to allow an increase in the FSR and height for the subject site. It is proposed to increase the maximum FSR from 0.875:1 to 4.09:1 and increase the maximum building height from 9.5m to 18m at the site.

5.4 Explanation of Proposed Provisions

The section provides an explanation of how the objectives or intended outcomes are to be achieved by means of new controls on development imposed through an LEP amendment.

This Planning Proposal requests that Clause 11 Floor Space Ratios and Clause 12 Height of Buildings of the Woollahra LEP 1995 be amended to include additional clauses.

The Planning Proposal requests that Clause 11 be amended to include the following additional clause:

(3D) Despite subclause (1), the floor space ratio of any building or buildings erected or proposed to be erected on 240-246 New South Head Road, Edgecliff may exceed the floor space ratio provided on the density map in respect of the property if:

- (a) the floor space ratio of the building or buildings does not exceed 4.09:1, and
- (b) the Council consents to the building or buildings having the floor space ratio.

The Planning Proposal requests that Clause 12 be amended to include the following additional clause:

(4) Despite subclause (1), the floor space ratio of any building or buildings erected or proposed to be erected on 240-246 New South Head Road, Edgecliff may exceed the floor space ratio provided on the density map in respect of the property if:

- (a) the height of the building or buildings does not exceed 18m, and
- (b) the Council consents to the building or buildings having the height.

A justification for the proposed planning control changes is provided in Section 6.0 of this report.

6.0 JUSTIFICATION

In our opinion, there are five compelling reasons to amend the LEP 1995. These reasons, and our planning justification of each, are as follows.

6.1 Proximity to Centres, Transport and Infrastructure

The subject site is within 150 metres of the Edgecliff Centre, which includes commercial and retail tenancies together with medical centres and other facilities. The Edgecliff 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 also provides several bus services to the CBD, and includes a number of bus routes.

The Thane Building is also within 650 metres of Double Bay Town Centre to the east. The Double Bay Centre consists of retail and commercial tenancies, restaurants, hotels, bars and other local services. Double Bay is serviced by several bus routes along New South Head Road to the CBD, including Route Nos. 324, 325 and 327.

Given the proximity of the subject site to services and public transport, increased density would positively contribute to the Woollahra LGA and provide the opportunity for residents to work closer to home. Medium to high density residential development on the subject site would be 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.

6.2 Character and Context

New South Head Road and the surrounding the subject site is characterised by medium and high density mixed use and residential development. In the immediate vicinity of the subject site there is an existing six (6) storey building over car parking at No. 228 New South Head Road and a seven (7) or eight (8) storey development over two levels of car parking adjoining the site at Nos. 230-238 New South Head Road. These two buildings address the corner site and contribute to the creation of the Eastern Gateway. In the surrounding area, buildings range between six (6) and twenty storeys (see Figure 11). The proposed height will be in context with, and generally lower than, the surrounding development (see Figure 12).

Council's previews rezoning and indicative 3D model anticipates a six (6) and seven (7) storey mixed use development, depending on the site topography, to be located on the subject site (see Figure 3 on page 14). This form of development would change from a low density commercial to medium density mixed use to provide a development that is in context with the adjoining six (6) storey building and surrounding multi storey building.

A preliminary concept design prepared by Simmons Architects demonstrates what could reasonably be built on the site under the proposed planning controls (Figures 12 and 13). The concept drawings indicate a built form of five storeys, which is two levels or 6.9m lower than Council's previously proposed building.

The concept drawings also demonstrate that the proposed height will provide a built form that is consistent in the streetscape and will provide an opportunity to complete the eastern gateway site and better address New South Head Road (see Figure 13). Accordingly, the proposed height limit on the subject site is considered appropriate as it will provide a redevelopment that is in context with the surrounding buildings.



Figure 11: Number of Storeys of Surrounding Buildings



Figure 12: Indicative Concept



Figure 13: Indicative Concept

6.3 Provision of Additional Dwellings in Accordance with Local and State Planning Strategies

The Sydney Metropolitan Strategy *City of Cities: A Plan for Sydney's Future* was released in December 2005. The Metropolitan Plan 2036 draws on the strengths and principles of the 2005 Metropolitan Strategy. It is a single integrated Metropolitan Plan for Sydney 2036 and incorporates the Sydney Metropolitan Transport 2010.

The Metropolitan Plan for Sydney 2036 estimates that Sydney's population is expected to grow 1.7 million people between 2006 and 2036 to 6 million people. While Sydney's population is growing, the average household size is falling, creating demand for more smaller, and more affordable, homes. As a result, Sydney will need 770,000 additional homes by 2036 - a 46 per cent 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. The relevant objectives of the Housing Strategic Direction are stated, inter alia:

- D1. To ensure an adequate supply of land and sites for residential development;
- D2. To produce housing that suit 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 in close proximity to employment generating uses, local services and transport. Given the location of the site, a higher density for residential development is consistent with the aims of the Metropolitan Strategy.

The Draft East Subregional Strategy deconstructs the Metropolitan Strategy at the local level and applies to the Woollahra LGA. Two key elements of the Subregional Strategy is the provision of additional dwellings and increasing opportunities for new jobs. The Metropolitan Strategy has 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 an important Town Centre, 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 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 Thane Building would permit the site to increase the provision of housing. Based on the opportunities site report, the subject site could provide a potential approximate net yield of 19 additional dwellings to meet the targets of the Strategy. An increase in maximum FSR and height on the subject site will provide opportunities to meet its target net yield.

Although Council is no longer pursuing the opportunity sites, a lower density and a reduction in dwellings may be a more likely result for the Edgecliff Centre in the future. Given the constraints of the Edgecliff Centre, the subject site is well placed, if not better placed, to absorb some additional density. Accordingly, the Planning Proposal is consistent with the objectives of the Metropolitan Strategy and the initiatives of the Subregional Strategy.

6.4 Out-dated Nature of Existing Planning Controls

The site is currently zoned 2(b) Residential and does not permit commercial buildings. As the site is occupied by a commercial building, the existing use clearly presents an inconsistent situation.

The LEP also prescribes a maximum FSR of 0.875:1 and height of 9.5m for the site. The existing commercial building on the site has a maximum height of approximately 6m (two storeys) and an FSR of approximately 1.86:1.

The existing zoning and planning controls do not reflect the existing development on the site and are inappropriate for the desired future character of the Double Bay Precinct and Eastern Gateway, which aim to provide an appropriate urban density. Increased density on the subject site will provide a built form that will contribute to the desired future character of the area.

In addition, the existing building presents as an unarticulated structure when viewed from the street and is in need of redevelopment. Increased height and FSR will provide an incentive to redevelop the site and provide a building that makes a statement in this prominent location at the Gateway to Double Bay and Edgecliff. Any redevelopment of the site would be designed in accordance with SEPP No. 65 and BASIX, which would result in a significant improvement in the appearance and environmental performance of the building.

6.5 Impacts on Amenity and Streetscape

The indicative concept proposed by Council in the Opportunity Sites Report has increased the density on site to match the adjoining six (6), five (5) and seven (7) storey buildings facing New South Head Road, while maintaining the existing building footprint. The proposed five storeys built form on the subject site will be lower than Council's proposed building and will provide an appropriate contextual fit in the locality.

The existing building does not have any heritage or conservation value. It is an out-dated building that provides no visual interest in the streetscape. The Planning Proposal would provide opportunities to mark the Eastern Gateway and improve the street scape appearance.

The subject site is located on the lower side of New South Head Road and is opposite a six (6) storey commercial building at Nos. 287-289 Edgecliff Road. For this reason, there is not expected to be any impacts on view or sunlight access on this property. These will now be discussed.

6.5.1 View Assessment

Views to and from the site are constrained by the topography, the existing vegetation and the built elements in the immediate area. These include substantial trees and commercial and mixed use buildings in the vicinity of the site.

The buildings immediately to the south are commercial buildings. The residential buildings further to south, on Edgecliff Road, are elevated well above the subject site. The north facing windows of these buildings have northerly and north easterly views towards Double Bay. Based on a five storey built form on the subject site, and the elevated nature of the buildings to the south, there is not likely to be any view impact.

A full view analysis would be undertaken at the Development application stage and this would include an assessment under the view sharing principles of Tenacity Consulting v Warringah Council [2004] NSWLEC 140.

6.5.2 Shadow Assessment

Simmons Architects have undertaken an urban design analysis for overshadowing, which demonstrates that increased height and FSR can be reasonably accommodated on the subject site.

Shadow diagrams prepared by Council's consultants indicate the shadow cast by the existing building at 9am, noon and 3pm. Shadow diagrams prepared by Simmons Architects for 9am, noon and 3pm indicate that the additional shadow, as a result of the proposed concept, will be cast over New South Head Road and the commercial buildings to the south only (see Figure 14). North facing windows of residential developments will not be impacted on. Any redevelopment on the site will be designed in accordance with SEPP 65, ensuring that distances and treatments of windows and balconies will protect the privacy of surrounding residences.



Shadow Diagrams: Existing Building



Shadow Diagrams: 3D Model under the Proposed Controls

Figure 14: Shadow Diagrams

7.0 NEED FOR THE PLANNING PROPOSAL

The section will address the first consideration of the DoPI Guidelines for preparing Planning Proposals, which deals with the need for the planning proposal.

In accordance with the DoPI Guidelines, this section will outline how the planning proposal has come about, why the planning proposal is the best means of achieving the objectives stated above and will consider whether there is a likely community benefit.

7.1 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, being the "Eastern Gateway" to the Double Bay Centre and Edgecliff Centre.

The Report proposed a change in zoning to B4 Mixed Use with an FSR of 4.8:1 and a height of 24.9 for the subject site. This would have resulted in an estimated net yield of 35 additional dwellings. The key justifications for the planning control changes contained in the Report included 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 is discussed in detail in Section 3.2 of this report.

7.2 Is the planning proposal the best means of achieving the objectives or intended outcomes?

Yes. This Planning Proposal is the best means of achieving the outcomes stated in section 5.2. A Planning Proposal is needed to change the maximum allowable height and FSR on the site to increase the development potential of the site. This is consistent with the Council's opportunity site investigation and would allow additional dwellings near transport and centres.

This approach has been discussed with Council and I supported by Planning Officers. Accordingly, in consultation with Council, a Planning Proposal was considered the most appropriate way of achieving the intended outcome.

8.0 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

The section will address the second consideration of the DoPI Guidelines for preparing Planning Proposals, which deals with whether the proposal is consistent with the strategic planning framework that is relevant to the subject site, including the Metropolitan Strategy, Draft East Subregional Strategy, the Woollahra LEP 1995, State Regional Planning Policies and the s. 117 Ministerial Directions.

8.1 Is the planning proposal consistent with the applicable sub-regional strategy?

The Planning Proposal is consistent with the objectives of the Sydney Metropolitan Strategy 2036 and the initiatives of the Draft East Subregional Strategy. This has been discussed in detail in Section 6.3 of this report.

8.2 Is the planning proposal consistent with Council's local strategic plan?

The Woollahra Community Strategic Plan 2010 to 2025 Woollahra 2025 is a 15 year plan for the Woollahra 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.

One of the key themes of the Plan to provide for quality places and spaces housing 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 a variety of housing options within close proximity to the services, facilities and transport at the Double Bay and Edgecliff centres. In our opinion, the Planning Proposal is consistent with the Community Strategic Plan.

8.3 Is the planning proposal consistent with applicable SEPPs?

The relevant State Environmental Planning Policies (SEPPs) are identified and a response to each is provided as follows.

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

This SEPP was gazetted on 15 November 2011 and aims to promote the orderly and economic use and development of land by enabling urban land which is no longer required for the purpose for which it is currently zoned or used to be redeveloped for multi-unit housing. This policy of urban consolidation will promote social and economic welfare by enabling the location of housing in areas where there are existing public infra-structure, transport and community facilities and by increasing opportunities for people to live in a locality that is close to employment, leisure and other opportunities.

The Thane Building is nearing the end of its economic life and is no longer needed for its current commercial uses. The subject site is located in a medium to high density area in close proximity to Double Bay Town Centre and the Edgecliff Centre and transport interchange.

The subject site is well located in an area where there is existing public infrastructure, transport and community facilities as well as employment and leisure opportunities. In our opinion, the subject site is perfectly located for urban consolidation and the planning proposal is consistent with the aims of the SEPP.

The objectives of the SEPP and a response to each is provided as follows:

- (a) To ensure that urban land suitable for multi-unit housing and related development is made available for that development in a timely manner.

Response: The location and characteristics of the subject site are suitable for urban development and the planning proposal to increase the development potential will ensure that new residential accommodation is provided in a timely manner.

- (b) To ensure that any redevelopment of urban land for multi-unit housing and related development will result in:
 - i) an increase in the availability of housing within a particular locality,
 - ii) a greater diversity of housing types within a particular locality to meet the demand generated by changing demographic and household needs, and

Response: Redevelopment of the subject site at a higher density will provide opportunities to increase accommodation in close proximity to transport and centres. A multi-unit development on the subject site will have a potential yield of approximately 19 dwellings with a greater unit mix to meet demand and household needs.

Accordingly, the Planning Proposal is consistent with the aims and objectives of the SEPP as it provides opportunities for a diversity of housing types in a well serviced locality to meet the demands of the community.

8.3.2 SEPP No. 55 – Remediation of Contaminated Land

The aim of this SEPP is to promote remediation of contaminated land and reduce the risk of harm to human health or any other aspect of the environment. The SEPP requires a consent authority to consider whether the land is contaminated in assessing a development application.

Although a preliminary contamination assessment has not yet been undertaken, anecdotal evidence from the owner indicates that the site has been used for commercial and office purposes for a number of years. Accordingly, based on the previous uses, it is unlikely that the site is contaminated.

8.3.3 Summary of SEPPs

In summary, the Planning Proposal is considered to be consistent with the aims and objectives of SEPP No. 32—Urban Consolidation (Redevelopment of Urban Land) and SEPP No. 55 – Remediation of Contaminated Land for the reasons stated above.

8.4 Is the planning proposal consistent with applicable s.117 Directions?

Section 117 Directions are made by the Minister for Planning and are to be considered as a component of making a Local Environmental Plan. All Planning Proposals are required to identify relevant Section 117 Directions and consider whether the proposal is consistent with the relevant directions.

The Section 117 Direction that applies to this Planning Proposal is Direction 3.1 – Residential Zones. The aim of the Direction is for Planning Proposals to encourage the provision of housing that will:

- Broaden the choice of building types and locations available in the housing market;
- Make more efficient use of existing infrastructure and services;
- Reduce the consumption of land for housing and associated urban development on the urban fringe; and,
- Be of good design.

The Planning Proposal for a higher density on the subject site is consistent with the above aims for the following reasons. Firstly, residential redevelopment could yield 19 additional dwellings, with opportunities for a mix of housing types to satisfy market demand. Secondly, the proposal is located close to existing services, facilities and transport in Double Bay and Edgecliff. The subject site is located in an established built up area and will not reduce land on the urban fringe. Finally, future redevelopment of the site would be of good design and would be consistent with SEPP No. 65, as well as Council's LEP and Development Control Plans.

Accordingly, the Planning Proposal is considered to be consistent with the aims and objectives of Direction 3.1 – Residential Zones for the reasons stated above.

9.0 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

The section will address the third consideration of the DoPI Guidelines for preparing Planning Proposals, which deals with whether there is likely to be any adverse impact on critical habitats, threatened species populations, ecological communities, whether there will be any other environmental impacts resulting from the proposal and how the Planning Proposal addresses social or economic impacts.

9.1 Is there any likelihood of environmental or ecological impact?

Based on a review of Council's website and the Department of Environment and Heritage Atlas of NSW Wildlife, it is our understanding that there are no critical habitat areas, no threatened species, populations, ecological communities or their habitats present on the subject land. Accordingly the proposal will not have any impact in this regard.

9.2 Are there any other likely environmental effects?

There are not likely to be any other environmental effects as a result of the planning proposal. Environmental impacts, including air quality, heritage, traffic and visual impacts, will now be discussed.

9.2.1 Air Quality

The Planning Proposal does not propose any activities that would have a detrimental effect on air quality. Future development applications would be required to implement all reasonable and feasible measures to minimise dust generated, in accordance with the regulations.

9.2.2 Heritage

The subject site does not contain any heritage items, and is not in a conservation area. However, the site is in the vicinity of a heritage item, being the post office, at Nos. 287-289 New South Head Road, Edgecliff. Any future redevelopment of the site will be subject to the heritage provisions contained in the LEP 1995 and DCP.

9.2.3 Traffic and Parking

In accordance with the Woollahra Residential DCP 2003, car parking is to be provided at a rate of 1 space per 1 bedroom, 1.5 spaces per 2 bedroom, 2 spaces per 3 bedroom apartment, and 0.25 visitor spaces per apartment, rounded up to nearest whole number. No parking rate is provided for studio apartments because studio apartments do not typically generate a high parking demand.

The concept design prepared by Simmons Architects provides nine x studios, five x 1 bedroom apartments and six x 2 bedroom apartments. This unit mix would require a total of 19 car parking spaces, including 5 visitor spaces. The concept design provides 18 car parking spaces over two basement levels and, in our opinion, satisfies the parking demand. This is due to the very close proximity of public transport options. In addition, kerb-side car parking is available in the surrounding streets and is likely to accommodate visitors over and above visitor parking provision within the development. The concept design also provides sufficient bicycle parking.

The *RTA Guide to Traffic Generating Developments* (2002) has been used to calculate the traffic likely to be generated by redevelopment of the site for 15 dwellings in accordance with the proposed concept design. The RTA Guide contains traffic generation rates for various types of uses and provides rates in terms of daily vehicle trips (DVTs) and peak hour trips.

The RTA Guide provides traffic generation rates for high density residential flat buildings. The RTA guide defines a high density residential flat building as a multi-level building containing 20 or more dwellings. These buildings are usually more than five levels, have secure basement level car parking and are located in close proximity to public transport services. As the proposed concept design comprises 20 units over five storeys, the traffic generation rates for high density development has been used.

The peak hour generation rate for a high density residential flat building is 0.24 trips per unit, which is a lower rate than medium density due to the expectation that such development is located close to public transport. A dwelling yield of 20 would generate in the order of 4.8 peak hour trips. Given that studio apartments do not generate a parking demand, they are also unlikely to generate traffic. That is, the proposed concept would actually generate 2.64 peak hour trips, which, in our opinion, would be barely noticeable in the street. Given the low volume of additional traffic, there is not likely to be any impacts on the capacity, level of service and function of the surrounding roads and intersections.

Furthermore, the site is uniquely located to take advantage of extensive public transport services, with a short walk to Edgecliff bus and rail interchange. Residents would also benefit from short walking distances to a wide range of services, particularly those in the Edgecliff Centre and in the Double Bay centre.

9.2.4 Visual Impact

A higher density on the subject site would enable redevelopment that provides a statement building in this prominent gateway location. In our opinion, the visual impact would be positive and mark the entrance to the east.

9.3 How has the planning proposal adequately addressed any social and economic effects?

For the reasons discussed in Section 6.0, the Planning Proposal will have positive social and economic effects. In summary, these include:

- An opportunity to better address the corner site location and contribute to the creation of the Eastern Gateway;
- The likely form of development on the subject site will provide an appropriate contextual fit in the locality;
- The likely form of development on the subject site is not likely to result in any significant view or overshadowing impact;
- Increased development potential near shopping centres and transport nodes to promote more sustainable and public transport oriented development;
- Provide future development that will be in context with the surrounding medium to high density development;

- The subject site could provide a potential approximate net yield of 19 additional dwellings to meet the targets of the Metropolitan Strategy and Draft East Subregional Strategy. An increase in maximum FSR and height on the subject site will provide opportunities to meet its target net yield;
- 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;
- An additional 19 dwellings would also offer an increase in Council Municipal rates revenue.

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. In our opinion, the proposal has addressed social and economic impacts and is in the public interest.

10.0 STATE AND COMMONWEALTH INTERESTS

The section will address the final consideration of the DoPI Guidelines for preparing Planning Proposals, which deals with whether the planning proposal will impact any State or Commonwealth infrastructure and also outlines how the proposal will consult with public authorities.

10.1 Is there adequate public infrastructure for the planning proposal?

The site is connected to water, sewer, electricity and telephone services. The site is also in close proximity to regular and frequent public transport services.

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 to high density residential use.

10.2 What are the views of State and Commonwealth public authorities?

This planning proposal has not yet been the subject of a gateway determination. Consultation with relevant authorities will be undertaken following the outcome of this determination.

The Planning Proposal has been discussed with Woollahra Council who have expressed their support of the planning control changes.

In summary, given the minor and site specific nature of the proposal, it will not result in high demand for public infrastructure. Consultation with State and Commonwealth authorities may be required as part of the planning proposal and this will be undertaken following the issuing of a gateway determination.

11.0 CONCLUSION

This Planning Proposal seeks a schedule amendment to the provisions of Clauses 11 and 12 of the Woollahra LEP 1995 to increase the maximum FSR of the site to 4.09:1 and the maximum height to 18m for the subject site. Although the maximum height would be 18m, the height of the concept proposal at the western end is 13.8m. This Planning Proposal for increased density of the subject site will provide medium to high density residential development in an appropriate and well serviced location. The intended outcome is to increase the density on the subject site to provide opportunities for additional dwellings, in accordance with Council's opportunity sites and housing targets set by the NSW State Government.

By increasing the maximum height and FSR, the development potential of the site and housing opportunities also increase. Increased densities around business centres and transport nodes, particularly Edgecliff and Double Bay, is consistent with good planning practice and promotes more sustainable and transport oriented development.

As outlined throughout this submission, the existing commercial building is nearing the end of its economic life and the owner has no intention of redeveloping for commercial purposes. Residential is considered to be more desirable given the location, access to public transport and facilities, together with the northerly aspect.

Increased development potential near shopping centres and transport nodes will promote more sustainable and public transport oriented development, in line with best planning practice. The subject site could provide a potential approximate net yield of 19 additional dwellings to meet the targets of the Metropolitan Strategy and Draft East Subregional Strategy. An increase in maximum FSR and height on the subject site will provide opportunities to assist in meeting this target.

The Planning Proposal is likely to provide substantial economic, social and environmental benefits to the region. Additional dwellings in this locality will increase the population and provide economic support to local businesses. Redevelopment will also create job opportunities while a future building is being constructed, with additional potential for employment with on-going maintenance.

Redevelopment at a higher density will provide an opportunity to better address the corner site location and contribute to the creation of the Eastern Gateway. The proposed five (5) storey development on the subject site will also provide an appropriate contextual fit in the locality. Surrounding buildings range in height from six to 20 storeys. The Planning Proposal is consistent with the character and scale of development in the locality.

Analysis has been undertaken by Council and the proponent in respect of amenity impacts resulting from the proposed density. The likely form of development on the subject site is not likely to result in any significant view or overshadowing impacts.

The planning proposal has provided a justification for the LEP amendment in accordance with the DoPI publication "A Guide to Preparing Planning Proposals" and has demonstrated consistency with the relevant SEPPS and Directions made by the Minister for Planning an Infrastructure under Section 117 of the Environmental Planning and Assessment Act.

Accordingly, for the reasons stated above, the Planning Proposal is considered to be in the public interest and the LEP 1995 should be amended to include an FSR of 4.09:1 and height of 18m for the subject site.

gsa planning

ADDENDUM TO PLANNING PROPOSAL

VIEW ANALYSIS

**No. 240 New South Head Road
Edgecliff**

Prepared for:
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Edgecliff NSW 2027

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1.0 INTRODUCTION

This View Analysis has been prepared for Mr Peter Thane by Gary Shiels & Associates Pty Ltd – (hereafter referred to as GSA Planning). GSA Planning has expertise in Urban Design, Environmental & Traffic Planning.

The View Analysis was requested by Council Officers in a letter dated 11 June 2013 to assess the potential view impacts of the proposed built form at the Planning Proposal stage rather than the development application stage. Council nominated eight buildings to be assessed including Nos. 365, 442-446, 448, 450, 452, 454, 456 and 458 Edgecliff Road, Edgecliff.

This View Analysis is to accompany a Planning Proposal to amend the height and FSR development standards for the Thane Building at No. 240 New South Head Road, Edgecliff.

In the preparation of this assessment the following tasks were undertaken:

1. The establishment of height poles by a registered surveyor to indicate the maximum height of 18m being sought in the Planning Proposal;
2. Certification of the height poles by a registered surveyor;
3. Observations from as many of the buildings identified by Council as possible;
4. Photographs from some of these locations taken over the subject site;
5. 3D massing superimposed onto selected photographs and certified; and,
6. Certification of the 3D massing models by Tony Law of 3D Architectural Imaging; and,
7. Preparation of a view analysis in accordance with the view sharing Planning Principles contained in *Tenacity v Warringah Council (2004) NSWLEC 140*.

Whilst we endeavoured to inspect and take photos from as many of the identified buildings as possible, it was only feasible to inspect Nos. 452 and 458 Edgecliff Road.

This document is divided into four sections. Section 2 describes the process for the view analysis, Section 3 undertakes the view analysis and Section 4 concludes the report.

2.0 PROCESS FOR THE VIEW ANALYSIS

The process for the view analysis has involved erecting height poles, certifying the height of the poles, taking photographs from dwellings within the buildings as noted by Council, superimposing a building mass onto the photos and assessing them against the four view sharing Planning Principles of *Tenacity v Warringah Council* (2004) NSWLEC 140.

2.1 Properties identified by Council

Council nominated eight buildings on Edgecliff Road and the potential view impacts from these buildings has been assessed in Section 3.0 (see Figure 1):

- No. 365 Edgecliff Road;
- Nos. 442 - 446 Edgecliff Road;
- No. 448 Edgecliff Road;
- No. 450 Edgecliff Road;
- No. 452 Edgecliff Road;
- No. 454 Edgecliff Road;
- No. 456 Edgecliff Road; and,
- No. 458 Edgecliff Road.



Figure 1: Potential View Locations

2.2 Height Certification

The maximum height in the Planning Proposal is RL48.80 and this was surveyed and marked with a height poles by registered surveyor, Peter Bolan and Associates Pty Ltd on 20 August 2013 (see Annexure 1).

2.3 Photographs

On the day the height poles were erected, being 20 August 2013, photographs were taken by GSA Planning from the following buildings nominated by Council:

- Units 10, No. 452 Edgecliff Road; and,
- Units 4, 6, 10 and 20, No. 458 Edgecliff Road.

Photographs from other properties on Edgecliff Road have been reviewed on www.domain.com.au.

Six photographs have been used to assess the view impacts of the proposed built form. Photograph 1 relates to Unit 10, No. 452 Edgecliff Road. Photographs 2, 3 and 4 relate to Units 6, 10 and 20, No. 458 Edgecliff Road, respectively. Photographs 5 and 6 relate to Unit 4, No. 458 Edgecliff Road. The photograph and the corresponding direction of the view are identified in Figure 2 on the following page (see Figure 2). The Pine tree in Double Bay Park has been used as the location reference. The photographs contain an inset indicating the location of where the photograph was taken from. Concept envelopes have been prepared by 3D Architectural Imaging and superimposed onto the photographs where necessary to assess the view impact. The 3D models have been prepared on the basis of the survey levels certified by Peter Bolan & Associated surveyors (see Annexure 2). The photographs and view assessment are contained in Section 3.0.

2.4 View Analysis

In the assessment of development applications relating to view issues, the NSW Land and Environment Court rely on the four view sharing principles of *Tenacity v Warringah Council* (2004) NSWLEC 140. We have employed these principles as a generally accepted basis for determining the impact of view loss, for this situation. The four steps in assessing view affectation are as follows:

1. The assessment of the views affected

The first step is to assess the view affected. Water views are valued more highly than land views. Iconic views are valued more highly than views without icons. Whole views are valued more highly than partial views. That is, a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

2. Consideration from what part of the property views are obtained

The second step is to consider what part of the property the views are obtained, noting that the front and rear boundaries are given priority while standing views may be easier to preserve than sitting views. Senior Commissioner Roseth states that "the expectation to retain side views and sitting views is often unrealistic."

3. The extent of impact

The third step is to assess the extent of the impact from the whole of the property. The impact on views from living areas is more significant than from bedrooms or service areas. View loss is assessed qualitatively as negligible, minor, moderate, severe or devastating.

4. The reasonableness of the proposal that is causing the impact

The fourth step in the process refers to complying and non-complying applications. A development that complies with all planning controls would be considered more reasonable than one that breaches them. This step is less relevant and would apply more to a development application.

The analysis has considered the location of each of the nominated buildings, assessed the views affected, considered from what part of the property views are obtained and assessed the extent of impact. The view assessment in Section 3.0 is on the basis of Step 3.



Figure 2: View Photographs and Directions

3.0 VIEW IMPACT ANALYSIS

The following section provides a visual impact assessment of the Planning Proposal.

The buildings identified by Council are residential flat buildings and are located to south and elevated well above the subject site (see Figure 1 on page 3).

The north facing windows of these buildings have northerly and north easterly views towards Double Bay. Based on the certified height on the subject site, and the elevated nature of the buildings to the south, view loss is mostly negligible, with the exception of one inspected unit, which potentially has moderate impact.

3.1 No. 365A Edgecliff Road

No. 365A Edgecliff Road is south east of the subject site. Views to and from this site are constrained by the topography, the existing vegetation and the built elements in the immediate area. Views to the north to the water are likely to be maintained. In our opinion, on the basis of Step 3, the view loss can be described as negligible impact on this property.

3.2 Nos. 442-446 Edgecliff Road

No. 442-446 Edgecliff Road is over 100m south east of the subject site. Views to and from this site are constrained by the topography, the existing vegetation and the built elements on Edgecliff Road and the southern side of New South Head Road. In our opinion, the view loss can be described as negligible.

3.3 No. 448 Edgecliff Road

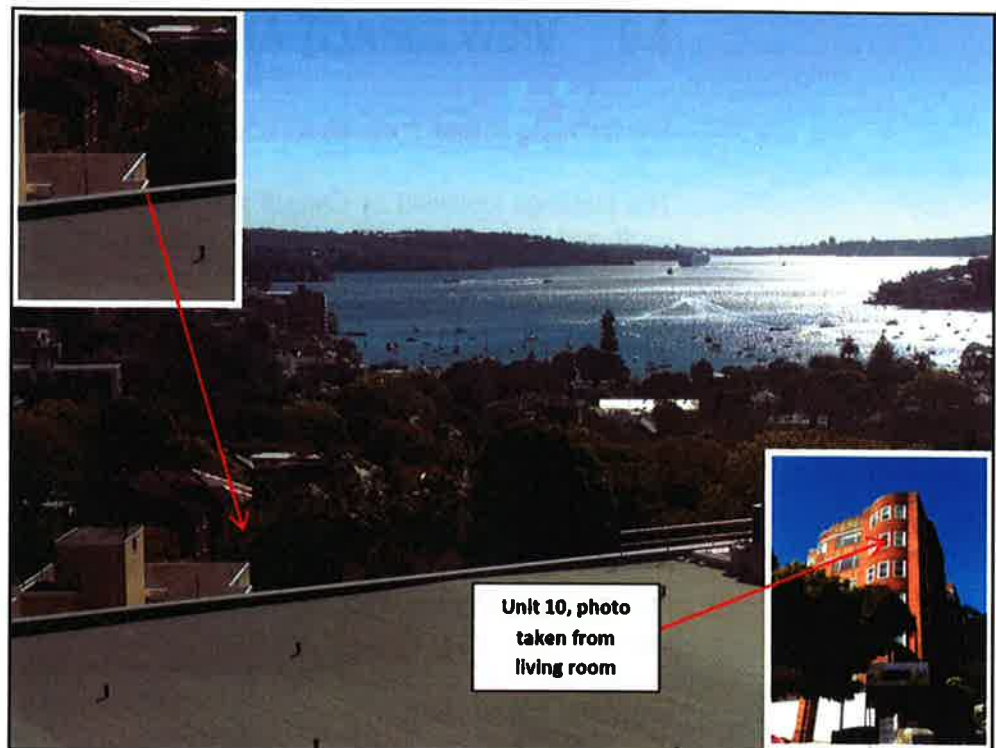
No. 448 Edgecliff Road is two storeys above garage level and over 80m south of the subject site. Views to and from this site are constrained by the commercial building at Nos. 297-299 New South Head Road. In our opinion, there will be no view loss.

3.4 No. 450 Edgecliff Road

No. 450 Edgecliff Road is 80m south of the subject site. The lower levels of No. 450 Edgecliff Road would have limited views over the commercial building at Nos. 297-299 New South Head Road. Views of the water from the upper levels will not be impacted. In our opinion, the view loss can be described as negligible.

3.5 No. 452 Edgecliff Road (Photograph 1)

No. 452 Edgecliff Road, known as Cumberland, is a five storey building above garage and is 80m south of the subject site. Views from the lower levels are constrained by the commercial development at Nos. 287-295 and Nos. 297-299 New South Head Road. Photographs were taken from Unit 10 on Level 3. Views of the water from the upper levels will not be impacted (see **Photograph 1**). In our opinion, the view loss can be described as negligible.



Photograph 1: View from Unit 10, No. 452 Edgecliff Road

3.6 No. 454 Edgecliff Road

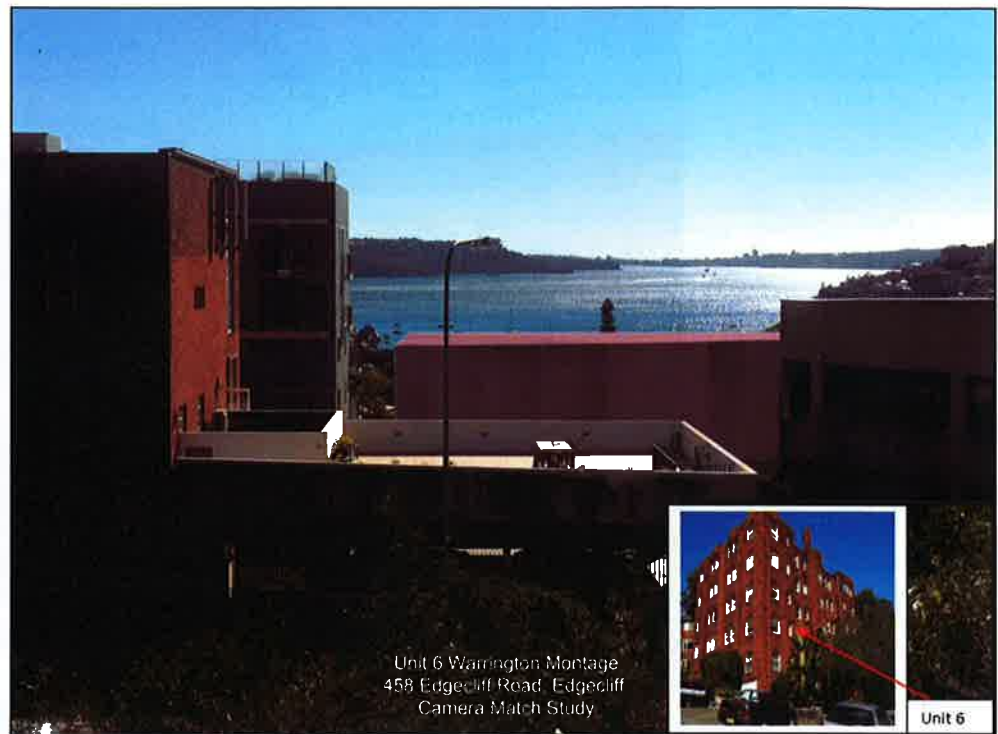
No. 454 Edgecliff Road is 115m south west of the subject site, behind No. 452 Edgecliff Road. Views from this building are constrained by the existing built form in the immediate and surrounding locality. In our opinion, there will be no view impacts.

3.7 No. 456 Edgecliff Road

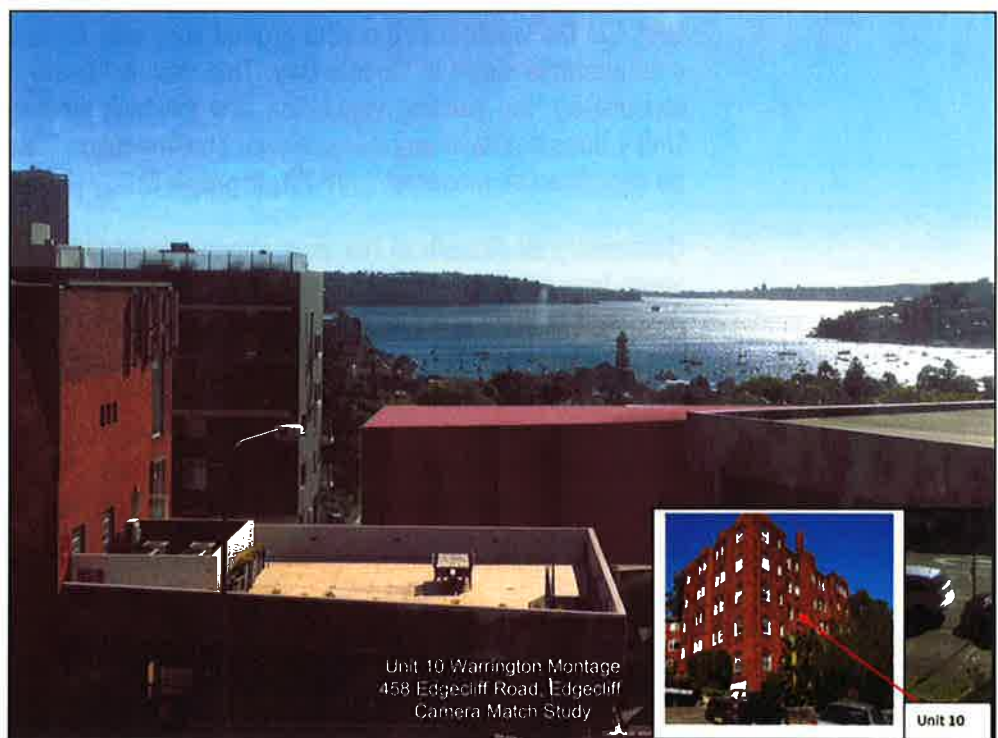
No. 456 Edgecliff Road is 115m south west of the subject site, behind No. 458 Edgecliff Road. Views from this building are constrained by the existing built form in the immediate and surrounding locality. In our opinion, there will be no view impacts.

3.8 No. 458 Edgecliff Road (Photographs 2-6)

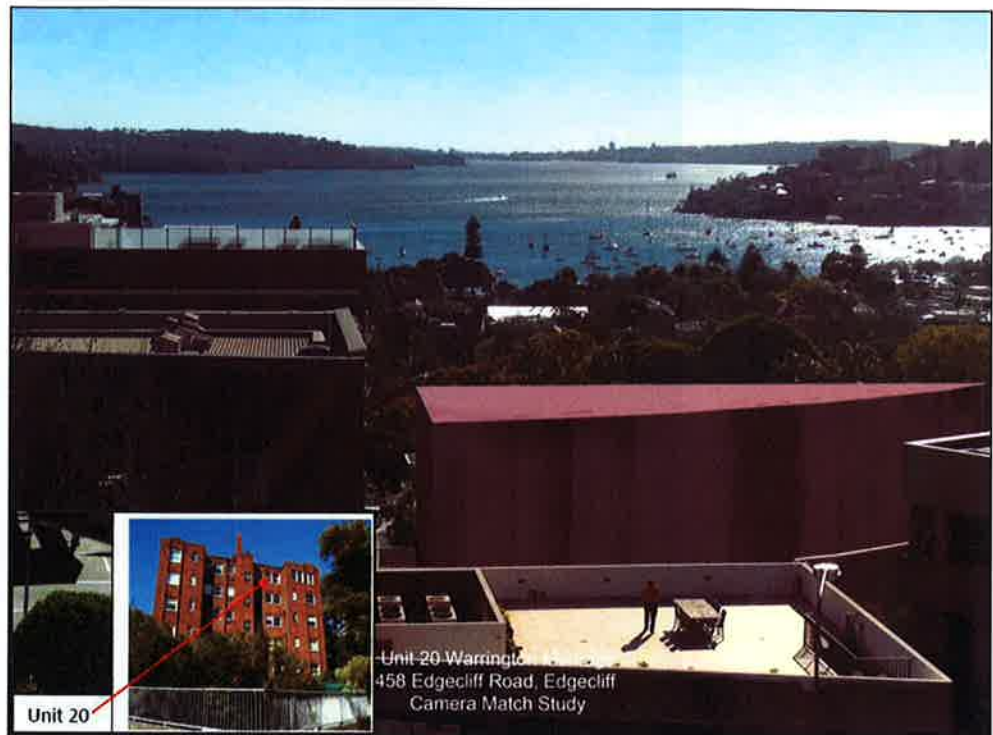
No. 458 Edgecliff Road, known as Warrington, is 90m south west of the subject site. Photographs were taken from Units 4, 6, 10 and 20. Our assessment concludes that there is likely to be negligible to minor impact on water views from Unit 6 (see **Photograph 2**). The majority of the water view from Unit 6 will be maintained. There will be no impact on water views from Units 10 and 20 of the Warrington Building (see **Photographs 3 and 4**).



Photograph 2: View from Unit 6, No. 458 Edgecliff Road



Photograph 3: View from Unit 10, No. 458 Edgecliff Road

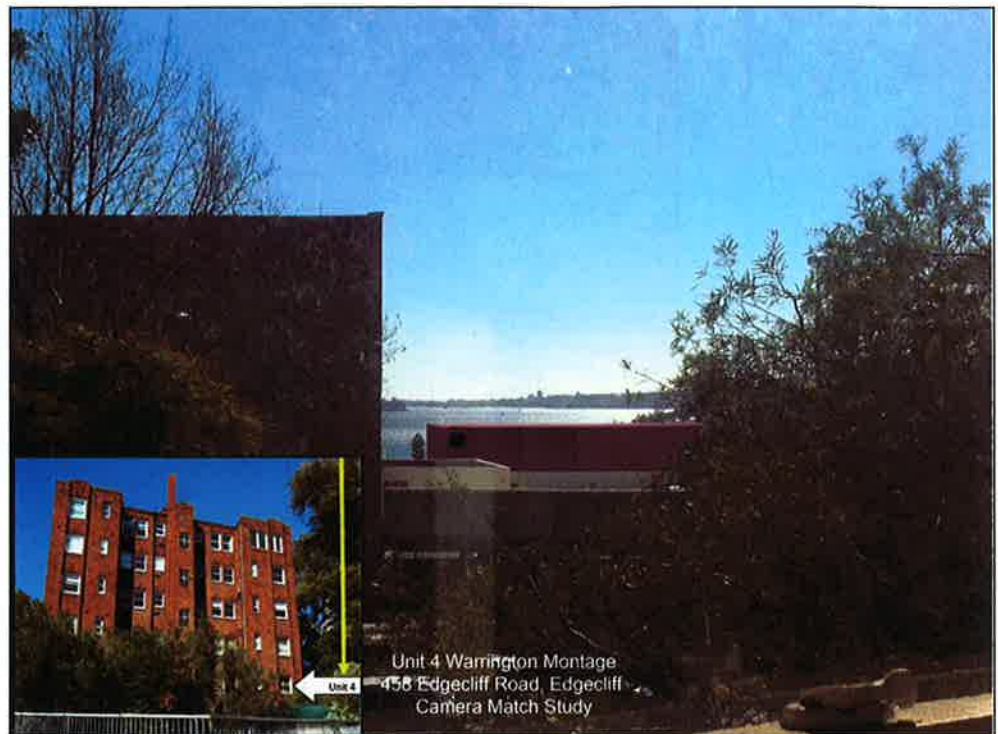


Photograph 4: View from Unit 20, No. 458 Edgecliff Road

Unit 4 is the western unit on the ground floor with filtered north facing distant water land interface views to Double Bay. This view is heavily constrained by the existing topography, the existing vegetation and the built elements in the immediate area. Unit 4 does not have any iconic views. The impact on views from the bedroom would be described as moderate (see **Photograph 5**).

Commissioner Roseth in his view sharing principles concluded that the impact on views from living areas is more significant than from bedrooms or service areas. The proposed built form would not adversely impact on views from the living room given the existing vegetation and built form (see **Photograph 6**).

We note that while the foreground water views will be impacted on, distant views to Manly Head from Unit 4 will be maintained (see **Photograph 5** and Figure 3 on page 10). The retained view is land/water interface, which is valued more highly than a partial view in Commissioner Roseth's view sharing principles.



Photograph 5: View from Bedroom of Unit 4, No. 458 Edgecliff Road



Photograph 6: View from Living Room of Unit 4, No. 458 Edgecliff Road



Figure 3: Potential View Impact From Unit 4, No. 458 Edgecliff Road

Accordingly, in our opinion, views of the water from Unit 6 of No. 458 Edgecliff Road will have a negligible to minor impact as a result of the proposed built form. The vast majority of water views will be maintained. Water views from Unit 10 and 20 will not be impacted on.

On our assessment, the view loss from the bedroom of Unit 4 is moderate. While some view will be impacted on, approximately 50% of the water view will be retained. As stated by Commissioner Roseth in *Tenacity Consulting v Waringah* [2004] NSWLEC 140, the impact on views from living areas is more significant than from bedrooms or service areas. The view loss from the living room is negligible given the existing vegetation on site. We are instructed that the owner of Unit 4 of No. 458 Edgecliff Road has provided in principle support to the view loss indicated in Photograph 5.

On balance, the view impact on No. 458 Edgecliff Road can be described as minor to moderate on the basis that three of the four units inspected will retain their views. The view loss from Unit 4 is from a bedroom, which is more difficult to retain under *Tenacity*.

4.0 CONCLUSION

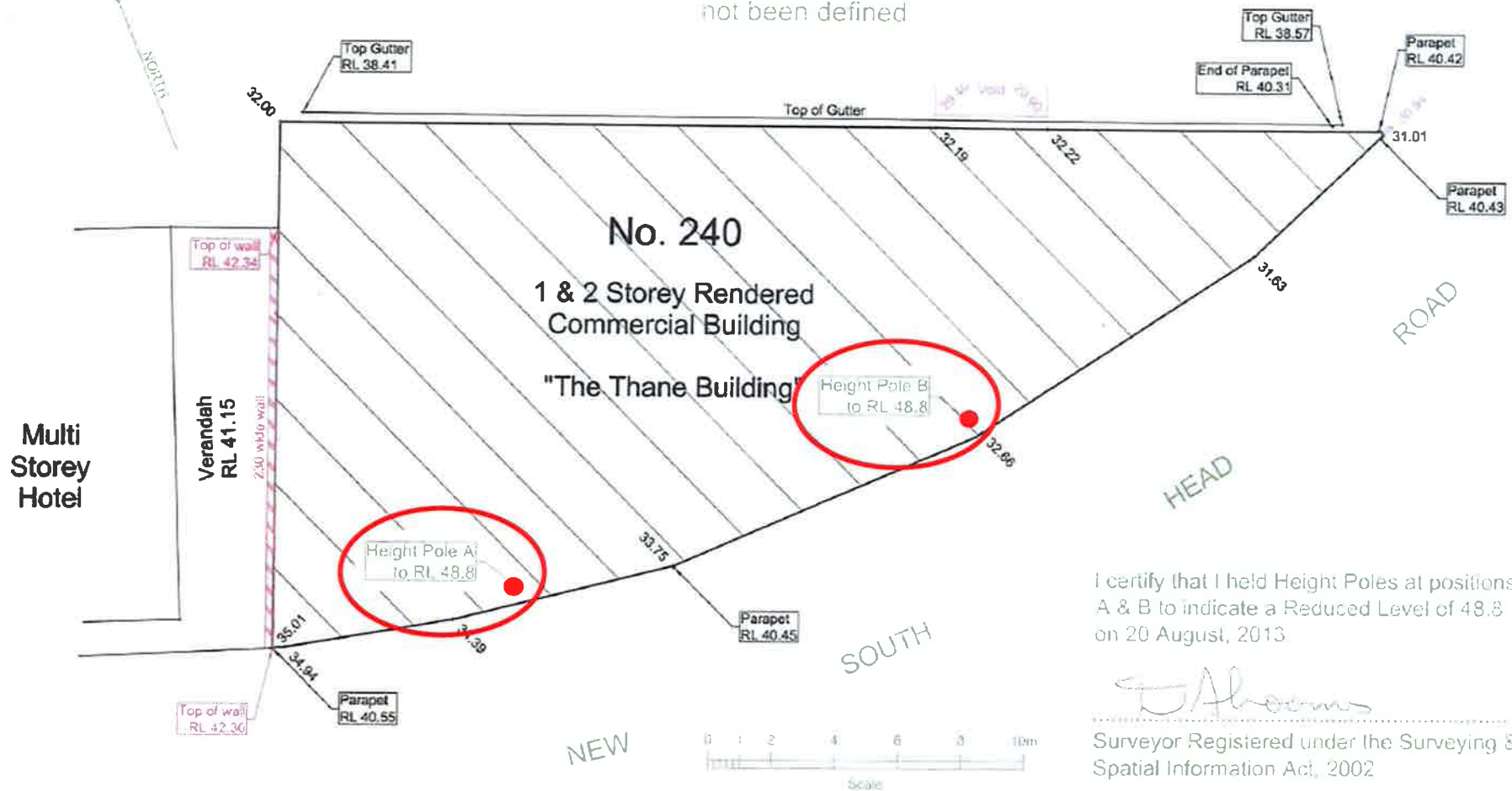
In response to Council's request for a View Analysis of eight properties, the likely view impacts of the proposed built form was undertaken. Height poles were established by a registered surveyor and photographs were taken from the most affected properties, being Nos. 452 and 458 Edgecliff Road. The view analysis was undertaken in accordance with the view sharing Planning Principles contained in *Tenacity v Warringah Council (2004) NSWLEC 140*.

The proposed built form will not impact on the views from Nos. 365A, 442-446, 448, 450, 454 and 458 Edgecliff Road. The proposal will not impact on the views from No. 452 Edgecliff Road on the basis of photos undertaken at a site inspection. The upper levels of No. 458 Edgecliff Road will have no impacts. The bedroom of Unit 4 of No. 458 Edgecliff Road will be impacted on. However, views from bedrooms are more difficult to protect. The views from the living room are already heavily constrained.

Accordingly, for the reasons stated above, view loss from the proposed built form is mostly negligible, with some moderate impact from the bedroom of Unit 4. In our opinion, the Planning Proposal will have minimal environmental and built form impacts and the LEP 1995 should be amended to include an FSR of 4.09:1 and height of 18m for the subject site.

Annexure 1:
Height Certification

NB
Boundaries have
not been defined



I certify that I held Height Poles at positions
A & B to indicate a Reduced Level of 48.8
on 20 August, 2013

D. A. Loomes
Surveyor Registered under the Surveying &
Spatial Information Act, 2002

SCALE : 1 : 125 @ A3
SHEET No. : 1
DATUM : AHD
ORIGIN : SSM 53707 RL 31.50
Class D.L. Order 4
CO-ORDINATE SYSTEM : Assumed
ORIGIN :

SURVEYOR : D. A. Loomes
DATE : 20 August, 2013
DRAWN : D. A. Loomes
DATE : 20 August, 2013
REFERENCE : DS-0040B
PLOT FILE : 20130820_HEIGHT POLES A

Peter Bolan and Associates Pty Ltd
Consulting Surveyors A.B.N. 55 600 678 805
Incorporating
Loomes Consulting Surveyors
Level 3, Suite 308, 168 Eastburn Street
SYDNEY NSW 2100
Telephone: (02) 9591 1234 Facsimile: (02) 9592 6197

**PLAN SHOWING POSITION
of HEIGHT POLES at
Lot 4 DP 431756
No. 240 New South Head Road
EDGECLIFF**

Annexure 2:

3D Certification

06/12/2013

To Whom It May Concern:

Re: 240 South Head Road Edgecliff

Dear Sir/Madam,

3dai is specialised in architectural visualisation. We have been in this industry since 1992. Our services include preparation of 3d images, photomontages, shadow diagrams, and animation.

We use the specialised software Autodesk Max Design (www.autodesk.com) and Photoshop to create photomontage images for the above project.

The 3d model was created by using AMD, based on the survey drawing prepared by Peter Bolan & Associates Pty Ltd. Camera height is taken at RL 1.85m for each floor RL (floor RL is taken from the survey drawings).

We put the photos at the background and adjusted the camera angle to match the 3D models to the photos. The final touch up is done in Photoshop (www.adobe.com).

We believe the proportions of the proposed building to the existing surroundings are in right scale, with 95% accuracy.

Please don't hesitate to contact us if you have any query.

Yours sincerely,

Tony Law
Manager

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tony Law'.

Tony Law



Review of the planning proposal for
240 New South Head Road, Edgecliff

Contents

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1. OBJECTIVES OR INTENDED OUTCOMES	2
2. EXPLANATION OF PROVISIONS	2
3. JUSTIFICATION	5
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6. PROJECT TIMELINE	24

Introduction

The preparation of a planning proposal is the first step in preparing a local environmental plan (LEP) or amending LEP. A planning proposal should explain the justification for making the plan, and the intended effect of the plan. The planning proposal document can be prepared by a council, a landowner or developer seeking to change the planning controls relating to a particular site.

Section 55 of the *Environmental Planning and Assessment Act 1979* (the Act) sets out what information a planning proposal is to include when submitted for a gateway determination. A planning proposal must provide enough information to determine whether there is merit in the proposed amendment proceeding to the next stage of the plan-making process.

The Department of Planning and Infrastructure (DPI) has prepared the document titled *A guide to preparing planning proposals* (the guidelines) dated October 2012. This document is issued under section 55(3) of the Act and provides guidance on the matters that should be included in a planning proposal to satisfy the requirements of the Act.

Below is a review of the planning proposal in accordance with Section 55 of the Act and the guidelines.

Section 55(2) of the Act outlines that a planning proposal must include the following components:

PART 1: A statement of the objectives and intended outcomes of the proposed instrument.

PART 2: An explanation of the provisions that are to be included in the proposed instrument.

PART 3: The justification for those objectives, outcomes and the process for their implementation.

PART 4: Maps, where relevant, to identify the intent of the planning proposal, and the area to which it applies.

PART 5: Details of the community consultation that is to be undertaken on the planning proposal.

Once a planning proposal is approved by Council it must be submitted to the Minister for Planning and Infrastructure (the Minister) for consideration. At this point the Council becomes responsible for the content of the planning proposal and the quality of the information provided in support of the proposal.

This Annexure contains our review of the planning proposal submitted by the applicant against the guidelines. The review identifies where:

- amendments are to be made to the planning proposal, and
- additional information is to be included in the planning proposal.

1. Objectives or intended outcomes

Applicant's proposal

These are addressed on page 19/20 of the planning proposal in **Annexure 1**.

In summary the objective is to increase the height and density on the site to provide for medium to high density residential development in an appropriate location.

WMC response

Sufficient information has been submitted.

Recommendation

No change.

2. Explanation of provisions

Applicant's proposal

These are addressed on page 20 of the planning proposal in **Annexure 1**.

The applicant is seeking to insert additional subclauses in *Clause 11 Floor Space Ratio* and *Clause 12 Height of Buildings* in the Woollahra LEP 1995 to facilitate a medium to high density residential development.

In summary the applicant is seeking the following:

- Floor space ratio (FSR) increase from 0.875:1 to 4.09:1
- Height increase from 9.5m to 18m

Clause 11 Floor Space Ratio

The applicant seeks the following additional clause:

Despite subclause (1), the floor space ratio of any building or buildings erected or proposed to be erected on 240-246 New South Head Road, Edgecliff may exceed the floor space ratio provided on the density map in respect of the property if:

- a) The floor space ratio of the building or buildings does not exceed 4.09:1*
- b) The Council consents to the building or buildings have the floor space ratio.*

Clause 12 Height of Buildings

The applicant seeks the following additional clause:

Despite subclause (1), the floor space ratio of any building or buildings erected or proposed to be erected on 240-246 New South Head Road, Edgecliff may exceed the floor space ratio provided on the density map in respect of the property if:

- a) *The height of the building or buildings does not exceed 18m, and*
- b) *The Council consents to the building or buildings have the height.*

WMC response

Overall, an increased FSR and height control is supported for the purposes of public exhibition, but not to the extent identified in the planning proposal.

The applicant has provided concept plans prepared by Simmons Architects which identify one possible built form of a 5 to 6 storey building on the site. Due to the slope of the site, it identifies that the building height is 13.8m in the western corner and 18m in the eastern corner.

Floor space ratio

The applicant has recommended an FSR of 4.09:1 for the site based on a 5 storey residential flat building with 100% site coverage. We do not support an FSR of 4.09:1.

The existing building on the site is built to the boundaries and consists of a two storey commercial building addressing New South Head Road. In this location, a 5 storey building which is built to the boundaries may be an appropriate built form. However, a high quality architectural solution would require articulation.

A 5 storey building, built to the boundaries with no articulation would have an FSR of 5:1.

The *Residential Flat Design Code (2002)* which is a guide to *State Environmental Planning Policy 65 (Design Quality of Residential Flat Development)* recommends the following:

“When envelopes are being used, the FSR should not fill them. Determine FSR by calculating it at 80% of the building envelope in denser urban areas and at 75% in suburban areas.”

The subject site is in a dense urban area, and 80% of the building envelope results in a reduced FSR of 4:1.

An FSR control of 4:1 for the site is supported for the purpose of exhibition.

In regards to the mechanism for amending the FSR the applicant has proposed to amend Clause 11 of WLEP 95. This is not supported. A more practical solution is to identify an FSR of 4:1 on the WLEP 95 Density Map (see Part 4 - Mapping below).

Height

For the purpose of exhibition, a height limit of 18m on the subject site is supported. An 18m maximum height limit would facilitate a 5-6 storey residential flat building which is generally similar to the height of the surrounding buildings.

Second height

However, due to the sloping nature of the site, and the potential impacts on views, we recommend that a secondary height limit of 14m is applied to the site. Second height limits apply at the highest part of the site, and for this location this would be the south western corner adjoining New South Head Road. A secondary height limit of 14m would restrict the built form to provide certainty that the building can extend to a height no greater than indicated in the view analysis.

The objective of the second height limit is to take into account view sharing opportunities from buildings to the south.

In regards to the mechanism for amending the height control the applicant has proposed to amend Clause 12 of WLEP 95. This is not supported. A more practical solution is to identify a height limit of 18m on the WLEP 95 Height Map, with a corresponding second height limit of 14m (see Part 4 - Mapping below).

Recommendation

1. Amend the planning proposal to identify that the proposed FSR control is 4:1 which is to be shown on the Density Map of WLEP 95.
2. Support the proposed overall building height of 18m, but amend the planning proposal to identify that the height control will be shown on the Height Map of WLEP 95.
3. Amend the planning proposal to identify that a second height limit of 14m will apply to the site.

3. Justification

The Department of Planning and Infrastructure's document *A guide to preparing planning proposals* identifies the following 10 questions to consider when demonstrating the justification. Our review of the planning proposal is based on the response to these 10 questions.

Section A - Need for the planning proposal

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

Question 2: Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Section B - Relationship to strategic framework

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

a) Does the proposal have strategic merit and:

- is consistent with a relevant local strategy endorsed by the Director-General
- or
- is consistent with the relevant regional strategy or Metropolitan Plan
- or
- can it otherwise demonstrate strategic merit, giving consideration to the relevant section 117 Directions applying to the site and other strategic considerations (e.g. proximity to existing urban areas, public transport and infrastructure accessibility, providing jobs closer to home etc.).

b) Does the proposal have site-specific merit and it is compatible with the surrounding landuses, having regard to the following:

- The natural environment
- The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and
- The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructures provision.

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

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

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

Section C - Environmental, social and economic impact

Question 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?

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

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

Section D - State and Commonwealth interests

Question 10: Is there adequate public infrastructure for the planning proposal?

- ▶ Review of the planning proposal for 240 New South Head Road, Edgecliff

Section A – Need for the planning proposal

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

Applicant's proposal

This is addressed on page 27 of the planning proposal, which identifies that the planning proposal is the result of Woollahra Council's Opportunity Site Report dated June 2010, regarding the 'Eastern Gateway' to the Edgecliff Centre.

WMC response

This site was one of 24 sites around the LGA that were identified by Council planning staff to increase dwelling capacity and meet the housing targets set out by the NSW Government in the Draft East Subregional Strategy. The justification for identifying this site as an opportunity site was as follows:

- ▶ Increasing density within 400m of Edgecliff Centre is consistent with the well-established planning practice of increasing development potential in centres to promote more sustainable and public transport oriented development.
- ▶ Urban design analysis (including overshadowing and view analysis) undertaken by consultants demonstrates that increased height and floor space ratio can be reasonably accommodated on site.

Planning changes for discussion at this site were:

	WLEP 95	Opportunity site proposal
Zone	2(b) Residential	B4 Mixed Use
FSR	0.875:1	4.8:1
Height	9.5m	24.9m (6-7 storeys)

A 3D model and photomontage were prepared as an example of how the site could be developed under the proposed controls. Extracts from this model and a photomontage are shown below in Figures 2 and 3.

Council held community consultation from 8 June 2010 to 31 July 2010. Notification letters were sent to the owners of each of the 24 opportunity sites and over 600 letters were sent to the owners of land adjoining and in the vicinity of the sites. During the consultation period over 500 submissions were received.

We received 26 submissions for this site. Three submissions supported the proposed changes and 23 submissions objected, including one petition with 32 signatures. The objections raised a number of issues including impacts on views, noise, traffic, loss of property values and parking.

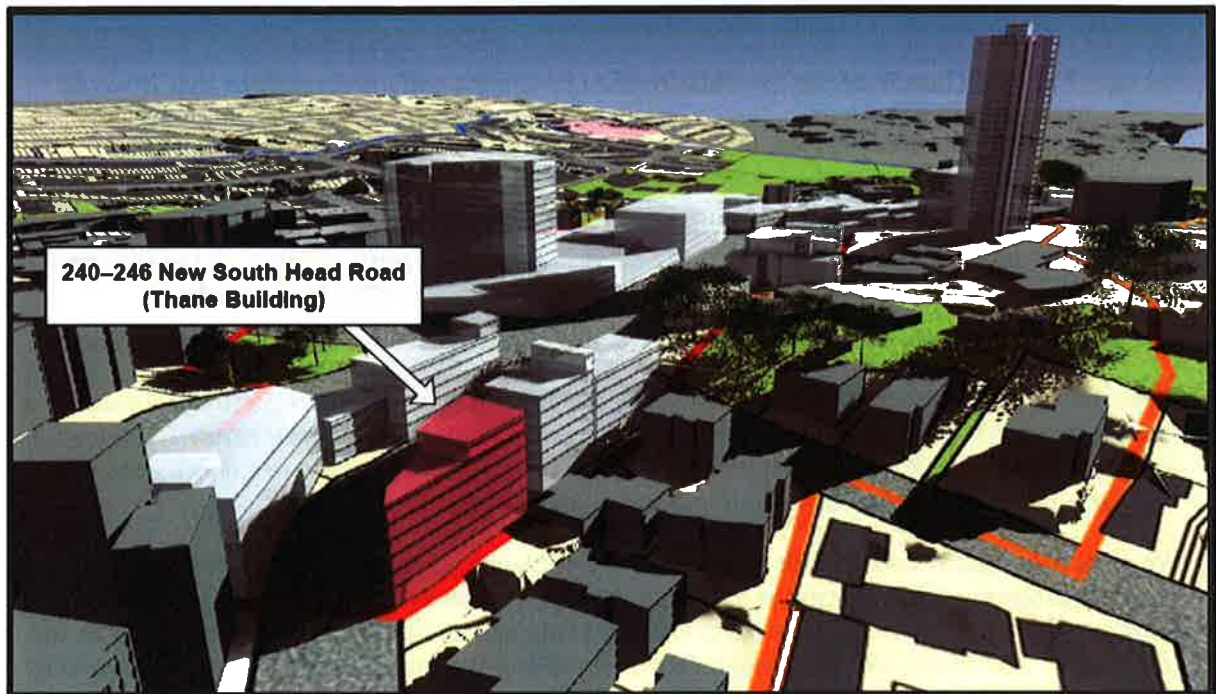


Figure 2: Aerial image of the 3D model - looking south towards the Edgecliff Centre

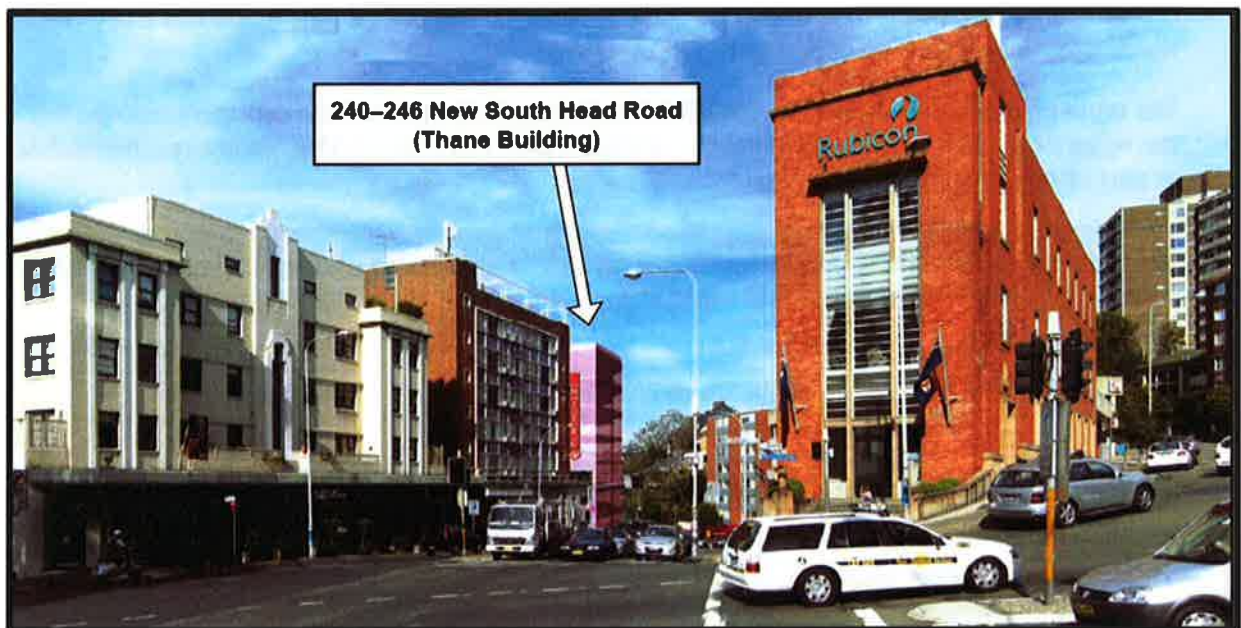


Figure 3: Photomontage of the 3D model - looking east from the corner of Ocean Street and New South Head Road

However, on 25 July 2011 Council resolved inter alia:

- A. *That the Council advise the Department of Planning and Infrastructure that it would prefer to proceed with a staged approach to the delivery of additional housing opportunity sites in Woollahra through planning proposals as suggested in the Departments letter of 22 June 2011.*
- B. *That the Council defer consideration of the remaining opportunity sites or other sites that have or may be brought to the Council's attention until gazettal of the Principal LEP, unless strong and supportable planning reasons are brought forward.*

Due to this deferment, the submissions received for this site have not been reported to Council.

However, on 2 November 2012 the Department of Planning and Infrastructure (DPI) introduced a new review mechanism for planning proposals. This is called a pre-gateway review. It allows an applicant to ask the DPI's Regional Panel to review Council's decision where Council does not support a planning proposal or fails to indicate support within 90 days.

We anticipate that if Council fails to respond to this planning proposal, the applicant will use the new pre-gateway review process and request the DPI reviews its strategic merit. This is not a good approach for Council as it removes Council's role and ability to consider this matter at the local level. Therefore, we recommend Council considers the proposal now, rather than waiting until gazettal of the Principal LEP to avoid an applicant making a submission to the DPI.

We are aware that the applicant has reviewed the submissions received during the opportunity site consultation. These submissions raised a number of issues, however, the most significant issue raised was the potential for view loss. In preparing the planning proposal the applicant, GSA Planning, has sought to address this issue by reducing the overall height and FSR from that which was proposed in the opportunity site process.

The table below identifies the current controls that apply to the site, the controls proposed in the opportunity site consultation, and the amended planning controls that we are recommending as part of the planning proposal review.

	WLEP 95	Opportunity site consultation	Amended planning proposal
Zone	2(b) Residential	B4 Mixed Use	2(b) Residential
FSR	0.875:1	4.8:1	4:1 (reduced from 4.09:1)
Height	9.5m	24.9m (6-7 storeys)	18m (5-6 storeys)

In summary, following the opportunity site consultation the proposed revised controls are:

- Zone remains as 2(b) Residential,
- FSR reduced to 4:1 (from 4.8:1), and
- Height reduced to 18m (from 24.9m).

Based on the revised proposal we have responded to the issues raised during the opportunity site consultation. Our response to these issues is in the following table.

Issue	Summary of objection	WMC response to issue
View loss	Obscured views including iconic views. Views identified included water, Sydney Harbour Bridge, district views and northerly views.	► The applicant has reduced the overall height of the building from 24.9m to 18m in response to these objections. ► A height of 18m or 5 storeys may be appropriate for this location. ► Due to the potential impacts on views it is recommended that a secondary height limit of 14m is applied to the site. ► The submitted view analysis appears to indicate only minor impacts on views. ► The view analysis must be incorporated into the planning proposal to provide sufficient information to the community to assess the potential impacts. ► Any future development application will be subject to view sharing assessment using the planning principle from the <i>Tenacity Consulting v Warringah Council [2004] NSWLEC 140</i> case.
Noise	Increased noise reflected off the proposed building onto the buildings to the south.	► The site is located in a dense, urban environment immediately adjoining a classified road. ► The proposal to increase the existing 2 storey building on the site to 5 storeys is considered acceptable in this location. ► Noise attenuation measures such as low noise reflectivity materials will be assessed in response to a particular proposal at the development application stage.
Property value	Loss of property values	► Property value is not a planning matter.
Traffic and Parking	New South Head Road is already congested and any proposal will exacerbate this problem and vehicle pollution.	► The site is immediately adjoining a classified road, and can be accessed via a right of carriage way from Ocean Street. We are satisfied that the site has sufficient access. ► As part of a development application, the applicant will be required to submit documentation that addresses the traffic, access and parking arrangements on the site.
Parking	Parking is already very difficult, and increased development would increase pressure on surrounding roads.	► The parking standards in Council's parking development control plan will apply and will be considered in any future development application.

► Review of the planning proposal for 240 New South Head Road, Edgecliff

Issue	Summary of objection	WMC response to issue
Canyon	Will create a noise and wind canyon, blocking the ocean breeze.	► We do not anticipate that a 5-6 storey building will create a wind canyon. Wind canyons are usually associated with high rise tower buildings. Notwithstanding, this is a design issue which will be considered in any future development application.
Construction	Concerns regarding noise, traffic and congestions during construction.	► The management of the construction phase will be considered at the development application stage.
Solar access	Concerns regarding overshadowing, and blocking sunlight	► The applicant has proposed a height of 18m in response to these objections. ► Shadow diagrams prepared by Simmons Architects indicated that the additional shadow will be cast over New South Head Road and the commercial buildings to the south only. North facing windows of residential developments will not be impacted on. ► The detailed impacts on solar access will be assessed in response to a particular proposal at the development application stage, and shadow diagrams must be submitted as part of any development application.
Overlooking	Concerns regarding overlooking buildings to the north.	► Potential overlooking will be assessed in response to a particular proposal at the development application stage.
Setbacks	Building should be setback on all sides.	► The design of the building, including setbacks and articulation will be assessed in response to a particular proposal at the development application stage.
Over development	Reduce the scale and intensity of the proposed development.	► The applicant has recognised that the proposal put forward in the opportunity site exercise was too large in scale for the subject site. ► The planning proposal proposed a reduced height of 18m to facilitate a 5-6 storey building.
Village feel	Results in the loss of the village feel, creating another Bondi Junction and unsympathetic to the area.	► The proposal for a 5-6 storey building is appropriate is of a scale in keeping with the surrounding buildings.

Recommendation

No change.

Question 2: Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Applicant's proposal

This is addressed on page 27, which identifies that a planning proposal is needed to increase the maximum allowable height and FSR on the site to increase the development potential. This is consistent with the Council's opportunity site investigation and would allow additional dwellings near transport and centres.

WMC response

The planning proposal is the best approach for dealing with the proposed increase in height and FSR for the site.

A separate planning proposal provides an open and transparent process, and allows those individuals who made a submission during the opportunity site consultation to review the impacts of the planning proposal when it is placed on public exhibition.

Recommendation

No change.

Section B – Relationship to strategic framework

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

a) Does the proposal have strategic merit and:

- *is consistent with a relevant local strategy endorsed by the Director-General*
or
- *is consistent with the relevant regional strategy or Metropolitan Plan*
or
- *can it otherwise demonstrate strategic merit, giving consideration to the relevant section 117 Directions applying to the site and other strategic considerations (e.g. proximity to existing urban areas, public transport and infrastructure accessibility, providing jobs closer to home etc.).*

Applicant's proposal

This is addressed on page 23 and 28 of the planning proposal, and identifies that the planning proposal is consistent with the objectives of the Sydney Metropolitan Strategy 2036 and the initiatives of the Draft East Subregional Strategy.

WMC response

The objective of locating housing, employment, services and public transport together is a common theme throughout relevant State government policies relating to planning and transport. It is recognised as an appropriate and sustainable response to providing for additional residential capacity within the Sydney region.

The Metropolitan Plan for Sydney was first developed in 2005 and updated in 2010. The current plan aims to guide Sydney's growth to the year 2036. The Metropolitan Plan includes Metropolitan Strategy Action B1.3: Aim to locate 80 per cent of all new housing within the walking catchments of existing and planned centres of all sizes with good public transport.

The objectives of the Metropolitan Plan were utilised in the development of the Draft East Subregional Strategy which established housing and employment targets for the Woollahra LGA. The Draft Strategy included the following objective in relation to housing C2: *Plan for a housing mix near jobs, transport and services.*

The draft Sydney Metropolitan Strategy 2031 was released in March 2013. This document also highlights the desire to locate housing in accessible locations. For example, one of its priorities is to 'enable housing intensification throughout the [Central] subregion, particularly around established and new centres, key corridors and along the Airport and East Hills Line, Inner West Line, Eastern Suburbs and Illawarra Lines, North Shore Line, Bankstown Line and the Northern Line'.

The site is located adjacent to the Edgecliff Railway Station, which is located on the Eastern Suburbs and Illawarra Line. Redevelopment of this site may assist in achieving the housing target for the Central subregion (which includes Woollahra) of 138,000 houses to the year 2031.

The subject site was identified as an opportunity site in 2010 due to its close proximity to the Edgecliff Centre. Increased residential development on the subject site is consistent with the applicable strategic planning framework and is considered to have strategic merit.

Recommendation

No change

b) Does the proposal have site-specific merit and it is compatible with the surrounding landuses, having regard to the following:

- *The natural environment*
- *The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and*
- *The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructures provision.*

Applicant's proposal

This question was not addressed in the planning proposal.

WMC response

The proposal is compatible with the existing uses and the surrounding land uses. However, a key issue identified is the potential impact on views from neighbouring residential buildings located to the south of the site.

In light of previous submissions as part of the opportunity site consultation, adjoining land owners will want accurate information to help them understand the potential scale and impact of development which might occur.

In November 2013 GSA Planning submitted a view analysis as an addendum to the planning proposal which is attached as **Annexure 2**. In preparing this view analysis, the applicant accessed 5 units to the south of the subject site.

GSA Planning undertook the following tasks:

1. The establishment of height poles by a registered surveyor to indicate the maximum height of 18m on the site.
2. Certification of the height poles by a registered surveyor.
3. Superimposing a 3D massing model onto site photographs.
4. Preparation of a view analysis guided by the view sharing Planning Principles contained in *Tenacity v Warringah Council (2004) NSWLEC 140*.

Having reviewed this view analysis we are satisfied that the planning proposal has sufficient merit to be placed on public exhibition for comment. Whilst the overall scale and bulk of the building envelope contained in this planning proposal may have impacts on views, these impacts appear to be minor. The view analysis will form part of the planning proposal placed on exhibition to provide information to the community to assess the potential impacts.

Further, view sharing must be considered in the building design process, and any future development application will be subject to detailed view sharing assessment using the planning principle from the *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140 case.

Recommendation

No change.

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

Applicant's proposal

This is addressed on page 28 of the planning proposal, and identifies that the planning proposal is consistent with Woollahra Community Strategic Plan.

WMC response

Council's LEP was gazetted on 10 March 1995. The planning proposal seeks to translate the controls in WLEP 95. The planning proposal seeks to vary two controls in WLEP 95, being height and FSR.

As noted above, the subject site was identified as an opportunity site in 2010 and draft planning controls were prepared to accompany this work. During the exhibition period 26 submissions were received relating to this site. The applicant has taken into account the comments raised regarding this site, and reduced the height and FSR accordingly.

Note: This planning proposal seeks amendments to WLEP 95. Council's Draft Principal LEP was placed on public exhibition from 21 August until 13 November 2013. If Draft WLEP 2013 is finalised prior to the determination of this planning proposal, we can readily incorporate comparable amendments to Draft WLEP 2013.

Recommendation

No change.

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

Applicant's proposal

This is addressed on page 28 and 29, and the planning proposal is considered to be consistent with *SEPP 32 - Urban Consolidation* and *SEPP 55 - Remediation of Contaminated Land*.

WMC response

The planning proposal has been assessed against five key relevant State Environmental Planning Policies (SEPPs). Based on this assessment, Council has concluded that the planning proposal is consistent with all applicable SEPPs.

SEPP 65 - Design Quality of Residential Flat Development 2002

[Not addressed in the planning proposal]

Description of SEPP: This SEPP aims to improve the quality of design of residential flat development across NSW through the application of design principles.

Assessment: SEPP 65 will apply to the proposed development on the subject site. The planning proposal does not propose any changes to this requirement.

SEPP (Building Sustainability Index: BASIX) 2004

[Not addressed in the planning proposal]

Description of SEPP: This SEPP operates in conjunction with EP&A Amendment (Building Sustainability Index: BASIX) Regulation 2004 to implement consistent building sustainability provisions across NSW.

Assessment: Requirements for a BASIX certificate will apply to the subject site as part of any development application for the site and the planning proposal does not propose any changes to this requirement.

SEPP (Housing for Seniors or People with a Disability) 2004

[Not addressed in the planning proposal]

Description of SEPP: This SEPP encourages the development of quality accommodation for the ageing population and for people who have disabilities, in keeping with the local neighbourhood.

Assessment: The planning proposal will provide additional residential accommodation in an accessible location within an established area. It is considered that the planning proposal is consistent with the SEPP.

SEPP 32 Urban Consolidation (Redevelopment of Urban Land) 1991

This is addressed on page 28 of the planning proposal.

Description of SEPP: This SEPP aims to ensure the NSW Government's urban consolidation objectives are met in all urban areas throughout the State. The policy focuses on the redevelopment of urban land that is no longer required for the purpose it is currently zoned or use, and encourages local councils to pursue their own urban consolidation strategies to help implement the aims and objectives of the policy.

Assessment: This planning proposal involves the intensification of residential development close to an existing centre. It is considered that the outcomes of the planning proposal will provide opportunities for new dwellings near existing services and public transport. This is consistent with the aims of this SEPP.

SEPP 55 - Remediation of Contaminated Land

This is addressed on page 29 of the planning proposal.

Description of SEPP: This SEPP introduces planning controls for the remediation of contaminated land across NSW. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must be undertaken before the land is developed.

Assessment: SEPP 55 will apply to the proposed development on the subject site. The planning proposal does not propose any changes to this requirement.

Recommendation

Incorporate the assessment of the additional applicable State Environmental Planning Policies into the planning proposal.

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

Applicant's proposal

This is addressed on page 30 of the planning proposal. However, only Direction 3.1 Residential Zones is addressed.

WMC response

Direction 3.1: Residential zones

No.	Title	Comment
Environment and Heritage		
Housing, Infrastructure and Urban Development		
3.1	Residential Zones	Applicable - consistent. Draft WLEP 2013 does not reduce the amount of land zoned for residential purposes. ► The planning proposal will provide opportunities for additional residential units within the Woollahra LGA. ► The intensification of the subject site within an existing centre will make more efficient use of existing infrastructure and services, especially due to its proximity to Edgecliff railway and bus interchange. ► Urban consolidation will increase the supply of housing in a well located, established centre.
3.4	Integrating Land Use and Transport	Applicable - consistent. The planning proposal is considered to be consistent with the objectives of the Direction. ► The proposal is a transport orientated development due to its proximity to Edgecliff railway and bus interchange. ► It is also within proximity to a centre offering employment opportunities and local services. This encourages alternate methods of transport, such as walking, and will reduce car dependency.

The planning proposal is consistent with applicable Ministerial directions.

Recommendation

Incorporate the assessment against Ministerial Direction 3.4 into the planning proposal.

Section C – Environmental, social and economic impact

Question 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?

Applicant's proposal

These are addressed on page 31 of the planning proposal.

WMC response

There are no identified critical habitats or threatened species, population or ecological communities or their habitats identified within the subject site or adjoining sites, and therefore no likelihood of adverse results.

Recommendation

No change.

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

Applicant's proposal

These are addressed on page 31 of the planning proposal.

WMC response

There are no likely environmental effects that cannot be managed through the development assessment process. Further information will be requested as part of any development application lodged for the site as deemed appropriate.

Recommendation

No change.

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

Applicant's proposal

This is addressed on page 32 of the planning proposal.

WMC response

It is not anticipated that the planning proposal will have any negative social and economic effects which need to be addressed as part of the proposal.

Recommendation

No change.

Section D – State and Commonwealth interests

Question 10: Is there adequate public infrastructure for the planning proposal?

Applicant's proposal

This is addressed on page 34 of the planning proposal which states that the existing services are suitable for the proposal and appropriate for the requirements of a medium to high density residential use.

WMC response

The planning proposal relates to a proposed development with an established area. It is considered that adequate public infrastructure for the development exists.

Recommendation

No change.

Question 11: What are the view of state and Commonwealth public authorities consulted in accordance with the gateway determination

Applicant's proposal

On page 34 of the planning proposal the applicant identifies that consultation will be undertaken following the issuing of a gateway determination.

WMC response

As the site is located adjacent to New South Head Road, which is a State road, we recommend that the following agencies are consulted as part of the public exhibition.

- Transport for NSW, and
- Roads and Maritime Services.

Recommendation

Include reference to consultation with Transport for NSW and Roads and Maritime Services in the planning proposal.

4. Mapping

A guide to preparing planning proposals identifies that planning proposals should be supported by relevant and accurate mapping.

Applicant's proposal

No maps were included in the planning proposal.

WMC response

Maps should be prepared for this planning proposal for the purpose of exhibition. The relevant maps are:

1. Floor Space Ratio - Current (WLEP 95)
2. Floor Space Ratio - Proposed
3. Height of Buildings Map - Current (WLEP 95)
4. Height of Buildings Map - Proposed

Recommendation

The four maps identified are to be incorporated into the planning proposal for the purposes of public exhibition.

5. Community consultation

Applicant's proposal

No information regarding community consultation was submitted with the planning proposal.

WMC response

If Council resolves to progress the planning proposal we recommend an exhibition period of 28 days minimum.

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

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

Recommendation

Information on the proposed community consultation is to be included in the planning proposal.

- ▶ Review of the planning proposal for 240 New South Head Road, Edgecliff

6. Project timeline

Applicant's proposal

A project timeline was not submitted with the planning proposal.

WMC response

The indicative project 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	March 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	August 2014
Submission of planning proposal to the DPI finalising the LEP	N/A - proposal to 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

Recommendation

The indicative project timeline to be included in the planning proposal.