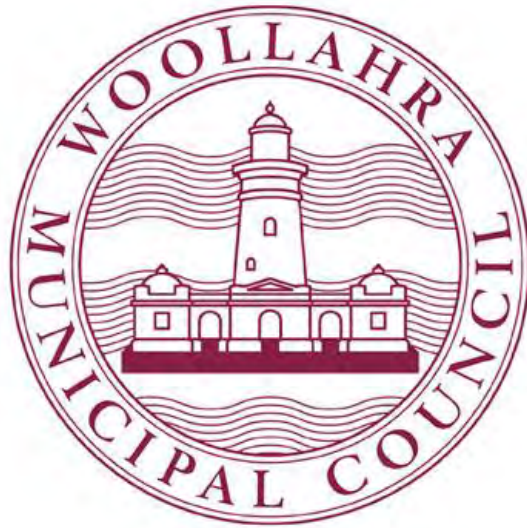




PLANNING PROPOSAL

42-58 Old South Head Road Vaucluse



August 2017

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1 Introduction

1.1 Summary

This planning proposal applies to land at 42-58 Old South Head Road Vaucluse (the site).

The objective of this planning proposal is to enable redevelopment of the site with residential flat buildings to a maximum height of 10.5 metres (3 storeys) and a maximum floor space ratio (FSR) of 1:1.

To enable this objective the planning proposal seeks to amend *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014), in the following manner:

- amend the zoning of the site from Zone R2 Low Density Residential to Zone R3 Medium Density Residential;
- increase the maximum building height control of the site from 9.5m to 10.5m; and
- apply a floor space ratio (FSR) control of 1:1 to the site (no FSR control currently applies).

The planning proposal is consistent with State planning strategies and the majority of Council's local planning strategies. It provides the opportunity to develop the site with additional housing supply and choice, in a location which is highly accessible to a mixed use centre with various shopping options and services, public transport and open space facilities.

1.2 Background

1.2.1 Opportunity sites

In the course of preparing a new principal local environmental plan, the Council resolved on 14 December 2009, to identify 22 sites, referred to as opportunity sites, as part of investigations aimed at meeting the housing targets set out by the NSW Government in the Draft East Subregional Strategy. The site forms part of a larger site, 30-58 Old South Head Road, which was one of those opportunity sites.

For 30-58 Old South Head Road, Council staff identified that increased development potential would be achieved by amending the *Woollahra Local Environmental Plan 1995* controls in the following ways:

- amending the zoning from 2(a) Residential to Zone R3 Medium Density Residential;
- increasing the maximum permissible building height control from 9.5m to 10.5m; and
- increasing the maximum permissible FSR control from 0.55:1 to 1:1.

The proposed planning control changes for each opportunity site were publically exhibited in 2010. Council received 14 submissions (12 objections and 2 submissions of support) relating to 30-58 Old South Head Road. The main issues raised in the submissions related to potential impact of additional development on traffic generation, view loss, privacy and property values.

On 25 July 2011 Council resolved to defer further consideration of the majority of the opportunity sites in order to focus its resources on the preparation of the Draft Woollahra Local Environmental Plan 2013, which is now Woollahra LEP 2014. As a result of the deferred consideration of the opportunity sites, a response to the issues raised in the

submissions was not reported to a committee of Council. However, a copy of the submissions relating to 30-58 Old South Head Road was provided to the applicant of this planning proposal for consideration in formulating their request for a planning proposal.

1.2.2 Baseline maximum building heights and FSRs

During the preparation of Woollahra LEP 2014 Council staff reviewed maximum building heights and FSR controls which apply to residential and business zones. For the R3 Medium Density Residential Zone, height controls and FSR were reviewed to account for:

- current building practices regarding floor to ceiling heights;
- state regulations;
- Building Code of Australia standards; and
- urban design modelling based on the Council's setback controls.

The outcome of this work created a suite of 'baseline' heights and FSRs, as shown in the table below.

Table 1: 'Baseline' heights and FSRs

Storeys	Height (m)	Baseline FSR
2	7	0.65:1
3	10.5	1:1
4	13.5	1.3:1
5	16.5	1.55:1

Council considers these baseline controls should form the basis for all requests seeking amendments to height and FSR planning controls. Where a request is not consistent with the baseline controls, a strategic justification must be demonstrated.

1.2.3 Pre-application planning proposal meeting

On 4 July 2016, a pre-application planning proposal meeting was held between Council staff and representatives for Parker Logan Property Pty Ltd (the applicant) to discuss the proposed planning changes for the site. After the meeting the applicant was advised to amend their request to prepare a planning proposal to address a number of issues. Key issues identified included the following:

- Obtaining written consent from the owners of the properties which are the subject of the request.
- Justification of the suitability of rezoning the site from the R2 Low Density Residential Zone to R3 Medium Density Residential Zone.
- Justification of why changes to height and FSR controls result in a suitable planning outcome for the site and its context. The justification was to include identification and analysis of the existing context, the desired future character of the Vaucluse East Precinct and impacts of proposed changes.
- If a request was made for height and FSR controls that are inconsistent with Council's baseline controls, justification of how these will result in a better planning outcome for the site.

Apart from providing sufficient strategic justification of the variation from the baseline FSR, these issues were generally addressed by the applicant in the subsequent request for a planning proposal.

1.2.4 Request for a planning proposal

In June 2017, a request for a planning proposal (included in Appendix 3) was submitted to Council by the applicant for the site.

The request sought to amend Woollahra LEP 2014, in the following manner:

- amend the zoning of the site from Zone R2 Low Density Residential to Zone R3 Medium Density Residential;
- increase the maximum building height control of the site from 9.5m to 10.5m; and
- apply a floor space ratio (FSR) control of 1.1:1 to the site (no FSR control currently applies).

The request was considered to be consistent with State planning strategies and the majority of Council's local planning strategies. It was seen to provide an opportunity to develop the site with additional housing supply and choice, in a location which is highly accessible to a mixed use centre with various shopping options and services, public transport and open space facilities.

Overall, Council supported the request because it has strategic merit. However, the requested FSR of 1.1:1 is inconsistent with Council's baseline FSR of 1:1, which was developed by Council staff during the preparation of Woollahra LEP 2014. In the absence of a strategic merit justification of an FSR of 1.1:1, Council resolved that the baseline FSR of 1:1 be applied to the planning proposal.

1.3 Description of this planning proposal

This planning proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the two documents prepared by the NSW Department of Planning and Environment titled *A Guide to Preparing Planning Proposals* (August 2016) and *A Guide to Preparing Local Environmental Plans* (August 2016).

The essential elements required for a planning proposal are provided in sections 2 to 9 as follows:

- 2 Existing site and surrounding context
- 3 Existing planning control
- 4 Objective of planning proposal
- 5 Explanation of provisions
- 6 Justification
- 7 Mapping
- 8 Community consultation
- 9 Project timeline

Additional information to support the application is provided in the appendices.

- Appendix 1 and 2 include Council's consideration of, and resolution to support, the planning proposal.
- Appendix 3 includes the supporting documents listed in the table below, submitted by the applicant with their request for a planning proposal:

Table 2: Supporting documents in Appendix 3

Annexure	Document	Prepared by
1	Planning Proposal report	City Plan Services
2	Survey Plan	John R. Holt Surveyors Pty Ltd
3	Urban Design Analysis: • SEPP 65 Design Statement • Massing Study • View Impact Analysis • Shadow Analysis	Nicholas Tang Architects
4	Heritage Impact Assessment	Zoltan Kovacs Architect
5	Traffic Impact Assessment	Hemanote Consultants
6	Tree Management Plan	Talc Tree and Landscape Consultants

1.4 Conceptual building massing

The urban design analysis submitted by the applicant with their request for a planning proposal (included in Appendix 3), provides three conceptual illustrations of the potential lot amalgamation and building massing of development which could be used in a future development application for the site if the planning proposal is approved. These illustrations are included in Figure 1 to Figure 4.

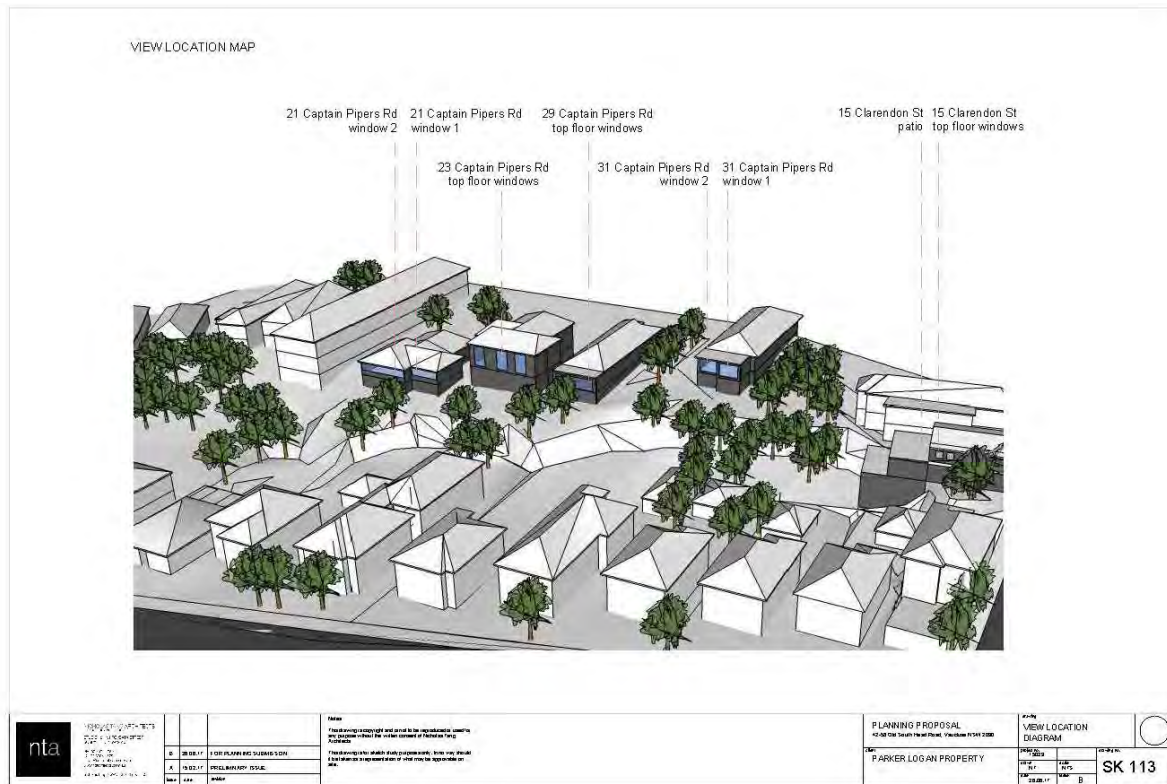


Figure 1: Existing built form (source: Nicholas Tang Architects)



Figure 2: Building massing concept A (source: Nicholas Tang Architects)

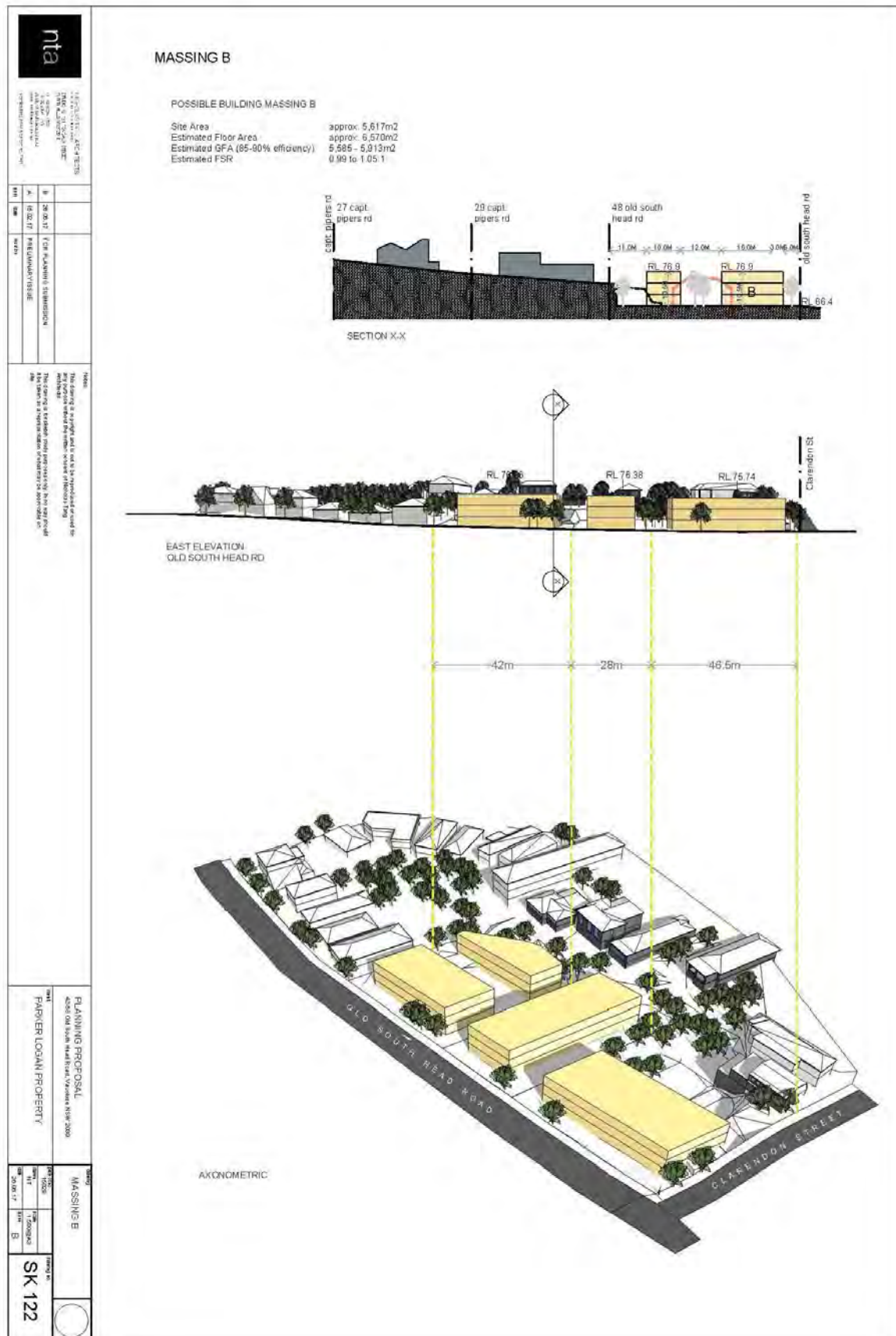


Figure 3: Building massing concept B (source: Nicholas Tang Architects)

2 Existing site and surrounding context

2.1 The site

The site consists of nine adjoining lots as described in the table below.

Table 3: Lots description

Street address	Legal description	Dwellings	Building type	Storey height
42 Old South Head Road	Lot 13 DP 13528	1	Detached	1
44 Old South Head Road	SP 16395	2	Duplex	2
46 Old South Head Road	Lot 11 DP 13528	1	Detached	2
48 Old South Head Road	SP 50433	2	Duplex	2
50 Old South Head Road	SP 13423	4	Residential flat building	2
52 Old South Head Road	Lot 4 DP 109409	1	Detached	2
54 Old South Head Road	Lot 3 DP 109409	1	Detached	2
56 Old South Head Road	Lot 2 DP 109409	1	Detached	2
58 Old South Head Road	Lot 1 DP 109409	1	Detached	2-3
Total		14		

A cadastral map showing property information is included below as Figure 5. The site is highlighted in red.

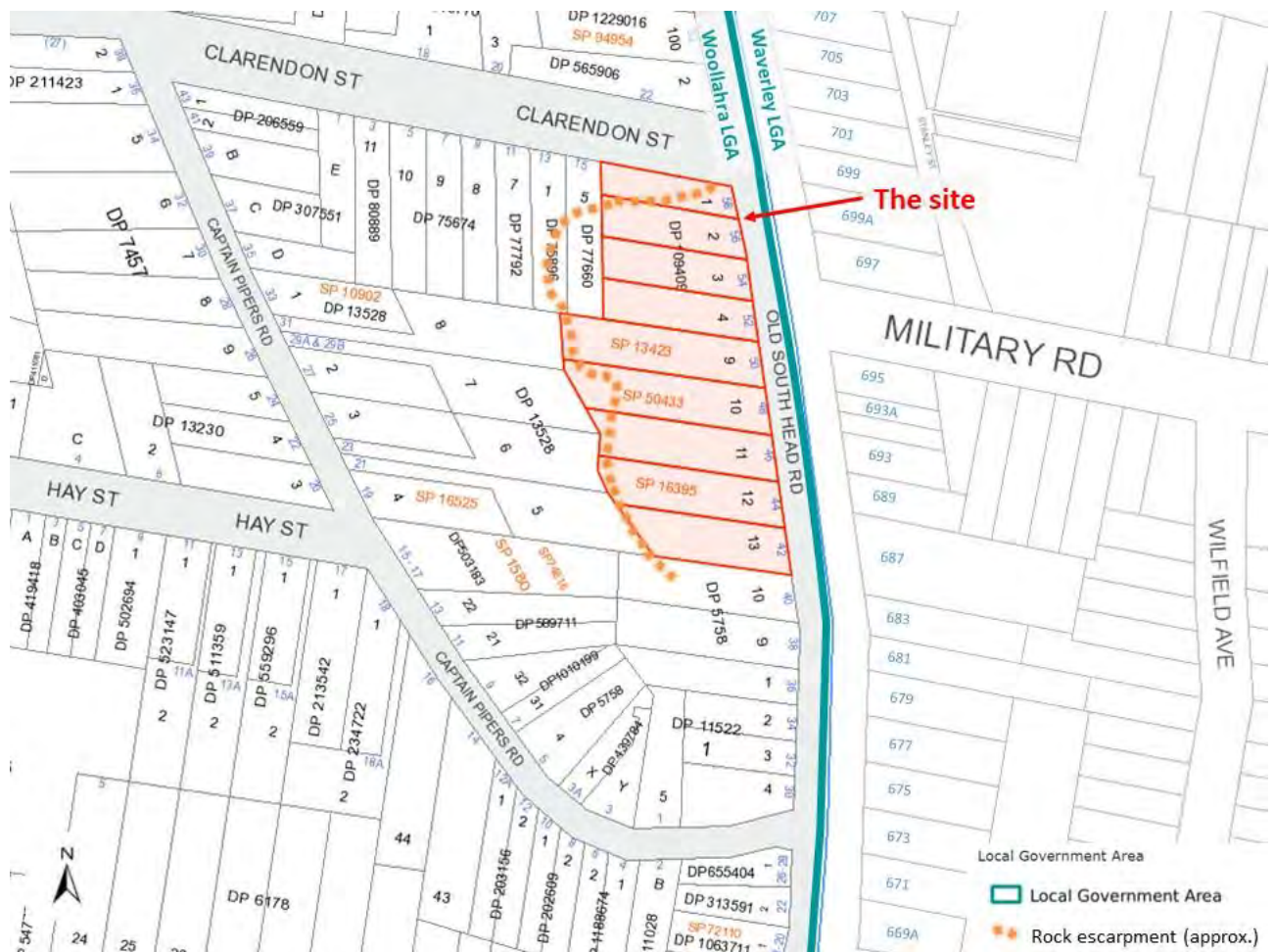


Figure 5: Cadastral map and approximate location of rock escarpment

The site has a total area of approximately 5,617 sqm. The site has a total frontage of approximately 116m to Old South Head Road and approximately 40m to Clarendon Street, and a maximum depth of approximately 60m (at No.50).

The bulk of the site, from No.42 to No.56, gently slopes downwards from south to north and from east to west. A rock escarpment, rising to a height of approximately 5 metres, is located to the west and north of this relatively flat area, as shown in Figure 5. The rear boundaries of the properties at Nos. 42 to 50 generally follow the escarpment. The escarpment then traverses the neighbouring properties to the west at 13 and 15 Clarendon Street before returning to the land at No.58, where it occupies more than 50% of that property.

The site is currently developed with 14 dwellings contained in six detached dwellings, two duplexes and one residential flat building with four units. The buildings range from 1 to 3 storeys in height. The buildings date from the Inter-War period. None of the buildings are heritage listed, nor are they located in a heritage conservation area or in the vicinity of a heritage item.

Photos of the existing development on the site are included below.



Figure 6: Existing development at 40 and 42 Old South Head Road



Figure 7: Existing development at 44 and 46 Old South Head Road



Figure 8: Existing development at 48 and 50 Old South Head Road



Figure 9: Existing development at 50 and 52 Old South Head Road



Figure 10: Existing development at 54 and 56 Old South Head Road



Figure 11: Existing development at 58 Old South Head Road (source: Google Maps)



Figure 12: Existing development at 58 Old South Head Road showing Clarendon Street, public stairs and steep topography of site and surrounds



Figure 13: Existing development at 58 Old South Head Road seen from the rear yard of 56 Old South Head Road, showing rock escarpment to the left



Figure 14: Existing development at 687 Old South Head Road, opposite the site in Waverley LGA, showing a 3 storey residential flat building

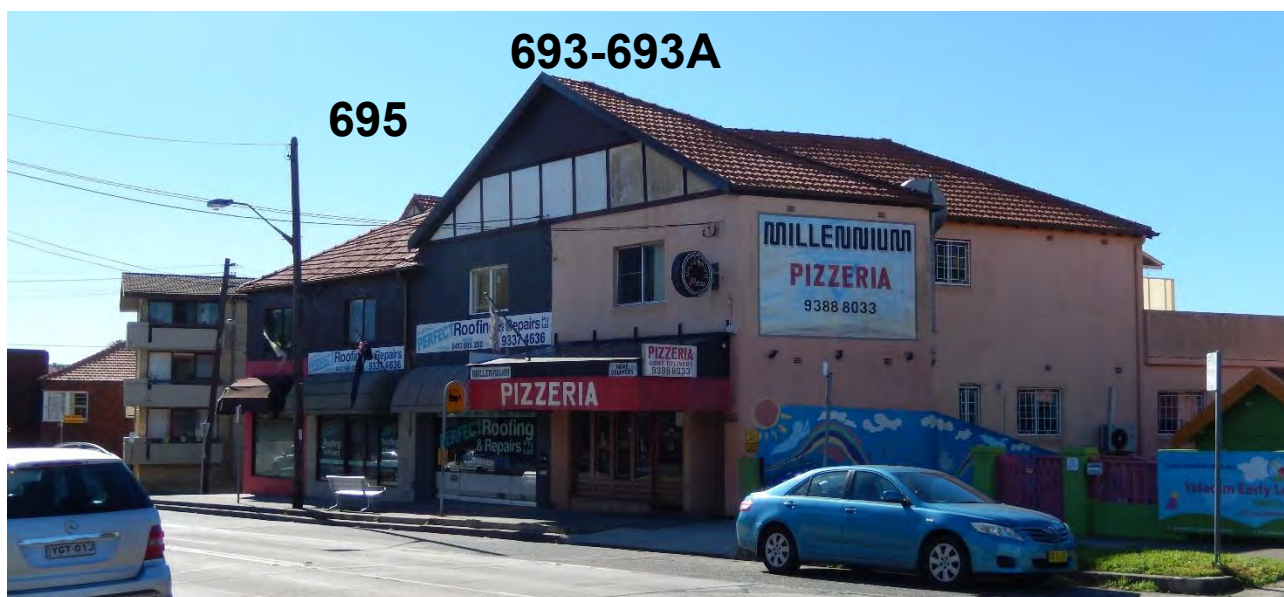


Figure 15: Existing development at 693-693A and 695 Old South Head Road, opposite the site in Waverley LGA, showing a 2 storey mixed use (retail and residential) buildings



Figure 16: Existing development at 697 Old South Head Road and the Military Road intersection, opposite the site in Waverley LGA, showing a 3-4 storey residential flat building and ocean views

2.2 Location, context and services

The site is located on the western side of Old South Head Road, Vaucluse, between Clarendon Street and Captain Pipers Road, as shown in Figure 17. Old South Head Road is an arterial road connecting Bondi Junction to Watsons Bay. At this location, Old South Head Road forms the boundary between the Woollahra and Waverley Local Government Areas (LGAs).

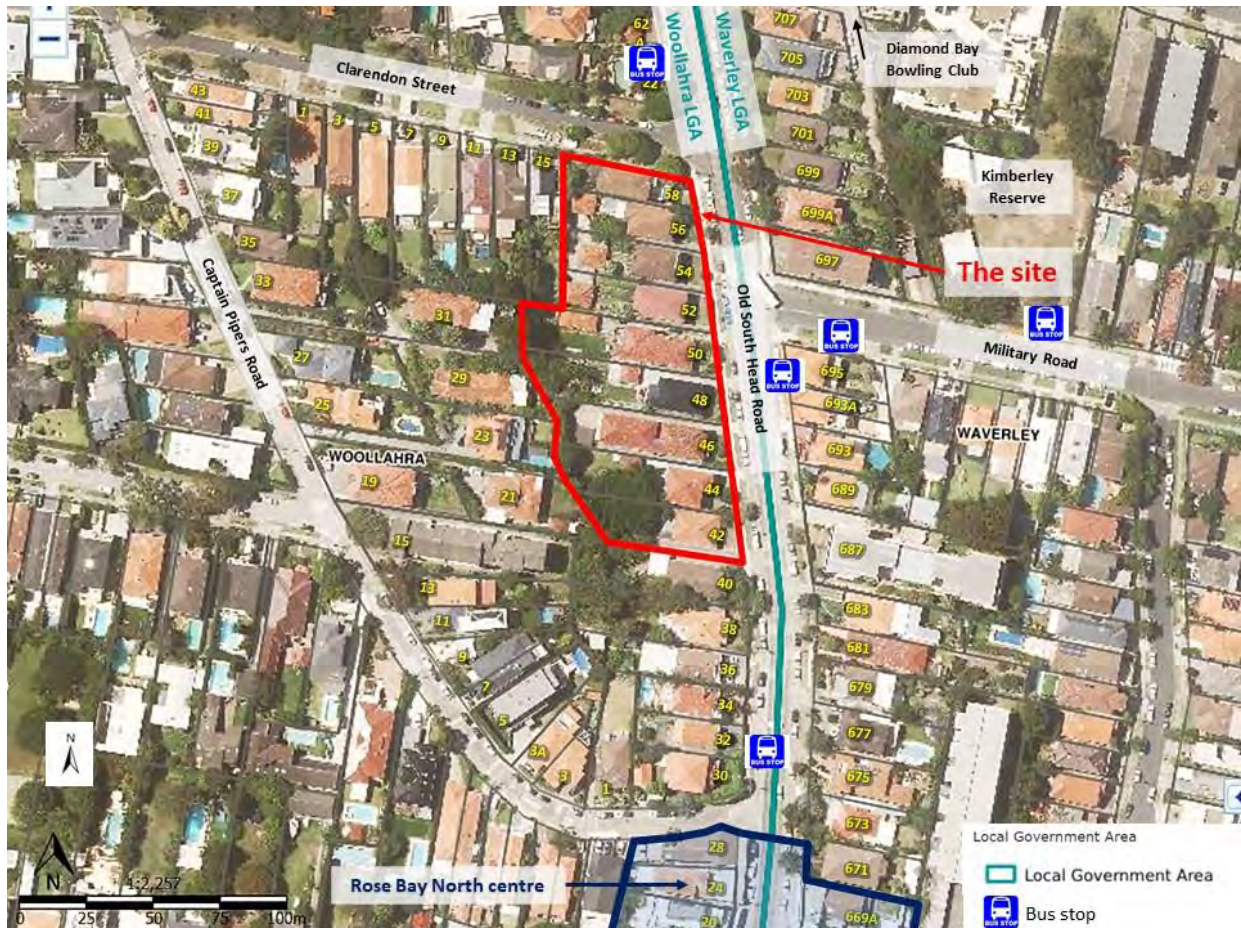


Figure 17: Local area map

Surrounding development consists of the following:

- Generally, the local area accommodates a mix of detached dwelling houses, semi-detached dwellings, duplexes and residential flat buildings which are predominantly 2 to 3 storeys in height.
- The Rose Bay North mixed use centre is located approximately 80m to the south. The centre accommodates a supermarket and various other shops and services.
- Diamond Head Bowling Club is located approximately 60m to the north.
- Kimberley Reserve is located approximately 75m to the east, and the ocean coastline is located approximately 250m to the east.

2.3 Transport accessibility

The site is highly accessible by public transport. Five bus stops are located within 100 metres of the site on Old South Head Road and Military Road, as shown in Figure 18. The bus stops service bus routes 323, 380, and 387 to Rose Bay, Edgecliff, Bondi Junction, Bondi Beach, Watsons Bay and the Sydney CBD, as shown in Figure 18. These services run at various times, but are generally every 15 minutes, 7 days per week.



Figure 18: Bus and ferry map for the area (source: Sydney Buses)

3 Existing planning controls

The planning controls that apply to the site and land in its vicinity are described below.

3.1 Zoning

The site is zoned R2 Low Density Residential under the Woollahra LEP 2014. The zone generally permits development of low density residential uses, such as dwelling houses, dual occupancies and boarding houses.

To the south of the site, the Rose Bay North mixed use centre is zoned B4 Mixed Use under the Woollahra LEP 2014. The zone generally permits development of a mixture of compatible uses such as commercial premises, entertainment facilities, medical centres and shop top housing.

Old South Head Road is an arterial road zoned SP2 Classified Road under the Woollahra LEP 2014. The permissible uses are limited to development of roads.

Land on the eastern side of Old South Head Road, opposite the site, is zoned R3 Medium Density Residential under the *Waverley Local Environmental Plan 2012* (Waverley LEP 2012). The zone generally permits development of:

- low to medium density residential uses, such as dwellings houses, attached dwellings, multi dwelling housing, seniors housing and residential flat buildings, and
- land uses that provide facilities or services to meet the day to day needs of residents, such as neighbourhood shops, child care centres and community facilities.

Zoning for the site and surrounding land is shown below in Figure 19.



Figure 19: Existing land use zoning (source: Department of Planning & Environment - Planning Viewer)

3.2 Building height

The site is subject to a maximum building height limit of 9.5 metres under the Woollahra LEP 2014. The height limit supports 2 to 3 storey development. The desired future character of the Vaucluse East residential precinct of the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) identifies that development may be 3 storeys, but should establish a 2 storey presentation to the street.

Land on the eastern side of Old South Head Road, opposite the site, which is zoned R3 Medium Density Residential, is subject to a maximum building height limit of 12.5 metres under the Waverley LEP 2012. Building height controls for the site and surrounding land are shown below in Figure 20.



Figure 20: Existing maximum building height controls (source: Department of Planning & Environment - Planning Viewer)

3.3 Floor space ratio

The site is not subject to a maximum FSR control under the Woollahra LEP 2014. As the site is zoned R2 Low Density Residential, the bulk and scale of development is determined by controls in the Woollahra DCP 2015.

Land on the eastern side of Old South Head Road, opposite the site, which is zoned R3 Medium Density Residential, is subject to a maximum FSR control of 0.9:1 under the Waverley LEP 2012. FSR controls for the site and surrounding land are shown below in Figure 21.



Figure 21: Existing maximum FSR controls (source: Department of Planning & Environment - Planning Viewer)

4 Objective of planning proposal

The objective of the planning proposal is to enable redevelopment of the site with residential flat buildings to a maximum height of 10.5 metres (3 storeys) and a maximum FSR of 1:1.

Meeting this objective will provide the opportunity to develop the site with additional housing supply and choice, in a location which is highly accessible to the Rose Bay North mixed use centre with various shopping options and services, public transport and open space facilities.

5 Explanation of provisions

The planning proposal seeks the following modifications to the provisions of the *Woollahra Local Environmental Plan 2014*:

- Amend the Land Zoning Map (Sheet LZN_005) to apply Zone R3 Medium Density Residential to the site;
- Amend the Height of Buildings Map (Sheet HOB_005) to apply a maximum building height limit of 10.5m to the site; and
- Amend the Floor Space Ratio Map (Sheet FSR_005) to apply a maximum floor space ratio of 1:1 to the site.

6 Justification

The planning proposal has strategic and site specific merit and the key reasons to amend Woollahra LEP 2014 are that:

- The planning proposal is consistent with the objectives of *A Plan for Growing Sydney* (2014) and the initiatives of the *Draft Central District Plan* (2016).
- The planning proposal is consistent with Woollahra DCP 2015 and the Council's *Community Strategic Plan, Woollahra 2025*.
- The planning proposal is consistent with the *Standard Instrument – Principal Local Environmental Plan* and all other applicable *State Environmental Planning Policies*.
- The planning proposal is consistent with applicable section 117 directions.
- The planning proposal does not apply to land identified with critical habitat areas, threatened species, populations or ecological communities or their habitats.
- The planning proposal will not create any environmental impact that cannot be identified and managed through the gateway public exhibition and development application process.
- The planning proposal will provide the opportunity to enable a social and economic benefit of additional housing and housing mix in a location accessible to public transport options, and improve the local economy by increasing the local population.

These matters are further discussed below in part 6.1 to 6.3.

6.1 Need for planning proposal

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

No. The planning proposal does not directly result from any strategic study or report. However, the proposal relates to the opportunity site process described in the background section of this report. On 14 December 2009, Council identified 22 sites as part of investigations aimed at meeting the housing targets set out by the NSW Government in the Draft East Subregional Strategy. The site forms part of a larger site, 30-58 Old South Head Road, which was one of those opportunity sites.

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

Yes. This planning proposal is the best means of achieving the objective outlined in Section 4 of this report. The best method of providing the opportunity to redevelop the site with additional housing is to amend the planning controls to allow residential flat buildings and corresponding maximum building height and FSR development standards. A planning proposal is required to amend the zoning, building height and FSR controls for site.

Other options for achieving the objective and outcomes include:

- Option 1: Allowing additional development based on a development application applying clause 4.6 exceptions to the existing height and FSR development standards. With Council development consent, this option would allow additional residential development on the site than would be available by strictly applying the existing development standards. However, the additional development opportunity of this option would not match that of the proposed controls because denser forms of residential accommodation, such as a residential flat building and multi dwelling housing would continue to be prohibited.
- Option 2: Rezone the site to B4 Mixed Use Centre, with appropriate height and FSR controls, to permit shop top housing. This option would permit the development of additional housing on the site. However, the rezoning of the site to allow a new centre, or an extensive of the Rose Bay North mixed use centre is not consistent with the desired future character for the precinct.

6.2 Relationship to strategic planning framework

6.2.1 Q3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional, subregional strategy or district plan or strategy (including exhibited draft plans or strategies)?

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

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

Yes. The planning proposal is consistent with Woollahra DCP 2015 and the Council's *Community Strategic Plan, Woollahra 2025*.

Woollahra DCP 2015

The planning proposal will permit development which is consistent with the objectives and desired future character of the local area described in the following chapters of Woollahra DCP 2015.

Chapter B1: 1.11 Vaucluse East Precinct.

The planning proposal is generally consistent with the desired future character of the precinct. This character is described as:

- maintaining the evolution of low rise residential building styles, generally through the introduction of well-designed contemporary dwelling houses;
- minimising the building bulk and scale of 3 storey development by designing development to generally present as 2 storey to the street; and
- anticipating that some land fronting Old South Head Road may be zoned R3 Medium Density Residential.

Chapter B3: General Development Controls.

The planning proposal is not seeking to amend the existing general controls of the DCP, such as building envelopes, setbacks and landscaped area. Any future development on the site would need to comply with the existing appropriate DCP controls applying to the site.

The applicant provided a heritage impact statement in support of the planning proposal, as the site currently accommodates Inter-War flat buildings. The statement was referred to Council's Strategic Heritage Officer for comment. The heritage officer:

- stated that, although the existing buildings on the site date from the Inter-War period, none of the buildings are heritage listed or identified as potential heritage items, and none are located in a heritage conservation area or in the vicinity of a heritage item;
- did not raise an objection to the planning proposal as the buildings have been substantially altered over time and no longer retain any significance as representative examples of Inter-War architecture; and
- recommended that, if the proposal proceeded to a development application involving demolition, that the buildings be recorded with a photographic archival recording prior to their demolition.

Chapter E1: Parking and Access.

The planning proposal is generally consistent with the traffic, parking and access controls of the DCP. The applicant provided a traffic impact assessment in support of the planning proposal. The assessment was based on a preliminary investigation of the site using a maximum FSR of 1.5:1. The assessment estimated a development yield of 124-128 dwellings, which is approximately 50% higher than the estimated dwelling yield achievable with a maximum FSR of 1:1.

The statement was referred to Council's Traffic Engineer for comment. The traffic engineer:

- stated that, based on the assessment, the net traffic generation increase is marginal and not anticipated to result in unacceptable adverse traffic impact on the existing road network;
- did not raise an objection to the planning proposal, subject to future on-site car parking compliance with Council's DCP, NSW regulations and Australian Standards; and
- recommended that Roads and Maritime Services be further consulted in terms of their views on the traffic generation if the proposal proceeded to a development application.

Chapter E3: Tree Management.

The planning proposal is generally consistent with the tree management controls of the DCP. The applicant provided a Tree Management Plan which states that there are no naturally occurring trees on the site and the limited existing tree canopy tends to be located at the rear of the site. The planning proposal provides the opportunity to improve the landscaping and tree management on the site by consolidating landscaped areas and implementing a co-ordinated landscape plan or plans.

Woollahra 2025

The planning proposal is generally consistent with the Council's *Community Strategic Plan, Woollahra 2025*, in particular Goal 4 – Well planned neighbourhoods. Goal 4 sets out six key challenges, five of which are relevant to this planning proposal. The planning proposal's consistency with these challenges is described in the table below.

Table 4: Woollahra 2025 - Goal 4: Well planning neighbourhoods - Key challenges

Key challenge area	Key challenge	Response to challenge
Development	Protecting our area from high rise and inappropriate oversized development while balancing the pressure for new housing and jobs.	The planning proposal will not permit high rise or inappropriate oversized development. However, it will address the pressure for new housing.
Sustainability	Encouraging and supporting sustainable development.	The planning proposal will encourage and support sustainable development by providing housing in a location which is highly accessible by public transport and well located to access facilities within an established business centre.
Increased housing	Responding to the increased housing targets set by the State Government.	The planning proposal will respond to the housing targets set by the State Government, by providing the opportunity to develop additional housing.
Housing choice	Providing a diverse range of housing choices to meet the variety of household types, income and lifestyles.	The planning proposal will provide the opportunity to contribute to the diverse range of housing choices with the LGA to meet a variety of household types, income and lifestyles.
Protection of urban character	Maintaining our mostly low rise, mixed urban form vibrant villages, architecture and heritage. Balancing the protection of the leafy character of the area with achieving development demand.	The planning proposal will not prevent the redevelopment of the site in a manner that maintains a mostly low rise, mixed urban form of vibrant villages, architecture and heritage.

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

Yes. The planning proposal is consistent with the *Standard Instrument – Principal Local Environmental Plan* and all other applicable *State Environmental Planning Policies* (refer to Schedule 2).

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

Yes. The planning proposal is consistent with applicable section 117 directions (refer to Schedule 3).

6.3 Environmental, social and economic impact

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

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

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

Yes. The potential environmental effects of the planning proposal are discussed below. Other environmental effects that might arise through the redevelopment of the sites would be identified through the development application process. Good design and conditions of consent will limit these effects.

View impacts

The site is located within a ridgeline that runs through the middle of Vacluse. The elevation of the ridgeline provides water views to the east from a number of properties in the vicinity of the site, particularly 15 Clarendon Street and 21, 23, 29 and 31 Captain Pipers Road. The views from these properties may be impacted by the development of buildings to a maximum height limit of 10.5 metres.

The applicant has provided 3D modelling images, and a virtual 3D model to assist Council with the assessment of the potential view impact of the proposed height limit for the site. However, this documentation is not based on inspections from potentially affected properties. The exhibition of a planning proposal will provide a better method of undertaking a detailed assessment of the potential view impact of the proposed height limit. This can be facilitated by conducting a view analysis from adjoining properties.

Design concept

Indicative concept plans for the site show an amalgamation of the various lots into three larger lots and development of four or five residential flat buildings with a height of 3 storeys, with three driveways onto Old South Head Road. However, the detailed design of development is a matter to be considered at the development application stage, and does not affect this request.

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

Yes. The planning proposal will have positive social and economic effects, in that it provides the additional flexibility in residential development outcomes, which will provide:

- the opportunity for additional residential development near the Rose Bay North mixed use centre;
- the opportunity for additional public transport oriented development due to the site's proximity to frequent bus services;
- the opportunity for additional housing with a mix of apartment sizes;
- the potential to increase the local population and provide economic support to local businesses; and
- an incentive to redevelop the site to replace ageing housing stock.

6.4 State and Commonwealth interests

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

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

It is unlikely that there will be any significant additional infrastructure demand resulting from the planning proposal. Notwithstanding, we will consult with public utility companies, service providers and emergency services during the public exhibition, in accordance with the gateway determination.

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

Council will consult with any relevant State and Commonwealth public authorities in accordance with the gateway determination issued by the Department of Planning and Environment, during the public exhibition of the planning proposal.

7 Mapping

The planning proposal seeks to amend the Woollahra LEP 2014 maps in the following manner:

- Amend the Land Zoning Map (Sheet LZN_005) to apply Zone R3 Medium Density Residential to the site;
- Amend the Height of Buildings Map (Sheet HOB_005) to apply a maximum building height limit of 10.5m to the site; and
- Amend the Floor Space Ratio Map (Sheet FSR_005) to apply a maximum floor space ratio of 1:1 to the site.

An extract of the existing and proposed zoning, building height and FSR maps are shown in Figure 22 to Figure 27

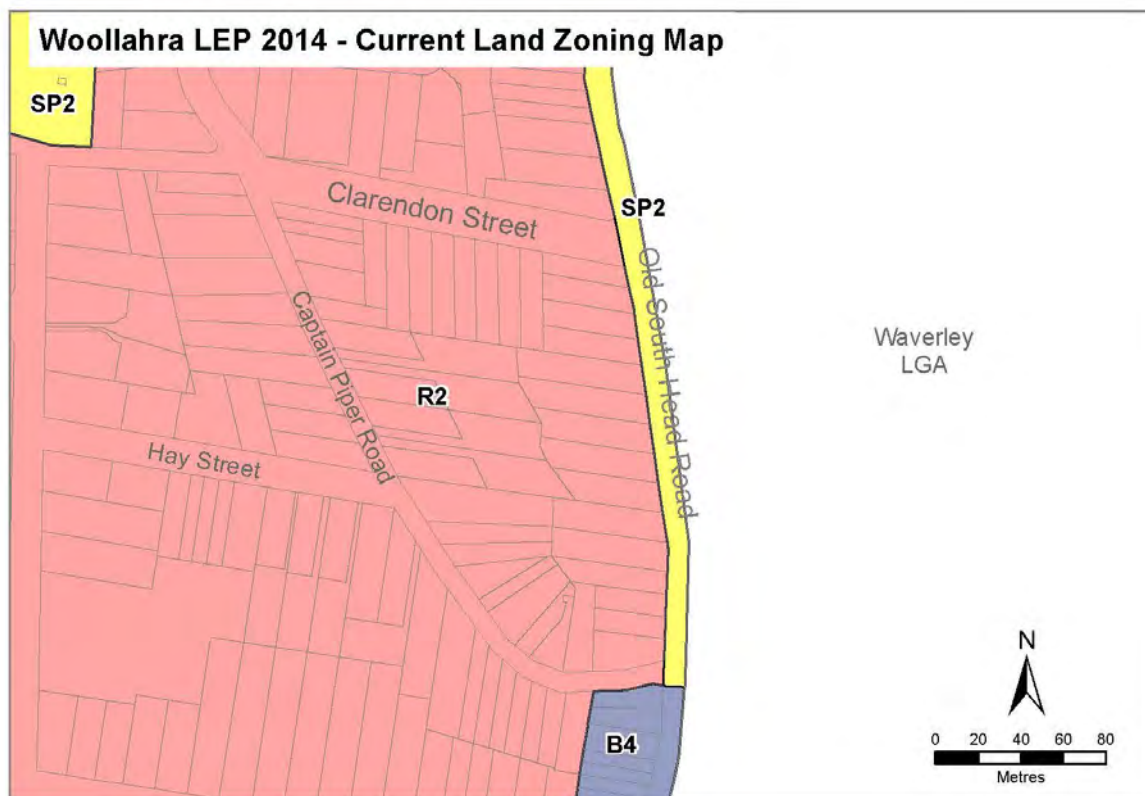


Figure 22: Extract from existing Woollahra LEP 2014 Land Zoning Map (Sheet LZN_005)

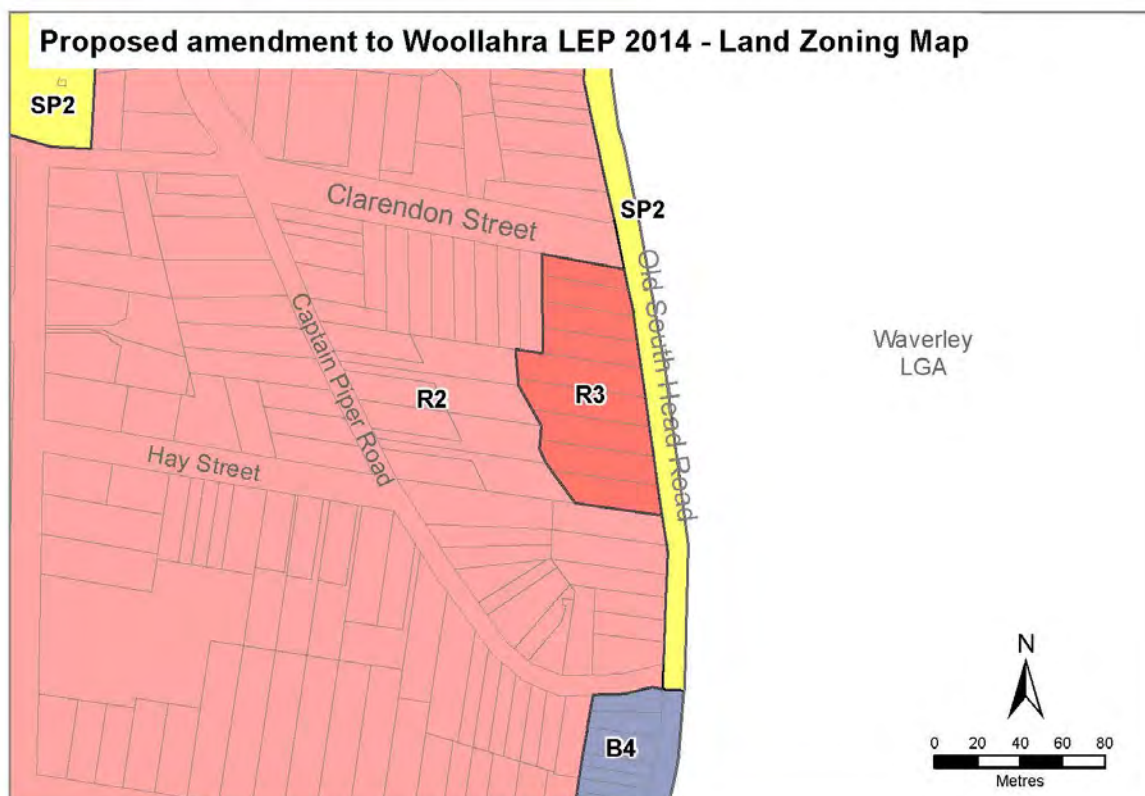


Figure 23: Extract from proposed Woollahra LEP 2014 Land Zoning Map (Sheet LZN_005)

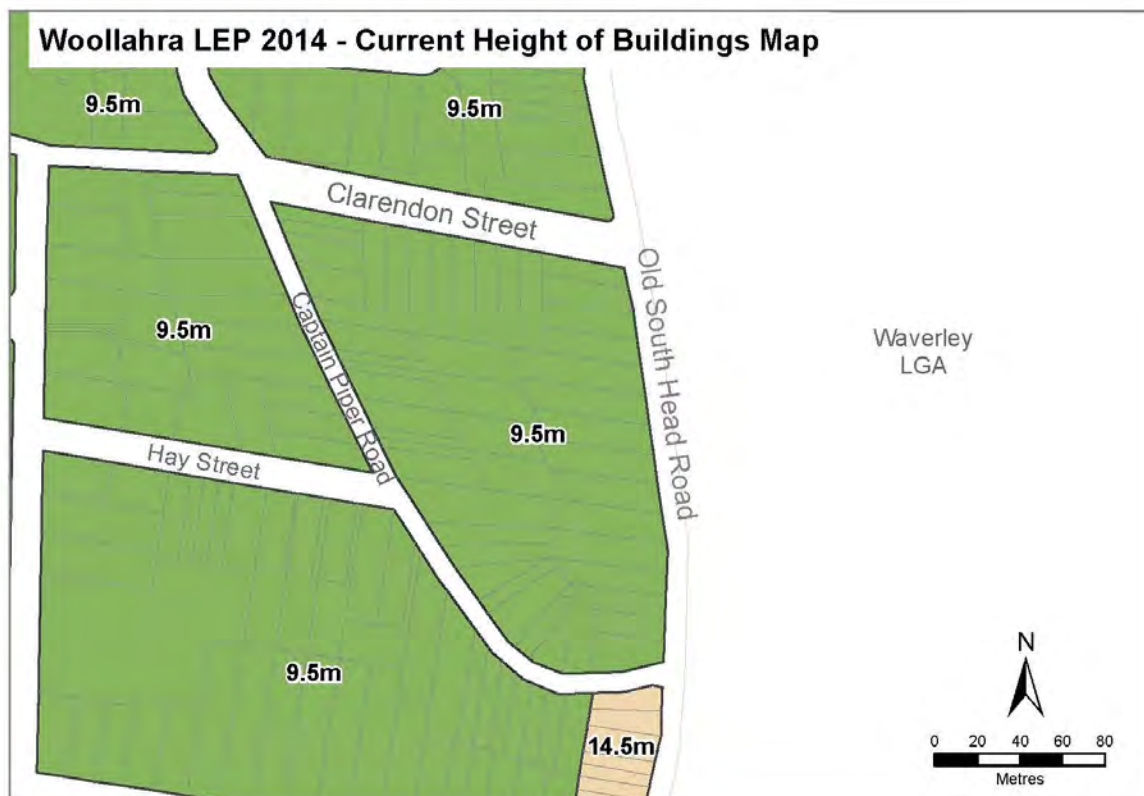


Figure 24: Extract from existing Woollahra LEP 2014 Height of Buildings Map (Sheet HOB_005)

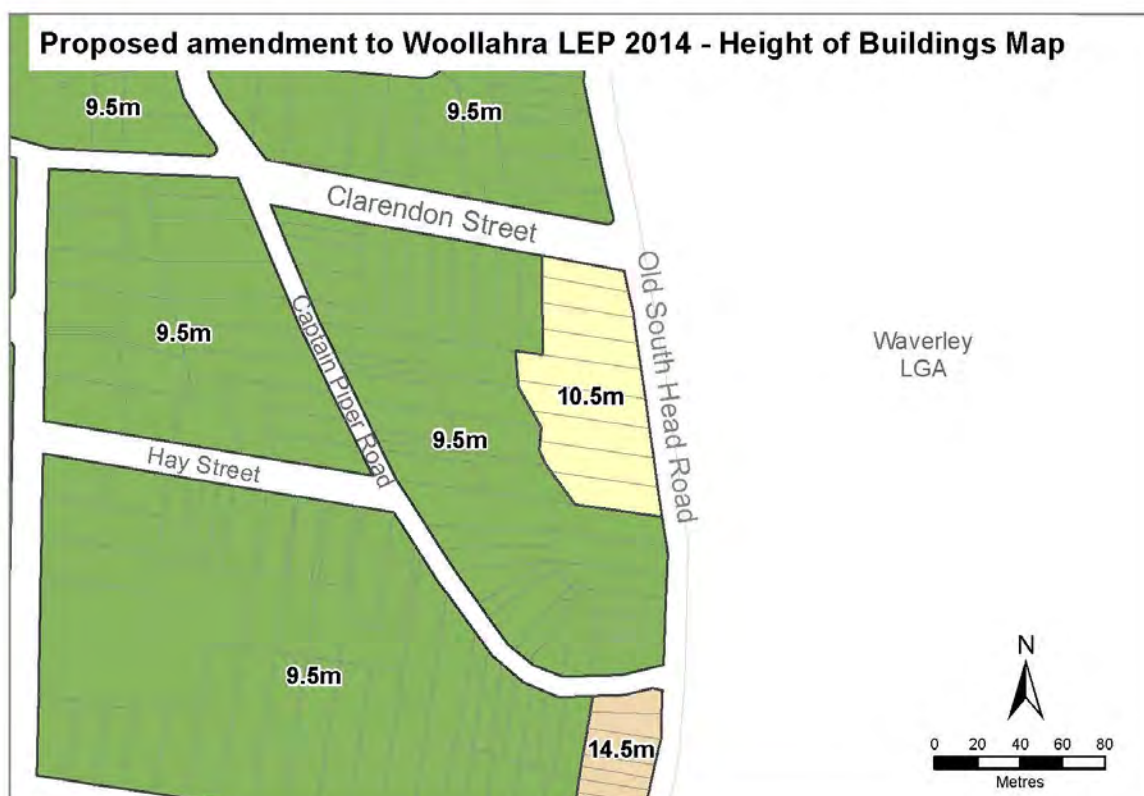


Figure 25: Extract from proposed Woollahra LEP 2014 Height of Buildings Map (Sheet HOB_005)

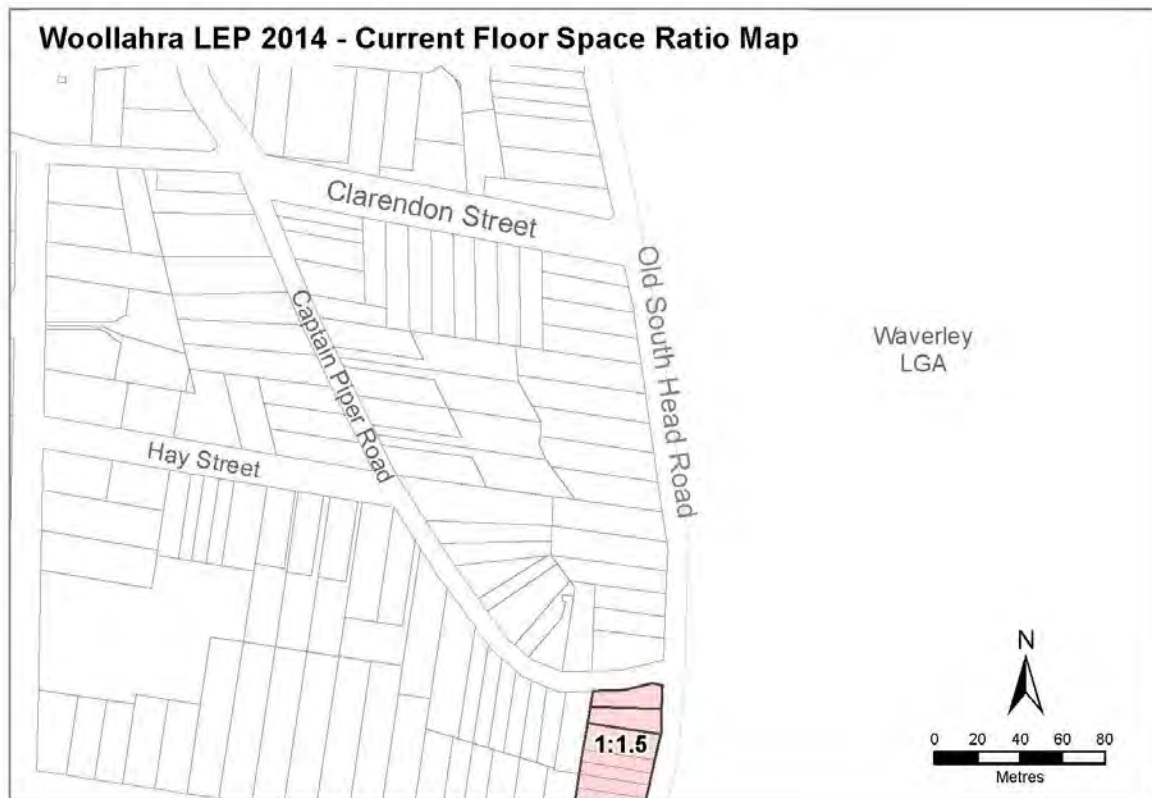


Figure 26: Extract from existing Woollahra LEP 2014 Floor Space Ratio Map (Sheet FSR_005)

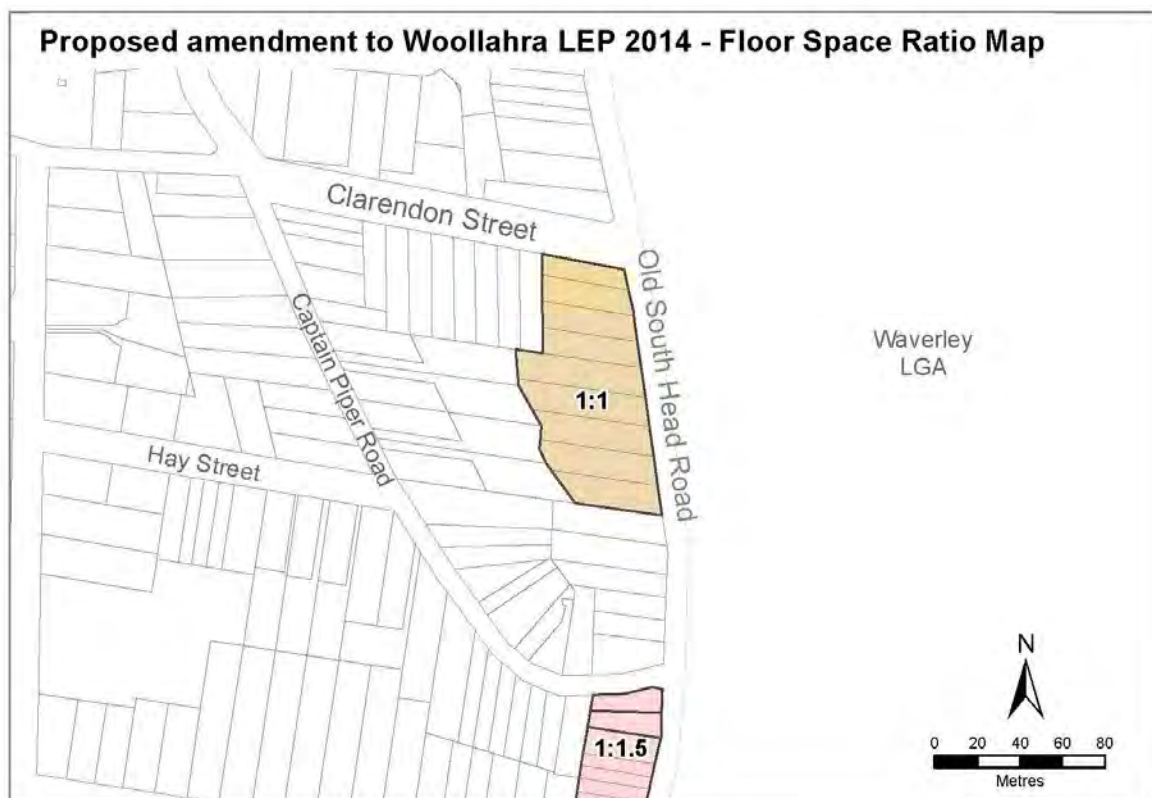


Figure 27: Extract from proposed Woollahra LEP 2014 Floor Space Ratio Map (Sheet FSR_005)

8 Community consultation

The public exhibition will be undertaken in accordance with the requirements of the EP&A Act, the *Environmental Planning and Assessment Regulation 2000* and the gateway determination.

The planning proposal will be exhibited for a minimum of 28 days or longer if required by the gateway determination.

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 of the site, and land owners in the vicinity of the site;
- a letter to any relevant public authority in accordance with the gateway determination;
- a letter to local community groups including the Vaucluse Progress Association; and
- a public notice on each property of the site.

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

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

9 Project timeline

As Council is authorised to exercise the functions of the Minister for Planning under section 59 of the EP&A Act, the proposed timeline for completion is as follows:

Plan-making step	Estimated completion
Urban Planning Committee recommends proceeding	10 July 2017
Council resolution to proceed	24 July 2017
Planning proposal submitted to Greater Sydney Commission / Department of Planning and Environment for gateway determination	Week ending 1 September 2017
Gateway determination	6 weeks
Completion of technical assessment	Usually none required
Public exhibition period, including government agency consultation	4 weeks
Submissions assessment	2 weeks
Council assessment of planning proposal post exhibition	4 weeks
Council decision to make the LEP amendment	2 weeks
Council to liaise with Parliamentary Counsel to prepare LEP amendment	4 weeks
LEP amendment forwarded to Greater Sydney Commission / Department of Planning and Environment for notification	1 week
Notification of the approved LEP	4 weeks

Schedules

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

1. A Plan for Growing Sydney (December 2014)

This plan contains:

- A vision for Sydney
- 4 goals, 3 planning principles and 22 directions
- Priorities for Sydney's 6 subregions. The site is located in the Central Subregion.

Goal	Comment on consistency
1. A competitive economy with world-class services and transport	Consistent. The planning proposal will help meet this goal by providing additional flexibility in the development opportunities near the existing Rose Bay North mixed use centre. The site has good access to bus transportation.
2. A city of housing choice, with homes that meet our needs and lifestyles	Consistent. The planning proposal will provide additional flexibility in the housing development options for the site, providing the opportunity for additional diversity in housing choice to meet different lifestyles.
3. A great place to live with communities that are strong, healthy and well connected	Consistent. The planning proposal will provide the opportunity to develop a good quality living environment and encourage a strong, healthy and well connected community. The proposal will provide additional flexibility in the development options for housing supply and choice in a location which is near the Rose Bay North mixed use centre, close to a range of recreational areas and activities, and accessible to public transport.
4. A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources	Consistent. The planning proposal will not impede sustainability or the protection of the natural environment.

Planning principles	Comment on consistency
Principle 1: Increasing housing choice around all centres through urban renewal in established areas	Consistent. The planning proposal will provide an opportunity for increased housing choice in proximity to the Rose Bay North mixed use centre.
Principle 2: Stronger economic development in strategic centres and transport gateways	Consistent. The planning proposal will provide additional flexibility in development options for the site, which is located near the Rose Bay North mixed use centre. The site is well located to take advantage of jobs in the centre and has good public transport links to access jobs and services in other nearby strategic centres such as the Sydney CBD, Bondi Junction and other centres.
Principle 3: Connecting centres with a networked transport system	Consistent. The planning proposal will not impede the provision of efficient public transport links to commercial centres.

Directions
A set of 22 directions is listed for the four goals of <i>A Plan for Growing Sydney</i>. Each direction has been considered, but many are not related to this planning proposal. The relevant planning directions are addressed below.

Direction	Comment on consistency
Direction 2.1 Accelerate housing supply across Sydney	Consistent. The planning proposal will provide additional flexibility in housing development options for the site, which may assist to accelerate the supply of housing. With a maximum FSR of 1:1, the site is capable of accommodating a maximum residential GFA of approximately 5,617 sqm, or approximately 81 dwellings*, compared with the existing 14 dwellings on the site. This equates to approximately an additional 67 dwellings. <i>*Note: Dwelling calculations are based on minimum standards required by the NSW Apartment Design Guide (SEPP 65) - with an average size of 62.5 sqm, on a development efficiency of 90% of maximum GFA.</i>

Direction	Comment on consistency
Direction 2.2 Accelerate urban renewal across Sydney – Providing homes close to jobs	Consistent. The planning proposal will provide additional flexibility in housing options for the site, which is located close to the Rose Bay North mixed use centre. The site has good public transport links to other centres that provide jobs, such as Sydney CBD, Bondi Junction and other centres.
Direction 2.3: Improve housing choice to suit different needs and lifestyles	Consistent. The planning proposal will provide additional flexibility in housing redevelopment opportunities for the site to suit a range of different needs and lifestyles.
Direction 3.1: Revitalise existing suburbs	Consistent. The planning proposal will provide additional flexibility in the development options for the site, providing additional incentive to redevelop the site to replace ageing housing stock.
Direction 3.3: Create healthy built environments	Consistent. The planning proposal applies to land located near the Rose Bay North mixed use centre with shops, services, recreational spaces and public transport. This promotes healthy activities such as walking or cycling to these locations as part of daily activities and promotes physical activity.
Direction 4.1 Protect our natural environment and biodiversity	Consistent. The planning proposal applies to land located in an existing urban environment and does not apply to sensitive land or land with significant conservation values.

Direction	Comment on consistency
Central Subregion priorities	Comment on consistency
The priorities for the Central Subregion are: • A competitive economy; • Accelerate housing supply, choice and affordability and build great places to live; and • Protect the natural environment and promote its sustainability and resilience.	Consistent. The planning proposal is consistent with the priorities of the subregion as it: • will facilitate additional flexibility in the redevelopment options near the Rose Bay North mixed use centre; • will facilitate residential development to accelerate housing supply, choice and potentially affordability; • will facilitate development close to existing recreation facilities such as the Diamond Head Bowling Club, Kimberley Reserve and the ocean coastline; • is in proximity to existing transportation infrastructure, services and recreation; and • does not apply to land with any significant conservation value.

2. Draft Central District Plan

The Draft Central District Plan (2016) [the District Plan] sets out a vision, priorities and actions for the development of the Central District of Greater Sydney. The four goals of *A Plan for Growing Sydney* are addressed in the District Plan in three themes:

- A productive city (Goal 1)
- A liveable city (Goals 2 and 3)
- A sustainable city (Goals 3 and 4)

Each theme contains priorities which must be addressed during the preparation of a planning proposal. The consistency of this planning proposal with these priorities is addressed in this table.

A productive city

District priorities	Comment on consistency
Productivity Priority 1: Creating opportunities for the growth of commercial floor space Relevant planning authorities need to consider the mechanisms to protect and enhance opportunities for the growth of commercial floor space. When planning strategic and district centres, relevant planning authorities should consider Productivity Priority 3 (Section 3.5), as well as strategies to:	Not applicable. The planning proposal is not a product of planning for regional or district centres. The planning proposal will not impede the development of commercial floor space under existing development standards

A productive city	
• enhance the urban amenity and walkability of centres; • promote the diversification of complementary commercial activities; • maintain a commercial core for employment activities in targeted locations; and • support the economic viability of office development.	and controls.
Productivity Priority 2: Support the growth of innovation and creative industries The relevant planning authority should investigate opportunities to support the growth of innovation and creative industries. Consideration should be given to the full spectrum of activities from high-end global businesses to small start-ups. This may be achieved through a range of mechanisms and strategies including: • providing flexibility in appropriate zones for the co-location of creative industries in desirable locations with access to transport and ancillary uses such as retail, cafes and restaurants • incentivising opportunities for the provision of affordable space for creative and start-up businesses. Councils and State agencies should also consider opportunities to grow innovation and creative industries by: • providing affordable space for creative hubs on government-owned land and/or in large-scale government-led urban renewal projects • enhancing synergies and connectivity between health and education facilities • supporting increased opportunities for a diversity of housing choices including price points close to work opportunities.	Not applicable. The planning proposal will not impede the integration of arts and cultural outcomes, or creative hubs under existing development standards and controls.
Productivity Priority 3: Manage growth and change in strategic and district centres and, as relevant, local centres When undertaking planning for strategic, district and local centres, the relevant planning authority should consider: • opportunities for existing centres to grow and new centres to be planned to meet forecast demand across a range of retail business types, including: the need to reinforce the suitability of centres for	Not applicable. The planning proposal does not involve or is it a result of planning for a strategic, district or local centre.

A productive city

- retail and commercial, encouraging a competitive market
- the commercial requirements of retailers and commercial operators such as servicing, location, visibility and accessibility
- the use of B3 Commercial Core Zones in strategic centres, and where appropriate, in district centres to reinforce and support the operation and viability of non-residential uses, including local office markets.

When preparing strategic plans, the relevant planning authority needs to demonstrate how its planning for centres has considered strategies to:

- deliver on the strategic and district centre's job targets
- meet the retail and service needs of the community
- facilitate the reinforcement and/ or expansion of allied health and research activities
- promote the use of walking, cycling and integrated public transport solutions
- provide urban spaces such as meeting places and playgrounds
- respond to the centre's heritage and history
- promote community arts
- reflect crime prevention through environmental design (CPTED) principles such as safety and management
- manage the transition between higher intensity activity in and around a centre and lower intensity activity that frames the centre.

A productive city

Productivity Priority 4:

Prioritise the provision of retail floor space in centres

When preparing retail and commercial strategies to inform local planning, the following matters should be considered:

- existing and future supply and demand for retail floor space within the District, based on the Department of Planning and Environment's medium population growth scenario
- the accessibility of different types of retail and commercial floor space to communities
- opportunities to allow retail and commercial activities to innovate
- the impacts of new retail and commercial proposals to enhance the viability and vitality of existing and planned centres
- the need for new retail development to reinforce and enhance the public domain
- the net social, economic and environmental implications of new supply within different locations

Not applicable.

The planning proposal is not a product of a retail or commercial strategy.

The planning proposal will not impede the preparation of retail and commercial strategies to inform local planning.

Productivity Priority 5:

Protect and support employment and urban services land

Relevant planning authorities should take a precautionary approach to rezoning employment and urban services lands, or adding additional permissible uses that would hinder their role and function. The exception being where there is a clear direction in the regional plan (currently *A Plan for Growing Sydney*), the District Plan or an alternative strategy endorsed by the relevant planning authority.

Any such alternative strategy should be based on a net community benefit assessment (i.e. analysis of the economic, environmental and social implications) of the proposed exception, taking account of a District-wide perspective in accordance with Action P5.

How these matters are taken into account is to be demonstrated in any relevant planning proposal.

Not applicable.

The planning proposal will not rezone any employment and urban services lands, or add additional permissible uses that would hinder their role and function.

A Liveable City	
District priorities	Comment on consistency
Liveability Priority 1: Deliver Central District's five-year housing targets To deliver these five-year housing targets, councils need to: • plan to provide sufficient capacity and monitor delivery of the five-year housing targets; and • liaise with the Commission to identify barriers to delivering additional housing in accordance with the targets.	Consistent. The planning proposal will provide additional flexibility in housing development options for the site. This will assist in providing housing to meet the district plan's five year housing target for Woollahra Council of 300 dwellings.
Liveability Priority 2: Deliver housing diversity Relevant planning authorities should consider the needs of the local population base in their local housing strategy and how to align local planning controls that: • address housing diversity that is relevant to the needs of the existing and future local housing market ; and • deliver quality design outcomes for both buildings and places.	Not applicable. The planning proposal does not form part of a local housing strategy. However, the proposal will provide additional flexibility in housing development options for the site, permitting the opportunity for additional housing diversity.
Liveability Priority 3: Implement the Affordable Rental Housing Target Building on Action 2.3.3 of <i>A Plan for Growing Sydney</i>, when preparing planning proposals or strategic plans for new urban renewal or greenfield areas, the relevant planning authority will include an Affordable Rental Housing Target as a form of inclusionary zoning. A target of 5% to 10% of new floor space will be applied at the rezoning stage so that it can factored into the development equation: • within areas that have been shown, via a local housing strategy, or another form of appropriate research, to have current or future need for affordable rental housing; • to applicable land within new urban renewal or greenfield areas (government and private) subject to development feasibility assessed at a precinct scale; • to all new floor space (above the existing permissible floor space);	Not applicable. The planning proposal does not apply to land in a new urban renewal or greenfield area.

A Liveable City	
District priorities	Comment on consistency
• in addition to local and State development contributions and cognisant of any public or private subsidy for affordable rental housing provision; • to provide a range of dwelling types including one, two and three+ bedroom homes; and • in accordance with any relevant guidance developed by the Commission and Department of Planning and Environment. The Affordable Rental Housing dwellings will be secured by the relevant planning authority and passed onto a registered Community Housing Provider to manage, further developing this emerging sector of the economy. In this regard, we encourage the NSW Government to bring forward its own land to maximise affordable housing and Affordable Rental Housing.	

A Liveable City	
District priorities	Comment on consistency
Liveability Priority 4: Increase social housing provision Relevant planning authorities and the Department of Family and Community Services (and the Land and Housing Corporation) should collaborate to optimise housing and community diversity outcomes on sites of social housing concentration. Subject to appropriate consultation, feasibility considerations and environmental assessment, relevant planning authorities should translate optimal outcomes for social housing sites into land use controls.	Not applicable. The site does not contain any social housing.
Liveability Priority 5: Facilitate the delivery of safe and healthy places Relevant planning authorities should: • facilitate the development of healthy and safe built environments • consider the inclusion of planning mechanisms such as floor space bonuses to incentivise the provision of: - neighbourhoods with good walking and cycling connections particularly to schools; - social infrastructure such as public libraries or child care; and - urban agriculture, community and roof gardens for productive food systems.	Consistent. The planning proposal will not impede the planning or delivery of healthy and safe environments under existing development standards and controls.
Liveability Priority 6: Facilitate enhanced walking and cycling connections Relevant planning authorities should facilitate enhanced walking and cycling outcomes by giving due consideration to the delivery of district and regional connections and walkable neighbourhoods.	Not applicable. The planning proposal will not impede the planning or delivery of walking and cycling facilities.

A Liveable City	
District priorities	Comment on consistency
Liveability Priority 7: Conserve heritage and unique local characteristics Relevant planning authorities should: • require the adaptive re-use of historic and heritage listed buildings and structures in a way that enhances and respects heritage values; and • protect Aboriginal, cultural and natural heritage and places, spaces and qualities valued by the local community.	Not applicable. The planning proposal does not affect land that contains a heritage item, located in the vicinity of a heritage item or located within a heritage conservation area.
Liveability Priority 8: Foster the creative arts and culture Relevant planning authorities should: • integrate arts and cultural outcomes into urban development through planning proposals that nurture a culture of art in everyday local spaces and enhance access to the arts in all communities; and • give due consideration to the inclusion of planning mechanisms that would incentivise the establishment and resourcing of creative hubs and incubators and accessible artist-run spaces.	Consistent. The planning proposal applies to private land. The planning proposal will not impede the integration of arts and cultural outcomes, or creative hubs on other lands, particularly public spaces.
Liveability Priority 9: Share resources and spaces Relevant planning authorities should consider the delivery of shared local facilities such as community hubs, cultural facilities and public libraries as multifunctional shared spaces.	Not applicable. The planning proposal will not impede the delivery of shared local facilities under existing development standards and controls.

A Liveable City	
District priorities	Comment on consistency
Liveability Priority 10: Support innovative school planning and delivery Relevant planning authorities should give due consideration to: • Innovative land use and development approaches, including: - o using travel management plans, that identify travel options, to reduce car use; and - o enabling the development and construction of schools as flexible spaces, so they can facilitate shared use and change over time to meet varying community need. • The inclusion of planning mechanisms that would incentivise the: - o development of new schools as a part of good quality and appropriate mixed use developments; and - o the shared use of facilities between schools and the local community including playing fields and indoor facilities, so they can meet wider community needs.	Not applicable. The planning proposal does not apply to land which is currently used or proposed to be used for educational establishments.
Liveability Priority 11: Provide socially and culturally appropriate infrastructure and services Relevant planning authorities should: • collaborate with Federal and State agencies and service providers to integrate local and District social infrastructure for Aboriginal residents including preschools, child care and aged care services; and • include appropriate planning mechanisms to incentivise the provision of these services required by local communities where appropriate.	Not applicable. A need for additional services and facilities to service Woollahra's Aboriginal population has not been identified.
Liveability Priority 12: Support planning for health infrastructure Relevant planning authorities should give due consideration to the need to support the co-location of ancillary uses that complement health precincts, including: • residential aged care facilities • housing for health workers	Not applicable. The sites are not located in the vicinity of a major health precinct identified in the Draft Central District Plan. Co-locating ancillary services is not relevant to this planning proposal.

A Liveable City	
District priorities	Comment on consistency
• visitor and short-term accommodation • health and medical research activities • child care • non-critical patient care • commercial uses that are complementary to and service the health precinct Consideration should also be given to the protection of health precincts and super precincts from residential encroachment into key employment areas.	
Liveability Priority 13: Support planning for emergency services Relevant planning authorities must consider the operational and locational requirements of emergency services.	Not applicable. Woollahra's target of 300 additional dwellings over five years identified in the Draft Central District Plan does not require additional emergency services.
Liveability Priority 14: Support planning for cemeteries and crematoria Relevant planning authorities should give consideration to the need and locational requirements of cemeteries and crematoria.	Not applicable. Cemeteries and crematoria are not permissible anywhere in the Woollahra LGA under Woollahra LEP 2014, nor does the planning proposal propose to permit them.

A sustainable City	
District priorities	Comment on consistency
Sustainability Priority 1: Maintain and improve water quality and waterway health The Office of Environment and Heritage and the Environment Protection Authority have developed a risk-based framework to assist decisions that maintain, improve or restore water quality in the strategic planning process to help meet the NSW Water Quality and River Flow Objectives. Relevant planning authorities and managers of public land should: • adopt the Office of Environment and Heritage and the Environment Protection Authority's framework to determine the appropriate stormwater and wastewater management targets that contribute to maintaining or improving water quality and waterway health to meet the community's values; • consider more water sensitive approaches to managing stormwater to meet the water quality and quantity targets, including harvesting and re-use of water and management of riparian corridors; • develop mechanisms to allow offsetting between sub-catchments and facilitate cost-effective opportunities to meet the management targets for whole catchments and water quality objectives for receiving waters; and • while management targets are being established, ensure that the quality of stormwater and wastewater from public land and new development in established urban areas maintains or improves the health of waterways, in line with community values and expectations of how waterways will be used.	Consistent. The planning proposal applies to existing developed land that is not located near or on a water body or water course. The planning proposal will not impede opportunities to appropriately manage or improve stormwater and wastewater quality and waterway health. A detailed assessment of these issues can be undertaken as part of a development application.
Sustainability Priority 2: Protect and conserve the values of	Not applicable. The planning proposal is not a strategic plan,

A sustainable City	
District priorities	Comment on consistency
Sydney Harbour When preparing strategic plans, relevant planning authorities around Sydney Harbour should consider opportunities to: • conserve and interpret Aboriginal and European heritage; • protect and enhance aquatic and terrestrial biodiversity (also see Section 5.5); • enhance access to and along the foreshore and provide connected green space around the foreshore (also see Section 5.6); and • manage demand for and the design of essential maritime facilities within the natural and built environment.	and the planning proposal does not apply to land located near the Sydney Harbour foreshore. The planning proposal will not impede opportunities to manage or enhance heritage, biodiversity, foreshore access or the design of maritime facilities. A detailed assessment of these issues can be undertaken as part of a development application.
Sustainability Priority 3: Enhance access to Sydney Harbour foreshore and waterways Councils around Sydney Harbour should work with Roads and Maritime Services to revise foreshore and waterway access strategies for Sydney Harbour. These strategies should consider ways to manage competing demands placed on Sydney Harbour including: • protection of flora and fauna • public access to the foreshore and waterway • growth in boat ownership • changes in boat size • demand for moorings, marinas, dinghy storage and other boat support infrastructure • demand for on-street boat parking	Consistent. The planning proposal is not a strategic plan, and the planning proposal does not apply to land located near the Sydney Harbour foreshore. The proposal will not impede options to manage competing demands placed on Sydney Harbour.

A sustainable City	
District priorities	Comment on consistency
Sustainability Priority 4: Avoid and minimise impacts on biodiversity Efforts to protect biodiversity values should be based on avoiding and minimising adverse impacts to biodiversity, as far as practicable. Only when impacts cannot be avoided or minimised, should consideration be given to offsetting those impacts.	Not applicable. The planning proposal applies to an existing developed site. There are no known critical habitat areas, threatened species, populations or ecological communities or their habitats present on the site. The impact of any future development on biodiversity can be assessment as part of a development application.
Sustainability Priority 5: Align strategic planning to the vision for the Green Grid Consistent with Action 3.2.1 of <i>A Plan for Growing Sydney</i>, relevant planning authorities should consider opportunities to support the delivery of the Central District Green Grid. This could include consideration of how land use zones can be applied, how new development is designed, or where voluntary planning agreements and agreements for dual use of open space and recreational facilities could contribute to delivering the Green Grid.	Consistent. The planning proposal will not impede the delivery of any known priority projects which support the long term vision for Sydney's Green Grid identified in the Draft Central District Plan.
Sustainability Priority 6: Maximise benefits to the public from the innovative use of golf courses When new opportunities to examine the future use of golf courses arise, relevant planning authorities should consider how golf courses could be managed to provide greater public benefits to communities in a way that responds to local needs for green space and recreation.	Not applicable. The planning proposal does not apply to a golf course or propose any changes to the use of golf courses.

A sustainable City	
District priorities	Comment on consistency
Sustainability Priority 7: Protect, enhance and extend the urban canopy When making strategic plans, relevant planning authorities should consider tree canopy cover in land release and established urban areas, with a focus on providing shade to streets. Councils should include green cover and shade tree planting along major transport corridors in local infrastructure investment planning, development control and urban design.	Consistent. The planning proposal will not impede the option for addition vegetation on the site.
Sustainability Priority 8: Improve protection of ridgelines and scenic areas The scenic qualities of landscapes are already recognised and considered in some areas of Greater Sydney, as part of the strategic planning and development process. All councils should identify and map areas with high scenic value and develop strategies, planning and development controls that protect important scenic landscapes and vistas of them. Planning and development controls should prohibit opportunities for development on ridgelines that would diminish their scenic quality.	Consistent. The planning proposal applies to developed land at the foot of a rock escarpment, well below the peak of a ridgeline that runs through the middle of Vacluse. This side of the ridgeline faces the water and is not considered to be an important scenic landscape. The visual amenity of future development can be assessment as part of a development application.
Sustainability Priority 9: Support opportunities for district waste management When making plans, relevant planning authorities should: • use appropriate land use zones to minimise the potential for conflict with the operation and expansion of existing waste facilities; • protect precincts that have functioning waste management facilities from encroachment by residential and other sensitive development; • consider ways to encourage design measures such as fully enclosing waste facilities to minimise dust, odours and	Not applicable. The planning proposal does not apply to land that is or will be used for district waste management.

A sustainable City	
District priorities	Comment on consistency
noise impacts to mitigate the risks and potential impacts on surrounding communities; and consider opportunities to support co-location of waste management facilities with other activities that produce or reuse waste materials.	
Sustainability Priority 10: Mitigate the urban heat island effect Relevant planning authorities should consider where the urban heat island effect is experienced, and the location of vulnerable communities and use strategic plans to reduce impacts from extreme heat.	Consistent. The planning proposal applies to developed land in an elevated location approximately 250m from the coastline. It is not considered that the planning proposal will contribute to any localised head island effect or threaten vulnerable communities with extreme heat impacts.
Sustainability Priority 11: Integrate land use and transport planning to consider emergency evacuation needs Relevant planning authorities should coordinate with Transport for NSW and the State Emergency Service to consider land use and local road planning, so that it is integrated with emergency evacuation planning and takes into account the cumulative impact of growth on road evacuation capacity.	Consistent. It is not considered that any additional housing provided as a result of the planning proposal will require additional emergency services.
Sustainability Priority 12: Assist local communities develop a coordinated understanding of natural hazards and responses that reduce risk The Commission, the NSW Government and local councils will continue to adopt a range of tools and resources and implement actions to adapt to climate change and reduce risks to public and private assets. We will also explore ways to coordinate, improve and communicate information about risks associated with climate change to local communities.	Consistent. The planning proposal will not affect the ability of the Commission, the NSW Government and Woollahra Council to adopt tools and resources and implement actions to adapt to climate change and reduce risks to public and private assets.

Schedule 2 Consistency with state environmental planning policies

State environmental planning policy	Comment on consistency
SEPP No 1 – Development Standards	Not applicable.
SEPP No.14 – Coastal Wetlands	Not applicable.
SEPP No 19 – Bushland in Urban Areas	Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 21 – Caravan Parks	Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 26 – Littoral Rainforests	Not applicable.
SEPP No 30 – Intensive Agriculture	Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 33 – Hazardous and Offensive Development	Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 36 – Manufactured Home Estates	Not applicable.
SEPP No 44 – Koala Habitat Protection	Not applicable.
SEPP No 47 – Moore Park Showground	Not applicable.
SEPP No 50 – Canal Estate Development	Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable.

State environmental planning policy	Comment on consistency
SEPP No 55 – Remediation of Land	Consistent. There is no known contamination on the land, or any history of a previous use which would result in contamination. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 62 – Sustainable Aquaculture	Not applicable.
SEPP No 64 – Advertising and Signage	Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 65 – Design Quality of Residential Apartment Development	Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy. See section 6.3 of the planning proposal for more information.
SEPP No 70 – Affordable Housing (Revised Schemes)	Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 71 – Coastal Protection	Not applicable.
SEPP (Affordable Rental Housing) 2009	Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Building Sustainability Index: BASIX) 2004	Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Exempt and Complying Development Codes) 2008	Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.

State environmental planning policy	Comment on consistency
SEPP (Housing for Seniors or People with a Disability) 2004	Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Infrastructure)	Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Kosciuszko National Park - Alpine Resorts) 2007	Not applicable.
SEPP (Kurnell Peninsula) 1989	Not applicable.
SEPP (Major Development) 2005	Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Miscellaneous Consent Provisions) 2007	Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Penrith Lakes Scheme) 1989	Not applicable.
SEPP (Rural Lands) 2008	Not applicable.
SEPP (Transitional Provisions) 2011	Not applicable.
SEPP (State and Regional Development) 2011	Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable.
SEPP (Sydney Region Growth Centres) 2006	Not applicable.

State environmental planning policy	Comment on consistency
SEPP (Three Ports) 2013	Not applicable.
SEPP (Urban Renewal) 2010	Not applicable.
SEPP (Western Sydney Employment Area) 2009	Not applicable.
SEPP (Western Sydney Parklands) 2009	Not applicable.
SEPP (Vegetation in Non-Rural Areas) 2017	Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.

Sydney Regional Environmental Plans – now deemed State Environmental Planning Policies	Comment on consistency
SREP No 8 (Central Coast Plateau Areas)	Not applicable
SREP No 9 - Extractive Industry (No 2 - 1995)	Not applicable
SREP No 16 – Walsh Bay	Not applicable
SREP No 20 - Hawkesbury- Nepean River (No 2 - 1997)	Not applicable
SREP No 24 - Homebush Bay Area	Not applicable
SREP No 26 – City West	Not applicable
SREP No 30 - St Marys	Not applicable
SREP No 33 - Cooks Cove	Not applicable

Sydney Regional Environmental Plans – now deemed State Environmental Planning Policies	Comment on consistency
SREP (Sydney Harbour Catchment) 2005	Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy. The planning proposal applies to land within the Sydney Harbour Catchment. Therefore the planning principles under Part 2, clause 13 Sydney Harbour Catchment of the SREP have been considered during preparation of the planning proposal. The planning proposal is consistent with the principles. The site is not land in the Foreshores and Waterways Area, therefore the principles of clause 13 Foreshores and Waterways Area are not applicable to this planning proposal.

Schedule 3 Compliance with section 117 directions

Compliance with section 117 directions		
Direction		Applicable/comment
1	Employment and resources	
s	Business and industrial zones	Not applicable. The planning proposal does not apply to land within a business or industrial zone.
1.2-1.5	Directions 1.2-1.5	Not applicable. These directions are not relevant to the Sydney metropolitan area.
2	Environment and heritage	
2.1	Environment protection zones	Not applicable. The planning proposal does not apply to land within an environmental protection zone or land identified for environmental protection.
2.2	Coastal protection	Not applicable. The planning proposal does not apply to land within the coastal zone.
2.3	Heritage conservation	Not applicable. The planning proposal does not apply to land that contains a heritage item, located in the vicinity of a heritage item or located within a heritage conservation area.
2.4	Recreation vehicle areas	Not applicable. The planning proposal does not apply to sensitive land or land with significant conservation values. It will not allow land to be developed for a recreation vehicle area.
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable. The planning proposal does not apply to land in the Far North Coast.
3	Housing, infrastructure and urban development	
3.1	Residential zones	Consistent. The planning proposal will create an opportunity to broaden the range of housing available in Vaucluse and the Woollahra LGA. The site is well placed to efficiently use existing infrastructure and services as it is near public transport facilities that will support connections to employment and

Compliance with section 117 directions		
Direction		Applicable/comment
		services, both within the Rose Bay North mixed use centre and further afield. As the planning proposal applies to land in an established urban area it will not consume land at the urban fringe. Any future residential development will be subject to assessment under the development controls which apply to all residential development, such as SEPP 65 and the Apartment Design Guide.
3.2	Caravan parks and manufactured home estates	Not applicable. The planning proposal does not relate to caravan parks or manufactured home estates.
3.3	Home occupations	Not applicable. The planning proposal does not affect home occupations in dwelling houses.
3.4	Integrating land use and transport	Consistent. The planning proposal is consistent with the aims, objectives and principles of <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001) as: • The site is located near the Rose Bay North mixed use centre which is accessible by public transport and walking. The Rose Bay North Centre is patronised by the residents of Rose Bay, Vacluse and nearby suburbs. • The site is located in proximity to a number of bus routes offering frequent public transport connections within the Woollahra LGA and beyond. The proximity of these transport services will encourage public transport use and discourage private transport use. • This proposal will provide for a development density consistent with the scale and character of surrounding development.
3.5	Development near licensed aerodromes	Not applicable. The planning proposal does not apply to land near a licensed aerodrome.
3.6	Shooting ranges	Not applicable. The planning proposal does not apply to land adjacent to or adjoining an existing shooting range.

Compliance with section 117 directions		
Direction		Applicable/comment
4	Hazard and risk	
4.1	Acid sulfate soils	Consistent. The planning proposal applies to land identified as Class 5 on Council's Acid Sulfate Soils Planning Map. This is the lowest risk category. Existing acid sulfate soils provisions will not be altered by the planning proposal and will apply to any future development which might intensify the use of the land.
4.2	Mine subsidence and unstable land	Not applicable. The planning proposal does not apply to land within a proclaimed Mine Subsidence District or to land identified as unstable.
4.3	Flood prone land	Not applicable. The planning proposal does not apply to flood prone land.
4.4	Planning for bushfire protection	Not applicable. The planning proposal does not apply to land mapped as bushfire prone land.
5	Regional planning	
5.1 - 5.9	Strategies 5.1-5.9	Not applicable. These strategies do not apply to the Woollahra LGA.
5.10	Implementation of Regional Plans	Not applicable. No regional (or district) plan applies to the Woollahra LGA.

Compliance with section 117 directions		
Direction		Applicable/comment
6	Local plan making	
6.1	Approval and referral requirements	Consistent. The planning proposal does not include provisions that require development applications to be referred externally and is not related to designated development.
6.2	Reserving land for public purposes	Consistent. The planning proposal does not create, alter or reduce existing zonings for reservations of land for public purposes.
6.3	Site specific provisions	Consistent. The planning proposal does include provisions to allow a site-specific development to be carried out on the site.
7	Metropolitan Planning	
7.1	Implementation of <i>A Plan for Growing Sydney</i> (Dec 2014)	Consistent. The planning proposal will facilitate additional flexibility in residential development in proximity to public transport, shops, services and employment.
7.2	Implementation of Greater Macarthur Land Release Investigation	Not applicable.
7.3	Parramatta Road Corridor Urban Transformation Strategy	Not applicable.

Supplementary material

Appendix 1 Report to the Urban Planning Committee of 10 July 2017

Item No: R1 Recommendation to Council
Subject: **PLANNING PROPOSAL FOR 42-58 OLD SOUTH HEAD ROAD, VAUCLUSE**
Author: Jorge Alvarez, Senior Strategic Planner
Approvers: Allan Coker, Director - Planning & Development
Chris Bluett, Manager - Strategic Planning
Anne White, Team Leader - Strategic Planning
File No: 17/120527
Reason for Report: To report on a request for a planning proposal submitted to Council by Parker Logan Property Pty Ltd for 42-58 Old South Head Road, Vaucluse. To obtain Council's approval to prepare a planning proposal and forward it to the Greater Sydney Commission for a gateway determination

Recommendation:

- A. That Council prepare a planning proposal which explains proposed amendments to the *Woollahra Local Environmental Plan 2014* for land at 42-58 Old South Head Road, Vaucluse, comprising rezoning, and an increase in maximum permissible building height and floor space ratio.
- B. That the planning proposal apply a floor space ratio control of 1:1, instead of the requested 1.1:1, so that there is consistency with Council's baseline FSR controls.
- C. That the planning proposal be forwarded to the Greater Sydney Commission requesting a gateway determination to allow public exhibition.
- D. That when requesting a gateway determination for the planning proposal, the Council seek delegation of the plan-making steps under section 59 of the *Environmental Planning and Assessment Act 1979*.

1. Summary

In June 2017, a request for a planning proposal (contained in Annexure 1) was submitted to Council by Parker Logan Property Pty Ltd (the applicant) for land at 42-58 Old South Head Road, Vaucluse (the site).

The request seeks to amend the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014), in the following manner:

- amend the zoning from Zone R2 Low Density Residential to Zone R3 Medium Density Residential;
- increase maximum building height control from 9.5m to 10.5m; and
- apply a floor space ratio (FSR) control of 1.1:1 (no FSR control currently applies).

The objective of the request is to enable redevelopment of the site with residential flat buildings to a maximum height of 10.5 metres (3 storeys) and a maximum FSR of 1.1:1.

The request is consistent with State planning strategies and the majority of Council's local planning strategies. It provides the opportunity to develop the site with additional housing supply and choice, in a location which is highly accessible to a mixed use centre with various shopping options and services, public transport and open space facilities.

Overall, we support the request because it has strategic merit. However, the requested FSR of 1.1:1 is inconsistent with Council's baseline FSR of 1:1, which was developed by Council staff during the preparation of Woollahra LEP 2014. In the absence of a strategic merit justification of an FSR of 1.1:1, we recommend the baseline FSR of 1:1 be applied.

We seek a decision of the Council to:

- prepare a planning proposal; and
- forward the planning proposal to the Greater Sydney Commission (GSC) for a gateway determination. The determination will enable the planning proposal to be placed on public exhibition.

2. Background

2.1 Opportunity sites

The site forms part of a larger site, 30-58 Old South Head Road, which was identified in June 2010 as one of Council's 24 opportunity sites. These sites were identified for their potential, subject to planning control amendments, to provide additional housing to meet the housing targets set for Woollahra Council by the State government.

For this site, Council staff identified that increased development potential would be achieved by amending the *Woollahra Local Environmental Plan 1995* controls from:

- a maximum building height of 9.5 metres to 11 metres (3 storeys) and
- a maximum FSR of 0.55:1 to 1:1.

The proposals for these sites were publically exhibited. Council received 14 submissions (12 objections and 2 submissions of support) relating to this site. The main issues raised in the submissions related to potential impact of additional development on traffic generation, view loss, privacy and property values.

On 25 July 2011 Council resolved to defer further consideration of the opportunity sites in order to focus its resources on the preparation of the Draft Woollahra Local Environmental Plan 2013 (Draft WLEP 2013), which is now the Woollahra LEP 2014. As a result of the deferred consideration of the opportunity sites, a response to the issues raised in the submissions was not reported to a committee of Council. However, a copy of the submissions was provided to the applicant for consideration in formulating their request for a planning proposal.

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

- their submissions related to a previous planning investigation, and
- they will be notified when the planning proposal is placed on public exhibition, thereby providing an opportunity to make comments on the proposed controls.

2.2 Baseline maximum building heights and FSRs

During the preparation of Woollahra LEP 2014 Council staff reviewed maximum building heights and FSR controls which apply to residential and business zones. For the R3 Medium Density Residential zone, height controls and FSR were reviewed to account for current building practices regarding floor to ceiling heights, State regulations, BCA standards and urban design modelling based on the Council's setback controls. The outcome of this work created a suite of 'baseline' heights and FSRs, as shown in the table below.

Table 1: 'Baseline' heights and FSRs

Storeys	Height (m)	Baseline FSR
2	7	0.65:1
3	10.5	1:1
4	13.5	1.3:1
5	16.5	1.55:1

These baseline controls should form the basis for all requests seeking amendments to height and FSR planning controls. Where a request is not consistent with the baseline controls, a strategic justification must be demonstrated.

2.3 Pre-application planning proposal meeting

A pre-application planning proposal meeting was held with Council staff on 4 July 2016 to discuss the proposed planning changes for the site. After the meeting the applicant was advised to amend their request to prepare a planning proposal to address a number of issues. Key issues identified included the following:

- Obtaining written consent from the owners of the properties which are the subject of the request.
- Justification of the suitability of rezoning the site from the R2 Low Density Residential zone to R3 Medium Density Residential zone.
- Justification of why changes to height and FSR controls result in a suitable planning outcome for the site and its context. The justification was to include identification and analysis of the existing context, the desired future character of the Vaucluse East precinct and impacts of proposed changes.
- If a request was made for height and FSR controls that are inconsistent with Council's baseline controls, justification of how these will result in a better planning outcome for the site.

The request has generally addressed these issues, except for providing sufficient strategic justification of the variation from the baseline FSR.

3. The site

3.1 Location and context

The site is located on the western side of Old South Head Road, Vaucluse, between Clarendon Street and Captain Pipers Road, as shown in Figure 1. Old South Head Road is an arterial road connecting Bondi Junction to Watsons Bay. At this location, Old South Head Road forms the boundary between the Woollahra and Waverley local government areas (LGAs).



Figure 1: Local area map

Surrounding development consists of the following:

- Generally, the local area accommodates a mix of detached dwelling houses, semi-detached dwellings, duplexes and residential flat buildings which are predominantly 2 to 3 storeys in height.
- The Rose Bay North mixed use centre is located approximately 80m to the south. The centre accommodates a supermarket and various other shops and services.
- Diamond Head Bowling Club is located approximately 60m to the north.
- Kimberley Reserve is located approximately 75m to the east, and the ocean coastline is located approximately 250m to the east.

The site is highly accessible by public transport. Five bus stops are located within 100 metres of the site on Old South Head Road and Military Road, as shown in Figure 1. The bus stops service bus routes 323, 380, and 387 to Rose Bay, Edgecliff, Bondi Junction, Bondi Beach, Watsons Bay and the Sydney CBD, as shown in Figure 2. These services run at various times, but are generally every 15 minutes, 7 days per week.



Figure 2: Bus and ferry map for the area (source: Sydney Buses)

3.2 Site description

The site consists of nine adjoining lots described below:

Table 2: Lots description

Street address	Legal description	Dwellings	Building type	Storey height
42 Old South Head Road	Lot 13 DP 13528	1	Detached	1
44 Old South Head Road	SP 16395	2	Duplex	2
46 Old South Head Road	Lot 11 DP 13528	1	Detached	2
48 Old South Head Road	SP 50433	2	Duplex	2
50 Old South Head Road	SP 13423	4	Residential flat building	2
52 Old South Head Road	Lot 4 DP 109409	1	Detached	2
54 Old South Head Road	Lot 3 DP 109409	1	Detached	2
56 Old South Head Road	Lot 2 DP 109409	1	Detached	2
58 Old South Head Road	Lot 1 DP 109409	1	Detached	2-3
Total		14		

A cadastral map showing property information is included below as Figure 3. The site is highlighted in red.

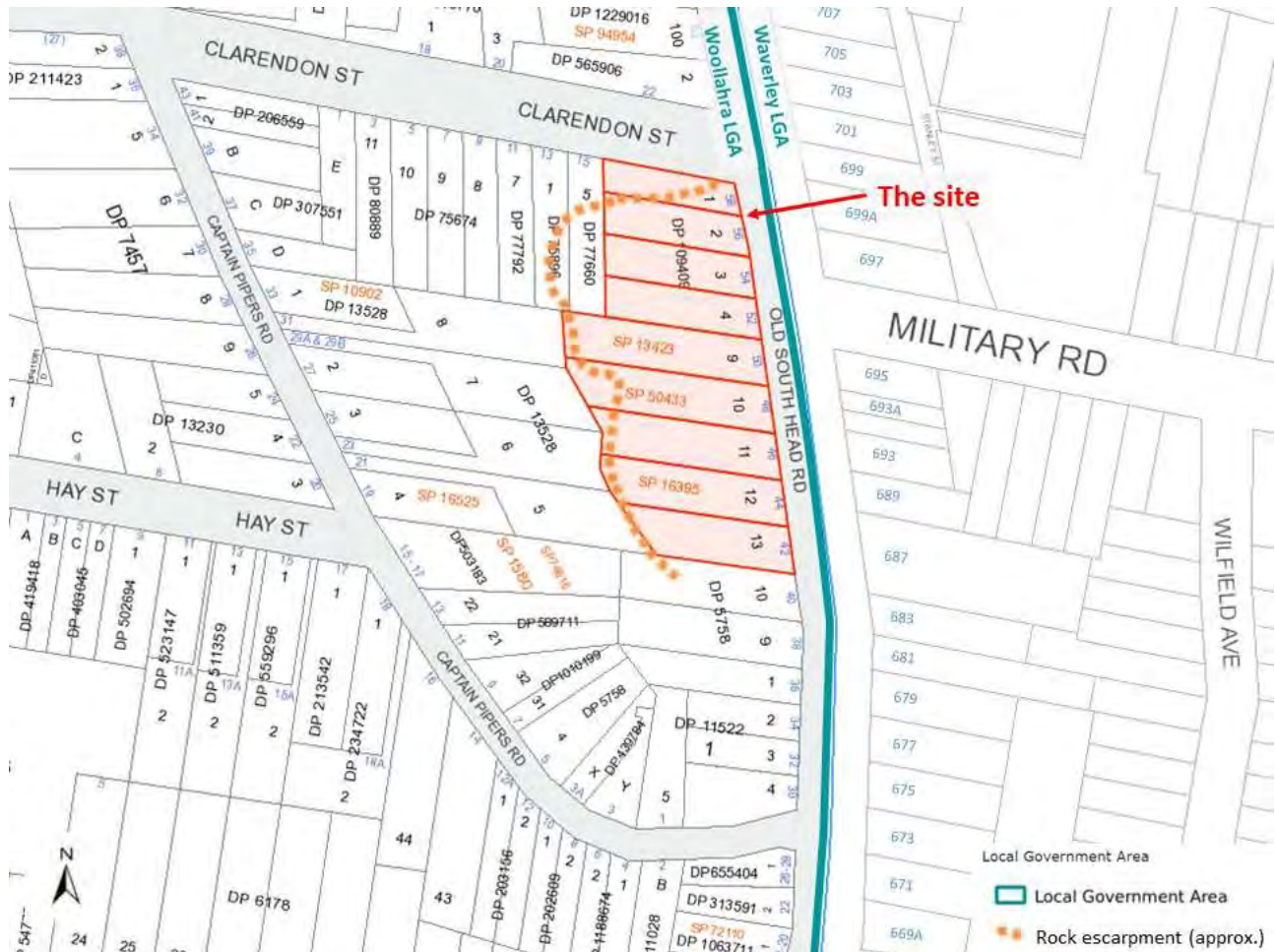


Figure 3: Cadastral map and approximate location of rock escarpment

The site has a total area of approximately 5,617 sqm. The site has a total frontage of approximately 116m to Old South Head Road and approximately 40m to Clarendon Street, and a maximum depth of approximately 60m (at No.50).

The bulk of the site, from No.42 to No.56, gently slopes downwards from south to north and from east to west. A rock escarpment, rising to a height of approximately 5 metres, is located to the west and north of this relatively flat area, as shown in Figure 3. The rear boundaries of the properties at Nos. 42 to 50 generally follow the escarpment. The escarpment then traverses the neighbouring properties to the west at 13 and 15 Clarendon Street before returning to the site at No.58, where it occupies more than 50% of that property.

The site is currently developed with 14 dwellings contained in six detached dwellings, two duplexes and one residential flat building with four units. The buildings range from 1 to 3 storeys in height. The buildings date from the Inter-War period. None of the buildings are heritage listed, located in a heritage conservation area or in the vicinity of a heritage item.

Photos of the existing development on the site are included below.



Figure 4: Existing development at 40 and 42 Old South Head Road



Figure 5: Existing development at 44 and 46 Old South Head Road



Figure 6: Existing development at 48 and 50 Old South Head Road

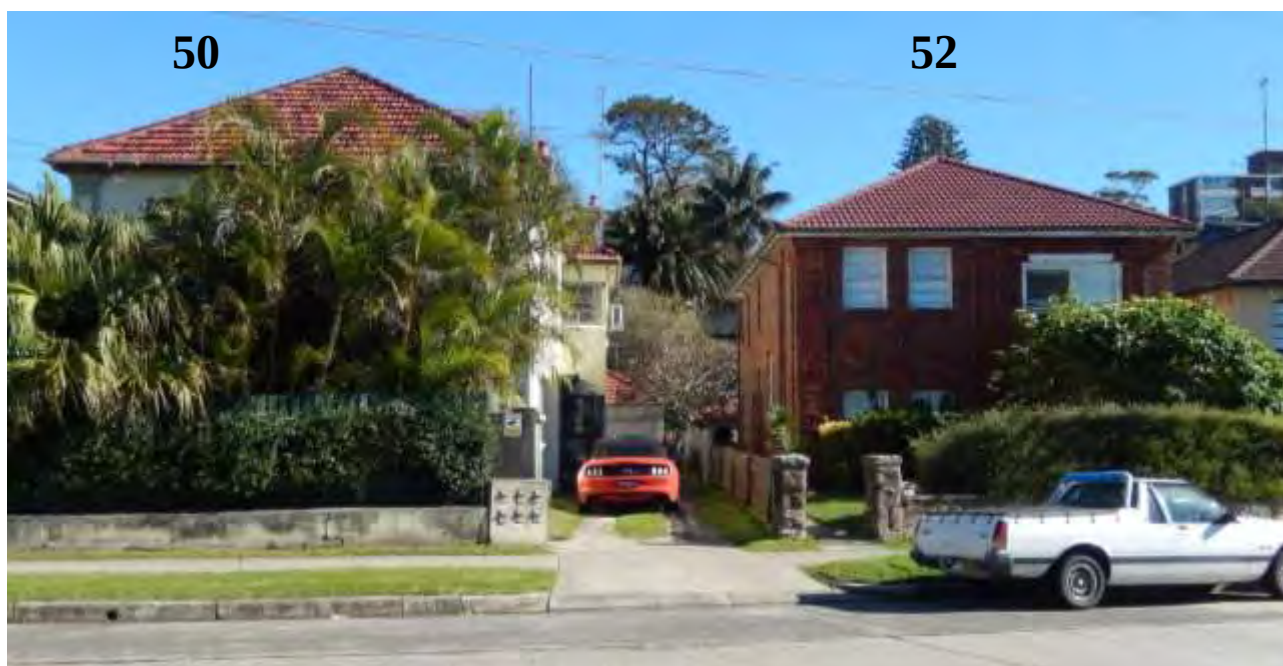


Figure 7: Existing development at 50 and 52 Old South Head Road



Figure 8: Existing development at 54 and 56 Old South Head Road



Figure 9: Existing development at 58 Old South Head Road (source: Google Maps)



Figure 10: Existing development at 58 Old South Head Road showing Clarendon Street, public stairs and steep topography of site and surrounds



Figure 11: Existing development at 58 Old South Head Road seen from the rear yard of 56 Old South Head road, showing rock escarpment to the left



Figure 12: Existing development at 687 Old South Head Road, opposite the site in Waverley LGA, showing a 3 storey residential flat building



Figure 13: Existing development at 693-693A and 695 Old South Head Road, opposite the site in Waverley LGA, showing a 2 storey mixed use (retail and residential) buildings



Figure 14: Existing development at 697 Old South Head Road and the Military Road intersection, opposite the site in Waverley LGA, showing a 3-4 storey residential flat building and ocean views

4. Planning controls

The planning controls that apply to the site and land in its vicinity are described below.

4.1 Zoning

The site is zoned R2 Low Density Residential under the Woollahra LEP 2014. The zone generally permits development of low density residential uses, such as dwelling houses, dual occupancies and boarding houses.

To the south of the site, the Rose Bay North mixed use centre is zoned B4 Mixed Use under the Woollahra LEP 2014. The zone generally permits development of a mixture of compatible uses such as commercial entertainment facilities, medical centres and shop top housing.

Old South Head Road is an arterial road zoned SP2 Classified Road under the Woollahra LEP 2014. The permissible uses are limited to development of roads.

Land on the eastern side of Old South Head Road, opposite the site, is zoned R3 Medium Density Residential under the *Waverley Local Environmental Plan 2012* (Waverley LEP 2012). The zone generally permits development of:

- low to medium density residential uses, such as dwellings houses, attached dwellings, multi dwelling housing, seniors housing and residential flat buildings, and
- land uses that provide facilities or services to meet the day to day needs of residents, such as neighbourhood shops, child care centres and community facilities.

Zoning for the site and surrounding land is shown below in Figure 15.



Figure 15: Existing land use zoning
(source: Department of Planning & Environment - Planning Viewer)

4.2 Building height

The site is subject to a maximum building height limit of 9.5 metres under the Woollahra LEP 2014. The height limit supports 2 to 3 storey development. The desired future character of the Vaucluse East residential precinct of the *Woollahra Development Control Plan 2015* (WDCP 2015) identifies that development may be 3 storeys, but should establish a 2 storey presentation to the street.

Land on the eastern side of Old South Head Road, opposite the site, which is zoned R3 Medium Density Residential, is subject to a maximum building height limit of 12.5 metres under the Waverley LEP 2012. Building height controls for the site and surrounding land are shown below in Figure 16.



Figure 16: Existing maximum building height controls
(source: Department of Planning & Environment - Planning Viewer)

4.3 Floor space ratio

The site is not subject to a maximum FSR control under the Woollahra LEP 2014. As the site is zoned R2 Low Density Residential, the bulk and scale of development is determined by controls in the WDCP 2015.

Land on the eastern side of Old South Head Road, opposite the site, which is zoned R3 Medium Density Residential, is subject to a maximum FSR control of 0.9:1 under the Waverley LEP 2012. FSR controls for the site and surrounding land are shown below in Figure 17.



Figure 17: Existing maximum FSR controls
(source: Department of Planning & Environment - Planning Viewer)

5. The planning proposal request

In June 2017 a request for a planning proposal for the site (contained in Annexure 1) was submitted to Council by Parker Logan Property Pty Ltd (the applicant).

In summary, the objective of the request is to enable redevelopment of the site for the purpose of residential flat buildings to a maximum height of 10.5 metres (3 storeys) and a maximum FSR of 1.1:1.

The request includes the supporting documents listed in the table below. These documents are annexed to this report as indicated in the table.

Table 3: Supporting documents

Annexure	Document	Prepared by
1	Planning Proposal report	City Plan Services
2	Survey Plan	John R. Holt Surveyors Pty Ltd
3	Urban Design Analysis: • SEPP 65 Design Statement • Massing Study • View Impact Analysis • Shadow Analysis	Nicholas Tang Architects
4	Heritage Impact Assessment	Zoltan Kovacs Architect
5	Traffic Impact Assessment	Hemanote Consultants
6	Tree Management Plan	Talc Tree and Landscape Consultants

5.1 Proposed controls

The request seeks to amend the Woollahra LEP 2014 in the following manner:

- amend the zoning from Zone R2 Low Density Residential to Zone R3 Medium Density Residential;
- increase maximum building height control from 9.5m to 10.5m; and
- apply a floor space ratio (FSR) control of 1.1:1 (no FSR control currently applies).

The planning proposal does not seek to amend any other provision of the Woollahra LEP 2014.

The request is similar to the proposed amendments previously considered as part of the opportunity sites process. However, the proposed building height is 0.5 metres lower at 10.5 metres, previously 11 metres, and the proposed FSR is 0.1:1 higher at 1.1:1, previously 1:1.

The requested FSR controls of 1.1:1 are inconsistent with Council's 'baseline' FSR for 3 storey development. We do not consider that the applicant has provided sufficient justification to support an FSR of 1.1:1. Therefore, we recommend that if a decision to prepare a planning proposal is made, an FSR of 1:1 is applied to the site.

6. Review of the request for a planning proposal

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. The Department of Planning and Environment (the Department) has prepared the document titled *A guide to preparing planning proposals* dated August 2016 (the guidelines) to help applicants meet the requirements of the Act. Council staff have reviewed the applicant's request and found that it was submitted in the form of a report which has regard to Section 55 of the Act and the guidelines.

If the request is supported by Council, the planning proposal documentation will be prepared with regard to Section 55 of the Act and the guidelines. The applicant's request will be submitted to the GSC as part of the planning proposal.

6.1 Strategic merit

Strategic merit justification requires a consideration of both State and local level planning strategies. State planning strategies focus on high level, broad planning policy. As such, they do not negate consideration of local context matters such as appropriate built form and scale.

Consideration of the strategic merit of the request against both State and local strategies is provided below.

We have identified that, except for the FSR of 1.1:1, the request has strategic merit. Therefore, we can provide in principle support.

- NSW Government's document *A Plan for Growing Sydney* (2014) – Central subregion.
 - Direction 2.1 – Accelerate housing supply across Sydney
The request provides the opportunity to accelerate the housing supply. With a maximum FSR of 1:1, the site is capable of accommodating a maximum residential GFA of approximately 5,617 sqm, or approximately 81 dwellings, compared with the existing 14 dwellings on the site. This equates to approximately an additional 67 dwellings.
Note: Dwelling calculations are based on minimum standards required by the NSW Apartment Design Guide (SEPP 65) - with an average size of 62.5 sqm, on a development efficiency of 90% of maximum GFA.
 - Direction 2.3 – Improve housing choice to suit different needs and lifestyle
The request provides the opportunity to improve the housing choice of development on the site, through the unit mix requirements required by SEPP 65.
 - Direction 3.1 – Revitalise existing suburbs
The request will provide the opportunity to revitalise the site and the surrounding area by:
 - o providing additional housing and a wider choice of housing options, and
 - o providing additional patronage to local businesses in the Rose Bay North centre.
 - Direction 3.3 – Create healthy environments
The site is highly accessible to public transportation, open space facilities, educational establishments and health care facilities. It is also within walking distance of a mixed use centre. The request will provide the opportunity to improve the overall amenity of the area and will encourage people to walk and cycle which promotes social cohesion, community connectivity and a healthy environment.
- NSW Government's *Draft Central District Plan* (2016)
 - Liveability Priority 1: Deliver Central District's five-year housing targets. The request addresses this priority by providing the opportunity to develop an additional 42 dwellings towards meeting Woollahra's draft housing target of 300 dwellings by 2021.
 - Liveability Priority 2: Deliver housing diversity. The request addresses this priority by providing the opportunity for a wider range of housing on the site than is currently available.
 - Liveability Priority 6: Facilitate enhanced walking and cycle connections. The request addresses this priority by providing the opportunity for additional housing within walking distance of the Rose Bay North centre and open space facilities.

- Council's *Woollahra Development Control Plan 2015*:
 - Chapter B1: 1.11 Vacluse East Precinct. The request is generally consistent with the desired future character of the precinct. This character is described as:
 - o maintaining the evolution of low rise residential building styles, generally through the introduction of well-designed contemporary dwelling houses;
 - o minimising the building bulk and scale of 3 storey development by designing development to generally present as 2 storey to the street; and
 - o anticipating that some land fronting Old South Head Road may be zoned R3 Medium Density Residential.
 - Chapter B3: General Development Controls. The request is not seeking to amend the existing general controls of the DCP, such as building envelopes, setbacks and landscaped area. Any future development on the site would need to comply with the existing appropriate DCP controls applying to the site.

The applicant provided a heritage impact statement in support of the request, as the site currently accommodates Inter-War flat buildings. The statement was referred to Council's Strategic Heritage Officer for comment. The heritage officer:

- o stated that, although the existing buildings on the site date from the Inter-War period, none of the buildings are heritage listed or identified as potential heritage items, and none are located in a heritage conservation area or in the vicinity of a heritage item;
 - o did not raise an objection to the request as the buildings have been substantially altered over time and no longer retain any significance as representative examples of Inter-War architecture; and
 - o recommended that, if the proposal proceeded to a development application involving demolition, that the buildings be recorded with a photographic archival recording prior to their demolition.
- Chapter E1: Parking and Access. The applicant provided a traffic impact assessment in support of the request. The assessment was based on a preliminary investigation of the site using a maximum FSR of 1.5:1. The assessment estimated a development yield of 124-128 dwellings, which is approximately 50% higher than the estimated dwelling yield achievable with a maximum FSR of 1:1.

The statement was referred to Council's Traffic Engineer for comment. The traffic engineer:

- o stated that, based on the assessment, the net traffic generation increase is marginal and not anticipated to result in unacceptable adverse traffic impact on the existing road network;
- o did not raise an objection to the request, subject to future on-site car parking compliance with Council's DCP, NSW regulations and Australian Standards; and
- o recommended that Roads and Maritime Services be further consulted in terms of their views on the traffic generation if the proposal proceeded to a development application.

- Chapter E3: Tree Management. The applicant provided a Tree Management Plan which states that there are no naturally occurring trees on the site and the limited existing tree canopy tends to be located at the rear of the site. The request provides the opportunity to improve the landscaping and tree management on the site by consolidating landscaped areas and implementing a co-ordinated landscape plan or plans.
- Council's *Community Strategic Plan, Woollahra 2025 – our community our place our plan*, in particular Goal 4 – Well planned neighbourhoods. Goal 4 sets out six key challenges, five of which are relevant to this request.

Table 4: Woollahra 2025 - Goal 4: Well planning neighbourhoods - Key challenges

Key challenge area	Key challenge	Response to challenge
Development	Protecting our area from high rise and inappropriate oversized development while balancing the pressure for new housing and jobs.	The request will not permit high rise or inappropriate oversized development. However, it will address the pressure for new housing.
Sustainability	Encouraging and supporting sustainable development.	The request will encourage and support sustainable development by providing housing in a location which is highly accessible by public transport and well located to access facilities within an established business centre.
Increased housing	Responding to the increased housing targets set by the State Government.	The request will respond to the housing targets set by the State Government, by providing the opportunity to develop additional housing.
Housing choice	Providing a diverse range of housing choices to meet the variety of household types, income and lifestyles.	The request will provide the opportunity to develop a diverse range of housing choices to meet a variety of household types, income and lifestyles.
Protection of urban character	Maintaining our mostly low rise, mixed urban form vibrant villages, architecture and heritage. Balancing the protection of the leafy character of the area with achieving development demand.	The request will not prevent the redevelopment of the site in a manner that maintains a mostly low rise, mixed urban form of vibrant villages, architecture and heritage.

- State Environmental Planning Policies (SEPPs). The request is consistent with the provision of all relevant SEPPs.
- The Minister for Planning's relevant section 117 directions. The request is consistent with the following directions:
 - 3.1 Residential zones: The request will provide the opportunity to develop a variety and choice of housing types to cater for existing and future housing needs, whilst making efficient use of existing infrastructure and services. The request demonstrates appropriate built form through development concept drawings.

- 3.4 Integrated land use and transport: The request will provide the opportunity to deliver residential development in a transport accessible location.
 - 6.3 Site specific provisions: The request does not introduce unnecessarily restrictive site specific controls to the Woollahra LEP 2014.
- The request is not on land identified with any environmental constraints.
 - The request will provide the opportunity to enable an economic benefit of additional housing in a location accessible to public transport options.

This opinion is not intended to represent a position regarding the merits of a future development application for the site.

6.2 Site-specific merit

We have identified that the request is subject to the following site-specific merit issues.

View impacts

The site is located within a ridgeline that runs through the middle of Vacluse. The elevation of the ridgeline provides water views to the east from a number of properties in the vicinity of the site, particularly 15 Clarendon Street and 21, 23, 29 and 31 Captain Pipers Road. The views from these properties may be impacted by the development of buildings to a maximum height limit of 10.5 metres.

The applicant has provided 3D modelling images, and a virtual 3D model to assist Council with the assessment of the potential view impact of the proposed height limit for the site. However, this documentation is not based on inspections from potentially affected properties. The exhibition of a planning proposal will provide a better method of undertaking a detailed assessment of the potential view impact of the proposed height limit. This can be facilitated by conducting a view analysis from adjoining properties.

This opinion is not intended to represent a position regarding the merits of a future development application for the site.

Design concept

Indicative concept plans for the site show an amalgamation of the various lots on the site into three larger lots and development of four or five residential flat buildings with a height of 3 storeys, with three driveways onto Old South Head Road. However, we note that the detailed design of development is a matter to be considered at the development application stage, and does not affect this request.

7. Options for proceeding

There are two options for responding to the request:

- prepare a planning proposal and submit it to the GSC, or
- notify the applicant that the request is not supported.

Option 1: Prepare a planning proposal and forward it to the GSC requesting a gateway for determination. This is our preferred approach.

Council will forward the planning proposal to the GSC requesting a gateway determination under section 58(2) of the Act. The GSC, or delegate, will then issue a gateway determination 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 publicly exhibited.

Under section 59 of the Act, if a planning proposal is of local significance only 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. This delegation will be to the position of General Manager, and sub-delegated to the position of Director Planning and Development, provided in Council's resolution of 29 November 2012. Delegation of a planning proposal removes duplication and streamlines the plan-making process.

Option 2: Notify the applicant that the request is not supported.

In the event that Council does not support the request or does not indicate its support within 90 days, the applicant can ask the Department for a pre-gateway review. Under this review mechanism, the Sydney Central Planning Panel will undertake an independent review of the planning proposal. This is not our recommended approach.

8. Next steps

If the Urban Planning Committee supports the recommendation and it is endorsed by Council, the planning proposal will be prepared and submitted to the GSC requesting a gateway determination under section 58(2) of the Act. The GSC, or delegate, will then issue a gateway determination 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 publicly exhibited.

The public exhibition will be undertaken in accordance with the requirements of the Act and the *Environmental Planning and Assessment Regulation 2000*. The gateway determination will nominate the minimum required exhibition period. We recommend that the planning proposal is exhibited for a minimum of 28 days, should the gateway determination express a lesser period.

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 relevant public authorities and agencies;
- a letter to land owners in the vicinity of each site;
- a letter to local community groups including the Vacluse Progress Association.

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

- the planning proposal, in the form approved by the gateway determination;
- the gateway determination;
- the request for a planning proposal; and
- any other relevant reports or documents.

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

9. Identification of income

When a planning proposal is not initiated by Council, under section 11 of the *Environmental Planning and Assessment Regulation 2000* we can request payment of all costs and expenses incurred in relation to the planning proposal. The Delivery Program 2013-2017 and Operational Plan 2016/17 sets out the fees and charges for preparing a planning proposal. The applicant is responsible for all costs associated with the planning proposal as required by the adopted fees and charges. The applicant has paid the fee for Stage 1 (up to gateway determination) of a major planning proposal.

10. Conclusion

The planning proposal request seeks to amend the Woollahra LEP 2014 in the following manner:

- amend the zoning from Zone R2 Low Density Residential to Zone R3 Medium Density Residential;
- increase maximum building height control from 9.5m to 10.5m; and
- apply a floor space ratio (FSR) control of 1.1:1 (no FSR control currently applies).

The request is consistent with State planning strategies and the majority of Council's local planning strategies. It provides the opportunity to develop the site with additional housing supply and choice, in a location which is highly accessible to a mixed use centre with various shopping options and services, public transport and open space facilities.

Overall, we support the request because it has strategic merit. However, the requested FSR of 1.1:1 is inconsistent with Council's baseline FSR of 1:1, which was developed by Council staff during the preparation of Woollahra LEP 2014. In the absence of a strategic merit justification of an FSR of 1.1:1, we recommend the baseline FSR of 1:1 be applied.

We seek a decision of the Council to:

- prepare a planning proposal; and
- forward the planning proposal to the Greater Sydney Commission (GSC) for a gateway determination. The determination will enable the planning proposal to be placed on public exhibition.

Annexures

1. Planning Proposal report [↓](#)
2. Survey Plan [↓](#)
3. Urban Design Analysis [↓](#)
4. Heritage Impact Statement [↓](#)
5. Traffic Impact Assessment [↓](#)
6. Tree Management Statement [↓](#)

Ordinary Council Meeting Minutes



Minutes: *Ordinary Council Meeting*

Date: *Monday 24 July 2017*

Time: *8.00pm*

Urban Planning Committee

Items with Recommendations from the Committee Meeting of Monday 10 July 2017 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **PLANNING PROPOSAL FOR 42-58 OLD SOUTH HEAD ROAD, VAUCLUSE**
Author: Jorge Alvarez, Senior Strategic Planner
Approvers: Allan Coker, Director - Planning & Development
Chris Bluett, Manager - Strategic Planning
Anne White, Team Leader - Strategic Planning
File No: 17/120527
Reason for Report: To report on a request for a planning proposal submitted to Council by Parker Logan Property Pty Ltd for 42-58 Old South Head Road, Vacluse. To obtain Council's approval to prepare a planning proposal and forward it to the Greater Sydney Commission for a gateway determination

Note: The Mayor Councillor Zeltzer declared a Significant, Non-Pecuniary Interest in this Item, as she is a member of the Sydney Central Planning Panel (SCPP) and will be dealing with the matter at the SCPP. Councillor Zeltzer vacated the meeting and did not participate in the debate or vote on this matter. Deputy Mayor, Councillor Susan Wynne assumed the Chair.

(O'Regan/Bennett)

159/17 Resolved:

- A. THAT Council prepare a planning proposal which explains proposed amendments to the *Woollahra Local Environmental Plan 2014* for land at 42-58 Old South Head Road, Vacluse, comprising rezoning, and an increase in maximum permissible building height and floor space ratio.
- B. THAT the planning proposal apply a floor space ratio control of 1:1, instead of the requested 1.1:1, so that there is consistency with Council's baseline FSR controls.
- C. THAT the planning proposal be forwarded to the Greater Sydney Commission requesting a gateway determination to allow public exhibition.
- D. THAT when requesting a gateway determination for the planning proposal, the Council seek delegation of the plan-making steps under section 59 of the *Environmental Planning and Assessment Act 1979*.
- E. That the planning proposal to be forwarded to the Greater Sydney Commission should identify that the public exhibition is to be wide ranging, including a public notice on each property.

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Councillor Bennett
Councillor Cavanagh
Councillor Elsing
Councillor Levenston
Councillor Marano
Councillor O'Regan
Councillor Petrie
Councillor Wynne

Against the Motion

Councillor Robertson

8/1

Appendix 3 Applicant planning proposal documentation

