



**Planning Proposal to amend the floor space ratio, building height and foreshore building line controls for 83 and 83A Yarranabbe Road, Darling Point**

Proposal Title : **Planning Proposal to amend the floor space ratio, building height and foreshore building line controls for 83 and 83A Yarranabbe Road, Darling Point**

Proposal Summary : **The planning proposal seeks to amend Woollahra Local Environmental Plan 2014, once it is finalised, as it applies to the site, by:**

- Applying a floor space ratio of 1.2:1 over both lots;
- Maximum building height of 15.2m and a secondary height of 5.7m over 83 Yarranabbe Road;
- Maximum building height of part 10.5m and part 15.2m over 83A Yarranabbe Road; and
- A foreshore building line of 18m for residential flat building development.

PP Number : **PP\_2015\_WOOLL\_001\_00**      Dop File No : **15/01631**

**Proposal Details**

Date Planning Proposal Received : **12-Jan-2015**      LGA covered : **Woollahra**

Region : **Metro(CBD)**      RPA : **Woollahra Municipal Council**

State Electorate : **VAUCLUSE**      Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

**Location Details**

Street : **83 and 83A Yarranabbe Road**

Suburb : **Darling Point**      City : **Woollahra**      Postcode : **2027**

Land Parcel : **Lots 12 & 11 DP 598514**

**DoP Planning Officer Contact Details**

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**RPA Contact Details**

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**DoP Project Manager Contact Details**

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**Land Release Data**

Growth Centre :	<b>N/A</b>	Release Area Name :	<b>N/A</b>
Regional / Sub Regional Strategy :	<b>Metro East subregion</b>	Consistent with Strategy :	<b>Yes</b>
MDP Number :		Date of Release :	
Area of Release (Ha) :	<b>0.00</b>	Type of Release (eg Residential / Employment land) :	<b>Residential</b>
No. of Lots :	<b>0</b>	No. of Dwellings (where relevant) :	<b>3</b>
Gross Floor Area :	<b>0</b>	No of Jobs Created :	<b>0</b>

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

If No, comment :

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

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

**Supporting notes**

Internal Supporting Notes : **SITE DESCRIPTION**

**The subject site is comprised of 2 lots with a combined area of 1453.6 sqm:**

- **83 Yarranabbe Road is a generally rectangular block and is occupied by a three storey dwelling house with a double garage at the street frontage, and a garden and swimming pool at the rear**
- **83A Yarranabbe Road is a battle-axe lot, and is occupied by a two storey dwelling house which is set back from the foreshore by a minimum of 12 metres. A swimming pool is located in the garden area between the dwelling and the foreshore. A three car garage is located on the roof of the dwelling, accessed via a raised driveway along the eastern boundary over the right-of-way.**

**SURROUNDING AREA**

**The site is in an area which is zoned R3 Medium Density Residential under Woollahra Local Environmental Plan 2014.**

**There is wide variety of development forms in the area, which ranges from a single storey waterfront house three lots to the west, to seven and ten storey residential flat buildings to the immediate east, and a three to five storey residential flat building to the immediate west.**

**Other forms of multi-unit housing are located to the south of the site, ranging from single storey dwelling houses to townhouse developments and high density residential flat**

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External Supporting Notes : buildings.

The proposal is considered to be a spot rezoning of a local nature, , and the built form resulting from the proposed amendments to the planning controls are likely to have a positive impact on the amenity of neighbouring properties in terms of solar access, and harbour views.

The Minister delegated plan making powers to councils in October 2012. Woollahra Municipal Council has accepted this delegation, and has requested to exercise this delegation in relation to this planning proposal.

It is considered appropriate for Council to exercise delegation to make this plan.

**Adequacy Assessment**

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

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

Comment : The objective of this planning proposal is to facilitate medium density residential development through the introduction of increased building heights and floor space ratio controls, and a revised foreshore building line for residential flat development.

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

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

Comment : The explanation of provisions is as follows:

- Amend the Floor Space Ratio Map to increase Floor Space Ratio from 0.9:1 to 1.2:1 over the site;
- Amend the Height of Building Maps and clause 4.3A Exceptions to building heights (Area A-Area H) to change the maximum building height from 10.5 metres to:
  - A maximum building height of 15.2 metres and a second height of 5.7 metres at the highest part of the site over 83 Yarranabbe Road; and
  - A maximum building height of part 10.5 metres and part 15.2 metres over 83A Yarranabbe Road;
- Amend the Foreshore Building Line Map, and clause 6.4 Limited Development on the Foreshore Area, to apply an 18 metre foreshore building line for residential flat building development over the site.

The second height proposed is a maximum height for development at the highest part of the site. In this case the highest part of the site adjoins the roadway.

The purpose of the two height limits over 83 Yarranabbe Road in this planning proposal is to:

- Provide an element of compatibility with the scale of adjoining development;
- Permit development that is compatible with the existing streetscape; and
- Minimise impact of new development on existing public and private views.

**Justification - s55 (2)(c)**

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

b) S.117 directions identified by RPA : **7.1 Implementation of the Metropolitan Plan for Sydney 2036**

\* May need the Director General's agreement

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified?

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

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

If No, explain : **7.1 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036**

**The proposal is generally consistent with the actions within the Department's former 'Metropolitan Plan for Sydney 2036'. The proposal will need to be updated prior to public exhibition to make sure that it provides a discussion on the new metropolitan strategy 'A Plan for Growing Sydney'.**

**Mapping Provided - s55(2)(d)**

Is mapping provided? **Yes**

Comment : **Indicative mapping for the site is provided.**

**However, prior to public exhibition the planning proposal will need to be revised to provide mapping which is to the LEP mapping standards and shows both the existing and proposed controls for Height of Buildings, Floor Space Ratio, and Foreshore Building Line for the site.**

**Community consultation - s55(2)(e)**

Has community consultation been proposed? **Yes**

Comment : **Council has proposed to exhibit the planning proposal for a minimum of 28 days.**

**However, given the minor nature of the proposal, the Department considers that a 14 day exhibition is sufficient.**

**Additional Director General's requirements**

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

If Yes, reasons :

**Overall adequacy of the proposal**

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

If No, comment : **Overall, the proposal is consistent with relevant strategic planning instruments, both at the State and Local level.**

**Delegation of plan making functions is considered appropriate in this instance.**

**Proposal Assessment**

**Principal LEP:**

Due Date : **January 2015**

Comments in relation to Principal LEP : **The Woollahra Local Environmental Plan 2014 (WLEP 2014) was notified in January 2015**

**Assessment Criteria**

Need for planning proposal : **The planning proposal is required to allow for the redevelopment of the land.**

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Consistency with strategic planning framework :

The planning proposal is consistent with the strategic planning framework, including the draft East Subregional Strategy and the Department's former metropolitan strategy, the 'Metropolitan Plan for Sydney 2036'.

The proposal will need to be revised to show consistency with the new metropolitan strategy 'A Plan for Growing Sydney'.

Environmental social economic impacts :

It is not envisaged that the planning proposal will have adverse environmental, social or economic impacts.

**Assessment Process**

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Transport for NSW - Roads and Maritime Services**

Is Public Hearing by the PAC required? **No**  
 (2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

**No internal consultation required**

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

If Yes, reasons :

**Documents**

Document File Name	DocumentType Name	Is Public
1 - Cover Letter.pdf	Proposal Covering Letter	Yes
2 - Council Report.pdf	Proposal	Yes
3 - Council Resolution.pdf	Proposal	Yes
4 - Planning proposal.pdf	Proposal	Yes

**Planning Team Recommendation**

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

S.117 directions: **7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Additional Information : **It is recommended that the planning proposal proceed subject to the following conditions:**

**1. Prior to undertaking public exhibition, Council is to update the planning proposal to include Site Identification, Height of Buildings, Floor Space Ratio, and Foreshore Building Line Maps which clearly show both the existing and proposed controls for the site.**

**Note: Maps should be prepared to the standards identified in Standard Technical Requirements for LEP Maps (Department of Planning and Environment 2013).**

**2. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:**

**(a) the planning proposal must be made publicly available for a minimum of 14 days; and**

**(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2013).**

**3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:**

- Transport for NSW – Roads and Maritime Services**

**Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment.**

**Public authorities may request additional information or additional matters to be addressed in the planning proposal. The planning proposal is to be revised to address submissions from these public authorities, copies of all submissions must be included with the revised proposal.**

**4. Prior to undertaking public exhibition Council is to consult with the Foreshores and Waterways Planning and Development Advisory Committee under clause 30(1) of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.**

**Council planning proposal is to be revised to address any submission received from the Advisory Committee within 30 days after the date on which the planning proposal was forwarded to the Committee.**

**5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).**

**6. Prior to undertaking public exhibition, the planning proposal is to be revised to demonstrate consistency with A Plan for Growing Sydney, released on 14 December 2014.**

**7. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.**

**8. A written authorisation to exercise delegation under section 59 of the Environmental Planning and Assessment Act, 1979 is issued to Council in relation to the planning proposal.**

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Supporting Reasons :    **The Department supports the planning proposal proceeding, to allow for public exhibition and feedback as it:**

- **Is consistent with both the Local and State strategic planning framework**
- **Is of a local nature and it is considered that it will have limited impact; and**
- **Has the potential to improve amenity for neighbouring buildings.**

**The planning proposal is considered suitable for delegation to Council.**

Signature:

  
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Printed Name:

Tim Archer

Date:

20/1/15