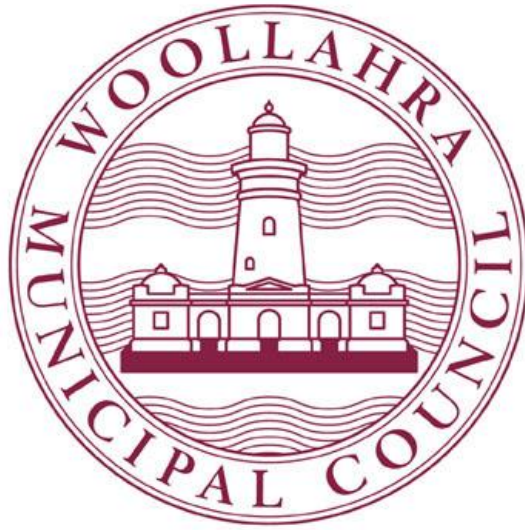




PLANNING PROPOSAL

83 and 83A YARRANABBE ROAD, DARLING POINT

16 DECEMBER 2014

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Part 1 – Introduction

This planning proposal is made in relation to land known as 83 and 83A Yarranabbe Road, Darling Point. The planning proposal seeks to change three development standards applying to the properties by:

- increasing the maximum height controls over part of the site
- introducing a new second height control which restricts the height of buildings at street level
- increasing the maximum floor space ratio (FSR) for residential flat buildings
- reducing the foreshore building line for residential flat buildings.

This planning proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979 (EPA&Act)* and the two documents prepared by the NSW Department of Planning and Infrastructure titled *A Guide to Preparing Planning Proposals (October 2012)* and *A Guide to Preparing Local Environmental Plans (April 2013)*.

The planning proposal submitted by the applicant provided options to amend both Woollahra Local Environmental Plan 1995 (WLEP 1995) and Draft Woollahra Local Environmental Plan 2014 (Draft WLEP 2014). A change to WLEP 1995 would not be relevant because by the time the planning proposal process is completed, Draft WLEP 2014 will have been approved by the Department of Planning and Environment (DPE) and commenced operation.

Therefore, this planning proposal is to amend the Draft WLEP 2014 planning controls.

Part 2 – Site and context description

The planning proposal applies to land at 83 and 83A Yarranabbe Road, Darling Point (the site), located at the northern end of Darling Point as shown in Figure 1: Site map.



Figure 1: Site map

2.1 Site description

The site comprises two adjoining properties as shown in Figure 2: Site aerial.

The property at 83A Yarranabbe Road is a battle-axe lot accessed by a right-of-way over 83 Yarranabbe Road, which is generally rectangular. The combined area of the site is 1453.6m².

The property at 83 Yarranabbe Road 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.

The property at 83A Yarranabbe Road is occupied by a two storey dwelling house which is set back from the foreshore by a minimum of 12m. 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.



Figure 2: Site aerial

The land at 83A Yarranabbe Road is relatively flat, but No.83 falls significantly from the south to the north by approximately 12.5m.

Vegetation on the site includes two large tree canopies in the south-eastern corner of No.83A that currently rise above the existing buildings and are highly visible from Yarranabbe Road and the properties further to the south. In addition, there is a mature palm in the north-east corner of No.83A among other dense vegetation that is visible from the harbour.

2.2 Context description

The site is in a residential area zoned R3 Medium Density Residential in Draft WLEP 2014. However, the form of development varies significantly.

Development fronting the harbour ranges from a single storey waterfront house three lots to the west, to seven and ten storey residential flat buildings (RFBs) to the immediate east, and a three to five storey RFB 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 RFBs. The range of building storeys is shown in Figure 3: Existing context.



Figure 3: Existing context

Part 3 – Objectives of the planning proposal

In summary, the objective of the planning proposal is to facilitate medium density residential development by increasing the height and floor space ratio (FSR) controls, introducing a new second height limit to restrict the height of buildings at street level and reducing the foreshore building line setback for RFB development applying to the site.

By altering these controls, the planning proposal establishes a building envelope which is in the context of surrounding development.

Part 4 – Explanation of provisions

This planning proposal is to amend the controls in Draft WLEP 2014 in the following ways:

- Amend the Floor Space Ratio Map to increase FSR 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 10.5m to:
 - A maximum building height of 15.2m and a second height of 5.7m at the highest part of the site over 83 Yarranabbe Road, and
 - A maximum building height of part 10.5m and part 15.2m over 83A Yarranabbe Road;
- Amend the Foreshore Building Line Map and clause 6.4 Limited development on the foreshore area to apply an 18m foreshore building line for residential flat building development over the site.

The maps identifying these changes are shown in Part 6 below.

Second heights

The second height 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.

The proposed maximum building heights for the site are illustrated in section by Figure 4 below.

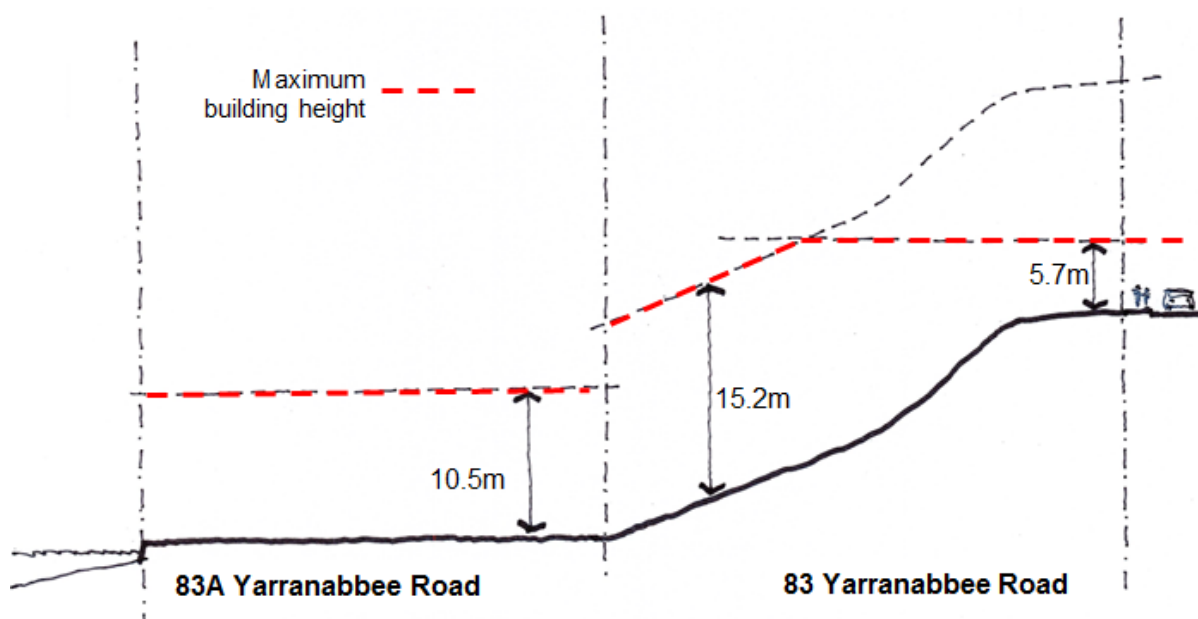


Figure 4: Proposed maximum building heights section

Part 5 – Justification

Section A – Need for the planning proposal

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

Yes. The planning proposal is the result of an on-going discussion with the applicant to establish a preferred planning outcome for the site. The applicant's planning proposal considered the site's context and amenity of neighbouring buildings such as view corridors and shadowing. As a result, the applicant's planning proposal and supporting documentation were produced.

The planning proposal submitted to Council was established with the intention of amending the planning controls to accommodate a suitable built form and urban design outcome for the site, and was accompanied by an Urban Design Statement. The Council's Urban Planning Committee report of 24 November 2014 (Attachment 2) includes a copy of the Urban Design Statement.

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

Yes. This planning proposal is the best means of achieving the objectives. A planning proposal is needed to change the maximum FSR and height, introduce a second height control and amend the foreshore building line to facilitate residential development.

The proposed planning control changes create a building envelope that fits within the existing context. That envelope was established having regard to:

- views from the public and private domain;
- providing solar access to adjoining properties;
- the location of adjoining residential flat building development in relation to the foreshore building line;
- minimising building bulk; and
- providing a contextual building envelope.

At its meeting of 15 December 2014, Council endorsed the planning proposal for the purpose of public exhibition. The exhibition allows the public to comment on the merits of the proposed changes.

Section B – Relationship to strategic planning framework

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

Yes. The planning proposal is consistent with the relevant objectives and actions contained in the Metropolitan Plan for Sydney 2036, the Draft Metropolitan Strategy for Sydney and the Draft East Subregional Strategy. Each of these documents is addressed in the tables below.

Metropolitan Plan for Sydney 2036

Strategic Direction D – Housing Sydney's Population

A stronger emphasis on achieving efficient use of existing urban areas where small, medium and large centres enjoy good access to services, jobs and public transport.

“Well designed medium density development centres of all sizes will improve urban amenity, stimulate local economies and deliver new, energy efficient homes more suited to Sydney's changing population profile.” (p.106)

Objective and action

Comment on consistency

Objective D1

To ensure an adequate supply of land and sites for residential development

The planning proposal seeks to provide increased capacity for residential dwellings.

Action D1.1

Locate at least 70 per cent of new housing within existing urban areas and up to 30 per cent of new housing in new release area

The planning proposal applies to an existing urban area that is zoned for medium density residential development.

Action D1.2

Reflect new subregional housing targets in Subregional Strategies and Local Environmental Plans, and monitor their achievement

The planning proposal will provide a platform for increasing the existing dwelling yield from two to five dwellings. The increase will assist Council to meet its target under the Draft East Subregional Plan of 2,900 dwellings by 2031.

Objective D2

To produce housing that suits our expected future needs

The planning proposal will facilitate more medium density development giving greater housing choice and increasing dwelling supply. New apartments may assist older residents to downsize from dwelling houses and stay in their community.

Action D2.1

Ensure local planning controls include more low rise medium density housing in and around smaller local centres

The planning proposal facilitates medium density development in a location that is within walking distance of public transport that connects to the nearby centres of Edgecliff and Double Bay.

Objective D3

To improve housing affordability

The planning proposal seeks to provide increased capacity for residential dwellings, thereby increasing dwelling supply and improving housing options and affordability.

Metropolitan Plan for Sydney 2036

Objective D4

To improve the quality of new housing development and urban renewal

The proposed planning controls establish a framework for a development on the site that can improve the amenity of adjoining residents and create new, high quality residential dwellings.

Action D4.1

Strengthen the Government's role in ensuring good design outcomes

The planning proposal was developed having regard to solar access, views and landscaping. This will allow a future design that responds to the site context producing dwellings with excellent amenity.

Draft Metropolitan Strategy for Sydney

Strategy – A liveable City

Objective

Comment on consistency

Objective 5

Deliver new housing to meet Sydney's growth

See response to Objective D1 above

Objective 6

Deliver a mix of well-designed housing that meets the needs of Sydney's population

See response to Objective D2 above

Strategy – Accessibility and connectivity

Objective

Comment on consistency

Objective 24

Plan and deliver transport and land use that are integrated and promote sustainable transport choices

The planning proposal seeks to increase residential density in a location that is within walking distance of bus and ferry services, integrating development and transport which may reduce vehicle use.

The planning proposal will assist meeting the target in NSW 2021¹ to increase the

¹ The NSW 2021 plan sets the Government's agenda for change in NSW. It is a 10 year plan to rebuild the economy, return quality services, renovate infrastructure, restore accountability to Government, and strengthen our local environment and communities.

	percentage of the population living within 30 minutes by public transport of a city of major centre in Metropolitan Sydney.
Draft East Subregional Strategy	
Strategy C - Housing	
Objective and action	Comment on consistency
Objective C1 Ensure adequate supply of land and sites for residential development.	See response to D1 above.
Action C1.3 Plan for increased housing capacity targets in existing areas	The planning proposal will : • increase capacity for residential dwellings in an existing medium density residential location. • assist Council to meet the Draft East Subregional Strategy housing target of 2,900 additional dwellings by 2031 for the Woollahra LGA.
Objective C2 Plan for a housing mix near jobs, transport and services	The planning proposal applies to a site that is within walking distance of bus and ferry services providing transport to nearby centres and the CBD.

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

Yes. The planning proposal is consistent with the Council's Community Strategic Plan titled *Woollahra 2025 – our community, our place, our plan*. Notably, the planning proposal meets the following strategy within Goal 4 (Well planned neighbourhood) under the theme Quality places and spaces:

- 4.4 Encourage diversity in housing choice to suit a changing population.

5. Is the planning proposal consistent with applicable state environmental planning policies?

A table addressing the applicability of all SEPPs and the consistency of the planning proposal is provided at **Attachment 1**. Based on this assessment, Council has concluded that the planning proposal is consistent with all applicable SEPPs.

Of the relevant SEPPs, comment on is provided on four key relevant State Environmental Planning Policies (SEPPs) and one deemed SEPP below.

SEPP 65 – Design Quality of Residential Flat Development 2002

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

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

SEPP (Building Sustainability Index: BASIX) 2004

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

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

SEPP 32 Urban Consolidation (Redevelopment of Urban Land) 1991

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

Assessment: The planning proposal is consistent with the aims of this SEPP. It involves the intensification of residential development in an existing medium density zone which will provide new dwellings near public transport services.

SEPP 55 – Remediation of Contaminated Land

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

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

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Description of the deemed SEPP: This SEPP aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways. It establishes planning principles and controls for the catchment as a whole which must be considered during the preparation of environmental planning instruments.

Assessment: The planning proposal is consistent with the planning principles of the SEPP. The relevant principle being that development that is visible from the waterways or foreshores is to maintain, protect and enhance the unique visual qualities of Sydney Harbour².

The planning proposal responds to the site's context and proposes a transition from the 7m foreshore setback of 85 Yarranabbe Road to the 30m setback of 77-81 Yarranabbe Road. This approach will limit the bulk of development as viewed from the harbour, and provide an opportunity for greater foreshore landscaping compared to existing development on the site.

The 10.5m height limit on 83A Yarranabbe Road adopted by Council in WLEP 2014 is retained on the foreshore. On 83 Yarranabbe Road, the proposed 15.2m control allows for a development that steps up the site, but is limited by a second height of 5.7m at the highest part of the site which retains and enhances views from the surrounding area to the harbour.

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

The applicable s.117 Directions are addressed in the table below.

No.	Title	Comment
Housing, Infrastructure and Urban Development		
3.1	Residential Zones	Applicable – consistent. - Draft WLEP 2014 does not reduce the amount of land zoned for residential purposes. - The planning proposal will provide opportunities for additional residential units within the Woollahra LGA. - Urban consolidation will increase the supply of housing in a location that will utilise existing public transport infrastructure and services. - The site adequately serviced by sewer, water, gas and electricity.
3.4	Integrating Land Use and Transport	Applicable – consistent. The proposal is located within walking distance of bus and ferry services which connect to the local area and broader region.
Housing, Infrastructure and Urban Development		
4.1	Acid sulfate soils	Applicable – consistent. The site is classified as Class 2 Acid sulfate soils.

² The *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* definition: Sydney Harbour includes all tidal bays, rivers and their tributaries connected with or leading to Sydney Harbour, and all waters bounded by mean high water mark and lying to the west of a line running between the southernmost point of North Head and the northernmost point of South Head.

No.	Title	Comment
		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.
Local plan making		
6.1	Approval and referral requirements	Applicable – consistent. The proposal does not include provisions that require development applications to be referred externally and is not related to designated development.
6.2	Reserving land for public purposes	Applicable – consistent. The planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3	Site specific provisions	Applicable – consistent. The planning proposal does not propose a rezoning or include additional land uses for the land.
Metropolitan Planning		
7.1	Implementation of the Metropolitan Plan for Sydney 2036	Applicable – consistent. As outlined above in Part 5, Section B.

Section C – Environmental, social and economic impact

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

The proposal does not apply to land, or is in the vicinity of land, that has been identified as containing critical habitats or threatened species, populations or ecological communities, or their habitats.

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

There are no likely environmental effects that cannot be managed through the development assessment process. Council and the other land owners are aware of environmental constraints on the land, such as flood levels and acid sulfate soil. These matters will be addressed if a development application is lodged.

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

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

Section D – State and Commonwealth interests

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

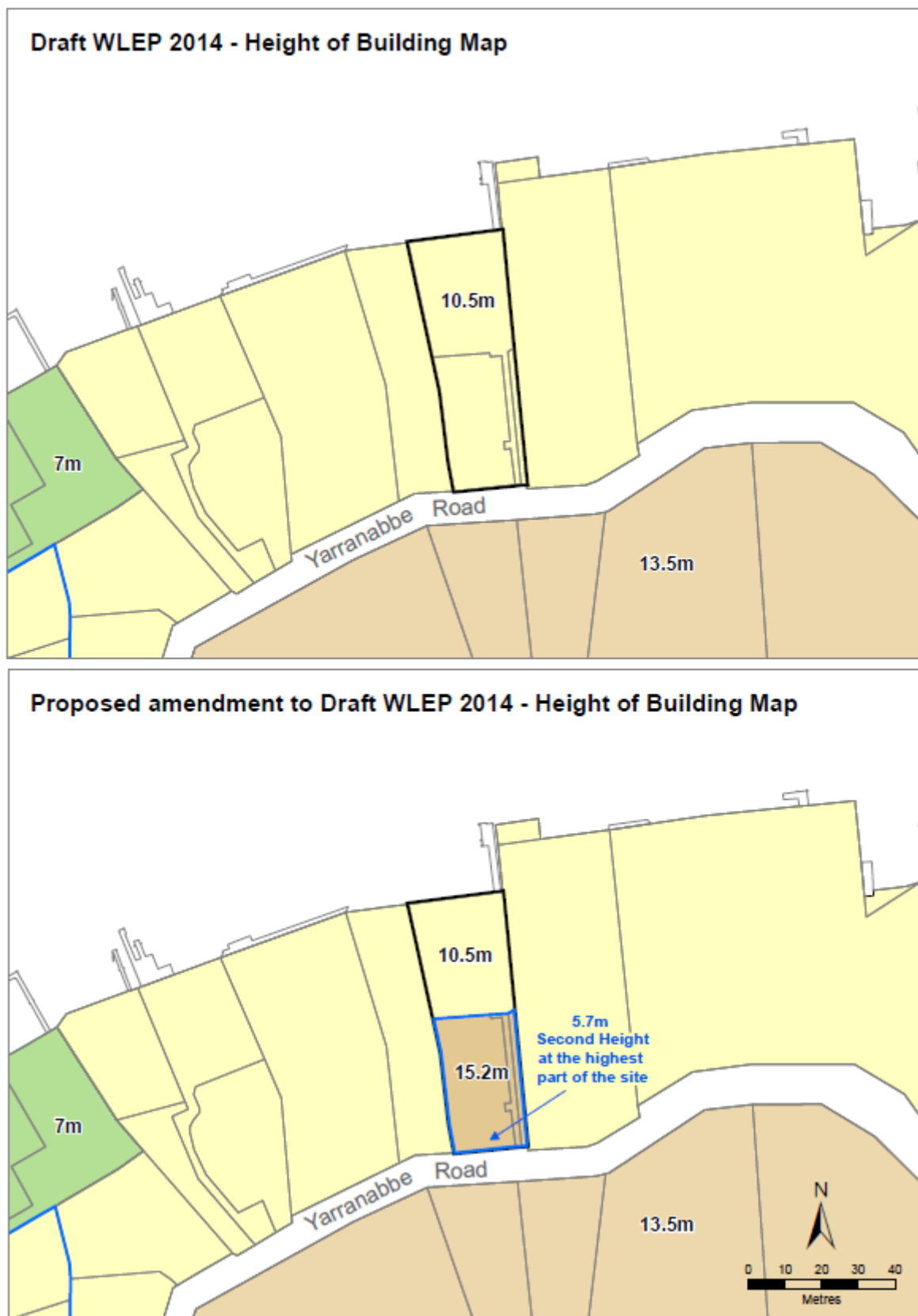
Yes. The planning proposal relates to a site in an established area. It is considered that adequate public infrastructure for the development exists.

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

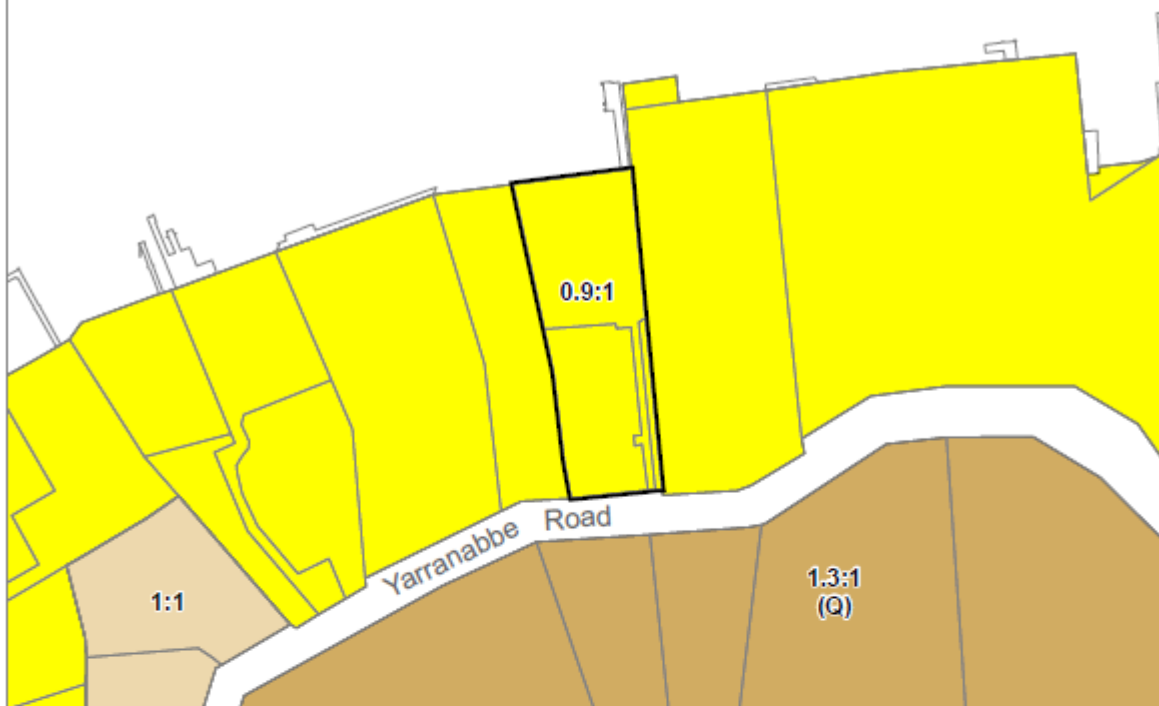
This section will be completed following consultation with public authorities identified in the gateway determination.

As the site is located adjacent to Sydney Harbour, we recommend that Roads and Maritime Services are consulted as part of the public exhibition.

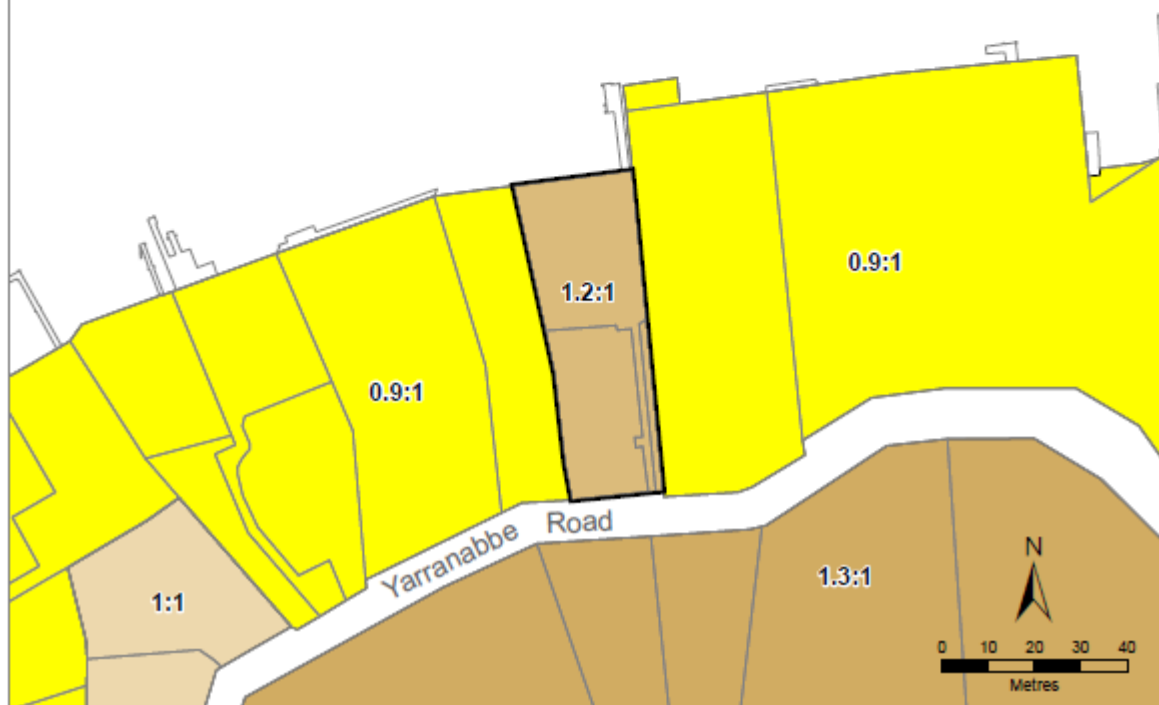
Part 6 – Mapping



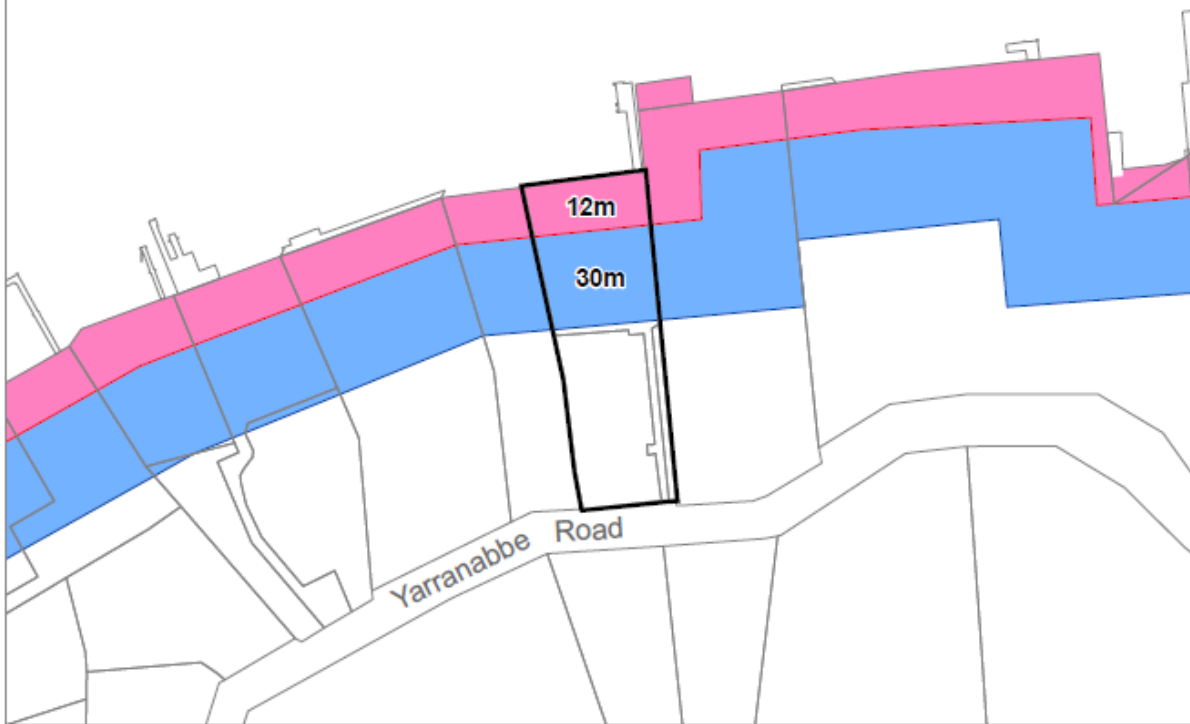
Draft WLEP 2014 - Floor Space Ratio Map



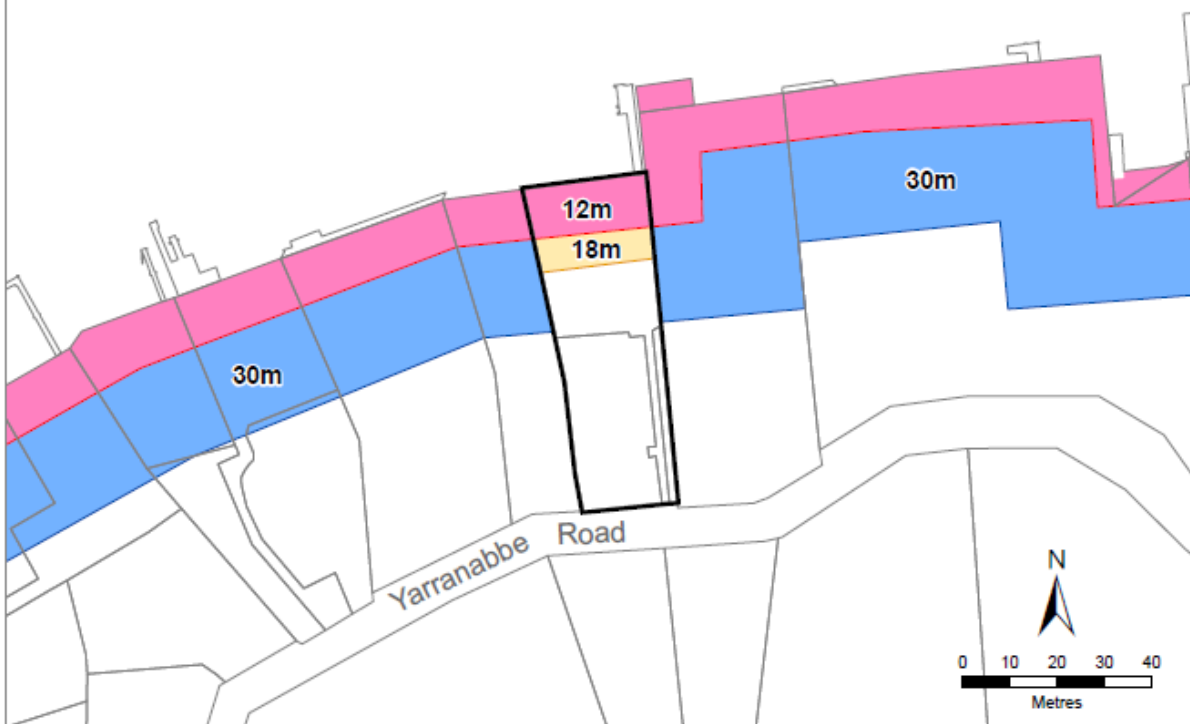
Proposed amendment to Draft WLEP 2014 - Floor Space Ratio Map



Draft WLEP 2014 - Foreshore Building Line map



Proposed amendment to Draft WLEP 2014 - Foreshore Building Line Map



Part 7 – Community consultation

An exhibition period of at least 28 days is intended. This is consistent with part 5.2 of *A guide to preparing local environmental plans*, and due to likely community interest in this proposal.

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 the owners of land which is the subject of the planning proposal; and
- A letter to the owners of land owners in the vicinity of the site.

Consultation will also have regard to the requirements set down in the gateway determination issued by the Director-General of the NSW Department of Planning and Environment.

During the exhibition period, the planning proposal, gateway determination and other relevant documentation will be available on Council's Customer Service Centre and on Council's website.

Part 8 – Project timeline

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

Plan-making step	Estimated completion
Urban Planning Committee recommends proceeding	November 2015
Council resolution to proceed	December 2015
Gateway determination	February 2015
Completion of technical assessment	None anticipated
Government agency consultation Public exhibition period	March – April 2015 (28 days)
Submissions assessment	May 2015
Council assessment of planning proposal post exhibition	June 2015
Submission of planning proposal to the DPE finalising the LEP	N/A – proposal to subject to delegation
Council decision to make the LEP amendment (if delegated)	July 2015
Forwarding of LEP amendment to DPE for notification	July 2015
Notification of the approved LEP	August 2015

Attachment 1 Consistency with state environmental planning policies

State Environmental Planning Policy	Comment on consistency
SEPP No 1 - Development Standards	Applicable Consistent. The planning proposal does not contain a provision which affects the operation of this policy.
SEPP N0.14 – Coastal Wetlands	Not applicable
SEPP No 15 - Rural Landsharing Communities	Not applicable
SEPP No 19 - Bushland in Urban Areas	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 21 - Caravan Parks	Applicable 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 29 - Western Sydney Recreation Area	Not applicable
SEPP No 30 - Intensive Agriculture	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 32.- Urban Consolidation (Redevelopment of Urban Land)	Applicable 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	Applicable 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 39 - Spit Island Bird Habitat	Not applicable
SEPP No 44 - Koala Habitat Protection	Not applicable
SEPP No 47 -Moore Park Showground	Not applicable.

State Environmental Planning Policy	Comment on consistency
SEPP No 50 - Canal Estate Development	Applicable 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.
SEPP No 55 - Remediation of Land	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy. The planning proposal will allow the continuation of the existing residential use.
SEPP No 59 - Central Western Sydney Regional Open Space and Residential	Not applicable.
SEPP No 62 - Sustainable Aquaculture	Not applicable.
SEPP No 64 - Advertising and Signage	Applicable 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 Flat Development	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 70 - Affordable Housing (Revised Schemes)	Applicable 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	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Building Sustainability Index: BASIX) 2004	Applicable 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 (Exempt and Complying Development Codes) 2008	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Housing for Seniors or People with a Disability) 2004	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Infrastructure) 2007	Applicable 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	Applicable 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	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Miscellaneous Consent Provisions) 2007	Applicable 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	Applicable 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 (Sydney Drinking Water Catchment) 2011	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Sydney Region Growth Centres) 2006	Not applicable
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

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 No18 – Public Transport Corridors	Not applicable
SREP No 19 – Rouse Hill Development Area	Not applicable
SREP No 20 - Hawkesbury- Nepean River (No 2 - 1997)	Not applicable
SREP No 24 - Homebush Bay Area	Not applicable
SREP No 26 – City West	Not applicable
SREP No 30 - St Marys	Not applicable
SREP No 33 - Cooks Cove	Not applicable
SREP (Sydney Harbour Catchment) 2005	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.

**Attachment 2 Report to Urban Planning Committee 24 November 2014 and
Council minutes 15 December 2014**