

Item No: R Recommendation to Council
Subject: **PLANNING PROPOSAL FOR 83 AND 83A YARRANABBEE ROAD, DARLING POINT**
Author: Brendan Metcalfe - Strategic Planner
File No: 1064.G Plan Prop 8
Reason for Report: To report on the planning proposal prepared by City Plan Strategy and Development and Tzannes Associates for 83 and 83A Yarranabee Road. To obtain Council's approval to prepare an amended planning proposal and forward it to the Department of Planning and Environment for a gateway determination.

Recommendation:

- A. That the planning proposal prepared by City Plan Strategy and Development and Tzannes Associates for 83 and 83A Yarranabee Road, Darling Point, as contained in Annexure 1 of the report to the Urban Planning Committee meeting of 24 November 2014 be forwarded to the Minister for Planning requesting a gateway determination so that it can be placed on public exhibition subject to the building heights being expressed as height above ground level (existing) in metres rather than reduced levels.
- B. That the planning proposal controls are:
- floor space ratio of 1.2:1 over both lots
 - maximum building height of 15.2m and a second height of 5.7m over 83 Yarranabee Road
 - maximum building height of part 10.5m and part 15.2m over 83A Yarranabee Road
 - foreshore building line of 18m for residential flat building development.
- C. That when requesting a gateway determination for the planning proposal at point A above, the Council seek delegation of the plan-making steps under section 59 of the *Environmental Planning and Assessment Act 1979*.
- D. That the applicant meets all costs associated with the preparation and completion of the planning proposal as set out in the Council's fees and charges.

1. Summary

In September 2014 a planning proposal (**Annexure 1**) was submitted to Council by City Plan Strategy and Development and Tzannes Associates to facilitate a 2-5 storey residential development on 83 and 83A Yarranabee Road, Darling Point (Lots 12 and 11 in DP 598514).

The planning proposal seeks to change three development standards applying to the properties by:

- increasing the maximum height controls
- increasing the maximum floor space ratio (FSR) for residential flat buildings
- reducing the foreshore building line for residential flat buildings.

Overall, we support this planning proposal for the purpose of obtaining a gateway determination from the Minister for Planning and Environment (DPE). However, we recommend amending the way maximum building heights are applied. Instead of using a complex arrangement of reduced levels (RLs) in Australian Height Datum across the site as submitted by the applicant, we

recommend using heights in metres above existing ground level. This is consistent with both Council's standard practice and the preferred approach of the DPE.

The purpose of this report is to obtain Council's approval of the amended planning proposal prior to referring it to the DPE for a gateway determination. The determination will enable the planning proposal to be placed on public exhibition.

2. Background

In November 2012 a development application (DA 485/2012) was lodged for the demolition of the two adjacent dwelling houses on the site and construction of a five level RFB. The development containing six dwellings was proposed with a maximum height of 17.6m from existing ground level and an FSR of 1.79:1. The development was set back 13m from the mean high water mark thereby breaching the 30m foreshore building line. The DA was refused by delegated authority on 25 June 2013.

The applicant appealed this decision with the NSW Land and Environment Court (LEC). The appeal is cited as *Yarranabee Developments Pty Limited v Woollahra Council [2014] NSWLEC 1007*. The issues of the case included whether the non-compliance with Council's planning controls in terms of site frontage width, foreshore building line, side boundary setback, bulk, height and scale of the development were appropriate; whether the landscaping proposal was adequate to compensate for the trees to be removed from the site; and whether the development was contrary to the terms of a covenant that applies to the land. The appeal was dismissed by the LEC on 14 January 2014.

The owner has subsequently commissioned a planning proposal for the site. The matters raised in the LEC case have been considered during the preparation of the proposed controls and associated building envelope.

3. The site

The site is located at the north of Darling Point as shown below in Figure 1: Local area map.



Figure 1: Local area map

The site comprises two adjoining properties at 83 and 83A Yarranabee Road. The property at 83A Yarranabee Road is a battle-axe lot accessed by a right-of-way over 83 Yarranabee Road which is generally rectangular. The combined area of the site is 1453.6m².

A three storey dwelling house with a double garage at the street frontage is located on 83 Yarranabee Road. The dwelling is separated by its rear garden and a swimming pool from the house on 83A Yarranabee Road as shown in Figure 2: Site aerial.



Figure 2: Site aerial

The property at 83A Yarranabee Road contains 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 garage for three cars is located on the roof of the dwelling house and accessed via a raised driveway along the eastern boundary over the right-of-way.

The property at 83A Yarranabee 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 that currently rise above the existing buildings and are highly visible from Yarranabee Road and the properties further to the south. In addition, there is a mature palm in the north-east corner of the site among other dense vegetation that is visible from the harbour.

The site is within 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 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.

4. The applicant’s planning proposal

In summary, the objective of the planning proposal is to increase the height and FSR controls and reduce the foreshore building line setback for RFB development applying to the site.

4.1 Proposed controls

The planning proposal submitted by the applicant provides options for the amendment of Woollahra Local Environmental Plan 1995 (WLEP 1995) and Draft Woollahra Local Environmental Plan 2014 (Draft WLEP 2014).

Our review focuses on the proposal to amend the Draft WLEP 2014 planning controls because Draft WLEP 2014 is likely to have been approved by the DPE by the time any planning proposal for 83 and 83A Yarranabee Road is exhibited and approved.

A summary of the controls under Draft WLEP 2014 and the applicant’s proposal is shown below:

	FSR	Height	Foreshore building line for RFB development
Draft WLEP 2014	0.9:1	10.5m	30m
Planning proposal to amend Draft WLEP 2014	1.2:1	Various reduced levels as shown below in Figure 3	18m



Figure 3: Proposed building heights

4.2 The proposed building envelope

The applicant's planning proposal was submitted to amend the planning controls for the site. The amending controls establish a building envelope for an RFB development on the site to increase density. The building envelope responds to the key matters raised during the LEC case being:

- view impact from private properties
- impact on solar access to adjoining properties
- non-compliance with foreshore building line
- building bulk
- non-compliance with FSR and height controls
- contextual fit.

The indicative envelope provided by the applicant in the planning proposal aims to maintain or improve existing neighbouring views across the site to the harbour, Sydney CBD and Sydney Harbour Bridge by setting development back a minimum of 18m from the foreshore. The planning proposal diagrams show that the proposed building envelope would improve views from levels 1-4 of 77-81 Yarranabee Road and levels 1-6 at the rear of 85 Yarranabee Road based on a comparison to a development complying with the current height and foreshore building line controls.

The applicant's drawings also demonstrate that the envelope would improve existing solar access to levels 1-3 of 71-81 Yarranabee Road and levels 1-4 at the rear of 85 Yarranabee Road.

The envelope proposed by the applicant is shown below in Figures 4 and 5.



Figure 4: The applicant's proposed envelope as viewed from the south-west

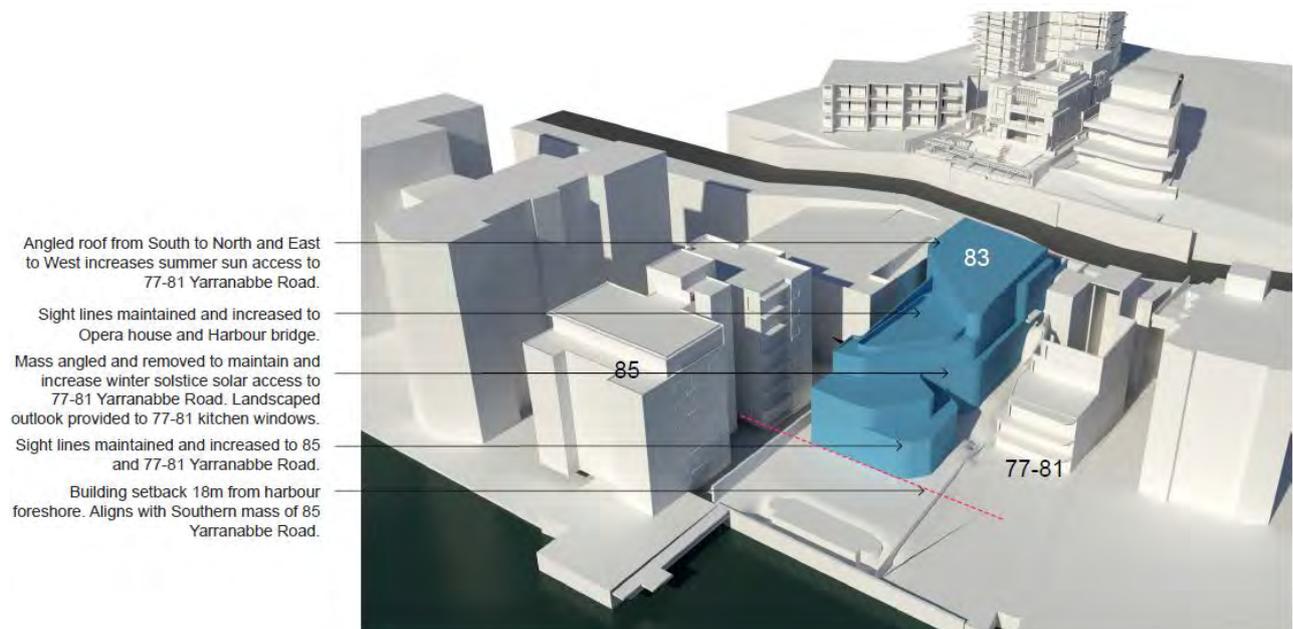


Figure 5: The applicant's proposed envelope as viewed from the north-west

5. Review of the planning proposal

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

We have reviewed the planning proposal in accordance with section 55 of the Act and the guidelines (see **Annexure 2: Planning proposal review**). The review identifies where:

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

5.1 Strategic merit

We identify that the planning proposal has strategic merit and provide in principle support. The proposal will facilitate increased residential density in a location that is within walking distance of bus and ferry services that link to the nearby centres of Edgecliff and Double Bay and other centres further afield.

Based on the applicant's indicative building envelope drawings, view analysis and shadow modelling, the proposed planning controls are appropriate in the location.

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

5.2 Amendments to proposed height controls

For the purpose of exhibition an increase to the maximum building height for the site is supported, but not in the format suggested by the applicant.

The applicant's proposal is to apply RLs across the site at various locations. We do not support the highly prescriptive mapping of RLs as proposed because:

- The use of RLs at various locations over a lot is inconsistent with Council's approach to mapping height in Draft WLEP 2014.
- The number of different RLs on the site is overly complex.

- The scale of the Draft WLEP 2014 Height of Building Map makes identifying the precise location of each RL impossible.
- Describing the exact location of each RL on the site with a textual description in a clause in Draft WLEP 2014 is not preferred, nor typical of Standard Instrument local environmental plans.
- The DPE has recently advised Council that the application of RLs in Draft WLEP 2014 is not supported for two sites on New South Head Road, Double Bay. Therefore, they are unlikely to support the use of RLs for this site.

Usually, Council sets a maximum building height in metres above existing ground level. A second height limit may also be applied to restrict development at the highest part of the site. The second height limit facilitates view sharing and provides a consistent streetscape.

These standard approaches for setting height limits should be applied to the planning proposal.

Using these approaches, we propose the following maximum building height controls for the site:

- A maximum building height of 15.2m and a second height of 5.7m over 83 Yarranabee Road.
- A maximum building height of part 10.5m and part 15.2m over 83A Yarranabee Road.

These controls are illustrated below in Figure 6.

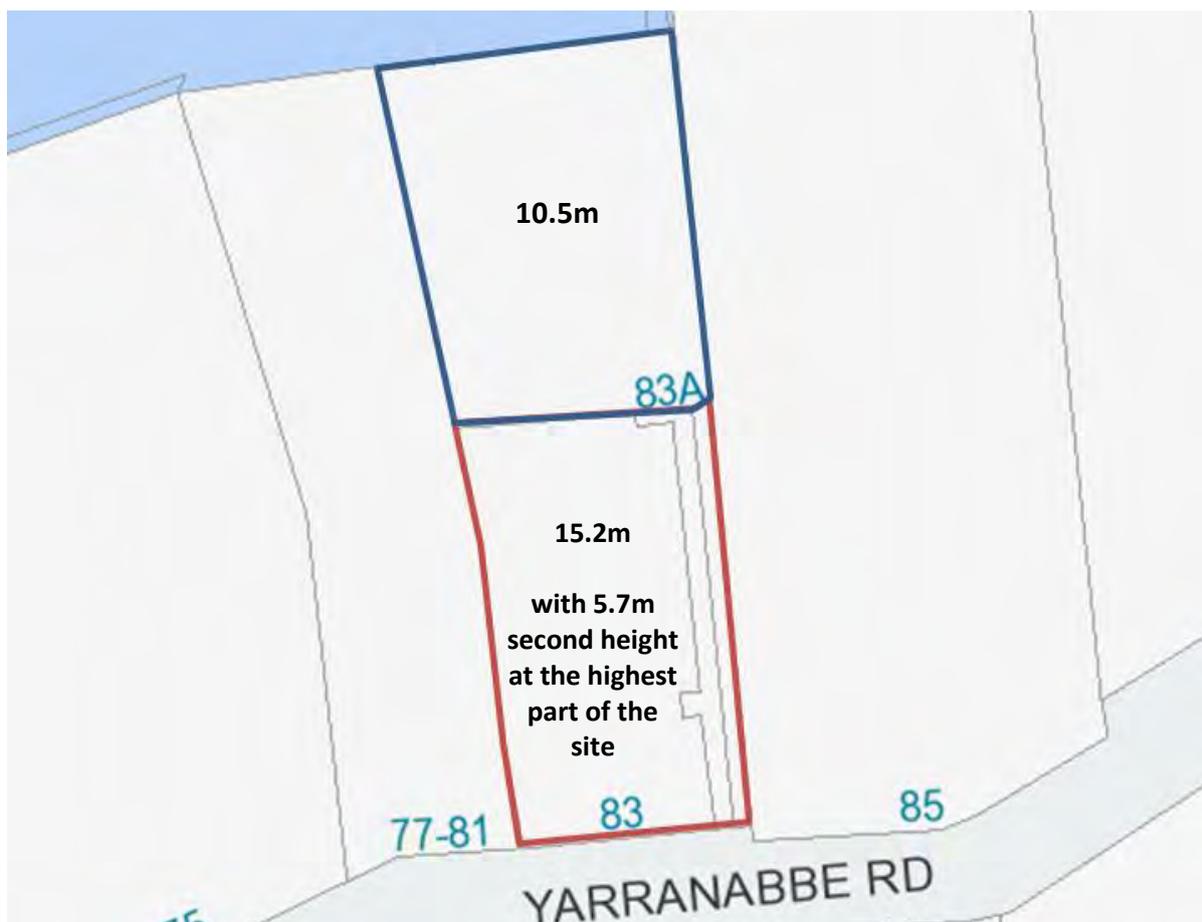


Figure 6: Proposed maximum building heights

Explanation of the proposed provisions

On 83 Yarranabee Road, the 15.2m maximum building height is equivalent to the maximum RL of the applicant's indicative proposal.

The 5.7m second height from the highest part of the site is the equivalent to the maximum RL of the applicant's indicative proposal as viewed from Yarranabee Road. An indicative cross section of the height controls is shown below in Figure 7.

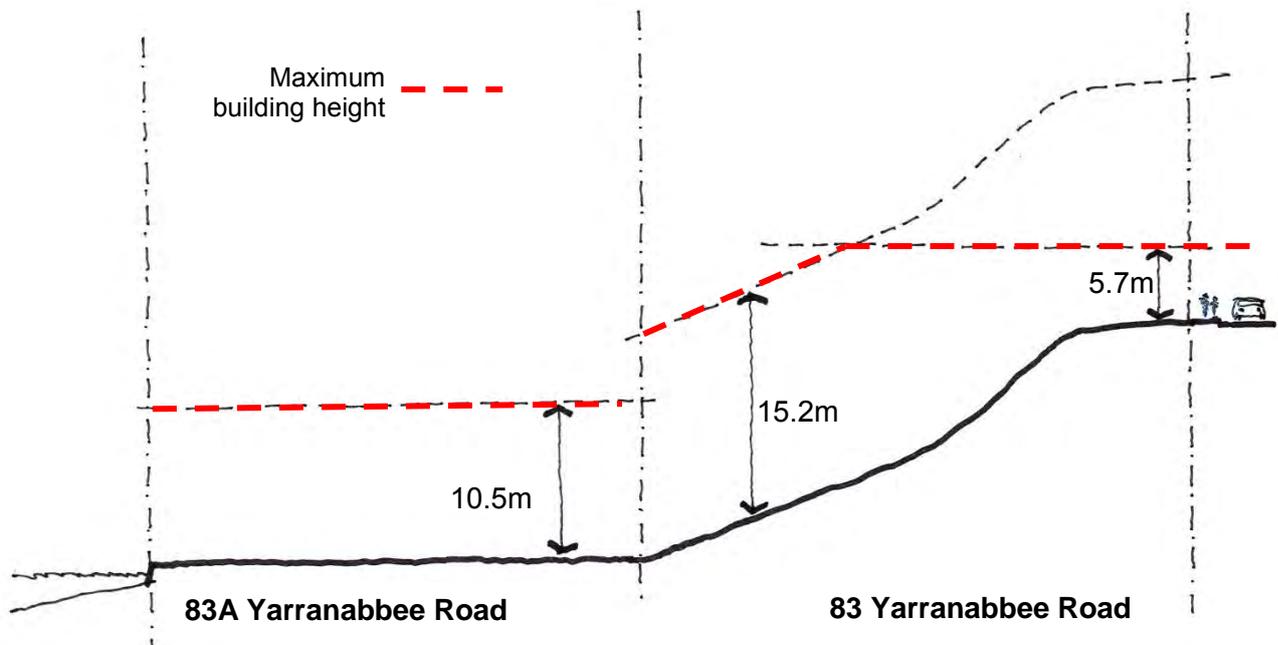


Figure 7: Indicative cross section of controls

On 83A Yarranabee Road, the 10.5m maximum building height reflects the majority of the applicant's indicative proposal except a small portion proposed as RL 15.1 in the south-east corner. As the exact location of the area proposed with an RL of 15.1m cannot be accurately identified using Council's usual mapping techniques it has been excluded from the property.

This is a practical approach to addressing the maximum building heights on 83A Yarranabee Road given the limitations of the Standard Instrument.

5.3 Additional information to be submitted

Section 55(2) of the Act outlines the components a planning proposal must contain. The planning proposal submitted by City Plan Strategy and Development and Tzannes Associates has generally been prepared in accordance with the Act. However, Council will need to prepare the:

- relevant maps which identify the proposed planning controls for the site, and
- indicative project timeline.

6. Options for proceeding

Option 1: Forward the planning proposal, subject to amendments to height and various other matters identified in Annexure 2 to the DPE requesting a gateway for determination. This is our preferred approach.

Council will forward the planning proposal to the DPE requesting a gateway determination under section 58(2) of the Act. The Minister, 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 planning proposal is not supported.

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

7. 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 Operation Plan 2014/15 sets out the fees and charges for preparing a planning proposal. We recommend that the applicant is responsible for all costs associated with the planning proposal as required by the adopted fees and charges.

8. Conclusion

In principle this planning proposal has merit and, subject to amendments, we recommend that Council forwards the planning proposal for 83 and 83A Yarranabee Road, Darling Point, to the Minister for Planning requesting a gateway determination so that it can be placed on public exhibition for a minimum of 28 days for comment.

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

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

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

Brendan Metcalfe
Strategic Planner

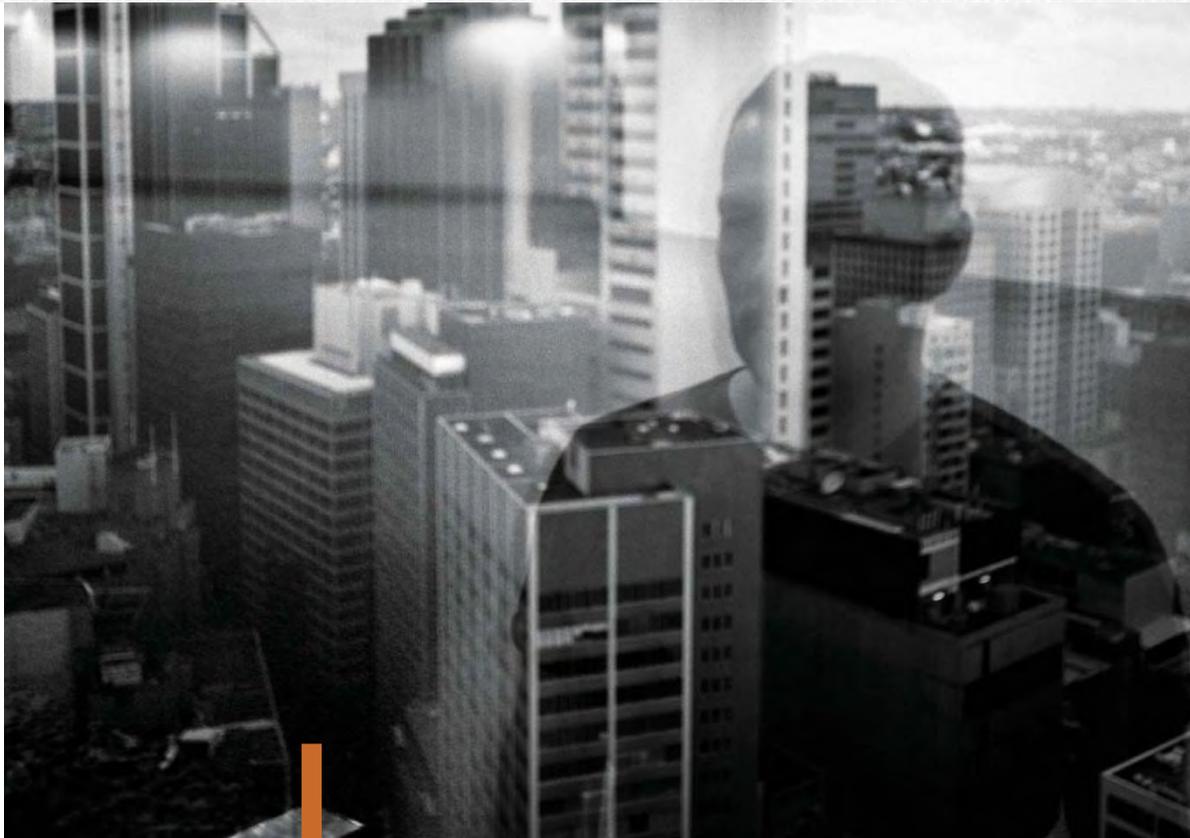
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Annexures:

1. Planning proposal for 83 and 83A Yarranabee Road, Darling Point as submitted by City Plan Strategy and Development and Tzannes and Associates.
2. Planning proposal review.



Planning Proposal

83 & 83A Yarranabbe Road,
Darling Point

Submitted to Woollahra Municipal Council
On Behalf of Yarranabbe Developments Pty Ltd

Report Revision History

Revision	Date Issued	Prepared by	Reviewed by	Verified by
07 Draft	18/09/14	H Palmer <i>Senior Project Planner</i>	S Francis <i>Executive Director</i>	S Francis <i>Executive Director</i>
01 Final	19/09/14	H Palmer <i>Senior Project Planner</i>	S Francis <i>Executive Director</i>	

This document is preliminary unless approved by a Director of City Plan Strategy & Development

CERTIFICATION

This report has been authorised by City Plan Strategy & Development, with input from a number of other expert consultants, on behalf of the Client. The accuracy of the information contained herein is to the best of our knowledge not false or misleading. The comments have been based upon information and facts that were correct at the time of writing this report.

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Appendix	Document	Prepared by
A	Urban Design Statement	Tzannes Associates

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1	Analysis of the Floor Space Ratio, Building Height and Foreshore Building Line of the surrounding buildings
2	Summary of the WLEP 1995 Zone Objectives and Development Controls
3	Consistency with Draft East Sub-regional strategy
4	Consistency with SEPPs
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Section A - Overview

1. Executive Summary

This Planning Proposal (PP) has been prepared by City Plan Strategy and Development and Tzannes Associates for and on behalf of Yarranabbe Developments Pty Ltd.

This PP explains the intended effect of, and justification for, the proposed amendment to Woollahra Local Environmental Plan 1995. The amendment is a site specific 'principle' LEP for **Nos. 83 and 83A Yarranabbe Road, Darling Point** (the site). It has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the relevant Department of Planning Guidelines including "A Guide to Preparing Local Environmental Plans and A Guide to Preparing Planning Proposals."

Through the Urban Design Statement prepared by Tzannes Associates which accompanies this proposal at **Appendix A**, this PP identifies the existing conditions on the site and neighbouring properties. This analysis demonstrates that whilst the existing urban form features high quality living spaces, it is also characterised by limited solar access outcomes, district views which are obstructed by the building forms and landscaping, a streetscape which is dominated by hardstand parking areas and inconsistent foreshore building line setbacks. These items are considered to inhibit residents' opportunities for the enjoyment of solar access, views and amenity in this immediate locality and are therefore constraints on the site.

The redevelopment of the site in accordance with the current development standards has the potential to result in a 3 level dual occupancy development with the existing and compliant 12 metre foreshore setback and a Residential Flat Building (RFB) development behind comprising 3 units and a street presentation of 3 levels. Such a development is demonstrated in **Part 1.3** of the Urban Design Statement and provides a poor relationship between the buildings within the site, as well as in relation to the neighbouring buildings, poor levels of solar access and restriction of views. Therefore, a compliant design for the site results in negative urban design and amenity outcomes for the site and neighbouring properties.

Given this outcome, this PP is submitted to amend the relevant development standards for the purpose of enabling a development outcome which will enable the redevelopment of the site in a form that is underpinned by best practices in planning and urban design and which delivers an appropriate built form outcome measured by both community and occupier benefits as detailed in **Part 1.4** of the Urban Design Statement.

The resulting PP building envelope reflects the following built form outcomes and principles:

1. Yield – Increases the site's dwelling density from 2 dwellings to 5. A single residential flat building is in keeping with the neighbouring context.
2. Building, environmental and economic efficiency – Consolidates two sites and two buildings into one. Ameliorates the access issues associated with providing vehicular access to the harbour front lot which is currently serviced by a suspended concrete driveway. Provides environmental and economic efficiencies by sharing construction, structure, services, façade and infrastructure.
3. Views - Maintains or improves existing precinct and neighbouring views toward the harbour, particularly the iconic views of the Harbour Bridge and Sydney Opera house. The Planning Proposal massing allows the envelope to be limited to a height of 6.5m at Yarranabbe Road with a setback of 6m from this property boundary rather than the permissible 9.5m height with no defined setback. This maintains or improves views to the Southern neighbours. The planning proposal mass is set back 18m from the harbour foreshore line as opposed to the 12m of a compliant envelope. This increases harbour views from 85 Yarranabbe Road and 77-81 Yarranabbe Road.

4. Solar Access – Maintains or improves required solar access to adjacent neighbours and provides significant improvements compared to a compliant scheme. In particular the Planning Proposal envelope maintains winter solstice solar access to the North East kitchen windows of 77-81 Yarranabbe Road. This is achieved by subtracting a large volume on the North West allowing winter solar access to the said windows. Winter Solstice sun access is also improved to 85 Yarranabbe road in comparison to the existing conditions and a compliant envelope. The envelope provides opportunity for good solar access to all units of the future building development.
5. Street front presentation – Provides an envelope that minimises car parking and car parking utilities on Yarranabbe Road. The Planning Proposal Envelope provides the opportunity for a residential unit and an attractive and inviting building entrance at Yarranabbe Road.
6. Logical and Efficient Massing – Provides an envelope which allows the development of 5 residential flats in a stepped mass. This mass contributes to the desired precinct character which emphasises the stepping of development on the hillside. the development of 5 residential flats in a stepped mass. This mass contributes to the desired precinct character which emphasises the stepping of development on the hillside. Provides a mass with efficient floor plates accessing improved solar, view and ventilation amenity. The Planning Proposal Envelope ameliorates the negative massing consequences of a highly irregular topography not suited to the 9.5m height limitation from existing ground level.
7. Opportunity for Architectural excellence – Provides a site specific envelope responding to the desired future character of the precinct. The envelope provides the opportunity for a unique and tailored architectural response shaped by performative responses to urban and environmental conditions.

More specifically, these built form outcomes and principles are made available through increasing the existing foreshore setback from 12 metres to 18 metres. The FSBL mirrors the 18 metre setback of No. 101 Yarranabbe Road, and therefore creates a symmetrical FSBL "bookend" with the central FSBL of 7 metres set by Nos. 85 and 87-97 Yarranabbe Road as shown in **Part 1.3.2** of the Urban Design Statement.

The increased foreshore setback is advantageous in terms of offering direct public benefits to both neighbours being Nos. 77 – 81 and 85 Yarranabbe Road. The views from the terrace/balcony and kitchen windows areas of Levels 1, 2 and 3 of Nos. 77-81 Yarranabbe Road will be expanded to the north-east. These improved views are also made possible by increasing the existing 1.7 metre side setback to 3 metres along the western boundary and removing the existing vegetation in this area. In addition to the improved views, Nos. 77-81 Yarranabbe Road also benefits from increased solar access to its garden, terrace, balconies and windows as a result of this PP.

The proposal also allows for the removal of the rooftop car parking structure of No. 83A Yarranabbe Road, which is to be replaced with a lower two storey building form in this location. The result of which is to improve view lines from Level 4 of Nos. 77-81 Yarranabbe Road towards the north-east as well as the view lines from 'Santina' at No. 85 Yarranabbe Road towards the north-west. The rear lower four units in 'Santina' will also receive greater solar access due to the increased FSBL and reduced building form proposed.

The outcome of such a building form offers a better outcome in terms of the built form, amenity, solar and view impacts when compared to both the compliant built form and the existing two buildings, as demonstrated in **Part 1.5** of the Urban Design Statement. This is also the case compared to the proposal considered in the recent Development Application (DA 485/2012) and NSW Land and Environment Court appeal decision (*Yarranabbe Developments Pty Limited v Woollahra Council* [2014] NSWLEC 1007) on the subject site, as discussed in **Section 2** of this PP.

With regard to the Woollahra Local Environmental Plan (WLEP) 1995, this PP seeks to include additional clauses to achieve the following for the subject site:

- amend the maximum number of dwellings on the site from 3 to 5 pursuant to Clause 10B Site area and frontage standards; and
- amend the floor space ratio (FSR) from **0.875:1** to **1.55:1** pursuant to Clause 11 Floor space ratios;
- amend the building height control from **9.5 metres** to accommodate a maximum 5 level residential flat building (RFB) development, with a maximum building height in accordance with the proposed Building Height Plan (**Section 7**) pursuant to Clause 12 Height of Buildings; and
- alter the foreshore building line for RFBs for this site only from 30 metres to 18 metres pursuant to Clause 22 Foreshore building lines.

It is noted that the Draft WLEP 2013 revises the above development standards and provides a maximum building height of 10.5 metres, FSR of 0.9:1 and maintains the foreshore building line of 30 metres for a RFB. The Draft WLEP 2013 deletes the clause in relation to site area and frontage standards. The Draft WLEP 2013 also applies the standard definition with respect to calculating FSR.

Should the Draft LEP be gazetted prior to the determination of this PP then based on the draft plan as of now, the proposed amendments in relation to this site would be as follows:

- amend the building height control from **10.5 metres** to accommodate a maximum 5 level residential flat building (RFB) development, with a maximum building height in accordance with the proposed Building Height Plan (**Section 7**) pursuant to Clause 4.3 Height of Buildings;
- amend the floor space ratio (FSR) from **0.9:1** to **1.2:1** pursuant to Clause 4.4 Floor space ratio; and
- alter the foreshore building line for RFBs for this site only from 30 metres to 18 metres pursuant to Clause 6.3 Foreshore building lines.

Notwithstanding the above, it is anticipated that this PP will merge with the Draft LEP due to their coincidental preparation.

This PP seeks to provide the above planning controls which are responsive to the site and surrounds and provide a best practice design outcome. The detailed design of the development of this site will be directed by the PP building envelope set by this application, and will be the subject of a future detailed Development Application to Council which addresses the potential environmental impacts in accordance with s79C of the *EP&A Act 1979*.

Given the planning constraints of the site identified above, this PP is therefore an appropriate planning mechanism to direct the future amalgamation and development of the site to achieve a best practice urban design and built form outcome.

2. Background

2.1 History of the Previous Development Application

A Development Application (DA) 485/2012 was lodged with Woollahra Municipal Council on 14 November 2012 for the demolition of the two adjacent dwelling houses at 83 and 83A Yarranabbe Road, Darling Point and construction of a 6 level residential flat building containing 6 dwellings and underground parking, swimming pool, gym and associated site landscaping. The statistics for this DA (as amended) were for a 6 storey development with a maximum height of 17.6 metres from existing ground level, 6 dwellings, floor space ratio of 1.79:1 and a foreshore building line of 13 metres.

The DA was refused by delegated authority on 25 June 2013.

The applicant appealed this decision with the NSW Land and Environment Court (LEC). The appeal is cited as *Yarranabbe Developments Pty Limited v Woollahra Council* [2014] NSWLEC 1007. The issues of the case included whether the variation to the council's planning controls in terms of site frontage width, foreshore building line, side boundary setback, bulk, height and scale of the development are appropriate, whether the landscaping proposal is adequate to compensate for the trees to be removed from the site and whether the development is contrary to the terms of a covenant that applies to the land. The appeal was dismissed by the LEC on 14 January 2014.

Should this PP be considered in light of the building form considered in the LEC appeal, you will note that this proposal offers a substantially reduced built form including reducing the number of storeys, number of dwellings and FSR. The public benefits are also improved in terms of the greater foreshore setback, the extent of solar access to the neighbouring properties, access to views, and the potential to achieve architectural design excellence through the development controls.

3. The Site

3.1 Location and Description

The site is located within the harbour side, eastern suburb of Sydney, approximately 2.8 kilometres directly east of the Sydney central business district ("CBD").

The suburb of Darling Point is bound by Sydney Harbour to the north, Double Bay to the east, Edgecliff to the south and Rushcutters Bay to the west. Refer to **Figure 1** below for a location map.



Figure 1: Location Plan. The site is identified by the "A" marker (Source: Google Maps)

The site is located at Nos. 83 and 83A Yarranabbe Road, Darling Point and the lots are legally described as Lot 12 in Deposited Plan 598514 and Lot 11 in Deposited Plan 598514, respectively. The site is situated on the northern side of Yarranabbe Road and has an irregular rectangular shape with a combined site area of 1,453.6m². The aerial view of the site in **Figure 2** below identifies the two existing dwelling houses.



Figure 2: Aerial view. The boundaries of the combined site are identified in red. No. 83 Yarranabbe Road fronts the street and contains a four level dwelling with 5 bedrooms and a 2 car garage. No. 83A Yarranabbe Road is a foreshore property in the form of a battle axe allotment containing a two level dwelling and features a swimming pool (Source: Six Maps).

The topography of the southern part of the site consists of a steep 'cliff like' slope with a large cross fall from east to west. The remainder of the site to the northern sea wall is flat. The existing dwelling's form at No. 83 Yarranabbe Road has resulted in heavy site excavation and modification to create two distinct benches on the steep slope off Yarranabbe Road, as represented in **Figure 3** below.

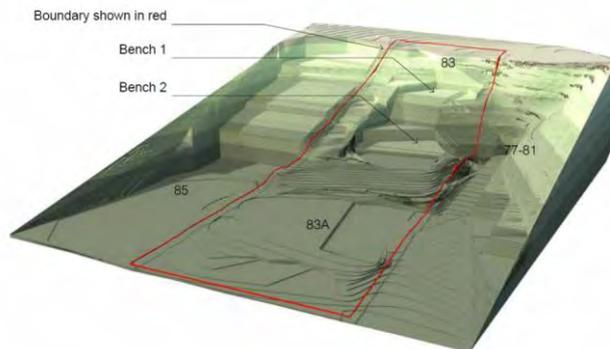


Figure 3: Topographical Map of the subject site demonstrating the existing ground level as a result of the excavation and modification to accommodate the existing dwellings (site boundary identified in red as viewed from the Harbour looking south) (Source: Urban Design Statement)

The existing conditions of the site are also demonstrated in the following sequence of photos.



Figure 4: Photos of the site as viewed from the Harbour. The dwelling house at No. 83A Yarranabbe Road comprises a two level dwelling comprising 4 bedrooms and a swimming pool. The rooftop parking is accessed by a raised driveway along the eastern boundary of the site. The portion of the site which accommodates the dwelling at No. 83A is relatively flat.



Figure 5: Photos taken from the rooftop car park of No. 83A Yarranabbe Road looking towards the dwelling at No. 83 Yarranabbe Road. There is a building separation of approximately 15 metres between these dwellings which comprises general landscaping with low standards of amenity at ground level.



Figure 6: Photo taken from below the raised driveway which services the dwelling house at No. 83A Yarranabbe Road. As a result of the steep cliff like slope of the southern portion of the site, substantial benching has occurred to accommodate the dwelling at No. 83 Yarranabbe Road. The overhead driveway access degrades the quality of the landscape below. The steep slope and rock forms are also demonstrated on the adjoining site to the north, 'Santina' No. 85 Yarranabbe Road (right side of the photo).



Figure 7: Photos of the site as viewed from Yarranabbe Road. No. 83 Yarranabbe Road consists of a double garage and boundary fencing with a nil boundary setback for the majority of the width of the site. The raised driveway access to No. 83A Yarranabbe Road along the eastern boundary is also shown.

Figures 5 to 7 above also demonstrate the raised driveway ramp and roof top parking arrangement to access the battle axe allotment at the foreshore, being No. 83A Yarranabbe Road. This vehicular and pedestrian access arrangement is a significant structure which is visually dominating.

Overall, the existing built forms on the site are represented in the following 3D diagram.



Figure 8: 3D Diagram representing the existing conditions of the site and surrounds, including the two (2) existing dwellings on the site (Source: Urban Design Statement)

The site has a north-south orientation and is generally rectangular in shape. Access to daylight from the eastern orientation is restricted by the seven storey apartment building at No. 85 Yarranabbe Road and access to sunlight from the western orientation for the southern portion of the subject site is restricted by the six (6) level apartment building at Nos. 77-81 Yarranabbe Road. The overshadowing which results from the adjoining developments is enhanced due to the deep and narrow shape of the site, as demonstrated in **Figure 9** below. Also refer to the detailed shadow analysis provided in the accompanying Urban Design Statement.

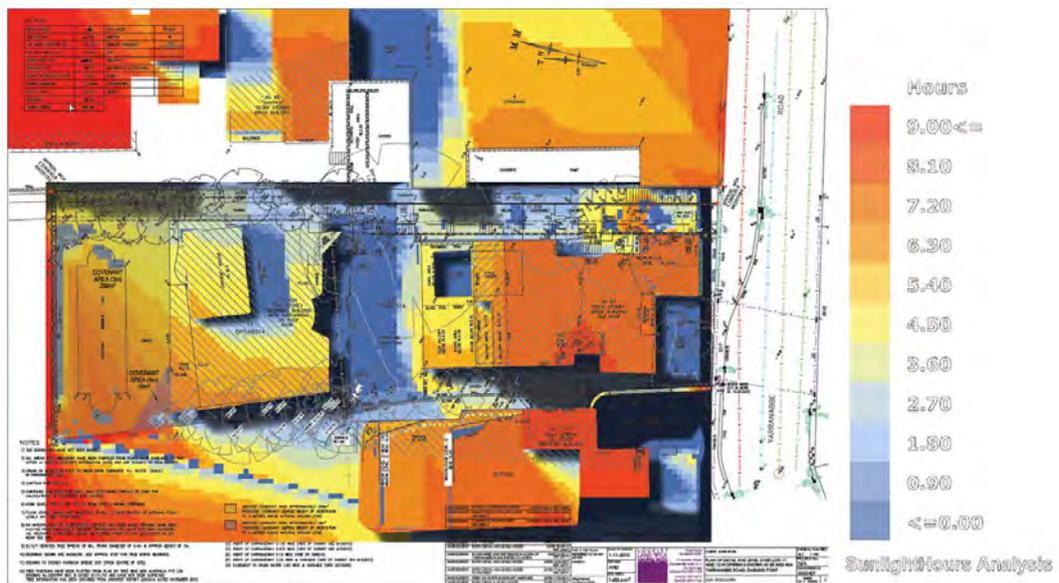
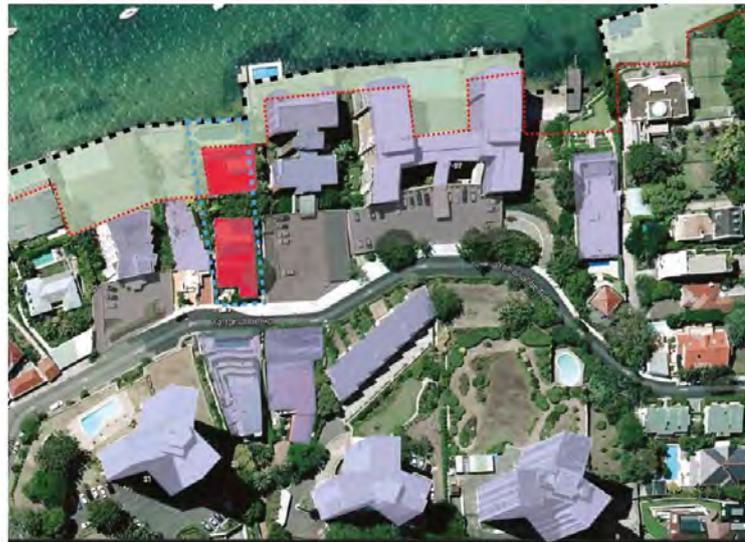


Figure 9: Extract of the Solar Access Analysis demonstrating the extent of solar access to the site and adjoining sites at mid-winter. Solar access to the site is restricted in the morning by Nos. 85 Yarranabbe Road. Solar access to the site is restricted in the afternoon by Nos. 77-81 Yarranabbe Road. The central portion of the site between the existing dwellings receives limited solar access (Source: Urban Design Statement)

3.2 Context of the Surrounding Built Form

The immediate locality is characterised by a mix of residential building typologies as demonstrated in **Figures 10 and 11** below. The two (2) existing dwelling houses on the site are surrounded by apartment buildings ranging from 6 to 22 storeys in height.



- | | | |
|---------------------------|-------------------|----------------------------|
| Detached Dwelling | Existing Setback | Existing Foreshore Setback |
| Residential Flat Building | Public Open Space | High Tide Mark |
| Open Carpark | | Site Boundary |

Figure 10: Analysis of the context of the immediate locality. The subject site is bound by residential flat buildings (identified in purple). The locality is dedicated to residential building forms, many of which feature extensive hardstand parking areas. The setback of the buildings is varied, however there is a predominance of foreshore building lines which range from 7 metres to 12 metres. The dominant foreshore building line of 7 metres is established by the RFB at 'Santina' at No. 85 Yarranabbe Road, and Nos. 87-97 Yarranabbe Road to the east of the subject site (Source: Urban Design Statement)



Figure 11: Photo taken from the Harbour demonstrating the number of storeys above ground level of the RFBs in the immediate vicinity of the subject site.

The street setback of the neighbouring properties to the northern side of Yarranabbe Road comprises a dominance of open car parking areas (highlighted in grey in **Figure 10** above and shown in the photos in **Figures 12 to 14** below).



Figure 12: View of the adjoining residential building to the east, 'Santina,' No. 85 Yarranabbe Road showing the vehicular access and parking area which dominates the street setback and adjoins the boundary of the subject site (left). The combination of the car park on the adjoining property and the car ramp on the subject property degrades the quality of the public domain in this part of Yarranabbe Road (Source: CPSD)



Figure 13: View of the apartment building to the east, Nos. 87-97 Yarranabbe Road, showing the vehicular access and parking area which dominates the street setback of the apartment building and the pedestrian experience on this part of Yarranabbe Road (Source: CPSD)



Figure 14: Photos of Nos. 73-75 Yarranabbe Road (left) and Nos. 77-81 Yarranabbe Road (right). These apartment buildings feature vehicular access points off Yarranabbe Road with car lifts within the building forms to access the car parking areas on the levels below. The building forms are orientated to the Harbour views to the north (Source: CPSD)

The southern side of Yarranabbe Road is fronted by a 4 to 5 metre high masonry wall with a basement parking entrance, as shown in **Figure 15** below.



Figure 15: Photo looking along Yarranabbe Road showing that the southern side of the road is fronted by a 4 to 5 metre high masonry wall with a basement parking entrance (Source: Urban Design Statement)

As a result of the dominance of the parking areas and garage entrances along Yarranabbe Road, the built form has effectively 'turned its back' on the street and does not provide an inviting relationship with the public domain.

These parking structures also result in a poor urban design outcome when considered from within the sites. For example, the car parking structure for the 'Santina' apartment building (No. 85 Yarranabbe Road) results in a 'cavernous' effect for the lower level apartments located on the southern side of the building. Refer to **Figures 6 and 7** above and **Figures 16 and 17** below. This impact is shared by both No. 83 and 83A Yarranabbe Road and will continue to be so with the retention of two allotments on the site.



Figure 16: Photo taken from the eastern boundary of the subject site looking east towards 'Santina' at No. 85 Yarranabbe Road. This photo shows the rear portion of the apartment building with the raised parking structure shown at the top right of the photo which appears as a dominant building form and restricts solar access and amenity (Source: Tzannes Associates)



Figure 17: Photo taken from beneath the raised driveway ramp of the subject site looking towards 'Santina.' This area consists of substantial structural features including the raised driveway and parking structures of the subject site and Santina, as well as the substantial 'rockery' retaining structure (right) (Source: Tzannes Associates)

Refer to Part 1.2 of the accompanying Urban Design Statement which provides further details with regard to the context of the site and precinct, the types of residential building forms in the immediate vicinity and demonstrates the character of the site from the perspective of the streetscape and the foreshore. The Statement also provides an analysis of the site with respect to orientation, solar and wind impacts to the subject site and the adjoining sites. A detailed analysis of views taken from neighbouring sites across the subject site is also provided. This view analysis is taken from 13-15, 17 and 17A Thornton Street, 77-81 and 85 Yarranabbe Road. Refer to **Appendix A** for further details.

In summary, the existing built form of the site and neighbouring properties result in the following:

- i) Poor solar access to the site in the morning in midwinter due to overshadowing caused by the 'Santina' development (adjoining eastern development).
- ii) Poor solar access to the site in the afternoon in mid winter due to overshadowing of part of the site caused by No. 77-81 Yarranabbe Road (adjoining western development).
- iii) Poor solar access to No. 77-81 Yarranabbe Road in the morning in midwinter due to the existing two storey dwelling at No. 83A Yarranabbe Road.
- iv) Direct views and overlooking to and from the site.
- v) Restricted views from neighbouring dwellings across the site towards the Harbour, City and Harbour Bridge due to the two storey foreshore dwelling and rooftop garage structure on the site, in particular given this dwelling has a setback of 12 metres with narrow side setbacks (refer to view analysis in the Urban Design Statement).
- vi) The appearance of dominant hard stand areas due to large driveway and car park areas which are generally built to the boundaries.
- vii) Varied setbacks to the foreshore which are inconsistent ranging from 7 metres to 30 metres.
- viii) Poor use and amenity of land at the centre of the subject site.

The items identified above inhibit the opportunities for the enjoyment of solar access, view and amenity in this immediate locality, and are considered to be constraints on the site.

The Darling Point precinct has been the subject of substantial historical development, and in terms of the issue of abandonment, the current development standards have not been consistently applied as demonstrated in the following table.

Table 1: Analysis of the Floor Space Ratio, Building Height and Foreshore Building Line of the surrounding buildings

Property	FSR	Complies with FSR	Complies with Building Height	Complies with FSBL
73 Yarranabbe Rd	1:1 as approved in DA138/68 on 18.09.1968 for 15 flats	No (1)	No	Yes
77-81 Yarranabbe Rd	0.875:1 as approved in DA88/317 on 1.06.1989 for 4 flats	Complies (1)	No	Yes
85 Yarranabbe Rd	Unknown but in the order of 2:1 (20+ units)	No (1)	No	No
87-97 Yarranabbe Rd	Unknown but in the order of 2:1 (70+ units)	No (1)	No	No
17A (21) Thornton St	1.14:1 as approved in DA260/1995/C on 15.02.1999	No (2)	No	N/A
13-15 Thornton St	1.134:1 as approved in Building Application 158/66 approved on 1.03.1995 for a total of 44 dwellings within a RFB and Town House arrangement.	No (1)	No	N/A
101 Yarranabbe Rd	1.32:1 as approved in DA668/2001/4 approved on 19.06.2003	No (2)	Yes	No

Note 1: The definition of GFA was calculated pursuant to relevant planning instrument at the time of consent, being the Woollahra LEP No. 27.

Note 2: The definition of GFA was calculated pursuant to the WLEP 1995.

The table above identifies that none of the apartment buildings in the immediate locality comply with the relevant current or proposed draft development controls.

Section B - Planning Proposal

4. Part 1 - Objectives and the Intended Outcomes

4.1 Objectives of the Planning Proposal

As identified in **Section A** and the accompanying Urban Design Statement, this Planning Proposal seeks to identify a best practice urban design and built form outcome for the redevelopment of this site and establish a built form PP building envelope with mutual community and occupier benefits.

The objectives of the PP therefore are:

- i) To satisfy State Government objectives in the Metropolitan Plan for Sydney 2036 and Draft Sub-regional Strategy as well as relevant Section 117 directions to focus and encourage additional housing in appropriate locations which benefit from infrastructure and connectivity to public transport;
- ii) To satisfy State Government priorities in the NSW State Plan to support jobs, integrate transport and land use, and enhance quality of life;
- iii) Implement development controls which provide a framework for a 5 level RFB development which balances the creation of dwellings offering a high level of liveability for its occupants, with the protection of the views, solar access and amenity of the neighbouring properties;
- iv) Implement development controls which provide a framework for a future detailed Development Application to be lodged with Council which addresses the potential environmental impacts on the site and surrounds pursuant to the *EP&A Act 1979*; and
- v) Implement development controls and therefore overcome the need to address the current development controls on this site by way of SEPP No. 1 Development Standards (or Clause 4.6) where such variations are considered of merit but of such extent that the development controls are better suited to being amended via a Planning Proposal.

4.2 Intended Development Outcome

- i) Encourage the development of a site specific building envelope which is driven by urban design principles in the context of the site and surrounds. These principles will be translated into an architectural design which fosters design excellence.
- ii) To provide an appropriate built form response for residential development in an appropriate location.
- iii) Maintain or improve existing neighbouring views across the site to the Harbour, City and Harbour Bridge. In particular, the terrace/balcony and kitchen windows areas of Levels 1, 2 and 3 of Nos. 77-81 Yarranabbe Road benefit from improved views towards the north-east. Due to the removal of the rooftop car parking structure of No. 83A Yarranabbe Road, which is to be replaced with a two storey building form and with a greater foreshore setback of 18 metres, the view lines from Level 4 of Nos. 77-81 Yarranabbe Road will be improved towards the north-east. 'Santina' at No. 85 Yarranabbe Road also benefits from improved iconic views towards the north-west as a result of increasing the existing setback to the foreshore.
- iv) Maintain or improve daylight access to neighbouring buildings, in particular for the garden and for Levels 1, 2 and 3 of Nos. 77-81 Yarranabbe Road and Levels 1 to 4 at the rear of 'Santina' at No. 85 Yarranabbe Road, which all benefit from increased solar access.

- v) Through the consolidation of two buildings into one increase the foreshore setback line from 12 metres to 18 metres. The FSBL mirrors the 18 metre setback of No. 101 Yarranabbe Road, and therefore creates a symmetrical FSBL "bookend" with the central FSBL of 7 metres set by Nos. 85 and 87-97 Yarranabbe Road.
- vi) Provide a logical massing transition along the foreshore from No. 85 Yarranabbe Road to Nos. 77-81 Yarranabbe.
- vii) Provide a stepped building mass which reinforces the perceived slope of the precinct.
- viii) Provide efficient floor plates with good views and solar amenity.
- ix) Increase dwelling density above the existing two dwellings.

Certainty as to future built form

In summary, the proposed WLEP 1995 development controls as set out in this PP include:

- i) A maximum dwelling yield of 5 dwellings on the combined site in the form of a RFB.
- ii) A maximum FSR of 1.55:1.
- iii) A maximum building height of 5 levels with the maximum RLs nominated in the building height plan (**Section 3.6**).
- iv) An 18 metre foreshore building line.

The desired development outcome for a residential development which meets the development controls listed above and offers mutual community and occupier benefits will be achieved via this PP and a subsequent detailed DA to Council which addresses the potential environmental impacts in accordance with s79C of the *EP&A Act 1979*.

This PP guides the future DA outcome on this site and it is the applicant's intention to build within the PP envelope identified in **Part 1.4** of the accompanying Urban Design Statement. The applicant is willing to submit a DA to this effect at the appropriate time.

5. Part 2 - Explanation of the provisions

This PP is submitted on behalf of Yarranabbe Developments Pty Ltd and seeks the following modifications to the provisions of the Woollahra Local Environmental Plan (WLEP) 1995:

- Clause 10B Site area and frontage standards be amended to include the following additional clause:
 - (3) Despite subclause (2), the maximum number of dwellings permitted to be erected or proposed to be erected on 83 and 83A Yarranabbe Road, Darling Point is 5.*
- Clause 11 Floor Space Ratios be amended to include the following additional clause:
 - (3D) Despite subclause (1), the floor space ratio of any building or buildings erected or proposed to be erected on 83 and 83A Yarranabbe Road, Darling Point may exceed the floor space ratio provided on the density map in respect of the property if:*
 - (a) the floor space ratio of the building or buildings does not exceed 1.55:1, and*
 - (b) the Council consents to the building or buildings having the floor space ratio.*
- Clause 12 Height of Buildings be amended to include the following additional clause:
 - (3) Despite subclause (1), the height of building or buildings erected or proposed to be erected on 83 and 83A Yarranabbe Road, Darling Point may exceed the height of buildings provided on the height map in respect of the property if:*
 - (a) the height of the building or buildings does not exceed the maximum building height RLs as per the building height map for 83 and 83A Yarranabbe Road, and*
 - (b) the Council consents to the building or buildings having the height.*
- Clause 22 Foreshore building line be amended to include the following additional clause:
 - (3A) Despite subclause (3), the foreshore building line of a residential flat building to be erected on 83 and 83A Yarranabbe Road, Darling Point is permitted to be 18 metres.*

It is noted that the Draft WLEP 2013 revises the above development standards and provides a maximum building height of 10.5 metres, FSR of 0.9:1 and maintains the foreshore building line of 30 metres for a RFB. The Draft WLEP 2013 deleted the clause in relation to site area and frontage standards.

Should the Draft LEP be in place prior to the determination of this PP then based on the draft plan as of now, the proposed amendments to this site would be as follows:

Clause 4.3 Height of Buildings - amend the building height control from **10.5** metres to accommodate a maximum 5 level residential flat building (RFB) development, with a maximum building height in accordance with the proposed Building Height Plan (**Section 7**).

- Clause 4.4 Floor space ratio - amend the floor space ratio (FSR) from **0.9:1** to **1.2:1**.
- Clause 6.3 Foreshore building lines - alter the foreshore building line for RFBs for this site only from 30 metres to 18 metres.

Notwithstanding the above, it is anticipated that this PP will merge with the Draft LEP due to their coincidental preparation.

6. Part 3 - Justification

6.1 Need for a Planning Proposal

The redevelopment of the site was initially sought to be undertaken via a Development Application to Council (DA485/2012). However this DA was refused as discussed in **Section 2.1** above. An alternative approvals pathway is for the lodgement of a DA for a compliant building form. However as identified in **Part 1.3** of the accompanying Urban Design Statement, the outcome of a compliant design results in negative urban design and amenity outcomes for the site and neighbouring properties.

The detailed analysis of the site and planning framework undertaken throughout **Section A** and the accompanying Urban Design Statement in **Appendix A** and has informed several significant reasons which support the modification of the WLEP 1995.

Therefore, this Planning Proposal seeks to identify a best practice urban design and built form outcome for the redevelopment of this site, fully embodied in the accompanying Urban Design Statement prepared by Tzannes Associates (**Appendix A**). This analysis identifies that the redevelopment of the site based on the following criteria achieves a built form with mutual community and occupier benefits:

1. Yield – Increases the site's dwelling density from 2 dwellings to 5. A single residential flat building is in keeping with the neighbouring context.
2. Building, environmental and economic efficiency – Consolidates two sites and two buildings into one. Ameliorates the access issues associated with providing vehicular access to the harbour front lot which is currently serviced by a suspended concrete driveway. Provides environmental and economic efficiencies by sharing construction, structure, services, façade and infrastructure.
3. Views - Maintains or improves existing precinct and neighbouring views toward the harbour, particularly the iconic views of the Harbour Bridge and Sydney Opera house. The Planning Proposal massing allows the envelope to be limited to a height of 6.5m at Yarranabbe Road with a setback of 6m from this property boundary rather than the permissible 9.5m height with no defined setback. This maintains or improves views to the Southern neighbours. The planning proposal mass is set back 18m from the harbour foreshore line as opposed to the 12m of a compliant envelope. This increases harbour views from 85 Yarranabbe Road and 77-81 Yarranabbe Road.
4. Solar Access – Maintains or improves required solar access to adjacent neighbours and provides significant improvements compared to a compliant scheme. In particular the Planning Proposal envelope maintains winter solstice solar access to the North East kitchen windows of 77-81 Yarranabbe Road. This is achieved by subtracting a large volume on the North West allowing winter solar access to the said windows. Winter Solstice sun access is also improved to 85 Yarranabbe road in comparison to the existing conditions and a compliant envelope. The envelope provides opportunity for good solar access to all units of the future building development.
5. Street front presentation – Provides an envelope that minimises car parking and car parking utilities on Yarranabbe Road. The Planning Proposal Envelope provides the opportunity for a residential unit and an attractive and inviting building entrance at Yarranabbe Road.
6. Logical and Efficient Massing – Provides an envelope which allows the development of 5 residential flats in a stepped mass. This mass contributes to the desired precinct character which emphasises the stepping of development on the hillside. the development of 5 residential flats in a stepped mass. This mass contributes to the desired precinct character which emphasises the stepping of development on the hillside. Provides a mass with efficient floor

plates accessing improved solar, view and ventilation amenity. The Planning Proposal Envelope ameliorates the negative massing consequences of a highly irregular topography not suited to the 9.5m height limitation from existing ground level.

7. Opportunity for Architectural excellence – Provides a site specific envelope responding to the desired future character of the precinct. The envelope provides the opportunity for a unique and tailored architectural response shaped by performative responses to urban and environmental conditions.

The corollary being that the existing (and proposed) controls for the site having regard to the existing constraints and development thereon (as expressed in **Section 3.2**) provide for a poor planning and urban design outcome to the detriment of the site, its neighbours, the public domain and the foreshore presentation.

More specifically, these built form outcomes and principles are made available through increasing the existing foreshore setback from 12 metres to 18 metres. The FSBL mirrors the 18 metre setback of No. 101 Yarranabbe Road, and therefore creates a symmetrical FSBL "bookend" with the central FSBL of 7 metres set by Nos. 85 and 87-97 Yarranabbe Road as shown in **Part 1.3.2** of the Urban Design Statement.

The increased foreshore setback is advantageous in terms of offering direct public benefits to both neighbours being Nos. 77 – 81 and 85 Yarranabbe Road. The views from the terrace/balcony and kitchen windows areas of Levels 1, 2 and 3 of Nos. 77-81 Yarranabbe Road will be expanded to the north-east. These improved views are also made possible by increasing the existing 1.7 metre side setback to 3 metres along the western boundary and removing the existing vegetation in this area. In addition to the improved views, Nos. 77-81 Yarranabbe Road also benefits from increased solar access to its garden, terrace, balconies and windows as a result of this PP.

The proposal also allows for the removal of the rooftop car parking structure of No. 83A Yarranabbe Road, which is to be replaced with a lower two storey building form in this location. The result of which is to improve view lines from Level 4 of Nos. 77-81 Yarranabbe Road towards the north-east as well as the view lines from 'Santina' at No. 85 Yarranabbe Road towards the north-west. The rear lower four units in "Santina" will also receive greater solar access due to the increased FSBL and reduced building form proposed.

In this respect, the PP building envelope informs the relevant proposed LEP development standards in relation to the number of dwellings permitted based on the width of the site frontage area, floor space ratio, building height and the foreshore building line for a RFB, which are sought to be achieved through this PP.

6.1.2 Is the PP a result of any strategic study or report?

This PP is the result of ongoing consultation with Council to ascertain the preferred planning outcome for this site. Council was initially approached in November 2012 to discuss the indicative future development options for the amalgamated site. Following the outcome of these discussions about alternate avenues for planning approval for the development this PP and supporting documentation have been produced. Discussions with Council in relation to the preparation of this PP began in May 2014.

This PP has been submitted to amend the WLEP 1995 to accommodate a suitable built form and urban design outcome for the site and is supported by the Urban Design Statement provided at **Appendix A**.

This process is considered to be an ongoing analysis and strategic study which has involved the proponent, Council and several neighbouring residents and which has informed the preferred outcome for this proposal.

6.1.3 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

As discussed in **Section A**, the existing built form of the site and neighbouring properties results in poor solar access, district views which are obstructed by the building forms and landscaping, a streetscape which is dominated by hardstand parking areas and inconsistent foreshore building line setbacks. These items are considered to inhibit the residents' opportunities for the enjoyment of solar access, views and amenity in this immediate locality and are considered to be constraints on the site.

Should the site be developed in a form which satisfies the current development standards the resulting built form has the potential to comprise a three level dual occupancy development with a 12 metre foreshore setback and a RFB development behind comprising 3 units and a street presentation of 3 levels (refer to **Part 1.3** of the Urban Design Statement). Such a development is considered to provide a poor relationship between the buildings within the site as well as in relation to the neighbouring buildings, poor levels of solar access and views. Therefore, a compliant design results in negative urban design and amenity outcomes for the site and neighbouring properties.

In order to achieve the objectives and intended outcomes as detailed in **Section 4** above, a PP is therefore the best avenue. This PP seeks to implement a best practice urban design and built form outcome for the redevelopment of this site which achieves a building envelope control with mutual community and occupier benefits.

6.2 Relationship to Strategic Planning Framework

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

The State Government's Draft East Subregional Strategy sets directions and actions for the implementation of the Sydney Metropolitan Strategy – City of Cities: A Plan for Sydney's Future (Metro Strategy) at a more detailed local level. Subregional planning provides a framework for coordinating planning, development, infrastructure, transport, an open space network and environmental actions across local and state government agencies.

This section outlines whether the PP is consistent with the intended outcomes and actions of the Metro Strategy and Draft Subregional Strategy. The following table identifies the actions that are directly relevant to the PP and discuss whether the PP is consistent with those actions.

Table 2: Consistency with Draft East Sub-regional Strategy

Action	Response
Economy and Employment	The PP creates the opportunity for employment during the construction process, and provides housing stock which is accessible to nearby employment areas. The PP will support the local economy and employment and will contribute to the growth of the locality and neighbouring suburbs to achieve the anticipated capacity for 300 additional jobs.
Centres and Corridors	The PP supports the Double Bay / Edgecliff Town Centre and enhances the development of a vibrant community. The proposal supports the actions of the Centres and Corridors Key Directions.
Housing	The proposal strengthens the role of the Woollahra LGA in achieving the target of 2,900 additional dwellings and is consistent with the actions to enable urban renewal for additional housing stock in suitable locations.
Transport	Whilst the proposal has no direct impact on public transport infrastructure, the site is located in a residential area in close proximity to bus, train and ferry services, and supports the opportunity for people to walk and cycle.

	Ultimately, an increased density of the subject site will support the availability of public transport infrastructure to a greater number of residents.
Environment, Heritage and Resources	An increase in the residential density of the subject site will not result in an adverse impact to environment or heritage. Thus, the proposal would remain consistent with this land use policy.
Parks, Public Places and Culture	Whilst the proposal has no direct impact on parks, public places and culture, the site supports the retention of and development of these public spaces.

The PP is considered consistent with the Draft Subregional Strategy. It is considered that the renewal of the site will contribute to providing housing choice in a suitable location and will improve the quality of the built and natural environment.

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

Woollahra 2025 - our community, our place, our plan is the Community Strategic Plan that has been developed by Council in consultation with the Woollahra community. The Plan seeks to identify and deliver key sustainability outcomes to meet the needs of the present without compromising the ability for future generations to meet their social, economic, environmental and civic leadership needs.

The Plan identifies that the LGA is subject to an aging population and opportunities for diverse housing stock is of benefit to the community, especially in locations where existing communities and services are available. The proposal will assist with delivering this theme, and is therefore consistent with the Community Strategic Plan.

6.2.3 Is the planning proposal consistent with applicable state environmental planning policies?

Table 3: Consistency with state environmental planning policies (SEPPs)

SEPP Title	Consistency	Comment
1. Development Standards Consistent	Yes	With the pending implementation of the Comprehensive LEP, the Standard Instrument Clause 4.6 will supersede the SEPP. The proposal seeks to allow for a maximum building height which accommodates a stepped 5 level RFB. The proposed maximum RLs on the site are detailed on the proposed Building Height Map provided at Section 7 . This building height allowance enables the orderly development of the site without triggering the necessity of a variation under SEPP 1 (or Clause 4.6).
4. Development Without Consent and Miscellaneous Exempt and Complying Development	Yes	The PP will not contain provisions that will contradict or would hinder the application of this SEPP.
6. Number of Storeys in a Building	Yes	The proposed building height plan (Section 7) provides maximum RLs for the top of the building at the relevant point across the site.

14.Coastal Wetlands	N/A	Not applicable
15.Rural Landsharing Communities	N/A	Not applicable
19.Bushland in Urban Areas	N/A	Not applicable
21.Caravan Parks	N/A	Not applicable
22.Shops and Commercial Premises	N/A	Not applicable
26.Littoral Rainforests	N/A	Not applicable
29.Western Sydney Recreation Area	N/A	Not applicable
30.Intensive Agriculture	N/A	Not applicable
32.Urban Consolidation (Redevelopment of Urban Land)	Yes	The PP aims to be consistent with the SEPP having regard to the residential uses that are currently permissible and appropriate for the site.
33.Hazardous and Offensive Development Complex	N/A	Not applicable
36.Manufactured Home Estates	N/A	Not applicable
39.Spit Island Bird Habitat	N/A	Not applicable
41.Casino Entertainment	N/A	Not applicable
44.Koala Habitat Protection	N/A	Not applicable
47.Moore Park Showground	N/A	Not applicable
50.Canal Estate Development	N/A	Not applicable
52.Farm Dams, Drought Relief and Other Works	N/A	Not applicable
53.Metropolitan Residential Development	N/A	Not applicable
55.Remediation of Land	Yes	The PP will not contain provisions that will contradict or would hinder the application of this SEPP. The PP continues the historic residential use of the site.
59.Central Western	N/A	Not applicable

Sydney Economic and Employment Area		
60.Exempt and Complying Development	N/A	Not applicable
62.Sustainable Aquaculture	N/A	Not applicable
64.Advertising and Signage	N/A	Not applicable
65.Design Quality of Residential Flat Development	Yes	<p>The PP will achieve consistency with the SEPP through application of design excellence provisions. The Architectural Design Analysis investigates the implications for realising the design quality principles in the SEPP and demonstrates an appropriate built form on the site.</p> <p>The proposed maximum FSR of 1.55:1 is representative of the PP building envelope. The detailed design of the residential floor plates will achieve a high level of amenity for the future occupants within this PP building envelope.</p>
70.Affordable Housing (Revised Schemes)	N/A	This PP does not include the provision of affordable housing within the future development.
71.Coastal Protection	N/A	Not applicable
SEPP (Building Sustainability Index: BASIX) 2004	Yes	The PP will not contain provisions that will contradict or would hinder application of this SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	N/A	Not applicable
SEPP (Major Projects) 2005	N/A	Not applicable
SEPP (Sydney Region Growth Centres) 2006	N/A	Not applicable
SEPP (Infrastructure) 2007	Yes	The PP will not contain provisions that will contradict or would hinder application of this SEPP.
SEPP (Kosciuszko National Park-Alpine Resorts) 2007	N/A	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	Not applicable
SEPP (Temporary Structures and Places	N/A	Not applicable

of Public Entertainment) 2007		
SEPP (Exempt and Complying Development Codes) 2008	Yes	The PP will not contain provisions that will contradict or would hinder application of this SEPP.
SEPP (Rural Lands) 2008	N/A	Not applicable
SEPP (Western Sydney Parklands) 2009	N/A	Not applicable
SEPP (Affordable Rental Housing) 2009	Yes	The PP will not contain provisions that will contradict or would hinder application of this SEPP.

The Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 is applicable to this site. The site adjoins the W8 Scenic Waters Passive Use zone, the objectives of which are as follows:

“(a) to give preference to unimpeded public access along the intertidal zone, to the visual continuity and significance of the landform and to the ecological value of waters and foreshores,

(b) to allow low-lying private water-dependent development close to shore only where it can be demonstrated that the preferences referred to in paragraph (a) are not damaged or impaired in any way, that any proposed structure conforms closely to the shore, that development maximises open and unobstructed waterways and maintains and enhances views to and from waters in this zone,

(c) to restrict development for permanent boat storage and private landing facilities in unsuitable locations,

(d) to allow water-dependent development only where it can be demonstrated that it meets a demonstrated demand and harmonises with the planned character of the locality,

(e) to ensure that the scale and size of development are appropriate to the locality and protect and improve the natural assets and natural and cultural scenic quality of the surrounding area, particularly when viewed from waters in this zone or areas of public access.”

This proposal is consistent with the objectives for the Scenic Waters Passive Use W8 zone, and will not have any adverse effect upon any other private or commercial water activities in the Harbour. The protection of the existing sea wall and private jetty, the ecological value of the foreshore and waterways, and the protection of the scenic quality of the area, both to and from the site will be addressed in a future detailed DA on the site. Overall, the PP will not contain provisions that will contradict or would hinder application of this SREP.

With regard to Part 2: Planning Principles of the SREP, Clause 12 sets out the objective of providing a set of clear planning principles for land within the Sydney Harbour Catchment. With regard to this proposal, the principles are to be considered and, where possible, achieved in the preparation of environmental planning instruments under Part 3 of the Act.

With regard to Part 2: Planning Principles of the SREP, Clause 13: Sydney Harbour Catchment, the relevant principle in this case is (f) *"development that is visible from the waterways or foreshores is to maintain, protect and enhance the unique visual qualities of the Sydney Harbour."* This Planning Principle has been considered in detail throughout the preparation of this proposal and the accompanying Urban Design Statement. The resulting Planning Proposal Envelope and Built Form Principles encourage the future development

on this site to be of high architectural quality which is complemented by landscaping and from a design perspective enhances the visual qualities of the Sydney Harbour.

All relevant Planning Principles will also be addressed in a future detailed DA on the site.

There are no other deemed State Environmental Planning Policies (former Regional Environmental Plans (REPs)) applicable to the PP.

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

It is considered that the PP is consistent with the relevant Directions issued under Section 117(2) of the Act by the Minister to Councils, as demonstrated in the assessment of the following:

Table 4: Consistency with S117 Ministerial Directions

Direction Title	Consistency	Comment
Employment and Resources		
1.1 Business and Industrial Zones	N/A	Not applicable
1.2 Rural Zones	N/A	Not applicable
1.3 Mining, Petroleum Production and Extractive Industries	N/A	Not applicable
1.4 Oyster Aquaculture	N/A	Not applicable
1.5 Rural Lands	N/A	Not applicable
Environment and Heritage		
2.1 Environment Protection Zones	N/A	Not applicable
2.2 Coastal Protection	N/A	Not applicable
2.3 Heritage Conservation	N/A	Not applicable
2.4 Recreation Vehicle Areas	N/A	Not applicable
Housing, Infrastructure and Urban Development		
3.1 Residential zones	Yes	The PP encourages a variety and choice of housing types to provide for existing and future housing needs, whilst making efficient use of existing infrastructure and services. The PP demonstrates appropriate built form whilst minimising the impact of residential development on the environment.
3.2 Caravan Parks and Manufactured Home Estates	N/A	Not applicable

3.3 Home Occupations	N/A	Not applicable
3.4 Integrating land use and Transport	Yes	The PP will enable residential development in an area which is appropriately services by public transport and encourages walking and cycling.
3.5 Development Near Licensed Aerodromes	N/A	Not applicable
3.6 Shooting Ranges	N/A	Not applicable
Hazard and Risk		
4.1 Acid Sulphate Soils	Yes	The site is identified in the WLEP 1995 as subject to Class 2 Acid Sulfate Soils and is subject to Clause 25D. This proposal and the future detailed development application are capable of satisfying Clause 25D(2) of the WLEP 1995.
4.2 Mine Subsidence and Unstable Land	N/A	Not applicable
4.3 Flood Prone Land	N/A	The site is not located within flood prone land. Accordingly, Direction 4.3 is not applicable.
4.4 Planning for Bushfire Protection	N/A	The site is not located within a Bushfire prone area. Accordingly, Direction 4.4 is not applicable.
Regional Planning		
5.1 Implementation of Regional Strategies	N/A	Not applicable
5.2 Sydney Drinking Water Catchments	N/A	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	Not applicable
5.5 Development in the vicinity of Ellalong, Paxton & Millfield (Cessnock LGA) (Revoked)	N/A	Not applicable
5.6 Sydney to Canberra Corridor (revoked, see amended Direction 5.1)	N/A	Not applicable
5.7 Central Coast (revoked, see amended Direction 5.1)	N/A	Not applicable

5.8 Second Sydney Airport: Badgerys Creek	N/A	Not applicable
5.9 North West Rail Link Corridor Strategy	N/A	Not applicable
Local Plan Making		
6.1 Approval and Referral Requirements	Yes	The PP will be consistent with this Ministerial Direction.
6.2 Reserving Land for Public Purposes	Yes	The PP will be consistent with this Ministerial Direction.
6.3 Site Specific Provisions	Yes	The PP will be consistent with this Ministerial Direction.
Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Yes	Refer to Table 2 Section 6.2 of the PP for detail.

6.3 Environmental, Social and Economic Impact

6.3.1 Is there any likelihood that critical habitat or threatened species will be adversely affected as a result of the proposal?

The site is located within an existing urban environment and does not apply to land that has been identified as containing critical habitat or threatened species, population or ecological communities, or their habitats.

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

The PP enables the potential for a 5 level residential flat building development, the details of which will be supported by a detailed DA to Council which addresses the potential environmental impacts in accordance with s79C of the *EP&A Act 1979*.

During the preparation and assessment process of the future DA, any potential environmental impacts will be investigated and addressed by the relevant expert consultant with their recommendations implemented to ensure that the environmental impacts will be appropriately ameliorated.

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

This PP seeks to enable the amalgamation and redevelopment of the site for a 5 level residential flat building development. The site is historically utilised for residential purposes, and this PP seeks to retain this use of the site. Through the consideration of this PP and the Urban Design Statement provided at **Appendix A**, the potential social effects of the development of this site have been identified, including impacts on the neighbouring residents and community with regard to loss of district views, loss of solar access, impact on privacy and impact on the streetscape. In response to these potential social effects, this application proposes a PP building envelope which addresses and ameliorates these concerns, the details of which will be supported by a detailed DA to Council which addresses the potential environmental impacts in accordance with s79C of the *EP&A Act 1979*.

This PP is site specific and does not impact on the ongoing use and quality of the neighbouring properties and public domain. Should any economic effects arise, these will be appropriately managed through the development assessment process.

6.4 State and Commonwealth Interests

6.4.1 Is there adequate public infrastructure for the planning proposal?

The site is connected to water, sewer, electricity and telephone services and the existing public infrastructure is capable of accommodating this PP.

The site is well serviced by public transport being within the vicinity of bus and train services. The site can also be accessed by cyclists.

The site is directly accessible by the existing road network and this PP enables improved vehicular access by replacing the two individual driveway points and to provide a single vehicular access point.

Waste management and recycling services are available through Woollahra Municipal Council.

The site is well serviced by appropriate medical services and educational facilities. The area is generally well-serviced with Police, ambulance Fire and other emergency services.

This PP does not obstruct the existing public infrastructure of the site and its surrounds.



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

With regard to the preparation of this application, the appropriate State and Commonwealth public authorities have not yet been identified, and the Gateway Determination has yet to be issued by the Minister for Planning and Environment.

7. Part 4 - Mapping

The proposal seeks to apply a site specific mapping change to the WLEP 1995 with regard to the following:

- Amend the WLEP 1995 Height Map to defer the subject site and reference the proposed Height of Building Schedule as follows.

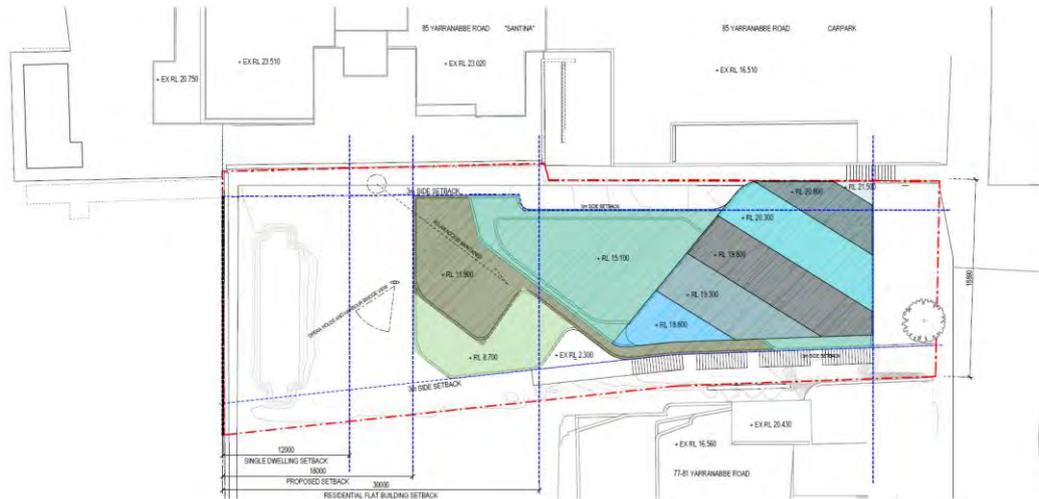


Figure 18: Proposed Planning Proposal Height and Setback Map identifying the proposed amendment to the building height pursuant to the WLEP 1995. This map demonstrates the proposed height as maximum RLs.

Note: The form of the site specific LEP map above was specifically discussed with Council's officers, with the direction that the most relevant form of height control is to set maximum RLs on the site. This preference is reflected in the proposed height map above. Refer to **Part 1.6** of the accompanying Urban Design Statement for further analysis of the proposed map.

It is however possible to simplify this height map and include objectives to this control or detail a specific Development Control Plan (DCP) for the site to ensure that the development outcome is consistent with the proposed urban design outcome. We would be pleased to discuss the preferred option with Council and the Department of Planning and Environment.

8. Part 5 - Consultation

8.1 Consultation with Woollahra Municipal Council

Ongoing consultation has been undertaken with Woollahra Municipal Council during the preparation and submission of this Planning Proposal. These discussions have been held with Council's senior officers including Chris Bluett and Allan Cocker.

These discussions included the potential for the lodgement of a DA for the development of this site for a compliant building form. The outcome of a compliant building form is discussed in detail in **Part 1.3** of the accompanying Urban Design Statement, being the construction of an attached dual occupancy development with a 12 metre setback to the foreshore and a RFB development behind containing 3 units which presents as a 3 level building form when viewed from the road. The shortfalls of such a compliant design are outlined in **Part 1.3** of the accompanying Urban Design Statement, which identifies that overall a compliant building form results in a poor amenity outcome for the site and neighbouring properties. Therefore, the approvals pathway of a DA comprising a compliant built form is not being pursued by the applicant.

Overall, Council have verbally expressed that the future redevelopment of the site is expected to result in an improved built form outcome which protects the views, solar access and amenity of the neighbouring properties. These expectations are taken into consideration in the accompanying Urban Design Statement and this PP.

8.2 Outcome of Previous Consultation with the Public

As an outcome of the DA and LEC appeal process, the neighbouring properties and general public provided written submissions which identified their concerns with regard to the redevelopment of the site. In addition to these submissions, the DA and LEC appeal process included site visits to apartments within several neighbouring properties.

The primary concerns which were raised by the neighbouring residents relate to the retention of views as well as opportunities to enhance views to the Harbour, City and Harbour Bridge. Concern was also raised with regard to the setbacks of the built form, increased overshadowing and acoustic and visual privacy impacts. A key consideration included the potential overshadowing of the angled kitchen window openings on the eastern facade of Nos. 77-81 Yarranabbe Road and the perception of a sense of space from these windows. This outlook was considered to be lost should the existing landscaped gap between Nos. 83 and 83A Yarranabbe Road be replaced with a building form and obstruct the view from the neighbouring kitchen window across the side boundary. Particular attention was also made with respect to the potential to remove the mature trees and screen landscaping on the site and the provision of replacement landscaping throughout which would enable improved views to the Harbour, City and Harbour Bridge from neighbouring properties.

The issues identified in the consultation process with the neighbouring residents and general public has informed the Urban Design Statement which accompanies this PP. This PP demonstrates how the proposed PP building envelope as well as the subsequent detailed design of the building the subject of a future DA can ameliorate these concerns and offer mutual community and occupier benefits. Refer to **Section 6** for further details.

8.3 Community Consultation during the PP Process

This PP is considered to be of a type that falls within the definition of a 'low impact Planning Proposal.¹' Therefore, it is likely to be on exhibition for a minimum period of 14 days. The community will be notified of the commencement of the exhibition period via a notice in a

¹ Low impact planning proposal means a planning proposal that in the opinion of the person making the Gateway determination is consistent with the pattern of surrounding land use zones and/or land uses, is consistent with the strategic planning framework, presents no issues with regard to infrastructure servicing, is not a principle LEP, and does not reclassify public land.

local newspaper and via a notice on Woollahra Municipal Council's website. The written notice will:

- Give a brief description of the objectives or intended outcomes of the PP;
- Indicate the land affected by the PP;
- State where and when the PP can be inspected;
- Give the name and address of the RPA for the receipt of any submissions; and
- Indicate the last date for submissions.

During the exhibition period, the following material will be made available for inspection:

- The PP, in the form approved for community consultation by the Secretary of Planning and Environment;
- The Gateway determination; and
- Any studies relied upon by the PP.

9. Part 6 - Project Timeline

The timeframe for the completion of the planning proposal will depend on the complexity of the matter, the nature of any additional information that may be required and the need for agency and community consultation. The following details are indicative only and may be amended at Gateway to provide the necessary level of confidence that the PP will be finalised within a reasonable time:

Table 4: Indicative project timeline

Step	Indicative timeframe
Anticipated commencement date	Date of Gateway determination
Anticipated timeframe for the completion of required technical information	Not applicable. Technical analyses have already been commissioned to support the PP.
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	As specified in Gateway determination. Anticipated timeframe is to run concurrently with public exhibition period.
Commencement and completion dates for public exhibition period	Dates are dependent on date of Gateway determination. Anticipated timeframe for public exhibition is 14 days.
Dates for public hearing (if required)	Not applicable at this stage
Timeframe for consideration of submissions	To be determined by Council
Timeframe for the consideration of proposal post exhibition	To be determined by Council
Date of submission to the Department to finalise the LEP	Not known
Anticipated date RPA will make the plan (if delegated)	Not known
Anticipated date RPA will forward to the department for notification	Not known

10. Conclusion

This Planning Proposal has been prepared by City Plan Strategy and Development and Tzannes Associates for and on behalf of Yarranabbe Developments Pty Ltd. This Planning Proposal seeks to modify the development standards in relation to site area and frontage standards, floor space ratio, building height and the foreshore building line pursuant to the Woollahra Local Environmental Plan (WLEP) 1995 for Nos. 83 & 83A Yarranabbe Road, Darling Point.

This Planning Proposal has identified best practice in planning and urban design disciplines to develop a built form outcome for the redevelopment of this site, which is embodied in the accompanying Urban Design Statement prepared by Tzannes Associates (**Appendix A**). In summary, these best practice principles relate to an appropriate density for the site, building, environmental and economic efficiency, maintenance of views and solar access. These principles also deliver an attractive street front presentation, logical and efficient massing of the building envelope and the opportunity for architectural excellence which responds to the context of the site. The outcome of which is in the form of a PP building envelope which seeks to establish mutual community and occupier benefits.

These benefits are specifically afforded to the neighbouring properties which benefit from improved views and solar access which, in the case of Nos. 77-81 Yarranabbe Road, is made available through increasing the existing foreshore setback from 12 metres to 18 metres, increasing the existing side boundary setback. Therefore, solar access and views of the harbour from the terrace/balcony and kitchen windows areas of Levels 1, 2 and 3 of Nos. 77-81 Yarranabbe Road to the north-east are enhanced.

From the perspective of 'Santina' at No. 85 Yarranabbe Road, solar access and iconic views to the north west are also improved through the removal of the dwelling and rooftop car parking structure of No. 83A Yarranabbe Road, the increased foreshore building line and the removal of existing vegetation.

This PP building envelope informs the relevant WLEP 1995 development standards which are sought to be modified through this PP. These amendments are specific to the subject site and include increasing the maximum number of dwellings from 3 to 5 pursuant to Clause 10B, increasing the floor space ratio from 0.875 to 1.55:1 pursuant to Clause 11, allowing for maximum building heights pursuant to the Proposed Height Plan (**Section 7**) and altering the foreshore building line for residential flat buildings to 18 metres for this site only.

It is anticipated that this PP will merge with the Draft LEP due to their coincidental preparation and include increasing the floor space ratio from 0.9 to 1.2:1 pursuant to Clause 4.4, allowing for maximum building heights pursuant to the Proposed Height Plan (**Section 7**) pursuant to Clause 4.3 and altering the foreshore building line for residential flat buildings to 18 metres pursuant to Clause 6.3.

The detailed design of the development of this site will be directed by the building envelope set by the PP, and will be the subject of a future detailed Development Application to Council which addresses the potential environmental impacts in accordance with s79C of the *EP&A Act 1979*.

The Planning Proposal:

- Is consistent with the objectives of the Residential 2(b) zoning pursuant to the current Woollahra Local Environmental Plan 1995;
- Resolves the amalgamation of these sites to provide a single redevelopment with a cohesive built form;
- Is a suitable development in the context of this residential locality;
- Establishes suitable building heights across the site which creates the opportunity for a responsive stepped building form;

- 
- Is consistent with the Metro Strategy and Draft East Sub-regional Strategy objectives which are to locate increased residential density and diverse housing stock within existing urban areas which are serviced by public transport;
 - Is consistent with the Ministerial Directions; and
 - Establishes mutual benefits to the community and the future occupants of the site.

Appendix A : Urban Design Statement

Project Team

Principal	Yarranabbe Developments Pty Ltd
Town Planner	City Plan Services
Architecture and Urban Design	Tzannes Associates
Surveyor	Lockley

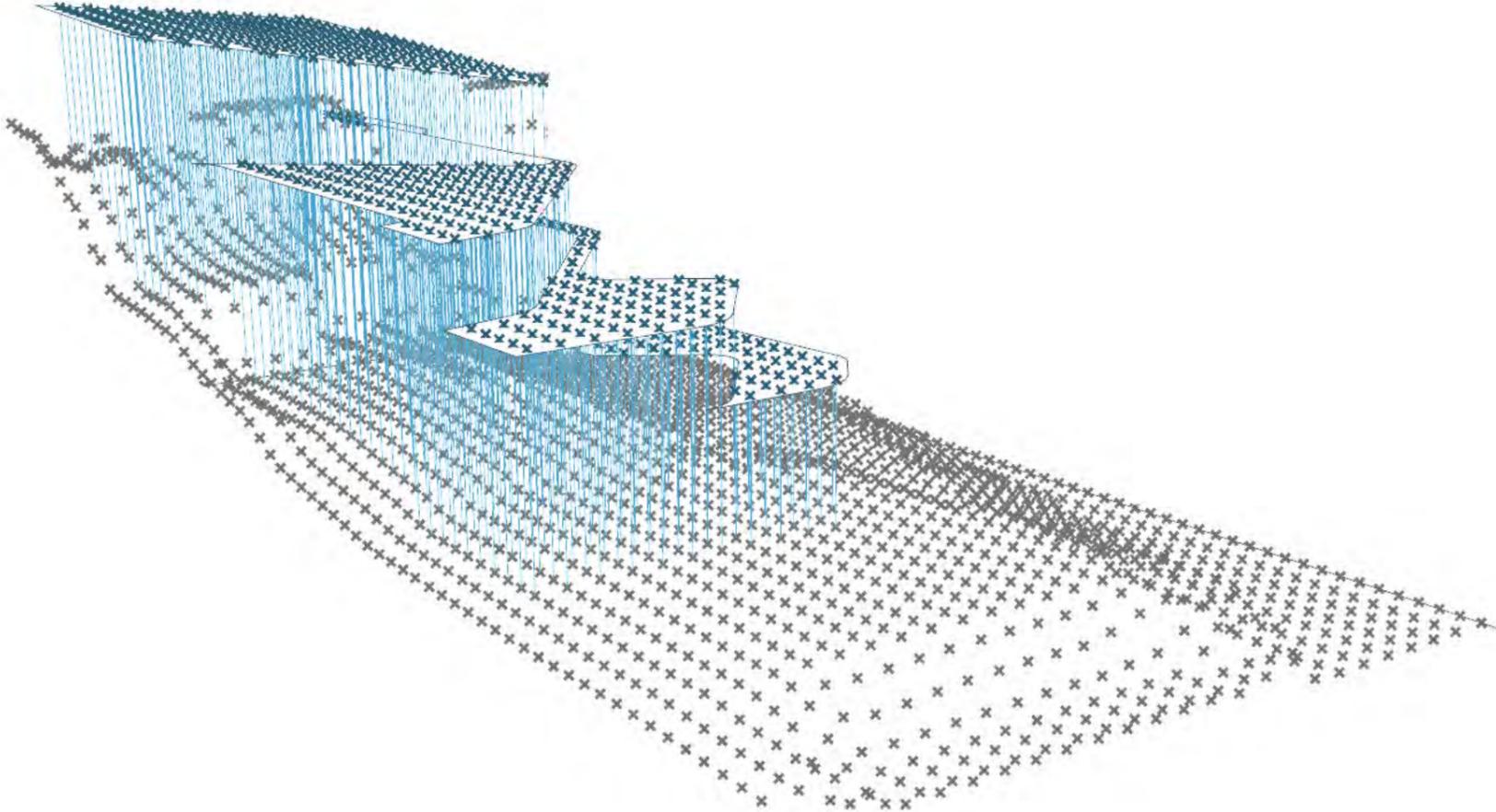
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1.1 Introduction

This report has been prepared by Tzannes Associates for and on behalf of Yarranabbe Developments Pty Ltd

It accompanies a Planning Proposal Application to Woollahra Council and provides background, explanatory material and additional information about the design brief and ambition, key driving factors, site opportunities and constraints, consultative process and design analysis which informed the architectural aspects of the proposal.



1.1.1 Urban Design Methodology

Tzannes undertook a detailed urban design assessment looking at the implications of building 5 residential dwellings on 83 and 83A Yarranabbe Road.

The assessment considered

1. Existing conditions
2. A compliant building envelope derived from applicable planning controls.
3. A Planning Proposal (PP) envelope generated from the objectives of
 - Maintaining or improving views from adjoining properties,
 - Maintaining or improving required solar access
 - Improving the built form by ameliorating excessively disparate massing on adjoining properties when viewed from the harbour, and
 - Ameliorating the negative effects of the on grade car park at 85 Yarranabbe Road.

1.1.2 Existing Conditions

The existing site condition consists of two single detached dwellings on 83 and 83A Yarranabbe Road. The existing built mass establishes current conditions for the measurement of views, solar access, building heights, setbacks, site density and street front character. Trees have been removed for the base measurement of views and solar access creating more expansive views and greater solar access than currently exists.

1.1.3 Compliant Envelope

A complying envelope was generated using the current Woollahra LEP and DCP controls. This envelope

1. Maintains the two individual sites to achieve five individual dwellings. A 3 storey dual occupancy is placed on lot 83A (Harbour side block). A 3 unit residential flat building is placed on lot 83 (street front block).
2. Minimum Street frontage – The scheme complies with the street frontage control limiting residential flat buildings to 3 units or less on a lot with a frontage less than 21m.
3. Building Height – Both building envelopes comply with a maximum height of 9.5m from existing ground level.
4. Side setbacks – Minimum side boundary setbacks of 3.0m are achieved. This side setback is increased on a pro rata basis by 0.5m for each metre or part thereof that the building height adjacent to the boundary exceeds 6.0m.
5. Rear Setback – The residential flat building on 83 is setback the required 25% of lot length from the rear boundary.
6. Foreshore Building line – The detached 3 storey dual occupancy dwelling is set to the permissible 12m foreshore setback line.
7. Street Front Setback – There is no street front setback control. The envelope is bought to the street front boundary.

Tzannes Associates have identified the following negative outcomes arising from the application of the existing controls.

1. Two buildings instead of one – Two buildings are required to provide five dwellings. This is a result of two controls. The street frontage of 18m limits the unit count in a residential flat building to 3 units. The foreshore building line for a residential flat building is 30m. These controls make the amalgamation of the two lots into one for the development of a residential flat building unfeasible by limiting a RFB to 3 units and effectively removing 83A as a developable site.
2. Poor environmental amenity - Inefficient, deep and narrow floor plates with poor view and solar amenity. The landscaped area between the RFB and the dual occupancy building is severely overshadowed.
3. Irregular, inefficient and excessive bulk at both the street and harbour front. A presentation of 9.5m at both Yarranabbe Road frontage and the 12m Harbour foreshore line.
4. A minimal foreshore building setback.
5. The compliant envelope reduces precinct and neighbouring views due to excessive bulk and height at the street and harbour front.
6. The compliant envelope reduces solar access to neighbouring properties.

1.1.4 Planning Proposal Envelope

Based on the assessment of the existing conditions and the compliant building envelope, Tzannes Associates designed a Planning Proposal envelope. This envelope ameliorates the negative outcomes of a compliant envelope and satisfies the following urban design criteria.

1. Yield – Increases the site's dwelling density from 2 dwellings to 5. A single residential flat building is in keeping with the neighbouring context.
2. Building, environmental and economic efficiency – Consolidates

two sites and two buildings into one. Ameliorates the access issues associated with providing vehicular access to the harbour front lot which is currently serviced by a suspended concrete driveway. Provides environmental and economic efficiencies by sharing construction, structure, services, façade and infrastructure.

3. Views- Maintains or improves existing precinct and neighbouring views toward the harbour, particularly the iconic views of the Harbour Bridge and Sydney Opera house. The Planning Proposal massing allows the envelope to be limited to a height of 5.7m at Yarranabbe Road with a setback of 6m from this property boundary rather than the permissible 9.5m height with no defined setback. This maintains or improves views to the Southern neighbours. The planning proposal mass is setback back 18m from the harbour foreshore line as opposed to the 12m of a compliant envelope. This increases harbour views from 85 Yarranabbe Road and 77-81 Yarranabbe Road.
4. Solar Access – Maintains or improves required solar access to adjacent neighbours and provides significant improvements compared to a compliant scheme. In particular the Planning Proposal envelope maintains winter solstice solar access to the North East kitchen windows of 77-81 Yarranabbe Road. This is achieved by subtracting a large volume on the North West allowing winter solar access to the said windows. Winter Solstice sun access is also improved to 85 Yarranabbe road in comparison to the existing conditions and a compliant envelope. The envelope provides opportunity for good solar access to all units of the future building development.
5. Street front presentation – Provides an envelope that minimises car parking and car parking utilities on Yarranabbe Road. The Planning Proposal Envelope provides the opportunity for a residential unit and an attractive and inviting building entrance at Yarranabbe Road.
6. Logical and Efficient Massing – Provides an envelope which allows the development of 5 residential flats in a stepped mass. This mass contributes to the desired precinct character which emphasises the stepping of development on the hillside.

Provides a mass with efficient floor plates accessing improved solar, view and ventilation amenity. The Planning Proposal Envelope ameliorates the negative massing consequences of a highly irregular topography not suited to the 9.5m height limitation from existing ground level.

7. Opportunity for Architectural excellence – Provides a site specific envelope responding to the desired future character of the precinct. The envelope provides the opportunity for a unique and tailored architectural response shaped by performative responses to urban and environmental conditions.

1.1.5 Technical Methodology

Tzannes used detailed 3D modelling, drafting and digital simulation tools to develop and assess two building control envelopes for the site. The site's topography, buildings and neighbouring context were constructed and assembled from survey data, architects drawings, models, on site measurement and photography.

Digital simulation was used to measure and assess the following base criteria:

1. Views and Visual Impact
2. Solar Access and Shadow Impact

1.1.6 Views

Goal: Determine existing neighbouring view corridors and develop a building envelope for the planning proposal which maintains or improves these base criteria.

Method

1. The site and the neighbouring context were modelled digitally in 3D.
2. The model was placed in a wider digital context model which includes the Harbour Bridge, the Opera house, Circular Quay and the city North CBD. This allowed the measurement and assessment of significant precinct views.
3. The model uses the existing built site development as the base case measurement for existing views. This measurement removes the existing site vegetation providing a greater view than currently exists.
4. Viewing points were placed on the neighbouring buildings at the most marginal limits. That is, the views most likely to be impeded by a new development. Lines were drawn between these viewpoints and the point of view obstruction on the existing buildings of 83 and 83A.
5. A 2D plane of vision was generated from this line and a circular surface projected to determine the existing view lines in the precinct context.
6. These existing view lines provided part of the volumetric extent of the proposed building envelope.
7. The PP envelope and the compliant envelope were assessed for view impact by placing cameras in the 3D scene from key neighbouring views and comparing existing and proposed view corridors.
8. These montages are included in the report.

1.1.7 Solar Access

Goal: Determine existing solar access to neighbours and subject site and develop a building envelope which maintains or improves the required solar access to neighbours interiors.

Method

1. The site and the neighbouring context were modelled digitally in 3D.
2. Digital day lighting systems were applied using Autodesk Revit, Autodesk 3D StudioMax, and Rhinoceros using the Ladybug plugin by Mostapha Sadeghipour Roudsari <https://www.facebook.com/LadyBugforGrasshopper>
3. Existing daylight access was measured for the site using winter solstice 21 June to determine the most marginal sun access.
4. Particular attention was given to winter daylight access for the Eastern façade kitchen windows of 77-81 Yarranabbe Road, the Western neighbour.
5. A daylight access cone was generated for the Eastern kitchen windows of 77-81. This cone was subtracted from the PP envelope to maintain solar access these windows.
6. The combination of solar access and the existing view lines provided the volumetric extent of the proposed building envelope for the PP.
7. The PP envelope was assessed using daylight hour access and shadow studies to demonstrate the positive effects of the PP envelope.
8. The compliant envelope derived from the existing planning controls was also measured and compared to the PP envelope. This comparison shows the PP envelope maintains or improves current winter solstice solar access and provides an improved result compared to a compliant envelope.

1.2 The Site

1.2.1 Location

- The site is situated at 83 and 83A Yarranabbe Road, Darling Point and fronts the harbour. The lot is orientated North/ South
- The site is zoned Residential 2B
- The site is located within the Woollahra LGA



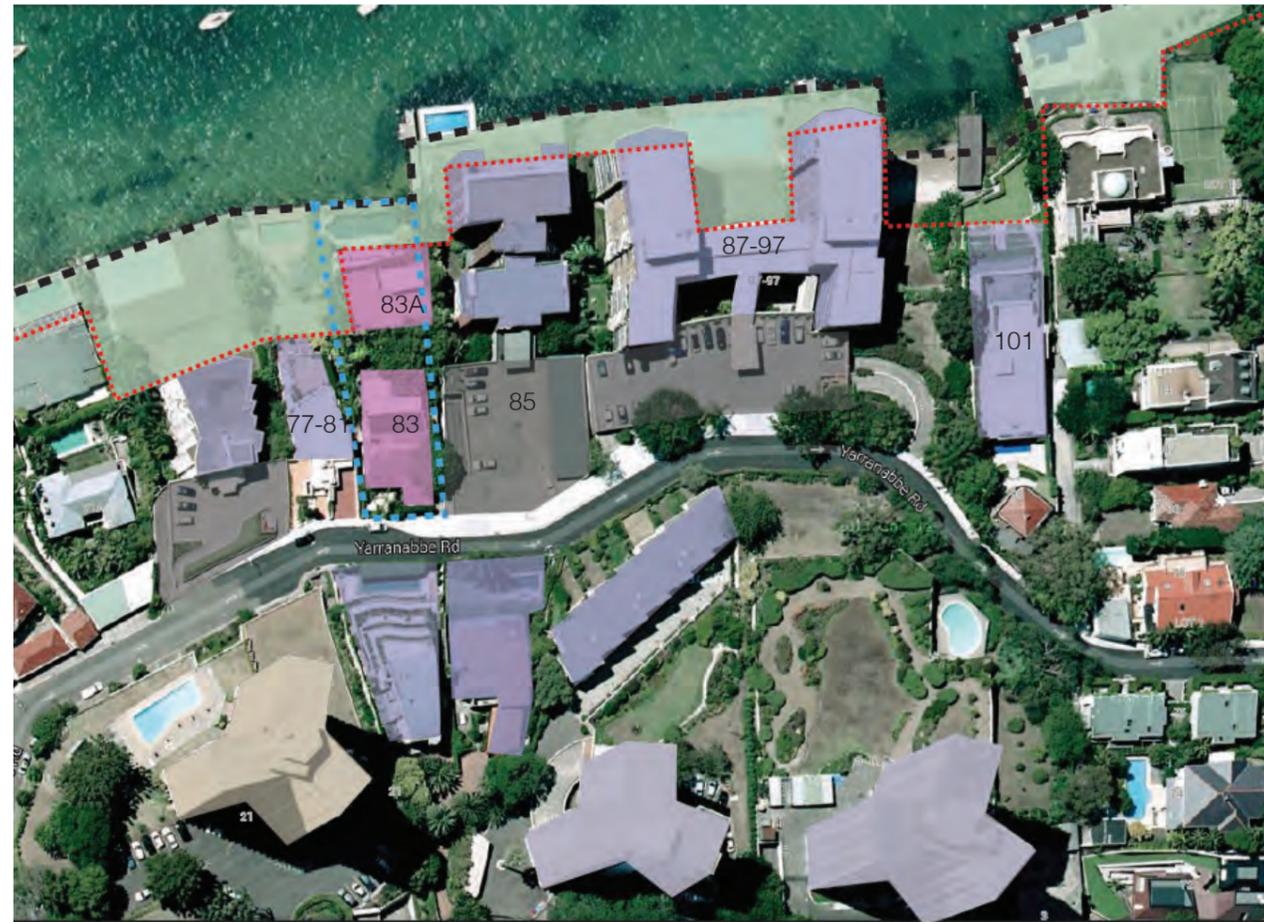
1.2.2 Precinct Context

- The site comprises two lots, 83 and 83A Yarranabbe Road which currently have single residential dwellings.
- The site is surrounded by residential flat buildings. (RFB) which range in height from 5 to 22 storeys.

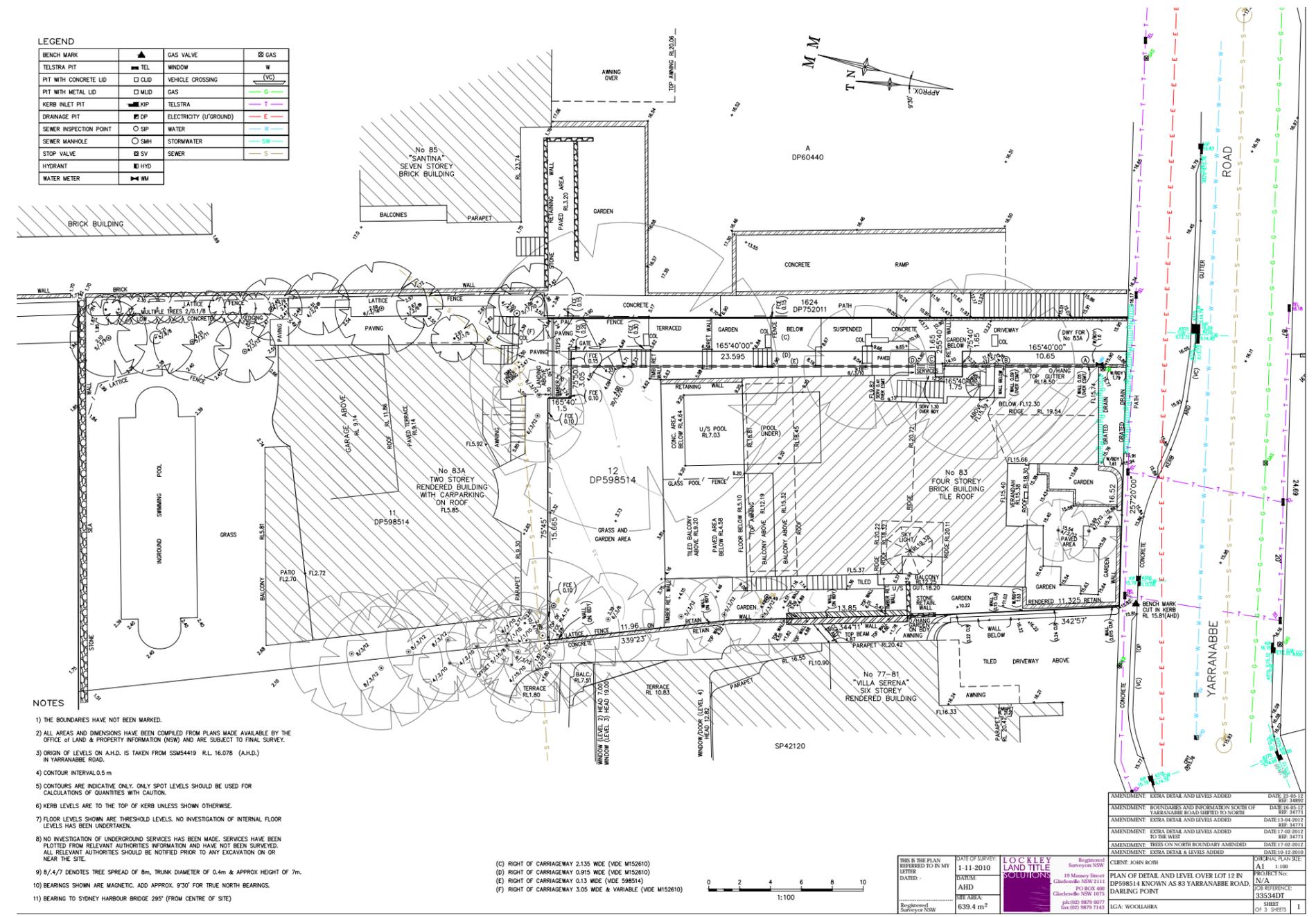


1.2.3 Usage

- The precinct contains single dwellings and residential flat buildings.
- The site has two detached dwellings.
- The site is surrounded by residential flat buildings.
- 85 Yarranabbe Road to the East is a seven storey brick building.
- 77-81 Yarranabbe Road to the West is a six storey rendered building.
- To the South are high rise residential flat buildings.



1.2.4 Survey



NOT TO SCALE

1.2.5 Street Front Character

- The street frontage is characterised by hard stand parking lots and garage entrances.
- The Southern side of Yarranabbe Road is fronted by a 4-5m high masonry wall with 1 basement parking entrance.



1.2.6 Foreshore Context

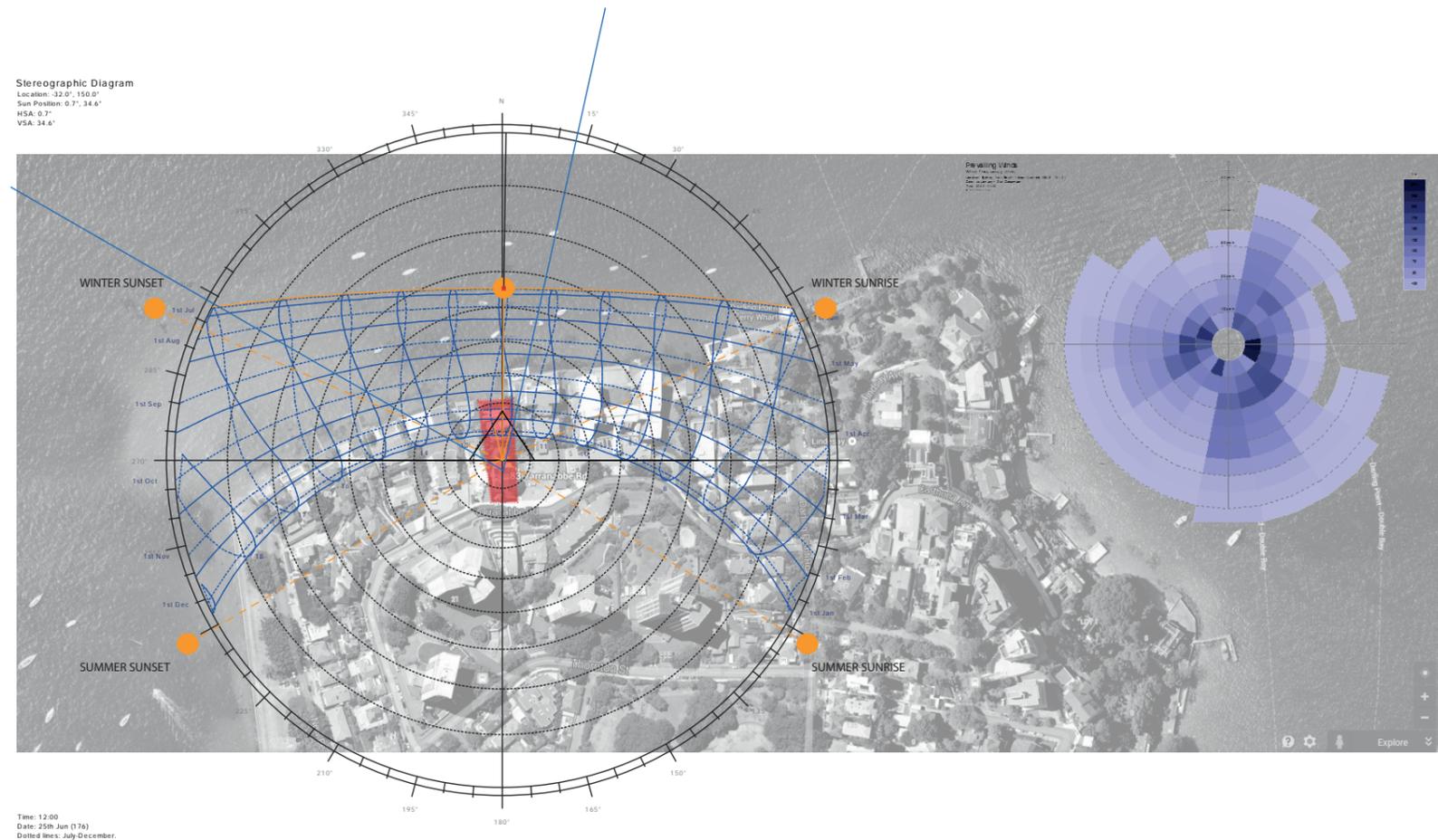
- The harbour front is characterised by a sandstone seawall fronting private residences.
- 83A fronts the harbour and has a three storey detached residence set 12m from the foreshore.
- 83 and 83A share access to a wooden jetty aligned to their Eastern boundary.
- The site is surrounded by residential flat buildings.
- There are inconsistent building setbacks from the harbour foreshore line.
- 85 Yarranabbe Road to the immediate East is a 7 storey residential flat building set 7m from the foreshore line.
- 77-81 Yarranabbe Road is a 6 storey residential flat building set 30m from the foreshore.



Existing built form

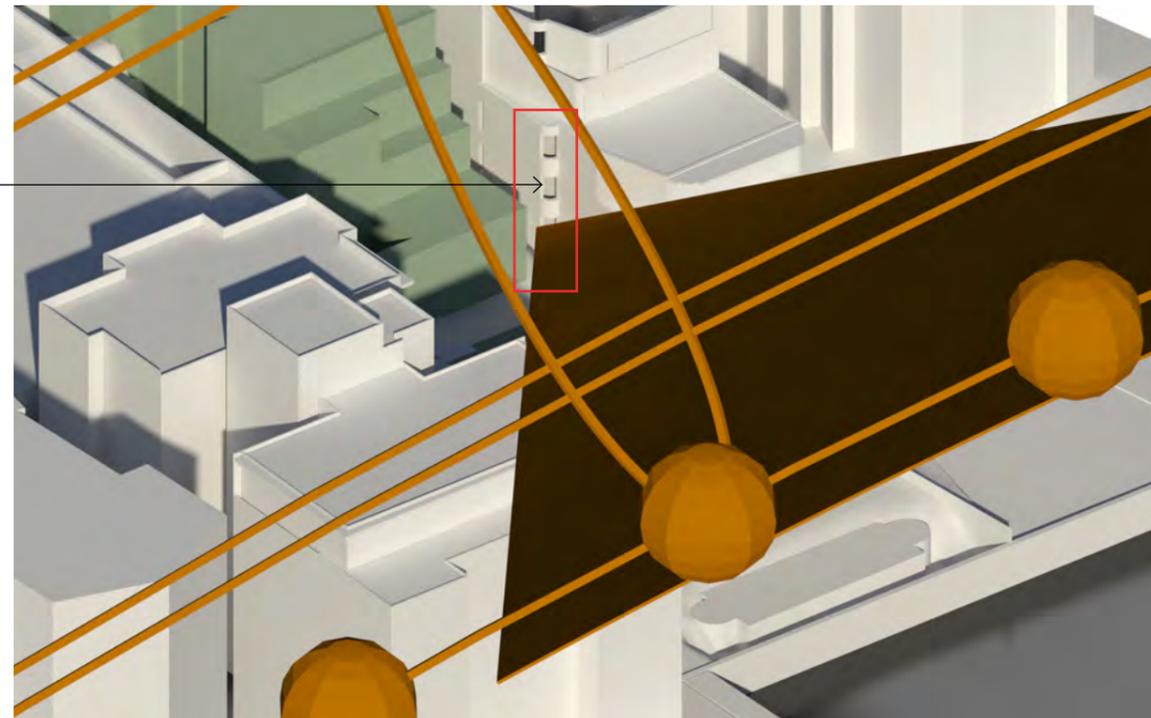
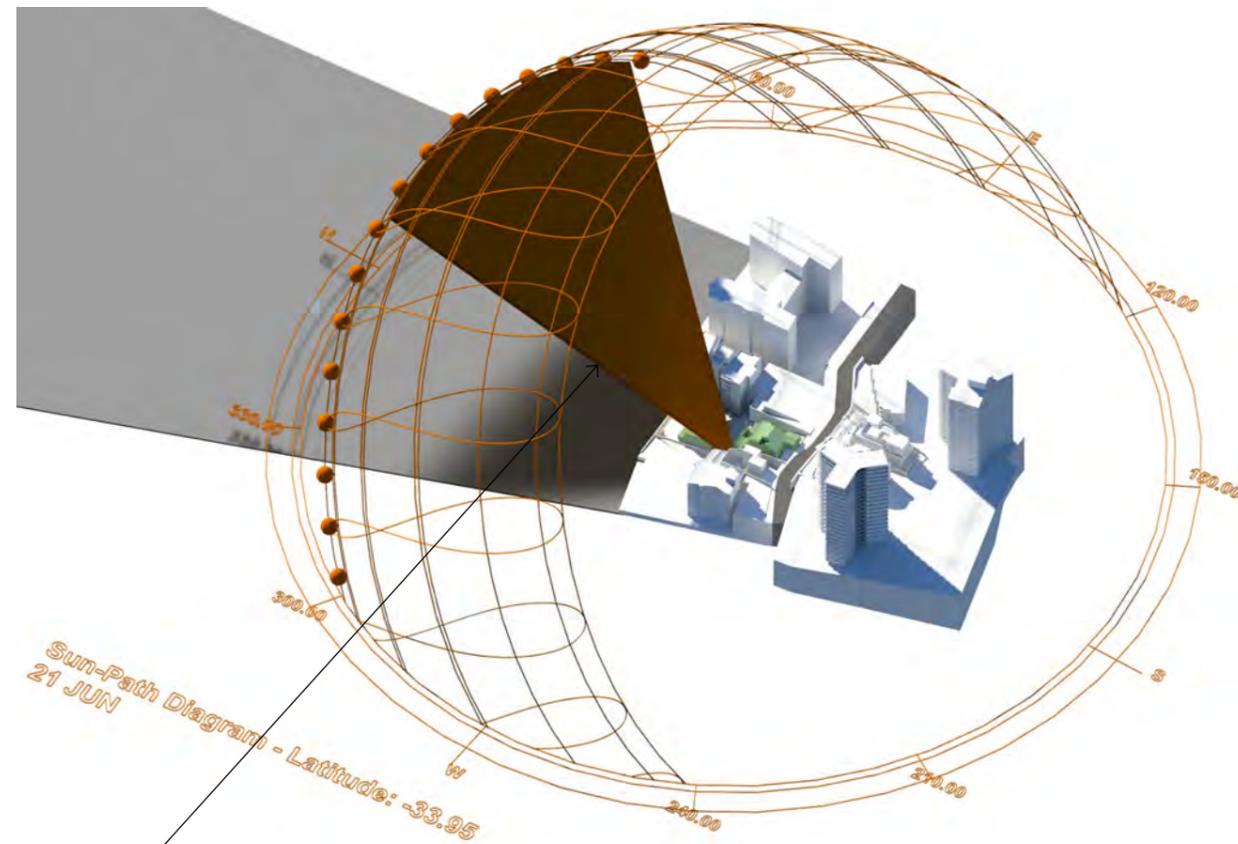
1.2.7 Aspect, Orientation, Solar And Wind

- The site is aligned along a near North South axis with harbour views to the North.
- The site is long and narrow with limited exposure to direct sunlight.
- A 7 storey residential building at 85 Yarranabbe Road on the site's Eastern boundary significantly overshadows the site in the morning.
- A 6 storey residential flat building at 77-81 Yarranabbe Road on the Western boundary overshadows part of the site in the afternoon.



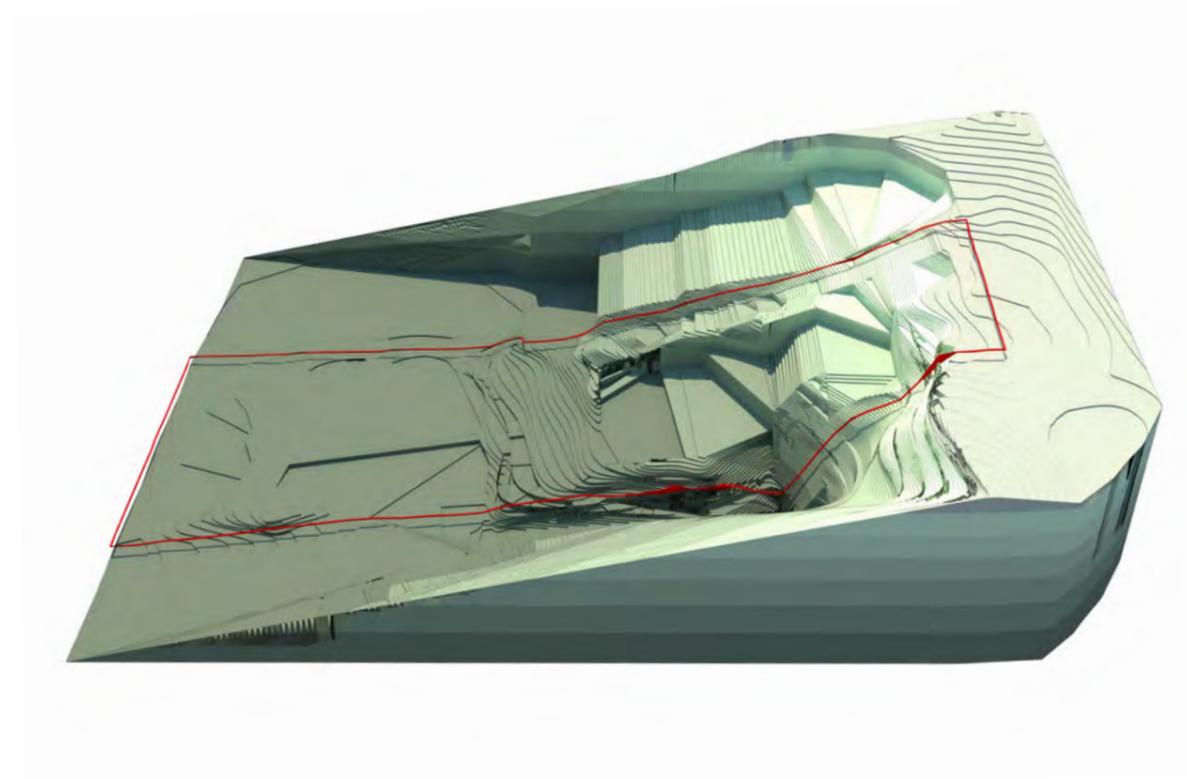
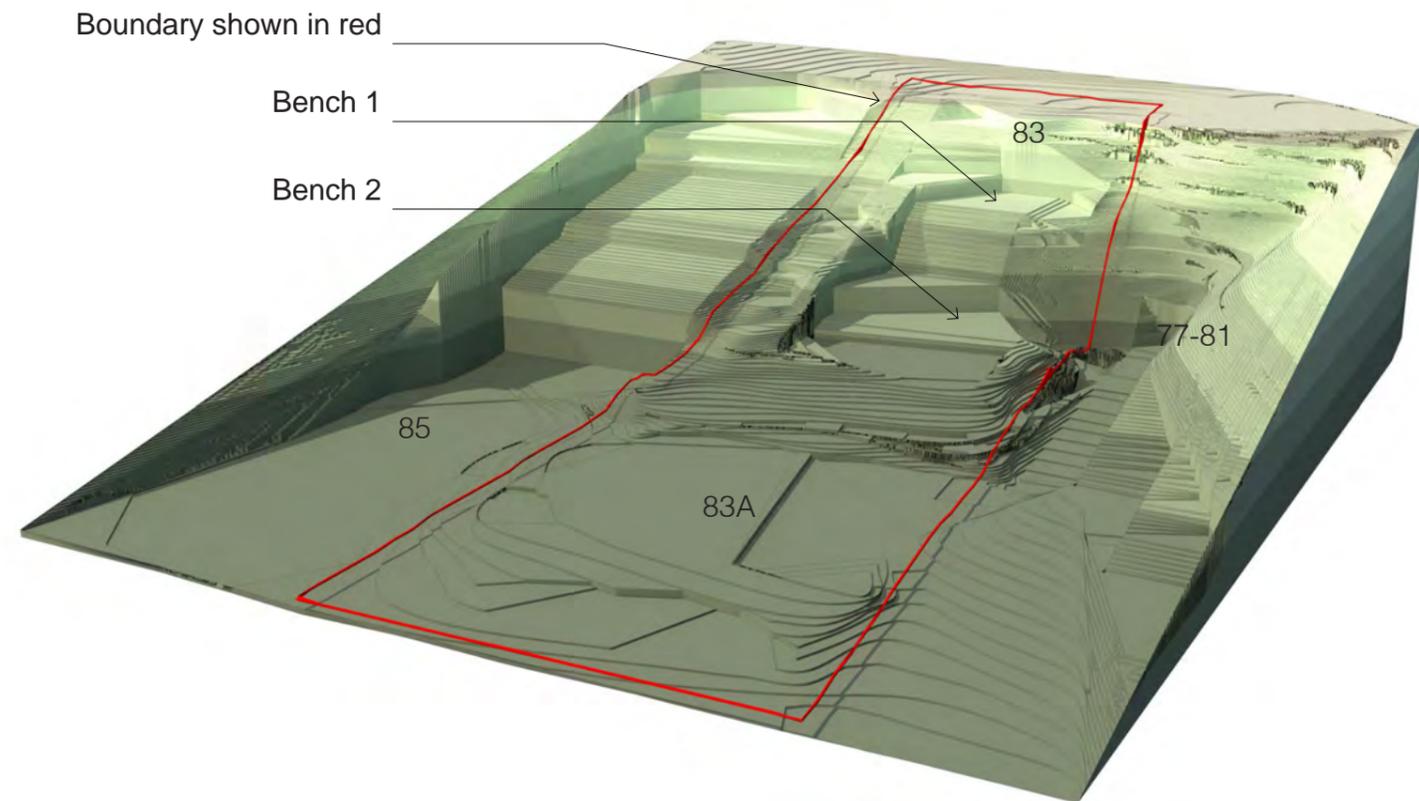
1.2.9 Solar Access To 77-81 Yarranabbe Road

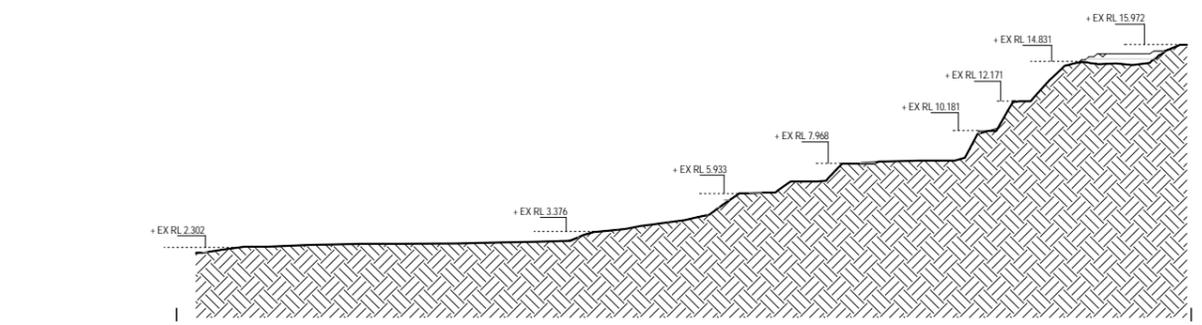
- Kitchen Windows on the Eastern wall of 77-81 Yarranabbe Road receive winter solstice sun access on level 2 and 3 from 9:30am and on level 1 from 10am
- Winter solstice solar access is illustrated in the adjoining diagrams.
- Avoiding built form within this solar cone maintains existing access to winter sunlight.
- Extent of winter solstice sun access to the Eastern facade kitchen windows of 77-81 Yarranabbe Road.
- 77-81 Eastern facade kitchen windows viewed from winter solstice sun path



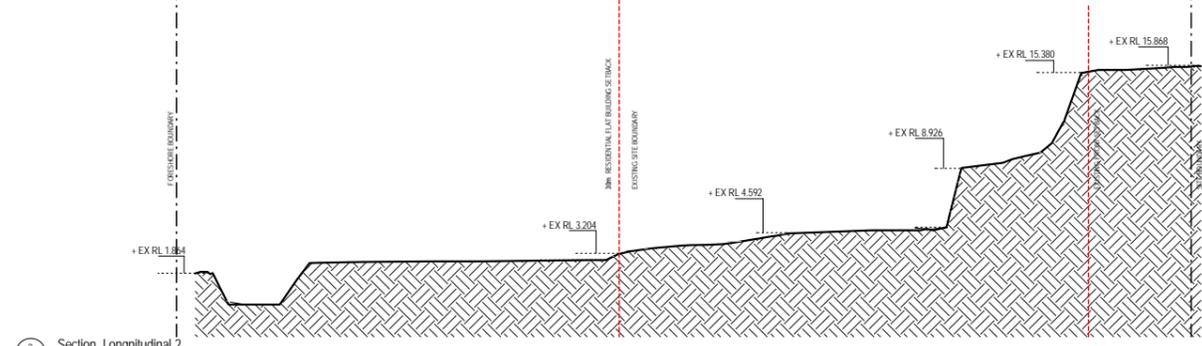
1.2.10 Topography

- The site has been extensively excavated creating an extremely varied and uneven topography.
- The application of a height control based on height from existing ground level creates an unsatisfactory building envelope.
- Lot 83 slopes steeply from Yarranabbe Road toward the harbour.
- Lot 83 has been excavated creating 2 distinct benches for building on the steep slope off Yarranabbe Road.
- Lot 83A is flat and meets a man made seawall.
- The lots also slope downward from East to West.
- The lots are approximately 1.5 - 2m higher than lot 77-81 and 0.5m higher than 85 near the sea wall.

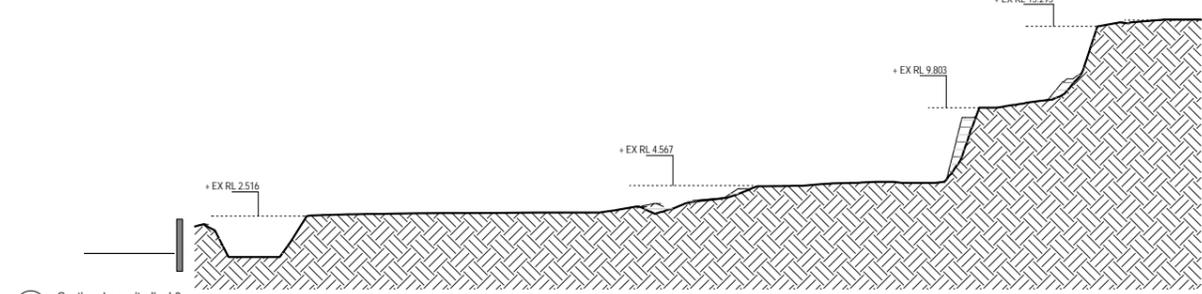




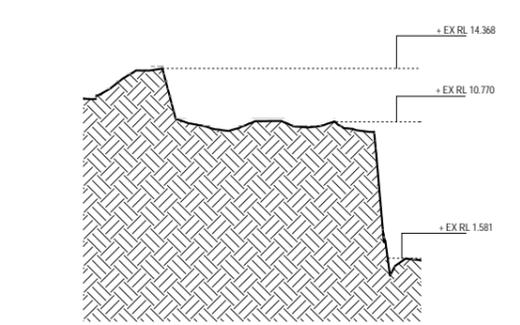
1 Section Longitudinal
Scale 1:200



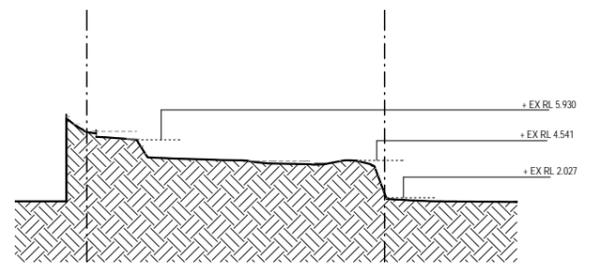
2 Section Longitudinal 2
Scale 1:200



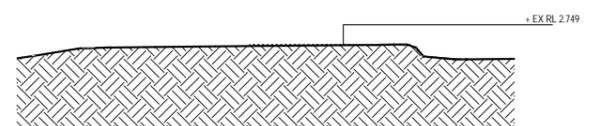
3 Section Longitudinal 3
Scale 1:200



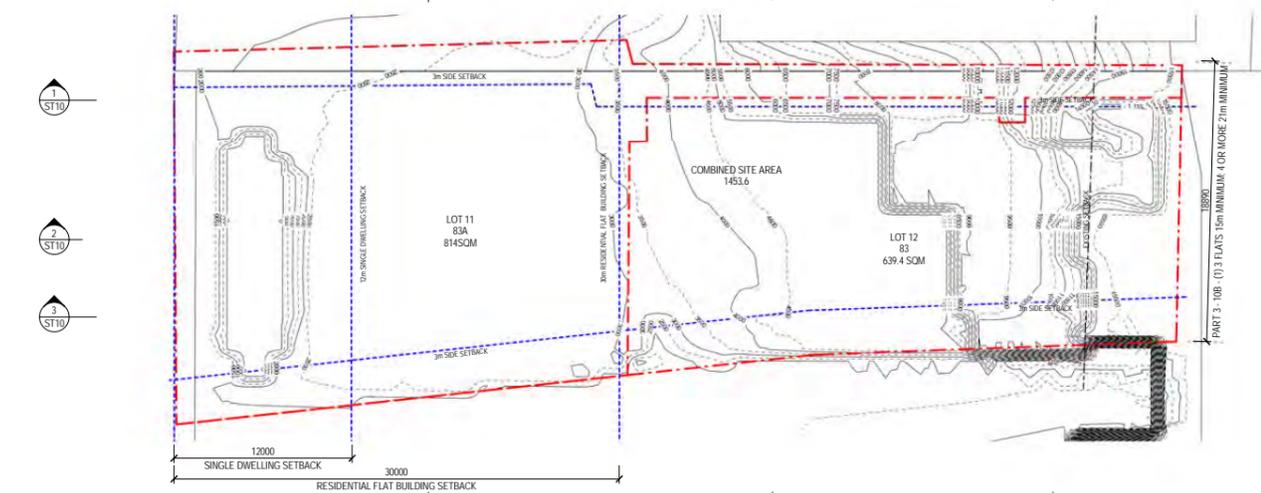
4 Cross Section 4
Scale 1:200



5 Cross Section 5
Scale 1:200



6 Cross Section 6
Scale 1:200



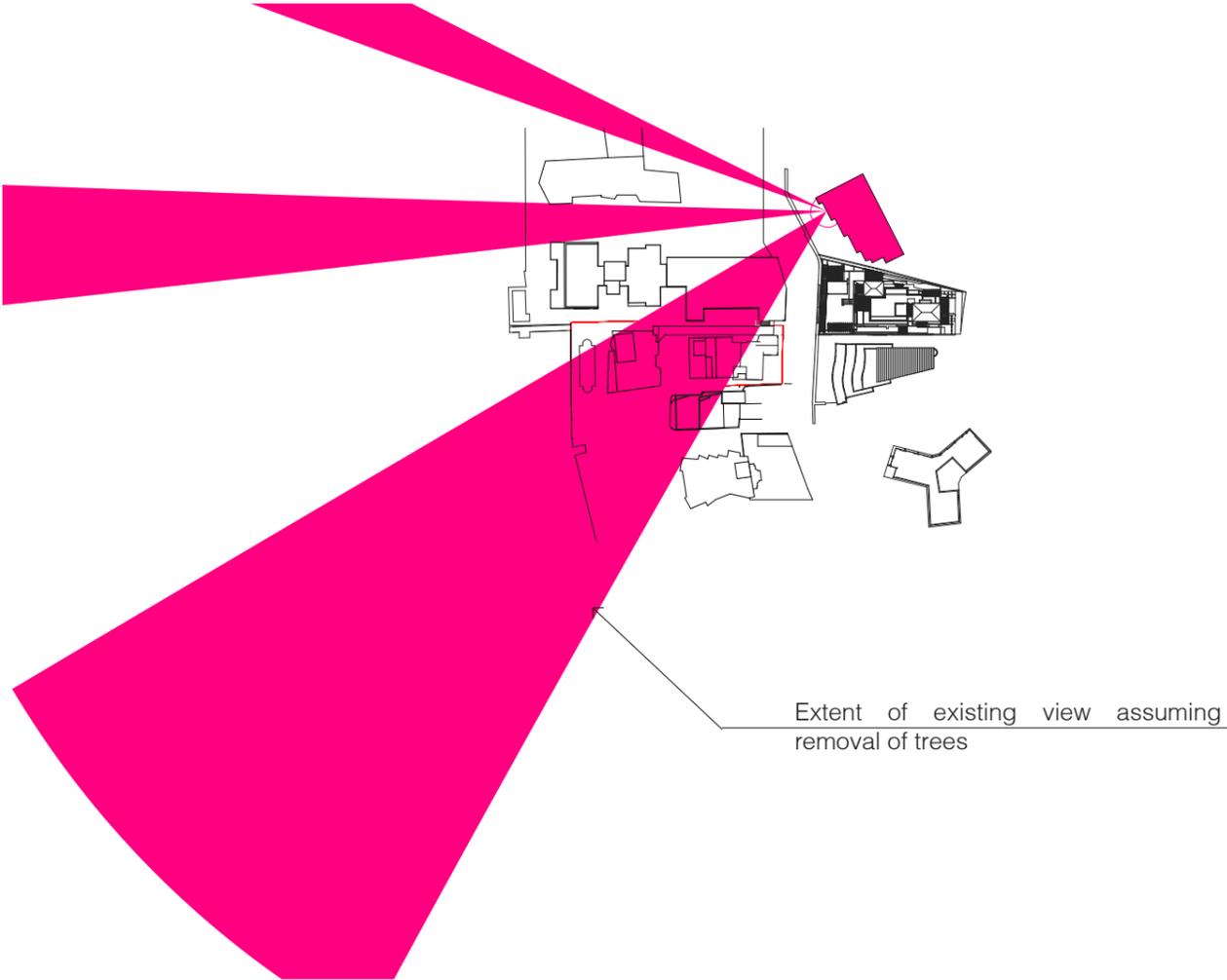
7 SITE-TOPOGRAPHY
Scale 1:200

1.2.11 Views

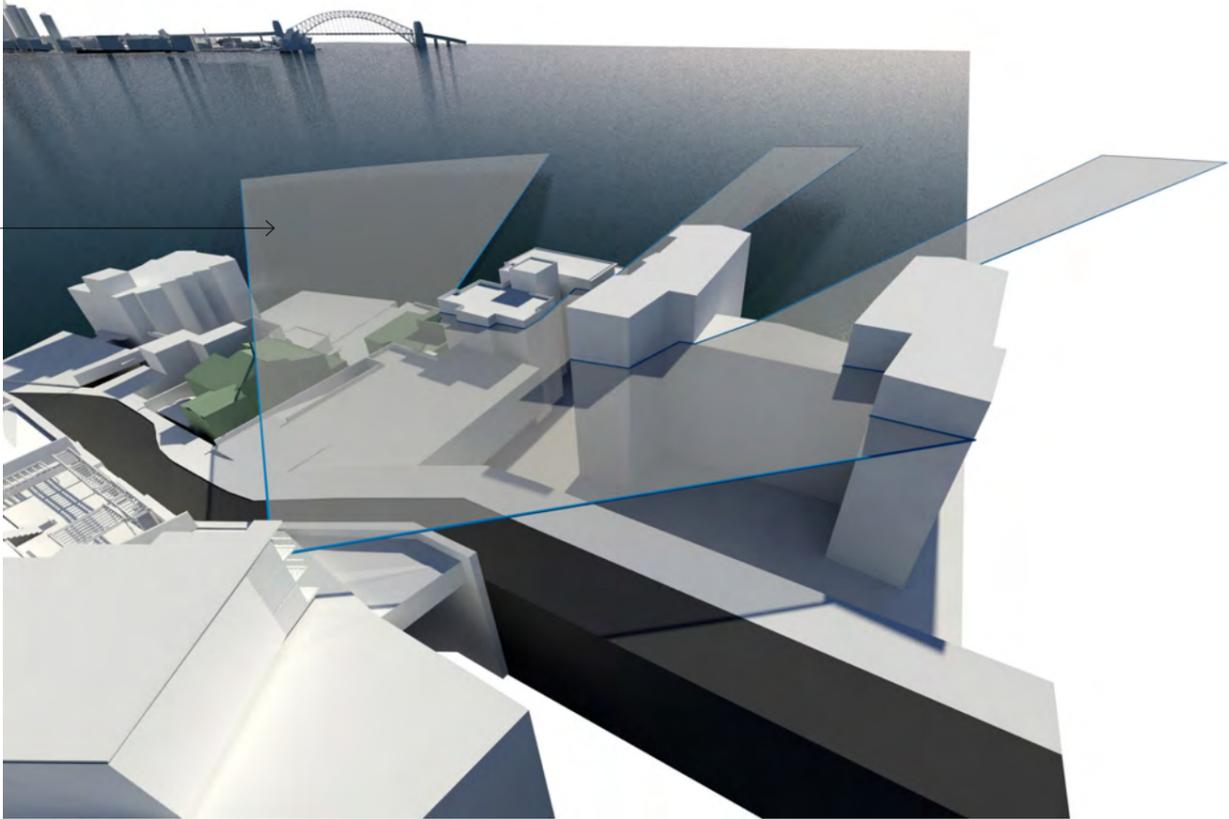
- The site has extensive harbour views to the North and West
- Views are constrained to the East by the adjacent seven storey unit block.
- There are significant views to the harbour over the site from the South and South East as shown opposite.
- Detailed view studies from adjoining properties are on the following pages.



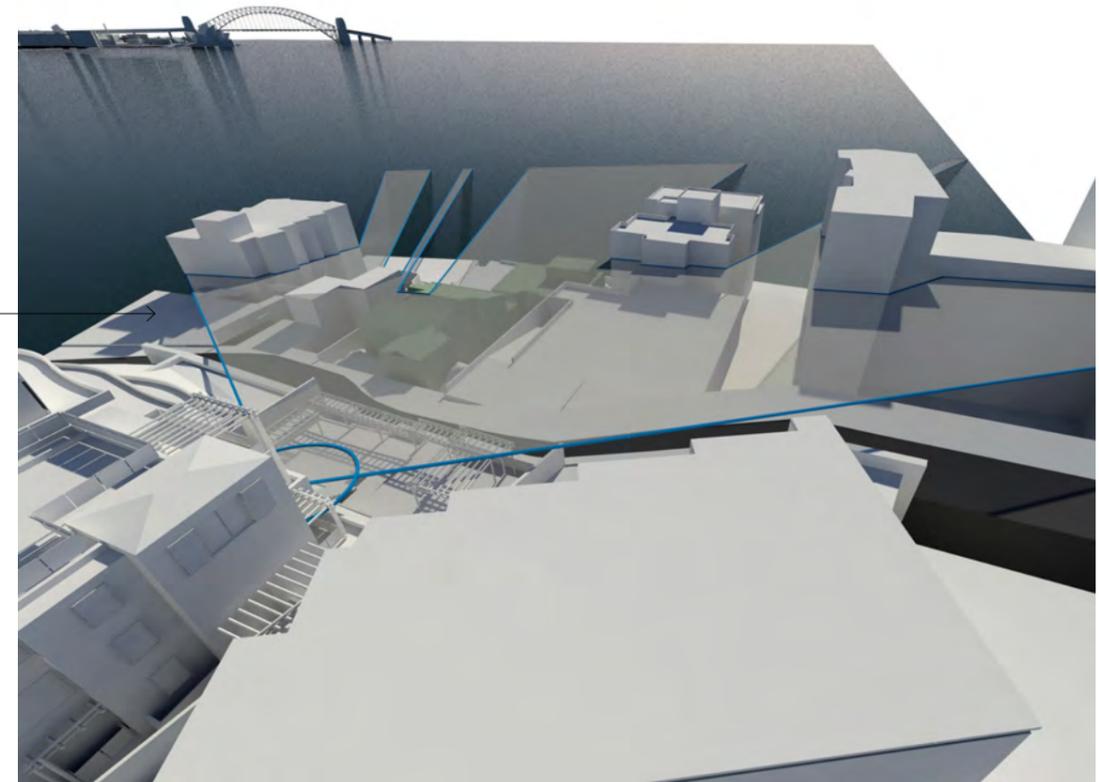
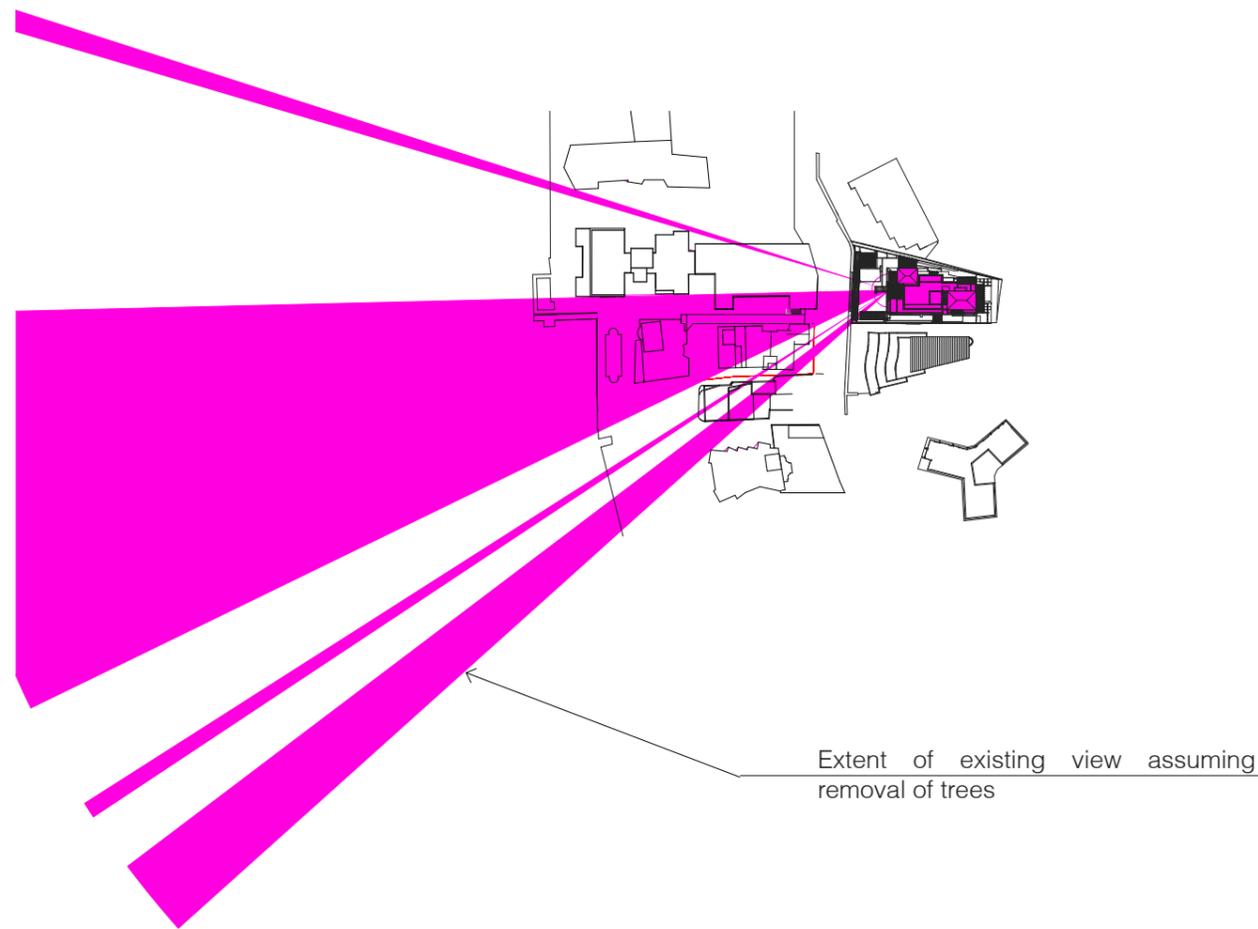
1.2.12 Views 13-15 Thornton St Unit 4_Level 1



Note: All view studies have been undertaken with the removal of existing trees. This has given more expansive precinct views than are currently available. Design work has been undertaken to maintain or improve these measured view corridors.

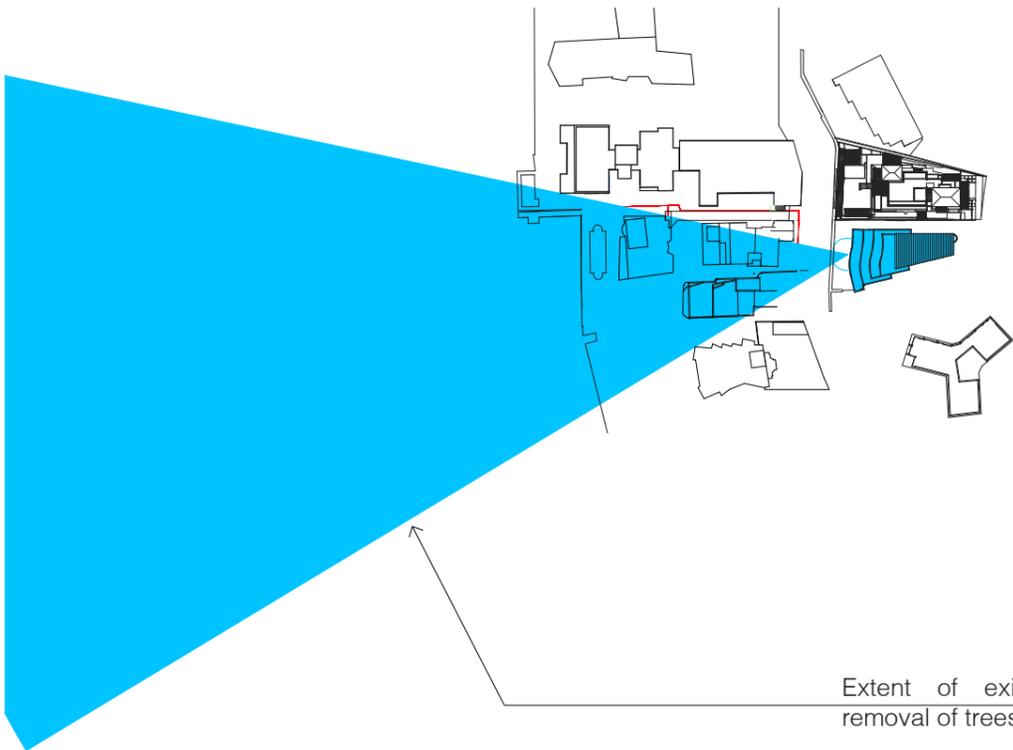


1.2.13 Views 17 Thornton St_Level 2

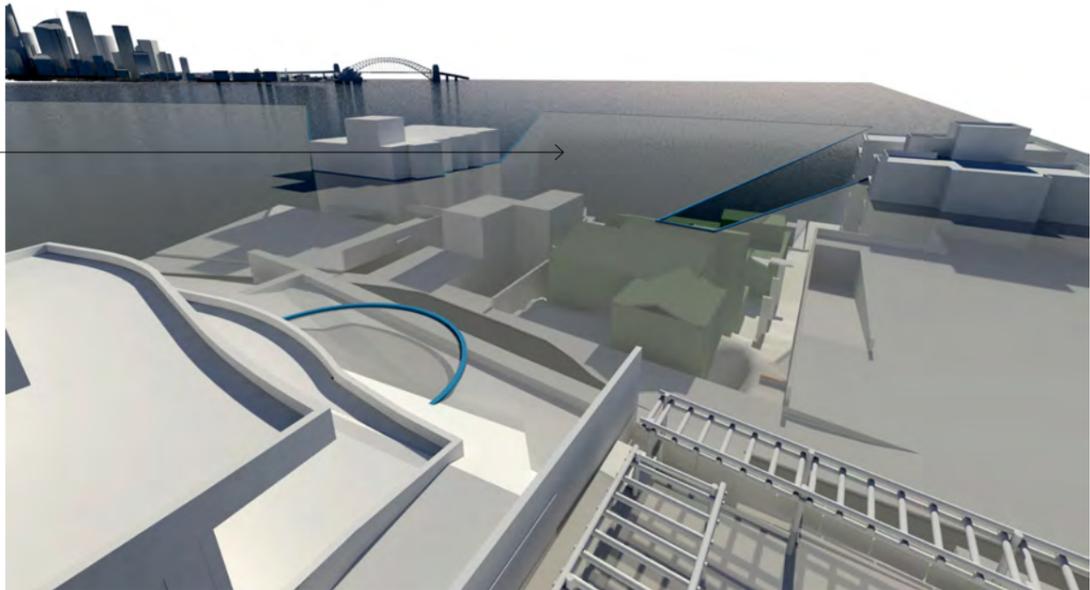


1.2.14 Views

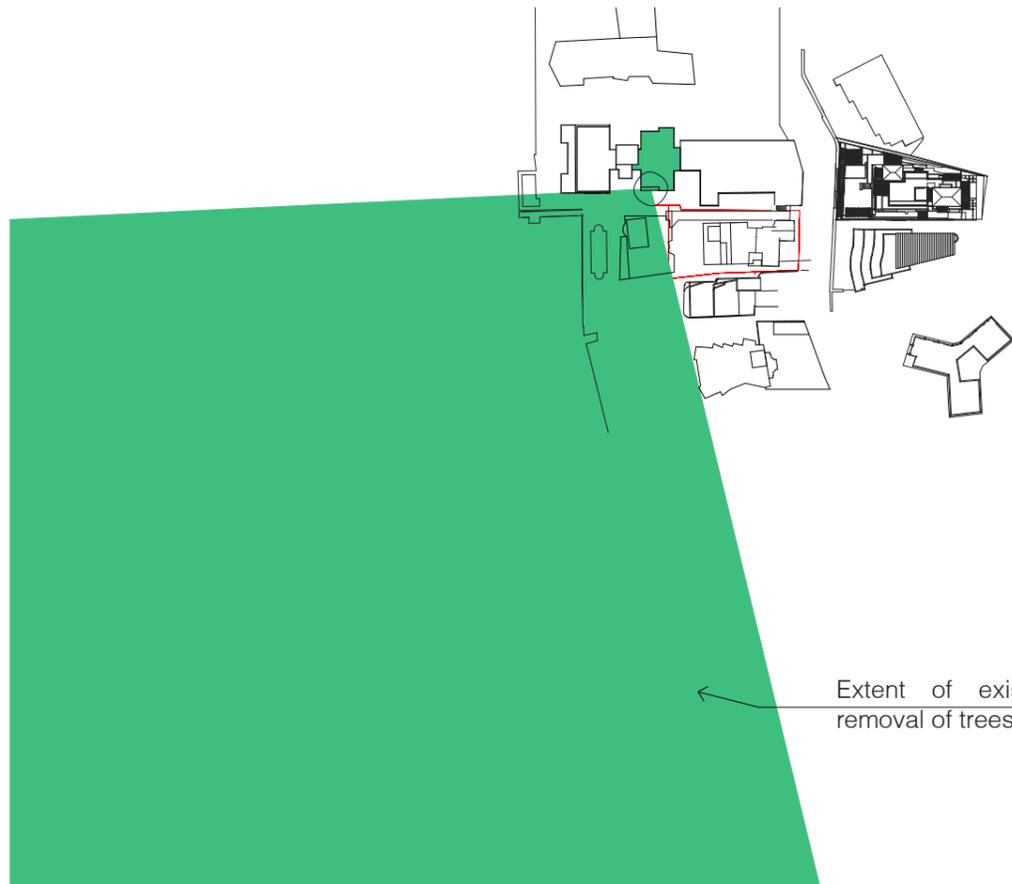
17A Thornton St_ Level 1



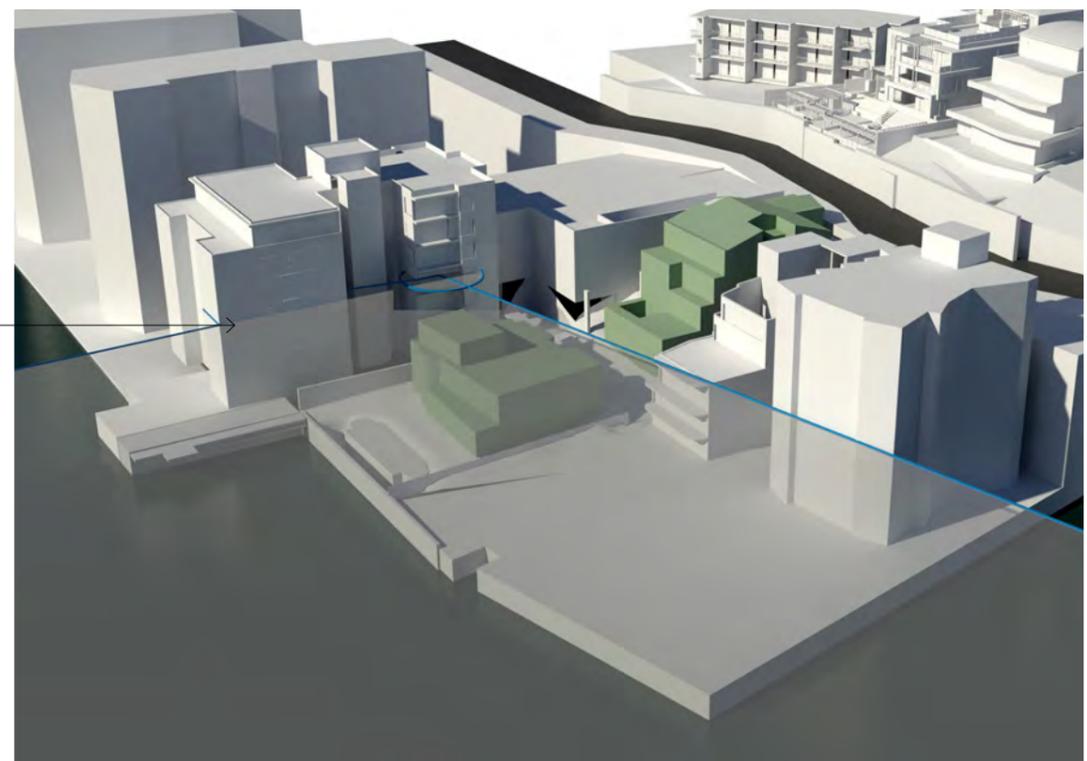
Extent of existing view assuming removal of trees



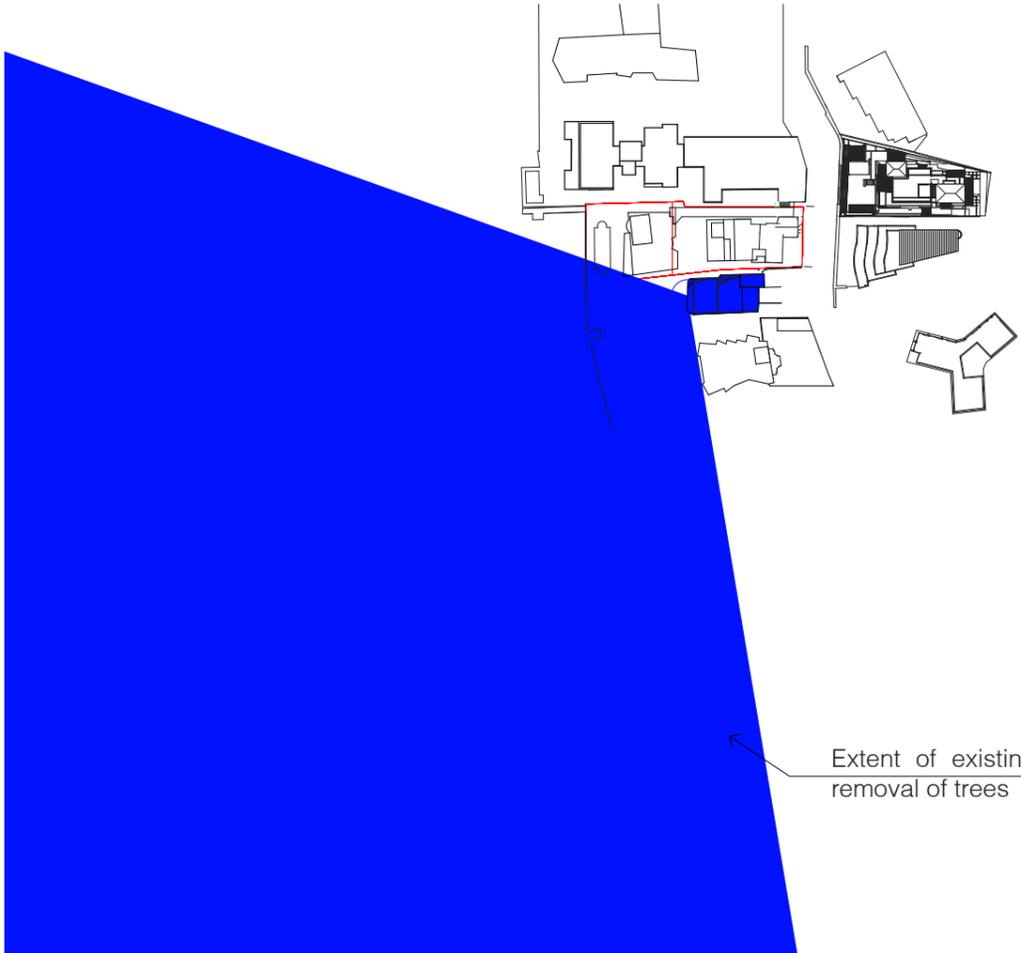
1.2.15 Views 85 Yarranabbe Road South Level 4



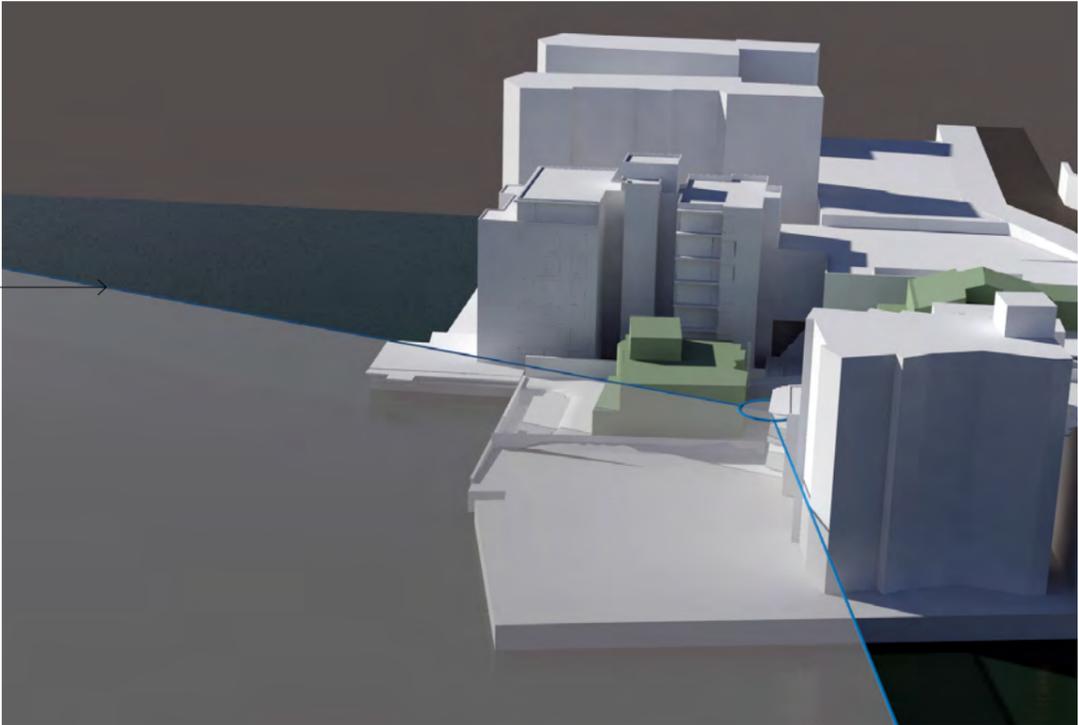
Extent of existing view assuming removal of trees



1.2.16 Views 77-81 Yarranabbe Road_Level 3



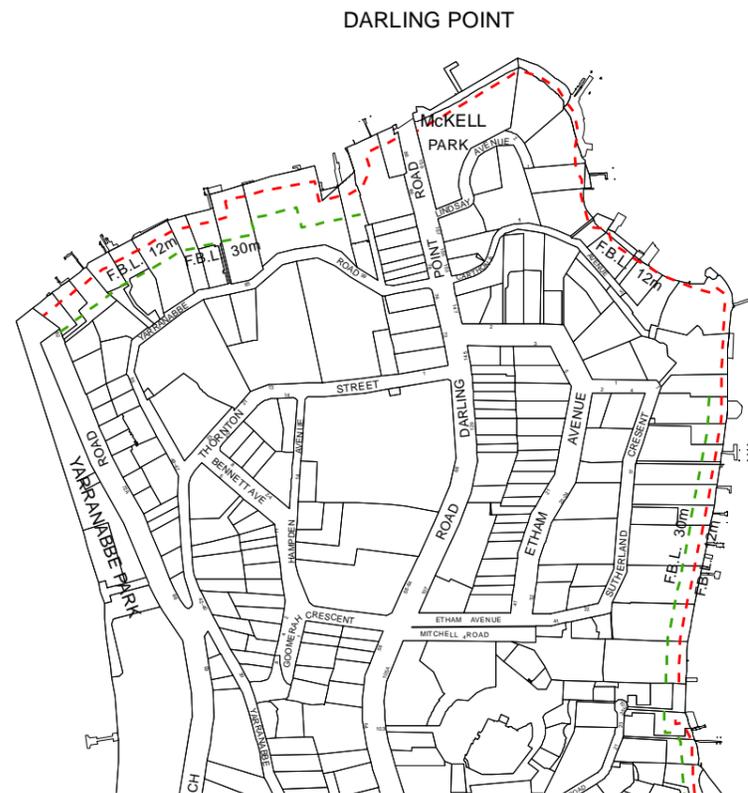
Extent of existing view assuming removal of trees



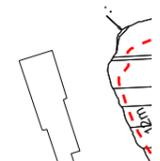
1.3 Planning Provisions

1.3.1 LEP - Foreshore Building Line

LEGEND	
	FORESHORE BUILDING LINE
F.B.L. 12m	12 METRES
F.B.L. 30m	30 METRES
.....	AREAS EXCLUDED FROM PLAN
—+—+—+—	LOCAL GOVERNMENT AREA BOUNDARY



Double Bay



1.3.2 LEP- Foreshore Building Line- Existing Conditions

- 83A Yarranabbe Road is setback 12m from the foreshore line.
- 85 and 87 Yarranabbe Road are set 7m from the foreshore line.
- 77 -81 Yarranabbe is setback 30m from the foreshore line.

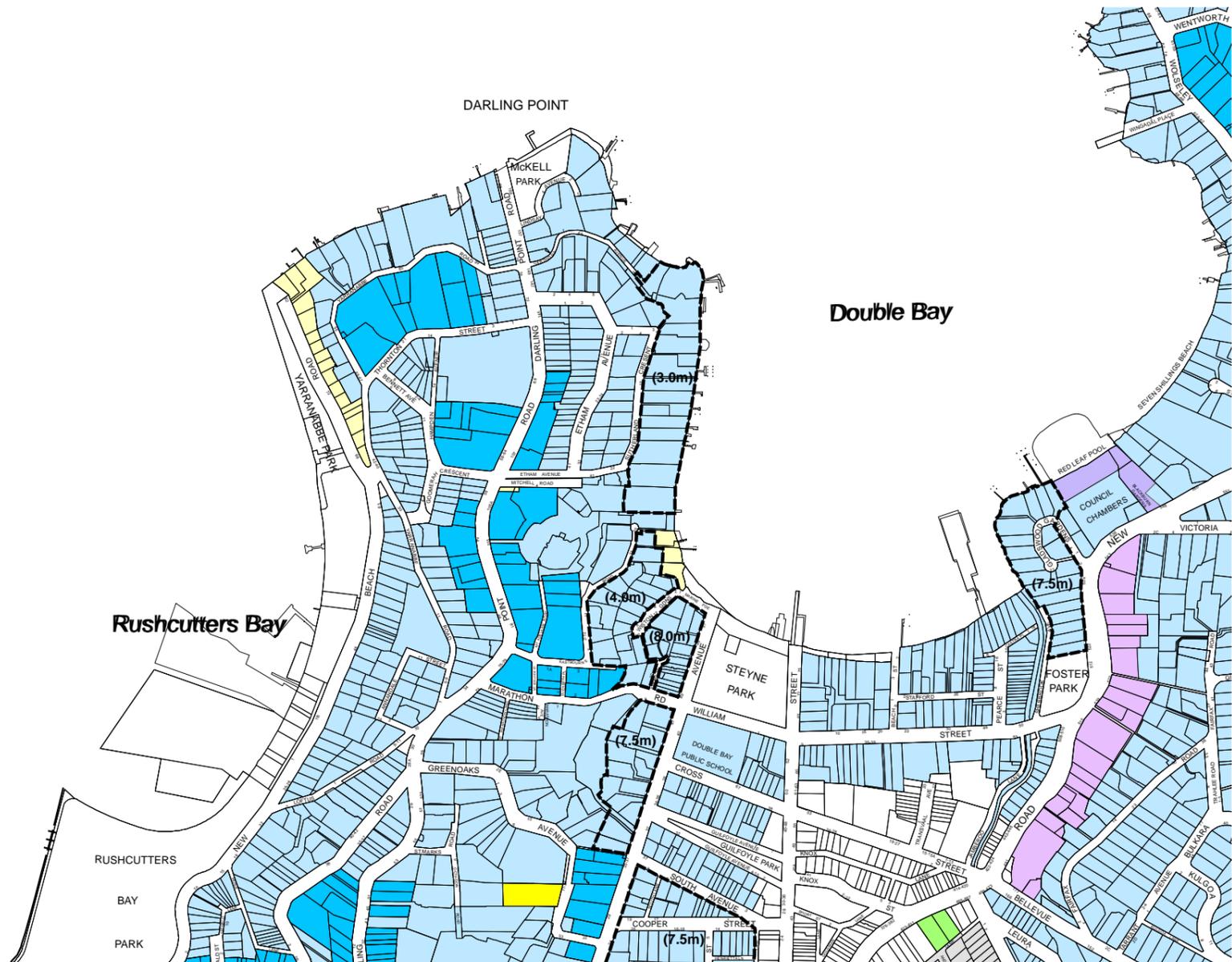


- | | | |
|---|---|---|
| Detached Dwelling | Existing Setback | Existing Foreshore Setback |
| Residential Flat Building | Public Open Space | High Tide Mark |
| | Open Carpark | Site Boundary |

1.3.3 LEP - Height Control

- The current 2009 LEP specifies a 9.5m height limit from existing ground line.
- The Draft LEP 2013 specifies a height of 10.5m from existing ground line.

LEGEND	
	6.5m MAXIMUM HEIGHT
	8.2m MAXIMUM HEIGHT
	9.0m MAXIMUM HEIGHT
	9.5m MAXIMUM HEIGHT
	10.5 MAXIMUM HEIGHT
	11.5m MAXIMUM HEIGHT
	12.0m MAXIMUM HEIGHT
	13.0m MAXIMUM HEIGHT
	13.5m MAXIMUM HEIGHT
	15.0m MAXIMUM HEIGHT
	16.5m MAXIMUM HEIGHT
	18.0m MAXIMUM HEIGHT
	21.5m MAXIMUM HEIGHT
	24.0m MAXIMUM HEIGHT
GENERAL	
	AREAS EXCLUDED FROM THE PLAN
	LOCAL GOVERNMENT AREA BOUNDARY
<small>Base Mapping Data supplied by New South Wales Department of Lands, Panorama Avenue BATHURST NSW 2795 www.lands.nsw.gov.au</small>	

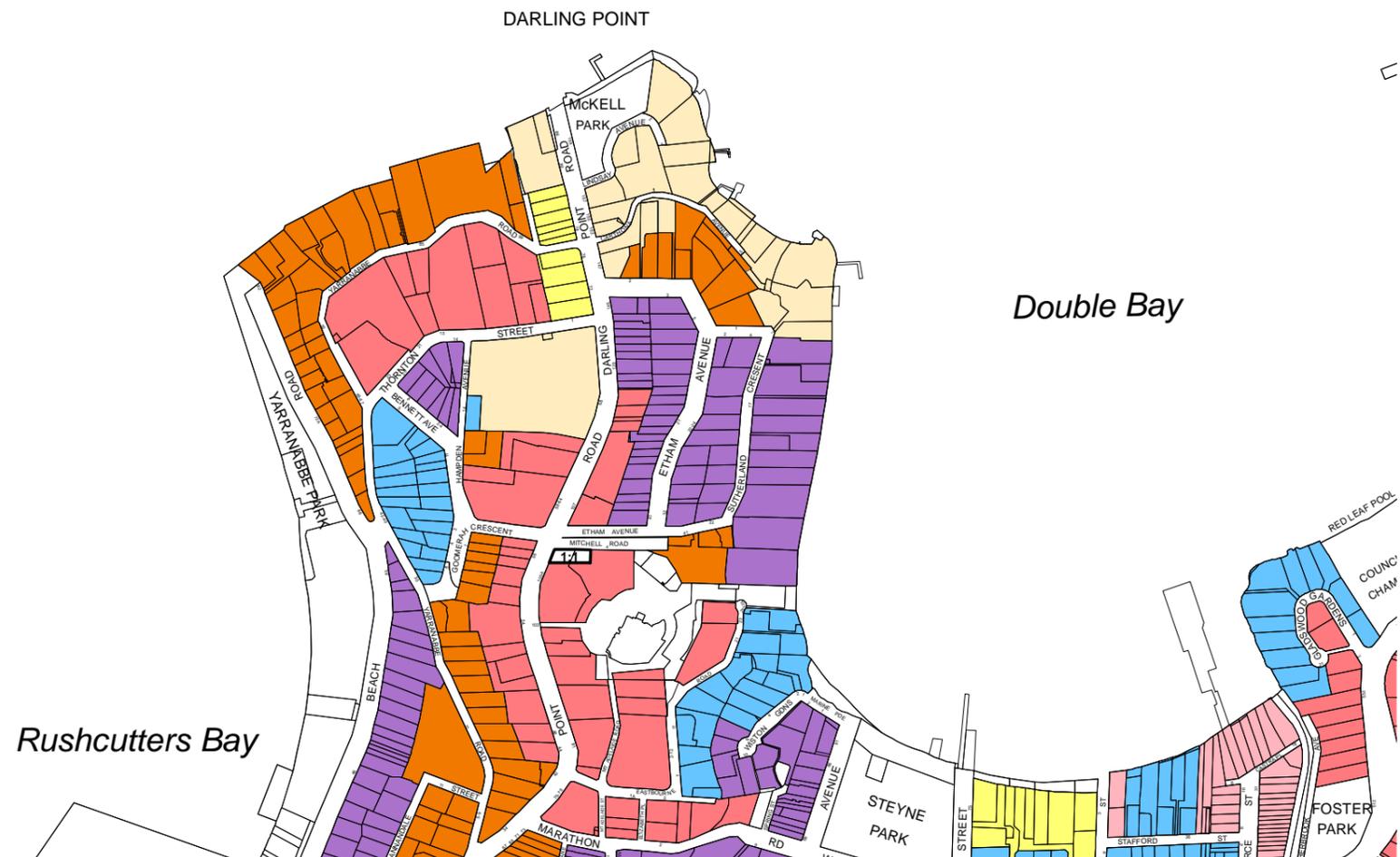


1.3.4 LEP - FSR and Minimum Lot Sizes - Current LEP

- The Woollahra LEP 1995 specifies a maximum FSR of 0.875:1
- The 1995 LEP does not specify a minimum lot size

LEGEND	
MINIMUM ALLOTMENT SIZE	MAXIMUM FLOOR SPACE RATIO
	1100m ²
	675m ²
	400m ²
	350m ²
	230m ²
	0.625:1
	0.75:1
	0.875:1
	1:1
	1.25:1

GENERAL	
1. FLOOR SPACE RATIO STANDARDS APPLYING TO THE LAND ZONED "BUSINESS" ARE GIVEN ON THE MAP	
2.  AREAS EXCLUDED FROM PLAN	
3.  LOCAL GOVERNMENT AREA BOUNDARY	





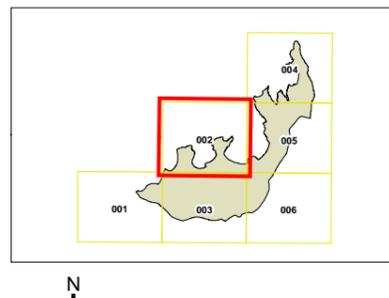
**Woollahra Local
Environmental Plan
DRAFT FOR
EXHIBITION 2013**

Lot Size Map - Sheet LSZ_002

Minimum Lot Size (sq m)

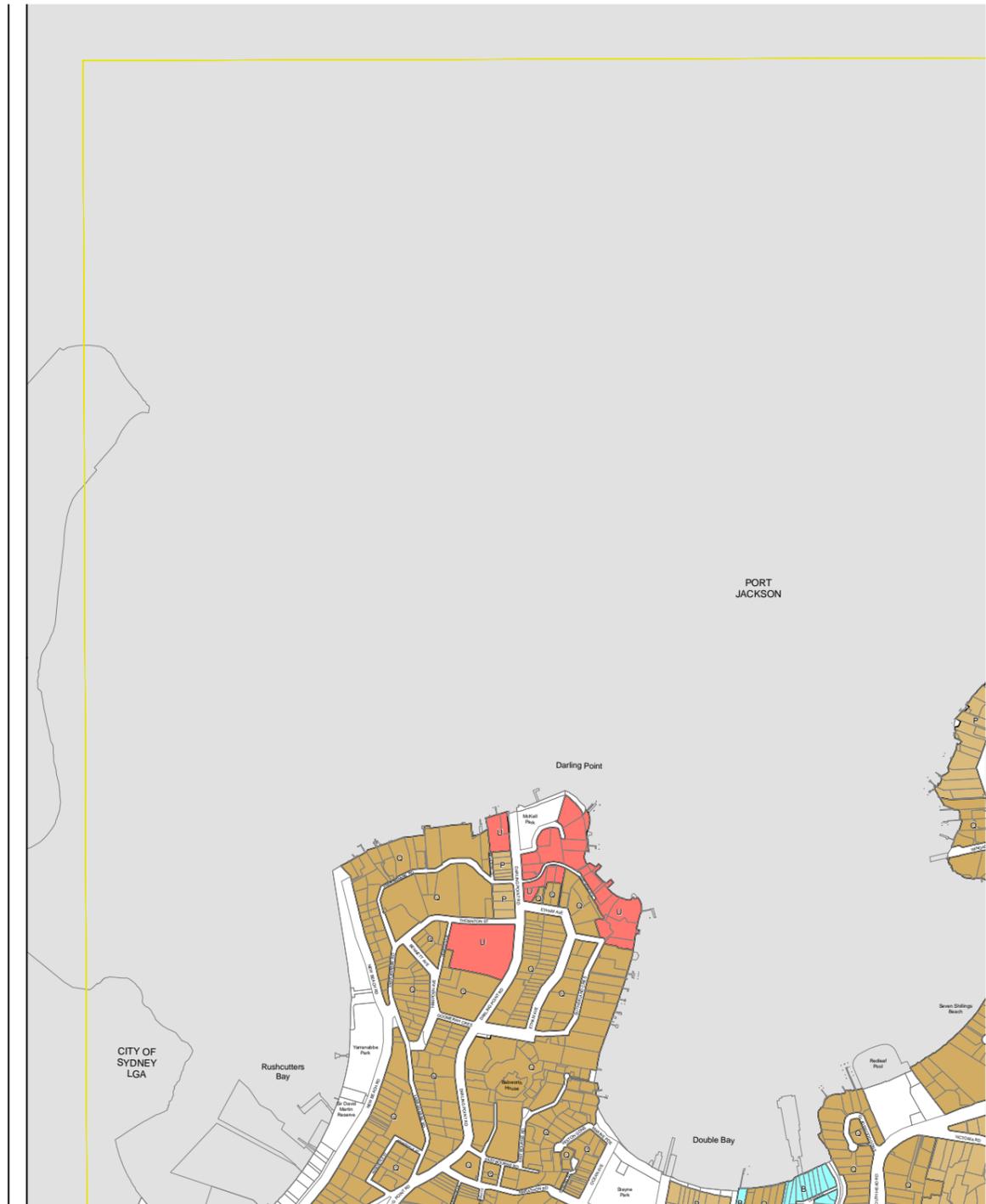
B	230
E	350
F	400
P	675
Q	700
U	1100

Cadastre
 Cadastre 25/7/13 © Woollahra Municipal Council



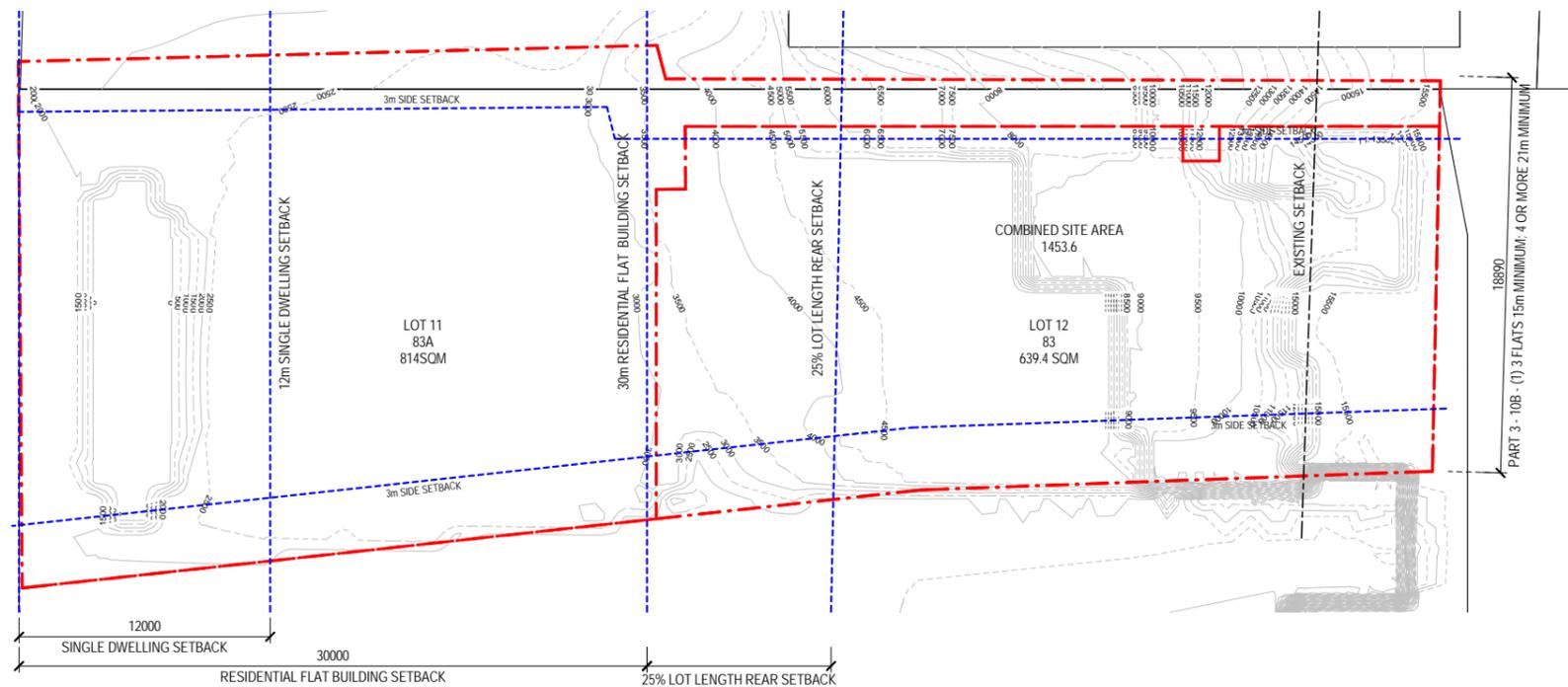
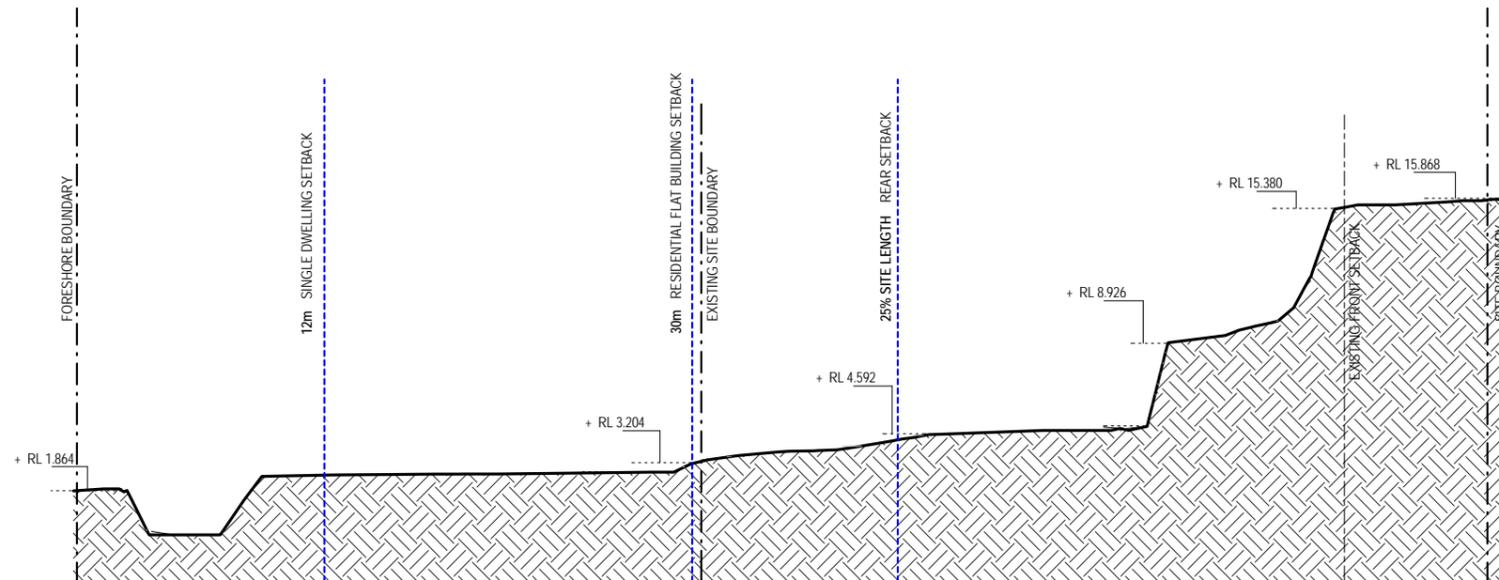
1.3.5 FSR and Minimum Lot Sizes - Draft LEP 2013

- The Draft LEP specifies a maximum FSR of 0.9 : 1
- The Draft LEP 2013 specifies a minimum lot size of 700Sqm



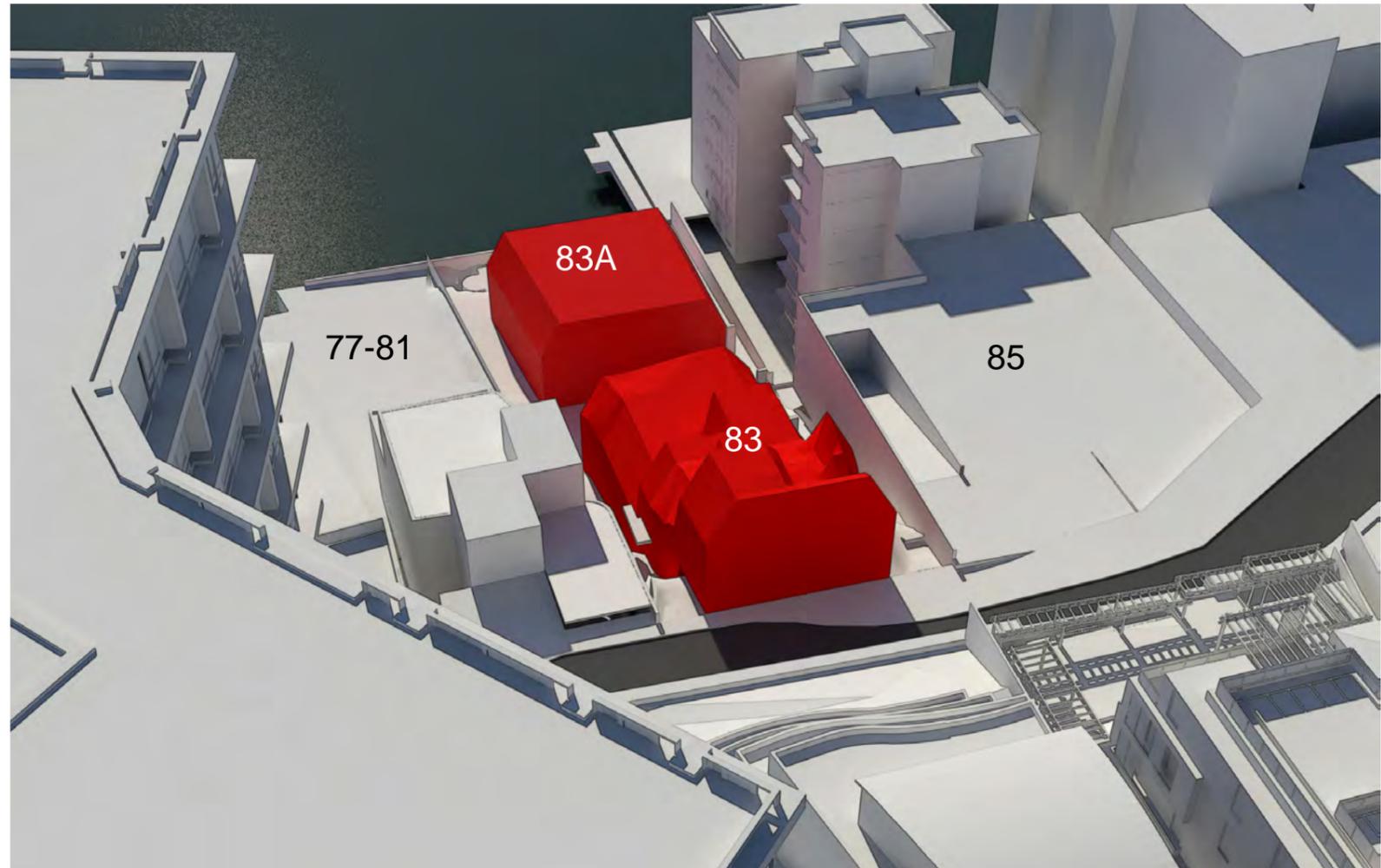
1.3.6 DCP Controls

- Front Setbacks - C 5.2.2 Unless otherwise indicated in Part 4 the front setbacks are consistent with those of adjoining buildings.
- C 5.2.3 Buildings have a minimum rear setback of 25% of the average site length
- Side boundary setbacks - C 4.1.4 Where the site lot width is equal to or exceeds 18.0m at the front alignment, development has a minimum side boundary setback of 3.0m .This side setback is increased on a pro rata basis by 0.5m for each metre or part thereof that the building height adjacent to the boundary exceeds 6.0m.

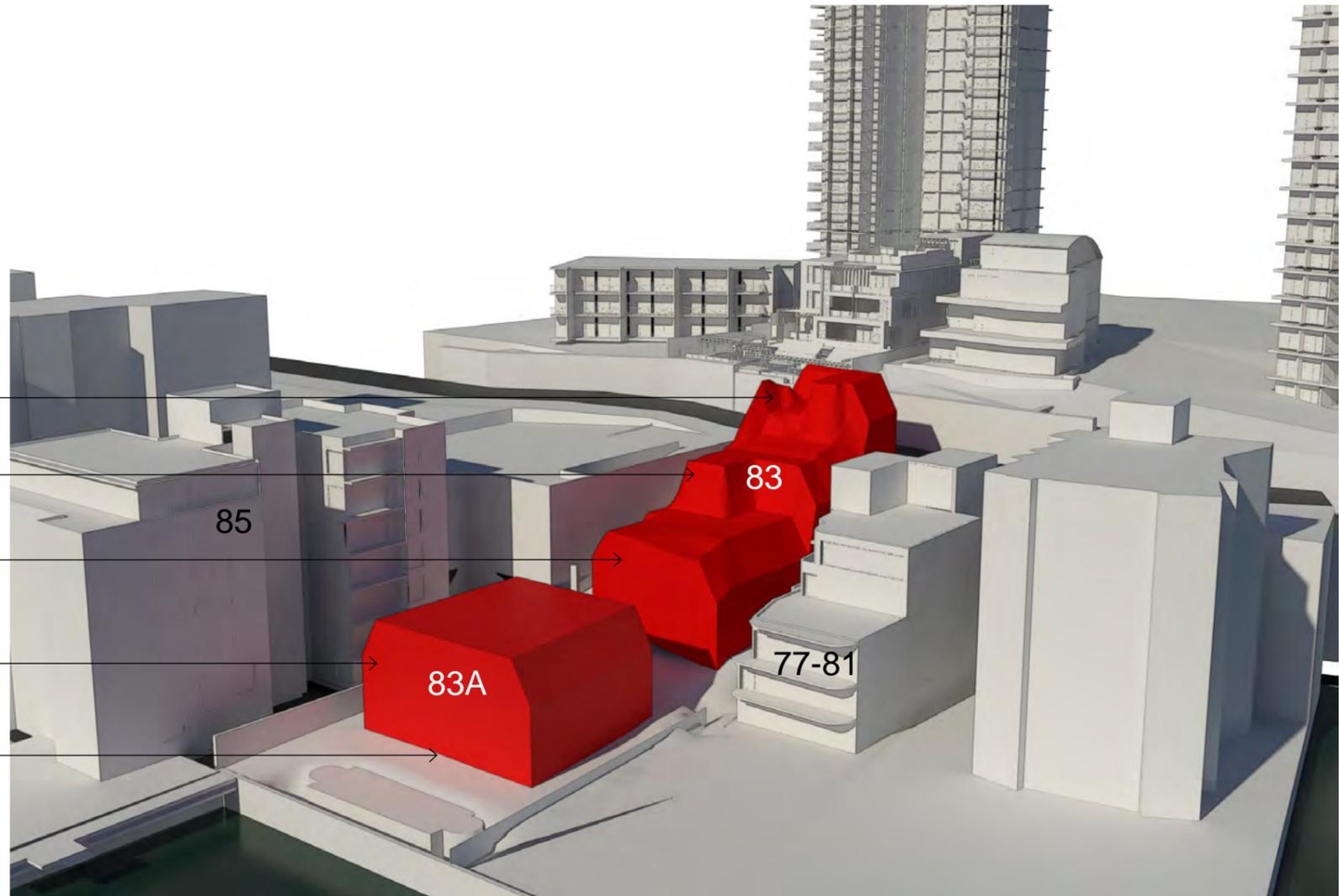


1.3.7 Compliant Building Envelope

- The envelope illustrated under 4.6 is the geometric realisation of the existing development controls on the site.
- 83A and 83 Yarranabbe Road are maintained as separate lots.
- 83A provides an envelope for a dual occupancy detached dwelling located on the 12m foreshore building line.
- Both envelopes maintain a 3m side setback increasing on a pro rata basis by 0.5m for each metre or part thereof that the building height adjacent to the boundary exceeds 6.0m
- Both envelopes heights are set at 9.5m from existing ground level.
- The RFB rear setback is 25%of the lot length.
- The RFB street front setback is left for future determination. The adjacent building setbacks are carparks and carpark utilities.



- Residential flat building on 83 Yarranabbe Road.
- 9.5m high building envelopes complying with DCP side setback control.
- 83 Yarranabbe Road rear setback is 25% of lot length.
- Dual occupancy building on 83A.
- 12m foreshore line setback

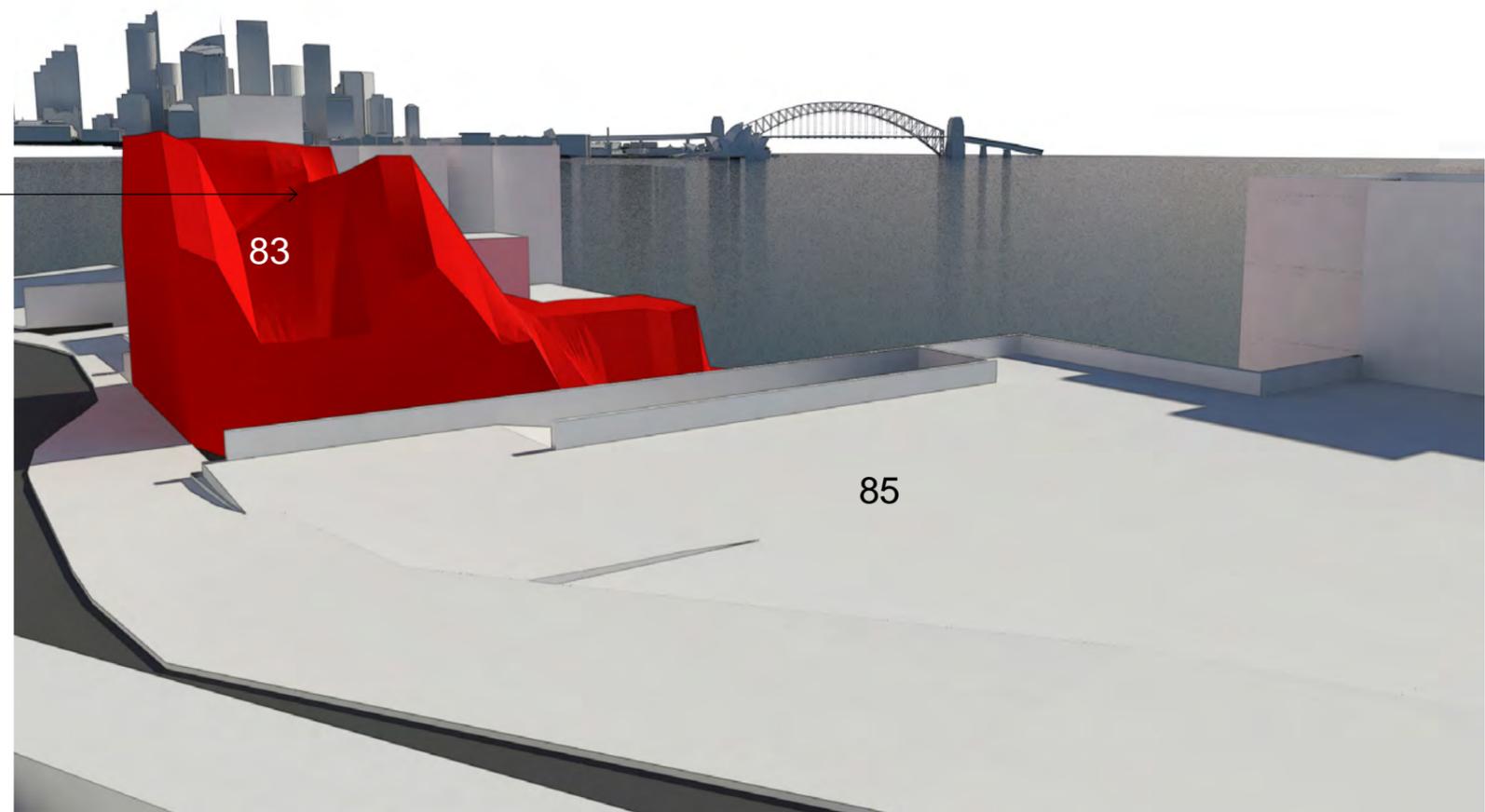


Control envelope derived from a strict application of the height and setback controls.

Foreshore envelope is set to the 12m foreshore setback line.



9.5m envelope height at Yarranabbe Road.



1.3.8 Compliant Building Form

- A potential building form derived from the compliant envelope demonstrates the shortcomings of the planning controls on the site.
- 2 buildings rather than one consolidated residential flat building are required to provide 5 residential dwellings.
- 83A's developable envelope maintains the current building footprint and increases the extent of the third storey within the 9.5m height control.
- The residential flat building on 83 Yarranabbe Road has a rear setback of 25% of lot length resulting in a building separation which limits access to light and views.
- Excessive height on Yarranabbe Road creates view loss to neighbours and precinct.
- The highly varied topography of the site means a building complying with a 9.5m height limit from existing ground has uneven, inefficient massing and floor plates. These floor plates do not step with the perceived gradient of the lot and have poor environmental and view amenity.

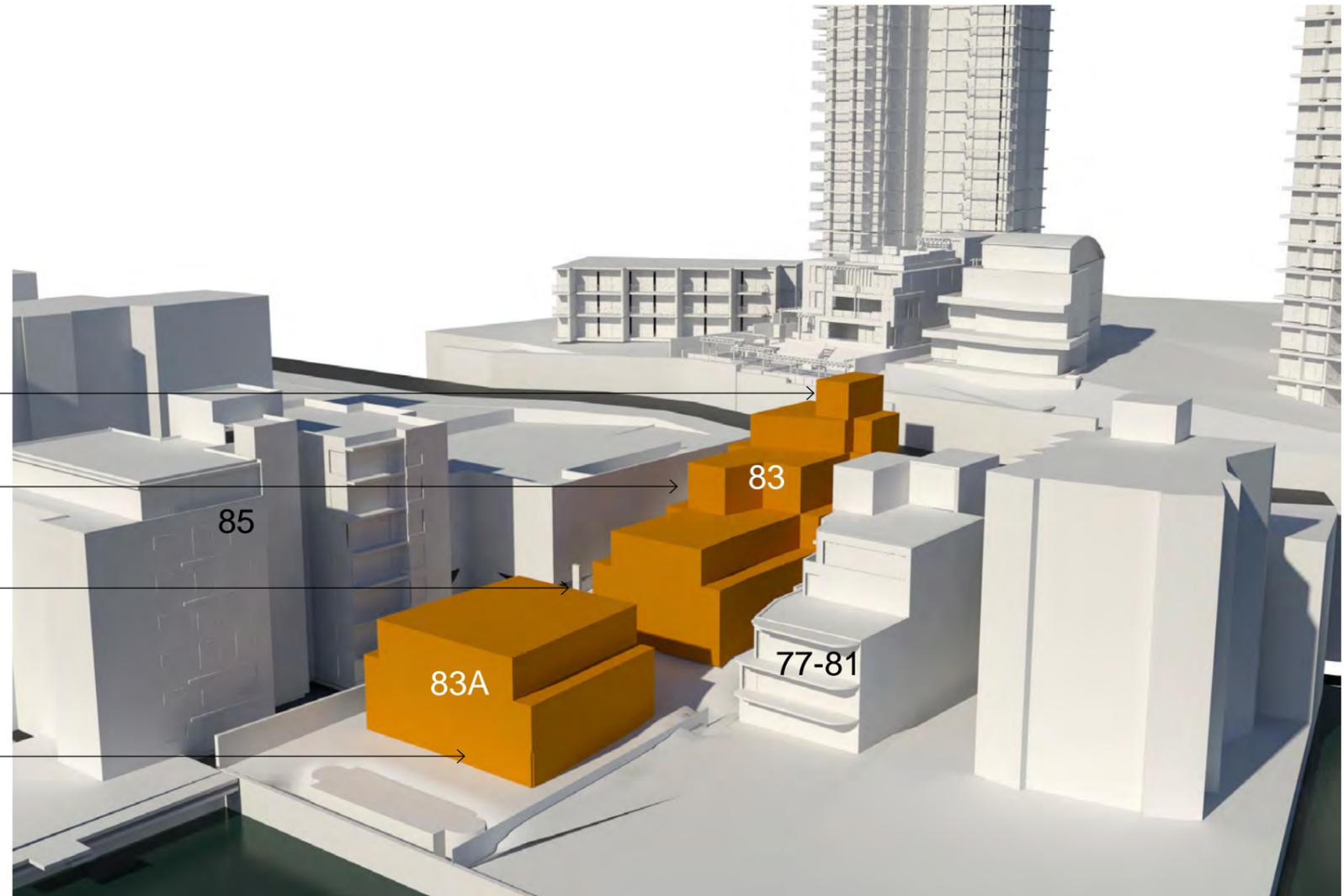


Residential flat building on 83 Yarranabbe Road.

9.5m high building envelopes complying with DCP side setback control. Street level area limited to foyer and car parking service provision.

Compliant setback between dual occupancy and residential flat building provides compromised solar and view amenity to development and 77-81 Yarranabbe Road.

Dual occupancy building on 83A with compliant height and setbacks.

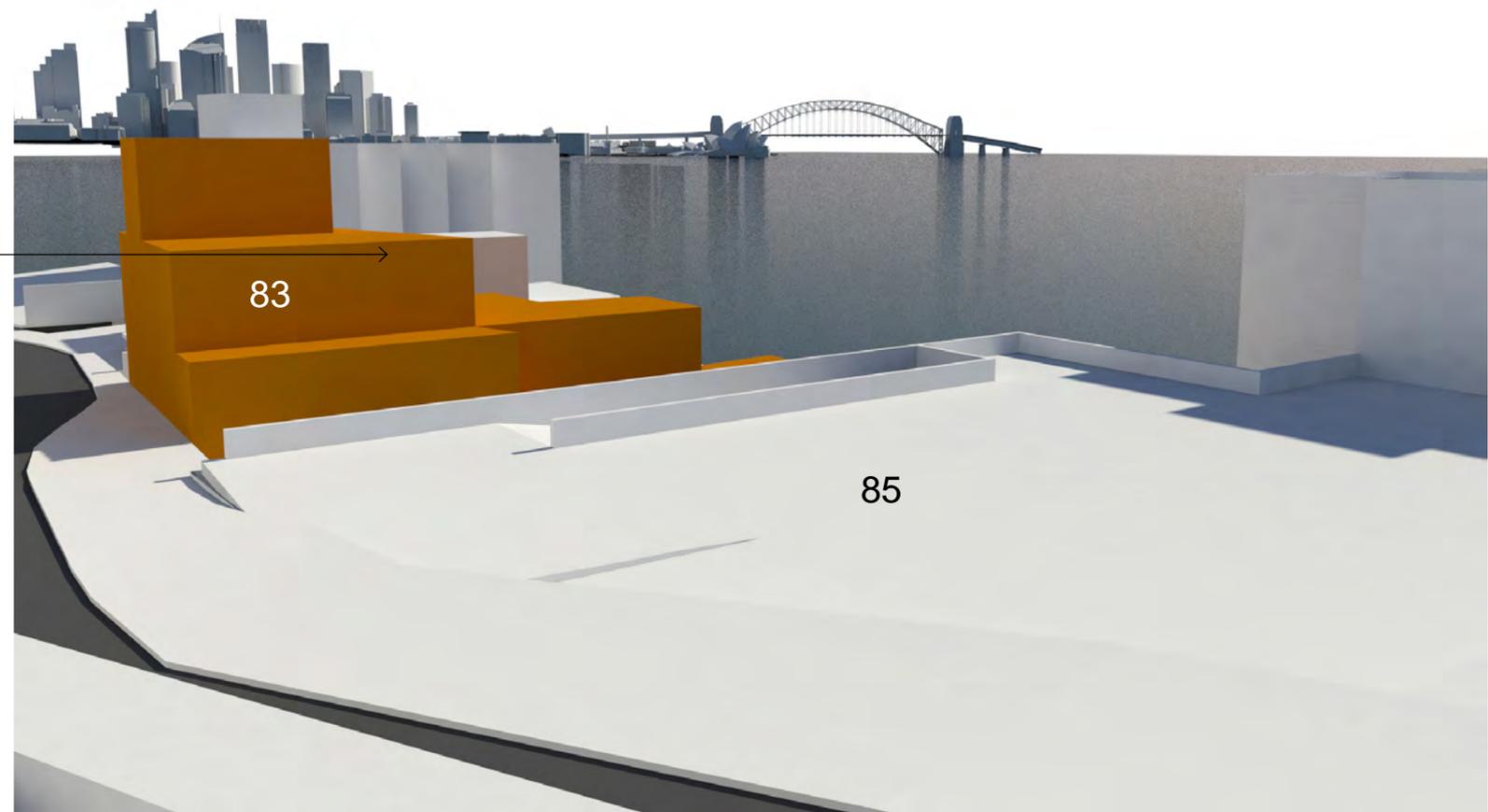


Building forms derived from a strict application of the height and setback controls.

Foreshore building is set to the 12m foreshore setback line.



Built form is required to street front boundary to accommodate a 2 storey unit at street level (Lv5 and Lv6), a residential lift lobby and a carpark lift lobby. A lift overrun and motor room are contained in the highest portion of the allowable 9.5m envelope.

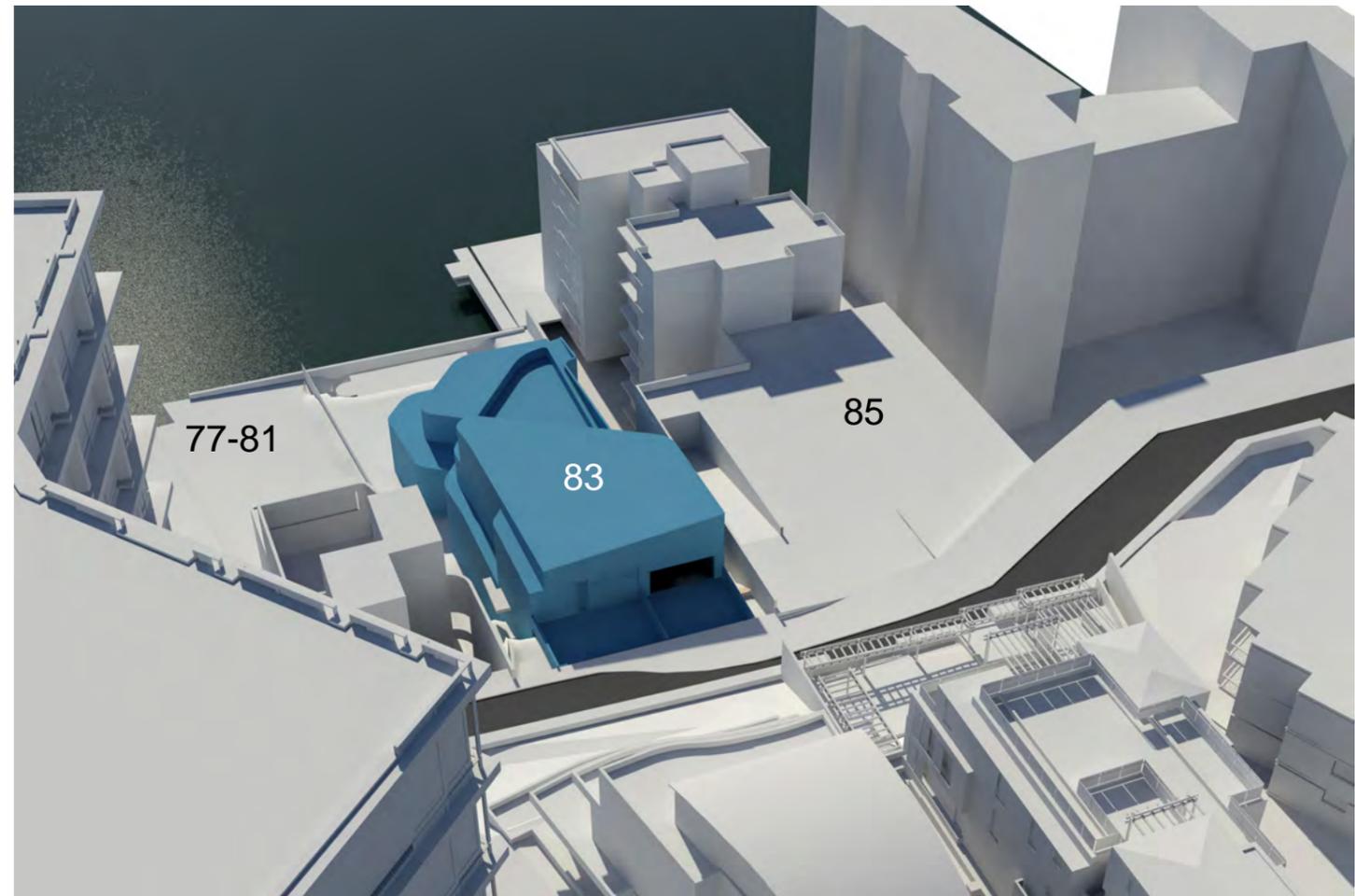


1.4 The Planning Proposal And Built Form Principles

1.4.1 Planning Proposal Envelope

Given the short comings of a compliant scheme a Planning Proposal (PP) envelope was designed to achieve the following criteria.

1. Yield – Increases the site's dwelling density from 2 dwellings to 5
2. Building, environmental and economic efficiency – Consolidates two sites and two buildings into one.
3. Views- Maintains or improves existing precinct and neighbouring views toward the harbour, particularly the iconic views of the Harbour Bridge and Sydney Opera house. Views are maintained and in some cases improved to 13-15 ,17 ,17A Thornton Street and 85 and 77-81 Yarranabbe Road and street level. Provides improved view opportunity for five residential units
4. Solar Access – Maintains winter solstice solar access to adjacent neighbours. In particular maintains solar access to the North East kitchen windows of 77-81 Yarranabbe Road. This is achieved by subtracting a large volume on the North West from the possible PP envelope allowing winter solar access to the said windows. The PP envelope improves winter solstice solar access to the lower western units of 85 Yarranabbe Road. The envelope provides opportunity for good solar access to all units of the future building development.
5. Street front presentation – Provides an envelope that minimises car parking and car parking utilities on Yarranabbe Road. Provides the opportunity for a residential unit and an attractive and inviting building entrance at Yarranabbe Road.
6. Logical and Efficient Massing – Provides an envelope which allows the development of 5 residential flats in a stepped mass that reinforces the topography of the site and precinct. Provides a mass with efficient floor plates accessing improved solar, view and ventilation amenity.
7. Opportunity for Architectural excellence – Provides a site specific envelope that responds to its context. In doing so this provides opportunity for a unique and tailored architectural response.



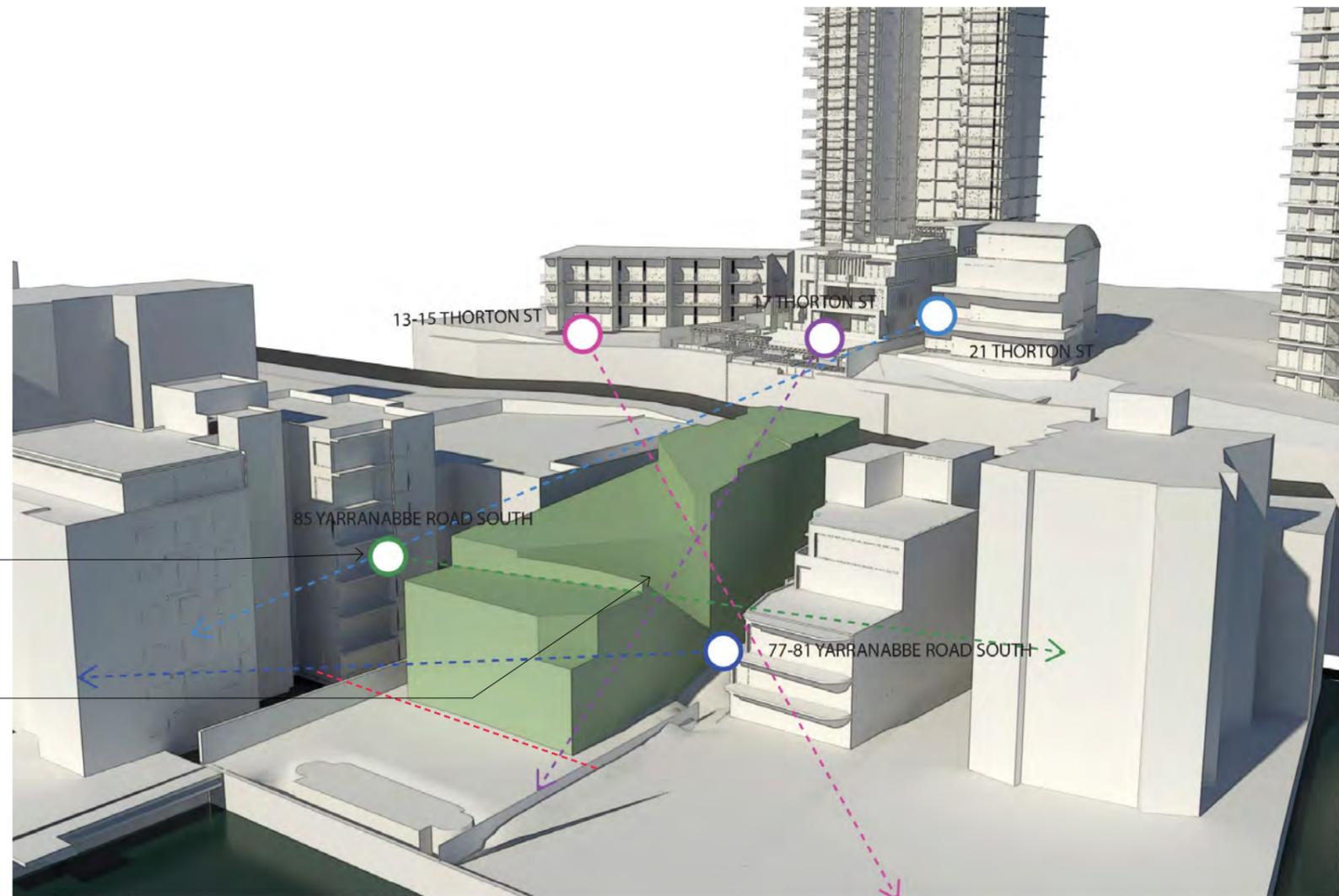
1.4.2 Planning Proposal Envelope Base Envelope

A Planning Proposal envelope mass was constructed by extruding a block defined by

- **18m foreshore building line.** This setback aligns with the Southern mass of 85 Yarranabbe Road.
- The setback provides an additional 6m of foreshore space compared to the compliant envelope solution.
- The setback provides improved view corridors to 85 Yarranabbe Road.
- **3m side setbacks** complying with precinct controls.
- **6m street front setback** matching the existing houses setback on Yarranabbe Road.

This mass then had volumes removed by

- Subtracting the neighbouring view corridors. This maintains the most marginal views and results in zero view loss. View corridors are maintained and improved for 77-81, 85 Yarranabbe Road and 13-15, 17, 17A Thornton Street.
- Subtracting a “solar cone” maintaining winter solstice sun access to the North East kitchen windows of 77-81 Yarranabbe Road. Winter solar access is improved for 77-81 and 85 Yarranabbe Road when compared to current conditions and a compliant envelope.



1.4.3 Planning Proposal Envelope Refinement

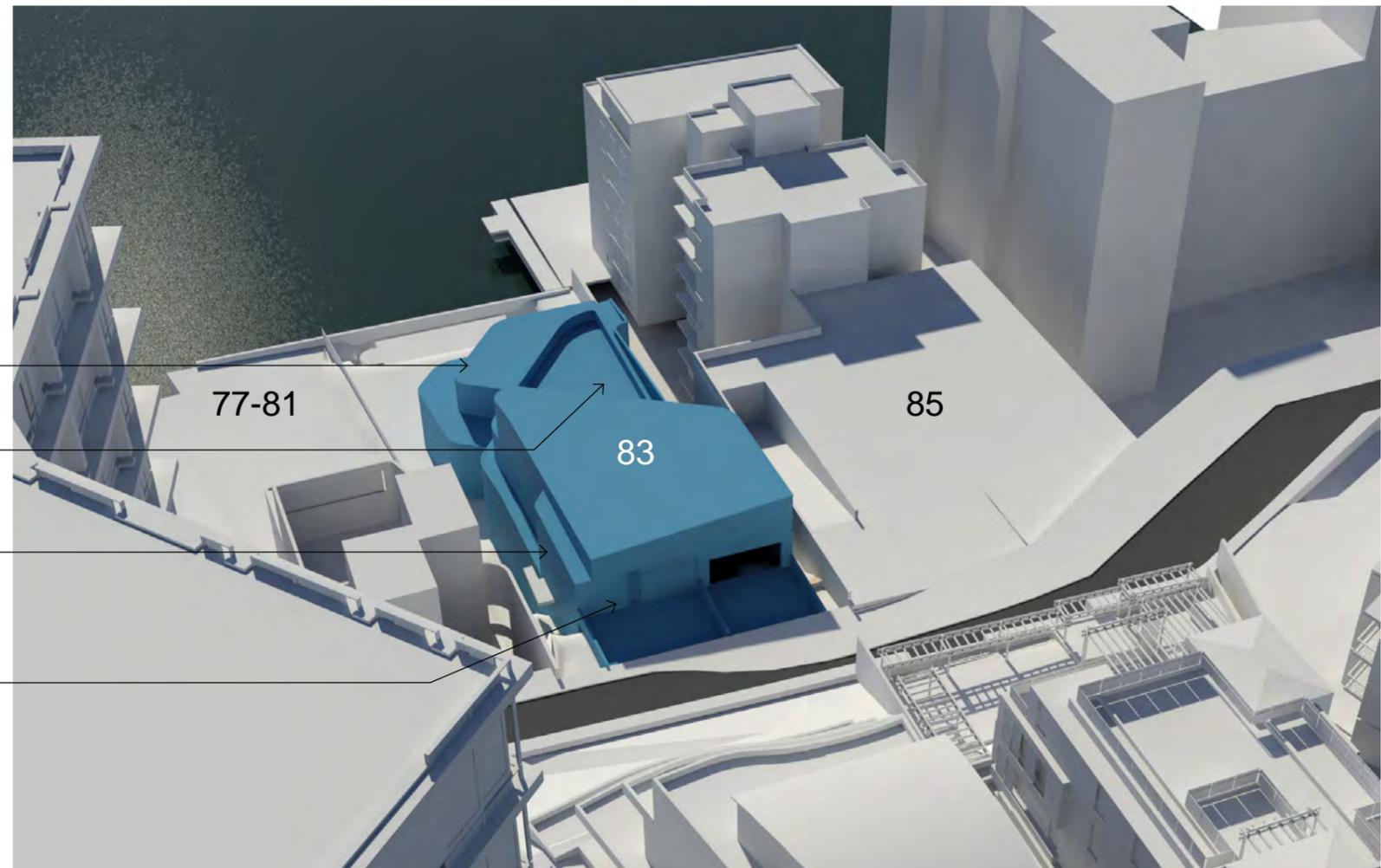
2 Lots consolidated into 1 with a single residential flat building with 5 units.

Building setback 18m from harbour foreshore.

Upper envelope mass angled to provide uninterrupted Opera House and Harbour bridge views from street level and above.

Western setback stepped to provide solar amenity to 77-81 Yarranabbe Road and to provide a clear access way to Harbour front

Yarranabbe Road setback maintained. Height reduced from 9.5m to 5.7m on Yarranabbe Road.



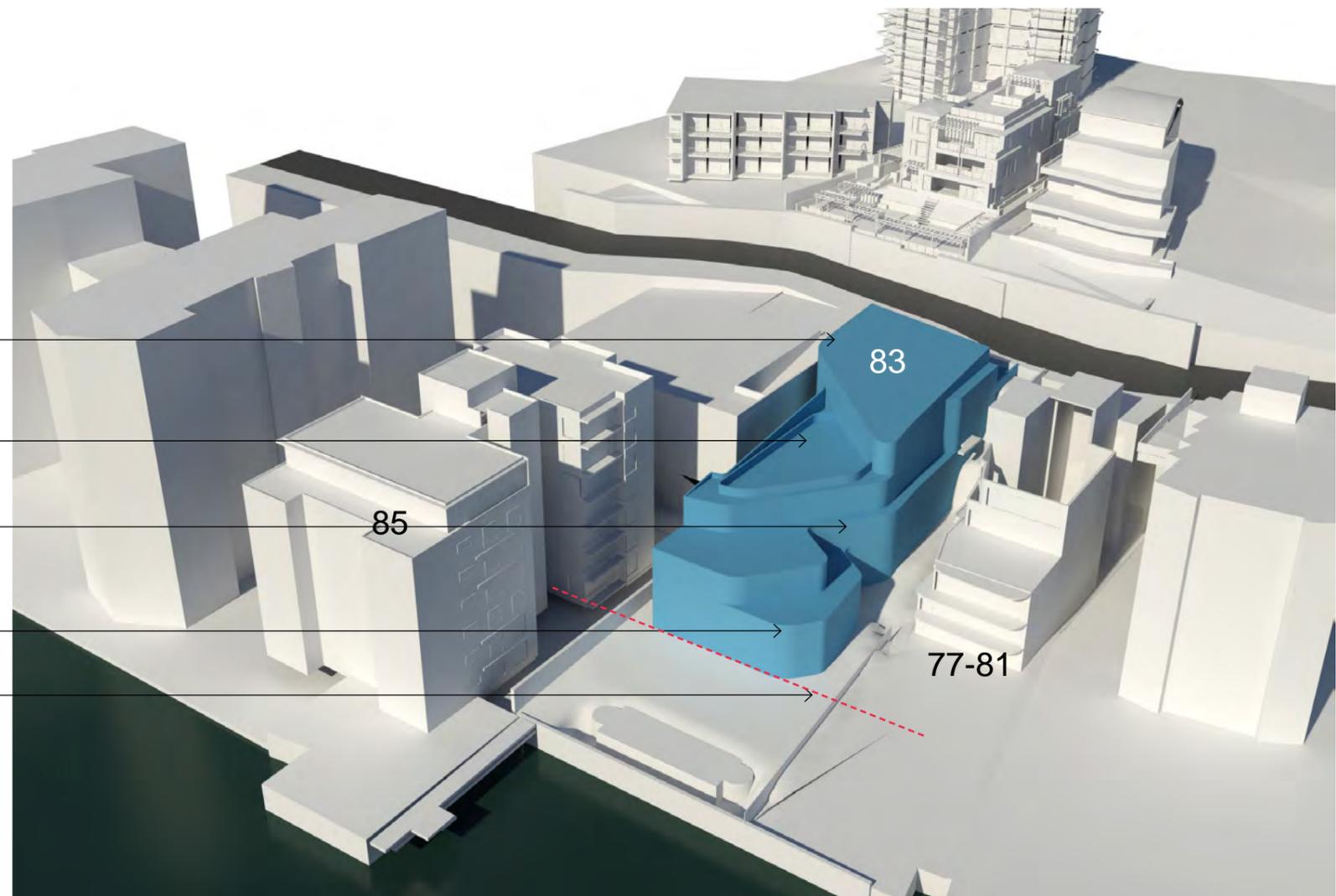
Angled roof from South to North and East to West increases summer sun access to 77-81 Yarranabbe Road.

Sight lines maintained and increased to Opera house and Harbour bridge.

Mass angled and removed to maintain and increase winter solstice solar access to 77-81 Yarranabbe Road. Landscaped outlook provided to 77-81 kitchen windows.

Sight lines maintained and increased to 85 and 77-81 Yarranabbe Road.

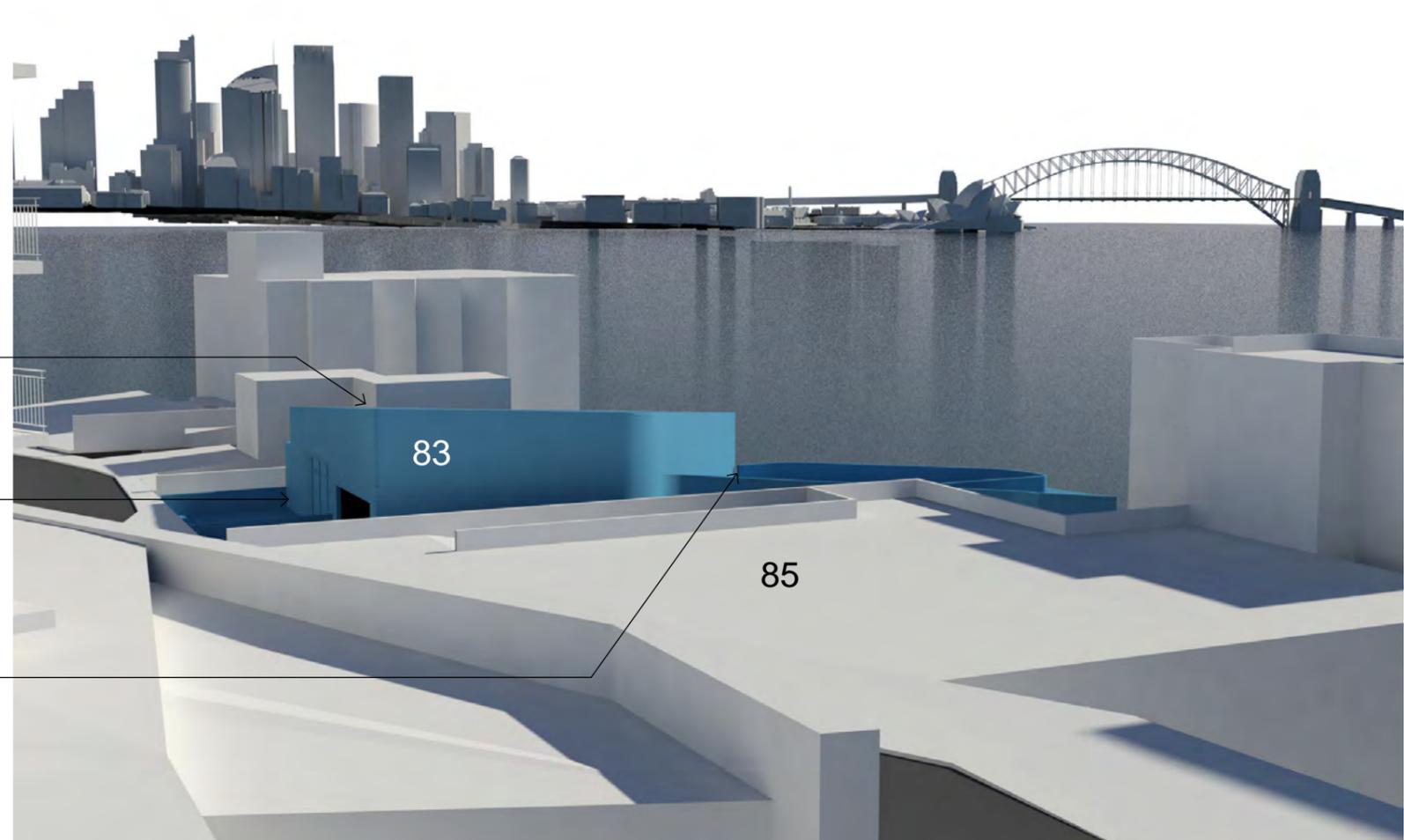
Building setback 18m from harbour foreshore. Aligns with Southern mass of 85 Yarranabbe Road.



Roof shaped to maximise neighbouring views to the harbour and summer morning solar access to 77-81.

Mass setback 6m from street front lot boundary.
Opportunity for attractive lobby, visitor parking and landscape elements.

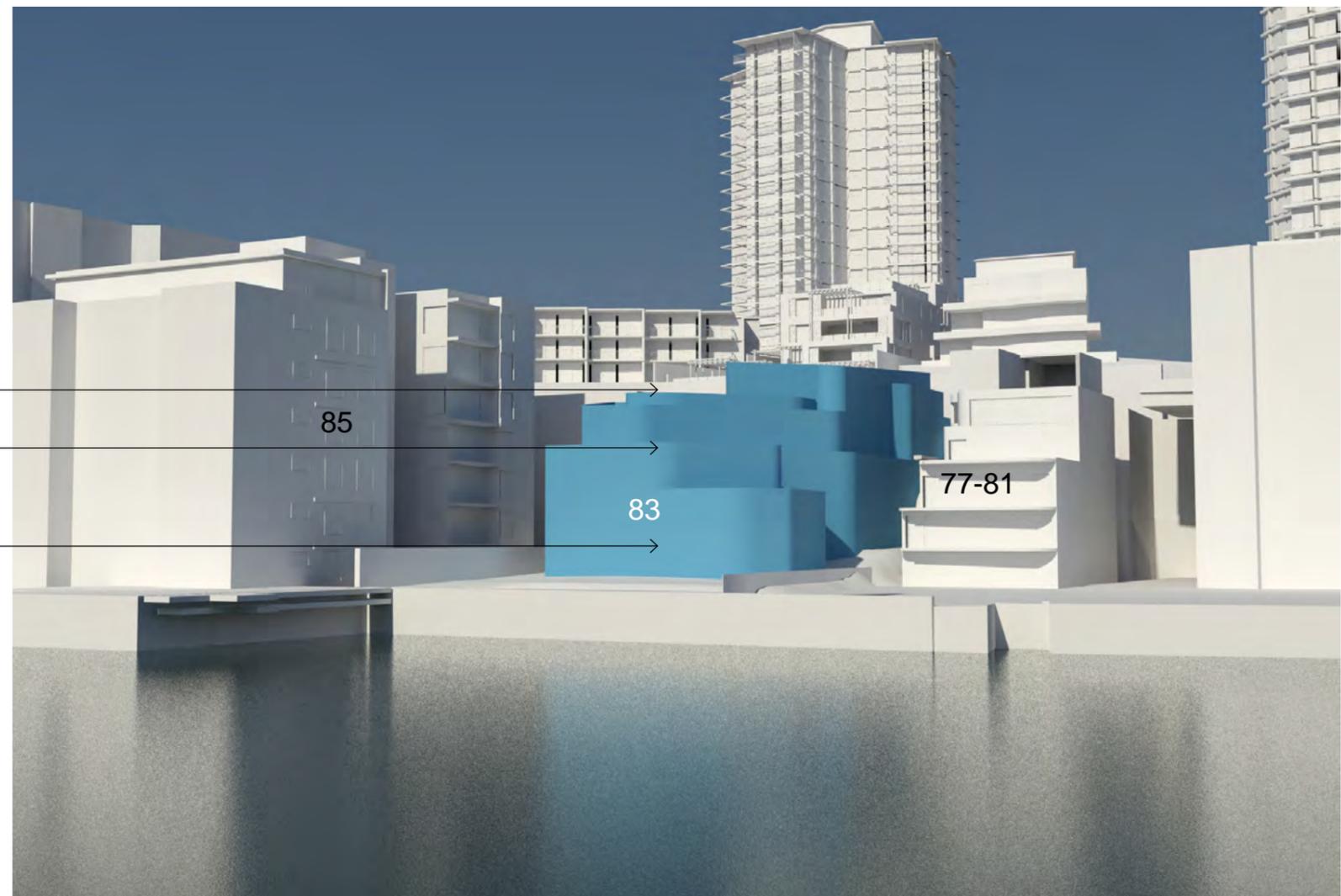
Envelope shaped to maintain and increase neighbour and street views to the Opera house and Harbour bridge.



The envelope provides significant environmental amenity benefits to the site and its neighbours. The stepped form twists and steps to open solar and view access to its floor plates and the Eastern facade of 77-81.

The consolidation of two buildings into one provides an 18m harbour foreshore setback.

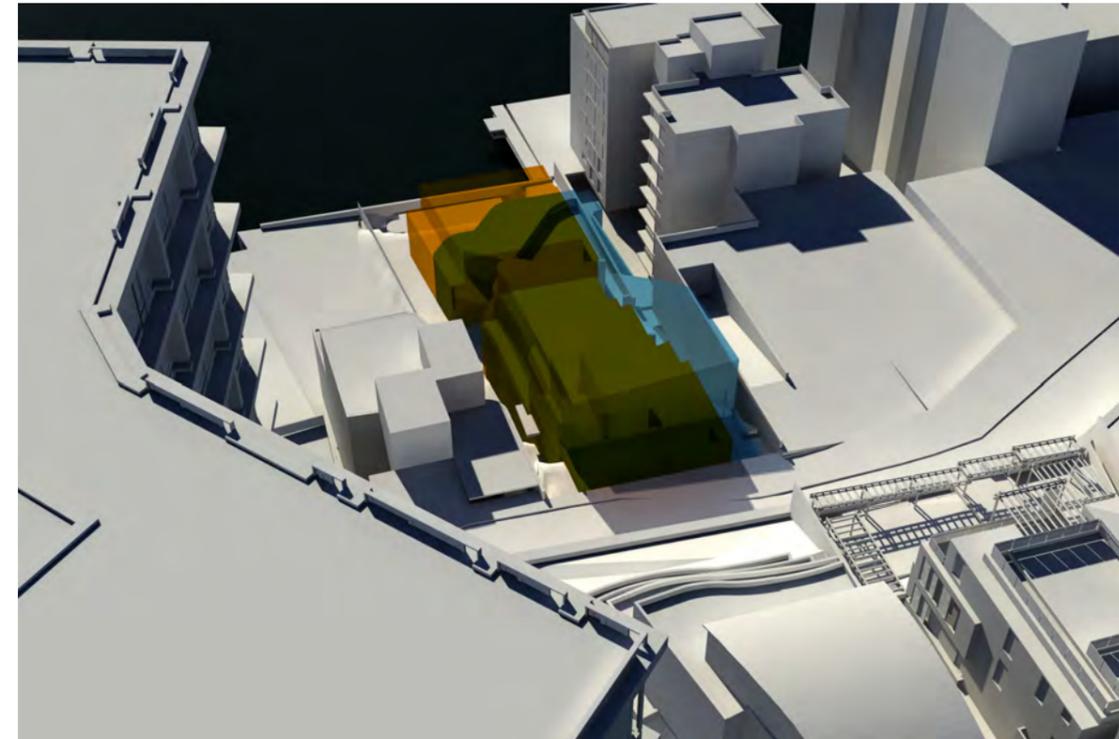
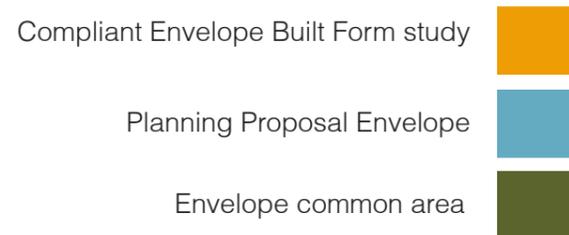
View and solar access amenity is increased by responding to site specific conditions.

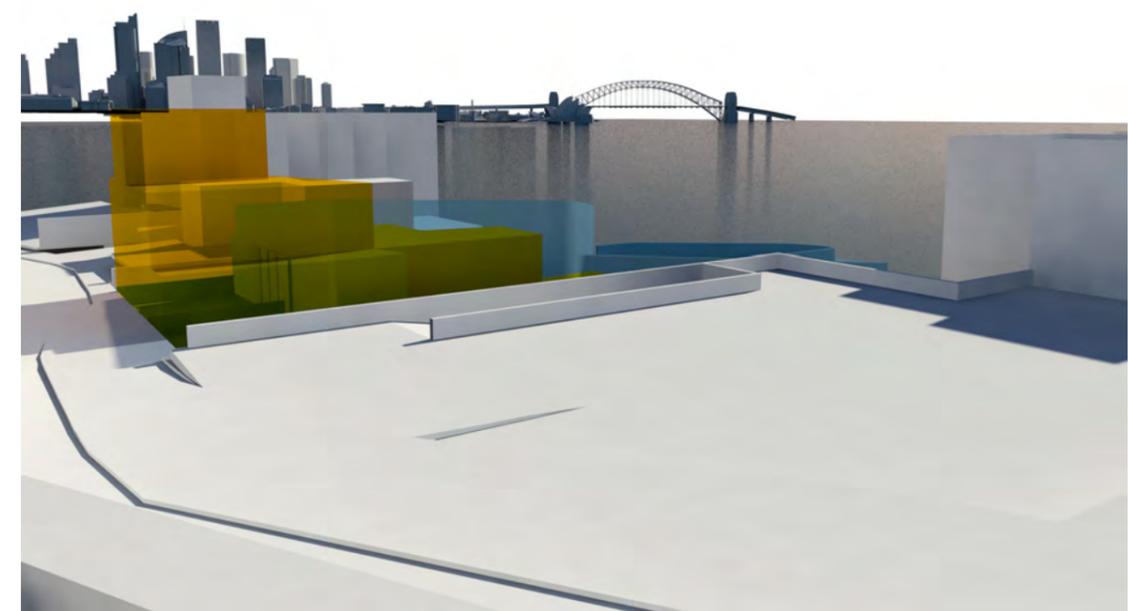
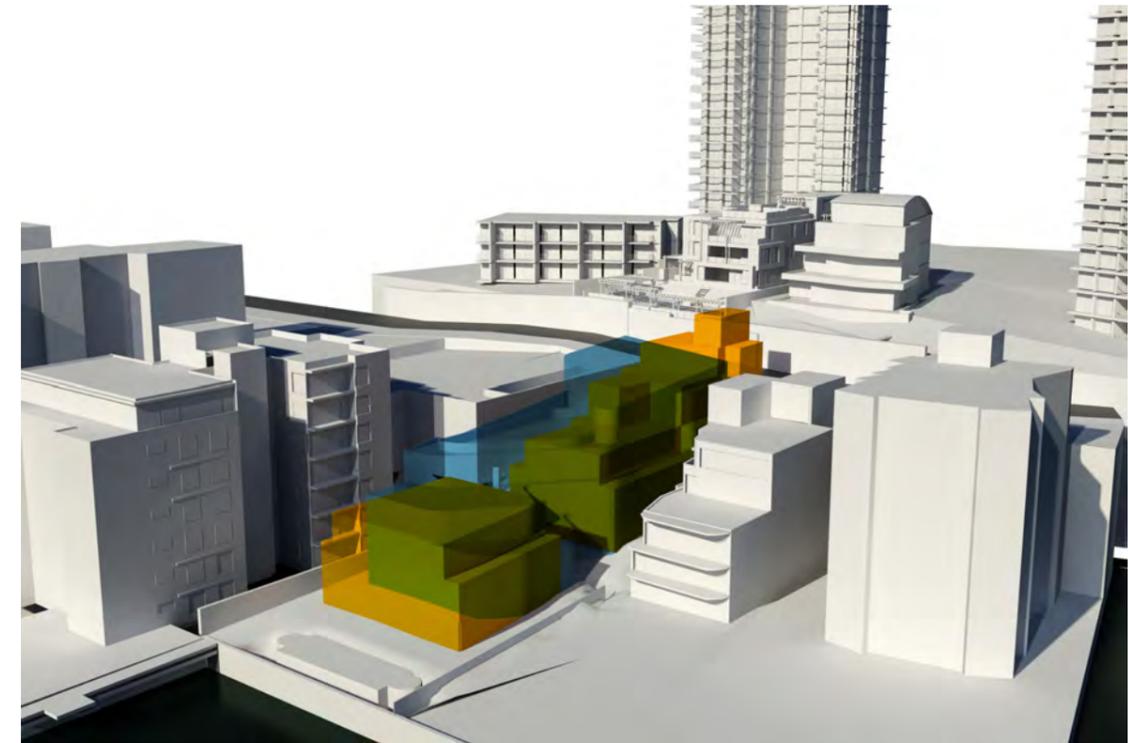


1.5 Scheme Comparisons

1.5.1 Massing Comparison

- The Compliant building form envelope and the Planning Proposal Envelope are overlaid for mass comparison.
- The Compliant envelope has more mass situated toward the harbour foreshore and the street front at Yarranabbe Road.
- The Planning Proposal Envelope has more mass located in the middle of the site.
- The Planning Proposal Envelope provides greater solar and view access than the compliant envelope for both the development and its neighbours.





Compliant Envelope Built Form study



Planning Proposal Envelope



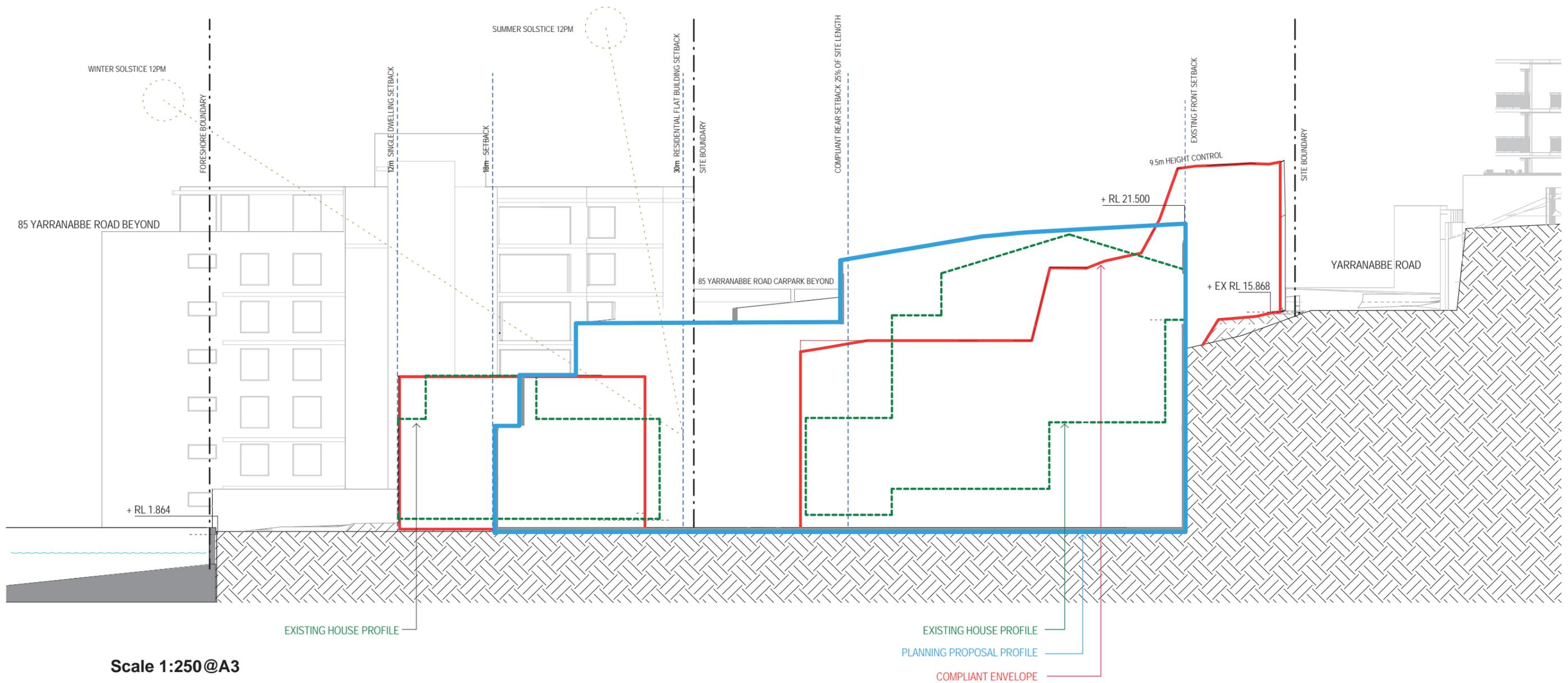
Envelope common area



1.5.2 Section Comparison

Section through

- Current Built Form- Green Line
- Compliant Envelope - Red Line
- Planning Proposal Envelope - Blue Line



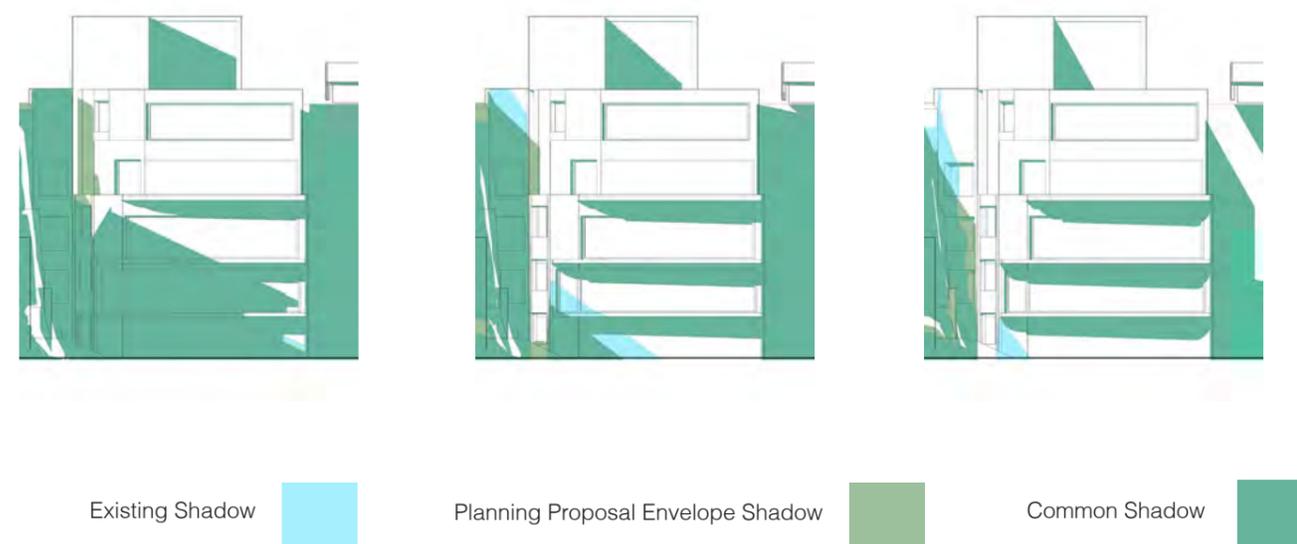
1.5.3 Solar Access Comparison

- The Compliant Envelope and Planning Proposal Envelope were assessed for their overshadowing impacts during the winter solstice.
- The Compliant Envelope has greater overshadowing upon 77-81 Yarranabbe Road than the current condition.
- The Planning Proposal envelope provides greater winter solstice solar access to 77-81 than the current condition and the compliant envelope.
- Particular attention was given to maintaining or improving winter solstice access to 77-81 Yarranabbe Road.
- The Planning Proposal envelope provides greater winter solar access to 85 Yarranabbe than the current condition and the compliant envelope.
- Shadow diagrams shown on page 55 demonstrate winter solar access improvement to four units on levels 1-4 located on the South West of 85 Yarranabbe road.

Compliant Envelope

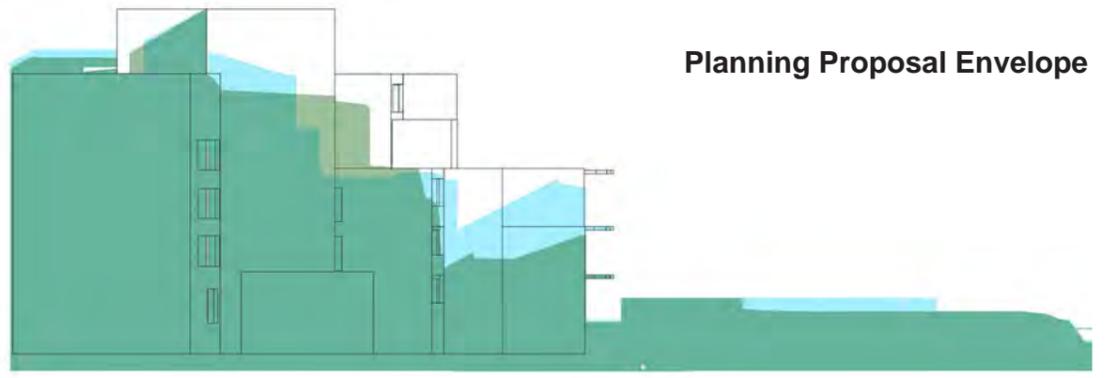
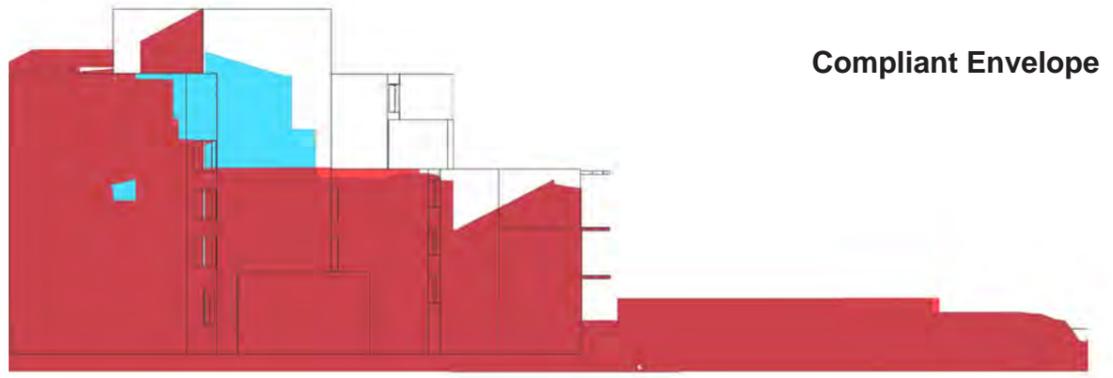


Planning Proposal Envelope

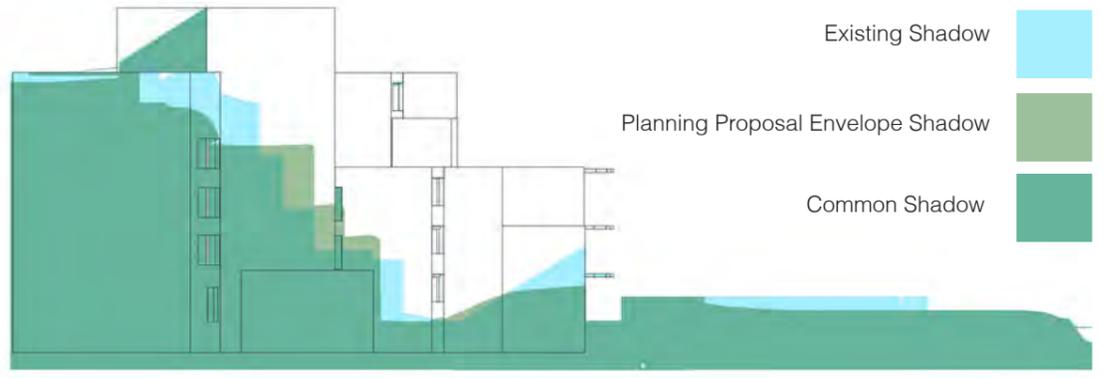
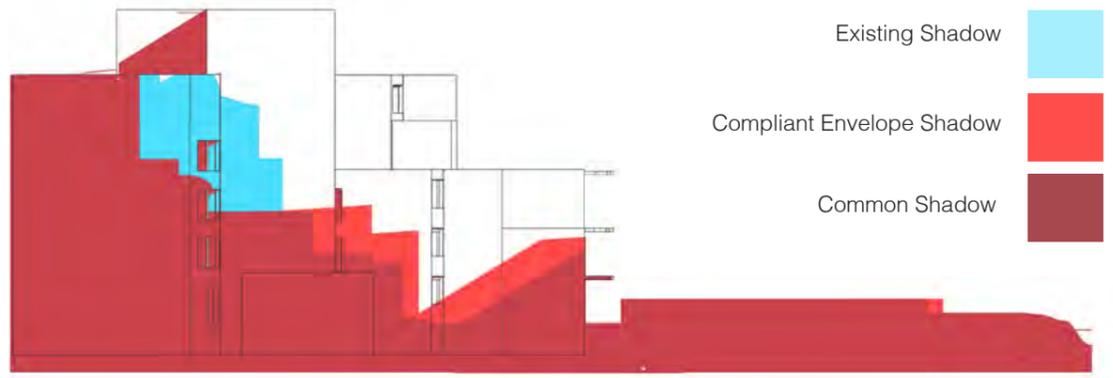


Note: 85 Yarranabbe road overshadows 83 and 77-81 Yarranabbe Road until 9am during winter solstice. Relevant overshadowing calculated from 9am to 12pm when overshadowing onto 77-81 Yarranabbe occurs.

77-81 Yarranabbe Road - Eastern Facade Winter Solstice Shadow



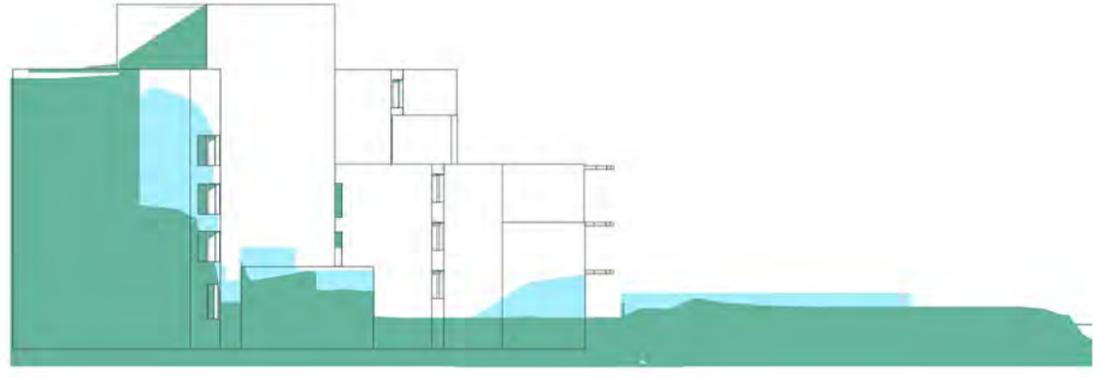
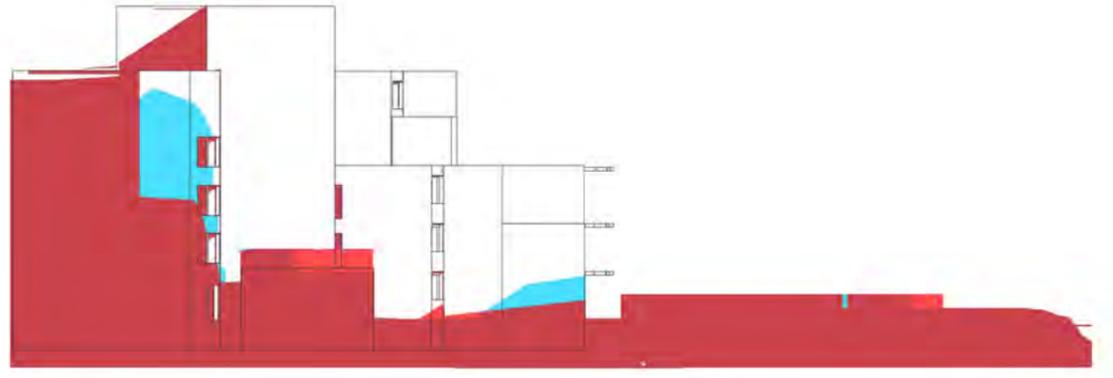
9am_June 21



Existing Shadow ■
 Compliant Envelope Shadow ■
 Common Shadow ■

Existing Shadow ■
 Planning Proposal Envelope Shadow ■
 Common Shadow ■

10am_June 21



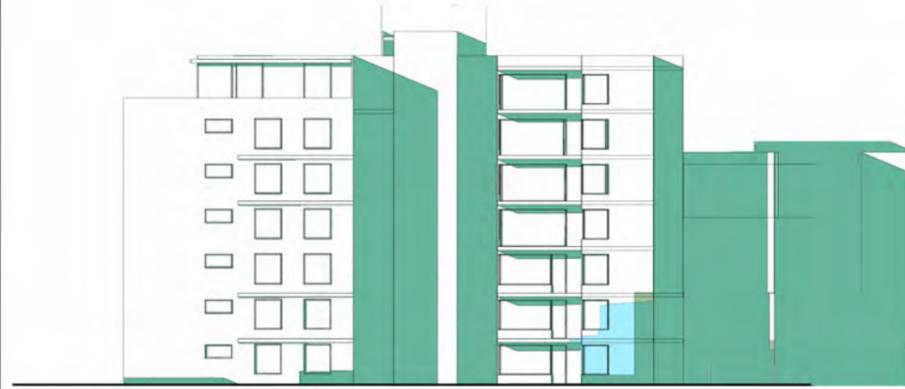
11am_June 21

Note: Shadows not cast upon 85 Yarranabbe Road during winter solstice until 3pm.

85 Yarranabbe Road - Western Facade Winter Solstice Shadow

Compliant Envelope

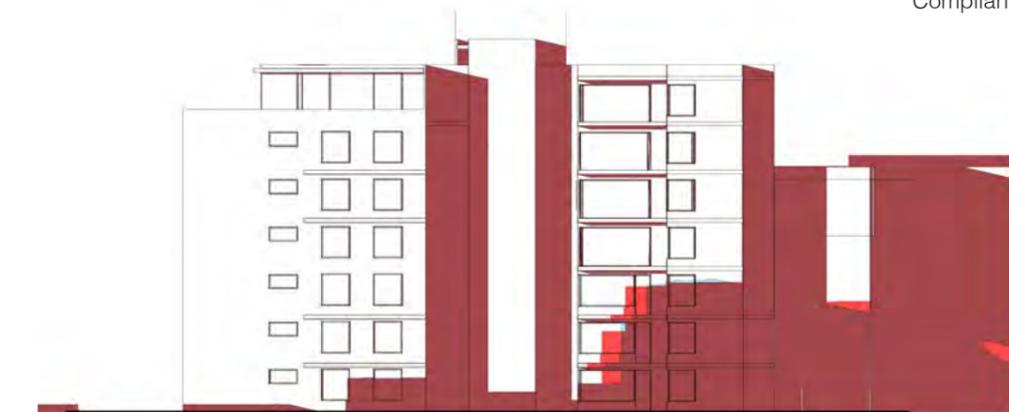
Planning Proposal Envelope



3pm_June 21

- Existing Shadow ■
- Compliant Envelope Shadow ■
- Common Shadow ■

- Existing Shadow ■
- Planning Proposal Envelope Shadow ■
- Common Shadow ■



4pm_June 21



5pm_June 21

1.5.4 View Impact Analysis - 13-15 Thornton St_Unit 5 Level 2



1.5.5 View Impact Analysis- 17A Thornton St_Level 1



1.5.6 View Impact Analysis- 17 Thornton St Level 4



Existing Built Form



Compliant Envelope



Compliant Built Form



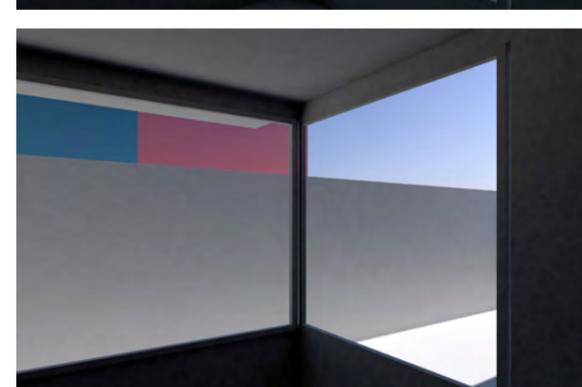
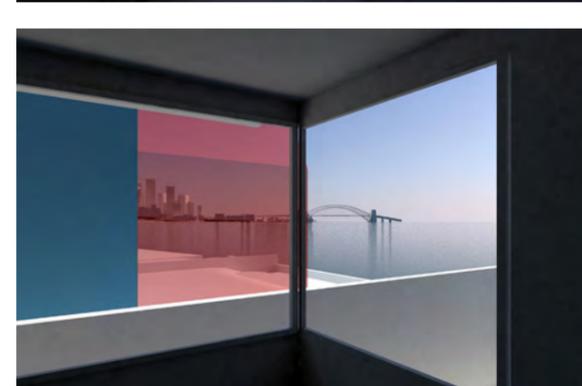
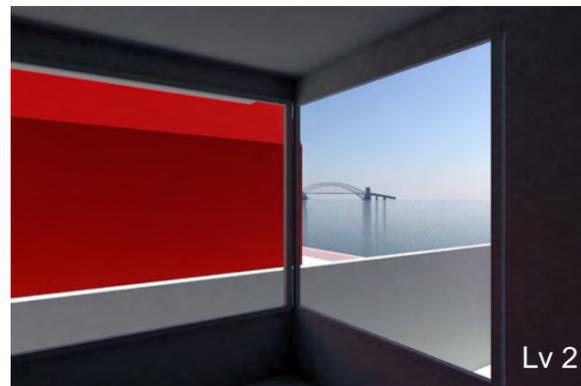
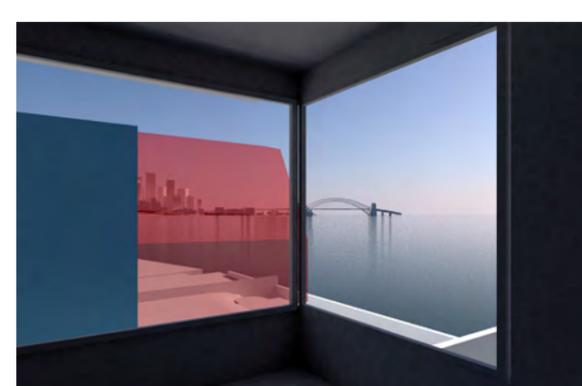
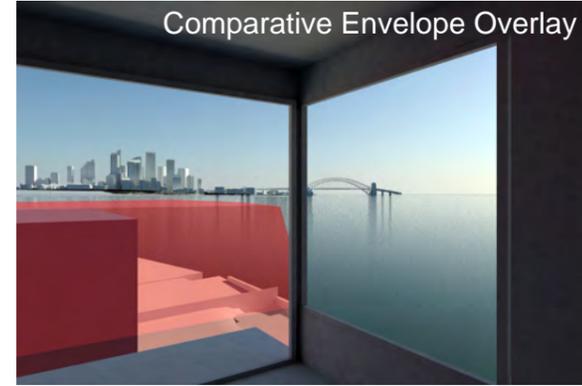
Planning Proposal Envelope

1.5.7 View Impact Analysis- Harbour View

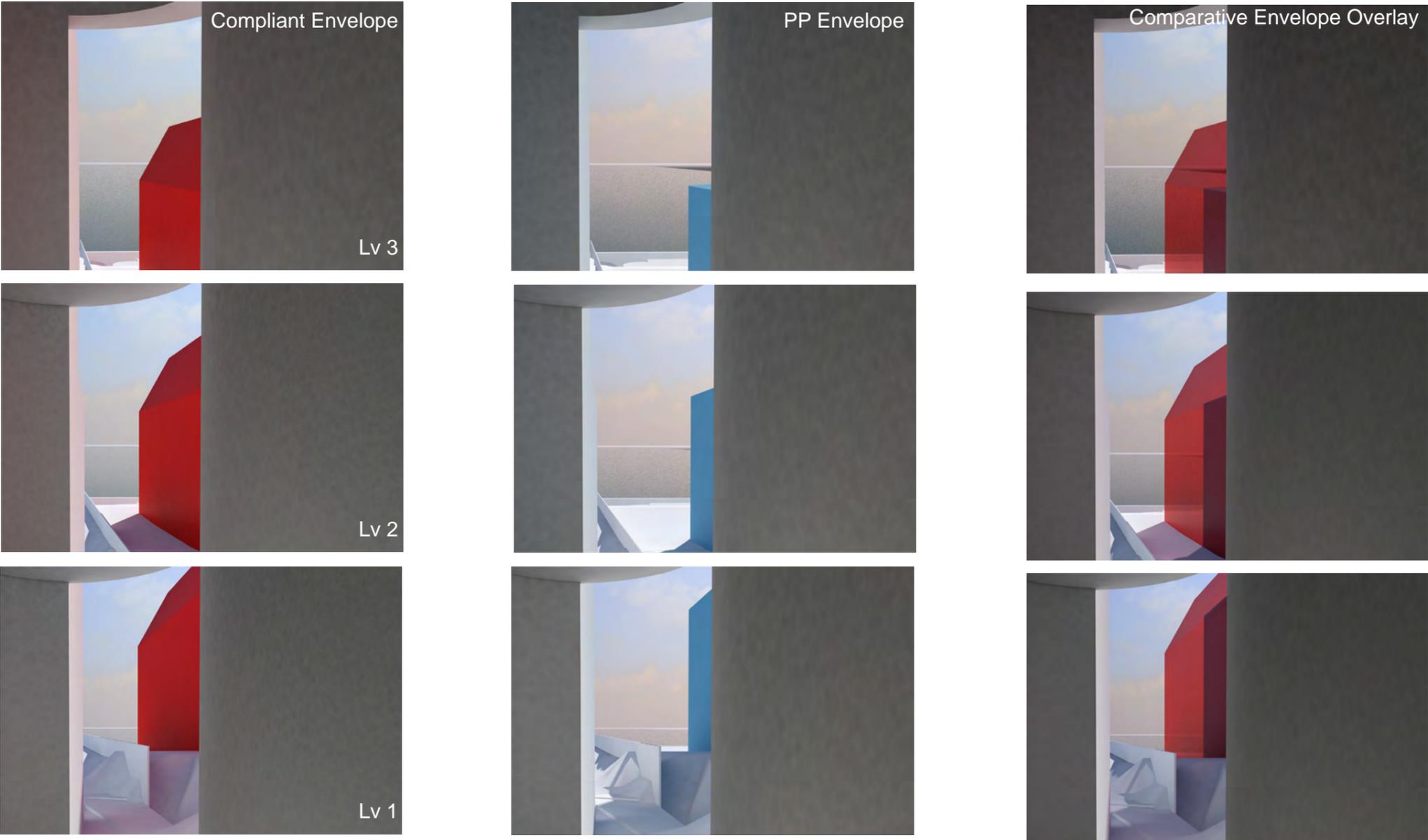


1.5.8 View Impact Analysis- 85 Yarranabbe Road



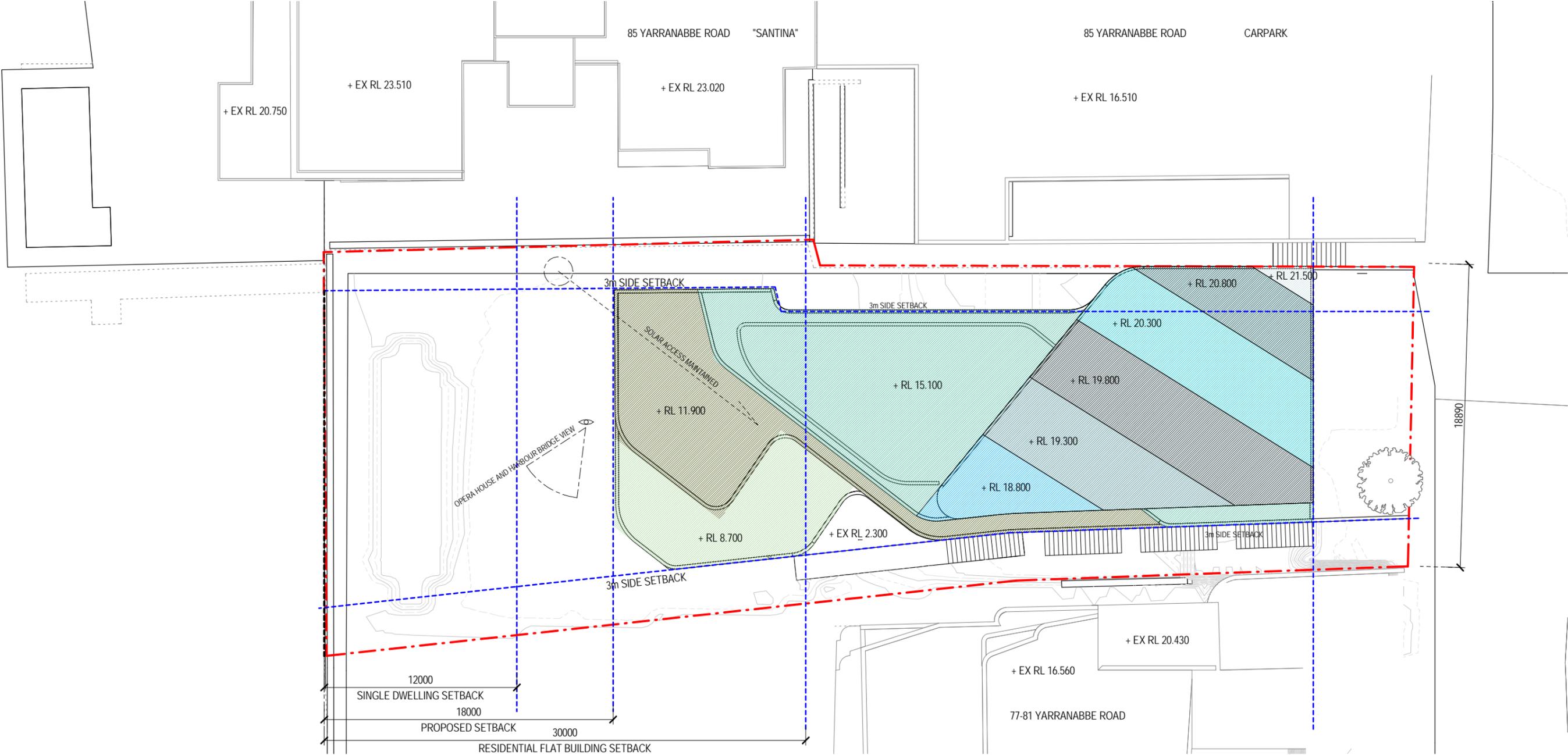


1.5.9 View Impact Analysis- 77-81 Yarranabbe Road - Kitchen windows East



1.6 Control Drawings

1.6.2 Planning Proposal Envelope Height And Setback Map _ Heights Shown In RL Heights





**Planning proposal review
83 and 83A Yarranabee Road, Darling Point**

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Introduction

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

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

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

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

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

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

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

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

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

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

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

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

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

Note: The planning proposal as submitted by the applicant provided options for the amendment of Woollahra Local Environmental Plan 1995 (WLEP 1995) and Draft Woollahra Local Environmental Plan 2014 (Draft WLEP 2014).

A typical planning proposal can take approximately nine months to complete. In nine months from November 2014, Draft WLEP 2014 will have been approved by the DPE and commenced operation. An amendment to WLEP 1995 controls would not be relevant. Therefore, this review focuses on the proposal to amend the Draft WLEP 2014 planning controls.

1. Objectives or intended outcomes

Applicant's proposal

The objectives or intended outcomes are addressed on pages 16-17 of the planning proposal which is **Annexure 1** to report to the Urban Planning Committee 24 November 2014.

In summary the objective is to increase the height and floor space ratio controls and reduce the setback of the foreshore building line for a residential flat building (RFB) that apply to the 83 and 83A Yarranabee Road, Darling Point to provide for medium density residential development.

The site is located at the north of Darling Point and comprises two adjoining properties. The property at 83A Yarranabee Road is a battle-axe lot accessed by a right-of-way over 83 Yarranabee Road which is generally rectangular. The combined area of the site is 1453.6m².

WMC response

Sufficient information has been submitted.

Recommendation

No change.

2. Explanation of provisions

Applicant's proposal

The provisions are explained on page 18 of the planning proposal in **Annexure 1** which is **Annexure 1** to report to the Urban Planning Committee 24 November 2014.

The applicant is seeking to amend the height and floor space ratio (FSR) maps and insert an additional site-specific clause for the foreshore building line. The applicant's proposed controls are set out below.

Height

Draft WLEP 2014 Clause 4.3 Height of Buildings - amend the 10.5m control on the Draft WLEP 2014 Height of Buildings map from 10.5 metres in accordance with the proposed Building Height Plan in Section 7 (page 31 of **Annexure 1**) of the planning proposal.

Section 7 includes the following map showing various reduced levels (RLs) over the site:



Map: Height controls proposed by applicant

Floor space ratio

Draft WLWP 2014 Clause 4.4 Floor space ratio - amend the clause to permit an FSR of 1.2:1 for the site.

Foreshore building line

Draft WLWP 2014 Clause 6.3 Foreshore building lines - amend the clause to allow an RFB development to be erected on the site a minimum of 18m from mean high water mark.

WMC response

Overall, increased height and floor space ratio controls and an amended foreshore building line are supported for the purposes of public exhibition, but not in the manner identified in the planning proposal.

The applicant has provided a proposed building envelope prepared by Tzannes Associates that would accommodate a 2 to 5 storey building on the site. The controls reflecting that envelope are discussed below.

Height

The applicant's proposal is to apply RLs across the site at various locations. We do not support the highly prescriptive mapping of RLs as proposed because:

- The use of RLs at various locations over a lot is inconsistent with Council's approach to mapping height in Draft WLEP 2014.
- The number of different RLs on the site is overly complex.
- The scale of the Draft WLEP 2014 Height of Building Map makes identifying the precise location of each RL impossible.
- Describing the exact location of each RL on the site with a textual description in a clause in Draft WLEP 2014 is not preferred, nor typical of Standard Instrument local environmental plans.
- The DPE has recently advised Council that the application of RLs in Draft WLEP 2014 is not supported for two sites on New South Head Road, Double Bay. Therefore, they are unlikely to support the use of RLs for this site.

Usually, Council sets a maximum building height in metres above existing ground level. A second height limit may also be applied to restrict development at the highest part of the site. The second height limit facilitates view sharing and provides a consistent streetscape.

These standard approaches for setting height limits should be applied to the planning proposal.

Using these approaches, we propose the following maximum building height controls for the site:

- A maximum building height of 15.2m and a second height of 5.7m over 83 Yarranabee Road.
- A maximum building height of part 10.5m and part 15.2m over 83A Yarranabee Road.

Explanation of the proposed provisions

On 83 Yarranabee Road, the 15.2m maximum building height is equivalent to the maximum RL of the applicant's proposal. The 5.7m second height from the highest part of the site is the equivalent to the maximum RL of the applicant's proposal as viewed from Yarranabee Road.

On 83A Yarranabee Road, the 10.5m maximum building height reflects the majority of the applicant's proposal except a small portion proposed as RL 15.1 in the south-east corner. As the exact location of the area proposed with an RL of 15.1m cannot be accurately identified using Council's usual mapping techniques it has been excluded from the property.

This is a practical approach to addressing the maximum building heights on 83A Yarranabee Road given the limitations of the Standard Instrument (see Part 4 - Mapping below).

Floor space ratio

For the purpose of exhibition we support the applicant's request for an FSR of 1.2: 1 over the site based on a 5 storey RFB.

A review of the proposed building envelope identified that the proposed FSR is suitable for a 5 storey RFB using the Standard Instrument definition of gross floor area (GFA).

The proposed FSR is appropriate in the context of the two nearest buildings on either side. It creates a transition from 85 Yarranabee Road which has an FSR of approximately 1.8:1 to 77-81 Yarranabee Road with an FSR of 0.63:1¹.

In regards to the mechanism for amending the FSR, the applicant proposed to amend Clause 4.4 of Draft WLEP 2014 by applying a site specific control for the site. This is not supported. A more practical solution is to identify an FSR of 1.2:1 on the Draft WLEP 2014 Floor Space Ratio Map (see Part 4 - Mapping below).

Foreshore building line

For the purpose of exhibition we support the applicant's request to apply an 18m foreshore building line for an RFB development on the site.

The previous DA for the site proposed an RFB with a setback 12m from mean high water mark, not 30m as specified by Draft WLEP 2014. The 12m setback increased building bulk on the foreshore and eliminated opportunities to provide areas for future planting.

The applicant has recognised that a 12m setback from mean high water mark did not maximise solar access to adjoining properties and increased the visual bulk of the building as viewed from the water and neighbouring properties.

The proposed 18m setback:

- maintains or improves views to the harbour from adjoining buildings, including the Opera House and Harbour Bridge compared with a development which complies with the provisions of Draft WLEP 2014.
- Maintains or improves solar access to adjacent neighbours compared with a development which complies with the provisions of Draft WLEP 2014.
- Allows for more landscaping and planting on the foreshore.

¹ The FSRs of the adjoining buildings have been estimated based on the Standard Instrument definition of GFA, which differs slightly from the definition of GFA in WLEP 1995, as it excludes certain design elements from GFA, such as the thickness of external walls, balconies and staircases.

The objective of Clause 6.3 Foreshore building lines in Draft WLEP 2014 is “to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area”.

Applying an 18m foreshore building line is compatible with this objective as it:

- Will not affect foreshore process as the existing foreshore area is a stone retaining wall.
- Will not affect the significance of the area as it does not adjoin or affect views from a heritage item.

In regards to the mechanism for amending the foreshore building line control, the applicant has proposed to amend Clause 6.3 of Draft WLEP 2014 by altering the foreshore building line for RFB development on this site from 30m to 18m. This approach is not supported. A more practical solution is to identify an 18m foreshore building line on the Foreshore Building Line map of Draft WLEP 2014 and amend Clause 6.3 as required to support the change.

Recommendation

1. Amend the proposal to identify the following heights above ground level (existing) on the Height of Building map of Draft WLEP 2014:
 - A maximum building height of 15.2m and a second height of 5.7m over 83 Yarranabee Road.
 - A maximum building height of part 10.5m and part 15.2m over 83A Yarranabee Road.
2. Support the proposed FSR of 1.2:1, but amend the planning proposal to identify that the FSR will be shown on the Floor Space Ratio Map of Draft WLEP 95.
3. Amend the planning proposal to apply an 18m foreshore building line for a RFB on Foreshore Building Line map of Draft WLEP 2014 and amend Clause 6.3 Foreshore building lines to support this change.

3. Justification

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

Section A - Need for the planning proposal

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

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

Section B - Relationship to strategic framework

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

a) *Does the proposal have strategic merit and:*

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

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

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

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

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

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

Section C - Environmental, social and economic impact

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

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

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

Section D - State and Commonwealth interests

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

Section A – Need for the planning proposal

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

Applicant's proposal

This is addressed on page 20 of the planning proposal, which identifies that the planning proposal is the result of ongoing consultation with Council to ascertain a preferred planning outcome for the site.

WMC response

The applicant previously submitted a development application (DA 485/2012) for this site which proposed a RFB setback 12m from the foreshore. The application was refused and an appeal to the Land and Environment Court with a slightly modified application was dismissed.

Council officers have met with the applicants to discuss the site and identify suitable planning outcomes for it. The applicant's planning proposal generally responds to the issues that were identified during the assessment process and subsequent appeal.

Recommendation

No change.

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

Applicant's proposal

This is addressed on page 21, which identifies that a planning proposal is required to:

- ▶ amend the foreshore building line and increase the maximum allowable FSR for the site, and
- ▶ increase the maximum building height over part of the site.

The applicant suggests that the planning proposal controls will improve the relationship between buildings on the site and neighbouring properties.

WMC response

A planning proposal is the best means of achieving the objectives and is needed to change the height, floor space ratio and foreshore building line controls for the site.

A planning proposal provides an open and transparent process. It allows the public to provide comments during a public exhibition.

Recommendation

No change.

Section B – Relationship to strategic framework

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

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

Applicant's proposal

This is addressed on page 21 and 22 of the planning proposal, and identifies that the planning proposal is consistent with the Sydney Metropolitan Plan to 2036 and Draft East Subregional Strategy.

WMC response

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

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

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

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

The subject site is zoned R3 Medium Density under Draft WLEP 2014 and includes RFBs as a permissible use. Increasing residential density in this location is consistent with the aims of the Metropolitan Plan.

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

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

The proposal will help facilitate additional residential development to meet the dwelling target and is consistent with the other Draft East Subregional Strategy actions. Initiative C2.1 of the Subregional Strategy is to focus residential development within centres and corridors with access to public transport and local services. The site is within walking distance of bus and ferry services. Collectively these services provide access to the nearby centres of Edgecliff and Double Bay and other centres further afield, supporting initiative C2.1.

The planning control changes for the subject site will increase the dwelling capacity of the site. The subject site could increase the existing density from two dwellings under the current Draft WLEP 2014 controls to five dwellings under the proposed controls.

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

Recommendation

No change

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

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

Applicant's proposal

This question was not addressed in the planning proposal.

WMC response

The proposal is compatible with the natural environment as it does not seek to alter any controls which will affect known significant environmental values, hazards or resources.

The proposal is compatible with the existing uses and the surrounding land uses. The planning proposal does not seek a change to the residential zoning and will facilitate an RFB development which is consistent with the existing land uses of the two nearest properties to the west and three nearest properties to the east.

The proposal will not require any additional infrastructure and is within walking distance of bus and ferry services.

Recommendation

The planning proposal should include information to address Question 3 b).

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

Applicant's proposal

This is addressed on page 22 of the planning proposal, and identifies that the planning proposal is consistent with Woollahra Community Strategic Plan, *Woollahra 2025 - our community, our place, our plan*.

WMC response

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

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

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

Recommendation

No change.

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

Applicant's proposal

This is addressed on page 22-25 of the planning proposal, which is considered consistent with relevant State Environmental Planning Policies (SEPPs).

WMC response

The planning proposal has been assessed against four key relevant SEPPs and one deemed SEPP. Based on this assessment, Council has concluded that the planning proposal is consistent with all applicable SEPPs.

SEPP 65 - Design Quality of Residential Flat Development 2002

This is addressed on page 24 of the planning proposal.

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

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

SEPP (Building Sustainability Index: BASIX) 2004

This is addressed on page 24 of the planning proposal.

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

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

SEPP 32 Urban Consolidation (Redevelopment of Urban Land) 1991

This is addressed on page 23 of the planning proposal.

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

Assessment: 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

This is addressed on page 23 of the planning proposal.

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

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

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

This is addressed on page 25 of the planning proposal.

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 Yarranabee Road to the 30m setback of 77-81 Yarranabee 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 Yarranabee Road adopted by Council in WLEP 2014 is retained on the foreshore. On 83 Yarranabee 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.

Recommendation

No change.

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.

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

Applicant's proposal

This is addressed on pages 26-28 of the planning proposal.

WMC response

The planning proposal is consistent with applicable Ministerial directions as outlined below.

No.	Title	Comment
Housing, Infrastructure and Urban Development		
3.1	Residential Zones	<p>Applicable - consistent.</p> <ul style="list-style-type: none"> ► Draft WLEP 2013 does not reduce the amount of land zoned for residential purposes. ► The planning proposal will provide opportunities for additional residential units within the Woollahra LGA. ► 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	<p>Applicable - consistent.</p> <ul style="list-style-type: none"> ► 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	<p>Applicable - consistent.</p> <ul style="list-style-type: none"> ► The site is classified as Class 2 Acid sulfate soils. ► 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	<p>Applicable - consistent.</p> <ul style="list-style-type: none"> ► 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	<p>Applicable - consistent.</p> <ul style="list-style-type: none"> ► The planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.

No.	Title	Comment
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 3, Section B, pages 10 and 11.

Recommendation

No change.

Section C – Environmental, social and economic impact

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

Applicant's proposal

These are addressed on page 29 of the planning proposal.

WMC response

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

Recommendation

No change.

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

Applicant's proposal

These are addressed on page 29 of the planning proposal.

WMC response

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

Recommendation

No change.

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

Applicant's proposal

This is addressed on page 29 of the planning proposal.

WMC response

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

Recommendation

No change.

Section D – State and Commonwealth interests

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

Applicant's proposal

This is addressed on page 29 of the planning proposal which states that the existing services are suitable for the proposal and appropriate for the requirements of a medium to high density residential use.

WMC response

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

Recommendation

No change.

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

Applicant's proposal

This is addressed on page 30 of the planning proposal which identifies that consultation will be undertaken following the issuing of a gateway determination.

WMC response

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

Recommendation

Include a reference to consultation with Roads and Maritime Services in the consultation material.

4. Mapping

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

Applicant's proposal

No maps were included in the planning proposal.

WMC response

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

1. Floor Space Ratio - Draft WLEP 2014
2. Floor Space Ratio - Proposed
3. Height of Buildings Map - Draft WLEP 2014
4. Height of Buildings Map - Proposed
5. Foreshore Building Line Map - Draft WLEP 2014
6. Foreshore Building Line Map - Proposed

Recommendation

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

5. Community consultation

Applicant's proposal

This is addressed on page 32 of the planning proposal which identifies that the planning proposal is considered to be a low-impact planning proposal³ and that a likely exhibition period would be 14 days.

WMC response

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

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

Public notification of the exhibition will comprise:

- ▶ a weekly notice in the local newspaper (the Wentworth Courier) for the duration of the exhibition period,
- ▶ a notice on Council's website,
- ▶ a letter to land owners in the vicinity of the site.

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

- ▶ the planning proposal, in the form approved by the gateway determination, and
- ▶ the gateway determination, and
- ▶ all information relied upon by the planning proposal (such as Council reports).

Recommendation

Include a suggested exhibition period of a minimum of 28 days.

³ Low impact planning proposal means a planning proposal that in the opinion of the person making the Gateway determination is consistent with the pattern of surrounding land use zones and/or land uses, is consistent with the strategic planning framework, presents no issues with regard to infrastructure servicing, is not a principle LEP, and does not reclassify public land.

6. Project timeline

Applicant's proposal

This is addressed on page 34 of the planning proposal.

WMC response

The applicant's timeline does not include the estimated months for each step of the planning proposal process. The indicative project 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	March - April 2015 (28 days)
Public exhibition period	
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

Recommendation

Council's indicative project timeline is included in the planning proposal.