

Item No: R4 Recommendation to Council
Subject: **REQUEST FOR A PLANNING PROPOSAL FOR 252-254 NEW SOUTH HEAD ROAD, DOUBLE BAY**
Author: Neda Vandchali, Strategic Planner
Approvers: Anne White, Manager - Strategic Planning
Nick Economou, Acting Director Planning & Development
File No: 20/142787
Reason for Report: To report on a request for a planning proposal for 252-254 New South Head Road, Double Bay which seeks to amend the maximum building height and floor space ratio standards in the Woollahra Local Environmental Plan 2014.
To recommend that Council does not support the request for a planning proposal for 252-254 New South Head Road, Double Bay.

Recommendation:

- A. THAT Council resolves not to support the request for a planning proposal for 252-254 New South Head Road, Double Bay, which seeks to amend the *Woollahra Local Environmental Plan 2014* in the following manner:
- i. Increase the maximum building height standard from 13.5 to 22m.
 - ii. Introduce a secondary height control of reduced level 45.90m Australian Height Datum at the New South Head Road frontage.
 - iii. Increase the maximum floor space ratio (FSR) from 1.3:1 to 2.6:1.
- B. THAT Council notify the applicant that it does not support the request for a planning proposal for the following reasons:
- i. The proposed maximum building height and FSR standards are excessive and would create a building envelope which has an excessive bulk and scale.
 - ii. The requested increase in both the maximum building height and FSR standards are inconsistent with the existing and desired future character of the Double Bay residential precinct.
 - iii. The proposed standards would create a building envelope that will adversely impact on the site and its surroundings, particularly with regard to streetscape; landscape character and views.
- C. THAT the applicant is notified that Council does not support the request for a planning proposal in accordance with clause 10A of the *Environmental Planning and Assessment Regulation 2000*.

1. Summary

A request for a planning proposal was submitted by Antoniades Architects for 252-254 New South Head Road (the subject site), Double Bay. The objective of the request is to amend the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) to increase the development potential of the subject site. The request seeks the following amendments to Woollahra LEP 2014 to:

- Increase the maximum building height from 13.5 metres to 22 metres.
- Introduce a secondary height control of reduced level (RL) 45.90m Australian Height Datum (AHD) at the New South Head Road frontage.
- Increase the maximum floor space ratio (FSR) from 1.3:1 to 2.6:1.

An indicative development concept, which could be constructed in accordance with the proposed standards was submitted with the request. The development concept is for a part seven, part eight storey residential flat building comprising:

- 33 apartments, with a mix of studios (14), 1 bedroom units (13), and 2 bedroom units (6)
- Six car spaces (4 resident and 2 car share), 1 motorcycle space and 38 bicycle spaces.

Council staff do not support the request for the planning proposal as:

- 1) The proposed maximum building height and FSR standards are excessive and would create a building envelope which has an excessive bulk and scale.
- 2) The requested increase in both the maximum building height and FSR standards are inconsistent with the existing and desired future character of the Double Bay residential precinct.
- 3) The proposed standards would create a building envelope that will adversely impact on the site and its surroundings, particularly with regard to streetscape; landscape character and views.

2. The subject site and context

The site is known as 252-254 New South Head Road, Double Bay (SP11702) located in the Double Bay residential precinct, on the northern side of New South Head Road. It has an irregular shape with an area of 934.9m² and an approximate frontage of 19m to New South Head Road. The site slopes down significantly from the south-western corner to the north-eastern corner with an approximate fall of 10m.

The site is approximately 10 metres from the Edgecliff Commercial Centre and 180 metres from the Double Bay Centre (see **Figure 1** below). Neighbouring development consists of residential flat buildings (RFB) of three to seven storeys.

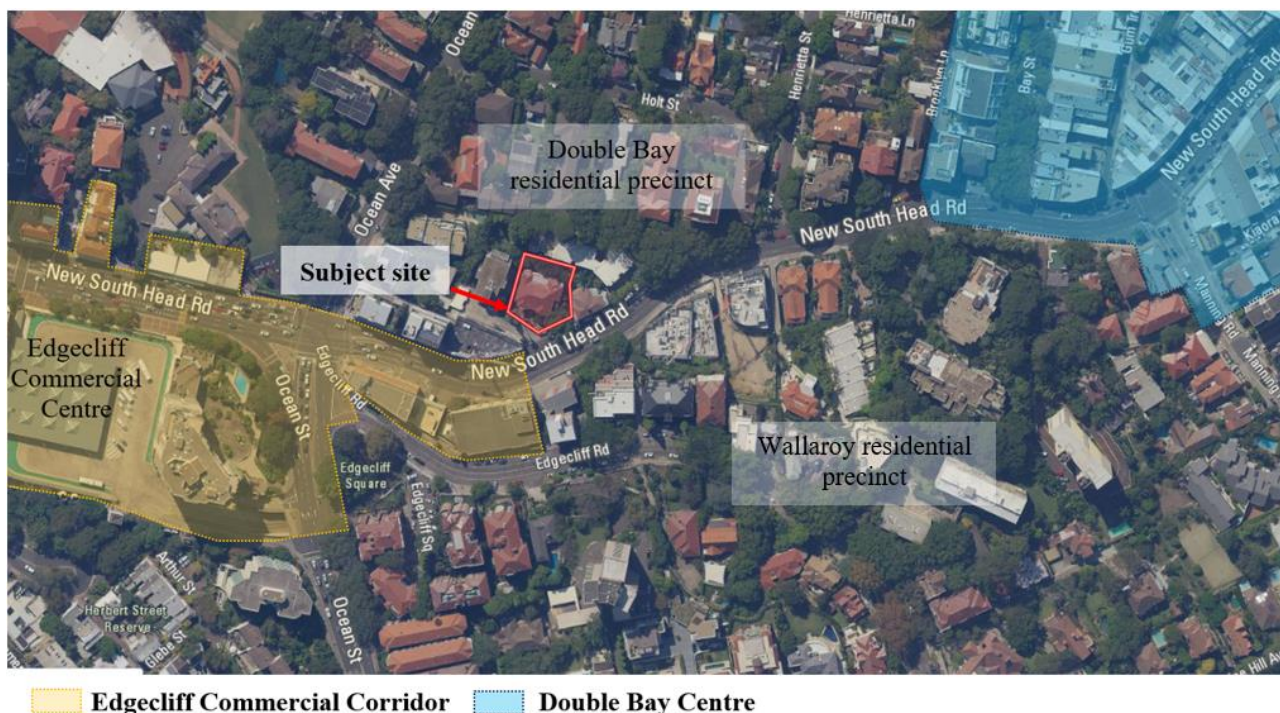


Figure 1: Location plan of the site and its context



Figure 2: The subject site (indicated in red) as viewed from New South Head Road



01: New South Head Road looking east, towards the subject site

Figure 3: The top images highlights the landscaped character of the subject site and its surrounding context. The bottom image illustrates the existing landscaped character in this area, when viewed from the west (point 01).

The site is currently occupied by a four-storey RFB with a pitched roof known as the 'Dalkeith Building'. It contains eight residential units with substantial landscaping in the front and rear setbacks. Pedestrian access is via two entrances off New South Head Road. It has no vehicular access or on-site parking. A mature Jacaranda tree is located adjacent to the New South Head Road frontage of the site. The tree is prominent when viewed from the public domain. **Figure 2** illustrates the site as viewed from the opposite side of New South Head Road.

This section of New South Head Road has an established landscape character in both the public and private domain. The landscaping at the site's frontage, combined with the landscaping at 365 Edgecliff Road, creates an important and highly visible marker. When travelling east along New South Head Road, this landscaping delineates the edge of the Edgecliff Commercial Centre and facilitates a soft transition into the Double Bay residential precinct. **Figure 3** above illustrates the significant landscaped character at this location and the surrounding context.

3. Background

On 14 August 2019, a planning proposal pre-application consultation meeting was held between Council staff, the developer and the developer's representatives to discuss the proposal. Subsequent to the meeting, the applicant was advised in a letter dated 5 September 2019 that Council staff would not support the proposal for the following reasons (see **Annexure 3**):

- The proposed height and FSR creates a building envelope which has an excessive bulk and scale and is inconsistent with the existing and desired future character identified in the Woollahra Development Control Plan (DCP) 2015
- The concept proposal illustrates a building with an excessive site coverage compared with the overall site coverage of the surrounding residential context.
- The concept proposal would detrimentally impact on the landscaped character of the subject site and its surroundings.

On 17 March 2020, the applicant submitted a request for a planning proposal. The submitted proposal is seeking an identical height and FSR to the pre-application proposal, with an additional (lower) secondary height control of RL 45.90m AHD.

The secondary height control is a maximum height at the highest part of the site, or the crown of the adjoining road. The objectives of a secondary height control are to:

- Maintain public and private views, and/or,
- Provide a consistent streetscape at the street frontage when the highest point of a site is at the roadway.

An example of a secondary height limit is illustrated in **Figure 4** below.

Council staff requested additional information in a letter dated 24 April 2020. On 12 June 2020, the applicant submitted the additional information required and Council staff receipted payment for the request for a planning proposal.

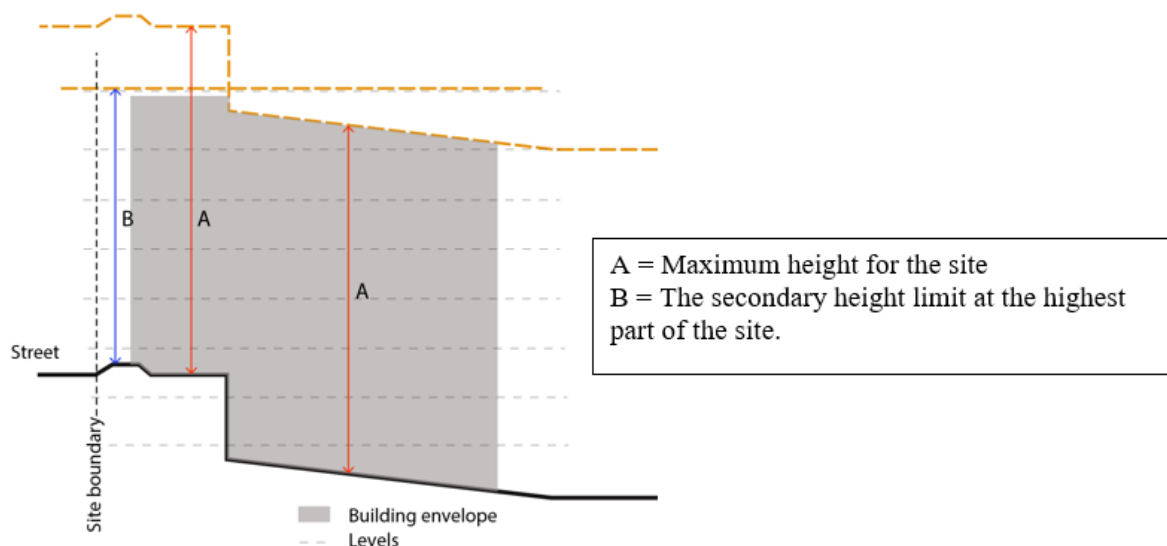


Figure 4: Secondary height control concept

For the purpose of reporting this planning proposal request to the Environmental Planning Committee, staff have only attached the Planning Proposal Report prepared by GSA Planning. The complete package of information submitted by the applicant is available on Council's website at the following link:

https://www.woollahra.nsw.gov.au/building_and_development/development_rules/previous_and_proposed_exhibitions/planning-proposal-252-254-new-south-head-road-double-bay/

This includes the following documents:

- *Planning Proposal Report by GSA Planning - 11 March 2020 (see **Annexure 1**)*
- *Architectural drawings by Antoniades Architects - 26 Feb 2020*
- *Urban Design Report by GMU Urban Design and Architecture - March 2020*
- *Traffic and parking impact report by TTPA - March 2020*
- *Acoustic assessment by Renzo Tonin & Assoc - 2 March 2020*
- *Arboricultural impact assessment by Advanced Treescape - 11 March 2020*
- *Stormwater management drawings by Antoniades Architects / Integrated Group Services - March 2020*
- *Letter addressing additional information request by GSA Planning - 12 June 2020*
- *View analysis by GSA Planning - 12 June 2020*
- *View analysis drawings by Antoniades Architects - 10 June 2020*
- *Shadow diagrams by Antoniades Architectures - 10 June 2020*
- *Survey plan by Cibar Surveying - 23 Sept 2019*
- *Pre-application consultation response - 5 September 2019 (see **Annexure 2**).*

4. The request for a planning proposal

As identified in the report by GSA Planning at **Annexure 1**, the intended effect of the request for a planning proposal is to facilitate redevelopment of the site for a part seven storey, part eight storey RFB with car parking. The proposal seeks the following changes to the Woollahra LEP 2014:

Table 1: Existing and proposed Woollahra LEP 2014 provisions

Provision	Existing	Proposed
Zone	R3: Medium Density Residential	No change
Maximum Height	13.5 m	22m
Secondary height limit	N/A	RL 45.90m AHD along New South Head Road.
FSR	1.3:1	2.6:1

The applicant submitted an indicative development concept of the potential built form facilitated by the requested planning provisions. The proposed part seven storey, part eight storey residential flat building comprises:

- 33 apartments, with a mix of studios (14), 1 bedroom units (13), and 2 bedroom units (6)
- Six car spaces (4 resident and 2 car share), 1 motorcycle space and 38 bicycle spaces.

The concept proposal provides a net gain of 25 additional residential units on the subject site.

Figures 5 to 7 below show extracts of the indicative development concept proposed for the subject site.



Figure 5: Proposed building envelope: maximum 22m height envelope shown with dashed line and secondary height plane of RL 45.90m AHD shown in green (Source: Antoniades Architects)

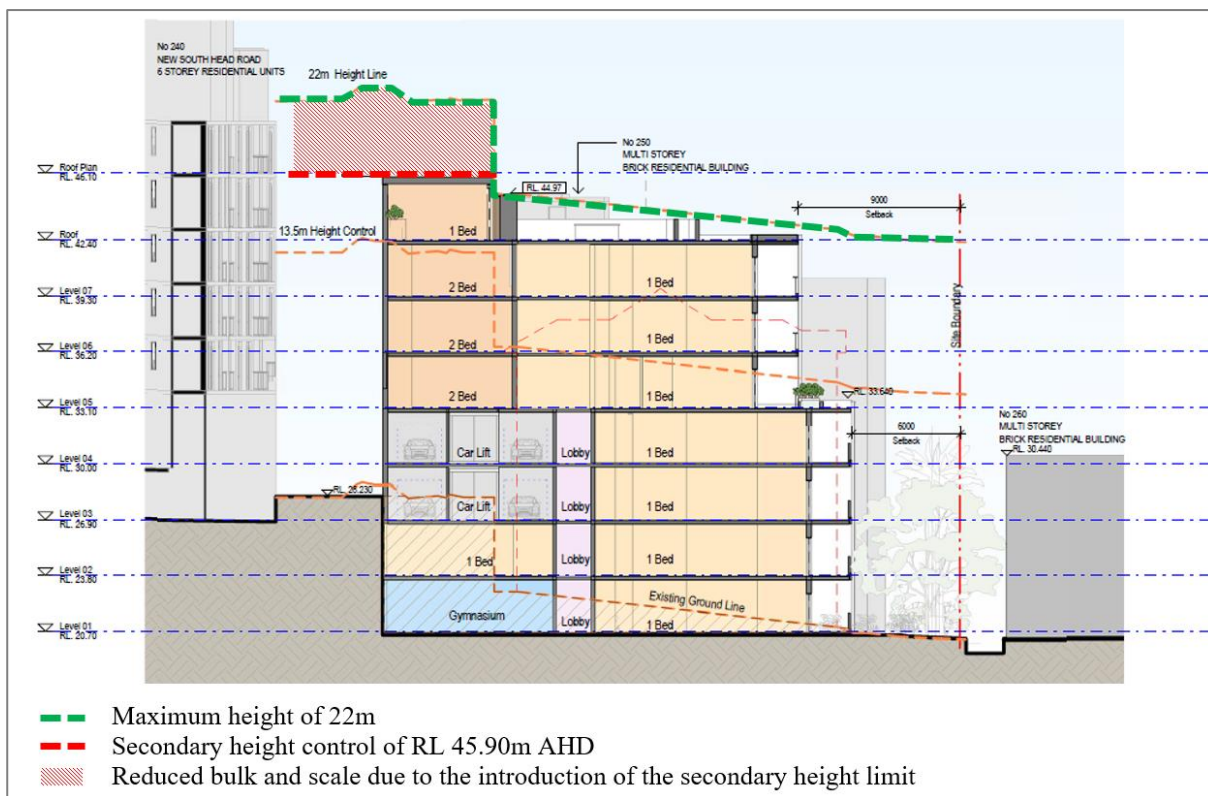


Figure 6: North-south cross section of the development concept showing the proposed height of the development concept and proposed combination of height controls (source: Antoniades Architects)



Figure 7: Indicative development concept site plan: illustrating the proximity of the development concept to the site boundary and the neighbouring buildings. (source: Antoniades Architects).

5. Assessment of the request for a planning proposal

In the request for a planning proposal, the applicant has mitigated some of the concerns expressed in the pre-application advice by recommending a secondary height control. However, the request is otherwise identical to that submitted in the pre-application planning proposal which was not supported by Council staff (see **Annexure 2**).

Staff do not support the current request as it lacks strategic merit on a number of planning grounds. The request would result in a bulk and scale which is inconsistent with the vision and objectives of the strategic framework, particularly the *Woollahra Local Strategic Planning Statement (LSPS)*, *Woollahra LEP 2014* and *Woollahra DCP 2015*. It will result in a built form with adverse impacts on the surroundings, particularly with regard to local character, landscape, views and amenity.

5.1. *State Environment Planning Policy (SEPP) 65 - Design Quality of Residential Apartment Development*

The proposed height and FSR standards would permit development which is of an excessive bulk and scale which would fail to achieve the principles in *State Environment Planning Policy (SEPP) 65 - Design Quality of Residential Apartment Development*. In particular:

Principle 1: Context and Neighbourhood Character –the requested planning provisions fail to respond to its context, adjacent sites, streetscape and neighbourhood.

Principle 2: Built Form and Scale - the requested planning provisions fail to achieve a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Principle 5: Landscape –the requested planning provisions would result in a built form which would be unable to achieve integrated landscaping and built form on the site.

5.2. *Woollahra LSPS*

The proposal does not respond to the desired future character of the area as described in the *Woollahra LSPS*.

Key elements of the long term land use vision for the entire local government area, as set out in the *Woollahra LSPS*, are to protect and enhance local character and the landscape setting. The proposal is inconsistent with the following Planning priorities

- **4:** *Sustaining diverse housing choice in planned locations that enhance our lifestyles and fit in which our local character and scenic landscapes.*
- **6:** *Placemaking supports and maintains the local character of our neighbourhood and villages whilst creating great places for people.*
- **11:** *Conserving, enhancing and connecting our diverse and healthy green spaces and habitat, including bushland, tree canopy, gardens and parklands.*

The proposed changes would permit development which is inconsistent with the low scale and leafy character of the residential precinct and negatively impact on the urban tree canopy cover and landscaping.

5.3. *Woollahra LEP 2014*

The proposed provisions do not respond to the maximum building height and FSR objectives in the Woollahra LEP 2014, particularly those related to the desired future character and impacts on the surrounding area.

- ***Cl 4.3: Height of buildings***

The existing standard on the site permits a maximum building height of 13.5m. The request for a planning proposal seeks a maximum building height of 22 m which is approximately 60% greater than the existing standard on the site.

The building height objectives of clause 4.3 of Woollahra LEP 2014 are as follows:

- (a) *to establish building heights that are consistent with the desired future character of the neighbourhood,*
- (b) *to establish a transition in scale between zones to protect local amenity,*
- (c) *to minimise the loss of solar access to existing buildings and open space,*
- (d) *to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,*
- (e) *to protect the amenity of the public domain by providing public views of the harbour and surrounding areas.*

Council staff note that the applicant has attempted to mitigate the height impacts with a secondary height control of RL 45.90m AHD. However, having considered the desired future character of the Double Bay residential precinct, the requested increase in height is inconsistent with the objectives above, particularly objectives (a), (b), (d) and (e).

- ***View sharing***

The request for a planning proposal was accompanied by the following two documents:

- *View analysis by GSA Planning - 12 June 2020*
- *View analysis drawings by Antoniades Architects - 10 June 2020*

Council staff identified that the request for a planning proposal must address any view sharing impacts relating to surrounding properties. This assessment must be based on the **maximum** building envelope created by the requested planning standards, not the building envelope of the concept building. However, the documentation submitted with the application has failed to address view sharing impacts from the maximum building envelope i.e. the applicant has only provided an assessment of view impacts resulting from the indicative development concept.

This view analysis, prepared by GSA Planning, has considered views from the two neighbouring sites at 240 New South Head Road to the west, and 365A Edgecliff Road to the south of the site (see **Figure 8** below).



Figure 8: Location of buildings assessed in the view analysis report

The view analysis report provided by GSA Planning states that:

- *The existing views are retained or improved.*
- *The view effects are reasonable, and the Planning Proposal's environmental and built form effects will be minimal.*

In particular, the report states that:

- *In terms of the reasonableness of the proposal, although there is a minor potential view reduction from View 1 at Level 3 of No. 240 New South Head Road, majority of potential views are generally retained or improved, as a result of the concept building form.*
- *Any view reduction is likely to be relatively negligible or minor (Page 17).*
- *In terms of the reasonableness of the proposal, views are generally unaffected at the middle and upper levels, and there appear to be no existing water views at the lower levels from living room windows at No. 365A Edgecliff Road due to existing vegetation and development.*
- *There appear to be no potential view loss as a result of the concept building form, with all middle and upper level views assessed appear to be entirely retained (Page 23)*

Council staff do not support the request on the basis that the view analysis is insufficient for the following reasons:

1. The analysis only considered view loss associated with the indicative concept building, and not the maximum building envelope.
2. The analysis failed to accurately assess existing views from the adjoining buildings and relied upon 3D Imagery prepared by Antoniades Architect.

A comprehensive view sharing assessment could potentially identify greater view impacts to the surrounding properties.

- **Woollahra LEP 2014: Cl 4.4: Floor space ratio**

The existing standard on the site permits a maximum FSR of 1.3:1. The proposed FSR of 2.6:1 is 100% greater than the existing FSR standard on the site.

The objectives of clause 4.4 of Woollahra LEP 2014 are as follows:

(a) *for development in Zone R3 Medium Density Residential:*

- i. *to ensure the bulk and scale of new development is compatible with the desired future character of the area, and*
- ii. *to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain, and*
- iii. *to ensure that development allows adequate provision on the land for deep soil planting and areas of private open space.*

Council staff have undertaken an analysis of the existing site coverage of the neighbouring properties in the Double Bay residential precinct. The majority of these sites have a site coverage of approximately 40% or less and an FSR of less than 2:1. The proposed FSR of 2.6:1 is significantly higher than the surrounding development and the current FSR standard. It results in a site coverage of approximately 60%.

The proposed FSR would result in an excessive building envelope with compromised setbacks and separation distances on the side boundaries. This will impact the amenity of the future users of the site and the neighbouring buildings, in particular:

- A reliance on non-habitable openings on side facades
- Reduced opportunities for landscape buffers on side boundaries
- Poor amenity for internal spaces
- Adverse impacts on the outlook of the neighbouring sites
- A blank and un-articulated façade to the public domain.

Having considered the site and its context, the proposed FSR would permit development which would be inconsistent with the objectives identified above. In combination with the requested height control, it would permit development which would create excessive bulk and scale, increased site coverage and significantly reduce the potential for adequate landscaping and deep soil planting to the eastern and western boundaries.

5.4. Woollahra DCP 2015

The proposal does not respond to the desired future character of the area as described in the Woollahra DCP 2015. We note the following which is taken from the Double Bay residential precinct character as set out in Section B1.3

The precinct is notable for both the density of its built form and its green landscape character. The tree canopy, formed by both street trees and private plantings, is a prominent element in the municipality's presentation from Sydney Harbour and should be maintained.

Further, the following extracts are taken from Section B1.3.2 Desired Future Character

Streetscape character and key elements of the precinct

Development respects and enhances the existing elements of the neighbourhood character that contribute to the precinct including:

d) the established tree canopy;

Desired future character objectives

O1 To respect and enhance the streetscape character and key elements of the precinct.

O2 To reinforce a consistent building scale within streets.

- O4 To maintain the evolution of residential building styles through the introduction of well designed and contemporary buildings, incorporating modulation and a varied palette of materials.
- O9 To retain and reinforce the green setting of mature street trees, private trees and garden plantings

Contrary to these objectives, the proposed changes would permit development which:

- Fails to enhance the streetscape character
- Is not consistent with the building scale on the streets
- Is not well modulated
- Is unable to retain and reinforce the green setting.

This section of New South Head Road (between Edgecliff and Double Bay Centres) has an established landscape character in both the public and private domain. The landscaping at the New South Head Road frontage of the site, combined with the landscaping at 365 Edgecliff Road, facilitates a green gateway when moving west to east into the Double Bay residential precinct.

In addition, at this location there is a built form transition from higher density development in the Edgecliff Centre to the lower-density built form in the Double Bay residential precinct. The building at 240 New South Head Road (to the south west of the site) marks the entrance to the Edgecliff Commercial Corridor. This landscape and the height transition is illustrated in **Figure 9**.




-  Landscaping at New South Head Road (in both the private and public domain) in the Double Bay residential precinct

Figure 9: Existing streetscape character of New South Head Road at the entrance to Double Bay residential precinct

The proposed maximum building height combined with the secondary height standard, creates a street wall height that both dominates and disrupts the established tree canopy along New South Head Road. This is not consistent with the desired future character under the Woollahra DCP 2015 B1.3.2, particularly the following objectives:

- O1 To respect and enhance the streetscape character and key elements of the Precinct.*
- O5 To ensure that rooflines sit within the predominant street tree canopy.*
- O9 To retain and reinforce the green setting of mature street trees, private trees and garden plantings.*

The proposed bulk, scale and street wall height which would result from the proposed provisions, creates a similar built form volume to the adjoining site at 240 New South Head Road. A built form volume of this scale is more consistent with buildings in the Edgecliff Commercial Corridor, rather than responding to the context of the Double Bay residential precinct within which the site lies.

Furthermore, Council's tree management team are concerned that the footprint of the concept building would intrude into the *Tree Protection Zone (TPZ)* of the existing Jacaranda tree at the sites frontage to New South Head Road. However, it is noted that the proposed documents have not clearly illustrated all the existing and proposed RL's within the TPZ area of the tree, in order to fully assess the potential impacts on the tree.

We also note that development with the proposed bulk and scale is unlikely to achieve the Design Excellence Objectives in Woollahra DCP 2015 B3.1.3, in particular:

- o *4. Development contributes positively to the streetscape.*
- o *6. Development provides high levels of amenity for the both the private and public domain.*

6. Staff recommendation

In summary, Council staff do not support the request as it lacks strategic and site specific merit, particularly:

- 1) The proposed maximum building height and FSR standards are excessive and would create a building envelope which has an excessive bulk and scale.
- 2) The requested increase in both the maximum building height and FSR standards are inconsistent with the existing and desired future character of the Double Bay residential precinct.
- 3) The proposed standards would create a building envelope that will adversely impact on the site and its surroundings, particularly with regard to streetscape; landscape character and views.

7. Next steps

Should Council resolve not to support the request for a planning proposal, the next step is to notify the applicant of its decision in accordance with clause 10A of *the Environmental Planning and Assessment Regulation 2000*.

However, if Council decides to support the request, the next step is for staff to prepare a planning proposal in accordance with the *Environmental Planning and Assessment Act 1979* and the relevant guidelines. In this scenario, staff may require additional information or justification statements from the applicant to support the request for a planning proposal. Following the submission of this information to staff satisfaction, staff will prepare a planning proposal. As of 1 June 2018, Council must refer all planning proposals to the Woollahra Local Planning Panel for advice. This advice would then be reported to the Environmental Planning Committee.

8. Conclusion


On 12 June 2020, Council staff received the full package of information to assess a request for a planning proposal for 252-254 New South Head Road, Double Bay. This request for a planning proposal is seeking the following changes to the Woollahra LEP 2014 to:

- Increase the maximum building height standard from 13.5 to 22m.
- Introduce a secondary height control of RL 45.90m AHD at the New South Head Road.
- Increase the maximum FSR from 1.3:1 to 2.6:1.

Council Staff recommend that Council resolves not to support the request for a planning proposal as it lacks strategic and site specific merit. The proposed maximum height and FSR standards would create a building envelope which has an excessive bulk and scale.

The requested increase in both building height and FSR standards are inconsistent with the existing and desired future character of the Double Bay residential precinct and a development built to the scale permitted by the proposed standards would adversely impacts on the site and its surrounding context

Annexures

1. Planning Proposal Report by GSA Planning - 11 March 2020 [↓](#) 
2. Pre-application consultation response - 5 September 2019 [↓](#) 