



Council Ref: SC5672 / 21/188031

24 September 2021

Andreas Antoniadis  
Antoniades Architects  
Suite 305, Level 3, 19a Boundary Street,  
DARLINGHURST NSW 2010

Dear Mr Antoniadis

### **Planning proposal for 252-254 New South Head Road, Double Bay**

On Monday 23 August 2021, Council considered a report on the rezoning review for 252-254 New South Head Road, Double Bay. At the meeting, Council resolved:

- A. *THAT Council notes that:*
  - i. *On 23 November 2020 Council resolved not to support a request for a planning proposal for 252-254 New South Head Road, Double Bay.*
  - ii. *Contrary to the Council recommendation, the request for a planning proposal was supported on 22 July 2021 by the Sydney Eastern City Planning Panel for the purpose of requesting a gateway determination to allow public exhibition.*
  - iii. *By Council taking on the role of Planning Proposal Authority, Council staff will be responsible for overseeing the planning proposal process which provides Council with greater control over the preparation of the additional site testing/site specific DCP and managing the community consultation process including the assessment of submissions.*
- B. *THAT Council accept the role of Planning Proposal Authority for 252-254 New South Head Road, Double Bay (RR-2021-69) and prepare a planning proposal for the site 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 from 1.3:1 to 2.6:1.*
- C. *THAT the applicant prepare, in consultation with Council staff:*
  - i. *Further site testing to establish if the proposed FSR is appropriate.*
  - ii. *A site specific development control plan informed by the site testing.*
- D. *THAT any Planning Agreement proposed by the applicant be prepared in accordance with the adopted Woollahra Voluntary Planning Agreement Policy 2020.*
- E. *THAT should a gateway determination be received, the Planning Proposal, draft Development Control Plan and any draft Planning Agreement be publicly exhibited.*
- F. *THAT the applicant pays the relevant planning proposal fees as identified in Council's adopted Fees and Charges for 2021/2022.*

On 6 September 2021, Council confirmed with the Department of Planning, Industry and Environment that, in relation to Rezoning Review *RR-2021-69* for 252-254 New South Head Road, Double Bay:

- Council resolved to undertake the role as Planning Proposal Authority
- A planning proposal will be prepared and submitted for a Gateway determination

Consistent with the rezoning review determination of the Sydney Eastern City Planning Panel the planning proposal should be accompanied by:

- Further site testing to establish if the proposed Floor Space Ratio (FSR) is appropriate.
- A site specific development control plan (DCP) informed by the site testing.

Accordingly, I am writing to request that you prepare and submit to Council a site specific DCP which is accompanied by additional site testing. This should be undertaken in consultation with Council's project officer, and address the matters identified below.

Please submit the required information by 6 October 2021. This will allow Council time to finalise the planning proposal and submit it to the Department of Planning, Industry and Environment for a Gateway determination within the required 42 days.

### **Site specific development control plan**

Preparation of the site specific DCP is to include provisions that address the following matters:

- *Desired future character.* Include provisions which identify how the proposed building envelope will transition from higher density development in the Edgecliff Centre to the lower-density built form in the Double Bay residential precinct, with reference to the Edgecliff Centre and the Double Bay Residential Precinct of the Woollahra DCP 2015.
- *Streetscape.* Include provisions which require the proposed built form to contribute to the Double Bay residential precinct including built form articulation and passive surveillance.

Include provisions which seek to retain and enhance the established landscape character as a green gateway to the Double Bay residential precinct. Measures include retaining and protecting the Jacaranda tree and enhancing landscaping in the front setback area by introducing new tree and shrub planting.

- *Protection of the Jacaranda tree (tree 1).* To protect the Jacaranda tree, include provisions that require the building envelope to be setback from the south-east corner of the site. This setback area should extend 8m from the front boundary (perpendicularly), and 12.5m from the most easterly corner at the front boundary. This tree protection area is to be marked on a site specific DCP diagram. Provisions should also be included to address the design of any pedestrian or vehicular access to ensure that no structures are located in the tree protection area that would impact on the root zone or canopy.
- *Apartment Design Guide (ADG).* The development concept provided with the planning proposal has a depth of up to 27m. However, the ADG recommends a maximum depth of between 12-18m from glass line to glass line to ensure good levels of amenity.

Accordingly, the proposed development concept is inconsistent with the recommendations of the ADG. The DCP provisions should incorporate a building envelope which is consistent with the recommendations of the ADG.

- *Rear setbacks.* Under the Woollahra DCP 2015, control B3.2.4 establishes that the rear setback should be 60% of the site depth. For the subject site, this should be approximately 18m and at the northern boundary a rear setback of 12m is required.

A rear setback of 60% will facilitate urban greening and is consistent with the desired future character of the residential precinct. It will also facilitate appropriate separation between a building on the subject site, and adjoining development at 260 New South Head Road.

- *View sharing.* The information submitted with the planning proposal suggests that the development concept will impact on the northerly views (towards the Harbour) from 240 New South Head Road. Considering the principles of *Tenacity Consulting v Warringah Council [2004] NSWLEC 140* the view sharing impact is assessed as being moderate for levels 3 and 4 of No. 240 New South Head Road. To facilitate view sharing, a further modulation of the envelope should be introduced to minimise these impacts, by lowering the height and/or providing greater setback of the envelope.
- *Diverse unit mix.* Include unit mix provisions. These provisions should be consistent with the recommendations from the Sydney Eastern City Planning Panel to facilitate housing choice.
- *Car parking:* The Sydney Eastern City Planning Panel recommended that due to the location of the subject site, car parking should be minimise or deleted. This must be addressed in the site specific DCP provisions.

The above matters reflect, in more detail, the evaluation of the Sydney Eastern City Planning Panel in relation to the unique constraints of this site. In particular, to ensure that amenity outcomes, especially visual and acoustic privacy, view-sharing, deep soil planting, tree canopy and protection of the Jacaranda tree are addressed.

The site specific DCP must address the above matters and clearly designate the building envelope. The DCP must be prepared in Council's standard format, a template can be provide on request.

### **Additional site testing information**

As recommended by the Sydney Eastern City Planning Panel, further testing is required to ensure that the proposed FSR can be contained in the proposed height limit whilst satisfying the other built form and amenity outcomes, deep soil planting and tree canopy, required by the site specific DCP provisions above.

### **Voluntary Planning Agreement**

The *Woollahra Voluntary Planning Agreement Policy 2020* (VPA Policy) was adopted by Council on 10 February 2020. Under this policy, Council may consider entering into a planning agreement where there will be an opportunity or likely requirement for a

development contribution, including requests for planning proposals seeking a change to Woollahra LEP 2014 to facilitate the carrying out of development.

If approved, the proposed increase in Height of Buildings and FSR standards will substantially increase the development potential of the site and hence its land value and demand on local community infrastructure. With this in mind, Council anticipates negotiating a planning agreement prepared in accordance with the VPA Policy.

The VPA Policy seeks to separate the role of Council as an asset manager and planning authority to ensure probity. In this regard, please contact the Director – Infrastructure & Sustainability to discuss the requirements for a planning agreement. It is noted that additional documentation may be required to inform the negotiations.

## **Fees**

The applicant is required to pay the relevant Major planning proposal fees for Stage 2 based on Council's adopted Fees and Charges for 2020/2021, which must be paid to Council upon issue of a Gateway Determination.

### Major planning proposal

#### *Stage 2 Post gateway determination*

\$24,930.00 (GST exempt)

All steps up to publication of the amending LEP subject to Council support. May include changes to Woollahra DCP 2015.

Note: An hourly rate of \$285.00 applies to any additional unforeseen tasks and functions.

Should you require further information please contact Peter Failes, Senior Strategic Planner / Urban Designer on (02) 9391 7171 or [peter.failes@woollahra.nsw.gov.au](mailto:peter.failes@woollahra.nsw.gov.au)

Yours sincerely



Anne White  
Manager – Strategic Planning