

Mr Craig Swift-McNair
General Manager
Woollahra Municipal Council
PO Box 61
Double Bay NSW 1360

Via email: records@woollahra.nsw.gov.au

Dear Mr Swift-McNair

Woollahra Local Environmental Plan 2014 (Amendment No 30)

I refer to the planning proposal to amend Woollahra Local Environmental Plan (LEP) 2014 to increase the floor space ratio (FSR) to 2.6:1 and the height of buildings to 22m and to introduce a secondary height control for land at 252-254 New South Head Road, Double Bay.

I advise that as the Minister for Planning and Homes' delegate, I have made the plan under section 3.36(2)(a) of the *Environmental Planning and Assessment Act 1979*, and under section 3.24(5) it will take effect when published on the NSW Legislation website.

The Department acknowledges Council's resolution to not support the proposal for finalisation and the request to reduce the FSR and building height standards should a decision be made to make an LEP to give effect to the proposal. The Department has carefully considered Council's request and the officer's consideration of the proposal in the post-exhibition report.

The site is located in a highly accessible location within walking distance to the Edgecliff centre and transport interchange as well as the Double Bay centre. The subject section of New South Head Road is characterised by residential and commercial buildings ranging from two to eight storeys in height at the street frontage. The proposed amendment to the LEP would result in a building envelope that is compatible with the scale of the surrounding developments with a suitable transition to the lower scaled development to the east, while contributing to housing supply and diversity in the locality.

The Department has considered information provided by both the proponent and Council. The Department is of the view that there is sufficient evidence and analyses demonstrating that the future development would be capable of satisfying the relevant planning controls, and that a reasonable environmental and amenity outcome could be achieved.

The Department appreciates Council's recent feedback and has agreed to describe the secondary height control at the street frontage in both the instrument and the mapping. It is noted that the Council resolution includes a request to amend the secondary height control by applying a height in metres of 13.5m (equivalent to four storeys), instead of being expressed in reduced levels. As noted above, the proposed street wall height is considered adequate given the existing built context. Due to the cross fall of the site from west to east, a fixed secondary height control at RL45.90m would ensure it is relevant and that the intended built form outcome could be achieved.

Further to the above, in response to Council's request, an additional objective has been included in the new *Exceptions to building heights* clause to protect the visual privacy and amenity of the nearby residences.

Consistent with the exhibited planning proposal, the LEP contains a local provision to require a site-specific development control plan (DCP) to be prepared to facilitate a built form that addresses the topography of the land and a high-quality design to be achieved for the site. As per Council's request, the local provision will require building setbacks to be addressed in the DCP. The Department notes that Council's existing DCP already contains tree protection controls. As deep soil planting and tree canopy on the site are to be addressed in the future site-specific DCP, it is not deemed necessary that reference to specific details, such as a landscape plan, to be included in the clause. Detailed planning and design issues could be further resolved at the development application stage.

Should you have any enquiries about this matter, I have arranged for Mr Cameron Brooks, Planning Officer, to assist you. Mr Brooks can be contacted on 8837 6033.

Yours sincerely



16.12.2022

David McNamara
Executive Director, Program Delivery