

Environmental Planning Committee



Agenda

Monday 2 December 2019

6.00pm

Outline of Meeting Protocol & Procedure:

- The Chairperson will call the Meeting to order and ask the Committee Members and/or Staff to present apologies and/or late correspondence.
- The Chairperson will commence the Order of Business as shown in the Index to the Agenda.
- At the beginning of each item the Chairperson will ask whether a member(s) of the public wish to address the Committee.
- If person(s) wish to address the Committee, they are allowed four (4) minutes in which to do so. Please direct comments to the issues at hand.
- If there are persons representing both sides of a matter (e.g. applicant/objector), the person(s) against the recommendation speak first.
- At the conclusion of the allocated four (4) minutes, the speaker resumes his/her seat and takes no further part in the debate unless specifically called to do so by the Chairperson.
- If there is more than one (1) person wishing to address the Committee from the same side of the debate, the Chairperson will request that where possible a spokesperson be nominated to represent the parties.
- The Chairperson has the discretion whether to continue to accept speakers from the floor.
- After considering any submissions the Committee will debate the matter (if necessary), and arrive at a recommendation (R items which proceed to Full Council) or a resolution (D items for which the Committee has delegated authority).

Recommendation only to the Full Council ("R" Items):

- Such matters as are specified in Section 377 of the Local Government Act and within the ambit of the Committee considerations.
- Broad strategic planning matters including those initiated at State and Federal Government level.
- Urban design studies.
- Planning proposals and local environment plans.
- Development control plans and guidelines.
- Development contribution plans.
- Heritage conservation studies, assessments and controls.
- Commercial centres' studies.
- Residential studies and strategies.
- Parks and Reserves Plans of Management (Strategies, Policies and Objectives).
- Flood Management Strategies.
- Recreation Policies and Strategies.
- Sustainability Policies and Strategies.
- Transport Strategies.
- Tree Policies and Strategies.
- Matters requiring the expenditure of moneys and in respect of which no Council vote has been made.
- Matters requiring supplementary votes to Budget.
- Matters not within the specified functions of the Committee.
- Matters reserved by individual Councillors in accordance with any Council policy on "safeguards" and substantive changes.

Delegated Authority to be determined at Committee level ("D" Items):

- To require such investigations, reports or actions as considered necessary in respect of matters contained within the Business Agendas (and as may be limited by specific Council resolutions).
- Confirmation of the Minutes of its Meetings.
- Statutory reviews of Council's Delivery Program and Operational Plan.
- Any other matter falling within the responsibility of the Environmental Planning Committee and not restricted by the Local Government Act or required to be a Recommendation to Full Council as listed above.

Environmental Planning Committee Membership: 7 Councillors

Quorum: The quorum for Committee meeting is 4 Councillors

Woollahra Municipal Council

Notice of Meeting

27 November 2019

To: Her Worship the Mayor, Councillor Susan Wynne, ex-officio
Councillors Mary-Lou Jarvis (Chair)
Nick Maxwell (Deputy Chair)
Luise Elsing
Matthew Robertson
Isabelle Shapiro
Mark Silcocks
Toni Zeltzer

Dear Councillors,

Environmental Planning Committee – 2 December 2019

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Environmental Planning Committee** meeting to be held in the **Thornton Room (Committee Room)**, 536 New South Head Road, Double Bay, on **Monday 2 December 2019 at 6.00pm.**

Gary James
General Manager

Meeting Agenda

Item	Subject	Page
1.	Leave of Absence and Apologies	
2.	Late Correspondence	
3.	Declarations of Interest	

Items to be Decided by this Committee using its Delegated Authority

D1	Confirmation of Minutes of Meeting held on 18 November 2019 - 19/175427	7
D2	Woollahra Local Planning Panel Register of Planning Decisions and Analysis - 19/163097.....	9
D3	Register of current Land and Environment Court Matters for Development Applications and Register for Court Proceedings for Building, Environmental and Health Control Matters - 19/192381	73

Items to be Submitted to the Council for Decision with Recommendations from this Committee

R1	Request for a planning proposal for 294-298 New South Head Road and 2-10 Bay Street, Double Bay - 19/175953	91
R2	Potential amendments to the Paddington Heritage Conservation Area controls to insert numerical controls for pavilions and linking structures - 19/188088	341

Item No: D1 Delegated to Committee
Subject: **CONFIRMATION OF MINUTES OF MEETING HELD ON 18 NOVEMBER 2019**
Author: Sue O'Connor, Governance Officer
File No: 19/175427
Reason for Report: The Minutes of the Environmental Planning Committee of 18 November 2019 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

Recommendation:

THAT the Minutes of the Environmental Planning Committee Meeting of 18 November 2019 be taken as read and confirmed.

Item No: D2 Delegated to Committee

Subject: **WOOLLAHRA LOCAL PLANNING PANEL REGISTER OF PLANNING DECISIONS AND ANALYSIS**

Author: Helen Tola, Manager - Governance & Council Support

Approver: Nick Economou, Manager Development Control

File No: 19/163097

Reason for Report: Woollahra Local Planning Panel - Register of Planning Decisions and Analysis - Period 1 June 2019 to 7 November 2019

Recommendation:

THAT the register of planning decisions for matters determined by the Woollahra Local Planning Panel (WLPP) for the period **1 June 2019 to 7 November 2019** be received and noted.

Background:

The Woollahra Local Planning Panel (WLPP) assesses and determines development applications and provides advice to Council on planning proposals and other matters. The WLPP is established under Part 2, Division 2.5 of the *Environmental Planning and Assessment Act 1979*.

In accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and *Local Government Act 1993*, Council is required to maintain a register that records which panel members vote for and which panel members vote against each planning decision of the WLPP.

A planning decision is a resolution of the Woollahra Local Planning Panel that determines a matter, i.e. approves or refuses a development application. The register as prepared details the matters considered by the Woollahra Local Planning Panel and will continue to be updated on a regular basis and is available on Council's website at www.woollahra.nsw.gov.au

Councillors have requested that a report be prepared on the decisions made and that this be reported to the Environmental Planning Committee (EPC) on a regular basis. Staff have used the planning decisions register as a basis and extended this to provide a summary of the applications considered by the WLPP, including the staff recommendation and the final WLPP decision in response to the request.

Following feedback from Councillors at the Environmental Planning Committee in August 2018 meeting, cost of works, full reasons of referral and key issues have now been included in the annexure.

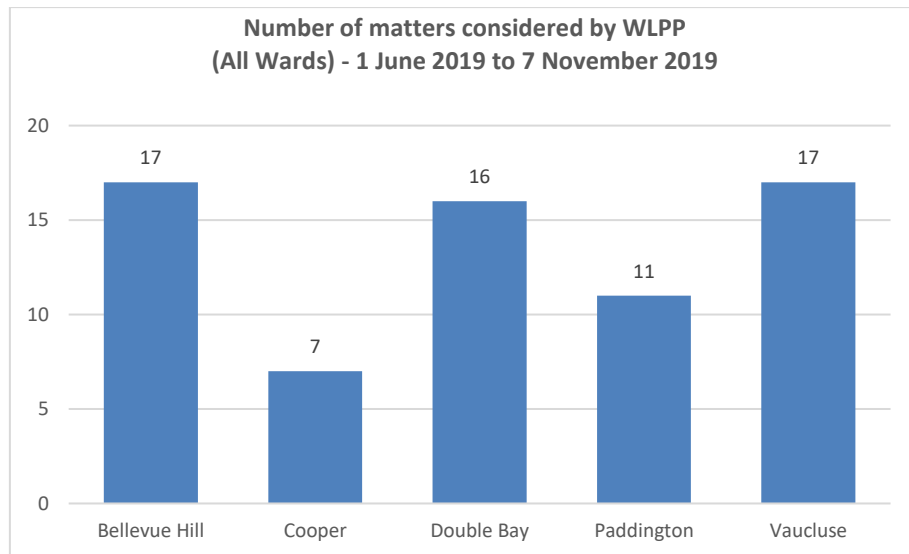
In total 68 Development Applications and 3 Planning Proposals were considered by the Woollahra Local Planning Panel during the period **1 June 2019 to 7 November 2019**.

Provided below is an analysis of the following:

- the number of development applications considered per ward.
- staff recommendation vs WLPP Decision
- reason(s) for referral to WLPP

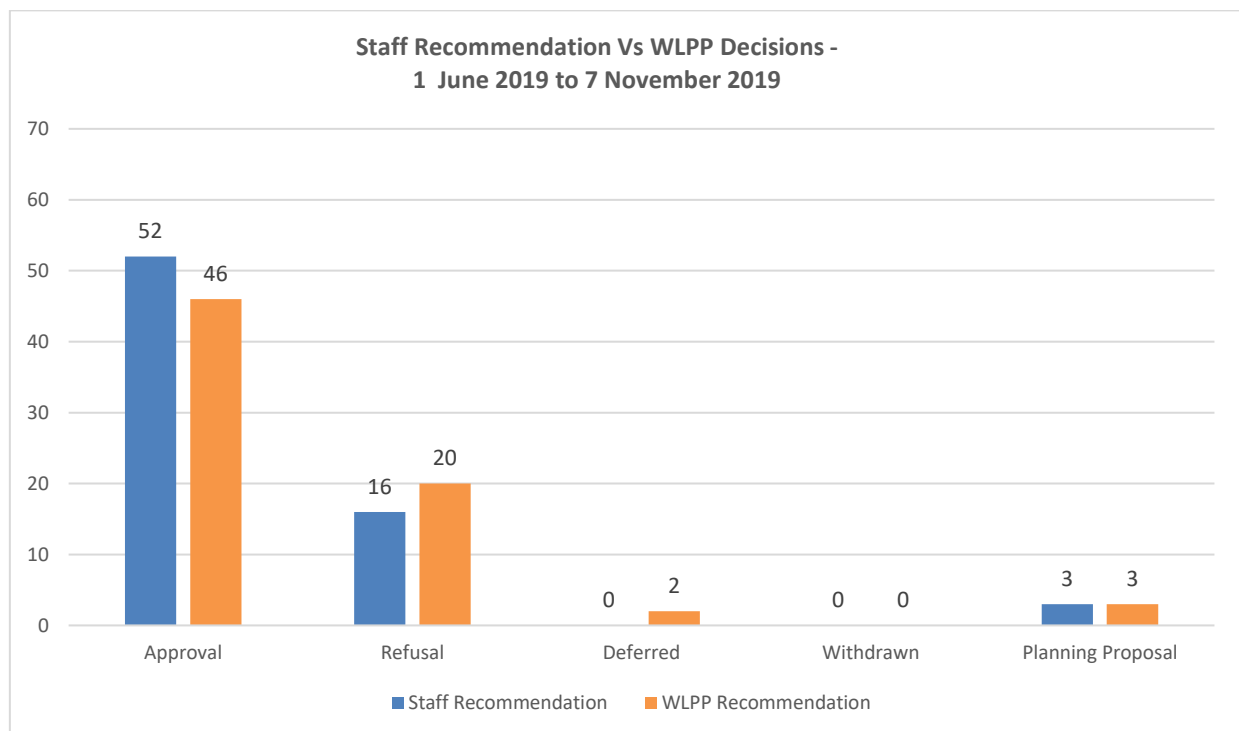
Number of Development Applications (excluding Planning Proposals) considered per ward:

The following graph illustrates the number of Development Application (excluding Planning Proposals) considered by the Panel (per Ward).



Staff Recommendation vs WLPP Decision:

The graph below provides a comparison of the staff recommendation versus the WLPP decision.

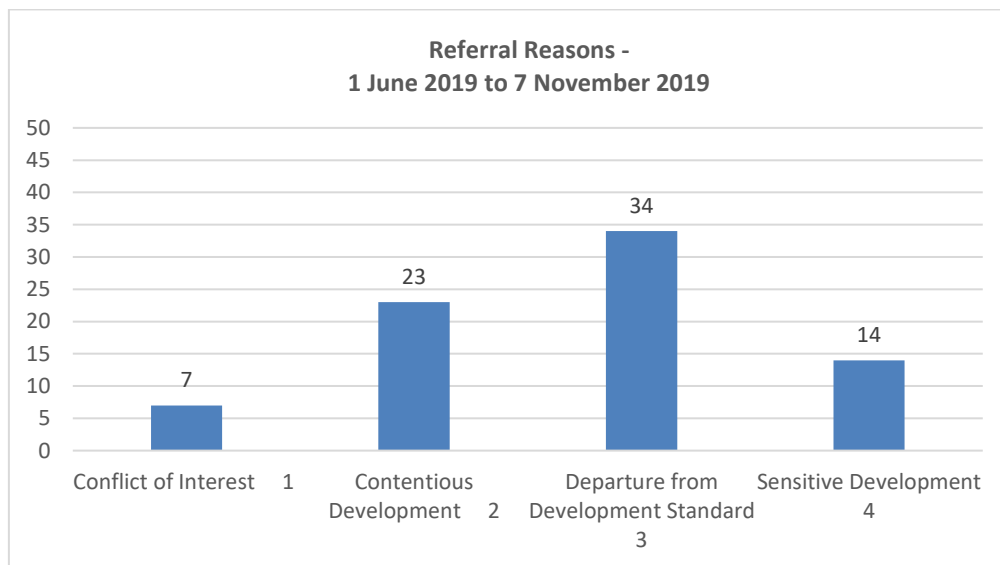


Reasons for Referral to WLPP:

The principal function of the WLPP is to determine local development applications (DAs) that fall within any of the following categories:

- conflict of interest;
- contentious development;
- departure from development standards (> 10%); and
- sensitive development.

The graph below indicates the reason for referral to the WLPP, noting that some applications fall within more than one category. Further details are available in **Annexure 1**.



Annexure 1 presents the Woollahra Local Planning Panel - Register of Planning Decisions, for the period 1 June 2019 to 7 November 2019.

Other Relevant Information

Referral criteria - Delegation

Council's Environmental Planning Committee at its meeting of 17th June 2019, resolved as follows:

THAT Council staff write to the Minister of Planning including that the matters referred to the WLPP Panel because they involve pre-existing non-compliance be removed from considerations by the Panel because the objective of the Panel was to consider controversial, contentious and complicated matters, the cost of the Panel in hearing these matters (which comprise 34 percent of all decisions) and removing red tape in the development applications process. A copy of the letter to the Minister is to be sent to Local State and Federal members.

On 15th October 2019, the Department of Planning, Industry and Environment granted Council an exemption from the requirement to refer Development Applications to the Woollahra Local Planning Panel for a period of 12 months where:

- there is a pre-existing non-compliance of more than 10% for height of building under clause 4.3 of the Woollahra Local Environmental Plan 2014 and the development application does not result in an increase in the non-compliance, or

- there is a pre-existing non-compliance of more than 10% for floor space ratio under clause 4.4 of the Woollahra Local Environmental Plan 2014 and the development application does not:
 - a) result in changes to the extent of the building envelope, and
 - b) is only a minor increase to the gross floor area e.g. balcony closure or similar.

Schedule 1 of the Local Panels Direction – Development Applications dated 23rd February 2018 prescribes the referral criteria for Applications to be determined by Local Planning Panels.

Referral Criteria 3 relates to “Departure from Development Standards” and reads as follows:

“Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical standards.

Note: If the Secretary allows concurrence to be assumed by council staff for contravening development standards, the panel can delegate these applications to council staff to determine.”

In order to implement the above exemption, it was necessary for the Panel to delegate these applications to Council staff to determine.

At its meeting of 7th November 2019, the Woollahra Local Planning Panel under the provisions of section 2.20(8) of the Environmental Planning and Assessment Act 1979 (the “Act”) granted its delegation to Council’s Planning staff its function to determine Development Applications for a period of 12 months that contravene development standards where there is a pre-existing non-compliance of more than 10% for “height of buildings” and “floor space ratio” under clauses 4.3 and 4.4 of Woollahra LEP 2014, that fits the criteria stated above.

This new delegation took effect on 7th November 2019 and applies to all development and related applications made and not determined before 7th November 2019 and pursuant to Council’s current Delegations.

Annexure 2 presents a copy of the report including all other correspondence tabled to the WLPP meeting of 7th November 2019.

Operational procedures

At its meeting of 4th July 2019 the WLPP Operational Procedures were reviewed to better reflect the Panel’s procedures and to incorporate updated requirements issued by the Department of Planning and Environment. Some key changes made included:

- Re-ordering various clauses contained in the current Operational Procedures to better align topics and reflect current procedure;
- Clarification of the selection criteria with regards to community representatives (clause 1.5);
- The requirement for panel members to sign a conflict of interest for each item on the agenda prior to the meeting;
- Clarification of meeting procedures, including speakers, visiting objectors’ properties and late correspondence;
- The panel may delegate functions to the General Manager or other staff of Council (clause 2.20);
- Briefing of panel members; and
- Transacting business outside public meetings.

Annexure 3 presents a copy of the updated WLPP Operational Procedures.

Appeals

The table below provides a brief snapshot of Applications determined by the Panel where Class 1 Appeals have been filed and/or finalised within the period from 1 June 2019 to 7 November 2019.

DA No	Property Address	Staff Recommendation	Panel's Recommendation	L&E Court Decision/Outcome
126/2017/1	16 Manning Rd DOUBLE BAY	Refusal	Refusal	Ongoing
105/2019/1	14 Boronia Rd BELLEVUE HILL	Refusal	Refusal	Ongoing
384/2018/2	43 Dudley St PADDINGTON	Approval	Refusal	Ongoing
440/2017/1	12 Kent Rd ROSE BAY	Refusal	Refusal	Ongoing
140/2018/1	28 Kent Rd ROSE BAY	Refusal	Refusal	Ongoing
305/2018/1	30 Kent Rd ROSE BAY	Refusal	Refusal	Ongoing
190/2017/1	593 New South Head Rd ROSE BAY	Approval	Refusal	Ongoing
220/2018/1	76 Drumalbyn Rd BELLEVUE HILL	Refusal	Refusal	Upheld subject to amended plans – satisfactory outcome
219/2018/1	34 Kent Rd ROSE BAY	Refusal	Refusal	Upheld via a s.34 Agreement – satisfactory outcome
584/2014/5	39 Carlotta Rd DOUBLE BAY	Refusal	Refusal	Judgment reserved
518/2018/1	164 Victoria Rd BELLEVUE HILL	Refusal	Refusal	Upheld via s.34 Agreement – satisfactory outcome
472/2018/1	274 Old South Head Rd WATSONS BAY	Refusal	Refusal	Upheld via a s.34 Agreement – satisfactory outcome
605/2017/1	4 & 6 Bayview Hill Rd ROSE BAY	Approval	Refusal	Upheld via a s.34 Agreement – satisfactory outcome
478/2016/1	7 & 9 Belmore Pl PADDINGTON	Approval	Refusal	Upheld with amended plans – unsatisfactory outcome
558/2016/1	448 Edgecliff Rd EDGECLIFF	Approval	Refusal	Upheld with amended plans – unsatisfactory outcome
510/2018/1	4 & 6 Bayview Hill Rd ROSE BAY	Refusal	Refusal	Upheld via s.34 Agreement – satisfactory outcome
347/2018/1	12 Greycliffe Ave VAUCLUSE	Approval	Refusal	Discontinued – s.8.2 Review Application approved
348/2018/1	12 Greycliffe Ave VAUCLUSE	Approval	Refusal	Discontinued – s.8.2 Review Application approved
40/2018/1	212-214 Old South Head Rd BELLEVUE HILL	Refusal	Refusal	Discontinued
2/2018/1	7 Serpentine Pde VAUCLUSE	Approval	Approval subject to conditions	Discontinued

Note: Annexure 1 of this report and/or Annexure 1 in the Legal Register Report tabled to the Environmental Planning Committee Agenda on 2 December 2019 provides further details in relation to the Development Applications and current legal status.

Panel's feedback on current planning controls

Since it commenced in March 2018, the Woollahra Local Planning Panel has provided staff with useful comments on the current suite of controls and internal procedures.

In considering the Development Applications between the period of 1 June 2019 to 7 November 2019, the Panel has recommended that Council's Strategic Planning Department:

1. Review the DCP side setback controls for RFBs on the grounds the current controls will not produce a desirable built form outcome; and




2. Review the DCP controls in relation to site facilities in terms of strengthening its objectives to not allow plant equipment to be located on roofs.

These matters have been referred to Council's Strategic Planning department.

Conclusion:

It is recommended that Register of Planning Decisions for the period **1 June 2019 to 7 November 2019** be received and noted.

Annexures

1. Woollahra Local Planning Panel Register - 1 June 2019 to 7 November 2019 [↓](#) 
2. Report to WLPP (Delegations Assumed Consurrence) - 7 November 2019 [↓](#) 
3. Woollahra Local Planning Panel Operational Procedures [↓](#) 



Woollahra Local Planning Panel

Register of Planning Decisions for 2018

(in accordance with section 375A of the Local Government Act 1993 exercising functions under the Environmental Planning and Assessment Act 1979)

As at 7 November 2019

Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Reco	WLPP Decision	Key Planning issues & Commentary	Voting For	Voting Against	Chairperson	Site Visit (Yes / No)
						Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4							
DEVELOPMENT APPLICATIONS																	
6 June 2019	Item No D1 DA558/2018/01	1505/180 Ocean Street Edgecliff	Double Bay	Enclosure of the existing balcony.	\$20,000.00	✘	✘	✓	Height Control - 34m Existing - 55m Proposed - 46m FSR Control - 2.5:1 Existing - 4.086:1 Proposed - 4.093:1	✘	Approval	Approval	Pre-existing height and FSR non-compliances. Proposal limited to an existing balcony enclosure. No planning issues. <u>Panel's comments:</u> Nil	Ross Bonthorne Sheridan Bourke John McInerney Annelise Tuor	Nil	Annelise Tuor	No
6 June 2019	Item No D2 DA468/2018/1	1 St Mervyns Avenue, Point Piper	Double Bay	Demolition of the existing building and construction of a new 3 storey residential flat building with basement car parking, swimming pool & landscaping.	\$4,988,470.00	✘	✘	✓		✘	Approval	Approval	New RFB which complied with the key development standards (height, FSR and site area). Key planning issues related to view loss, privacy and context with adjoining properties. <u>Panel's comments:</u> Endorsed staff recommendation with additional conditions relating to archival recording of existing building, restricting height of replacement planting, submission of a SWMP and boundary wall treatment.	Ross Bonthorne Sheridan Bourke John McInerney Annelise Tuor	Nil	Annelise Tuor	Yes
6 June 2019	Item No D3 DA459/2018/1	85 Victoria Road BELLEVUE HILL	Bellevue Hill	Demolition of existing carport, new garage under existing tennis court which is to be partially rebuilt; new verandah to ground floor; new dormer to existing roof-top terrace; replace existing dormers	\$716,017.00	✘	✘	✓	Height Control - 9.5m Existing - 13.45m Proposed - 12.51m	✘	Approval	Approval	Pre-existing height non-compliance. Proposed height breach limited to a new dormer window to the existing roof level. Key planning issue related to the dormer addition being sympathetic to existing roof design. <u>Panel's comments:</u> Nil	Ross Bonthorne Sheridan Bourke John McInerney Annelise Tuor	Nil	Annelise Tuor	Yes
6 June 2019	Item No D4 DA633/2017/1	57 Darling Point Road DARLING POINT	Double Bay	Alterations and additions to an existing residential flat building including a new basement carpark, new swimming pool, reinstatement of an existing verandah and landscaping/site works.	\$240,000.00	✘	✓	✘		✘	Approval	Refusal	Key planning issues related to heritage (heritage item), streetscape, visual setting, design. <u>Panel's comments:</u> The development would adversely impact the significance of the heritage item in terms of its settings, grounds and fence. The garage and driveway will introduce undesirable built elements into the landscape setting. Adverse impact on pedestrian safety and amenity of Darling Point Road.	Ross Bonthorne Sheridan Bourke John McInerney Annelise Tuor	Nil	Annelise Tuor	Yes
20 June 2019	Item No D1 DA453/2018/1	18 Fisher Avenue VAUCLUSE	Vaucluse	Alterations and additions including a new rooftop garden	\$2,114,012.00	✘	✘	✓	Height Control - 9.5m Existing - 13.5m Proposed - 13.5m	✘	Approval	Approval	Key planning issues related to establishment of a rooftop garden level, replacement of a pitched roof form with a flat room, contemporary design, streetscape presentation and privacy impacts. <u>Panel's comments:</u> Endorsed staff recommendation.	Mark Carlton James Colman Michelle Falstein Peter Wells	Nil	Peter Wells	Yes
20 June 2019	Item No D2 DA31/2019/1	24 Tivoli Avenue ROSE BAY	Vaucluse	Alterations and additions to dwelling including landscaping and siteworks	\$150,000.00	✘	✘	✓	Height Control - 9.5m Existing - 12.63m Proposed - 12.63m	✘	Approval	Approval	Pre-existing height non-compliance. Height breach limited to replacing existing roofing with new roofing material. No key planning issues. <u>Panel's comments:</u> Nil	Mark Carlton James Colman Michelle Falstein Peter Wells	Nil	Peter Wells	No

Note:

- 1 Conflict of Interest - Council owned land and/or applicant.
- 2 Contentious Development - more than 10 submissions.
- 3 Departure from development standards by more than 10%.
- 4 Sensitive Development (RFB subject to SEPP65).



Woollahra Local Planning Panel

Register of Planning Decisions for 2018

(in accordance with section 375A of the Local Government Act 1993 exercising functions under the Environmental Planning and Assessment Act 1979)

As at 7 November 2019

Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Reco	WLPP Decision	Key Planning Issues & Commentary	Voting For	Voting Against	Chairperson	Site Visit (Yes / No)
						Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4							
20 June 2019	Item No D3 DA448/2018/1	156B Hopetoun Avenue VAUCLUSE	Vaucluse	Alterations and additions	\$130,000.00	✗	✗	✓		✗	Approval	Approval	Key planning issues relating to the overall height and view loss. The proposed additional storey was considered to result in a building which contextually fitted into its surrounding context and its breach of the height standard was principally due to a previously excavated level. View loss was negligible. <u>Panel's comments:</u> Endorsed staff recommendation.	Mark Carlton James Colman Michelle Falstein Peter Wells	Nil	Peter Wells	Yes
20 June 2019	Item No D4 DA409/2018/1	1C New Beach Road, Darling Point	Double Bay	Alterations and additions to the RAN Sailing Association boatshed including a cafe use and fit-out open to the public with trading hours 7am - 4pm Monday to Sunday	\$35,000.00	✓	✓	✗		✗	Approval	Approval	Key planning issues related to the use of the site as a café, heritage impacts and plan of management. <u>Panel's comments:</u> Proposed development was consistent with heritage principles, of an adaptive re-use, and would add to the vibrancy of the locality. Endorsed staff recommendation.	Mark Carlton James Colman Michelle Falstein Peter Wells	Nil	Peter Wells	Yes
20 June 2019	Item No D5 DA169/2017/3	9A Cooper Park Road BELLEVUE HILL	Bellevue Hill	PROPOSED MODIFICATION - Extension of Building C to the northwest; minor building height increase to Building C; addition of mechanical exhaust to the roof of Building B; repositioning of skylights and addition of a/c enclosures on the roofs of Buildings A and B; and, repositioning of substation.	NA	✗	✓	✗		✗	Refusal	Refusal	Modifications to an L&E Court approved RFB. Key planning issues related to unauthorised works, visual bulk and amenity, privacy impacts, height breach. <u>Panel's comments:</u> Endorsed staff recommendation.	Mark Carlton James Colman Michelle Falstein Peter Wells	Nil	Peter Wells	Yes
20 June 2019	Item No D6 DA246/2018/1	22 Albert Street EDGECLIFF	Cooper	Alterations and additions to the existing residential flat building, including conversion of the existing care-taker unit to a new 3 bedroom unit on the top floor, extension of all north-facing balconies, alterations to existing carparking and new bin storage enclosure.	\$746,947.00	✗	✗	✓	Height Control - 19.5m Existing - 23.7m Proposed - 22.7m FSR Control - 0.75:1 Existing - 1.6:1 Proposed - 1.7:1	✓	Approval	Approval	Pre-existing height & FSR non-compliances. Proposal principally related to the provision of an additional unit within the roof area. Key planning issues related to height, FSR, heritage and design and SEPP 65. <u>Panel's comments:</u> Endorsed staff recommendation.	Mark Carlton James Colman Michelle Falstein Peter Wells	Nil	Peter Wells	Yes
27 June 2019	Item No D1 DA140/2018/1	28 Kent Road ROSE BAY	Bellevue Hill	Demolition of existing residential building, site remediation works and construction of new three storey residential flat building containing four apartments, with basement level parking, a swimming pool, and associated landscaping and site works	\$5,574,057.00	✗	✗	✗		✓	Refusal	Refusal	Key planning issues related to the demolition of an existing contributory building in a HCA and the new RFB not being consistent with the precinct objectives. <u>Panel's comments:</u> Endorsed staff recommendation. Note: A Class 1 Appeal has subsequently been filed with the L&E Court.	Sheridan Bourke John McInerney Andrew Petrie Annelise Tuor	Nil	Annelise Tuor	Yes
27 June 2019	Item No D2 DA305/2018	30 Kent Road, Rose Bay	Bellevue Hill	Demolition of an existing dwelling and the construction of a new residential flat building	\$5,574,057.00	✗	✗	✗		✓	Refusal	Refusal	Key planning issues related to the demolition of an existing contributory building in a HCA and the new RFB not being consistent with the precinct objectives. <u>Panel's comments:</u> Endorsed staff recommendation Note: A Class 1 Appeal has subsequently been filed with the L&E Court.	Sheridan Bourke John McInerney Andrew Petrie Annelise Tuor	Nil	Annelise Tuor	Yes

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Woollahra Local Planning Panel

Register of Planning Decisions for 2018

(in accordance with section 375A of the Local Government Act 1993 exercising functions under the Environmental Planning and Assessment Act 1979)

As at 7 November 2019

Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Reco	WLPP Decision	Key Planning Issues & Commentary	Voting For	Voting Against	Chairperson	Site Visit (Yes / No)
						Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4							
27 June 2019	Item No D3 DA219/2018	34 Kent Road, Rose Bay	Bellevue Hill	Demolition of an existing residential flat building and the construction of a new residential flat building	\$5,558,253.00	x	x	x		✓	Refusal	Refusal	Key planning issue related to the proposed replacement RFB not being of a design which was consistent with the desired future character objectives of the Kent Road HCA precinct. Heritage Officer was supportive of the demolition of the existing building. <u>Panel's comments:</u> Endorsed staff recommendation Note: A Class 1 Appeal lodged prior to the LPP's determination which has subsequently been upheld via a S.34 agreement.	Sheridan Bourke John McInerney Andrew Petrie Annelise Tuor	Nil	Annelise Tuor	Yes
27 June 2019	Item No D4 DA470/2018/1	36 Kent Road ROSE BAY	Bellevue Hill	Demolition of the existing residential flat building and construction of a residential flat building containing three apartments, with basement level parking, a swimming pool, and associated landscaping and site works	\$5,166,542.00	x	x	✓		x	Refusal	Refusal	Key planning issues related to the demolition of an existing contributory building in a HCA and the new RFB not being consistent with the precinct objectives. <u>Panel's comments:</u> Endorsed staff recommendation Note: A s8.2 review application has been submitted and will be tabled to the LPP meeting of 19 December 2019.	Sheridan Bourke John McInerney Andrew Petrie Annelise Tuor	Nil	Annelise Tuor	Yes
4 July 2019	Item No D1 DA67/2019/1	96 Victoria Road, Bellevue Hill	Bellevue Hill	Alterations and additions to the existing residence including filling in of the existing tennis court and a new swimming pool	\$690,000.00	x	x	✓		x	Approval	Approval	Height exceedance associated with a new roof lantern. No Key planning issues. <u>Panel's comments:</u> Endorsed staff recommendation	Dr Mark Carleton John McInerney Andrew Petrie Annelise Tuor	Nil	Annelise Tuor	No
4 July 2019	Item No D3 DA383/2018/1	41 Fitzwilliam Road, Vaucluse	Vaucluse	Construction of a new dwelling, secondary dwelling, ancillary structures, landscaping and site works	\$4,400,000.00	x	x	✓		x	Approval	Approval	Key planning issues related to design, DCP envelope non-compliances, visual appearance from Parsley Bay Reserve and streetscape presentation (garage and fence design). <u>Panel's comments:</u> Endorsed staff recommendation subject to additional conditions deleting the roof garden terrace above the garage, increased side setbacks and a re-design of rear module (to lessen its visual bulk).	Dr Mark Carleton John McInerney Andrew Petrie Annelise Tuor	Nil	Annelise Tuor	Yes
4 July 2019	Item No D4 DA316/2018/1	26-28 Boronia Road, Bellevue Hill	Bellevue Hill	Demolition of 2 existing dwelling houses and ancillary structures, the consolidation of the 2 allotments, the construction of a residential flat building with basement level carparking, landscaping and siteworks	\$5,206,979.00	x	x	x		✓	Approval	Approval	New RFB which achieved full compliance with Council's LEP standard and DCP Controls. Key planning issue related to a new RFB within an R3 zone area undergoing a transition from dwelling-houses to RFBs. <u>Panel's comments:</u> Endorsed staff recommendation. Positive feedback to the architect on the design.	Dr Mark Carleton John McInerney Andrew Petrie Annelise Tuor	Nil	Annelise Tuor	Yes

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Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Reco	WLPP Decision	Key Planning Issues & Commentary	Voting For	Voting Against	Chairperson	Site Visit (Yes / No)
						Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4							
4 July 2019	Item No D5 DA190/2017/1	593 New South Head Road, Rose Bay	Bellevue Hill	Alterations and additions to an existing residential flat building including a new upper level	\$1,304,268.00	✗	✗	✓		✓	Approval	Refusal	Key planning issues related to heritage, height, FSR and amenity impacts (privacy, bulk, view loss) <u>Panel's comments:</u> Refused the application on the grounds of heritage impact, height and FSR exceedances and insufficient information. Note: A Class 1 Appeal has subsequently been filed with the L&E Court.	Dr Mark Carleton John McInerney Andrew Petrie Annelise Tuor	Nil	Annelise Tuor	Yes
18 July 2019	Item No D1 DA402/2018/1	2A James Street, Woollahra	Cooper	A weekly farmers market	\$10,000.00	✗	✓	✗		✗	Refusal	Refusal	Key planning issues related to permissibility and residential amenity impacts. The DA was made under the provision of Clause 2.8 (temporary use of land) of WLEP 2014. <u>Panel's comments:</u> Supportive of the scheme in principle. Advised applicant to re-submit a new DA which consisted of a detailed Operational Management Plan which would address the amenity impacts and thereby render the scheme permissible.	Sheridan Bourke James Coleman Prof Peter Webber	Nicola Grieve	Peter Webber	Yes
18 July 2019	Item No D2 DA487/2018/1	21-23 Riddell Street, Bellevue Hill	Bellevue Hill	Demolition of the existing dwellings and the construction of a new residential flat building	\$4,489,696.00	✗	✓	✗		✓	Approval	Refusal	Key planning issues related to the proposed RFB being consistent with the existing and desired future character, SEPP 65, landscape character, impact on public domain, traffic and pedestrian safety and residential amenity impacts. <u>Panel's comments:</u> Refused on the grounds of the development being inconsistent with the desired future character objectives, its design and layout being non-compliant with Council's DCP building envelope controls, pedestrian/vehicular conflict and safety, loss of landscape character and not in the public interest. Note: A Class 1 Appeal has subsequently been filed in the L&E Court.	Sheridan Bourke James Coleman Nicola Grieve Prof Peter Webber	Nil	Peter Webber	Yes
18 July 2019	Item No D3 DA2018/378/1	Unit 3 / 56 Bellevue Road Bellevue Hill	Bellevue Hill	Alterations and additions to the roof terrace	\$3,000.00	✗	✗	✓		✗	Refusal	Refusal	The proposal involved modifications to a previously L&E Court approved terrace which would adversely impact on the amenity of the adjoining properties in terms of overlooking and acoustic privacy. <u>Panel's comments:</u> Endorsed staff recommendation.	Sheridan Bourke James Coleman Nicola Grieve Prof Peter Webber	Nil	Peter Webber	Yes
18 July 2019	Item No D4 DA551/2017/1	3 Wingadal Place, Point Piper	Double Bay	Alterations and additions to the existing building to accommodate a total of three (3) units as a residential flat building, new excavation, new landscaping and removal of trees	\$7,280,000.00	✗	✗	✓		✗	Approval	Approval	Key planning issues related to the additional storey breaching Council's height standard, visual presentation to the Harbour (SREP 2005) and contextual fit. <u>Panel's comments:</u> Endorsed staff recommendation.	Sheridan Bourke James Coleman Nicola Grieve Prof Peter Webber	Nil	Peter Webber	Yes

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						Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4							
18 July 2019	Item No D5 DA518/2018/1	164 Victoria Road Bellevue Hill	Bellevue Hill	Demolition of existing dwelling and construction of residential flat building with 50% of the gross floor area comprising of affordable housing	\$3,953,056.00	✗	✓	✗		✓	Refusal	Refusal	Key planning issues related to incompatibility with the existing and desired future character of the locality, excessive excavation, inconsistency with the objectives/controls of SEPP 65 and the Affordable Housing SEPP, loss of landscape character and adverse residential amenity impact. <u>Panel's comments:</u> Endorsed staff recommendation Note: A Class 1 Appeal was lodged prior to the LPP's determination which has subsequently been upheld via a S.34 agreement.	Sheridan Bourke James Coleman Nicola Grieve Prof Peter Webber	Nil	Peter Webber	Yes
1 August 2019	Item No D1 DA2019/155/1 - 512	512 New South Head Road Double Bay (AKA 'Hugh Latimer Centre and Sherbrooke Hall')	Double Bay	New pre-school on the ground floor and associated outdoor play area	\$973,000.00	✓	✗	✗		✗	Approval	Approval	Key planning issues related to design, traffic/parking, operation of the pre-school and heritage. <u>Panel's comments:</u> Endorsed the staff recommendation with additional conditions requiring design refinements to the front fence design and building's openings.	Sheridan Bourke James Colman Graham Humphrey Annelise Tuor	Nil	Annelise Tuor	Yes
1 August 2019	Item No D2 DA330/2018/1	20 Dalley Avenue, Vaucluse	Vaucluse	Demolition of existing dwelling and construction of a replacement dwelling with basement garage, swimming pool and associated landscaping and siteworks	\$2,683,494.00	✗	✓	✗		✗	Approval	Approval	The application was elevated from AAP (on agenda 16/7/19) to the WLPP on the grounds of additional submissions (> 10 submissions). The key planning issues related to the heritage (demolition of existing character building), view loss and design. <u>Panel's comments:</u> Endorsed staff recommendation with additional conditions relating to height of proposed landscaping and recycling of heritage fabric.	Sheridan Bourke James Colman Graham Humphrey Annelise Tuor	Nil	Annelise Tuor	Yes
1 August 2019	Item No D3 DA41/2019/1	374 & 376-382 New South Head Road, Double Bay	Double Bay	Alterations and additions to the existing retail and commercial building involving two new residential floors (modified from a previously approved scheme) and to add one additional unit on the top floor	\$122,500.00	✗	✗	✗		✓	Approval	Approval	The DA was an amending DA to a previously approved Planning Proposal and subsequent DA. The key planning issues related to SEPP 65 and compliance with development standards (height, FSR approved via Planning Proposal) <u>Panel's comments:</u> Endorsed staff recommendation.	Sheridan Bourke James Colman Graham Humphrey Annelise Tuor	Nil	Annelise Tuor	Yes
1 August 2019	Item No D4 DA210/2018/1	59 Harris Street & 14 Sutherland Avenue Paddington	Paddington	Extensive alterations and additions to existing residential terrace and residential warehouse including boundary re-alignment and site remediation	\$1,311,845.00	✗	✗	✓		✗	Approval	Approval	Key planning issues related to design and heritage (new infill development) <u>Panel's comments:</u> Endorsed staff recommendation.	James Colman Graham Humphrey Annelise Tuor	Sheridan Bourke	Annelise Tuor	Yes

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						Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4							
1 August 2019	Item No D5 DA422/2018/1	7 Carlisle Street Rose Bay	Vaucluse	Demolition of existing dwelling house, construction of a residential flat building with basement parking	\$3,370,910.00	✗	✓	✗		✗	Approval	Approval	New RFB which achieved full compliance with LEP standards (site area, height, FSR) and DCP envelope controls. Key planning issues related to amenity impacts (privacy, views, solar access, visual bulk) on adjoining properties, resulted from a permissible and compliant development. <u>Panel's comments:</u> Council's Strategic Department to review the DCP side setback controls for RFBs. Endorsed staff recommendation subject to additional conditions relating to additional screen planting and re-design of the central pedestrian access.	James Colman Graham Humphrey Annelise Tuor	Sheridan Bourke	Annelise Tuor	Yes
1 August 2019	Item No D6 DA422/2019/1	7 Wunulla Road Point Piper	Double Bay	Alterations and additions to existing dwelling including new balcony treatments, new windows, front gates, fencing and new access stairs to north east boundary	\$500,000.00	✗	✗	✓	Height Control - 9.5m Existing - 15.3m Proposed - 14.6m	✗	Approval	Approval	Pre-existing height non-compliance. Height breach associated with design refinements. No key planning issues. <u>Panel's comments:</u> Nil	Sheridan Bourke James Colman Graham Humphrey Annelise Tuor	Nil	Annelise Tuor	No
8 August 2019	Item No. D1 DA220/2019/1	9A/21 Thornton Street Darling Point	Double Bay	Alteration to Unit 9A.	\$12,000.00	✗	✗	✓	Height Control - 13.5m Existing - 63.5m Proposed - 28.4m	✗	Approval	Approval	Pre-existing height non-compliance. <u>Panel's comments:</u> Nil	Dr Mark Carleton Michelle Falstein John McInerney Prof Peter Webber	Nil	Prof Peter Webber	No
8 August 2019	Item No. D2 DA176/2019/1	26-27 Olola Avenue, Vaucluse	Vaucluse	Alterations and additions to the existing dwelling including the installation of a passenger lift and modification and expansion of the existing attic.	\$200,000.00	✗	✗	✓	Height Control - 9.5m Existing - 10.5m Proposed - 10.46m	✗	Approval	Approval	Pre-existing height non-compliance. Height non-compliance related to modification to the existing roof form. Planning issues related to height objectives and streetscape presentation. <u>Panel's comments:</u> Nil	Dr Mark Carleton Michelle Falstein John McInerney Prof Peter Webber	Nil	Prof Peter Webber	Yes
8 August 2019	Item No. D3 DA191/2019/1	22 Military Road Watsons Bay (Robertson Park)	Vaucluse	An annual market to be held at Robertson Park from 10am to 4pm on Sunday 15/9/2019, 20/09/2020, 19/9/2021, 18/09/2022, 17/09/2023, bump in from 6:30am and bump out until 6:40pm.	\$4,986.00	✓	✗	✗		✗	Approval	Approval	Council owned land. Consistent with Council's POM. Conditions addressed all planning issues. <u>Panel's comments:</u> Nil	Dr Mark Carleton Michelle Falstein John McInerney Prof Peter Webber	Nil	Prof Peter Webber	Yes
8 August 2019	Item No. D4 DA163/2019/1	1A Guilfoyle Avenue, Double Bay (aka Guilfoyle Park)	Double Bay	Guilfoyle Park monthly Sunday market.	\$3,000.00	✓	✗	✗		✗	Approval	Approval	Council owned land. Consistent with Council's POM. Conditions addressed all planning issues. <u>Panel's comments:</u> Nil	Dr Mark Carleton Michelle Falstein John McInerney Prof Peter Webber	Nil	Prof Peter Webber	Yes
8 August 2019	Item No. D5 DA2018/566/1	25 Marine Parade, Watsons Bay	Vaucluse	Demolition of existing dwelling, construction of dwelling, garage, swimming pool and associated works.	\$1,680,000.00	✗	✓	✗		✗	Approval	Approval	Key planning issues related to heritage, design and visual appearance from the Harbour and Marine Parade promenade. <u>Panel's comments:</u> Endorsed staff recommendation subject to additional conditions relating to the ground floor level pergola, pool fencing and recycling heritage fabric.	Dr Mark Carleton John McInerney Prof Peter Webber	Michelle Falstein	Prof Peter Webber	Yes

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						Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4							
8 August 2019	Item No. D6 DA367/2018/1	4A Fern Place, Woollahra	Cooper	Land subdivision into 2 Torrens titled lots and the construction of a 3 storey semi-detached dwelling with basement parking on each lot	\$1,341,331.00	✗	✗	✓		✗	Approval	Approval	Key planning issues related to the design of two new infill buildings in a HCA and removal of trees. Panel's comments: Endorsed staff recommendation.	Dr Mark Carleton Michelle Falstein John McInerney Prof Peter Webber	Nil	Prof Peter Webber	Yes
15 August 2019	Item No. D1 DA193/2019/1	Catalina Restaurant Lyne Park Access Road and an adjacent section of Lyne Park 550 New South Head Road, Rose Bay	Vaucluse	Alterations and additions to existing restaurant	\$150,000.00	✗	✗	✓		✗	Withdrawn	Approval	DA withdrawn.	Sheridan Burke Dr Mark Carleton Graham Humphrey Peter Wells	Nil	Peter Wells	N/A
15 August 2019	Item No. D2 DA25/2018/1	49 & 51-53 Bay Street, Double Bay	Double Bay	Demolition of the existing buildings and the construction of a new 7 storey mixed development comprising two (2) levels of basement car parking with access from Knox Lane, one (1) retail tenancy and building services on the ground floor level and six (6) levels of residential development above comprising of 24 units	\$12,005,970.00	✗	✓	✓		✓	Refusal	Refusal	Key Planning issues related to the development exceeding the key development standards (height and FSR) and being inconsistent with the Double Bay desired future character objectives. Panel's comments: Endorsed staff recommendation. Variance to standards should be via a Planning Proposal.	Sheridan Burke Dr Mark Carleton Graham Humphrey Peter Wells	Nil	Peter Wells	Yes
15 August 2019	Item No. D3 DA436/2016/1	432-434 Oxford Street Paddington	Paddington	Alterations & additions to (2) two existing terrace buildings fronting Oxford Street, including (2) two retail tenancies to the ground floor level with access to a central courtyard; two (2) x (2) two bedroom apartments above; new three (3) storey mixed use infill development to the rear with basement car parking for six (6) vehicles including a turn-table with a three (3) car stacker accessed from Elizabeth Place; a ground floor retail tenancy and five (5) residential apartments above.	\$3,564,238.00	✗	✓	✓		✓	Approval	Deferred	The DA was initially deferred by the Panel on 4 April 2019 to allow the applicant to submit revised plans which reduced the FSR, modified the roof form and external materials/finishes, and increased the level of private open space. Panel's comments: Deferral of the re-submitted scheme to allow the applicant to submit amended plans which achieved compliance with Council's FSR standard and facilitated increase separation between the two building modules.	Sheridan Burke Dr Mark Carleton Graham Humphrey Peter Wells	Nil	Peter Wells	Yes
15 August 2019	Item No. D4 DA347/2018/1	12 Greycliffe Avenue, Vaucluse (Lot 29) - S8.2 Review	Vaucluse	New dual occupancy, swimming pool, siteworks, and strata subdivision	\$1,462,101.00	✗	✓	✗		✗	Approval	Deferred	S.82 review deferred prior to the matter being heard by the Panel due to an administrative error pertaining to the number of objections received.	Sheridan Burke Dr Mark Carleton Graham Humphrey Peter Wells	Nil	Peter Wells	Yes
15 August 2019	Item No. D5 DA348/2018/1	12 Greycliffe Avenue, Vaucluse (Lot 28) - S8.2 Review	Vaucluse	Demolition of dwelling, new dual occupancy, swimming pool, siteworks and strata subdivision	\$1,498,620.00	✗	✓	✗		✗	Approval	Deferred	S.82 review deferred prior to the matter being heard by the Panel due to an administrative error pertaining to the number of objections received.	Sheridan Burke Dr Mark Carleton Graham Humphrey Peter Wells	Nil	Peter Wells	Yes
5 September 2019	Item No. D1 DA225/2019/1	2/17-19 Benelong Crescent Bellevue Hill	Bellevue Hill	Alterations and additions to existing residential flat building	\$54,000.00	✗	✗	✓	Height Control - 10.5m Existing - 13m Proposed - 12.78m	✗	Approval	Approval	Pre-existing height non-compliance. Height breach related to a new pergola structure. Key planning issue related to visual appearance. Panel's comments: Nil.	Ross Bonthorne James Colman John McInerney Annelise Tuor	Nil	Annelise Tuor	No

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						Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4							
5 September 2019	Item No. D2 DA484/2018/1	2 Wentworth Street Point Piper	Double Bay	Alterations and additions to an approved residential flat building (under DA 369/2017/1) including one additional unit (to a total of six units) with new vehicular access from Wolseley Road	\$866,088.00	✗	✗	✓		✓	Approval	Approval	Amending DA incorporating a revised car parking layout, an additional unit and design refinements to the previously approved DA. The amending DA did not alter the overall height and bulk of the approved development. Key planning issues related to car park access, excavation and SEPP 65. <u>Panel's comments:</u> Endorsed staff recommendation subject to additional conditions relating to the extent of excavation, redesign of the balconies and open space.	Ross Bonthorne James Colman John McInerney Annelise Tuor	Nil	Annelise Tuor	Yes
5 September 2019	Item No. D3 DA278/2018/1	7 Rawson Road, Rose Bay	Vaucluse	Demolition of existing dwelling-house, construction of replacement dwelling-house, landscaping and siteworks	\$2,886,010.00	✗	✗	✓		✗	Approval	Approval	Key planning issues related to the proposed new dwelling breaching Council's height standard and DCP building envelope controls and associated amenity impacts (view loss, privacy, solar access) <u>Panel's comments:</u> Endorsed staff recommendation with the adoption of agreed conditions between the applicant and objector relating to an increased setback.	Ross Bonthorne James Colman John McInerney Annelise Tuor	Nil	Annelise Tuor	Yes
5 September 2019	Item No. D4 DA440/2018/1	89 John Street, Woollahra	Cooper	Enclosure of breezeway courtyard, addition of studio above existing garage & basement car stacker to existing garage	\$267,000.00	✗	✓	✗		✗	Approval	Approval	Key planning issues related to heritage, design, presentation of loft to the laneway and residential amenity impacts (privacy, scale/bulk) <u>Panel's comments:</u> Endorsed staff recommendation subject to a condition requiring the proposed loft above the existing garage being deleted.	Ross Bonthorne James Colman John McInerney Annelise Tuor	Nil	Annelise Tuor	Yes
5 September 2019	Item No. D5 DA139/2015/3	11 Attunga Street Woollahra	Cooper	4.55 modification - Boundary retaining wall with timber screen above	No price listed	✗	✗	✓		✗	Approval	Approval	Planning issues related to alleged unauthorised works, the approved Construction Certificate being inconsistent with the approved DA plans and the impact of the proposed retaining wall/privacy screen on the adjoining properties <u>Panel's comments:</u> Satisfied that the works on site were approved via a CC and consistent with the approved DA. Endorsed staff recommendation subject to a condition requiring the proposed lattice screen accommodate planting to act as a green wall.	Ross Bonthorne James Colman John McInerney Annelise Tuor	Nil	Annelise Tuor	Yes
5 September 2019	Item No. D6 DA20/2019/1	58 Grosvenor Street Woollahra	Cooper	Alterations and additions to the existing terrace for a psychology clinic	\$1,495,100.00	✗	✗	✓		✗	Approval	Approval	Key planning issues related to the FSR exceedance, the use of the premises as a psychology clinic, heritage, design, impact on existing trees and associated residential amenity impacts (privacy, solar access, visual bulk) <u>Panel's comments:</u> Endorsed staff recommendation with an additional condition requiring additional tree planting.	Ross Bonthorne James Colman John McInerney Annelise Tuor	Nil	Annelise Tuor	Yes

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						Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4							
5 September 2019	Item No. D7 DA290/2018/1	142C Bellevue Road Bellevue Hill	Cooper	Demolition of the existing dwelling & the construction of new residential flat building	\$5,220,892.00	✗	✗	✓		✓	Refusal	Refusal	Proposal exhibited non-compliances with key development standards, namely site area and height. Inconsistent with SEPP 65. Insufficient information submitted with DA. <u>Panel's comments:</u> Endorsed staff recommendation	Ross Bonthorne James Colman John McInerney Annelise Tuor	Nil	Annelise Tuor	Yes
12 September 2019	Item No. D1 DA100/2019/1	78 New Beach Road Darling Point	Double Bay	Alterations and additions to the existing residential flat building for the provision of a new passenger lift	\$320,000.00	✗	✗	✓	Height Control - 10.5m Existing - 12.07m Proposed - 11.8m	✗	Approval	Approval	Pre-existing height non-compliance. Height breach associated with installation of new passenger lift. No key planning issues. <u>Panel's comments:</u> Nil.	Sheridan Burke Dr Mark Carleton Graham Humphrey Peter Wells	Nil	Peter Wells	No
12 September 2019	Item No. D2 DA116/2019/1	70 Gipps Street Paddington	Paddington	New domestic elevator	\$200,000.00	✗	✗	✓	Height Control - 9m Existing - 10.27m Proposed - 10.27m	✗	Approval	Approval	Pre-existing height non-compliance. Installation of an internal lift. No planning issues. <u>Panel's comments:</u> Nil.	Sheridan Burke Dr Mark Carleton Graham Humphrey Peter Wells	Nil	Peter Wells	No
12 September 2019	Item No. D3 DA49/2019/1	120A Windsor Street Paddington	Paddington	Alterations and additions	\$440,000.00	✗	✗	✓	Height Control - 9.5m Existing - 13.95m Proposed - 13.82m	✗	Approval	Approval	Pre-existing height non-compliance. Proposed works in breach of height control related to the attic level additions. No key planning issues. <u>Panel's comments:</u> Nil.	Sheridan Burke Dr Mark Carleton Graham Humphrey Peter Wells	Nil	Peter Wells	No
12 September 2019	Item No. D4 DA568/2018/1	16 Sutherland Street Paddington	Paddington	Alterations and additions to the existing terrace house	\$77,000.00	✗	✗	✓	Height Control - 9.5m Existing - 11.7m Proposed - 11.3m	✗	Approval	Approval	Pre-existing height non-compliance. Conversion of existing roof area to an attic level including a new dormer. DCP compliant. <u>Panel's comments:</u> Nil	Dr Mark Carleton Graham Humphrey Peter Wells	Sheridan Burke	Peter Wells	No
12 September 2019	Item No. D5 DA118/2019/1	27 Underwood Street Paddington	Paddington	New attic space with two new rear facing dormers	\$285,000.00	✗	✗	✓	Height Control - 9.5m Existing - 14.06m Proposed - 13.76m	✗	Approval	Approval	Pre-existing height non-compliance. Two new dormers (DCP compliant) <u>Panel's comments:</u> Nil	Sheridan Burke Dr Mark Carleton Graham Humphrey Peter Wells	Nil	Peter Wells	No
12 September 2019	Item No. D6 DA178/2019/1	William and Victoria Street and James Cook Reserve Paddington (William Street Festival)	Paddington	Annual William Street Festival to be held on: • Saturday 19th October 2019 • Saturday 17th October 2020 • Saturday 16th October 2021 • Saturday 15th October 2022 • Saturday 21st October 2023	\$79,480.00	✓	✗	✗		✗	Approval	Approval	Council owned land. Consistent with previous DA approvals for the event. Conditions addressed all planning issues. <u>Panel's comments:</u> Endorsed staff recommendations.	Sheridan Burke Dr Mark Carleton Graham Humphrey Peter Wells	Nil	Peter Wells	Yes

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						Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4							
12 September 2019	Item No. D7 DA347/2018	12 Greycliffe Avenue (Lot 29) Vaucluse	Vaucluse	S8.2 Review - New dual occupancy, swimming pool, siteworks, and strata subdivision	\$1,462,101.00	x	✓	x		x	Approval	Approval	The DA was initially refused by the Panel on 21 February 2019 for reasons relating to desired future character, design excellence, streetscape character, on-site car parking and landscaping to the street. The subject s8.2 application as submitted incorporated design changes to address the reasons for refusal. <u>Panel's comments:</u> Endorsed the staff recommendation, subject to a deferred commencement condition requiring design changes to the roof form and front facade to ensure the development was more in keeping with the desired future character objectives for the Vaucluse West Precinct (primarily Greycliffe Avenue) Note: The Class 1 Appeal to the initial DA refusal was discontinued.	Sheridan Burke Dr Mark Carleton Graham Humphrey Peter Wells	Nil	Peter Wells	Yes
12 September 2019	Item No. D8 DA348/2018	12 Greycliffe Avenue, (Lot 28) Vaucluse	Vaucluse	S8.2 Review - Demolition of dwelling, new dual occupancy, swimming pool, siteworks and strata subdivision	\$1,498,620.00	x	✓	x		x	Approval	Approval	The DA was initially refused by the Panel on 21 February 2019 for reasons relating to desired future character, design excellence, streetscape character, on-site car parking and landscaping to the street. The subject s8.2 application as submitted incorporated design changes to address the reasons for refusal. <u>Panel's comments:</u> Endorsed the staff recommendation, subject to a deferred commencement condition requiring design changes to the roof form and front facade to ensure the development was more in keeping with the desired future character objectives for the Vaucluse West Precinct (primarily Greycliffe Avenue) Note: Class 1 Appeal to the initial DA was discontinued.	Sheridan Burke Dr Mark Carleton Graham Humphrey Peter Wells	Nil	Peter Wells	Yes
19 September 2019	Item No. D1 DA231/2019/1	209 Hopetoun Avenue Vaucluse	Vaucluse	Alterations and additions to the existing dwelling, including new second floor for master bed with ensuite and roof terrace	\$730,000.00	x	x	✓	Height Control - 9.5m Existing - 11.3m Proposed - 11.95m	x	Approval	Approval	Key planning issues related to the additional height exceedance and its compliance with the height objectives, view loss, privacy and streetscape presentation. <u>Panel's comments:</u> Endorsed staff recommendation.	Sheridan Burke Graham Humphrey John McInerney Prof Peter Webber	Nil	Prof Peter Webber	Yes
19 September 2019	Item No. D2 DA390/2018/1	12-20 Cecil Street, Paddington	Paddington	Alterations and additions including new addition to the 2nd floor level, internal layout changes, widening of rear roller doors and air conditioning	\$625,000.00	x	x	✓		x	Refusal	Refusal	Key planning issues related to FSR exceedance and non-compliances with relevant DCP objectives (Paddington Chapter), design, heritage impact and inadequate information <u>Panel's comments:</u> Endorsed staff recommendation.	Sheridan Burke Graham Humphrey John McInerney Prof Peter Webber	Nil	Prof Peter Webber	Yes

Note:

- 1 Conflict of Interest - Council owned land and/or applicant.
- 2 Contentious Development - more than 10 submissions.
- 3 Departure from development standards by more than 10%.
- 4 Sensitive Development (RFB subject to SEPP65).



Woollahra Local Planning Panel

Register of Planning Decisions for 2018

(in accordance with section 375A of the Local Government Act 1993 exercising functions under the Environmental Planning and Assessment Act 1979)

As at 7 November 2019

Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Reco	WLPP Decision	Key Planning Issues & Commentary	Voting For	Voting Against	Chairperson	Site Visit (Yes / No)
						Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4							
19 September 2019	Item No. D3 DA105/2019/1	14 Boronia Road, Bellevue Hill	Bellevue Hill	Demolition of dwelling and construction of new residential flat building	\$3,918,055.00	✗	✗	✓		✓	Refusal	Refusal	New RFB exceeding Council's FSR control, impact on existing significant private tree, privacy impacts, inadequate information submitted with the DA relating to stormwater and geotechnical matters. <u>Panel's comments:</u> Endorsed staff recommendation. Note: A Class 1 Appeal was filed with the L&E Court prior to the matter being determined by the WLPP.	Sheridan Burke Graham Humphrey John McInerney Prof Peter Webber	Nil	Prof Peter Webber	Yes
19 September 2019	Item No. D4 DA86/2019/1	274 Old South Head Road, Watsons Bay	Vaucluse	Demolition of the existing residential flat building, construction of a new residential flat building, with basement parking, and strata subdivision	\$2,019,508.00	✗	✓	✗		✓	Refusal	Refusal	Key planning issues related to existing use rights, compatibility with surrounding built form/context, SEPP 65, design, car parking, access and view loss and inadequate information. <u>Panel's comments:</u> Endorsed staff recommendation. Note: A Class 1 Appeal had been filed prior to the LPP's determination of this DA.	Sheridan Burke Graham Humphrey John McInerney Prof Peter Webber	Nil	Prof Peter Webber	Yes
3 October 2019	Item No. D1 DA104/2019/1	10 Parsley Road Vaucluse	Vaucluse	Demolition of dwelling and construction of a new dwelling, swimming pool and landscaping	\$3,429,031.00	✗	✗	✓		✗	Approval	Approval	Key planning issues related to the height exceedance, visual presentation to and from Parsley Bay <u>Panel's comments:</u> Endorsed staff recommendation subject to additional conditions relating to translucent glazing and privacy screening.	Dr Mark Carleton James Colman Graham Humphrey Peter Wells	Nil	Peter Wells	Yes
3 October 2019	Item No. D2 DA510/2018/1	4-6 Bayview Hill Road ROSE BAY	Vaucluse	The demolition of the existing dwelling house & the construction of a new dwelling house, swimming pool and landscape works including footpath works and landscaping within the road reserve.	\$5,850,000.00	✗	✗	✓		✗	Refusal	Refusal	Key planning issues related to excessive scale/bulk, height non-compliance, context with adjoining development, excessive excavation, loss of rock outcrop, SREP 2005, view loss, privacy and solar access. <u>Panel's comments:</u> Endorsed staff recommendation. Note: A Class 1 Appeal was filed prior to the LPP's determination and was subsequently upheld via a s.34 agreement.	Dr Mark Carleton James Colman Graham Humphrey Peter Wells	Nil	Peter Wells	Yes
3 October 2019	Item No. D3 DA649/2017/2	58-60 Newcastle Street, Rose Bay	Vaucluse	S.4.55 Proposed Modifications to the approved seniors' housing development	NA	✗	✓	✗		✗	Approval	Approval	Key planning issues related to the provision of plant equipment on the roof and its visual impact on the streetscape and locality. <u>Panel's comments:</u> Endorsed staff recommendation subject to the deletion of the proposed plant equipment located externally above the roof. Council's Strategic Department to look at its DCP controls to strengthen its objectives to not allow plant equipment to be located on roofs.	Dr Mark Carleton James Colman Graham Humphrey Peter Wells	Nil	Peter Wells	Yes

Note:

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- 4 Sensitive Development (RFB subject to SEPP65).



Woollahra Local Planning Panel

Register of Planning Decisions for 2018

(in accordance with section 375A of the Local Government Act 1993 exercising functions under the Environmental Planning and Assessment Act 1979)

As at 7 November 2019

Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Reco	WLPP Decision	Key Planning Issues & Commentary	Voting For	Voting Against	Chairperson	Site Visit (Yes / No)
						Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4							
3 October 2019	Item No. D4 DA232/2019/1	3 Olive Street Paddington	Paddington	Alterations & additions to the existing dwelling	\$350,000.00	✗	✗	✓	Height Control - 9.5m Existing - 12.12m Proposed - 11.93m	✗	Approval	Approval	Pre-existing height non-compliance. Height non-compliance related to new roof skylight and additions to roof attic level. Proposal complies with DCP objectives/controls. <u>Panel's comments:</u> Nil	Dr Mark Carleton James Colman Graham Humphrey Peter Wells	Nil	Peter Wells	No
3 October 2019	Item No. D5 DA384/2018/2	43 Dudley Street Paddington	Paddington	S.4.55 Proposed Modifications to Delete Condition C.1©	NA	✗	✓	✗		✗	Approval	Refusal	The s.4.55 application sought the deletion of a Condition imposed by the Panel on its determination of the initial DA. Key planning issues related to excessive scale/bulk, sense of enclosure and loss of solar access. <u>Panel's comments:</u> Refused on the grounds of adverse impact of the adjoining properties in terms of visual bulk, solar access and outlook. Note: A Class 1 Appeal has subsequently been filed in the L&E Court.	Dr Mark Carleton James Colman Graham Humphrey Peter Wells	Nil	Peter Wells	Yes
17 October 2019	Item No. D1 DA152/2019/1	Cycle path along the Rose Bay Promenade on land at 592B New South Head Road Rose Bay	Bellevue Hill	To construct a separated bi-directional cycle path along the Rose Bay Promenade	\$500,000.00	✓	✓	✗		✗	Approval	Deferred	DA was deferred by the Panel to enable the applicant to explore modifications to the design, including: 1. Prioritises the needs of pedestrians; 2. Provides an alternative bi-directional cycle-way design to reduce pedestrian and cyclists conflicts. Note: The DA was tabled to the LPP Meeting of 21 November 2019 in previous format design and approved, subject to minor design modifications.	Dr Mark Carleton James Colman Keri Huxley Prof Peter Webber	Nil	Peter Webber	Yes
17 October 2019	Item No. D2 DA251/2019/1	17B/23 Thornton Street Darling Point	Double Bay	Installation of an outdoor air-conditioner unit on the balcony	\$2,788.00	✗	✗	✓	Height Control - 13.5m Existing - 53m Proposed - 47m	✗	Approval	Approval	Pre-existing height non-compliance. New A/C unit. No planning issues. <u>Panel's comments:</u> Nil.	Dr Mark Carleton James Colman Keri Huxley Prof Peter Webber	Nil	Peter Webber	No
17 October 2019	Item No. D3 DA171/2015/2	6-10 Cecil Street Paddington	Paddington	S.4.56 Proposed Modification - Alterations to the approved boarding house	NA	✗	✓	✗		✗	Approval	Approval	Modification to an L&E Court approved boarding house. Key planning issues related to design, heritage and associated residential amenity impacts (privacy, solar access, scale) <u>Panel's comments:</u> Endorsed staff recommendation with an additional condition requiring additional privacy screening.	Dr Mark Carleton James Colman Keri Huxley Prof Peter Webber	Nil	Peter Webber	Yes
17 October 2019	Item No. D4 DA563/2018/1	160 Wolseley Road Point Piper	Double Bay	Alterations and additions to an existing ramp and pontoon.	\$150,000.00	✗	✓	✗		✗	Approval	Refusal	Assessment against SREP (Sydney Harbour Catchment) 2005. <u>Panel's comments:</u> Proposed use contrary to the objectives of SREP 2005 and not in the public interest. Extension of jetty, pontoon and ramp was not adequately justified.	Dr Mark Carleton James Colman Keri Huxley Prof Peter Webber	Nil	Peter Webber	Yes

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Woollahra Local Planning Panel

Register of Planning Decisions for 2018

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As at 7 November 2019

Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Reco	WLPP Decision	Key Planning Issues & Commentary	Voting For	Voting Against	Chairperson	Site Visit (Yes / No)
						Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4							
7 November 2019	Item No. D1 DA171/2019	29-53 Victoria Road, Bellevue Hill	Bellevue Hill	Alterations and additions to the Assembly Hall (and associated works) on the upper level of the Main School Building	\$5,520,400.00	✗	✗	✓	Height Control - 9.5m Existing - 17.75m Proposed - 17.13m	✗	Approval	Approval	Pre-existing height non-compliance. Proposal limited to refurbishment of existing Assembly Hall building. No increase in student numbers. <u>Panel's comments:</u> Nil.	Annelise Tuor Sheridan Burke John McInerney Andrew Petrie	Nil	Annelise Tuor	Yes
7 November 2019	Item No. D2 DA51/2016/3	12 Boronia Road, Bellevue Hill	Bellevue Hill	Proposed Modification - Addition of a 39m2 roof terrace with private access to Unit 7	NA	✗	✓	✗		✗	Approval	Approval	Roof terrace to a recently approved RFB. Key planning issues related to the height exceedance and the DCP controls relating to roof terraces. <u>Panel's comments:</u> Endorsed staff recommendation with an additional condition requiring planter boxes around the perimeter of the roof terrace.	Annelise Tuor Sheridan Burke John McInerney Andrew Petrie	Nil	Annelise Tuor	Yes
7 November 2019	Item D3 DA13/2019/1	590-592 New South Head Road, Point Piper	Double Bay	Construction of a new residential flat building with underground parking, landscaping, strata subdivision and remediation of land	\$23,000,000.00	✗	✓	✗		✓	Refusal	Deferred	Key planning issues related to existing use rights, SEPP 65, context with the desired future character objectives, design, insufficient information and amenity impacts. <u>Panel's comments:</u> Agreed to the applicant's request to have the matter deferred to address Council's reasons for refusal. (The Panel set out key design changes that were necessary in any revised scheme).	Annelise Tuor Sheridan Burke John McInerney Andrew Petrie	Nil	Annelise Tuor	Yes

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Woollahra Local Planning Panel

Register of Planning Decisions for 2018

(in accordance with section 375A of the Local Government Act 1993 exercising functions under the Environmental Planning and Assessment Act 1979)

As at 7 November 2019

Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Reco	WLPP Decision	Key Planning Issues & Commentary	Voting For	Voting Against	Chairperson	Site Visit (Yes / No)
						Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4							
PLANNING PROPOSAL																	
27 June 2019	Item No D5	Planning Proposal - Review proposed amendments to the Paddington Heritage Conservation Area Controls.	NA	Review proposed ammendments to the Paddington Heritage Conservation Area Controls.	NA	NA	NA	NA	NA	NA	Planning Proposal	Planning Proposal	<u>Panel comments:</u> Adopted staff recommendation with amendments. Note - Amended Controls will come into force on the 2 January 2020 as approved by Council on 11 November 2019.	Sheridan Bourke John McInerney Andrew Petrie Annelise Tuor	Nil	Annelise Tuor	
27 June 2019	Item No D6	Planning Proposal - Proposed amendments to Woollahra LEP 2014 including introduction of an FSR control for low density residential development.	NA	Planning Proposal - proosed amendments to the Woollahra LEP 2014 including introiduction of an FSR control for low density residential development	NA	NA	NA	NA	NA	NA	Planning Proposal	Planning Proposal	<u>Panel comments:</u> Panel endorsed staff recommendation and not Council's recommendation from the Environmental Planning Committee. Note - A subsequent report was approved by Council on 22 July 2019. A planning proposal was submitted to the DPIE on 30 July 2019 and the DPIE have requested further information.	Sheridan Bourke John McInerney Andrew Petrie Annelise Tuor	Nil	Annelise Tuor	
3 October 2019	Item No. D6	Planning proposal - Heritage Listing of the Rose Bay Sewage Pumping Station and Gates in Percival Park at 13 Collins Avenue, Rose Bay		Planning proposal - Heritage Listing of the Rose Bay Sewage Pumping Station and Gates in Percival Park at 13 Collins Avenue, Rose Bay	NA	NA	NA	NA	NA	NA	Planning Proposal	Planning Proposal	<u>Panel comments:</u> Endorsed staff recommendation. The planning proposal has been submitted to DPIE on 20 November 2019 requesting a gateway determination.	Dr Mark Carleton James Colman Graham Humphrey Peter Wells	Nil	Peter Wells	
OTHER																	
6 June 2019	Item No D5	Proposed Delegation for Pre-existing Non-compliances for Height of Building and Floor Space Ratio Development Standards.		Proposed delegation for pre-exisiting non-compliance for height of building and floor space ratio development standards.	NA	NA	NA	NA	NA	NA	Other	Other	Refer to report for details.	Ross Bonthorne Sheridan Bourke John McInerney Annelise Tuor	Nil	Annelise Tuor	
4 July 2019	Item No D6	Operational Procedures Update.	NA	Present revised Operational Procedures to the WLPP for adoption.	NA	NA	NA	NA	NA	NA	Other	Other	Report considered by the Panel and Operational Procedures updated for consistency with Department of Planning Guidelines.	Dr Mark Carleton John McInerney Andrew Petrie Annelise Tuor	Nil	Annelise Tuor	
7 November 2019	Item No. D4	WLPP - Delegations Assumed Concurrence	NA	WLPP - Delegations Assumed Concurrence.	NA	NA	NA	NA	NA	NA	Other	Other	Refer to report for details.	Annelise Tuor Sheridan Burke John McInerney Andrew Petrie	Nil	Annelise Tuor	

Note:

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Woollahra Municipal Council
Woollahra Local Planning Panel

07 November 2019

Item No: D4
Subject: **WOOLLAHRA LOCAL PLANNING PANEL (WLPP) -
DELEGATIONS ASSUMED CONCURRENCE**
Author: Helen Tola, Manager - Governance & Council Support
Approver: Nick Economou, Manager Development Control
File No: 19/179025
Reason for Report: To delegate to Council's Planning staff the WLPP function to determine specific applications for a period of 12 months.

Recommendation:

THAT the Woollahra Local Planning Panel under the provisions of section 2.20(8) of the *Environmental Planning and Assessment Act 1979* (the "Act") delegates to Council's Planning staff its function to determine Development Applications for a period of 12 months where:

- there is a pre-existing non-compliance of more than 10% for height of building under clause 4.3 of the Woollahra Local Environmental Plan 2014 and the development application does not result in an increase in the non-compliance, or
- there is a pre-existing non-compliance of more than 10% for floor space ratio under clause 4.4 of the Woollahra Local Environmental Plan 2014 and the development application does not:
 - a) result in changes to the extent of the building envelope, and
 - b) is only a minor increase to the gross floor area e.g. balcony closure or similar.

Background:

The Department of Planning, Industry and Environment has granted Council an exemption from the requirement to refer Development Applications to the Woollahra Local Planning Panel for a period of 12 months where:

- *there is a pre-existing non-compliance of more than 10% for height of building under clause 4.3 of the Woollahra Local Environmental Plan 2014 and the development application does not result in an increase in the non-compliance, or*
- *there is a pre-existing non-compliance of more than 10% for floor space ratio under clause 4.4 of the Woollahra Local Environmental Plan 2014 and the development application does not:*
 - a) result in changes to the extent of the building envelope, and*
 - b) is only a minor increase to the gross floor area e.g. balcony closure or similar.*

A copy of the letter from the Department of Planning, Industry and Environment is presented as **Annexure 1**.

Annexure 2 presents a copy Council's report to the WLPP at its meeting of 6th June 2019 and **Annexure 3** presents the subsequent letter to the NSW Department of Planning and Environment dated 13th June 2019 setting out its position and rationale for seeking such an exemption.

Schedule 1 of the Local Panels Direction – Development Applications dated 23 February 2018 prescribes the referral criteria for Applications to be determined by Local Planning Panels.

Woollahra Municipal Council
Woollahra Local Planning Panel

07 November 2019

Referral Criteria 3 relates to “Departure from Development Standards” and reads as follows:

“Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical standards.

Note: If the Secretary allows concurrence to be assumed by council staff for contravening development standards, the panel can delegate these applications to council staff to determine.”

In order to implement the above exemption, it is necessary for the panel to delegate these applications to council staff to determine.

For the reasons set out in Council’s letter dated 13th June 2019 addressed to the NSW Department of Planning and Environment, it is recommended the panel use the provisions of section 2.20(8) to delegate its functions to determine Development Applications for a period of 12 months, to Council staff, where:

- there is a pre-existing non-compliance of more than 10% for height of building under clause 4.3 of the Woollahra Local Environmental Plan 2014 and the development application does not result in an increase in the non-compliance, or
- there is a pre-existing non-compliance of more than 10% for floor space ratio under clause 4.4 of the Woollahra Local Environmental Plan 2014 and the development application does not:
 - a) result in changes to the extent of the building envelope, and
 - b) is only a minor increase to the gross floor area e.g. balcony closure or similar

Conclusion:

The Department of Planning, Industry and Environment has granted Council an exemption from the requirement to refer Development Applications to the Woollahra Local Planning Panel for a period of 12 months. In order to implement the above exemption, it is necessary for the panel to delegate these applications to council staff to determine and therefore it is recommended that the panel uses the provisions of Section 2.20(8) to delegate its functions to determine Application for a period of 12 months.

Annexures

1. Letter from the Department of Planning, Industry and Environment to Council
2. Report to WLPP 6 June 2019
3. Letter from Council to the Department of Planning, Industry and Environment

Woollahra Municipal Council
Woollahra Local Planning Panel

07 November 2019



Planning,
Industry &
Environment

IRF19/6327

Mr Gary James
General Manager
Woollahra Municipal Council
PO BOX 61
DOUBLE BAY NSW 1360

Dear Mr James

I refer to Council's letter of 13 June 2019 to Mr Jim Betts, Secretary of the Department of Planning, Industry and Environment, seeking assumed concurrence for non-compliance with Council's height of buildings and floor space ratio development standards and consequent delegation for Council officers to determine certain non-compliant development applications. The Secretary has asked me to reply on his behalf.

I acknowledge the reasons for Council's request and the current impacts on Council resources of referring development applications to the local planning panel. I note that one of the key objectives of local planning panels is to focus on contentious and complex development applications while Council staff continue to determine routine applications.

As delegate of the Secretary, I have considered Council's request and agree that for 12 months from the date of this letter, Council may be exempted from the requirement to refer development applications to the Woollahra local planning panel where:

- there is a pre-existing non-compliance of more than 10% for height of building under clause 4.3 of the Woollahra Environmental Plan 2014 and the development application does not result in an increase in the non-compliance, or
- there is a pre-existing non-compliance of more than 10% for floor space ratio under clause 4.4 of the Woollahra Local Environmental Plan 2014 and the development application does not:
 - a. result in changes to the extent of the building envelope, and
 - b. is only a minor increase to the gross floor area e.g. balcony closure or similar.

The applicable development applications may be determined by Council staff under delegation from the Woollahra local planning panel in accordance with any relevant governance mechanisms.

I note that Council will review and update its Local Environmental Plan as part of the Local Strategic Planning Statement process. As part of this, I request that Council review its height of building and floor space ratio controls, so Council does not need to rely on temporary extensions to clause 4.6 delegations.

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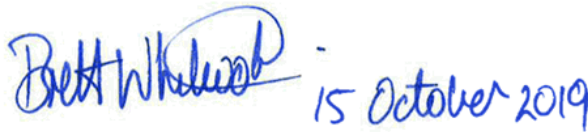
Woollahra Municipal Council
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07 November 2019

Additionally, Council must continue to maintain a development variation register and report to the Department on a quarterly basis.

Should you have any questions in relation to this matter, please contact Ms Melissa Halloran, Planning Officer, Eastern and South Districts at the Department on 8275 1128.

Yours sincerely



Brett Whitworth
Acting Deputy Secretary
Greater Sydney, Place and Infrastructure

320 Pitt Street Sydney NSW 2000 | GPO Box 39 Sydney NSW 2001 | planning.nsw.gov.au

Item No: D5
Subject: **PROPOSED DELEGATION FOR PRE-EXISTING NON-COMPLIANCES FOR HEIGHT OF BUILDING AND FLOOR SPACE RATIO DEVELOPMENT STANDARDS**
Authors: Fiona O'Dell, Strategic Planner
Anne White, Team Leader - Strategic Planning
Approvers: Nick Economou, Manager Development Control
Allan Coker, Director - Planning & Development
File No: 19/54231
Reason for Report: To ask the Woollahra Local Planning Panel to support a submission to the Secretary of the Department of Planning and Environment, seeking assumed concurrence on development applications with pre-existing non-compliances with Councils Height of Building and Floor Space Ratio development standards and consequent delegation for Council officers to determine applicable development applications.

Recommendation:

THAT the Woollahra Local Planning Panel supports a submission to the Secretary of the Department of Planning and Environment that seeks to allow concurrence to be assumed by Council staff for development applications that contravene development standards where:

- A. There is a pre-existing non-compliances of more than 10% for height of building and floor space ratio under clause 4.3 and clause 4.4 of the Woollahra Local Environmental Plan 2014; and
- B. Development applications do not result in either;
 1. Increases in the non-compliance, or
 2. Changes to the extent of the building envelope.

1. Background

In 2017 the NSW State Government introduced legislation requiring all councils in the Greater Sydney Region and Wollongong to have Local Planning Panels (LPPs) in place by 1 March 2018. The first meeting of the Woollahra Local Planning Panel took place on 29 March 2018.

The Woollahra LPP is an independent assessment body and is not subject to the instruction or control of Council, except on matters relating to operational procedures and matters set out in directions issued by the Minister under the Environmental Planning and Assessment (EP&A) Act 1979.

On 23 February 2018, the Minister for Planning issued a *Local Planning Panel Direction – Development Applications* stating referral criteria for certain development types to be determined by LPPs, including:

- Conflict of interest – development for which the applicant or land owner is the council, a councillor, member of Parliament, and certain council staff or their relatives,
- Contentious development – development that is subject to 10 or more unique submissions of objection, or in the case of a council having an approved submission policy – the number set by that policy,

- Departure from development standards – development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards,
- Sensitive development – including the following development types; designated development, development to which *State and Environmental Planning Policy No 65- Design Quality of Residential Apartment Development* applies, demolition of a heritage item, certain new licensed premises that require a liquor licence (a club, a hotel with a general bar, public entertainment venue), sex services and restricted premises, development applications for which the developer has offered to enter into a planning agreement.

One of the key objectives of this direction is to have LPPs determine the most sensitive and complex development applications. This improves planning outcomes and probity in the planning system.

Under this direction, if the Secretary allows concurrence to be assumed by council staff for contravening development standards, under Section 2.20(8) of the EP&A Act 1979 there is an option that allows LPPs to delegate these matters back to council staff for determination.

2. Discussion

The *Local Planning Panel Direction – Development Applications* referral criteria for Departure from development standards for non-compliances over 10%, does not differentiate between a pre-existing non-compliance and a new non-compliance as a result of the development application. Any development application that contravenes a development standard by more than 10%, whether a pre-existing non-compliance or not, is required to be determined by the LPP.

A development application with a pre-existing non-compliance of more than 10% has been subject to assessment by the development standards in place at the time of consent. As such, the non-compliance is of far less significance in the assessment and determination of a current application, particularly in the case that the proposed development does not increase the pre-existing non-compliance.

Between 29 March 2018 and 21 March 2019, the Woollahra LLP considered:

- 128 individual development applications or related applications; and
- 34% of which were required to be considered by the Woollahra LPP due to pre-existing non-compliances with the height of building and floor space ratio development standards.

(A summary table is attached at *Annexure I*)

All of these development applications considered by the Woollahra LPP were approved, consistent with the council officer's recommendation. In giving reasons for their decision, the Woollahra LPP considered that the non-compliance with the development standard was pre-existing and being that there was no additional impact, there were no grounds to change the officer's recommendation.

All of the applications determined with pre-existing non-compliances greater than 10% with height and floor space development standards under clause 4.3 and clause 4.4 of the Woollahra Environmental Plan 2014 were minor in nature, such as:

Departure from height development standard

- New air conditioning system with a condenser unit,
- Alteration and additions incorporating a conversion of the roof space of an attic including a new dormer window,

- Alteration and additions including increasing width of existing loggia/verandah structure.

Departure from FSR development standard

- Balcony enclosure including an additional 8sqm of gross floor area. The works proposed did not vary the building envelope. The existing non-compliance was 63.5% and the proposed development added 0.2% to the variation.
- Alterations and additions to an apartment building including a swimming pool and associated facilities. The works proposed did not vary the building envelope. The existing FSR non-compliance was 27% and the proposed development added 0.11% to the variation.

As at 21 March 2019, Council had 65 pending applications required to be considered by the Woollahra LPP. Of the pending applications, 30% of these consist of pre-existing non-compliances with the height of building and floor space ratio development standards.

Monitoring the results of the operation of the Woollahra LPP over the past year, shows the criteria for referring applications with pre-existing non-compliances for height of building and floor space ratio did not increase the non-compliance or the building envelope. Hence, making the referral of these applications to the LPP unnecessary and do not meet the function of the panel to determine complex and sensitive development.

3. Costs and time delays

Referring a development application to Woollahra LPP has significant financial costs to Council and adds time delays in the assessment process.

In accordance with the EP&A Act 1979, the Woollahra LPP comprises four voting members:

- One Chair
- Two Independent Expert Members
- One Community Representative member representing the ward where the DA is located

Each panel member is remunerated for their role on the panel at the expense of Council. Council also funds the travel costs for the panel members, servicing the meeting and advertising.

Woollahra LPP meetings are held fortnightly with a meeting estimated to cost approximately \$7,500. There are no additional fees charged for a development application that must be determined by the Woollahra LPP. Each application that is referred to the Woollahra LPP costs Council approximately \$1,400 (this figure excludes staff resourcing).

As of 1 April 2019, council had 244 pending development applications and 59 modification applications under consideration. These figures are high, and referring development applications to the Woollahra LPP causes unnecessary time delays to the assessment process. It is estimated that the requirement for an application to be considered by the Woollahra LPP can add an additional 8-10 weeks to the assessment time due to the following reasons; a detailed staff report, cycle of meetings and limited agenda capacity and extra administrative work required for agenda preparation.

Based on the data collected on Woollahra LPP referrals over the past year (1 March 2018-1 April 2019), an exemption from referring development applications with pre-existing non-compliances for height and floor space ratio development standards could reduce up to 5 referrals a month. This would represent a major reduction in assessment timeframes and represent a cost saving to Council.

4. Conclusion:

LPPs determine the most sensitive and complex development applications. The operation of the Woollahra LPP shows that the criteria for referring applications with pre-existing non-compliances is unnecessary and does not enhance the function of the panel. It unnecessarily causes delays in the assessment process and adds significant financial costs to council.

It is recommended that the Woollahra LPP support a submission stating that Council requests the Secretary of the Department of Planning and Environment to allow concurrence to be assumed by council staff for contravening the height of building and floor space ratio development standards where pre-existing non-compliance result in a departure of more than 10%, and the non-compliance is not further increased by the development proposed. Following concurrence the applicable development applications may be determined by Council staff under delegation from the Woollahra LPP.

Annexures

1. Summary Table of DA matters before the WLPP 29 March 2018 to 21 March 2019 [↓](#)



ANNEXURE 1

Meeting Date	Reference	Address	Proposal	Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4	Staff Recommendation	WLPP Decision
29/03/18	222/2017/1	69 Latimer Rd Bellevue Hill	Alts & adds	NA	NA	Height: 11%	✓	NA	Approval	Approval
29/03/18	557/2017/1	25-27 Fairfax Rd Bellevue Hill	Alts & adds	NA	NA	Height: 13.7%	✓	NA	Refusal	Refusal
29/03/18	606/2017/1	3 Queens Ave Vaucluse	New glass lift	NA	NA	Height: 10.4%	✓	NA	Approval	Approval
29/03/18	576/2017/1	162 Southfield St Paddington	Alts & adds	NA	NA	Height: 33.68%	✓	NA	Approval	Approval
29/03/18	162/2017/1	114 Paddington St Paddington	Alts & adds to existing 4-storey terrace	NA	NA	Height: 11.6%	✓	NA	Approval	Approval
29/03/18	275/2017/1	5-11 Thornton St Darling Point	Alts & adds to the existing RFB.	NA	NA	FSR: 27%	✓	NA	Approval	Approval
29/03/18	249/2017/1	32 Mona Rd Darling Point	Extensive alts & adds	NA	NA	Height: 42.6%	✓	NA	Approval	Approval
29/03/18	595/2017/1	10 William St Double Bay	Strata subdivision of existing building	NA	NA	Lot Size: 78.57%	NA	NA	Approval	Approval
29/03/18	497/2017/1	285A Edgecliff Rd Woollahra	Construction of two rear balconies on level 3 & 4 of the Mena Apartments	NA	NA	Height: 45%	✓	NA	Approval	Approval
29/03/18	611/2017/1	39 Walleroy Rd Woollahra	Alts & adds	NA	NA	Height: 29%	✓	NA	Approval	Approval
12/04/18	282/2017/1	30 Dudley St Paddington	Alts & adds, new attic space with a new rear facing dormer and detached single storey studio	NA	15 submissions original DA and 10 submissions amended DA	NA	NA	NA	Approval, with variations	Approval, with variations
12/04/18	404/2017/1	63 New South Head Rd Vaucluse	Demolition of an existing dual occupancy and construction of a new seniors housing development containing nine self-contained units, basement level car parking, and landscaping works.	NA	10 submissions	Height: 10%	NA	SEPP65	Refusal	Refusal

Summary Table of DA matters before the WLPP 29 March 2018 to 21 March 2019
Trim Record No: 19/80786

Legend: Departure from Height Standard Departure from FSR Standard Departure from Height and FSR Standard

Meeting Date	Reference	Address	Proposal	Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4	Staff Recommendation	WLPP Decision
12/04/18	402/2017/1	28 New South Head Rd Vaucluse	Demolition of existing dwelling, reconfiguration of lot boundaries (subdivision), construction of a new seniors housing development containing five dwelling and basement car parking and landscaping works	NA	NA	Height: 20%	NA	SEPP65	Approval, with variations	Approval, with variations
19/04/18	558/2016/1	448 Edgecliff Rd Edgecliff	Demolition of existing dwelling and ancillary structures and construction of a new 9 storey RFB containing 15 units including basement parking, swimming pool and ancillary site and landscape works	NA	42 Submissions	NA	NA	SEPP65	Refusal	Refusal
19/04/18	621/2017/1	2-8 Elizabeth St Paddington	Change of use from a food and drink premises (approved under a Complying Development Certificate - No 17/1417/01) to a licensed restaurant with 70 patrons	NA	19 submissions	NA	NA	NA	Deferred	Deferred
19/04/18	2/2017/1	Nos 80-84 & 90 New South Head Rd & No 9 Mona Rd Edgecliff	Demolition of existing building on Nos. 80-24 & 90 New South Head Rd, lot consolidation & construction of seven storey mixed use development with basement car parking (designed as 'shop-top housing'), and mechanism for the basement car parking access to the street via No. 9 Mona Rd.	NA	10 submissions	NA	NA	SEPP65	Approval, with variations	Approval, with variations
03/05/18	566/2017/1	13/8 Young St Paddington	Refurbishing of existing loggia/veranda structure in conjunction with increasing width of structure, new external sliding doors to replace existing windows, two new skylights & kitchen exhaust outlet.	NA	NA	Height: 34%	✓	NA	Approval	Approval

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03/05/18	478/2016/1	Nos. 7 & 9 Belmore Pl Belmore Pl Paddington	Remediation of the site and construction of a two x three storey attached residential dwellings (infill development) at Nos. 7 and 9 Belmore Place Paddington.	NA	17 submissions original DA then 12 amended	NA	NA	NA	Approval	Approval
03/05/18	637/2017/1	14 Bulwara Rd Bellevue Hill	Alts & adds including a new first floor level	NA	NA	Height: 14.53%	NA	NA	Withdrawn	Withdrawn
03/05/18	114/2017/1	117-119 O'Sullivan Rd Bellevue Hill	Demolition of the existing dwelling and construction of a new dwelling	NA	13 submissions	NA	NA	NA	Approval, with variations	Approval, with variations
17/05/18	37/2018/1	12/45-49 Bellevue Rd Bellevue Hill	A new veranda (awning) lowered roof system with sliding glass panels to the third floor level terrace area of the existing unit	NA	NA	Height: 17.1%	✓	NA	Approval	Approval
17/05/18	389/2017/1	404 Edgecliff Rd Woollahra	Demolition of existing house and garage and the construction of a new two storey dwelling with new garage, swimming pool, landscaping and site works.	NA	14 Submissions	NA	NA	NA	Refusal	Refusal
17/05/18	84/2018/1	810/180 Ocean St Edgecliff	Enclose the existing balcony with full height glazing.	NA	NA	FSR: 63.5%	✓	NA	Approval	Approval
17/05/18	105/2018/1	101/1780 Ocean St Edgecliff	Enclosure of balcony with full height glazing.	NA	NA	FSR: 63.5%	✓	NA	Approval	Approval
17/05/18	339/2017/1	37 Wentworth Rd Vaucluse	Alts & adds	NA	NA	Height: 49.5%	NA	NA	Approval, with variations	Approval, with variations
17/05/18	97/2018/1	22 Military Rd Watsons Bay	Seasonal market of 120 stalls and rides (including a licensed area) to be held in Robertson Park, on Sun 3rd Jun from 10am to 3pm, and on Fri 7th Dec from 3pm to 9pm.	Council owned land	NA	NA	NA	NA	Approval	Approval
17/05/18	649/2017/1	58-60 Newcastle St Rose Bay	Construction of seniors housing development comprising 17 independent living units, self-contained dwellings and a two level basement carpark providing 40 spaces.	NA	35 Submissions	Height: 36.5%	NA	NA	Refusal	Refusal

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Meeting Date	Reference	Address	Proposal	Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4	Staff Recommendation	WLPP Decision
24/05/18	621/2017/1	2-8 Elizabeth St Paddington	Change of use from food and drink premises to a licensed restaurant with 70 patrons and operating hours from Mondays to Saturdays 7:00am to midnight and Sundays 7:00am to 10:00pm including signage & liquor license	NA	10 submissions	NA	NA	NA	Refusal	Approval
07/06/18	283/2017/1	11 Stephen St Paddington	Construction of a new three-storey dwelling (infill development) including car stacker for two vehicles and swimming pool to rear of site	NA	NA	Height: 38.4%	NA	NA	Approval	Refusal
07/06/18	496/2017/1	74 Oxford St Paddington	Alts & adds to existing shop top housing terrace including attic dormer window and new external staircase	NA	NA	Height: 30% FSR: 13%	✓	NA	Approval	Approval
07/06/18	630/2017/1	4 Conway Ave Rose Bay	Alts & adds	NA	NA	Height: 18%	✓	NA	Approval	Approval
07/06/18	449/2017/1	520-538 Old South Head Rd Rose Bay	Demolition of existing buildings and construction of new shop top housing development comprising 27 apartments, 3 retail units & two levels of basement car parking.	NA	25 Submissions	FSR: 12%	NA	SEPP65	Approval	Approval, with variations
21/06/18	57/2018/1	37 Bundarra Rd Bellevue Hill	Two dual occupancies with basement parking, pool and strata subdivision.	NA	NA	Lot Size: 53.2%	NA	NA	Refusal	Refusal
21/06/18	49/2018/1	70 Edgecliff Rd Woollahra (Reddam House College)	Installation of vergola louvre awning to the roof terrace area.	NA	NA	Height: 69%	✓	NA	Approval	Approval, with variations
21/06/18	490/2017/1	9 Etham Ave Darling Point	Alts & adds	NA	NA	Height: 16%	✓	NA	Approval	Approval, with variations

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Meeting Date	Reference	Address	Proposal	Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4	Staff Recommendation	WLPP Decision
21/06/18	418/2017/1	6 New Beach Rd Darling Point	Substantial demolition and alteration to existing 2 storey building and conversion to 3 storey RFB containing 3 apartments; demolition of rear brick garage and construction of 2 attached garages with mechanical car stacker; and strata subdivision	NA	10 submissions	Lot Size: 36%	NA	NA	Deferred	Deferred
05/07/18	204/2018/1	3 Queens Ave Vaucluse	Subdivision of a portion of the lot reserve adjoining 3 Queens Ave Vaucluse	Council is the applicant	NA	NA	NA	NA	Approval	Approval
05/07/18	64/2018/1	Vaucluse Elevated Reservoir	Subdivision of Sydney Water land on land at Clairvaux Rd Vaucluse	NA	11 submissions	NA	NA	NA	Refusal	Refusal
05/07/18	69/2018/1	3 Guner St Piddington	Alts & adds to the existing boarding house building	NA	NA	Height: 41%	✓	NA	Approval	Deferred
05/07/18	155/2018/1	37/42 Elinton St Piddington	Alts & adds	NA	NA	Height: 21%	✓	NA	Approval	Approval
05/07/18	506/2017/1	327-329 New South Head Rd Double Bay	Alts & adds to existing RFB to convert 4 existing units into 9 units, internal reconfiguration, new balconies and entry, and, changes to the existing fencing	NA	NA	FSR: 31%	✓	SEPP65	Approval	Approval
05/07/18	604/2017/1	548 New South Head Rd Double Bay (St Brigids)	Change of use & alts & adds to existing building (St Brigids) including internal and external works; the use of the first floor level as an art gallery under the control of Council (hours 10am-10pm), use of ground floor level as a restaurant/cafe (hours 8am-10pm (external) and 7am-12midnight (internal)), new fencing	Council owned land	NA	NA	NA	NA	Approval	Deferred

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19/07/18	369/2017/1	2 Wentworth St Point Piper	Demolition of existing buildings, construction of a new part 5, part 6 storey RFB containing 5 units with easement carparking for 11 vehicles, new fences, landscaping and site works.	NA	22 unique submissions received;	Height: 43.6%	NA	SEPP65	Approval	Approval
19/07/18	533/2017/1	4 Cove St Watsons Bay	Substantial alteration and addition (new dwelling), a new carport, landscaping and site works and rectification works to existing sea wall	NA	14 Submissions received	Height: 18%	NA	NA	Approval	Approval
19/07/18	149/2018/1	Gilliver Ave Vaucluse (Lot 100 of DP 1222164)	Subdivide a portion of the Rd reserve within Gilliver Avenue (Lot 100 of DP 1222164) adjoining land at 9 Fisher Avenue Vaucluse	Council is the applicant	NA	NA	NA	NA	Approval	Approval
19/07/18	1/2018/1	144 Old South Head Rd Vaucluse	Alter & add to dwelling to provide a new 50m2 roof terrace and 15m2 terrace room with lift access	NA	NA	Height: 30.7%	NA	NA	Refusal	Refusal
19/07/18	628/2017	256 - 258 Old South Head Rd Vaucluse	Roof terrace addition to existing detached dwelling	NA	NA	Height: 15%	NA	NA	Refusal	Refusal
19/07/18	583/2017/1	14 Trivoli Ave Rose Bay	Alts & adds	NA	NA	Height: 64%	✓	NA	Approval	Approval
19/07/18	126/2018/1	44 Glenmore Rd Paddington	Alts & adds to existing terrace house including a new attic level and skylights	NA	NA	Height: 15.6%	✓	NA	Approval	Approval
19/07/18	638/2017/1	462 Oxford St Paddington	Alts & adds to an existing building containing a shop on the ground floor and a separate residential component above	NA	NA	FSR: 33.7%	✓	NA	Approval	Approval
02/08/18	251/2018/1	26-28 Cranbrook Rd Bellevue Hill	Subdivide a portion of Rd reserve within Cranbrook Rd	Council is applicant	NA	NA	NA	NA	Approval	Approval

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Meeting Date	Reference	Address	Proposal	Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4	Staff Recommendation	WLPP Decision
02/08/18	303/2017/1	357-359 New South Head Rd Double Bay	Demolition of existing 2 storey commercial building and construction of new 5 storey shop top housing development comprising 4 retail spaces and ancillary areas at ground floor level and 11 residential units consisting of 3 x 1, 7 x 2 and 1 x 3 bedrooms.	NA	19 submissions	Height: 18%	NA	SEPP65	Approval	Deferred
02/08/18	512/2017/1	97-99 Queen St Woollahra	Alts & adds to existing building including the provision of a two bedroom unit above the existing single storey western wing of the building.	NA	14 submissions received	NA	NA	NA	Refusal	Refusal
16/08/18	423/2017/1	673 New South Head Rd Rose Bay	Demolition of existing dwelling and construction of a RFB with basement car parking.	NA	11 submissions received	NA	NA	NA	Approval	Approval
16/08/18	513/2017/1	584 Old South Head Rd Rose Bay	Demolition of existing dwelling house and construction of a RFB including basement parking and strata subdivision.	NA	NA	NA	NA	SEPP65	Approval	Refusal
16/08/18	5/2018/1	31-35 Newcastle St Rose Bay	Demolition of existing dwellings and construction of a 3 storey RFB containing 9 apartments and basement parking.	NA	NA	Height: 8.2% building and 16.2% lift	NA	SEPP65	Approval	Approval
16/08/18	160/2018/1	518A Old South Head Rd Rose Bay	Shop-top housing including 10 residential apartments, 2 retail units, a community facility and the adaptive reuse of the 8005 Uniting Church buildings.	NA	36 submissions (one in support) and a petition of 948 signatures	Height: 16.45	NA	SEPP65	Refusal	Refusal
16/08/18	2/2018/1	7 Serpentine Pde Vaucluse	Alts & adds to existing roof terrace.	NA	NA	Height: 17%	✓	NA	Approval	Approval
06/09/18	446/2016/1	No. 73-79 & 81-83 New South Head Rd, Edgecliff.	Demolition of existing buildings; construction and fit out of new service station & convenience store; revised service station layout.	NA	NA	Height: 23%	✓	NA	Approval	Approval

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06/09/18	56/2018/1	6 Pacific St Watsons Bay	Alts & adds to the dwelling house.	NA	NA	Height: 33%	✓	NA	Approval	Approval
06/09/18	128/2018/1	6 Black St Vaucluse	Alts & adds to existing dwelling including enlargement of study, new pergola and shading devices	NA	NA	Height: 11%	✓	NA	Approval	Approval
06/09/18	177/2018/1	904/180 Ocean St Edgecliff	Enclosure of the balcony with full height glazing	NA	NA	FSR: 63.7%	✓	NA	Approval	Approval
06/09/18	418/2017/1	6 New Beach Rd Darling Point	Substantial demolition of, and major alts & adds to, the existing two storey building and its conversion to a 3 storey RFB to accommodate 3 apartments; demolition of existing rear brick garage and the construction of 2 attached garages with mechanical car stacker; and strata subdivision	NA	10 submissions received (original application) Nil (Most recent replacement application)	Height: 16% Min Lot Size: 36% Min Subdivision: 79%	NA	NA	Approval	Approval
06/09/18	140/2017/1	384 New South Head Rd Double Bay	Demolition of existing building and construction of a new 4 storey shop-top housing development comprising retail on the ground floor, 3 levels of residential units above and a communal rooftop garden	NA	NA	Height: 20%	NA	SEPP65	Approval	Approval
20/09/18	299/2018/1	124 Queen St Woollahra	Change of shop-front to the ground floor tenancy	NA	NA	FSR: 23%	✓	NA	Approval	Approval
20/09/18	69/2018/1	3 Gurner St Paddington	Alts & adds to existing boarding house building including an additional 2 boarding house units & outdoor area on the top level	NA	NA	Height: 41%	✓	NA	Approval	Approval
20/09/18	364/2017/1	14 Wyuna Rd Point Piper	Alts & adds to existing dwelling including the addition of a new top floor level and new lift.	NA	12 unique submissions received	NA	NA	NA	Approval	Deferred
20/09/18	556/2017/1	22 Oola Ave Vaucluse	Proposed alts & adds to the existing dwelling and the erection of a secondary dwelling to the rear	NA	NA	Height: 50%	✓	NA	Approval	Approval

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20/09/18	642/2017/1	33, 35 and 37 Carlisle St Rose Bay	Demolition of existing dwellings and ancillary structures; Amalgamation of three lots into one lot; Construction of a new RFB.	NA	NA	Min Subdivision Lot Size: 93%	NA	SEPP65	Approval	Approval
20/09/18	308/2018/1	550 New South Head Rd Rose Bay	Latin American cultural celebration to be held on Sat 27 Oct 2018 at Lyne Park Rose Bay, including entertainment, food, beverage, and artisan markets	Council is the applicant	NA	NA	NA	NA	Approval	Approval
04/10/18	325/2018/1	18A/23 Thornton St Darling Point	Air Conditioner condenser unit	NA	NA	Height: 411.11%	✓	NA	Approval	Approval
04/10/18	324/2018/1	15A/21 Thornton St Darling Point	Installation of wall mounted air-conditioning condenser unit & associated works	NA	NA	Height: 242%	✓	NA	Approval	Approval
04/10/18	306/2018/1	Soudan St Paddington	Subdivide a portion of Rd reserve within Soudan Street Paddington	Council is the applicant	NA	NA	NA	NA	Approval	Approval
04/10/18	45/2010/4	225 Glenmore Rd Paddington	Change of trading hours - Internal: Mon to Sun 8:00am to midnight; External: service 10am to 10 pm; External (footpath): Mon to Sat 6am to midnight & Sun 6am to 10pm with alcohol service Mon to Sun 10am to 8pm	Development for which the applicant is a councillor	NA	NA	NA	NA	Approval, with variations	Modify
04/10/18	109/2018/1	18 Hopetoun Ave Vaucluse	Construction of double carport, concrete crossover and turntable on the Rd reserve	Council is the applicant	NA	NA	NA	NA	Approval	Approval
04/10/18	594/2017	686 Old South Head Rd Rose Bay	Alts & adds to an existing RFB and strata subdivision under existing use rights	NA	12 objections plus a petition signed by 32 people.	NA	NA	SEPP65	Approval	Approval
04/10/18	203/2018/1	71 Yarranabbe Rd Darling Point	Alts & adds	NA	27 submissions	Height: 12.6% - 18.9%	NA	NA	Refusal	Refusal

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04/10/18	303/2017/1	357-359 New South Head Rd Double Bay	Demolition of 2 storey commercial building and construction of 5 storey shop top housing development comprising 4 retail spaces and ancillary area at ground floor level and 11 residential units consisting of 3 x 1.7 x 2 and 1 x 3 bedrooms on the levels.	NA	19 submissions (initial DA) 20 submissions (subsequent application)	NA	NA	SEPP65	Approval	Approval
18/10/18	193/2017/2	14 Guilfoyle Ave Double Bay	Double Bay Street Festival event to be held in various streets including Bay Street, 5 Nov 2017, 4 Nov 2018, 3 Nov 2019, 1 Nov 2020, to include the additional street closure to include Short Street between Bay Street and Guntres Lane for additional stall for wine tasting.	Council owned land	NA	NA	NA	NA	Approval	Approval
18/10/18	91/2018/1	15 Neild Ave Paddington	Alts & adds	NA	NA	Height: 31.26%	✓	NA	Approval	Approval
18/10/18	363/2017/1	1 Yarranabbe Rd Darling Point	Conversion of existing RFB to single dwelling and alts and adds to the building including lift, removal of verandah infills, garage, front fence to Yarranabbe Rd, swimming pool and associated landscaping.	NA	NA	Height: 21.9%	✓	NA	Approval	Approval
18/10/18	146/2018/1	9 Surferland Cres Darling Point	Alts & adds to dwelling including construction of boat shed, raised planters, removal of trees and landscape works.	NA	NA	Height: 60%	✓	NA	Refusal	Refusal
18/10/18	40/2018/1	212-214 Old South Head Rd Bellevue Hill (AKA 29 Birriga Rd)	Subdivision of 212-214 Old South Head Rd Bellevue Hill into two separate allotments	NA	NA	Minimum Subdivision Lot Size: 10.17%	NA	NA	Refusal	Refusal

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18/10/18	275/2018/1	22 Spencer St Rose Bay	Demolition of existing dwelling and construction of 3 storey RFB with basement level car parking	NA	NA	NA	NA	SEPP65	Refusal	Refusal
01/11/18	66/2018/1	2A Bayview Hill Rd Rose Bay	Demolition of the existing dwelling and construction of a dwelling including pool and landscaping	NA	NA	Height: 15%	NA	NA	Approval	Approval
01/11/18	605/2017/1	4 & 6 Bayview Hill Rd Rose Bay	Demolition of the existing dwelling house & the construction of a dwelling house, swimming pool and landscape works	NA	NA	Height: 4.9%	NA	NA	Approval	Refusal
01/11/18	220/2018/1	76 Drumalbyn Rd Bellevue Hill	Demolition of existing dwelling and retention of the existing swimming pool, construction of a RFB with automatic parking system, swimming pool, landscaping and site works	NA	51 submissions	Height: 13% FSR: 18%	NA	SEPP65	Refusal	Refusal
01/11/18	284/2017/1	55 Bulwara Rd Bellevue Hill	Demolition of existing dwelling and associated structures and construction of a part 2, part 3 storey dwelling with basement level garage, terrace, landscaping and site works	NA	NA	Height: 11.7%	NA	NA	Approval	Approval
01/11/18	340/2018/1	145 Windsor St Paddington	Alts & adds	NA	NA	Height: 12%	✓	NA	Approval	Approval
01/11/18	307/2018/1	242 Oxford St Paddington	Alts & adds to the ground floor of the existing commercial building (hairdressing salon)	NA	NA	FSR: 46%	✓	NA	Approval	Approval
15/11/18	366/2018/1	1 Fisher Ave Vaucluse	Alts & adds	NA	NA	Height: 26.8%	✓	NA	Refusal	Approval
15/11/18	141/2018/1	75 & 77 O'Sullivan Rd Rose Bay	Demolition of existing buildings and construction of a 3 storey RFB and associated landscape works	NA	10 submissions (including 1 submission of support)	NA	NA	SEPP65	Approval	Approval

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15/11/18	90/2018/1	144 Glenmore Rd Paddington	Demolish structures at rear of building, construct a garage and 3 level rear addition to dwelling, new swimming pool with landscaping and new boundary wall	NA	NA	Height: 15.7%	✓	NA	Approval	Approval
15/11/18	504/2017/1	39 Ocean St Woollahra	Change of use from ground floor coffee lounge to licensed restaurant (with minor works) including an increase in patron numbers from 28 to 56, inclusive of rear courtyard seating for 12 patrons, and the installation of a new bar	NA	10 submissions	NA	NA	NA	Approval, subject to conditions	Approval
29/11/18	394/2017/1	11 Wentworth St Point Piper	Proposed street fronting portico, front (street) wall and new swimming pool	NA	13 submissions	NA	NA	NA	Approval	Refusal
29/11/18	364/2017/1	14 Wyuna Rd Point Piper	Alts & adds to existing dwelling and addition of a top floor level and lift	NA	12 (original DA scheme) 4 (amended DA scheme, dated 8 October 2018)	NA	NA	NA	Approval	Approval
29/11/18	72/2018/1	122 & 124 Bellevue Rd Bellevue Hill	Lot amalgamation, demolition of existing dwellings and construction of RFB containing 11 units with basement car parking	NA	NA	NA	NA	SEPP65	Approval	Approval
29/11/18	22/2015/10	240-246 New South Head Rd Edgecliff	Increase in the approved roof height, parking/storage /garbage room reconfiguration & other modifications	NA	20 submissions	NA	NA	NA	Approval	Approval
29/11/18	607/2017/1	135 Queen St Woollahra	Demolition of existing RFB and construction of 3 storey RFB comprising three (3) x 4 bedroom units, basement parking for 6 cars, landscaping and site works	NA	11 submissions	NA	NA	NA	Approval	Approval

Summary Table of DA matters before the WLPP 29 March 2018 to 21 March 2019
Trim Record No: 19/80786

Legend: Departure from Height Standard Departure from FSR Standard Departure from Height and FSR Standard

Meeting Date	Reference	Address	Proposal	Conflict of Interest 1	Contentious Development 2	Departure from Standard 3	Pre-Existing	Sensitive Development 4	Staff Recommendation	WLPP Decision
13/12/18	107/2018	20 Dover Rd Rose Bay	Demolition of an existing dwelling house and the construction of a RFB	NA	12 submissions	FSR - 30.9% excluding balconies and 41.6% including balconies Min Lot Size: 4.4%	NA	NA	Conditional Approval	Approval
13/12/18	229/2018/1	636 & 638 - 646 New South Head Rd Rose Bay	Erection of residential mixed use development comprising 9 residences, 2 retail tenancies, 2 commercial tenancies, 2 offices, and associated landscaping and site works	NA	NA	FSR: 33%, 9% and 36%	NA	SEPP65	Approval	Approval
13/12/18	646/2017/1	9 Longworth Ave Point Piper	Alter & add to existing dwelling house consent to a 3 unit RFB (change of use) over three storeys with basement level carparking, fences, additional driveway, ancillary works, landscaping and site works	NA	NA	Height - 39%	✓	NA	Approval	Approval
13/12/18	244/2018/1	21-23 Cranbrook Rd Bellevue Hill	Construction of tennis court, storage/plant area, widening of vehicular entry, site works and landscaping	NA	NA	Height: 28%	NA	NA	Refusal	Refusal
13/12/18	372/2018/1	8 Castro Pl Double Bay	Torrens title subdivision	NA	NA	Minimum Lot Size: 51.8%	NA	NA	Conditional Approval	Approval
20/12/18	457/2018/1	78/21 Thornton St Darling Point	Air conditioning unit	NA	NA	Height: 77.8%	✓	NA	Approval	Approval
20/12/18	486/2018/1	19/55 Woolsey Rd Point Piper	Demolition of existing sliding door unit & stud wall, construction of new walls, glazed window units & fixed glazed panels to bedroom 1	NA	NA	Height: 175%	✓	NA	Approval subject to conditions	Approval

Summary Table of DA matters before the WLPP 29 March 2018 to 21 March 2019
Trim Record No: 19/80786

Legend: Departure from Height Standard Departure from FSR Standard Departure from Height and FSR Standard

Woollahra Municipal Council
Woollahra Local Planning Panel

7 November 2019

Woollahra Municipal Council
Woollahra Local Planning Panel Agenda

6 June 2019

Meeting Date	Reference	Address	Proposal	Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4	Staff Recommendation	WLPP Decision
20/12/18	22/2018/1	Lyne Park 550 New South Head Rd Rose Bay and an adjacent section of Sydney Harbour	Alts & adds to a recreational or club facility and adjacent sections of sea wall and concrete pathway and Category 1 Remediation Works under the provisions of SEPP 55 - Remediation of Land	Application is to be determined by the LPP as Council is the trust manager of Lyne Park on behalf of Crown Lands.	NA	NA	NA	NA	Conditional approval	Approval
20/12/18	436/2018/1	9/4 Greenoaks Ave Darling Point	Alts & adds to the rooftop garden level (Unit 9)	NA	NA	Height: 126.7% FSR: 46.2%	✓	NA	Approval	Approval
20/12/18	294/2018/1	238-240 Glenmore Rd Paddington	Alts & adds	NA	NA	Height: 25.16%	✓	NA	Approval	Approval
20/12/18	267/2017/1	248-250 Oxford St Paddington (Juniper Hall)	Conservation & restoration of Juniper Hall for use as an art gallery & residence, the construction of new 2 storey art gallery with 3 new carspaces accessed from Underwood Street	NA	20 submissions	Height: 45%	NA	NA	Approval	Deferred
07/02/19	368/2015/4	380 Oxford St Paddington	Extension of approved trading hours until 2.00am 7 days per week	NA	13 (including one petition with 14 signatures)	NA	NA	NA	Refusal	Refusal
07/02/19	458/2018/1	9C/21 Thornton St Darling Point	Air conditioning unit	NA	NA	Height: 70.4%	✓	NA	Approval	Approval
07/02/19	481/2018/1	31 Coolong Rd Vaucluse	Alts & adds	NA	NA	Height: 10.95%	✓	NA	Approval	Approval
07/02/19	280/2018/1	11 Rupertswood Ave Bellevue Hill	Extensive alts & adds to the existing building (new dwelling)	NA	NA	Height: 40.5%	NA	NA	Approval	Approval
21/02/19	3/2019/1	98-106 Oxford St Woollahra	Torrens Subdivision into five residential lots	NA	NA	Min Lot Size: 36.3%, 39.4%, 38.6%, 30.7%, 34.5%	NA	NA	Approval	Approval

Summary Table of DA matters before the WLPP 29 March 2018 to 21 March 2019
Trim Record No: 19/80786

Legend: Departure from Height Standard Departure from FSR Standard Departure from Height and FSR Standard

Meeting Date	Reference	Address	Proposal	Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4	Staff Recommendation	WLPP Decision
21/02/19	347/2018/1	12 Greycliff Ave Vauluse (Lot 29)	Dual occupancy, swimming pool, siteworks, and strata subdivision	NA	39 submissions		NA	NA	Conditional Approval	Refusal
21/02/19	348/2018/1	12 Greycliff Ave Vauluse (Lot 28)	Demolition of dwelling, dual occupancy, swimming pool, siteworks and strata subdivision	NA	39 submissions		NA	NA	Conditional Approval	Refusal
21/02/19	476/2017/2	160 Wolseley Rd Point Piper	Extension of hours of operation to 12 midnight 7 days a week	NA	13 unique objections; 26 letters of support	NA	NA	NA	Conditional Approval	Refusal
07/03/19	418/2018/1	Unit 11/45-49 Bellevue Rd Bellevue Hill	Unit 11/45-49 Bellevue Rd Bellevue Hill	NA	NA	Height: 17%	✓	NA	Approval	Approval
07/03/19	607/2015/5	9A Cooper Park Rd Bellevue Hill	Removal of 2 existing trees and replacement tree - corresponding amendments to Condition No. A6	NA	10 Submissions	NA	NA	NA	Approval, subject to Conditions	Approval
07/03/19	411/2018/1	520-538 Old South Head Rd Rose Bay	Modifications to shop top housing development approved under DA No. 449/2017/1	NA	NA	Height: 3.24% FSR: 520 OSH - 6% 522-538 OSH - 20%	NA	SEPP65	Approval	Approval
07/03/19	172/2018/1	83 & 83A Yarnalloe Rd Darling Point	Demolition of dwelling and construction of RFB, alts and existing dwelling at 83A Yarnalloe Rd, stormwater works in adjoining Rd reserve and Torrens Title land subdivision.	NA	NA	Height: 67% FSR: 25%	NA	NA	Approval	Approval
07/03/19	384/2018/1	43 Dudley St Paddington	Alts & adds to terrace house including 2 storey rear wing and siteworks	NA	13 submissions	NA	NA	NA	Approval, subject to Condition C1	Approval
21/03/19	523/2018/1	27 Eastbourne Rd Darling Point	Alts & adds to dwelling	NA	NA	Height: 18%	✓	NA	Approval	Approval
21/03/19	208/2018/1	76 Wolseley Rd Point Piper	Alts & adds to approved attached dual occupancy including landscaped roof above the principal dwelling and mechanical carport roof to the Wolseley Rd frontage	NA	NA	Height: 94%	✓	NA	Approval	Approval

Summary Table of DA matters before the WLPP 29 March 2018 to 21 March 2019
Trim Record No: 19/80786

Legend: Departure from Height Standard Departure from FSR Standard Departure from Height and FSR Standard

Meeting Date	Reference	Address	Proposal	Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4	Staff Recommendation	WLPP Decision
21/03/19	584/2014/5	39 Carlotta Rd Double Bay	New granny flat & associated works to 39A & other minor works to 39B	NA	10 submissions	NA	NA	NA	Refusal	Refusal
21/03/19	264/2018/1	142 Glenmore Rd Paddington	Alts & adds to existing terrace house including pool and garage	NA	NA	Height: 18%	✓	NA	Approval, subject to Condition C.1	Approval
21/03/19	234/2018/1	550 New South Head Rd Rose Bay - Catalina Restaurant	Alts & adds to Catalina Restaurant including increased seating capacity to 200 patrons under existing use rights & associated upgrade works.	Council is the trust manager of Lyne Park on behalf of Crown Lands.	13 submissions	NA	NA	NA	Conditional approval	Deferred

Summary Table of DA matters before the WLPP 29 March 2018 to 21 March 2019
Trim Record No: 19/80786

Legend: Departure from Height Standard Departure from FSR Standard Departure from Height and FSR Standard

Woollahra Municipal Council
Woollahra Local Planning Panel

7 November 2019

Woollahra
Municipal
Council



Council Ref: [19/53455]

13 June 2019

Mr Jim Betts
Secretary
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Mr Betts,

Local Planning Panels – Council Officer Delegations

Local Planning Panels determine the most sensitive and complex development applications. The *Local Planning Panel's Direction – Development Applications* referral criteria for Departure from development standards for non-compliance over 10% does not differentiate between a pre-existing non-compliance and a new non-compliance as a result of the development application.

Whilst we support the referral of new development applications which greatly depart from the development standards, the referral for pre-existing non-compliance is unnecessary and does not enhance the effectiveness and efficiency of the panel.

A development application with a pre-existing non-compliance of more than 10% has been subject to assessment by the development standards of the environmental planning instrument in place at the time of the original application. As such, the pre-existing non-compliance is less significant in the assessment, particularly in the case that it does not increase the pre-existing non-compliance.

Between 29 March 2018 and 21 March 2019, the Woollahra Local Planning Panel (Woollahra LPP) considered 128 individual development applications or related applications. 34% of these applications were referred to the Woollahra LPP due to pre-existing non-compliances with the height of building and floor space ratio development standards.

Referring a development application to the Woollahra LPP has significant financial costs to Council and adds time delays to the assessment process. It is estimated the requirement for an application to be considered by the Woollahra LPP can add 8-10 weeks to the assessment time for a number of reasons including the detail of the staff report, cycle of meetings, limited agenda capacity and extra administrative work required for agenda preparation.

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Woollahra Municipal Council
Woollahra Local Planning Panel

7 November 2019

All of the development applications with pre-existing non-compliances for height of building and floor space ratio considered by the Woollahra LPP were approved, consistent with the Council officer's recommendation. In giving reasons for their decision, the Woollahra LPP considered that the non-compliance with the development standard was pre-existing and being that there was no additional impact, there were no grounds to change the officer's recommendation.

On 6 June 2019, a report was presented to the Woollahra LPP (see attached). Subsequently the panel resolved:

"A. THAT the Woollahra Local Planning Panel supports the submission to the Secretary of the Department of Planning and Environment that seeks to allow concurrence to be assumed by Council for development applications that contravene development standards under clause 4.3 and clause 4.4 of the Woollahra Local Environmental Plan 2014 in accordance with the following criteria 1 and 2.

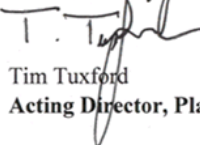
- 1. Where there is a pre-existing non-compliance of more than 10% for height of building under clause 4.3 of the Woollahra Environmental Plan 2014 and the development application does not result in an increase in the non-compliance.*
- 2. Where there is a pre-existing non-compliance of more than 10% for floor space ratio under clause 4.4 of the Woollahra Local Environmental Plan 2014 and the development application does not:*
 - a) Result in changes to the extent of the building envelope and*
 - b) Is only a minor increase to the gross floor area e.g. balcony enclosure or similar.*

B. Subject to the Secretary of the Department of Planning and Environment allowing concurrence to Council, that the Woollahra Local Planning Panel, under Section 2.20(8) of the Environmental Planning and Assessment Act 1979 in accordance with criteria 1 and 2 above, delegates these matters to the General Manager for determination."

This letter responds to the above resolution of the Woollahra LPP, supporting a submission to the Department of Planning and Environment seeking assumed concurrence on development applications with pre-existing non-compliances with the height of building and floor space ratio development standards. Furthermore, once concurrence is granted, that the Woollahra LPP delegate these applications to Council officers to determine.

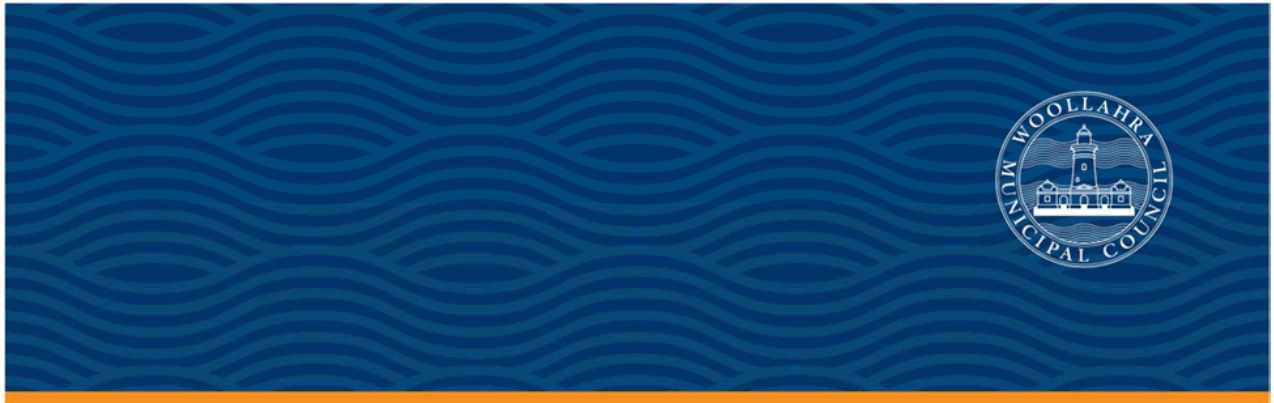
Should you have any queries, please do not hesitate to contact Nick Economou on 9391 7081 or by email nick.economou@woollahra.nsw.gov.au.

Yours Sincerely



Tim Tuxford
Acting Director, Planning and Development

Page 2 of 2



Woollahra Local Planning Panel (WLPP) – Operational Procedures

Adoption Date:	26 March 2018 by Council Resolution
Review Date:	30 June 2020
Version:	3
Division/Department:	Corporate Services/Governance & Council Support
Responsible Officer:	Manager – Governance & Council Support
HPE CM Record Number:	18/201537

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Introduction

The Woollahra Local Planning Panel (WLPP) is a local planning panel established for Woollahra Municipal Council (Council) under [Part 2, Division 2.5](#) of the *Environmental Planning and Assessment Act 1979* (Act). It is responsible for determining certain [development applications](#) and modification applications and providing advice on [planning proposals](#) (collectively referred to as applications in these procedures).

From 1st March 2018, Local Planning Panels (commonly referred to as Independent Hearing and Assessment Panels (IHAPs)) are mandatory for all councils in Sydney and Wollongong. They have been created to ensure that the process of assessment and determination of applications with a high corruption risk, sensitivity and/or strategic importance is undertaken in an open, transparent and accountable manner.

The development applications which are required to be determined by Local Planning Panels are set out in a *Local Planning Panels Direction – Development Applications* issued by the Minister for Planning under section 9.1 of the Act. However, the panel may delegate any function of the panel under the Act to the General Manager or other staff of the council.

The WLPP is comprised of four (4) members:

- Chair
- Two (2) expert members
- A community representative



The members for each meeting will be selected by the Chair from the pool of members appointed to the WLPP. Two alternate Chairs have been appointed who will have the same role as the Chair when presiding over a panel meeting or other business.

A list of current Panel Members as appointed by Woollahra Municipal Council is available on Council's website.

These operational procedures set out the procedures for how the WLPP will operate.

The procedures incorporate:

- Procedural requirements from the Act (refer to Division 2.5 and [Schedule 2](#))
- Requirements from the [Local Planning Panels Direction – Operational Procedures](#) issued by the NSW Minister for Planning under section 9.1 of the Act (in blue font); and
- Guidelines issued by the Department of Planning and Environment from time to time and general requirements of the panel to ensure the efficient and effective operation. While these requirements will generally be followed, they may be varied by the Chair depending on the circumstances of a particular meeting or application.

Woollahra Local Planning Panel (WLPP) – Operating Procedures

Section 2.17(7) of the Act provides that a Local Planning Panel is not subject to the direction or control of the Council, except in relation to any matter relating to the procedure of the panel (or to the time within which it is to deal with a matter) that is not inconsistent with any directions of the Minister under section 9.1 of the Act.

Clause 21 of Schedule 2 of the Act provides that the procedure for the calling of meetings of a planning body (including a Local Planning Panel) and for the conduct of business at those meetings is, subject to the Act, to be as determined by the planning body (i.e. the Local Planning Panel).

1 Panel Composition

1.1 Role of Chair

1. The Chair is responsible for the management of the panel's functions and operations, including managing conflicts of interest.
2. The Chair/alternate Chair is to preside over panel meetings and other business.
3. In the absence of the Chair/alternate Chair, a member appointed by the panel, is to preside over a meeting of the panel or over other business (clause 23(1) of Schedule 2 of the Act).
4. The Chair is to ensure the panel fully discharges its responsibilities under the EP&A Act, these operational procedures, and any directions from Council under section 2.17(7) of the Act and the Code of Conduct for local panel members in a timely manner.
5. The Chair is responsible for the good and orderly conduct of the panel meetings and may do all things and take all steps necessary to control the good and orderly conduct of any meeting of the panel or site inspection carried out by the panel in the performance of the panel's functions.
6. The Chair is to determine which alternative Chair, independent expert members or alternates, and which community representative or alternates are to hear a matter prior to the meeting commencing. The Chair may make arrangements with the General Manager (or delegate) to determine independent expert members or alternates, and which community representatives are to hear a matter.

1.2 Role of alternate Chairs

Alternate Chairs have the same role as the Chair when presiding over a panel meeting or any other business.

1.3 Chair selection and rotation

The Chair and any alternate Chairs are to rotate presiding over panel meetings, or other business as practicable, unless the Chair or alternate Chair is unavailable for any reason.

Where possible, deferred matters should be considered by the Chair that presided over the original deferment.

Woollahra Local Planning Panel (WLPP) – Operating Procedures

1.4 Independent expert members and alternates

The independent expert members can be interchanged as needed by the Chair for that meeting for reasons including:

- a. a member has a conflict of interest
- b. a member is unable to attend on the day, or
- c. to periodically rotate the members.

Note: All Experts have been appointed as members with no alternates appointed as Expert members.

1.5 Community representatives for wards and use of alternates members

A community representative member can be interchanged as needed by the Chair or alternate Chairs for reasons including:

- a. a member has a conflict of interest
- b. a member is unable to attend on the day, or
- c. to periodically rotate the members.

The pool of community representatives includes one person and one alternate from each of Council's five (5) wards. The community representatives have been appointed by Council on the basis of their skills and attributes and knowledge and awareness of Local Government issues. The Chair will appoint a community representative to consider and vote on items both within the ward and outside of the ward for which they have been appointed. The Chair will have regard to the number of factors when selecting a community representative to attend a particular WLPP meeting. These include:

- the number and complexity of items on the meeting agenda for each ward;
- if an item on the agenda in a ward is controversial i.e. there have been a number of submissions in response to the application;
- if an item has been deferred from an earlier meeting and should be dealt with by a majority of the same members;
- if an item is a review application under section 8.2 of the EPA Act and must be dealt with by different panel members to those who determined the original application;
- other factors such as any potential conflict of interest, the availability and fair rotation of the community representatives. Alternate community representatives will only be selected if the community representative is unavailable.

1.6 Quorum

1. The quorum for the panel is three (3) members (clause 22 of Schedule 2 of the Act).
2. Where a quorum for a meeting or other business is not present, the meeting or other business is to be deferred.

1.7 Current Woollahra Local Panel members

A list of current Woollahra Local Planning Panel members is available on [Council's website](#).

2 Reviews of panel decisions

2.1 Reviews

All of the processes detailed below for determination of a development application also apply to the determination of a request to review a decision under Division 8.2 of the Act.

The determination of a review application for a panel decision shall be determined by different panel members of the panel to those who made the original application.

3 Conduct of panel members

All panel members must comply with the [Code of Conduct for Local Planning Panel Members](#) approved by the Minister for Planning (the Minister) under clause 28, Schedule 2 of the Act.

3.1 Conflicts of interest

1. Panel members must avoid or appropriately manage any conflicts of interests. The onus is on the individual panel member to identify a conflict of interests and take appropriate action.
2. All panel members must sign a declaration of interest in relation to each matter on the agenda before or at the beginning of each meeting. These declarations and any management measures put in place are to be published on Council's website as soon as practicable.

If a panel members becomes aware of a conflict of interest after they have signed their declaration of interest form, and the interest appears to raise a conflict with the proper performance of the member's duties, the member must, as soon as possible, disclose the nature of the interest and sign a new declaration of interest form.

3. If a member of a panel has a pecuniary interest in a matter being considered or about to be considered at a meeting, and the interest appears to raise a conflict with the proper performance of the member's duties, the member must, as soon as possible, disclose the nature of the interest at (or before) a meeting of the panel and comply with all requirements contained in clause 27 of Schedule 2 of the Act.
4. Particulars of any disclosure made must be recorded in the Minutes by the panel and be made publicly available upon request (clause 5 of Schedule 2 of the Act).
5. After a member of a panel has disclosed a pecuniary interest in any matter, the member must not be present during any deliberation of the panel with respect to the matter, or take part in any decision of the panel with respect to the matter (clauses 6 and 7 of Schedule 2 of the Act).

Woollahra Local Planning Panel (WLPP) – Operating Procedures

6. The General Manager, under clause 7.1 of the Code of Conduct, has nominated the staff members identified as the staff members who will assist the panel to obtain information and clarify matters relating to its duties, responsibilities and matters before it.

A list of nominated staff members is available on [Council's website](#).

Note: A contravention of this requirement does not invalidate any decision of the panel.

7. A member of the panel must limit and disclose development/planning related work in the Woollahra Local Government Area.
8. A member of the panel shall not represent an application, council or submitter at a meeting of the panel.

3.2 Interactions with third parties about matters before the panel

1. Panel members are not to discuss any matter that is to be considered by the panel, with councillors, the applicant, their consultants, parties who have made a submission, or any other person with an interest in the matter outside of the local panel meeting.
2. This does not apply to persons employed by the council to assess the matters to be considered by the panel, in liaison with Senior Council staff members and other staff members nominated by the General Manager under the provisions of clause 7.1 of the Code of Conduct for Local Planning Panel Members as staff who can liaise with the panel and listed on Council's website.

4 Frequency of Meetings

1. The panel shall hold meetings as required to meet panel demands and workloads.
2. Public meetings under clause 25(2) of Schedule 2 of the Act will be held on the 1st and 3rd Thursday of each month (excluding January) or as otherwise directed by the Chair to meet panel demands and workloads.
3. Under clause 25(4) of Schedule 2 of the Act, the panel may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone or other electronic means, but only if any member who speaks on a matter before the meeting can be heard by the other members. Any such meeting is taken to be conducted in public if the meeting is recorded and the record made publicly available as required by subclause (3).
4. Under clause 26 of Schedule 2 of the Act, the panel may, if it thinks fit, transact any of its business by the circulation of papers (electronically or in hardcopy) among all the members of the panel and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the panel.

5 Meeting Procedures

1. The panel may determine detailed procedures for the execution of efficient and effective meetings.
2. The panel is not bound by the rules of evidence and may inquire into and inform itself on any matter, in such manner as it thinks fit, subject to the rules of natural justice and procedural fairness.
3. The panel is to act with as little formality as the circumstances of the case permit and according to equity, good conscience and the substantial merits of the case with regard to technicalities or legal forms.
4. The panel must give reasonable notice to the public of the times and places of its public meetings. This must be done through the website used by the panel and may include other mechanisms as appropriate.

The panel has adopted the following procedures for its public meetings:

5.1 Notice of Public Meetings

1. Panel meetings will commence at 1pm at Council's Redleaf Chambers, 536 New South Head Road, Double Bay, unless otherwise advised.
2. Notice of the time and place of panel meetings shall be provided through Council's website at least 6 days prior to the meeting. The names of panel members presiding over the meeting will not be published on the notice of meetings.
3. Applicants and persons who made a submission to an application will be advised when an application will be heard by the panel.

5.2 Notice of intention to address the panel at a public meeting

1. Any person wishing to address the panel must register their intention to do so with Council by **12 noon on the day before the meeting**. Only one person from each residential dwelling will be able to register to speak. Strata units should nominate a spokesperson, unless units have different issues e.g. view loss from a particular unit that is different to other units.

The 'Application to Address WLPP' form available on Council's website should be used to register as a speaker.

https://www.woollahra.nsw.gov.au/council/meetings_and_committees/planning_panels/woollahra_local_planning_panel_wlpp

Woollahra Local Planning Panel (WLPP) – Operating Procedures

2. A person wishing to speak for or against an application must have already lodged a written submission on the subject application OR must provide a written summary (no longer than one A4 page in length) of the matters upon which they wish to address the panel. Any new written summary must be submitted to **Council 48 hours before the meeting together with the registration to speak form.**
3. Councillors are able to address the panel on any items listed on the agenda. This is in addition to other speakers. Any Councillor who wishes to address the panel must register their intention to do so by **12 noon on the day before the panel meeting**, by completing the registration form.
4. A person who has not registered to speak may do so at the discretion of the Chair.

5.3 Guidelines for addressing the panel at a public meeting

1. To assist with the public address process and to ensure smooth running of the meeting, when addressing the panel please ensure you:
 - address the Chair.
 - are concise, and emphasise your key points, noting that the Panel has a copy of your submission so there is no need to merely read out your written submission.
 - if someone has already spoken before you and you agree with their key points, say so, there is no need to repeat what has already been said.
 - focus on how the proposed development might affect you, in your own words.
 - sometimes proposed developments do not comply with certain planning rules such as the height of the building. Rather than talking about this non-compliance, explain to the Panel, in your own words, how this will affect you.
 - Talk about what you would like the Panel to do or how the development could be changed to address your concerns.
 - If you are part of a group with similar concerns get together before the meeting and work out who will speak on a particular issue to avoid repetition and to make the most of everyone's 3 minutes.
2. Be polite and respectful to the members of the Panel, other attendees and the council staff. Speakers (and all other people attending the public meeting) must refrain from engaging in disorderly conduct, or making potentially defamatory statements. If this behaviour occurs, the Chair may ask the person to stop speaking and/or request that they leave the meeting, or may adjourn the meeting.

5.4 Addressing the panel at a public meeting

1. Speakers shall be heard for each item on the agenda in the following order:

- Councillors;
- Objectors (or representative) speaking against the application; and
- The applicant (or the applicant's representative) and supporters speaking for the application.

Note: The Chair may vary the order of speakers if required.

2. A person is not entitled to be represented by a legal practitioner at any meeting of the panel unless the Chair grants permission. In granting any such permission, the Chair shall have regard to the following matters:

- the nature and complexity of the matter and whether it involves a question of law,
- whether the person has the capacity to present their submission without legal representation, and
- such other matters as the Chair considers relevant.

3. *With the view to discharging its responsibilities in a timely manner, the panel may, in its absolute discretion, but otherwise fairly and consistently, impose time limits on presentations by persons other than members of the panel. Where, there are a large number of objectors with a common interest at any public meeting, the panel may, in its absolute discretion, hear a representative of those persons.*

4. Unless the Chair otherwise permits, no speaker may address the panel for more than three (3) minutes in respect of any one matter at any particular meeting. If a number of people wish to speak on a similar issue, e.g. parking, they are encouraged to nominate a single person to speak on their behalf. The Chair may allow for an extension of time to enable relevant issues to be adequately addressed.

5. A single bell will sound after two (2) minutes and two (2) bells will sound at the end of three (3) minutes.

6. A person, other than a member of the panel, shall not speak while another person is speaking or otherwise interrupt that person while speaking.

7. Panel members may seek to clarify any matter with a speaker or council officer.

5.5 Late correspondence

Late correspondence may only be submitted if it is new information e.g. a response to draft conditions. It should not reiterate matters that have already been raised in submissions. To enable Council staff time to assess any new information for consideration by the panel, late correspondence must be submitted to Council **48 hours before the meeting** (generally by 1pm on the Tuesday before the meeting) via email to records@woollahra.nsw.gov.au.

Woollahra Local Planning Panel (WLPP) – Operating Procedures

5.6 Deliberation and voting at public meetings

1. The Chair may choose how to manage the deliberation and voting process. The options include:
 - a. Deliberate, vote and make a determination in the public meeting
 - b. Adjourn the public meeting to deliberate and reconvene the meeting for voting and determination; or
 - c. Close the public meeting, deliberate, vote and then notify the public of the outcomes outside the public meeting.

The panel generally adopts option (b) above unless the matter is relatively straight forward in which case it adopts option (a) above. The panel does not generally adopt option (c) above.

The panel will provide reasons for its decision.

2. If a panel member votes against the recommendation or has a dissenting view to the majoring, the panel member is entitled (but not obligated) to give their reasons and this can be formally documented and recorded in the panel's reasons for decision.
3. A decision supported by a majority of votes cast at the meeting at which a quorum is present is the decision of the panel (clause 24 of Schedule 2 of the Act).
4. The Chair (presiding member) has a deliberative vote and, in the event of an equality of votes, has a second or casting vote (clause 23(3) of Schedule 2 of the Act).
5. Applications shall be determined by the panel in the order they appear on the Agenda, unless otherwise determined by the Chair.

5.7 Audio Recording

Panel meetings will be recorded by audio and that audio recording will be placed on council's website (clause 25(3) of Schedule 2 of the Act).

5.8 Deferring a decision

1. The Panel may defer its determination of an application.
2. If an application is deferred, the panel shall provide reasons and advise of the procedures to be followed for determination of the application.
3. If the deferred application requires re-notification and there are objections, it will be considered at another public meeting and, if possible, determine by the same Chair and panel members. Otherwise, the application will be determined by circulation of papers (electronically or in hardcopy) outside of a meeting under clause 26 of schedule 2 of the Act.

Woollahra Local Planning Panel (WLPP) – Operating Procedures

5.9 Delegating a decision

1. The panel may delegate the determination of an application to Council staff.
2. If determination of an application is delegated to Council staff the panel shall provide reasons for its delegation and these reasons will be recorded in the minutes.

5.10 Post meeting procedures

1. Minutes of the meeting shall include the decision, the recording of voting and the reasons for the decision.
2. All members shall review and confirm the decisions made by the panel as soon as possible after the meeting.
3. Minutes shall be made publicly available on Council's website.
4. All parties that made written submissions shall be advised of the Panel's decision in writing.
5. The Notice of Determination shall be provided to the applicant.
6. Should the panel resolve to request additional information or seek amendment of the application, the panel may defer the application. A written request to the applicant with the reasons for deferral shall be sent to the applicant as soon as possible after the panel meeting.

5.11 Site inspections / Site visits

1. The Chair may elect for the panel to attend site inspections for development applications and planning proposals to be considered at the public meeting.
2. Site inspections shall normally commence at 9:30am on the day of the meeting, or as otherwise determined by the Chair.
3. Panel members must not undertake site inspections independently.
4. Site visits should be conducted on the same day as the public hearing, if practicable.
5. Site visits are solely to be used to identify and clarify issues with a proposal.

Site visits are not to be used as a forum for applicants or objectors to address the panel; however, the panel may ask questions to clarify issues whilst inspecting a site.

Woollahra Local Planning Panel (WLPP) – Operating Procedures

6. At a site visit, a panel member must not offer an opinion on the merit of the proposal, or ask those involved with the assessment of the proposal for their opinion or recommendation.
7. It is not a requirement for the panel to visit every adjoining and/or affected property; however, it may visit if the Chair decides that the panel's consideration of an application would benefit from viewing a property. If so, the owner will be requested to provide access prior to the site inspection. Objectors may request that the panel visit their property. Any request, including reasons for the visit, should be made by emailing council as soon as possible, and no later than **12 noon on the day before the panel meeting**. The decision to visit and objector's property will be at the discretion of the Chair.
8. The council officers responsible for coordinating the panel (Panel Officer) will organise the site inspections, including assembly times and transportation. Other Council officers and/or Council Consultants (if required), may attend site inspections to answer questions and clarify any issues raised by panel members.

3 Other matters

6.1 Delegations

The panel may delegate any of its functions to the General Manager or other staff of Council in accordance with section 2.20(8) of that Act. A list of the panel's delegations is available on Council's website.

6.2 Transacting business outside of public meetings

1. A panel may, if it sees fit, transact any of its business by the circulation of papers (electronically or in hard copy) among all the members of the panel. A resolution approved in writing by a majority of those members is taken to be a decision of the panel (clause 26(1) of Schedule 2 of the Act).
2. The Chair and each member of the panel have the same voting rights in transacting business outside meetings as they have at meetings of the panel (clause 26(2) of Schedule 2 of the Act).
3. The resolution for any business transacted outside the meeting is to be recorded as minutes of the meetings of the panel and is to be made publicly available on the council's website (clause 26(3) of Schedule 2 of the Act).
4. A record of a panel briefing should be published on the Council's website.

6.3 Briefings

Council staff may brief the panel and answer questions on items on the agenda before a public meeting.

Briefing of the panel may also be held at other times to inform the panel of matters such as planning proposals or updates in processes and procedures.

6.4 Obligation to consult with council if adverse financial impacts

1. A panel must not exercise a function that will result in the making of a decision that would have, or that might reasonably be expected to have, a significant adverse financial impact on the council until after it has consulted with the council.
2. The consultation may be in writing, with the council being given a specified time to respond in writing. Where a meeting with the General Manager (or delegate) is to be held to discuss the matter, all relevant panel members should be present and minutes kept of the meeting and its outcomes.

Woollahra Local Planning Panel (WLPP) – Operating Procedures

Policy Amendments

Date	Responsible Officer	Description
21 June 2018	J Della Bosca	Delegation providing Council staff with control and direction of Appeals (Council Resolution 21 June 2018).
4 July 2019	H Tola	Amended following consideration by WLPP on 4 July 2019 (as outlined in the minutes of the meeting).

Woollahra Local Planning Panel (WLPP) – Operating Procedures

ANNEXURE 1 – Summary of Operational Timeframes

	Timeframe	Objective/Task	Responsibility
	14 days prior to meeting	To email the draft meeting agenda items to the Chair.	Governance Officer
Before 10am	10 days prior to meeting	To approve items for Agenda and nominate panel members for the meeting.	Chair
-	10 days prior to meeting	To email the meeting agenda items to the Panel Member's for identification of any Conflicts of Interest.	Governance Officer
Before 3.00pm	10 days prior to meeting	Panel Members to return email confirming whether or not there is a Conflict of Interest (detailing the nature and type of conflict).	Panel Members
-	At least 6 days prior to meeting (generally Thursday)	To send the Agenda including all relevant plans, reports and documentation via courier to Panel Members.	Governance Officer
1.00pm	Tuesday 1pm (Tuesday before the meeting)	Late correspondence must be submitted to Council via email to records@woollahra.nsw.gov.au .	Members of Public
12noon	Wednesday 12noon (day before the meeting)	Applications to address the panel must be submitted to Council via email to records@woollahra.nsw.gov.au	Members of Public
9.30am	1 st & 3 rd Thursday of the month	To meet at the pre-arranged location (536 New South Head Road, Double Bay). This time may be varied depending on location of sites to visit, however 9.30am will generally be the default meeting time.	Panel Members
		To submit written declaration of conflicts of interest to Governance Officer for loading onto Council's website.	Panel Members
		Undertake Site Inspections – Council to provide transport.	<ul style="list-style-type: none"> Panel Members Manager Development Control and/or relevant Team Leaders
1.00pm	1 st & 3 rd Thursday of the month	Attend Public Hearing.	<ul style="list-style-type: none"> Panel Members Manager Development Control and/or relevant Team Leaders Governance Officer
		Recording of the panel's recommendation and decisions in a standard format, including recording of votes.	Chair
12noon	Monday after the meeting	To send completed 'Minutes of the Woollahra Local Planning panel Meeting' to Panel for concurrence after being reviewed by the Manager Development Control.	Governance Officer
3.00pm	Tuesday following the meeting	To finalise and confirm 'Minutes of the Woollahra Local Planning Panel' for placement on Council's website.	Chair
-	Tuesday following the meeting	Upload to Council's website and/or Councillors Hub: <ul style="list-style-type: none"> Minutes and audio recording of the WLPP meeting, and Signed declaration forms. 	Governance Officer
-	On completion of Minutes	To prepare resolutions to action the decisions of the WLPP.	Governance Officer

Item No: D3 Delegated to Committee
Subject: **REGISTER OF CURRENT LAND AND ENVIRONMENT COURT MATTERS FOR DEVELOPMENT APPLICATIONS AND REGISTER FOR COURT PROCEEDINGS FOR BUILDING, ENVIRONMENTAL AND HEALTH CONTROL MATTERS**
Author: Grace Hawley, PA to Manager, Development Control
Approvers: Nick Economou, Manager Development Control
Tim Tuxford, Manager - Compliance
File No: 19/192381
Reason for Report: To provide the EPC with an update of all legal matters

Recommendation:

THAT the attached register of current Land and Environment Court matters for Development Applications and for Court Proceedings for Building, Environmental and Health Control matters for the period from 1 June 2019 to 26 November 2019 be received and noted.

Background:

Prior to the introduction of the Woollahra Local Planning Panel (WLPP), which was mandated by legislation to be in force from 1 March 2018, Council's former Development Control Committee received a register of current Land and Environment Court matters for Development Applications and for Court Proceedings for Building Control, Environmental Control and Health Control, monthly.

With the establishment of the WLPP, there was no forum for the Councillors to be updated on current legal matters relating to development applications and court proceedings relating to compliance matters.



At its meeting of 4 June 2019, Council's Environmental Planning Committee resolved as follows:

"That a register of current Land and Environment Court matters for Development Applications and for Court Proceedings for Building, Environmental and Health Control matters be tabled to the Environmental Planning Committee quarterly."

Conclusion:

Attached is a copy of the current register listing active legal matters and finalised judgements for the period 1 June 2019 to 26 November 2019. A graph is also attached showing the number of Class 1 appeals lodged from 2010-2019.

Annexures

1. Legal Register [!\[\]\(c7af228278b414604a4336f3ff59bdf1_img.jpg\)](#) 
2. Class 1 Appeals Lodged 2010-2019 [!\[\]\(db1f9a0a260fb5c59067e62631845e22_img.jpg\)](#) 

Applicant v Respondent	File Ref	Legal Rep	Address	Comment
Development Control – Legal Matters				
Class 1 - Appealed Deemed Refusal				
Stood Over Callover-Mention				
14 Boronia Pty Ltd (ACN 624 963 355) v WMC	DA105/2019/1	HWL Ebsworth Lawyers	14 Boronia Rd BELLEVUE HILL	This is an appeal against the deemed refusal of an application for the demolition of dwelling and construction of new residential flat building. First directions hearing was held on 8 August 2019. Council is to file its SOFAC by 23 August 2019. The applicant is to file its SOFAC by 2 October 2019. The DA was refused by the WLPP on 19 September 2019 consistent with Council staff's recommendation. The parties are to participate in a without prejudice meeting prior to the conciliation conference. The Applicant is to provide any amended plans by 16 January 2020. The Council is to provide a response to those amended plans; its list of objectors and draft conditions by 23 January 2020. The matter is listed for further directions on 6 February 2020.
Shaun Keith Alfred Bonett v WMC	DA398/2018	Peter Rigg	20 The Crescent VAUCLUSE	This is an appeal against the deemed refusal of an application for alterations and additions to the existing dwelling and the use of the lower ground floor level. First directions hearing listed for 29 November 2018. Set down for mediation on 15 March 2019 with 'Facts and Contentions' required to be filed by 25 January 2019. Mediation on 15 March 2019 vacated due to extenuating circumstances. Applicant to file and serve his Statement of Facts and Contentions in Reply by 30 October 2019. Mediation re-listed on 12 November 2019. The appeal to be listed for further mention on 19 November 2019 for further directions.
Awaiting s.34 Conference				
Denwol BH Pty Limited v WMC		Wilshire Webb Staunton Beattie	206D, 208, 210 & 210A Victoria Rd BELLEVUE HILL	This is an appeal against the deemed refusal of an application for the demolition of existing buildings and construction of a new residential flat development containing 3 buildings linked via a common basement car park, communal open space, landscape and site works. First directions hearing was on held on 23 July 2019. The following directions were made by the Court: 1. The Respondent is to file and serve its Statement of Facts and Contentions by 13 August 2019; 2. The Applicant is to file and serve its Statement of Facts and Contentions by 20 September 2019

Applicant v Respondent	File Ref	Legal Rep	Address	Comment
				<p>3. A conciliation conference under s34 of the Land and Environment Court Act 1979 is arranged for 28 February 2020, commencing on site at 9:30am;</p> <p>4. If no agreement is reached at or after the conciliation conference, the proceedings are listed for second directions on 6 March 2020.</p> <p>The DA is being considered by the Sydney Eastern City Planning Panel on 28 November 2019.</p>
Grant Taylor v WMC	DA286/2019/1	Peter Rigg	278 Oxford Street PADDINGTON	This is an appeal against the deemed refusal of an application for alterations and additions to the existing building and its adaptive re-use as a mixed-use development comprising a cafe for 20 patrons, 6 single occupancy units, one care-takers residence and 2 car parking spaces. First directions hearing was held on 7 November 2019. Council's SOFAC due by 15 November 2019 and the matter is listed for a section 34 commencing on site at 9.30am on 8 May 2020. The DA with a staff recommendation for refusal is on the WLPP agenda of 5 December 2019.
Kent Road Prime Pty Ltd	DA140/2018/1	Lindsay Taylor Lawyers	28 Kent Road ROSE BAY	This is an appeal against the deemed refusal for the demolition of the three storey residential building site remediation works and the construction of a new three storey residential flat building containing four apartments. The DA was refused by the WLPP on 27 June 2019 consistent with Council staff's recommendation. First directions hearing was held on 3 July 2019. Council to file and serve its SOFAC by 5 July 2019. The applicant to file and serve its SOFAC in reply by 6 September 2019. A without prejudice meeting to was held on 31 October 2019. A s.34 Conciliation Conference is set down for 6 February 2020.
Kristy Mirzikinian v WMC	DA573/2018/1	Peter Rigg	6A Wentworth St POINT PIPER	This is an appeal against the deemed refusal of an application for the substantial demolition of the existing dwelling and the construction of a two storey dwelling partially above the existing garage with new swimming pool and landscaping works. The DA was refused under staff delegation on 31 July 2019. First directions hearing was held on 13 August 2019. The applicant to file its SOFAC by 3 September 2019. The matter has been listed for a conciliation conference on 5 and 6 March 2020.
Lawton Hurley Pty Ltd (ACN 105 274 235) v WMC	DA252/2019/1	HWL Ebsworth Lawyers	30 Wyuna RD POINT PIPER	<p>This is an appeal against the deemed refusal of an application for alterations and additions to the dwelling including widening of the existing garage and landscaping. First directions hearing was held on 1 October 2019. The following orders were made:</p> <ul style="list-style-type: none"> · proceedings are listed on 5 and 6 May 2020 for a conciliation conference and hearing; · Council's SOFAC is due 14 October 2019 · the parties are to seek orders for expert evidence via online Court by 21 October 2019; · the applicant's SOFAC in Reply is due 5 November 2019; <p>the parties are to meet on a without prejudice basis by 10 December 2019.</p>

Applicant v Respondent	File Ref	Legal Rep	Address	Comment
Riddell Street Development Pty Ltd (ACN 626 594 143) v WMC	DA487/2018/1	Wilshire Webb Staunton Beattie	21-23 Riddell St BELLEVUE HILL	This is an appeal against the deemed refusal of an application for the demolition of the existing dwellings and the construction of a new residential flat building. First directions hearing to be held on 14 June 2019. The DA was refused by the WLPP on 18 July 2019, which was contrary to the staff recommendation for approval. The matter is to proceed to a s.34 Conference on 28 November 2019.
Awaiting Hearing				
Thinq Net Bookings Pty Ltd ACN 123 931 304 v WMC	DA33/2018	Lindsay Taylor Lawyers	21-27 Bay St DOUBLE BAY	<p>This is an appeal against the deemed refusal of an application for the demolition of all existing commercial buildings and construction of a new six (6) storey mixed-use building including 2 retail tenancies on ground floor, 5 storeys containing 23 residential units above, with 2 levels of below ground basement car parking, vehicular access via Gumtree Lane, provision of a through-site pedestrian link, and associated landscaping. The Sydney Eastern City Planning Panel refused the DA on 4 October 2019 consistent with Council's staff recommendation. First directions hearing was held on 15 October 2018. The matter was listed for a s34 conciliation conference on 23 April 2019 at 9:30am on site and returning to Council Chambers. Other key dates in the proceedings which you need to be aware of are set out below:</p> <ul style="list-style-type: none"> a. any amended plans or additional information proposed by the Applicant to be the subject of without prejudice discussions at the conciliation conference are to be provided by 9 April 2019; and b. Council is to provide to the Applicant any response to the amended plans or additional information, and draft without prejudice conditions of consent by 16 April 2019. <p>The section 34 conference was adjourned to 16 May 2019 to enable the applicant to prepare further amended plans. Matter was adjourned to 22 May 2019 for a resumed s34 conference by telephone. The matter was further adjourned to 4 June 2019 at this hearing the matter was set down for a two-day hearing on 22-23 January 2020 before Commissioner Horton. The applicant to file and serve a Notice of Motion to amend its application by 19 July 2019. The Council to file and serve an amended SOFAC by 14 days after leave is given for the amended DA and the applicant to file and serve an amended SOFAC in Reply by 7 days after Council's amended SOFAC. Parties to advise the Court of their respective experts by 30 August 2019.</p>

Class 1 - Appealed Determination				
Awaiting Callover-Mention				
Orazio Camuglia v WMC	DA512/2018/2	Wilshire Webb Staunton Beattie	14 Tivoli Ave ROSE BAY	This is an appeal against the Conditions of Consent of an application for the modification of condition C.1, parts (a) and (b) which relate to fence height, and the addition of condition C.1, part (c). First directions hearing to be held on 4 December 2019.
Prisma Properties Pty Ltd v WMC	DA458/2017/1	HWL Ebsworth Lawyers	37 Carlotta Rd DOUBLE BAY	This is an appeal against the refusal of an application for the demolition of existing residence and construction of a residential flat building containing three (3) units, basement level carparking for seven (7) vehicles, new fences, swimming pools, landscaping and siteworks. The WLPP's refusal of the application was contrary to the staff recommendation. First directions hearing to be held on 12 December 2019.
Stood Over Callover-Mention				
Coopes Pty Ltd v WMC	DA212/2017/2	Wilshire Webb Staunton Beattie	3 Knox St DOUBLE BAY	<p>This is an appeal against the Conditions of Consent of an application for the deletion of Conditions C13, C14(g) C15 (a) relating to bicycle parking, stormwater treatment, & mechanical flood barrier and modification to Condition C2 (d) exit door swing. First directions hearing was held on 23 August 2019.</p> <ol style="list-style-type: none"> 1. A conciliation conference under s34 of the Land and Environment Court Act 1979 is arranged for 13 March 2020. 2. The Applicant is to file and serve its Statement of Facts and Contentions by 6 September 2019. 3. The Respondent is to file and serve its Statement of Facts and Contentions in reply by 20 September 2019. <p>The Applicant's solicitor also requested a hearing date, to which Registrar Froh was not amenable. Subsequently the matter was listed for second directions hearing on 20 March 2020.</p>

Awaiting s.34 Conference				
CVK Investments Pty Ltd v WMC	DA126/2017/1	HWL Ebsworth Lawyers	16 Manning Rd DOUBLE BAY	<p>This is an appeal against the refusal of an application for the demolition of the existing building and construction of a new 4 storey child care centre containing 60 places. First directions hearing was held on 24 July 2019. The following orders were made:</p> <ol style="list-style-type: none"> 1. The matter is set down for a conciliation conference under section 34 of the Land and Environment Court Act 1979 on 2 March 2020 commencing on site and returning to Court. 2. The respondent is to file its statement of facts and contentions by 2 August 2019. 3. The applicant is to file its statement of facts and contentions in reply by 4 October 2019. 4. Any amended plans or additional information proposed by the applicant are to be provided by 17 February 2020. 5. The respondent is to provide the applicant with any response to the amended plans, by 24 February 2020. 6. The respondent is to provide draft conditions of consent by 24 February 2020. 7. If no agreement is reached at the conciliation conference, the matter is listed for a second directions hearing on 10 March 2020.
Fullerton House Pty Ltd v WMC	DA305/2018/1	Lindsay Taylor Lawyers	30 Kent Rd ROSE BAY	<p>This is an appeal against the refusal of an application for the demolition of existing building and construction of a residential flat building containing four apartments, with basement level parking, a swimming pool, and associated landscaping and site works. The DA was refused by the WLPP on 27 June 2019 consistent with Council staff's recommendation. First directions hearing was held on 9 August 2019. The matter is set down for hearing on 20-21 February 2020.</p>
Leonid Kamenev v WMC	DA308/2019/1	Wilshire Webb Staunton Beattie	13-15A Coolong Rd VAUCLUSE	<p>This is an appeal against the conditions of consent of an application for alterations and additions to a dwelling house approved under DA304/2018. First directions hearing was held on 15 October 2019. The matter was listed for s34AA conciliation conference and hearing on 12 and 13 February 2020.</p> <ul style="list-style-type: none"> · The Applicant to file and serve a SOFC by 17 October 2019 (as the appeal relates to a condition of consent); · Council to file and serve any SOFC in Reply by 31 October 2019; · The parties to make an online Court communication by 8 November 2019 in relation to expert evidence.

M Lukic Design Pty Ltd v WMC	DA601/2017/2	Peter Rigg	37 Glenview St PADDINGTON	This is an appeal against the conditions of consent for the modification to the approved scheme including the deletion of condition C.1 (a). First direction hearing was held on 2 July 2019. The Applicant was to file a Statement of Facts and Contentions by 23 July 2019. Council's Statement of Facts and Contentions in Reply will be due on 13 August 2019. A Conciliation conference under s.34 of the Land and Environment Court Act will commence onsite at 9.30am on 29 January 2020 and the matter will then proceed to Court.
MHN Design Union Pty Ltd (ACN 001 404 557) v WMC	DA513/2017	Wilshire Webb Staunton Beattie	584 Old South Head Road ROSE BAY	This is an appeal against the refusal of an application for the demolition of the existing dwelling house and the construction of a residential flat building including basement parking and strata subdivision. First directions hearing was held on 4 October 2018. The matter was listed for its conciliation conference on 2 April 2019. Council to file and serve our statement of facts and contentions by 19 October 2018. The Court has confirmed that the matter is listed for hearing on 7 and 8 November 2019. The matter has been adjourned to a date to be confirmed.
Michael Hitz v WMC	DA494/2018/1	Lindsay Taylor Lawyers	19 Cliff St WATSONS BAY	This is an appeal against the refusal of an application for demolition of the existing dwelling and construction of a replacement dwelling. First directions hearing was held on 2 October 2019. The matter has been set down for a conciliation conference and hearing on 15 and 16 April 2020. The Applicant to file Statement of Facts and Contentions in reply on 11 November 2019.
Parker Logan Property Pty Ltd (ACN 121 055 178) v WMC	DA607/2015/5	Wilshire Webb Staunton Beattie	9A Cooper Park Road BELLEVUE HILL	This is an appeal against the conditions of consent of an application for the removal of two existing trees (T1- Ficus rubiginosa Port Jackson Fig and T4- Eucalyptus botryoides Bangalay) with replacement tree and the corresponding amendments to Condition A6. First directions hearing was held on 14 May 2019. The following orders were made: The matter is listed for hearing on 24 March 2020. The Court directed the Applicant to file and serve its SOFAC by 15 October 2019 and for Council to file and serve any SOFAC in Reply by 30 October 2019.
Paulus Saleem Nakhle V WMC	DA440/2017/1	Lindsay Taylor Lawyers	12 Kent Rd ROSE BAY	This is an appeal against the refusal of an application for the demolition of an existing residential flat building and the construction of a new residential flat building. First directions hearing was held on 2 July 2019. The applicant to file and serve its SOFAC in reply by 6 August 2019. A without prejudice meeting was held on 24 September 2019. A s.34 conciliation conference is arranged for 3 February 2020.

Sean Harrison v WMC	DA384/2018/2	HWL Ebsworth Lawyers	43 Dudley St PADDINGTON	<p>This is an appeal against the refusal of an application for the deletion of Condition C.1(c). The WLPP's refusal of the application was contrary to the staff recommendation. The matter was listed for a first directions hearing on 14 November 2019. The following orders were made:</p> <ul style="list-style-type: none"> the matter is listed for a section 34AA conciliation conference and hearing on 23 and 24 June 2020, which will start on site before returning to Court; Council must file and serve draft conditions, a list of objectors and a bundle of documents by 16 June 2020 the parties are to meet on a without prejudice basis by 30 March 2020 the parties need to agree on appropriate experts and make an online court communication by 16 December 2019.
Triple Blue Pty Ltd v WMC	DA190/2017/1	Wilshire Webb Staunton Beattie	593 New South Head Rd ROSE BAY	<p>This is an appeal against the refusal of an application for the alterations and additions to an existing residential flat building including a new upper level. The WLPP's refusal of the application was contrary to the staff recommendation. First directions hearing was held on 15 October 2019. The registrar listed the matter for a conciliation conference on 14 February 2020. If no agreement reached the proceedings are listed for a second directions hearing on 21 February 2020.</p>
Awaiting Hearing				
Baronja Investments Pty Ltd v WMC	DA514/2017/2	Lindsay Taylor Lawyers	805-807 New South Head Road ROSE BAY	<p>This is an appeal against the refusal of a s.4.55 application for the modification of Conditions I.2 and I.14 to extend the approved hours of operation and modify the restrictions imposed on the opening of windows facing Dover Road. First directions hearing was held on 12 December 2018. 1. By way of summary, the key dates in the proceedings are as follows:</p> <ol style="list-style-type: none"> Council is to file its statement of facts and contentions (SOFAC) by 8 January 2019; the Applicant is to file its SOFAC in reply by 22 January 2019; the parties are to attend a without prejudice meeting on 27 February 2019; and the proceedings are listed for a conciliation conference on 9 July 2019. <p>The parties to lodge an online Court communication seeking appropriate orders in respect of expert evidence by 30 August 2019. The proceedings are fixed for a two-day hearing on 20-21 February 2020.</p>

SJD DB2 Pty Ltd v WMC	DA617/2017/1	Lindsay Taylor Lawyers	28-34 Cross St DOUBLE BAY	This is an appeal against the refusal of an application for the demolition of the existing development and construction of a 6 storey mixed development with ground floor retail, 21 residential units over 5 levels and 2 levels of basement parking for 36 vehicles and 4 motorbikes with vehicular access via 20-26 Cross Street. First directions hearing was held on 23 April 2019. The Council is to file its SOFAC by 7 May 2019. The Applicant is to file and serve any statements of facts and contentions in reply by 31 May 2019. A without prejudice meeting is to occur between May and June 2019. The matter has been set down for a hearing on 4 and 5 February 2020. Joint expert reports are due on 14 January 2020.
Judgement Reserved				
Baron Corporation Pty Ltd v WMC	DA584/2014/5	HWL Ebsworth Lawyers	39 Carlotta Rd DOUBLE BAY	This is an appeal against the deemed refusal of a s4.55 application for a new granny flat. First directions hearing was held on 19 March 2019. Council's SOFAC to be filed and served by 4 April 2019; Respondent's SOFAC in reply by 2 May 2019; Without prejudice meeting set-down for 7 June 2019. Section 34 conciliation conference was set down for 23 October 2019. Judgement reserved.
Judgement Finalised				
Agar Developers Pty Ltd (ACN 618 225 193) v WMC	DA220/2018	Peter Rigg	76 Drumalbyn Rd BELLEVUE HILL	This is an appeal against the deemed refusal of an application for the demolition of the existing dwelling and retention of the existing swimming pool, construction of a new residential flat building with automatic parking system, swimming pool, landscaping and site works. First directions hearing was held on 3 August 2018. The appeal was set down on 8 February 2019 for a section 34 Conciliation which will started on site and then proceeded back to the Court. The Court listed the appeal for hearing on 23 and 24 September 2019 at 9:30am. The applicant to file and serve a Notice of Motion on 8 May 2019. The appeal was upheld with amended plans on 23 October 2019.
Kent 3436 Pty Ltd v WMC	DA219/2018/1	Lindsay Taylor Lawyers	34 Kent Rd ROSE BAY	This is an appeal against the deemed refusal of an application for the demolition of a two storey residence and construction of a new residential flat building with basement carparking, swimming pools, landscaping and siteworks. First directions hearing was held on 13 March 2019. The applicant to file and serve its SOFAC by 10 May 2019 - the statement is not to repeat any facts in dispute. Without prejudice meeting to be held on 6 June 2019. The matter was set down for a s.34 conciliation conference on 24 October 2019. Entered into a s.34 agreement on 1 November 2019.

Parker Logan Property Pty Ltd (ACN 121 055 178) v WMC	DA518/2018/1	Lindsay Taylor Lawyers	164 Victoria Rd BELLEVUE HILL	This is an appeal against the deemed refusal of an application for the demolition of existing dwelling and construction of residential flat building with 50% of the gross floor area comprising of affordable housing. First directions hearing was held on 20 February 2019. Council's SOFAC is due to be filed and served by 20 March 2019. The matter was set down for a s.34 conference on 12 September 2019 commencing on site at 9:30am. The parties entered into a s34 agreement. The appeal was upheld on 31 October 2019.
STM 123 No. 21 Pty Ltd v WMC	DA472/2018/1	HWL Ebsworth Lawyers	274 Old South Head Rd WATSONS BAY	This is an appeal against the deemed refusal of an application to demolish the existing residential flat building, and construct a new residential flat building, with basement parking, and strata subdivision. First directions hearing was held on 8 May 2019. The matter was listed for a s.34 conference on 4 October 2019. The parties entered into a s.34 agreement on 30 October 2019.
88 Bay Street Pty Ltd v WMC	DA605/2017/1	Wilshire Webb Staunton Beattie	4 & 6 Bayview Hill Rd ROSE BAY	This is an appeal against the refusal of an application for the demolition of the existing dwelling house & the construction of a new dwelling house, swimming pool and landscape works. First directions hearing was held on 12 December 2018. Respondent to file and serve its SOFAC by 6 February 2019. Applicant to file and serve its SOFAC in reply by 1 March 2019. Further directions hearing was held on 7 February 2019. Without prejudice meeting was held on 5 April 2019. A further without prejudice meeting was held on 27 May 2019. A further meeting is to be arranged. Entered into a s34 Agreement on 19 July 2019.
88 Bay Street Pty Ltd v WMC	DA510/2018/1	Wilshire Webb Staunton Beattie	4 & 6 Bayview Hill Rd ROSE BAY	This is an appeal against the deemed refusal of an application for the demolition of the existing dwelling house and the construction of a new dwelling house, swimming pool and landscape works. First directions hearing was held on 5 March 2019. Respondent to file SOFAC by 5 April 2019; applicant to reply by 6 May 2019. The matter is set down for a hearing on 29 and 30 October 2019. Entered into a s.34 Agreement.
Alex Ding v WMC	DA394/2017/1	Lindsay Taylor Lawyers	11 Wentworth St POINT PIPER	This is an appeal against the refusal of an application for a proposed street entry portico, front (street) wall and new swimming pool. First directions hearing was held on 7 February 2019. Council's SOFACs was due on 7 March 2019. The matter has been set down for a hearing on 15 and 16 August 2019. The appeal was upheld with amended plans on 15 August 2019.
Donna King v WMC	DA478/2016/1	Peter Rigg	7 & 9 Belmore Place PADDINGTON	This is an appeal against the refusal of an application for a two new three-storey attached residential dwellings (infill development) to Nos. 7 and 9 Belmore Place Paddington including off street car parking in the form of garaging and remediation of the sites. First directions hearing was held on 30 November 2018. A s34 conciliation conference has been set down for 12 June 2019. The appeal was upheld with amended plans on 24 July 2019.

Primo Developments Sydney Pty Limited v WMC	DA558/2016	HWL Ebsworth Lawyers	448 Edgecliff Rd EDGECLIFF	<p>This is an appeal against the refusal of an application for the demolition of the existing dwelling and ancillary structures and construction of a new 9 storey residential flat building containing 15 units including basement parking, swimming pool and ancillary site and landscape works. First directions hearing was held on 29 May 2018. Directions given as follows:</p> <ol style="list-style-type: none"> 1. Council's SOFAC due on 12 June 2018; 2. Council's draft conditions of consent were due on 13 November 2018; 3. The applicant to provide any amended without prejudice plans by 13 November 2018; 4. Council to provide any feedback on the applicant's without prejudice plans by 20 November 2018; <p>and</p> <p>The matter was listed for a conciliation conference on 27 November 2018 commencing on site. The conciliation conference was terminated as the parties were not going to be able to reach in-principle agreement on this occasion. To allow the applicant an opportunity to consider Council's comments and, if desired, provide a further set of without prejudice plans and other information, the matter was not listed for further directions until 18 December 2018. The proceedings are listed for a hearing for 2 days commencing onsite on 7 August 2019.</p> <p>The appeal was upheld with amended plans on 15 August 2019.</p>
Richard Leighton O'Brien v WMC	DA145/2018/1	Lindsay Taylor Lawyers	11 Brown St PADDINGTON	<p>This is an appeal against the refusal of an application for alterations and additions including new attic level with a rear facing dormer and skylight. First directions hearing was held on 31 January 2019. The parties to provide available dates for a one day hearing by online court by 4:00pm tomorrow, 1 February 2019. The matter is listed for hearing on 13 August 2019.</p> <p>The matter was upheld on 30 August 2019.</p>
Robyn Hamilton v WMC	DA208/2017	HWL Ebsworth Lawyers	25 Military Rd WATSONS BAY	<p>This is an appeal against the refusal of an application for the demolition of existing timber cottage and construction of two serviced apartments to the rear of existing sandstone building including basement car parking. First directions hearing was held on 23 May 2018. Directions given as follows:</p> <ol style="list-style-type: none"> 1. Council's Statement of Facts and Contentions to be filed by 6 June 2018. 2. The proceedings were listed for a section 34 conciliation conference on 22 November 2018. 3. The proceedings were listed for a further directions hearing on 28 November 2018. <p>The Registrar set down the following dates:</p> <ul style="list-style-type: none"> · 31 January 2019 - Applicant to provide further information; · 28 February 2019 - Council to file amended SOFAC; · 8 March 2019 - Parties to file Online Court request seeking orders with respect to expert evidence; <p>and</p> <ul style="list-style-type: none"> · 13 & 14 June 2019 - the proceedings are listed for hearing. <p>The appeal was upheld on 4 July 2019.</p>

Discontinued				
Gemma Salter and Angus Hutchinson v WMC	DA358/2018/1	Peter Rigg	2 Alton St WOOLLAHRA	This is an appeal against the deemed refusal of an application for alterations and additions to the existing dwelling including construction of a single carport and swimming pool. First directions hearing was held on 4 April 2019. The respondent to file and serve SOFAC by 31 May 2019; the applicant to reply by 28 June 2019. The matter is set down for a s34AA hearing on 5 & 6 December 2019. The appeal was discontinued on 19 July 2019.
Gabriella Ratner v WMC	DA347/2018/1	Wilshire Webb Staunton Beattie	12 Greycliffe Ave VACULUSE	This is an appeal against the refusal of an application for a new dual occupancy, swimming pool, siteworks, and strata subdivision. First directions hearing was held on 19 March 2019. By consent, Registrar Froh listed the matters together for a s34 conciliation conference and hearing on 4-6 November 2019. The s34AA will commence on site at 9.30am on 4 November 2019. In addition, the orders made by the Court include: · Council to file and serve a Statement of Facts and Contentions in each of the appeals by 26 March 2019; and · Parties to make an online Court submission in relation to the usual directions for expert evidence by 5 April 2019. The appeal was discontinued on 16 October 2019.
Gabriella Ratner v WMC	DA348/2018/1	Wilshire Webb Staunton Beattie	12 Greycliffe Ave VAUCLUSE	This is an appeal against the refusal of an application for the demolition of dwelling, new dual occupancy, swimming pool, siteworks and strata subdivision. First directions hearing was held on 19 March 2019. By consent, Registrar Froh listed the matters together for a s34 conciliation conference and hearing on 4-6 November 2019. The s34AA will commence on site at 9.30am on 4 November 2019. In addition, the orders made by the Court include: · Council to file and serve a Statement of Facts and Contentions in each of the appeals by 26 March 2019; and · Parties to make an online Court submission in relation to the usual directions for expert evidence by 5 April 2019. The appeal was discontinued on 16 October 2019.
Janco Developments Pty Ltd v WMC	DA40/2018/1	HWL Ebsworth Lawyers	212-214 Old South Head Rd BELLEVUE HILL	This is an appeal against the refusal of an application for the Subdivision of 212-214 Old South Head Rd Bellevue Hill into two separate allotments. First directions hearing was held on 19 December 2018. Council's Statement of Facts and Contentions is due to be filed and served by 20 January 2019. Joint experts report due on 20 May 2019. The hearing is listed for 1 and 2 August 2019. The appeal was discontinued on 1 July 2019.

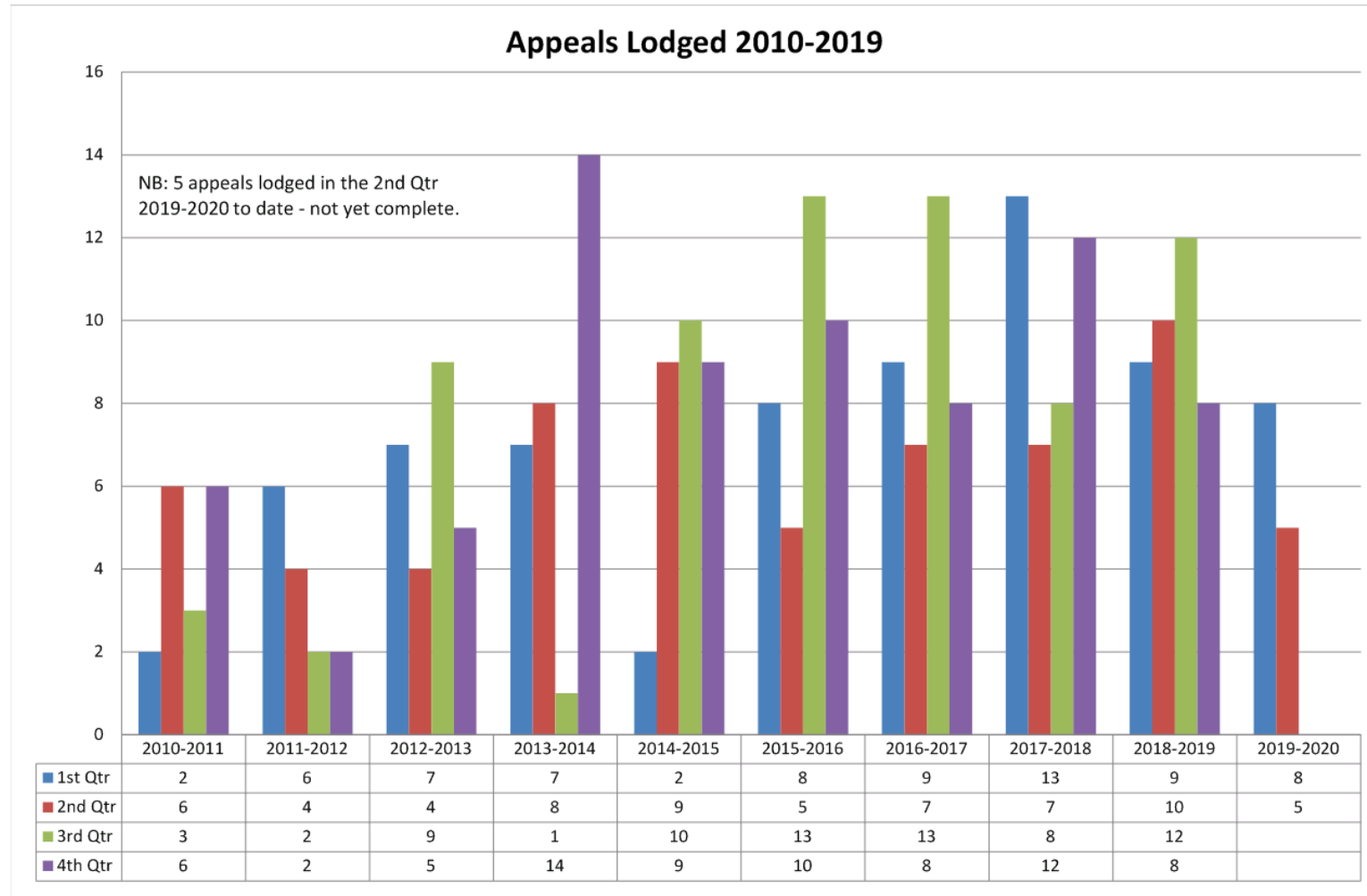
Mr H Kahagalle and Mrs E De Zoysa v WMC	DA2/2018/1	HWL Ebsworth Lawyers	7 Serpentine Pde VAUCLUSE	This is an appeal against the Condition of Consents of an application for the alterations and additions to the existing roof terrace. First directions hearing was held on 21 February 2019. · The matter is listed for a section 34AA conciliation conference and hearing on 24-25 September 2019, commencing on site at 9:30am. · Council's statement of facts and contentions in reply due on 28 February 2019; · The joint experts' report is due on 10 September 2019; · The applicant is to file any amended plans on 10 September 2019; · Council's bundle of documents, draft conditions and list of objectors is due on 17 September 2019. The appeal was discontinued on 1 July 2019. The applicant to pay the respondent costs of \$10,000 within 28 days – payment received.
Smaira Jeihooni v WMC	DA567/2018/1	Wilshire Webb Staunton Beattie	4 & 6 Bayview Hill Rd ROSE BAY	This is an appeal against the deemed refusal of an application for the demolition of existing dwelling and construction of a new dwelling house, swimming pool and landscaping. First directions hearing was held on 15 March 2019. The Respondent is to file and serve its Statement of Facts and Contentions by 5 April 2019. A conciliation conference and hearing under s34AA of the Land and Environment Court Act 1979 is arranged for 29 & 30 October 2019, commencing on site at 9:30am. The appeal was discontinued.
AMA Holdings Pty Ltd ACN 003 432 424 v WMC		Lindsay Taylor Lawyers	2A Cooper St DOUBLE BAY	This is an appeal against an Interim Heritage Order. The appeal was discontinued on 19 November 2019.

Building Control - Legal Matters				
Class 4 - Orders & Civil Enforcement				
Awaiting Callover-Mention				
Bay State Construction Pty Ltd v WMC	Order 1/2018		7 Loftus Rd DARLING POINT	Appeal of Local Court determination of CAN 140160; LC 180814 & PIN 3116940018 that was determined on 04/10/2019 by the Magistrate issuing the following Orders; 1. In respect of the 3 January 2018 offence - Finding of guilt and fine of \$6,000; 2. In respect of the 14 May 2018 offence - Finding of guilt and fine of \$10,000; 3. In respect of the 5 July 2018 offence - Finding of guilt and fine of \$20,000; 4. Council's costs - \$8,000 - Total fines and costs \$44,000. Initial mention listed for 13/12/2019.
Awaiting Hearing				
Shaun Keith Alfred Bonett v WMC	BC 46/2018	Peter Rigg	20 The Crescent VAUCLUSE	A Class 1 appeal has been lodged against the deemed refusal of building information certificate application BC 46/2018. The certificate was lodged to address significant unauthorised works which is the subject of separate Class 4 proceedings that was listed for mediation on 15 March 2019. Initial call-over for the Class 1 proceedings was 14 February 2019. Mediation on 15 March vacated due to extenuating circumstances. Applicant to file and serve his Statement of Facts and Contentions in Reply by 30 October 2019. Mediation re-listed on 12 November 2019. On 19 November 2019 listed for directions on 26 November 2019.
WMC v AMA Holdings Pty Ltd	31.2003.14	Lindsay Taylor Lawyers	2A Cooper St DOUBLE BAY	Court election of Penalty Infringement Notices PIN 3198903960 - Fire safety statement 2 week over due; PIN 3199054100 - Fire safety statement 3 weeks overdue and PIN 3199054174 - Fire safety statement 4 weeks over due. All matters listed for defended hearing on 23 April 2020.

WMC v Lochness Real Estate Pty Limited	Order 91/2017	Wilshire Webb Staunton Beattie	13 Benelong Cres BELLEVUE HILL	<p>Class 4 proceedings to enforce Council's Order 91/2017 for the provision of a retaining wall to support Council's footpath at the above premises. Initial callover 07/06/2019. Matter stood-over to a directions hearing on 16 August 2019 with both parties having the liberty to restore before the Duty Judge on two (2) days' notice if the works timetable is not adhered to.</p> <p>The following timeframe has been put in place;</p> <ol style="list-style-type: none"> 1. The applicant is to serve its affidavits in chief and bundle of tender documents and points of claim by 11 October 2019. 2. The respondent is to serve its affidavits in chief and bundle of any additional documents and points of defence by 1 November 2019. 3. The applicant is to serve any affidavits in reply and bundle of any additional documents in reply and points of reply by 15 November 2019. 4. The matter is listed for a second directions hearing before the List Judge on 22 November 2019. 5. At the second directions hearing the parties are to hand to the Court an agreed estimate or competing estimates of the time required for the hearing broken down as follows: (a) opening addresses, (b) tender of written evidence and objections, (c) cross-examination, (d) any view of properties, (e) closing submissions. 6. The matter is listed before the List Judge for mention (only) on 27 September 2019. <p>21 November 2019 piling and capping beam completed and footpath cleared. Council Solicitors directed to follow-up on final engineering certification and survey report.</p>
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WMC v Shaun Bonett	Order 421/2017	Peter Rigg	20 The Crescent VAUCLUSE	Class 4 Land & Environment Court proceedings initiated to address significant unauthorised works on a heritage item. Direction hearing orders of 13/04/2018 - 1. Inspection by 19/05/2018; 2. By 28/05/2018 council to file and serve points of claim and any further affidavits; 3. Respondent to serve affidavits in chief and points of defence by 02/07/2018; 4. Council to serve any affidavits in reply by 16/07/2018. On 14/09/2018 respondent submitted an application to the Court for the matter to be adjourned pending determination of DA 398/2018. Respondent's application was dismissed and the Respondent was ordered to file a defence by 27/09/2018. Matter adjourned to direction's list on 5/10/2018. Court stood matter over to 26 October 2018. Mention on 16/11/2018 'Notice of Motion' filed by Respondent to strike out part of Council's Summons and Points of Claim was dismissed by the Court; Council's Motion to amend its Summons and Points of Claim to take into account additional evidence relating to heritage works was stood over to a later time; Judge stated Court's resources were extremely stretched and in his view the Class 4 and the Class 1 proceedings (appeal of DA 398/2018 'use' application) could both be more quickly resolved if the Class 1 matters were dealt with first and the Class 4 travel with the Class 1 application. Setdown for mediation on 15 March 2019 with 'Facts and Contentions' required to be filed by 25 January 2019. Mediation on 15 March vacated due to extenuating circumstances. Applicant to file and serve his Statement of Facts and Contentions in Reply by 30 October 2019. Mediation re-listed on 12 November 2019. On 19 November 2019 listed for directions on 26 November 2019.
Awaiting s.34 Conference				
Trudi Yip v WMC	Order 296/2018	HWL Ebsworth Lawyers	15 Goodhope St PADDINGTON	Appeal of Council Order 296/2018 to reinstate original balustrade to rear balcony. Matter set down for a section 34 conference on site on 4 March 2020.
Trudi Yip v WMC	Building Information Certificate 11/2019	HWL Ebsworth Lawyers	15 Goodhope St PADDINGTON	Appeal of Council's refusal to issue Building Information Certificate 11/2019 for the unauthorised balustrade to the rear first floor deck. Matter set down for a section 34 conference on site on 4 March 2020.

Judgement Finalised				
WMC v Bay State Construction Pty Ltd	Order 1/2018	Wilshire Webb Staunton Beattie	7 Loftus Rd DARLING POINT	<p>Prosecution of Bay State Constructions for operation of an illuminated sign without development consent. First call over 4 September 2018. Also court election of PIN 3116940018 for the same offence, first call over 30 October 2018. On 4 September 2018 at the first call over, the matter(s) were adjourned by consent for a plea to be entered on 30 October 2018 so as to align with the call over dates for the penalty infringement notices. Respondent entered a plea of not guilty and the matter was listed for hearing on 4 June 2019. Evidence provided. Magistrate stood matter over to review transcript of evidence before verdict handed down. Following Orders issued on 04/10/2019;</p> <ol style="list-style-type: none"> 1. In respect of the 3 January 2018 offence - Finding of guilt and fine of \$6,000. 2. In respect of the 14 May 2018 offence - Finding of guilt and fine of \$10,000. 3. In respect of the 5 July 2018 offence - Finding of guilt and fine of \$20,000. 4. Council's costs - \$8,000 <p>Total fines and costs \$44,000.</p>
WMC v The Owners Strata Plan 77259		Lindsay Taylor Lawyers	224 Old South Head Rd BELLEVUE HILL	<p>Court attendance notice has been issued to THE OWNERS STRATA PLAN 77259 224 BELLEVUE HILL 2023 in relation to Penalty Notice Number 3170567593. First mention scheduled for 30 July 2019 deferred to 17 September 2019 due to applicant being unavailable. At mention on 17/9/2019, the Defendant entered a plea of guilty. The Defendant was fined \$500 and ordered it to pay Council's professional costs of \$1,700.</p>



Item No: R1 Recommendation to Council
Subject: **REQUEST FOR A PLANNING PROPOSAL FOR 294-298 NEW SOUTH HEAD ROAD AND 2-10 BAY STREET, DOUBLE BAY**
Authors: Jorge Alvarez, Strategic Planner
Kelly McKellar, Acting Team Leader - Strategic Planning
Approvers: Anne White, Acting Manager - Strategic Planning
Allan Coker, Director - Planning & Development
File No: 19/175953
Reason for Report: To obtain Council's approval to prepare a planning proposal for 294-298 New South Head Road and 2-10 Bay Street Double Bay, which seeks to amend the maximum building height and floor space ratio (FSR) controls in the Woollahra Local Environmental Plan 2014.

To obtain Council's approval for the planning proposal to be referred to the Woollahra Local Planning Panel for advice.

Recommendation:

- A. THAT Council resolve to prepare a planning proposal for land at 294-298 New South Head Road and 2-10 Bay Street, Double Bay (the subject site), which seeks to amend *Woollahra Local Environmental Plan 2014* in the following manner:
- i. Amend the maximum building height control from 14.7m to 21.5m across the entire site.
 - ii. Amend the maximum floor space ratio (FSR) control from part 2.5:1/part 3:1 to 3:1 across the entire site.
 - iii. Include a minimum non-residential FSR control of 1.3:1 to be provided as part of the maximum 3:1 FSR control.
- B. THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice.
- C. THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.

1. Summary

Council has received a request for a planning proposal in relation to 294-298 New South Head Road and 2-10 Bay Street, Double Bay.

The objective of the planning proposal is to amend the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) to increase the development potential on the subject site to facilitate development of a mixed use building incorporating residential and non-residential uses.

2. Background

2.1. Pre-application planning proposal meeting

On 17 December 2018, a pre-application planning proposal meeting was held between Council staff and representatives for Loftex Pty Ltd (the applicant) and consultant planners, City Plan Strategy and Development, to discuss the proposed planning changes for the site.

The pre-application request included the following changes to the Woollahra LEP 2014:

- Amend the maximum building height control from 14.7m to 25m across the entire site.
- Amend the maximum floor space ratio (FSR) control from part 2.5:1/part 3:1 to 3:1 across the entire site.

On 22 January 2019 the applicant was advised in writing that Council staff would not support a request for a planning proposal with a proposed building height control of 25m. However, staff may support a building height of 21.5m consistent with Council's existing baseline building heights.

Also, Council staff would not support a request for a planning proposal for increased FSR of 3:1 across the entire site, unless it incorporates a non-residential FSR control of 1.3:1, consistent with Council's current planning proposal seeking to adopt this control in the Double Bay Centre.

2.2. Request for a planning proposal

On 5 April 2019, the applicant submitted a request for a planning proposal to Council, seeking the following changes to the Woollahra LEP 2014:

- Amend the maximum building height control from 14.7m to 21.5m across the entire site.
- Amend the maximum FSR control from part 2.5:1 / part 3:1 to 3:1 across the entire site.
- Include a minimum non-residential FSR control of 1.3:1 to be provided as part of the 3:1 maximum FSR control.

On 13 May 2019, Council staff requested additional information to allow appropriate assessment of the merit of the proposed changes to Woollahra LEP 2014. On 13 June 2019, the applicant provided the requested additional information. On 22 August 2019, Council staff formally accepted the request for a planning proposal.

The request is supported by supplementary material which is provided in the Annexures, and summarised in **Table 1** below.

Table 1: Supplementary material supporting the request for a planning proposal

Annexure	Document	Prepared by	Date
1	Planning Proposal	City Plan	June 2019
2	Urban Design and Development Envelope Study	Tzannes	May 2019
3	Heritage Impact Statement	Urbis	5 June 2019
4	Overshadowing Impact Assessment	Ecological Australia	6 June 2019
5	Flood Impact Assessment	Wood & Grieve Engineers	19 March 2019
6	Advice on View Sharing	Richard Lamb & Associates	6 June 2019
7	Traffic Impact Assessment	PDC Consultants	7 April 2019

3. The subject site and context

3.1. The subject site

The subject site is located on the north-west corner of New South Head Road and Bay Street, Double Bay. Brooklyn Lane to the west provides vehicular access to the 'rear' of the site. The subject site comprises five lots which are described in **Table 2**.

Table 2: Description of lots comprising the subject site

Street address	Legal description	Existing development	Size (sqm)
294 - 296 New South Head Road	Lot C DP 955406	3 storey commercial building	365
298 New South Head Road	Lot B DP 955406	2-3 storey commercial building	416
2 Bay Street	Lots 24 DP 4606	1 storey commercial / residential mixed use building	185
	Lot 25 DP 4606		185
4-10 Bay Street	Lot 100 DP 712017	4 storey commercial building.	713
Total			1,864

Figure 1 to 7 below show maps, an aerial and photographs of the subject site.

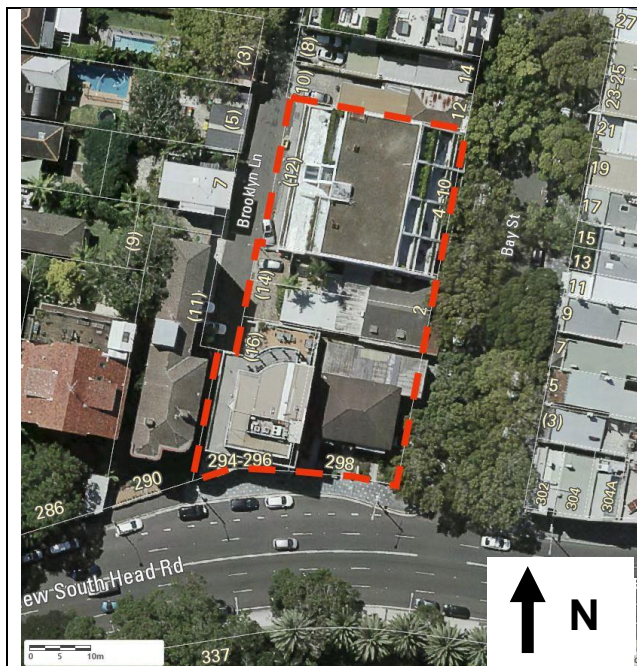


Figure 1: Aerial photograph with subject site outlined in red (source: Woollahra Council)

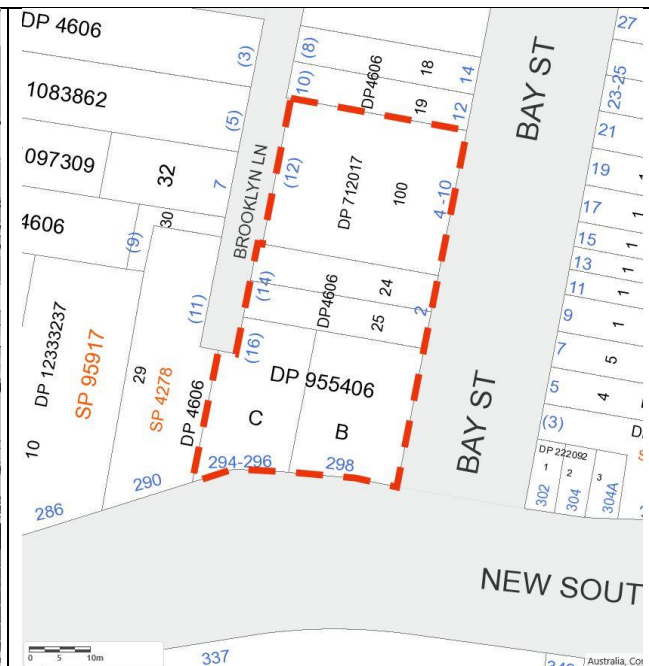


Figure 2: Cadastral map with subject site outlined in red (source: Woollahra Council)



Figure 3: 3D Digital Model showing a bird's eye view of the subject site in its urban context, viewed from the south (source: Woollahra Council)

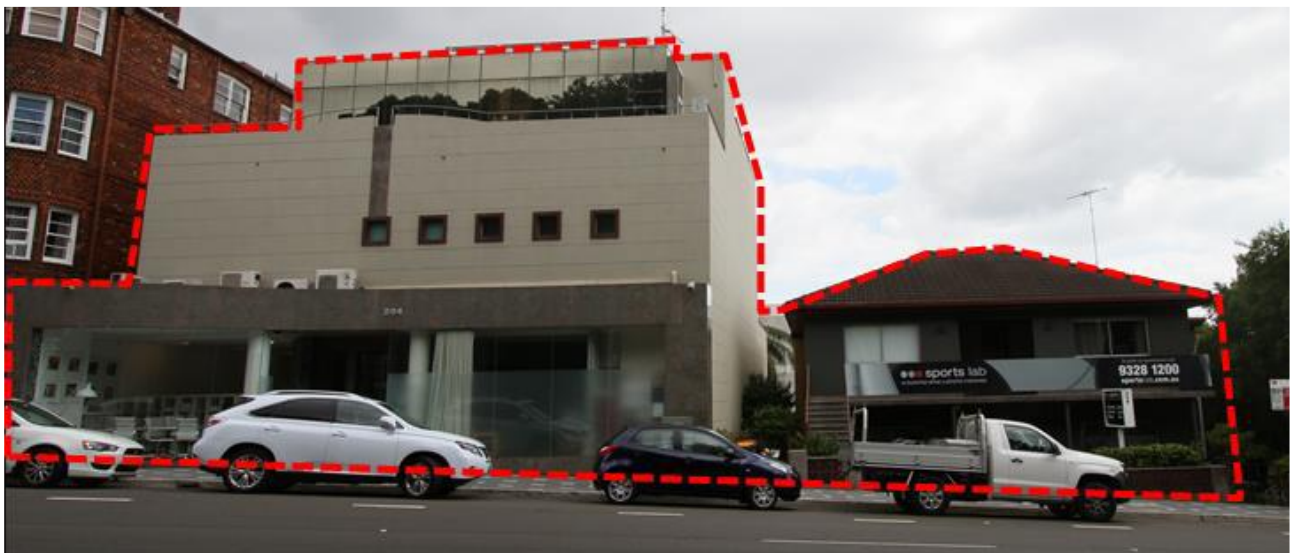


Figure 4: 294-296 and 298 New South Head Road (outlined in red) (source: City Plan)



*Figure 5: 298 New South Head Road and 2 Bay Street viewed from Bay Street (outlined in red)
(source: Google Maps)*



Figure 6: 4-10 Bay Street (outlined in red) (source: Google Maps)



Figure 7: Brooklyn Lane showing 'rear' of the subject site outlined in red (source: Google Maps)

3.2. Proximity of the subject site to services, transport and recreation facilities

3.3. Services and recreational facilities

The subject site is located in the Double Bay Centre. The Centre contains a wide variety of retail, commercial, residential and private recreation land uses. A number of public recreational facilities are located within 700m walking distance, including Guilfoyle Park, Steyne Park, Foster Park and Sydney Harbour.

3.3.1. Public transport facilities

The subject site is well serviced by public transport. It is located within a 200m walking distance of bus stops on New South Head Road (near Henrietta Street) and Manning Road (near Kiaora Lane) which service the 323, 324, 325, 326, 327 and 328 bus routes to the Edgecliff Train Station, Bondi Junction, Bondi Beach, Sydney CBD and Watsons Bay. The subject site is also within a 500m walking distance of Edgecliff Train Station (on the T4 Eastern Suburbs & Illawarra Line) and the Double Bay Ferry Wharf, with ferry services to Circular Quay, Rose Bay and Watsons Bay. Refer to **Figure 8**.

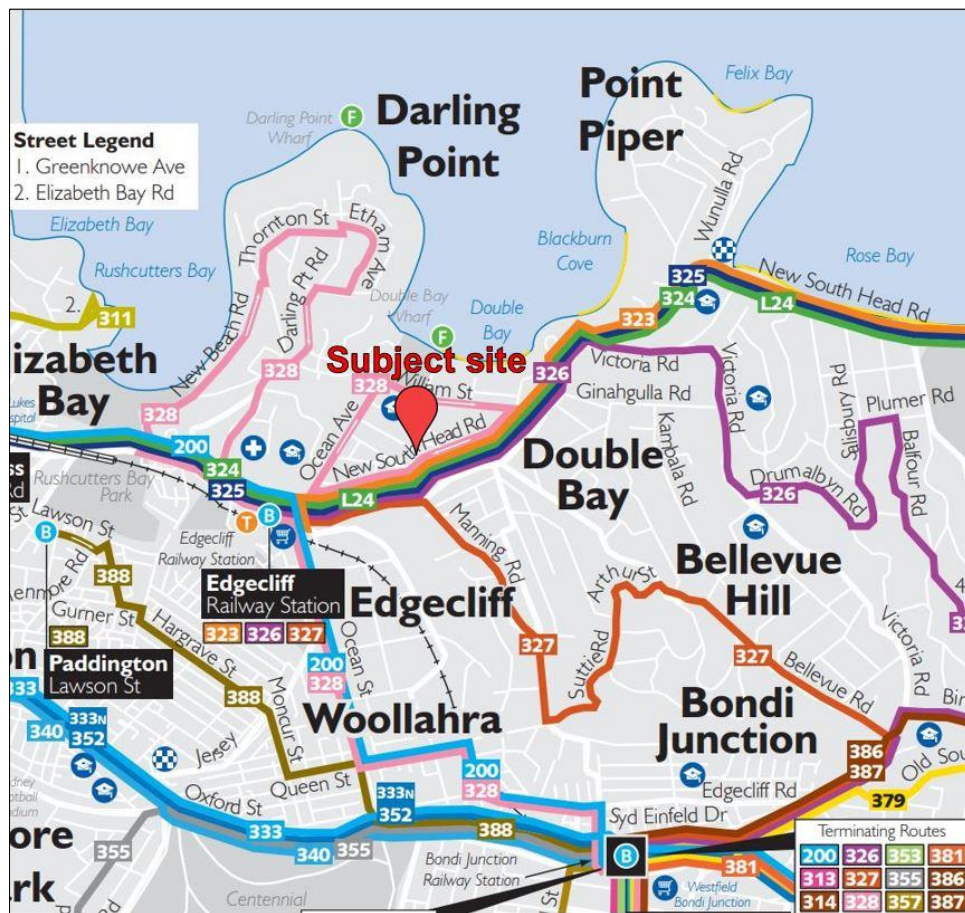


Figure 8: Public transport map (source: Transport for NSW / Woollahra Council)

3.4. Surrounding context

3.4.1. Double Bay Centre

The subject site is located on the western boundary of the Double Bay Centre. The Centre is zoned B2 Local Centre under the Woollahra LEP 2014. Chapter D5 of the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) describes the Centre, specific character areas and individual buildings within the Centre.

3.4.2. Surrounding development

The scale of development in the Double Bay Centre ranges from 1 to 6 storeys. Surrounding development is described in **Table 3**.

Table 3: Description of surrounding development

Location	Description
Immediately to the north	Two, 2 storey buildings used for commercial purposes at 12-14 Bay Street
Immediately to the west	Part 5 / part 6 storey interwar residential flat building at 290 New South Head Road
Immediately to the north-west	Brooklyn Lane which services the rear of the subject site
To the east on the opposite side of Bay Street	Various 2 storey commercial buildings at 3 to 19 Bay Street and 302 New South Head Road
To the south on the opposite side of New South Head Road	A residential flat building with significant tree cover and landscaping at 337- 347 New South Head Road (see Figure 9).



Figure 9: “Overthorpe” fronting New South Head Road to the south of the subject site

4. Development concept submitted with the request for a planning proposal

The applicant's Urban Design and Development Envelope Study includes a development concept for the subject site based on the proposed amended height and FSR controls.

The concept is a 6 storey mixed use building containing:

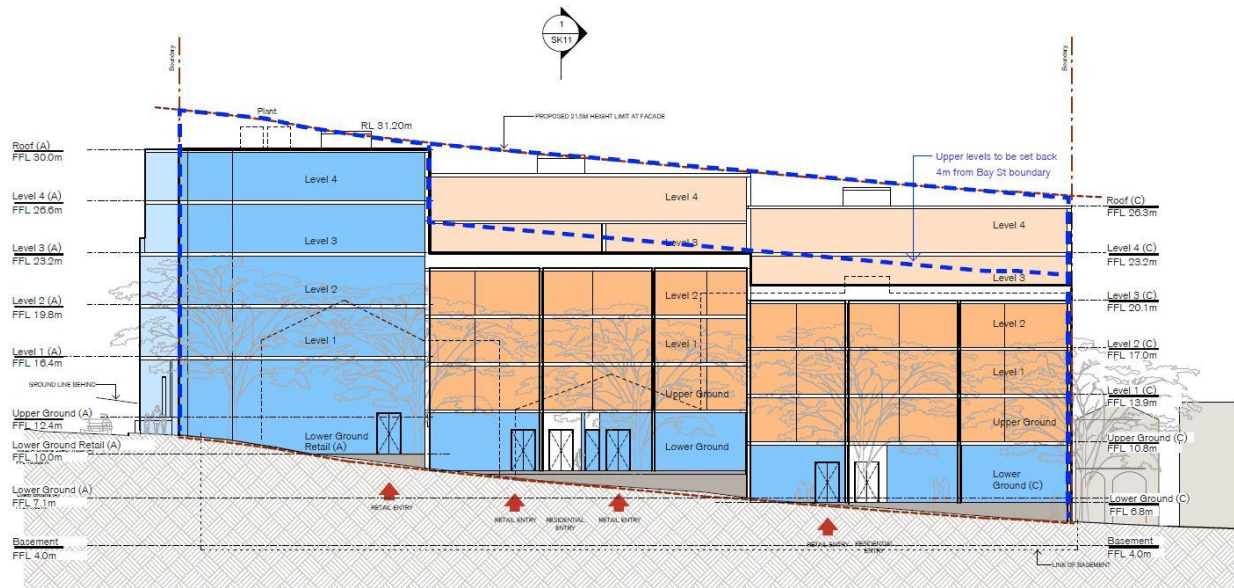
- retail uses on the lower levels fronting New South Head Road and Bay Street
- commercial uses on all levels fronting New South Head Road
- residential uses above the retail uses along Bay Street.

Figure 10 to 13 below show the development concept building elevations, land uses and building envelope.

A comparison of the development concept and the existing development on the site is shown in **Table 4**.

Table 4: Development concept elements compared to existing development

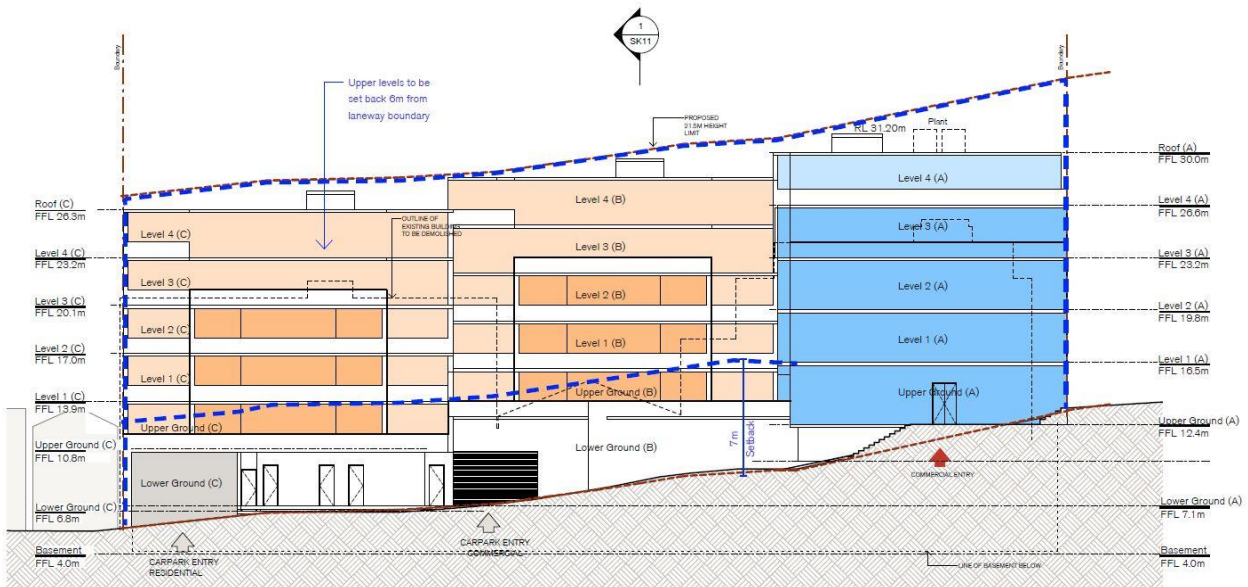
Element	Concept plan	Existing development
Site Area	1,862sqm	1,862sqm
Total Gross Floor Area (GFA)	5,547sqm	2,538sqm
Residential GFA	3,120sqm	225sqm
Commercial GFA	1,934sqm	1,945sqm
Retail GFA	493sqm	368sqm
Total Non-Residential GFA	2,427sqm	2,313sqm
FSR	3:1	1.36:1 (approx.)
Height	21.5 metres	15 metres (approx. max.)
Total Residential Units	30 dwellings comprising: <ul style="list-style-type: none"> • 6 x one-bedroom apartments • 20 x two-bedroom apartments • 4 x three-bedroom apartments 	2 dwellings comprising: <ul style="list-style-type: none"> • 1 x two-bedroom apartment • 1 x three-bedroom apartment
Parking	60 spaces at ground & basement levels	36 spaces at ground & basement levels



East Elevation

● Retail/Commercial ● Residential - - - Proposed maximum envelope

Figure 10: Development concept east elevation facing Bay Street (source: Tzannes)



West Elevation

● Retail/Commercial ● Residential - - - Proposed maximum envelope

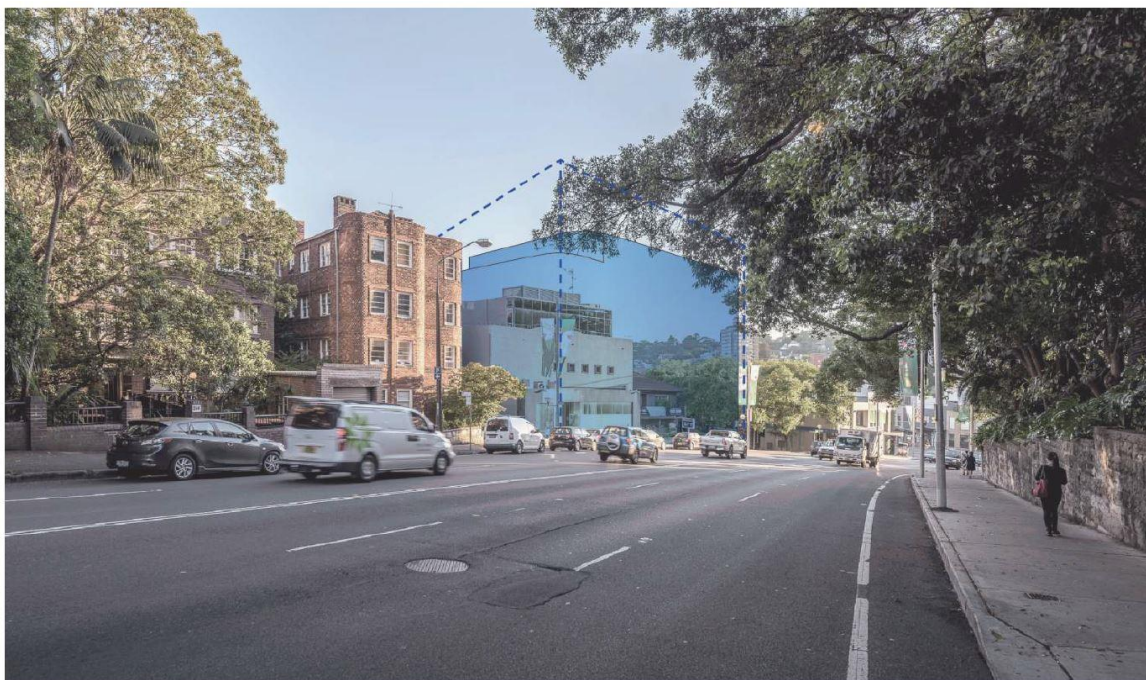
Figure 11: Development concept west elevation facing Brooklyn Lane (source: Tzannes)



View West from New South Head Road

■ Concept Scheme Envelope
■ Maximum Envelope

Figure 12: Development concept massing envelope shown in the proposed maximum building envelope viewed from the east on New South Head Road (source: Tzannes)



View East from New South Head Road

■ Concept Scheme Envelope
■ Maximum Envelope


Figure 13: Development concept massing envelope shown in the proposed maximum building envelope viewed from the west on New South Head Road (source: Tzannes)

5. Existing relevant planning controls

5.1. Woollahra LEP 2014

The key relevant planning controls in the Woollahra LEP 2014 relevant to this request for a planning proposal are described in **Table 5** below.

Table 5: Existing relevant planning controls

	Control	
Zone	B2 Local Centre The objectives of the zone generally encourage the provision of a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. A wide variety of land uses are permitted with consent, including commercial premises (business, office and retail), community facilities and shop top housing.	
Maximum building height	14.7 metres across entire site	
Maximum floor space ratio	<ul style="list-style-type: none"> 3:1 – 298 New South Head Road (corner of Bay Street) 2.5:1 – Remainder of subject site Refer to Figure 14 .	 <p>Figure 14: Existing FSR controls on the subject site (source: Woollahra Council)</p>
Heritage	The property formally known as “Overthorpe”, is located on the opposite side of New South Head Road, at 337-347 New South Head Road (see Figure 9). The property, gardens and trees are listed as a local heritage item in Schedule 5 of Woollahra LEP 2014 and as a State heritage item on the State Heritage Register.	

5.2. Woollahra DCP 2015 – Bay Street (south) character area

The subject site is located in the Bay Street (south) character area of the Centre, which is subject to the built form controls of section D5.5.9 in Chapter D5 Double Bay Centre of the Woollahra DCP 2015. The controls for the subject site support a 2 to 4 storey built form with a 3.5m setback on level 4, a colonnade along the Bay Street frontage and a continuous awning on the New South Head Road frontage. These envelopes are illustrated in **Figures 15** and **16**.



Figure 15: Existing Building Envelopes – Bay Street South Character Area controls
(Woollahra DCP 2015 – D5.5.9 – Control drawing 5, subject site outlined in red)

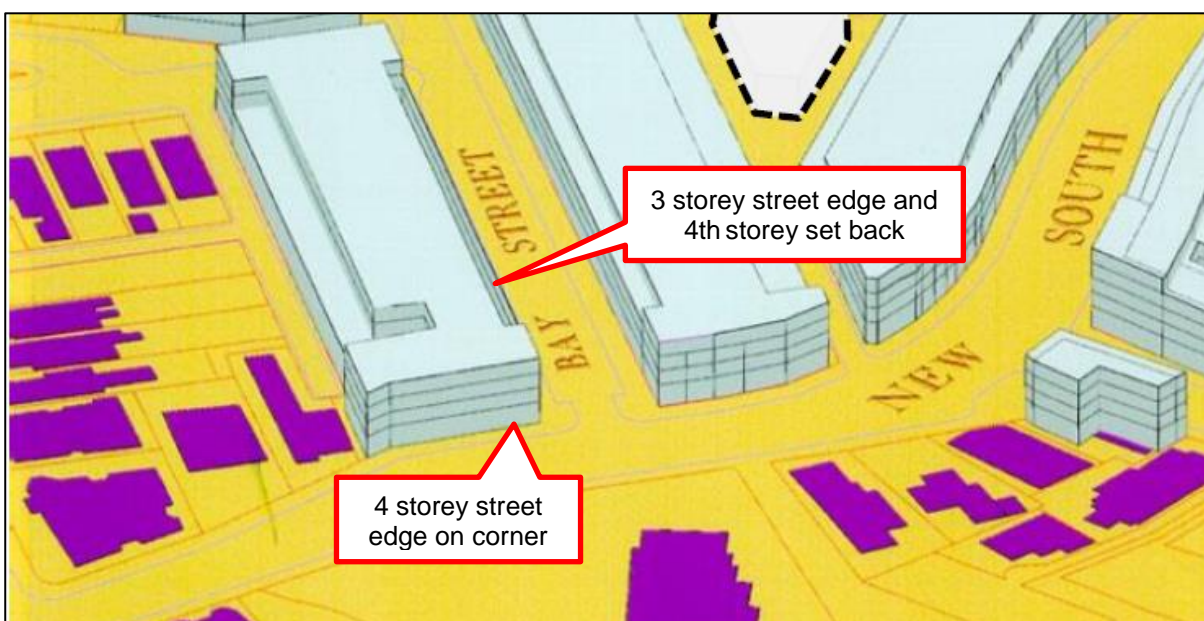


Figure 16: Existing Building Envelopes – 3D view (Woollahra DCP 2015 – D5.5.13)

5.3. Draft Double Bay Commercial Centre Building Envelope Review

On 7 September 2015 the Urban Planning Committee considered a report on a Feasibility Study prepared by Hill PDA. The Feasibility Study recommended that Council consider a review of the planning controls to permit an FSR of between 3:1 and 3.5:1 in the Double Bay Centre. Council staff tested the appropriateness of these FSR controls with a fine-grain urban design review of the whole centre and the proposed land use mix in recent development applications (DAs) in Double Bay. These DAs incorporated retail elements on the ground floor and residential dwellings above. However, no office, business or other non-residential floor space was proposed.

To future proof the Centre's ability to maintain and provide non-residential floor space and employment, Council staff recommended a strategy which seeks to retain two levels of non-residential floor space by requiring all new development to provide a minimum non-residential FSR of 1.3:1 (approximately 0.6:1 for active uses on the ground level and approximately 0.7:1 for the first floor).

On 29 October 2018, Council resolved (in part) to prepare a planning proposal to amend Woollahra LEP 2014 by introducing new controls which protect the provision of non-residential floor space in the Double Bay Centre. On 15 November 2018, the planning proposal was forwarded to the Department of Planning, Industry and Environment (DPIE) requesting a gateway determination to allow public exhibition. However, a gateway determination has not been issued.

The proposed controls for the Double Bay Commercial Centre were presented to a joint meeting of the Double Bay Working Party and the Strategic Planning Working Party on 29 October 2019, and the minutes from this meeting were presented to the EPC meeting of 18 November 2019 and adopted by Council on 25 November 2019. It is anticipated that a proposed urban design strategy supported by new planning controls will be reported to a meeting of the Environmental Planning Committee in the first quarter of 2020.

The request is consistent with the draft review in relation to both building height and floor space ratio as well as the planning proposal seeking a non-residential floor space of 1.3:1.

6. Request for a planning proposal

6.1. Explanation of proposed amendments to Woollahra LEP 2014

The request for a planning proposal seeks the following amendments to Woollahra LEP 2014:

- i. Amend the Height of Buildings Map to apply a maximum building height control of 21.5m across the entire site.
- ii. Amend the Floor Space Ratio Map to apply a maximum FSR control of 3:1 across the entire site.
- iii. Apply a minimum non-residential FSR control of 1.3:1, included within the 3:1 FSR control. The control will apply to the entire site.

6.2. Explanation of requested amendments to Woollahra DCP 2015

The request is accompanied by requested amendments to the Woollahra DCP 2015 to facilitate the objectives of the planning proposal.

6.2.1. Building articulation and setbacks

The request seeks the following amendments to D5.5.9 Control Drawing 5 of the Woollahra DCP 2015:

- Increase the number of permissible levels from 4 to 6 to align with the building heights sought by the planning proposal request.
- New South Head Road and Bay Street corner: introduce a zero metre setback to all levels, to ensure future development provides a gateway element.
- Bay Street: introduce a 4 metre setback for level 5 and above. The control is intended to respond to the existing character of Bay Street by ensuring that future development will present as a 4 storey building along Bay Street. The 5 and 6 storeys above not being visible from Bay Street.
- Brooklyn Lane: introduce a 6 metre setback from level 1 and above. The control is intended to ensure that future development provides appropriate separation between the subject site and the neighbouring buildings along Brooklyn Lane.
- South-western boundary with 290 New South Head Road: introduce a 3 metre setback to all levels. The control is intended to ensure future development provides a pedestrian through-site link connecting New South Head Road to Brooklyn Lane.

The proposed setbacks are shown in **Figure 17**.



Figure 17: Proposed DCP setbacks at third floor level fronting New South Head Road and fourth floor level fronting Bay Street (source: Tzannes)

Staff are currently reviewing the Woollahra DCP 2015 controls for the Double Bay Centre, including the subject site. The applicant has indicated that they are willing to work with staff to achieve a mutually acceptable outcome with regard to DCP controls for the subject site.

7. Assessment of request for a planning proposal

The key reasons, advanced by the applicant, to amend Woollahra LEP 2014 are that it will:

- Provide additional, more diverse and more affordable residential uses in a location close to employment opportunities, retail options, services, recreational facilities and transport.
- Retain local employment opportunities by retaining a commercial component in the future development of the subject site.
- Protect non-residential floor space on the subject site.
- Add to the local vibrancy and liveability of the Double Bay Centre by attracting additional residents while retaining the existing level of workers.

An assessment of the strategic merit of the request is included below.

7.1. Strategic merit - consistency with Council's strategic plans and studies

The proposal is broadly consistent with *Woollahra 2030* (Council's Community Strategic Plan), Draft Woollahra Local Strategic Planning Statement, the *Double Bay Place Plan 2019 to 2023* (Place Plan), the draft *Double Bay Commercial Centre Building Envelope Review* (the draft Review) and *Double Bay Economic Feasibility Study* (2015) (the Feasibility Study), as discussed below.

The request will facilitate an appropriate intensification of the subject site to support a mixed-use development which will increase the potential for additional residential and non-residential floor space. The proposed mix of uses will sustain user activity levels and assist in maintaining the vitality and vibrancy of the Centre.

7.1.1. Woollahra 2030

Woollahra 2030, Council's Community Strategic Plan, identifies the strategic direction and integrated planning framework for the Woollahra Municipality. Council is committed to revitalising its centres, particularly Double Bay, to deliver vibrant villages that provide local access to a range of shops and facilities. The request meets Goal 4 (Well-planned neighbourhoods) under the theme 'Quality Places and Spaces', particularly:

- 4.1 Encourage and ensure high quality planning and urban design outcomes
- 4.5 Enhance the form and function of the local business centres.

7.1.2. Draft Woollahra Local Strategic Planning Statement

The *Draft Woollahra Local Strategic Planning Statement* (draft LSPS) sets out a 20-year land use vision and planning priorities that will support and guide Council's planning controls to help ensure the Woollahra LGA continues to be a great place to live, work, play and visit. The request is generally consistent with the themes and planning priorities of the draft LSPS.

7.1.3. Double Bay Place Plan 2019 to 2023

The Place Plan was adopted by Council on 25 March 2019. The Place Plan sets out an ambitious series of strategies, priorities and actions aimed at achieving a new vision and place story for Double Bay.

- Strategy 3.1 of the Place Plan states that Double Bay should be a place for people to live, work and play, and planning controls should encourage retail, commercial and residential mixed-use development.

- Strategy 3.2 of the Place Plan identifies that Double Bay should provide for increased housing opportunities to create a more diverse housing mix to make housing more affordable for young people and to increase the resident population of the village.

7.1.4. Greater Sydney Region Plan and Eastern District Plan

The request is consistent with the relevant objectives of the *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018) (the Greater Sydney Region Plan) and the relevant priorities of the *Eastern City District Plan* (2018) (the District Plan), as described below.

Infrastructure and Productivity

The request is generally consistent in that it:

- Seeks to retain employment generating land uses, while permitting additional residential use in an established centre with good public transport infrastructure.
- Is unlikely to significantly impact on the demand for public infrastructure.

Liveability

The request is generally consistent in that it seeks to:

- Support the role of the Double Bay Centre with a diverse mix of residential and non-residential land uses.
- Protect the long-term viability and vitality of the Centre.
- Assist Council in achieving its five year and longer term housing targets.
- Foster strong local communities through a place-based planning approach.
- Assist in delivering a 30-minute city.
- Conserve the heritage values of the “Overthorpe” garden.

8. Site specific merit

The request has site specific merit in that it seeks to permit additional development potential to the subject site, while protecting non-residential floor space that contributes to the employment generating capacity of the Double Bay Centre. The proposal will reinforce the objectives for the Zone B2 Local Centre and promote development that contributes towards a vital and vibrant centre.

The request is not anticipated to result in any significant or unreasonable environmental effects. The potential environmental effects of the request are discussed below. Other environmental effects that might arise through the redevelopment of the subject site would be identified through the public exhibition and development application processes. Good design and conditions of consent will limit these effects.

8.1. Urban Design

Council’s Urban Design specialist provided the following comment on urban design.

8.1.1. Urban design context

The proposed new LEP controls and new building envelope will result in a building on the site which has a greater scale and bulk than what is permitted by our existing planning controls. The proposed controls will therefore result in a building which does not meet the existing four (4) storey desired future character for this part of Double Bay. This is because it will introduce a six (6) storey building scale.

However, that is the purpose of the planning proposal, i.e. to obtain Council's agreement to change the controls from a four (4) storey scale to a six (6) storey scale. The key issue for Council to determine is whether or not the proposed transition from a four (4) storey scale to a six (6) storey scale in this part of Double Bay is appropriate. To guide this assessment we have considered the fine grain urban design review which is currently underway for the Double Bay centre. This review was presented to Councillors on 28 October 2019 but has not been formally presented to or endorsed by Council.

The urban design review identifies the subject site as a prominent corner site due to its location at the intersection of two main roads. It identifies that the site can be satisfactorily developed to a five (5) and six (6) storey scale with appropriate setbacks. This is illustrated in the following 3D envelope study:

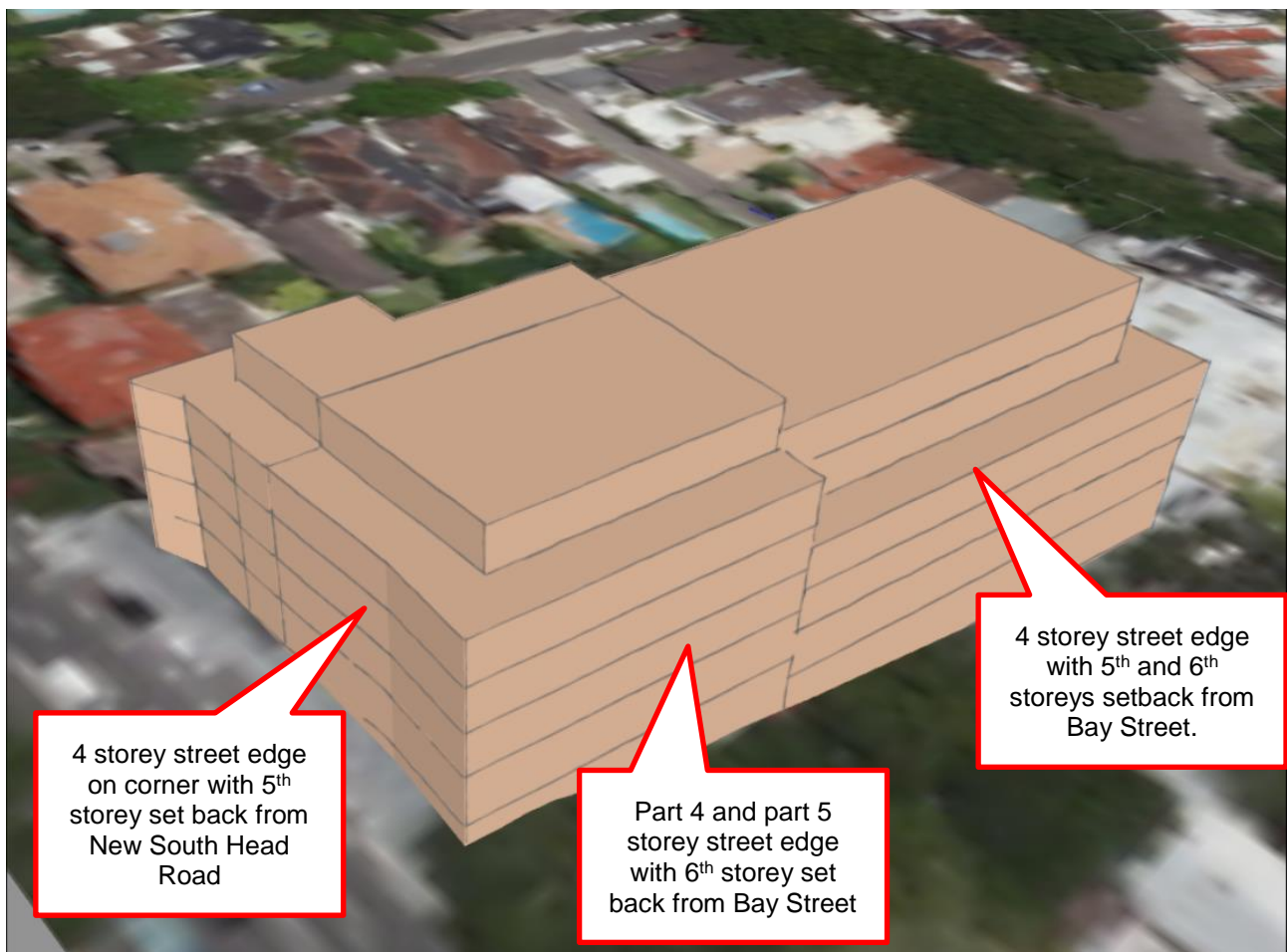


Figure 18: Envelope Study for Double Bay Urban Design Review (unpublished)

The applicant's proposed envelopes are very similar to those which were identified in the urban design study insofar as they propose a 5 storey form to New South Head Road and a 5-6 storey form to Bay Street. This form has regard to the position of the site on a street corner and the down sloping topography of the site from New South Head Road along Bay Street.

Our urban design analysis concludes that a building of the scale and height which is proposed, with appropriate modulation and setbacks, can be satisfactorily accommodated on the subject site.

8.1.2. Recommended built form controls

The following built form envelope controls are recommended for the subject site:

Height

The proposed increase in the number of permissible storeys from 4 to 6 is consistent with the fine grain urban design study presented to combined working parties on 28 October 2019 and will provide for a prominent corner building of suitable scale and height.

New South Head Road frontage

The applicant proposes a 5 storey street wall building to New South Head Road. Our urban design assessment concludes that a better transition in scale from 290 New South Head Road will be achieved if level 5 of the proposed building is setback. The setback will also result in less overshadowing impacts on the “Overthorpe” garden.

Bay Street frontage

The proposed 4 storey street wall height on Bay Street with the upper levels setback will provide an appropriately modulated scale along Bay Street.

Brooklyn Lane frontage

A street wall height up to 2 storeys with a secondary setback will provide an appropriate transition in scale to the properties backing onto Brooklyn Lane.

Northern boundary

Development should transition in height to the north. It is recommended that a street wall height up to 4 storeys be applied to the northern boundary, with a minimum of 6m setback above. The proposed development concept shows a 6 storey built form element on its northern boundary (with a blank wall). However, adjacent to the northern boundary the subject site are two small terraces with contributory streetscape character. The recommended storeys and setback will provide a height transition between future development and the terraces and allow windows on the northern facade, to enhance the residential amenity for both the subject site and the future potential built form for the northern adjoining properties.

8.1.3. SEPP 65 requirements

The proposed layout configuration is conceptual and in the early stages of the design process. However, the proposed depth of the building, the balcony and unit proportions, and the conceptual unit configuration show that the proposed built form is capable of achieving the requirements of SEPP 65.

8.2. Heritage

Council’s Strategic Heritage Officer has advised:

The subject site is not listed as a heritage item or a contributory item in a heritage conservation area. Additionally, it does not meet the threshold for heritage listing at the State or local level. Redevelopment of the subject site will not adversely impact the heritage of the Woollahra LGA.

The subject site is located in the vicinity of 337-347 New South Head Road, Double Bay, the property formally known as “Overthorpe”. The property is located to the south of the site, on the opposite side of New South Head Road. The property, gardens and trees are listed as a local heritage item in Woollahra LEP 2014 and as a State heritage item on the State Heritage Register.

Redevelopment of the subject site will have no adverse impact on the fabric of any heritage item in close proximity or views towards these landscape items, which have already survived the redevelopment of the “Overthorpe” site with contemporary strata buildings.

The only concern is in relation to potential overshadowing of this item due to the increased height of redevelopment on the opposite (north) side on New South Head Road. Council’s Tree Officer has advised that there will be minor additional shadowing to the heritage listed garden, however, this will be negligible to the viability of the garden.

All character buildings identified in the Woollahra DCP 2015 will be wholly retained along Bay Street. There are no physical or visual impacts to any character buildings as a result of the request or future DAs.

As the “Overthorpe” garden is a State heritage item, staff recommend that the planning proposal be referred to Heritage NSW for comment during the public exhibition.

8.3. Overshadowing

An Urban Design and Development Envelope Study prepared by Tzannes provides an analysis of the shadow impacts caused by the indicative concept design and maximum proposed building envelope at mid-winter (21 June) and equinox (21 March). Refer to **Figure 19**.

The overshadowing impacts on adjoining land will be minimal and will not create adverse amenity impacts. The subject site is located on the north side of New South Head Road and on a north facing sloped site. The shadows cast by future development on the site will mostly fall on New South Head Road, which is approximately 24 metres wide at this location, and not on neighbouring privately owned land.

Council’s Tree Officer provided comment on overshadowing of the “Overthorpe” garden. The officer compared the potential increase in overshadowing of the “Overthorpe” garden in mid-Winter, between the building envelope of the existing and proposed controls.

The officer concluded that the difference between the two shadows appears so minor that any additional overshadowing is unlikely to have any negative impact on the existing vegetation affected. The majority of the vegetation affected comprises under-storey species that are considered very shade tolerant. A slight increase in shadow may even provide a benefit to these plants by reducing water stress, as transpiration (water loss from foliage) would decrease with lower levels of direct light.



Figure 19: Shadow diagrams (source: Tzannes and Woollahra Council)

8.4. Visual impact

The “Advice on View Sharing” report prepared by Richard Lamb & Associates analysed the potential visual impact on surrounding residential development. A copy of the report is attached as (**Annexure 6**).

The report identified that the development concept is unlikely to have a significant impact on the views of nearby land. In particular:

- Views from the “Overthorpe” residential flat buildings on the opposite side of New South Head Road are already restricted by the continuous mature tree canopy. As a State heritage item, the canopy is likely to be preserved indefinitely.
- Views from other nearby residential developments, such as 290 New South Head Road neighbouring the subject site on the uphill slope, are unlikely to be significantly affected by view loss due to their relatively low building height in comparison to the subject site.

Notwithstanding this assessment, the public exhibition will permit the community to comment on the visual impact of the proposed height and FSR controls and allow additional view analysis if required.

8.5. Traffic and parking

Council’s Traffic and Transport Engineer has advised that:

- The request will not have an adverse traffic impact on the existing road network.
- The car parking provision described in the development concept requires adjustment to meet the car parking provision of the Woollahra DCP 2014. This adjustment can be determined through the detailed design and development application process.
- Building access and servicing arrangements through Brooklyn Lane are acceptable.
- As New South Head Road is classified as a State road, staff recommend that the planning proposal be referred to Roads and Maritime Services for comment during the public exhibition.

9. Voluntary Planning Agreement

On 18 March 2019, the applicant made an offer of a Voluntary Planning Agreement (VPA) to Council in relation to the request for a planning proposal. On 23 April 2018, Council resolved to draft a voluntary planning agreement policy and to adopt the following policy statement for voluntary planning agreements (VPAs):

The Council will consider the negotiation, preparation, approval and implementation of VPAs in circumstances authorised by, in accordance with and for purposes set out in the provisions of the Environmental Planning and Assessment Act 1979 in order to secure the provision of public facilities for the public's benefit. The Council will conduct these procedures in an open, fair, consistent and accountable manner and with regard to a probity framework. The Council will not allow these procedures to impede or influence its statutory responsibilities in assessing development applications and preparing and approving planning proposals.

Under the current policy statement, Council may consider the negotiation, preparation, approval and implementation of VPAs in circumstances authorised by, in accordance with, and for purposes set out in the provisions of the *Environmental Planning and Assessment Act 1979* (the Act) in order to secure the provision of public facilities for the public's benefit.

Note: Council's draft VPA policy was exhibited to consider formalising the VPA process. The exhibition period ended on 8 November 2019. The results of the exhibition will be reported to Council in the near future.

The applicant's VPA offer will be considered by the Director, Technical Services. In accordance with the policy statement and the draft VPA Policy, no information relating to the VPA offer has been provided to, or discussed with, strategic planning staff. The VPA does not form part of the consideration of the strategic merit of the request. The Director, Technical Services will report a recommendation about the applicant's VPA to Council in the future. If Council resolves to progress with the VPA it will be publicly exhibited, consistent with the Act and *Environmental Planning and Assessment Regulation 2000*.

10. Recommendation and next steps

Based on the assessment of the information provided by the applicant, Council staff support the request for a planning proposal to amend the Woollahra LEP 2014, and an associated amendment to the Woollahra DCP 2015. If Council decides to support amending the Woollahra LEP 2014 and Woollahra DCP 2015, the next steps are as follows:

1. Prepare a planning proposal and refer it to the Woollahra Local Planning Panel (WLPP) for advice
2. Report the advice of the WLPP and proposed DCP amendments, to the Environmental Planning Committee
3. If Council decides to proceed with the planning proposal it will be referred to the DPIE for a gateway determination.
4. If the DPIE issues a gateway determination the planning proposal will proceed to public exhibition, together with the proposed DCP amendments and any Council supported VPA.

The outcome of the public exhibition will be reported to a future meeting of the Environmental Planning Committee.

11. Conclusion

On 5 April 2019, Loftex Pty Ltd submitted a request for a planning proposal to Council, seeking the following amendments to the Woollahra LEP 2014:








- Amend the maximum building height control from 14.7m to 21.5m across the entire site.
- Amend the maximum FSR control from part 2.5:1/part 3:1 to 3:1 across the entire site.
- Include a non-residential FSR control of 1.3:1 to be provided as part of the maximum 3:1 FSR control.

Having assessed the proposal, Council staff support the request as it has strategic and site specific merit in that it will:

- Provide additional, more diverse and more affordable residential uses in a location close to employment opportunities, retail options, services, recreational facilities and transport.
- Provide local employment opportunities.
- Protect non-residential floor space on the subject site.
- Add to the local vibrancy and liveability of the Double Bay Centre.
- Be consistent with Council's potential future direction for the Double Bay Centre as well as State planning strategies.

Staff seek a resolution of Council to prepare a planning and refer the planning proposal to the Woollahra Local Planning Panel for advice.

Annexures

1. Planning Proposal - City Plan - June 2019 [↓](#) 
2. Urban Design and Development Envelope Study - Tzannes - May 2019 [↓](#) 
3. Heritage Impact Statement - Urbis - 5 June 2019 [↓](#) 
4. Overshadowing Impact Assessment - Ecological Australia - 6 June 2019 [↓](#) 
5. Flood Impact Assessment - Wood & Grieve Engineers - 19 March 2019 [↓](#) 
6. Advice on View Sharing - Richard Lamb & Associates - 6 June 2019 [↓](#) 
7. Traffic Impact Assessment - PDC Consultants - 7 April 2019 [↓](#) 

Annexure 1



Planning Proposal

2 & 4-10 Bay Street & 294-296 New South Head Road,
Double Bay NSW 2028




Submitted to Woollahra Council
On Behalf of Loftex Pty Ltd

June 2019



Planning Proposal
2 & 4-10 Bay Street &
294-296 New South Head Road
Double Bay NSW 2028
Project:18222
June 2019

REPORT REVISION HISTORY

Revision	Date Issued	Revision Description	
01 Draft issue to client	05/04/19	Revision tracking notes	
		Prepared by	Verified by
		Lotti Wilkinson Senior Project Planner	 Sue Francis Executive Director
02 Final	08/04/19	Revision tracking notes	
		Prepared by	Verified by
		Lotti Wilkinson Senior Project Planner	 Sue Francis Executive Director
03 Updated following Council review	13/04/19	Revision tracking notes	
		Prepared by	Verified by
		Lotti Wilkinson Senior Project Planner	 Sue Francis Executive Director

Certification

This report has been authorised by City Plan Strategy & Development P/L, with input from a number of other expert consultants. To the best of our knowledge the accuracy of the information contained herein is neither false nor misleading. The comments have been based upon information and facts that were correct at the time of writing.

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Planning Proposal
2 & 4-10 Bay Street &
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8. CONCLUSION61

Appendix	Document	Prepared by
1	Urban Design and Development Envelope Study	Tzannes
2	Heritage Impact Statement	Urbis
3	Overshadowing Impact Assessment	Ecological Australia
4	Flood Impact Statement	Wood & Grieve Engineers
5	Visual Impact Statement	Richard Lamb & Associates
6	Traffic Impact Assessment	PDC Consultants
7	VPA Letter of Offer	Loftex Pty Ltd
8	Existing GFA Diagrams	Loftex Pty Ltd
9	Survey Plan	Norton Survey Partners

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SECTION A - OVERVIEW

1. EXECUTIVE SUMMARY

This Planning Proposal (PP) is being submitted to Woollahra Council on behalf of the proponent, Loftex Pty Ltd and relates to the re-development of 2 & 4-10 Bay Street & 294-296 & 298 New South Head Road, Double Bay ("the site").

This PP has been prepared in accordance with Section 3.3 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*".

This PP seeks to amend the following provisions of the Woollahra Local Environmental Plan 2014 (WLEP) to facilitate redevelopment in a manner that best responds to the New South Head Road and Bay Street Precincts. Specifically, the PP seeks to amend the WLEP as follows:

- Amend the WLEP 2014 Height of Buildings Map (HOB_003) to identify the site as having a 21.5 metre height limit; and
- Amend the WLEP 2014 Floor Space Ratio Map (FSR_003) to identify the site as having a Floor Space Ratio of 3:1.

The purpose of the PP is to facilitate the re-development of the site and support the provision of a high-quality mixed-use development comprising retail, commercial and residential uses. It is intended that the development will assist in enhancing the vitality and vibrancy of Double Bay as an important commercial centre and will help to increase housing diversity and choice.

The PP has been prepared in response to Council's recent urban design work in the Double Bay Centre which foreshadows similar change which would be facilitated in the review of the LEP.

The proposed amendments to the WLEP thus respond to both the broad metropolitan strategic and detailed local planning framework. As demonstrated, the alternative built form will achieve a suitable planning outcome for the site in regard to the existing and future anticipated context.

The PP provides a detailed justification for the proposed amendments and demonstrates compliance with the strategic framework at a metropolitan, district and local level. Together with the detailed urban design analysis prepared by Tzannes Architects, there is clear evidence to demonstrate this proposal to increase the allowable building height and floor space ratio on the site will offer a range of social and economic benefits to the community of Double Bay and will deliver material public benefit.

In conclusion, it is our view that the subject PP is worthy of Council's support to proceed to the Greater Sydney Commission (GSC) for a Gateway Determination.



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2. THE SITE

2.1. Location and Description

The subject site comprises Nos. 2 & 4-10 Bay Street & 294-296 & 298 New South Head Road. The site is located within the suburb of Double Bay and is within the Local Government Area (LGA) of Woollahra. The location of the site is shown in **Figures 1** and **2** below.

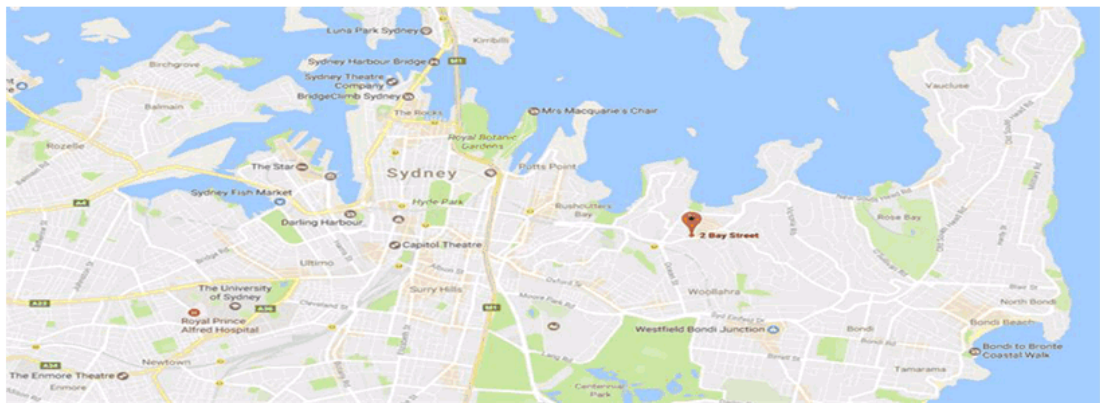


Figure 1: Context Map, site marked in red (Source: Google Maps)



Figure 2: Aerial view, site outlined in red and shaded yellow (Source: Sixmaps)



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The site is located on the north-western corner of Bay Street and New South Head Road and has three street frontages to New South Head Road, Bay Street and Brooklyn Lane.

The site currently consists of the following allotments as shown in **Table 1** and **Figure 3** below.

Table 1: Legal Description of Site

Address	Lot	Deposit Plan
2 Bay Street	24 & 25	4606
4-10 Bay Street	100	712017
294-296 New South Head Road	C	955406
298 New South Head Road	B	955406

The amalgamated site forms a rectangular shape with a combined area of 1,862.7m². The topography of the site falls from the south towards the north. The high point of the site is located at the southwest corner of the subject site with a level of RL13.70 AHD along New South Head Road. The low point is located at the northeast corner at RL 5.49m AHD. Refer to the survey plan which is included in the Urban Design and Development Envelopment Study prepared by Tzannes at **Appendix 1**.

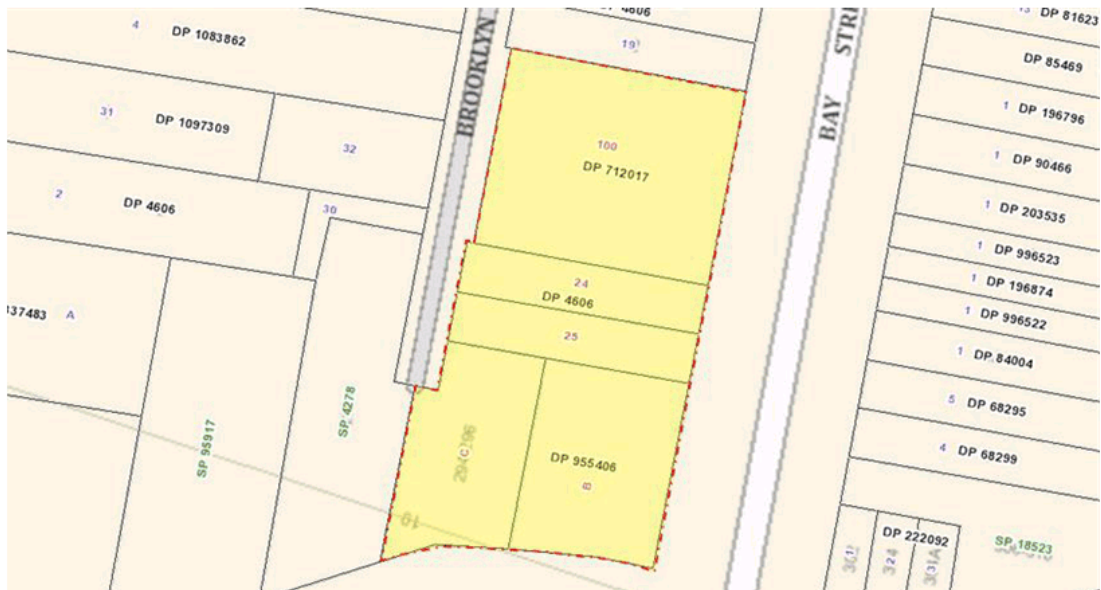


Figure 3: View of site showing lot boundaries and label, site outlined in red and shaded yellow (Source: Sixmaps)



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2.2. Existing Improvements

The existing development on the site comprises four separate buildings ranging from one to four storeys in height. The development at 294-296 New South Head Road currently comprises a part three, part four commercial building known as "The Fortress". The adjoining site at 298 New South Head Road is located on the corner of New South Head Road and Bay Street and contains a three-storey commercial building. The development at 2 Bay Street comprises a single storey commercial building. The adjoining development at 4-10 Bay Street contains a four-storey commercial building.

The consolidated development site contains two existing dwellings comprising a three-bedroom dwelling and two-bedroom dwelling (225m²). The consolidated development site contains approximately 1,945m² of commercial floorspace and 368m² of retail floorspace, totalling 2,313m² of non-residential floorspace. For further information, please refer to the existing GFA diagrams prepared by Loftex provided at **Appendix 8**.

The existing development on the site is shown in **Figures 4 to 6** below.



Figure 4: Subject site, Bay Street Frontages (Source: Tzannes)

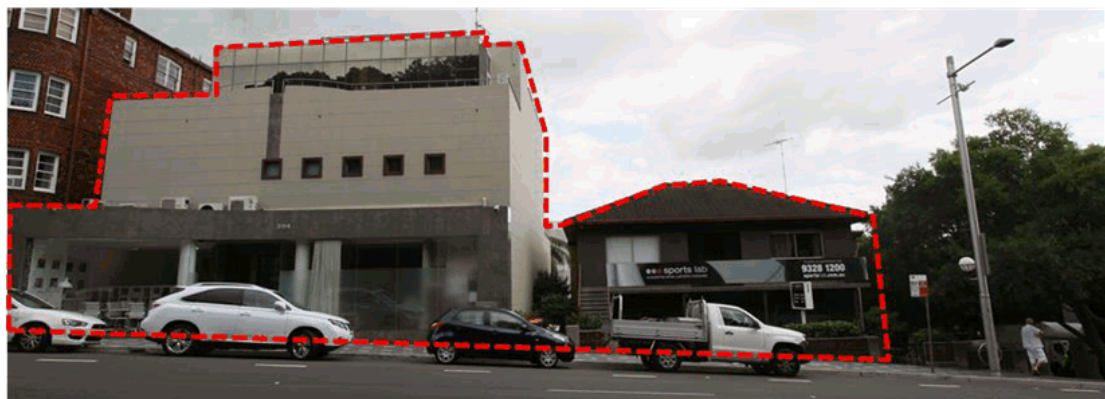


Figure 5: Subject site, New South Head Road frontage (Source: Tzannes)



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Figure 6: Part of the rear of the site from Brooklyn Lane (Source: Google Maps)

2.3. Adjacent and Surrounding Development

In summary, the surrounding context is described as follows:

- Development fronting New South Head Road to the west of the site predominantly consists of residential flat buildings ranging up to seven storeys in height.
- Development fronting New South Head Road to the east of the site comprises a range of active retail and commercial premises, which form the Double Bay commercial centre.
- Bay Street has a very different character to New South Head Road and predominately consists of fine grain allotments with low storey commercial premises and higher storey mixed use developments.
- A number of buildings along Bay Street are identified as character buildings in the Woollahra Development Control Plan (2015) (DCP) because of their architectural character. This includes the building to the north of the site at 14 Bay Street and buildings opposite the site at nos. 9-15 Bay Street.
- The scale of the developments and inclusion of street trees reinforces a street village character along Bay Street.
- Brooklyn Lane primarily provides rear access to the adjoining commercial and residential uses. Development along Brooklyn Lane varies from one to six storeys in height.
- Whilst the site does not include any heritage items, the site is located within close proximity to the heritage listed gardens and associated vegetation to the former house "Overthorpe" at 337-349 New South Head Road.

The adjacent and surrounding development is shown in **Figures 7 to 10** below.



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Figure 7: Low storey commercial premises fronting Bay Street (Source: Google Maps)



Figure 8: Commercial premises fronting Bay St (Source: Google Maps)



Figure 9: Medium density housing located north of the site on New South Head Road (Source: Google Maps)



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Figure 10: Retail and commercial premises located south of the site on New South Head Road (Source: Google Maps)



Figure 11: Brooklyn Lane, predominantly used as a rear access lane (Source: Google Maps)



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2.4. Site Context

2.4.1. Land Use

The subject site is located within the suburb of Double Bay and is within 2km of Bondi Junction and 3.5km of Sydney CBD. The site is located within the Central Subregion of Sydney.

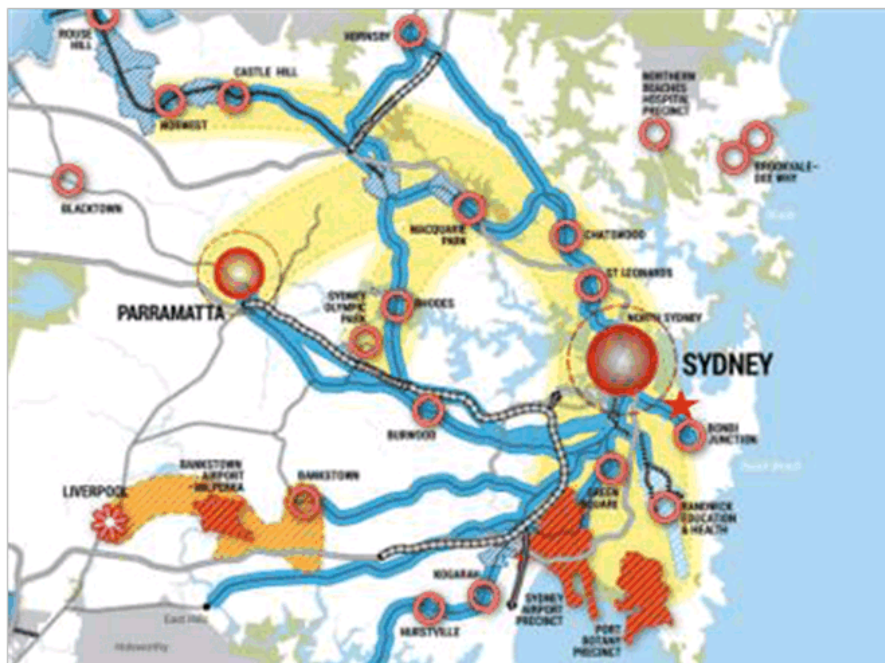


Figure 12: Extract from a Plan for Growing Sydney, approximate location of subject site marked with red star

The subject site sits at the western entry point of the Double Bay Commercial Centre, defined by the intersection of Bay Street and Manning Street with New South Head Road. New South Head Road forms a major arterial road which runs directly through the commercial centre and is characterised by heavy traffic flows and congestion. The properties to the east of the site fronting New South Head Road and Bay Street are zoned B2 Local Centre. Woollahra Council's B2 zone seeks to provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. The zone also seeks to encourage employment opportunities in accessible locations.

The properties to the west of the site, also fronting New South Head Road, are zoned R3 Medium Density Residential. Woollahra Council's R3 zone seeks to provide for the housing needs of the community and to provide a variety of housing types within a medium density residential environment. This PP seeks to ensure consistency with the adjoining land use zoning and desired future character for New South Head Road.



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Whilst the surrounding area contains a mix of residential, commercial and retail uses which form the commercial centre of Double Bay, no significant residential or mixed-use development has taken place within Double Bay's commercial core. This has resulted from a range of factors including the Centre's existing planning controls, which in most cases do not facilitate sufficient floor space to make redevelopment economically viable, as well as the impact of nearby Bondi Junction which has eroded the strength and significance of Double Bay as a commercial centre. Woollahra Council has acknowledged there is a problem with high vacancy rates and low foot traffic within the commercial centre and has also identified there is a lack of diversity in the local housing stock which is discouraging a varied demographic within the area.

Woollahra Council has sought to encourage development at a scale that relates to the function and role of the street they address. In this regard, larger scale development has appropriately been focused on major streets such as New South Head Road. Given the site's proximity to public transport, shops and community services, there is an opportunity for redevelopment at the site, with a view to providing a greater intensity of development adjacent to a classified road and within the Double Bay Commercial Centre.

2.4.2. Accessibility and Connectivity

New South Head Road is a main arterial road providing access from Sydney CBD, through the eastern suburbs to Vaucluse. Parallel parking is located on both sides of New South Head Road and two lanes are provided in each direction.

New South Head Road is well serviced by buses with several stops located within 100m of the site, which services surrounding suburbs and include bus routes 323, 324, 325, 326 & 327. Bus services are available seven days a week and are typically available every 10 minutes. Edgecliff Train Station and bus interchange is located approximately 400m from the subject site.

The proposed development is located within the Double Bay Commercial Centre which comprises a variety of shops and services. The bus services surrounding the site also provide access to Bondi Junction and Sydney CBD, which provide a greater variety of goods and services.

The site is approximately 500 metres from Double Bay Wharf providing access to Rose Bay Ferry Wharf, Watsons Bay Ferry Wharf and Circular Key.

Figure 13 shows the public and active transport services within the vicinity of the site.



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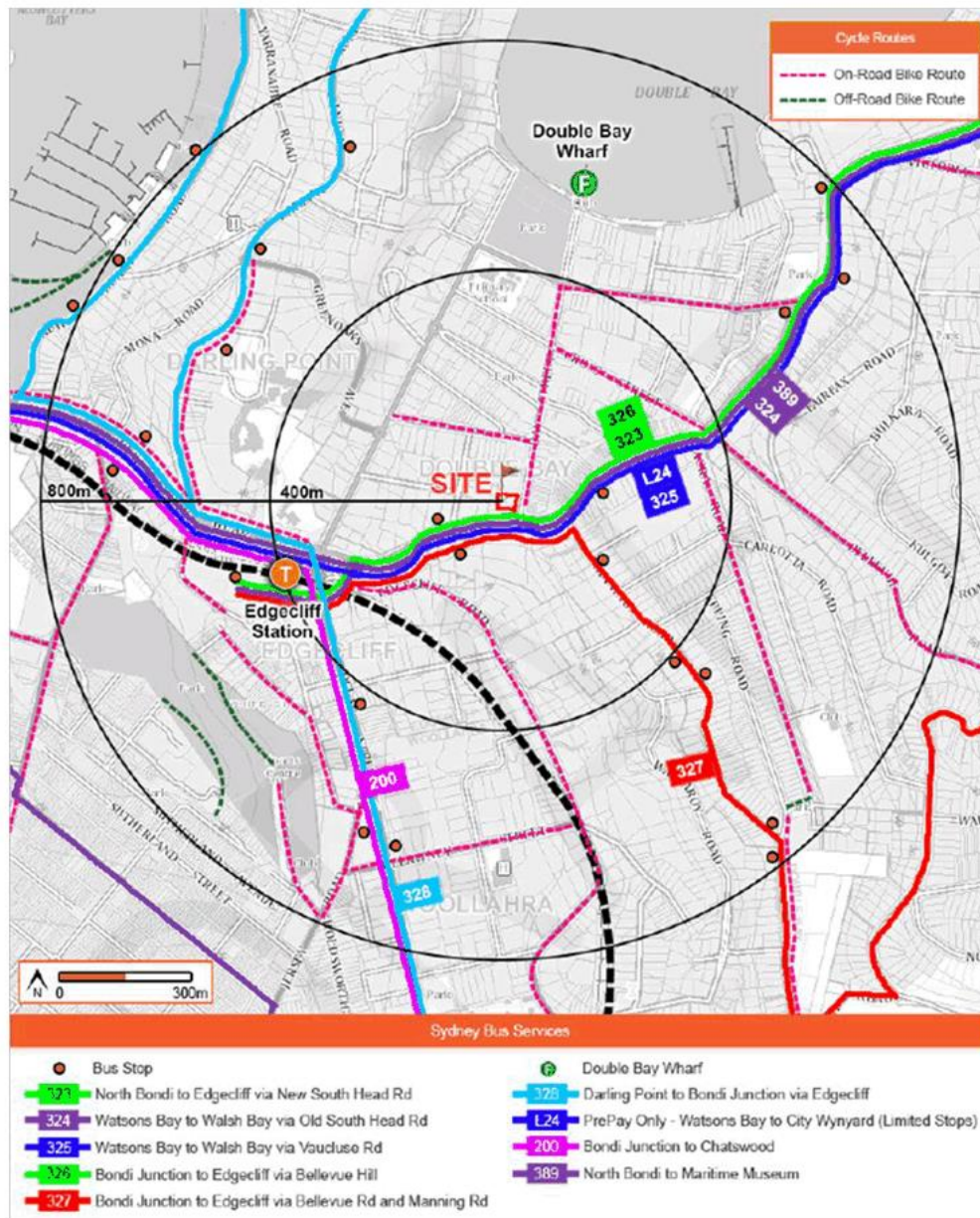


Figure 13: Public & Active Transport Services (Source: PDC Consultants)



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2.4.3. Building Forms and Streetscape Character

The subject site and its immediate context are defined by the intersection between Bay Street and New South Head Road. The intersection sits at the western entry point into the Double Bay Commercial Centre and is topographically the highest point within the Centre. The site has been indicated as the Western Gateway into Double Bay by Aspect in the Double Bay Centre Public Domain Strategy.



Figure 14: Double Bay Centre and Gateways (Source: Aspect Public Domain Report, 2016)

The site fronts Bay Street to the east and New South Head Road to the south. Bay Street connects New South Head Road with the harbour and is one of the most significant elements of the Double Bay public domain. Other developments fronting Bay Street within the vicinity of the site comprise a mix of both fine grain allotments and larger mixed-use developments. Appropriately scaled retail uses reinforce the street village character.

New South Head Road is a historically significant connection between the City and South Head. It traverses the Double Bay Centre where it has a strong curved form punctuated with vistas of green at either end. The adjoining developments fronting New South Head Road to the west and south comprise medium density residential, and developments to the east comprise a mix of commercial and retail development.

Public Open Space

Public open space is an important influence on the desirability of the location. Public open space in close proximity to the site includes:



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- Steyne Park - located less than 400m from the subject site, the large open park provides a playground and waterfront access.
- Guilfoyle Park - located 150m from the subject site, the small park provides shaded seating and hosts local food markets.

2.5. Current Development Controls

The WLEP has the following planning controls that apply to this site and are relevant to this PP.

2.5.1. Zoning and Permissibility

Under the WLEP the site is zoned 'B2 Local Centre', as shown in **Figure 15**.

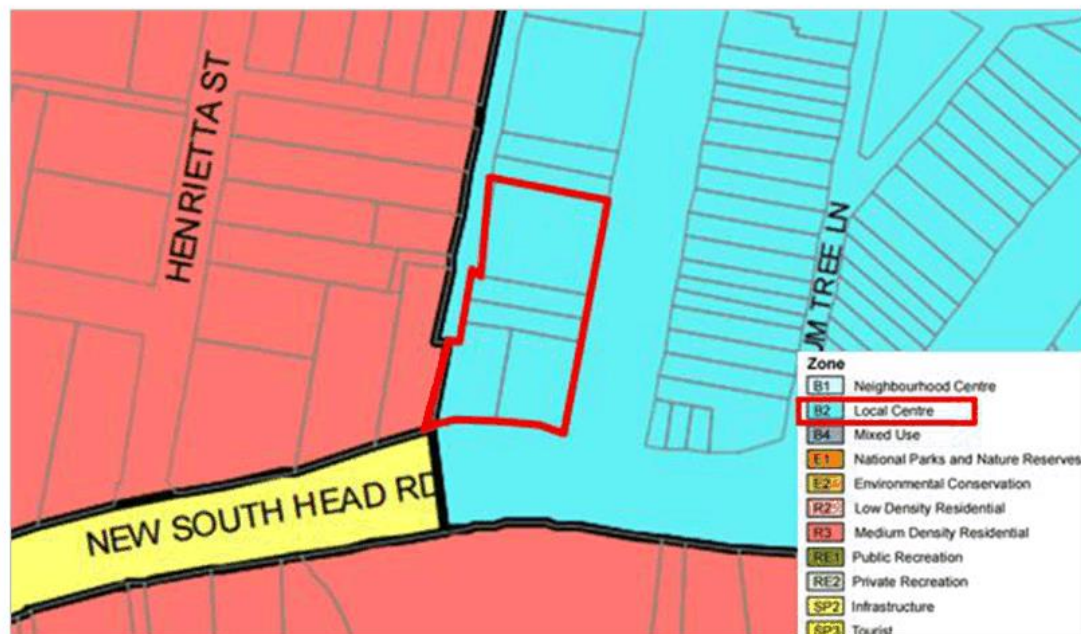


Figure 15: Extract of Zoning Map under the WLEP, subject site outlined in red (Source: WLEP)



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The following extract is from the land use table for the B2 zone and sets out the objective of the zone and permissible land uses.

"B2 Local Centre

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To attract new business and commercial opportunities.
- To provide active ground floor uses to create vibrant centres.
- To provide for development of a scale and type that is compatible with the amenity of the surrounding residential area.
- To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.

2 Permitted without consent

Roads

3 Permitted with consent

Amusement centres; Boarding houses; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Function centres; Home occupations (sex services); Information and education facilities; Light industries; Medical centres; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Service stations; Sex services premises; Shop top housing; Tourist and visitor accommodation; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3".



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2.5.2. Height of Buildings

The site is subject to a maximum building height of 14.7m under the WLEP 2014. Refer to the extract below.

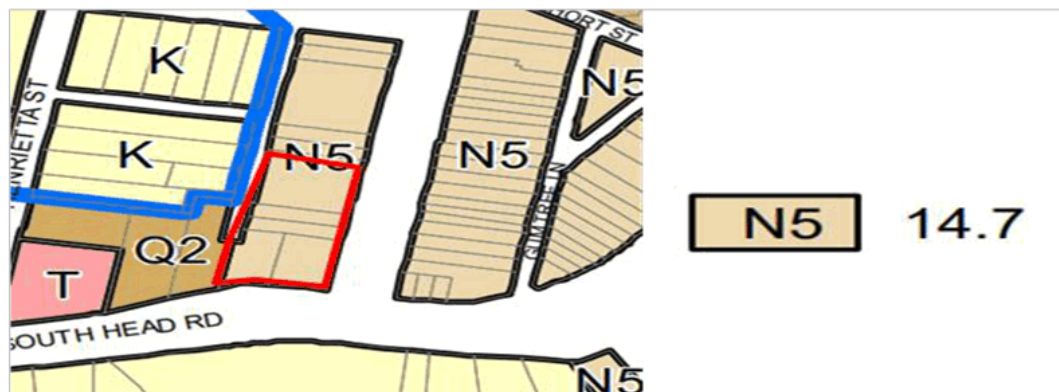


Figure 16: Extract of Height of Buildings Map under the WLEP, subject site outlined in red (Source: WLEP)

2.5.3. Floor Space Ratio

Part of the site is identified as having a maximum Floor Space Ratio (FSR) of 2.5:1 under the WLEP. Part of the site is identified as 'Area 1', which under Clause 4.4A of the WLEP, permits a maximum FSR of 3:1 'if the consent authority is satisfied that the development will be compatible with the desired future character of the zone in terms of building bulk and scale'. Refer to the FSR extract below.



Figure 17: Extract of Floor Space Ratio Map under the WLEP, subject site outlined in red (Source: WLEP)



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2.5.4. Site & Built Form

Analysis has identified that the maximum FSR of 3:1 and 2.5:1 cannot be achieved in the height limits of 14.7 metres. This was demonstrated in a previous development application (DA) 45/2018/1 where a Clause 4.6 variation was sought to be used to deal with the unnecessary variation. Council sought a withdrawal of this DA and the development of the site to be facilitated by a PP (this PP).

2.5.5. Heritage Conservation

The site does not contain a heritage item and is not within a heritage conservation area. The site is located opposite heritage items 'Gardens to former "Overthorpe"' and 'Vegetation associated with the gardens of the former house "Overthorpe"'. Local Heritage item 673 relates to various street name inlays along Bay Street. Refer to extract below.



Figure 18: Extract of Heritage Map under the WLEP, subject site outlined in red (Source: WLEP)



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2.5.6. Acid Sulphate Soils

The site has a "Class 5" and "Class 2" classification under the WLEP.



Figure 19: Extract from Acid Sulphate Soils Map under the WLEP, subject site outlined in red (Source: WLEP)

2.5.7. Flood Planning

The site is identified in the Flood Planning Area under the WLEP. Refer to extract below.

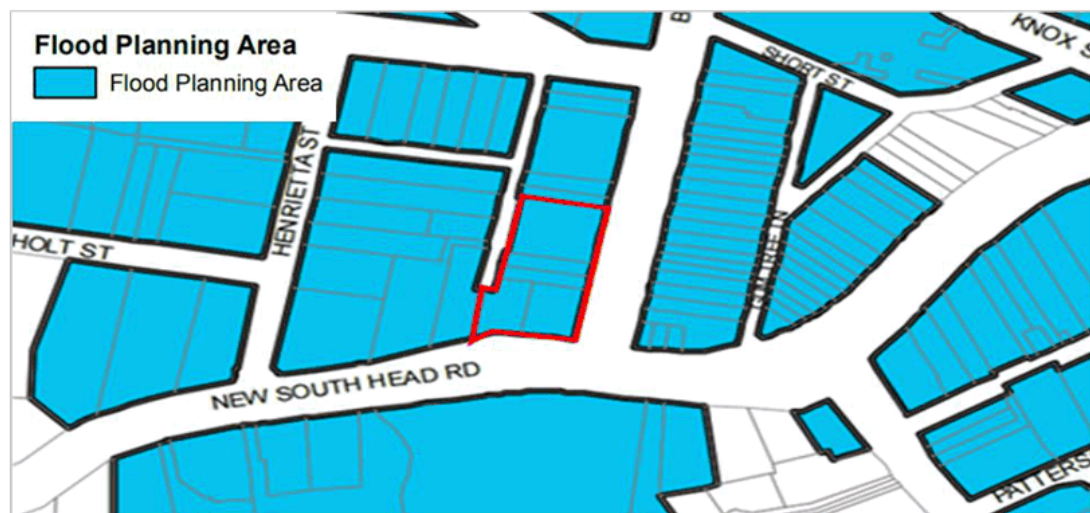


Figure 20: Extract from Flood Planning Map under the WLEP, subject site outlined in red (Source: WLEP)



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2.6. Site Constraints and Opportunities

The identification of constraints and opportunities relating to the site helps to frame the planning principles that will guide future development.

In summary these constraints include:

- Topography of site and high water table.
- Proximity to noise on New South Head Road.
- Scale and character of the adjoining terrace properties on Bay Street.
- Amenity of adjoining apartment building at 290 New South Head Road to be protected.
- Orientation and depth of the site between Brooklyn Lane and Bay Street.
- Restriction of vehicular access from New South Head Road and no additional traffic on Bay Street.
- Retention of retail tenancies along Bay Street.

The opportunities include:

- Opportunity to create a gateway development on the western entry to the Double Bay Commercial Centre.
- Excellent proximity to public transport including rail, bus and ferry networks.
- Opportunity for landmark retail corner on New South Head Road.
- Opportunity to provide basement parking above the levels of ground water and outside of the acid sulphate soils affected land.
- Opportunity to provide additional height and bulk which has no adverse overshadowing impacts to adjoining properties.
- Existing vehicular access from Brooklyn Lane.
- Potential for a pedestrian through-site link from Brooklyn Lane to New South Head Road.
- Opportunity to retain commercial floorspace and improve and extend the premium retail floorspace offer.
- Opportunity to increase housing supply and diversity in Double Bay.

2.7. Development Strategy and Pre-PP Advice

On 15 February 2018 a DA was lodged to Woollahra Municipal Council at the subject site for a shop top housing development incorporating 46 residential units and seven commercial premises (DA 45/2018/1). The DA was accompanied by two Clause 4.6 variation reports which sought an exemption from the FSR and maximum height development standards applicable to the site under the WLEP. The Clause 4.6 variations were required because the current FSR and height controls were inconsistent and a mismatch. That is, the height did not allow for a built form to accommodate the relevant FSR.

Nevertheless, during the DA's assessment, the project team met with Council staff to discuss the DA. Council confirmed that they would be unable to support the DA in its current form (due to not wanting to create a precedent in varying the development standards) and advised that a PP should be lodged seeking amendments to the FSR and maximum height development standards. Council advised that the current



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quantum of commercial floorspace should be retained across the site in any redevelopment and made a series of recommendations relating to the design of the building, apartment mix, opportunities for enhanced public domain and the potential for a Voluntary Planning Agreement.

The project team met with Council staff a second time, on 15 August 2018, and presented a preliminary design package which had been progressed in line with Council's feedback. Council were receptive to the amended design, however they expressed concerns regarding the six-storey height along Bay Street.

Following this meeting, the DA was subsequently withdrawn.

On 17 December 2018 a formal pre-PP meeting was held between the proponent's project team and Council's strategic planning team. The indicative plans detailed a part four storey, part six storey development accommodating approximately 41 dwellings and 1,490m² of non-residential floorspace. To facilitate this indicative design, an increase to the maximum building height from 14.7 metres to 25 metres and FSR from 2.5:1 and 3:1 to 3:1 across the consolidated site was sought.

Following the meeting Council provided written comments on the PP. In summary, Council staff considered the building height significant and stated that staff would not support a request for a PP with a proposed building height control of 25 metres. Council also identified that they would not support a request for a PP for increased FSR, unless it incorporated a non-residential FSR control of 1.3:1. This is consistent with Council's PP which has recently been submitted to the Department of Planning & Environment and seeks to adopt this control in the Double Bay Centre.

The amended development scheme presented as part of this PP responds to the matters raised by Council officers. Specifically, the PP proposes an FSR of 1.3:1 for non-residential development and a 21.5 metre maximum height limit to be achieved across the site. **Table 2** demonstrates how the PP responds to Council's written comments.



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Table 2: Response to Council's Pre-PP Written Advice

Council's Comment	Response
<p>Woollahra Local Environmental Plan 2014</p> <p>Part 4.3: Height of buildings</p> <p>A request for a PP must fully justify the requested building height control on the site Council advised that a Building Envelope Review is being prepared to guide future development of the Double Bay Commercial Centre. Although the review is yet to be finalised, Council indicated it is unlikely that there will be recommendations for a building height control of the scale sought in the pre-application.</p> <p>Council stated they would not support a request for a PP with a proposed building height control of 25 metres. Any proposed building height control would need to correspond to the baseline building height controls.</p>	<p>The PP seeks a proposed building height control of 21.5 metres. This proposed height is consistent with the <i>baseline maximum building heights for commercial zones</i> prepared by Council which informed the production of the Draft Woollahra Local Environmental Plan 2013.</p> <p>This study acknowledges that a suitable baseline building height for a six-storey mixed use building comprising both residential and commercial uses is 20.5 metres. Council have acknowledged that it is appropriate to include an additional 1m to building height controls to allow for rooftop articulation.</p> <p>As the development concept for the site consists of a six-storey mixed use building, the proposed 21.5 metres building height is considered appropriate and is consistent with Council's existing baseline building heights.</p>
<p>View sharing</p> <p>A request for a PP must address any view sharing impacts from surrounding properties. The assessment must be made on the maximum building envelope created by the requested planning controls, not the building envelope of the concept building.</p>	<p>The PP is accompanied by a Visual Impact Assessment Statement prepared by Richard Lamb & Associates which is provided at Appendix 5.</p> <p>The Statement concludes that no residential development within the immediate or wider visual context is likely to be exposed to visual effects and impacts of the proposed development, of the height and scale proposed. Notwithstanding as a conservative approach, if access to units in the Overthorpe Apartments and assessment of view loss is required by Council and can be arranged, simple block-model photomontages could be prepared to be used as objective aids for assessment of the merits of the proposal.</p>
<p>Part 4.4: Floor space ratio</p> <p>A request for a PP must fully justify the requested FSR control on the site. This must include analysis of the impacts of increasing the FSR from the existing controls to the requested control. The FSR should be consistent with the PP submitted to the GSC on 15 November 2018 regarding the provision of a non-residential FSR. Council staff would only support a request for a PP if the</p>	<p>The PP seeks an FSR development control of 3:1 across the site, inclusive of a non-residential FSR of 1.3:1. Justification for the increase in FSR is provided at Section 5.</p>



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Council's Comment	Response
requested FSR includes a minimum non-residential FSR of 1.3:1.	
<p>Part 5.10: Heritage conservation</p> <p>A request for a PP must address potential overshadowing issues and the impacts this could have on the micro-environment of the gardens of "Overthorpe". The analysis must be prepared by a qualified ecologist. It must include an assessment of the impact of any overshadowing on the micro-environment/micro-climate itself and an assessment of the impact that any changes to the micro-environment/micro-climate will have on the heritage significant plant species.</p>	<p>A Heritage Impact Statement has been prepared by Urbis and accompanies the PP at Appendix 2.</p> <p>An Overshadowing Impact Assessment has been prepared by Ecological Australia and accompanies the PP at Appendix 3.</p>
<p>Part 6.3: Flood Planning</p> <p>The site is identified as Flood Planning Area under the Woollahra LEP 2014. A request for a PP must address flood planning matters.</p>	<p>A Flood Impact Statement has been prepared by Wood & Grieve Engineers and accompanies the PP at Appendix 4.</p>
Woollahra Development Control Plan 2015	
<p>Chapter D5: Double Bay Centre</p> <p>A request for a PP must have regard to the desired future character of the area and address whether the proposed planning controls may require associated changes to the Woollahra DCP 2015.</p>	<p>The associated changes to the DCP include:</p> <p>Amendment to D5.5.9 Control Drawing 5 to facilitate the following changes:</p> <ul style="list-style-type: none"> ▪ Increase the number of permissible levels from 4 to 6; ▪ Include a four metre setback at third-floor level along part of the site's frontage to Bay Street; ▪ Include a six metre setback at first floor level along part of the site's frontage to Brooklyn Lane; and ▪ Include a three metre setback along the south-western extent of the site adjacent to the proposed through-site link. <p>Amendment to E1.5.2 in relation to non-residential parking generation rates:</p> <p>Further detail of the requested DCP changes is provided in Section 4.1.</p>



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SECTION B – PLANNING PROPOSALS

3. PART 1 – OBJECTIVES AND THE INTENDED OUTCOMES

3.1. Objectives of the PP

The objective is to facilitate the redevelopment of a key site within the Double Bay Local Centre to create a modern, safe and attractive mixed-use development.

The objectives of this PP are to:

- Protect and retain a range of non-residential uses which will provide employment opportunities and assist in enhancing the vitality and vibrancy of the Double Bay Commercial Centre;
- Provide housing opportunities in a location with excellent access to transport, employment and social infrastructure;
- Provide an opportunity to improve the presentation of the site to the public domain, and enhance the streetscape in doing so;
- Capitalise on opportunities within the site to provide an economic and orderly use of the land for a mixed-use development;
- Facilitate a high quality urban and architectural design that responds to adjoining land uses;
- Minimise adverse impacts on existing development;
- Ensure the future development and use of land is appropriate to minimise environmental risks and potential impacts on adjoining land uses; and
- Satisfy State government objectives in 'A Metropolis of Three Cities' as well as relevant Section 117 directions.

3.2. Intended Development Outcome

The intended development outcome of this PP is to introduce development controls that will stimulate redevelopment and revitalisation of the site and increase the quantum of non-residential and residential floorspace across the site where the maximum height limit relates to the maximum FSR for the land.

The following specific development outcomes are intended:

- To facilitate the intensification of a prime site on the corner of New South Head Road and Bay Street and within the Commercial Centre;
- To provide for an enhanced built form that is compatible and appropriate with the existing and future surrounding context;
- To stimulate growth of the local economy and offer opportunities for enhanced prosperity within the Commercial Centre;
- To provide a mix of apartment sizes, including one-bedroom and two-bedroom units, to assist in achieving a diversity of price points and in turn, a younger demographic residing within the Commercial Centre;



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- To encourage an amalgamation of land to enable a feasible, high quality mixed-use development that provides significant public domain enhancements for the local community;
- To introduce contextually appropriate development controls that ensure an appropriate built form response that enhances the site and locality;
- To protect and enhance the surrounding environment by encouraging development at a higher scale along New South Head Road and a lower scale along Bay Street;
- To deliver housing and commercial uses in a strategic location that can maximise the use of existing public transport, walking and cycling for trips; and
- To provide numerous direct and tangible benefits to the public, including improving the sustainability of the development on the site, providing a range of employment generating uses on the site, supporting access to employment and public transport, and enhancing the amenity and streetscape of the locality.

The concept proposal prepared by Tzannes Architects is an indicative development outcome for the site demonstrating the anticipated built form outcome for the site which facilitates a range of positive outcomes discussed in this PP. Refer to the Urban Design Report at **Appendix 1** for further detail. The potential yield of the indicative development is shown in **Table 3** below.

Table 3: Indicative Site Development Statistics

Element	Provision
Site Area	1862m ²
Total GFA	5,547m ²
Residential GFA	3,120m ²
Commercial GFA	1,934m ²
Retail GFA	493m ²
Total Non-Residential GFA	2,427m ²
FSR	3:1
Height	21.5 metres
Total Residential Units	30 units comprising: <ul style="list-style-type: none"> ▪ 6 x one-bedroom apartments ▪ 20 x two-bedroom apartments ▪ 4 x three-bedroom apartments
Parking	60 spaces at ground and basement levels



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4. PART 2 – EXPLANATION OF THE PROVISIONS

4.1. Overview

LEP Amendments

This PP seeks the following modifications to the provisions of the WLEP as follows:

- Permit the maximum floor space ratio on the site from 2.5:1 and 3:1 to 3:1; and
- Permit the maximum building height from 14.7 metres to 21.5 metres.

It is proposed to implement these amendments by updating the relevant WLEP 2014 Maps as follows:

- Amend the WLEP 2014 Height of Buildings Map (Sheet HOB_003) to identify the site as having a height limit of 21.5 metres; and
- Amend the WLEP Floor Space Ratio Map (Sheet FSR_003) to identify the site as having a floor space ratio of 3:1.

DCP Amendments

The following DCP amendments are sought to facilitate the PP:

Amendment to **D5.5.9 Control Drawing 5** to facilitate the following changes:

- Increase the number of permissible levels from 4 to 6;
- Include a four-metre setback at fifth-floor level and above along part of the site's frontage to Bay Street;
- Include a six-metre setback at first floor level and above along part of the site's frontage to Brooklyn Lane; and
- Include a three-metre setback along the south-western extent of the site adjacent to the proposed through-site link.

The proposed setbacks are illustrated on the diagram at Figure 21.



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Figure 21: Proposed DCP setbacks at third floor level fronting New South Head Road and fourth floor level fronting Bay Street (Source: Tzannes)

The purpose of introducing the four-metre setback along part of the site's Bay Street frontage is twofold. Firstly, the setback control will ensure that any future development application responds to the character of Bay Street and the lower form of development along this frontage. A four-metre setback control will ensure that future development will present as a four-storey building along Bay Street, with the fifth and six storeys above appropriately setback and indiscernible from the streetscape below.

On the site's corner of Bay Street and New South Head Road, a zero-metre setback is proposed. The purpose of this control is to allow for a gateway building to be provided on this prominent entrance corner to Double Bay, which enables maximum street frontage to be provided to Bay Street and New South Head Road. It is intended that the resultant built form on this corner will signify and mark the western entrance to Double Bay.

The purpose of introducing a 6 metre setback along the northern extent of Brooklyn Lane at level one and above is to ensure that appropriate separation distance is provided between the site and the adjoining neighbouring buildings which front Brooklyn Lane.

The purpose of introducing a 3 metre setback along the southern extent of the site's western boundary is to ensure that a through-site link can be provided and delivered by a future development application.



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This PP proposes an amendment to **E1.5.2** in relation to non-residential parking generation rates:

- The exclusion of the minimum parking generate rate of 3.3 spacer per 100m² for retail premises for the subject site.

Based on the indicative concept plans, the retail component of the development is required to provide a minimum of 10 car parking spaces in accordance with E1.5.2 of the Woollahra DCP 2015. However, it is proposed to amend the DCP and exclude any requirement for retail car parking. This is considered acceptable in the circumstances for the following reasons:

- The existing development incorporates approximately 370m² of retail floor space with no on-site parking for retail staff or visitors. The existing development therefore generates a demand for 8 retail car spaces under the applicable car parking rates of the Woollahra DCP 2015 and this demand is wholly accommodated on street.
- The proposal will generate a demand for 10 on-street car spaces however this would equate to a net increase in demand of only 2 on-street car spaces once the existing development is taken into account.
- The proposal would include the removal of an existing driveway onto Bay Street. This would provide a public benefit through the creation of 1-2 additional on-street parking spaces and would offset the abovementioned net increase in on-street parking demand of 2 car spaces. Accordingly, the proposal would have no impact on the availability of on-street parking in the locality.
- The site resides within the Double Bay Centre which accommodates numerous retail, commercial, social and recreational services / businesses / shops. Accordingly, it is expected that a significant proportion of retail business would be drawn from 'foot traffic', as pedestrians walk past the site as part of a multi-purpose trip whereby pedestrians would visit a number of different shops / businesses as part of a single journey. Accordingly, it is expected that the retail tenancies would generate negligible retail visitor parking demands.
- Given the constrained width of Brooklyn Lane and the high traffic generation characteristics of retail developments, it is not considered appropriate to provide on-site retail visitor parking, as this would be accessed off Brooklyn Lane and could potentially result in efficiency concerns. In this regard, it is considered appropriate that any minor retail visitor parking demands be accommodated on-street or within the off-street public car parking that is available within the Double Bay Town Centre.
- The site benefits from excellent access to public transport services being within 400 metres of Edgecliff Railway Station, 400 metres of numerous bus stops located along New South Head Road, Manning Road and Edgecliff Bus Interchange, and within 550 metres of Double Bay Wharf. The site is therefore well situated to take advantage of these public transport services and will result in negligible retail staff and visitor parking demands generally.

The proposed height and FSR controls, together with an amendment to the DCP will create an appropriate framework in our view to ensure future development applications can be designed to a high standard without compromising the amenity of surrounding properties.

A development application for the redevelopment of the site will be lodged following amendment of the WLEP.



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5. PART 3 - JUSTIFICATION

5.1. Need for a PP

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

Yes. The Double Bay Place Plan was adopted by Council in December 2014 and sets out an ambitious series of strategies, priorities and actions aimed at achieving a new vision and place story for Double Bay. Strategy 3.1 of the Place Plan states that Double Bay should be made as a place for people to live, work and play, and planning controls should encourage retail, commercial and residential mixed-use development. Strategy 3.2 of the Plan identifies that Double Bay should provide for increased housing opportunities to create a more diverse housing mix to make housing more affordable for young people and to increase the resident population of the village. The strategy recommended that an economic study be commissioned to examine the opportunities for an additional residential population to be accommodated in Double Bay in smaller apartments. The strategy recommends that the outcome should be reported to Council and both LEP and DCP planning controls should be amended to encourage new moderate scale housing.

As a result of the Place Plan, the Double Bay Economic Feasibility Study was prepared by Hill PDA to investigate opportunities for increased residential development within Double Bay Centre. The findings of the study highlight that the Centre has become an increasingly attractive location for younger residents and visitors on account of its changing retail and lifestyle mix. The growing appeal of the Centre has supported strong demand for retail floorspace at ground level together with sound demand for commercial office suites for professionals in prime locations. However, despite the strength and scale of this demand, mixed use development within the Centre has been limited in recent years. The study reveals that the majority of new developments that have progressed through to construction largely comprise 2+ bedroom apartments and have not incorporated sought after studio and one-bedroom apartments.

In light of the key findings set out within the Study, a series of recommendations were made. This included a recommendation that Council reviews its existing planning controls having particular regard to building height and FSR to increase residential development within the Centre. The study recommends increased densities for the Centre (up to 3.5:1 FSR) to facilitate new residential development with each site to be "*considered on its merits... dependent on urban design testing and other environmental considerations*" (Hill PDA 2015, p.71). The Study sets out a series of recommendations to support the redevelopment in the Centre that is likely to result in the provision of a mix of apartment sizes, particularly smaller studio and one bedroom apartments.

Since the publication of the Study, at the Council meeting of 9 May 2016, Council resolved (in part) that a community engagement program be held at which staff can address the public and receive feedback from the public on the Study and the proposed urban development options be the subject of the program, which will include a community impact statement and options in the form of 3D simulation models. It is understood that since this time, Council's planning and urban design staff have been preparing a community impact statement and fine tuning the Building Envelope Review.

This PP responds to the general policy direction of the Place Plan in facilitating a more appropriate, intensive use of the site to support a high-quality mixed-use development which increases the current quantum of residential floorspace, but also, at the same time, increasing non-residential floorspace. The proposed mix



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of uses will sustain activity level and assist in maintaining vitality and vibrancy throughout the week and weekend.

The retention and increase in the amount of non-residential floorspace will enable a daytime population from offices and businesses during the week and will increase footfall in the locality and as well as contribute to retail, cafes, services, medical and restaurant demand. In the evening and on weekends, residents and visitors will provide customers for retail, leisure and restaurant activities in the local centre. The Double Bay Place Plan acknowledges that an important part of making Double Bay a great place of people is ensuring that there is a suitable level of activity throughout the day and evening. The proposed development will assist in sustaining and increasing activity levels within the centre and will enhance the character of Double Bay as a place for people to live, work and play.

The proposed FSR and amended height controls are consistent with the recommendations set out within the Hill PDA Study in seeking to increase residential development within the Centre. The PP will increase housing opportunities within Double Bay to assist in creating a more diverse and varied housing mix. The proposed development will incorporate a range of unit types, including smaller units suitable for younger people and lower income groups which will assist in encouraging a more diverse demographic within Double Bay.

Overall the PP will increase the current quantum of commercial floorspace and will deliver much needed housing within Double Bay. The proposed density responds to the Double Bay Place Plan and is in line with the recommendations of the Hill PDA Study which will thus ensure the economic feasibility of redevelopment of the site for both non-residential and residential purposes.

5.1.2. Is the PP the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. This PP is the best means of achieving the objectives. A PP is needed to change the FSR and height of the subject site and is the best method of achieving the objectives and intended outcomes of this PP as outlined in **Section 1** of this report.

A PP is the best way of achieving the objectives to trigger redevelopment of this key site, as the scale of change sought was considered by Council to be outside the scope of Clause 4.6. Additionally, a compliant scheme would not be able to achieve the objectives of this proposal and would not be able to adequately respond to the strategic opportunities identified throughout this proposal. Consequently, a PP provides a distinct benefit for the locality that would not otherwise be achievable through a compliant scheme.

The planning control changes proposed for this site are consistent with the objectives of increasing residential development within the Double Bay Commercial Centre by increasing residential densities through amendments to FSR and building heights. The PP will deliver a well-designed response to help increase residential development within the Centre.

FSR and height controls are development standards in the Woollahra LEP 2014. Any changes to these standards are made through a PP and a draft local environmental plan. Accordingly, a PP is the most appropriate way of achieving the intended outcome.



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5.2. Relationship to Strategic Planning Framework

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

▪ Greater Sydney Region Plan

The Greater Sydney Region Plan - A Metropolis of Three Cities has been prepared by the GSC and was adopted in March 2018. It is 20-year plan to manage growth and change and is built on a 40-year vision where the people of Greater Sydney live within 30 minutes of their jobs, education and health facilities, services and great places. This vision is consistent with the 10 Directions established in the Directions for a Greater Sydney that are a set of common guiding principles that will assist in navigating Greater Sydney's future as follows:

- A city supported by infrastructure.
- A collaborative city.
- A city for people.
- Housing the city.
- A city of great places.
- A well connected city.
- Jobs and skills for the city.
- A city in its landscape.
- An efficient city.
- A resilient city.

Within the Greater Sydney Region Plan these Directions are presented via the three cities concept, with the cities being the Western Parkland City, Central River City and Eastern Harbour City. District Plans have also been developed to support the three cities concept at a more localised level. The subject site is located in the Eastern Harbour City and is highly accessible to Sydney's Economic as shown in **Figure 22** below.

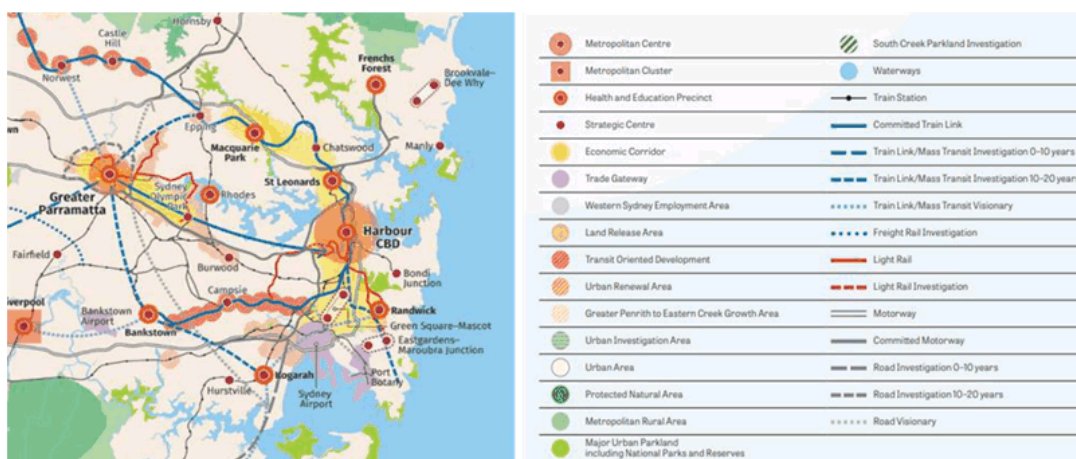


Figure 22: Metropolis of 3 Cities Vision to 2056 (Source: Greater Sydney Region Plan)



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▪ **Eastern City District Plan**

A Plan for Growing Sydney divides the Greater Metropolitan of Sydney into six districts, and the subject site is located within the 'Eastern subregion'. The District Plans provide the basis for the strategic planning of each district moving forward into the future.

The subject site is located within the Double Bay Local Centre and is within close proximity to the Harbour CBD and the strategic centre of Bondi Junction. The site has the ability to facilitate increased residential and non-residential, commercial density, given its location close to important centres as well as road, harbour and rail transport infrastructure.

Consistency with the Objectives of the Greater Sydney Region Plan and Planning Priorities of the Eastern City District Plan

To respond to population growth and future planning challenges, the Greater Sydney Region Plan and Eastern City District Plan focus on a number of Objectives and Planning Priorities. **Table 4** demonstrates the key matters within those plans relevant to this PP and consistency with the Objectives and Planning Priorities.

Table 4: Consideration for the Greater Sydney Region Plan and Eastern City District Plan

Greater Sydney Plan Objective	Eastern City District Planning Priority	Response
Objective 4 Infrastructure use is optimised	Planning Priority E1 Planning for a city supported by infrastructure	The PP will increase employment and residential capacity in a location already well serviced by road based public transport routes and the ferry network. This provides access to a range of destinations along the Economic Corridor including Sydney CBD and Bondi Junction.
Objective 7 Communities are healthy, resilient and socially connected	Planning Priority E4 Fostering healthy, creative, culturally rich and socially connected communities	This objective recognises streets and public places as key contributors to wellbeing by encouraging spontaneous social interaction and community cultural life when they are designed at a human scale for walkability. Active street life provides the greatest social opportunities when they are inclusive, intergenerational and multipurpose. The PP will build on an opportunity to leverage the benefits of a unique building and provide activation on a neighbourhood level. This will provide a welcoming local destination for the local community providing opportunities for interaction and community building at the neighbourhood scale.
Objective 8 Greater Sydney's communities are culturally rich with diverse neighbourhoods	Planning Priority E4 Fostering healthy, creative, culturally rich and socially connected communities	This objective notes the benefits of a place-based planning approach that recognises cultural diversity in communities and responds to the different ways in which people engage and contribute. The PP seeks to enable the redevelopment of the site to provide a mixed-use development accommodating non-



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Greater Sydney Plan Objective	Eastern City District Planning Priority	Response
		residential uses (commercial and retail uses), as well as residential accommodation. The PP will provide increased opportunities to encourage interaction between the local residential and working populations.
Objective 10 Greater housing supply Objective 11 Housing is more diverse and affordable	Planning Priority E5 Providing housing supply, choice and affordability, with access to jobs and services	This objective notes the importance of providing ongoing housing supply and a range of housing types in the right locations to create more liveable neighbourhoods and support Greater Sydney's growing population. The Plan recognises that nodes along mass transit corridors present some of the best opportunities for urban renewal to create new housing as these locations are generally well serviced by amenities and are highly accessible. Table 3 of the Plan seeks to establish 46,550 new dwellings in the Eastern City to 2021 and 157,500 new dwellings to 2036. The PP will enable the redevelopment of the site to provide additional housing supply. The PP will improve the supply and choice of housing in the local centre and will provide "homes" close to "jobs". The PP will also assist in reaching the 5-year housing target for Woollahra LGA, to include an additional 300 dwellings by 2021. However, the 1.3:1 Council requirement for non-residential GFA will limit the capacity of any development to deliver housing numbers and choice.
Objective 12 Great places that bring people together	Planning Priority E6 Creating and renewing great places and local centres, and respecting the District's heritage	This objective recognises Greater Sydney's centres and neighbourhoods each have a unique combination of people, potential, history, culture, arts, climate, built form and natural features creating places with distinctive identities and functions. The Plan notes the dual role of streets as places for people and their contribution in both moving people and encouraging them to linger and engage in public life. The plan highlights the following factors for creating fine grained people-oriented places.



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Greater Sydney Plan Objective	Eastern City District Planning Priority	Response
		<p><i>Figure 23: Greater Sydney Region Plan (Figure 21) - Fine grain walkable places</i></p> <p>Ongoing urban renewal in the locality and the redevelopment of this prime site within the Double Bay Local Centre present a unique opportunity to enhance the locality's distinctive identity.</p>
Objective 14 Integrated land use and transport creates walkable and 30-minute cities	Planning Priority E10: Delivering integrated land use and transport planning and a 30-minute city	<p>This objective recognises the importance of integrating land use and transport planning to increase the productivity outcomes for Greater Sydney.</p> <p>Double Bay is identified as a local centre and the District Plan encourages the growth of these centres to reduce the need for people to travel long distances to access jobs and local services. The subject site is located within a highly accessible location, nearby to Edgecliff Railway Station, Double Bay Ferry Wharf and local bus services. The proximity of the site to the local transport network will assist in the creation of a 30-minute city by providing additional jobs and homes in a highly accessible location.</p>
Objective 30 Urban tree canopy cover is increased	Planning Priority E17. Increasing urban tree canopy cover and delivering Green Grid connections	<p>Landscape treatments will be considered as part of a later detailed design and DA process. Opportunities for tree planting in the street (if appropriate and achievable) and intended open space areas within the property will be considered as provided for in the Urban Design Report at Appendix 1.</p>
Objective 31 Public open space is accessible, protected and enhanced	Planning Priority E17. Increasing urban tree canopy cover and delivering Green Grid connections Planning Priority E18. Delivering high quality open space	<p>A network of open spaces is a form of green infrastructure which supports sustainable, efficient and resilient communities.</p> <p>There is an opportunity to establish a new public laneway between New South Head Road and Brooklyn Lane to promote connectivity and increase pedestrian amenity.</p>
Objective 32 The Green Grid links	Planning Priority E17. Increasing urban tree	<p>The Greater Sydney Green Grid connects communities to the landscape. It is a long-term vision for a network of high</p>



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Greater Sydney Plan Objective	Eastern City District Planning Priority	Response
parks, open spaces, bushland and walking and cycling paths	canopy cover and delivering Green Grid connections	quality green areas – from regional parks to local parks and playgrounds – that connect centres, public transport and public spaces to green infrastructure and landscape features. Within the public realm it includes enhanced waterway corridors, transport routes, suburban streets, footpaths and cycleways. The site is in close proximity to identified green grid routes providing good access to wider destinations via active transport means. The PP will build on opportunities to utilise active transport by providing a destination in proximity to identified green grid routes.
Objective 33 A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change		This objective seeks to mitigate climate change by reducing the emission of greenhouse gases to prevent more severe climate change and adapting to manage the impacts of climate change. The Plan seeks to facilitate greater use of public transport to combat the use of private vehicles and in doing so reduce greenhouse gas emissions. As the site is well located in proximity to road and harbour based public transport as well as local employment opportunities and amenities, the PP builds on the opportunity to intensify employment uses in a location that encourages uptake of public transport use and discourages the use of private vehicles.

Merit Assessment

Strategic & Site-Specific Merit

The Department of Planning and Environment has identified assessment criteria to justify and determine if a PP has strategic planning merit. In this respect, as outlined in the summary tables below, this PP and the site have both strategic and site-specific merit.

Table 5: Strategic Merit Test

Strategic Merit Test	Comment
Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment;	As discussed in Table 4 , this PP is consistent with the Greater Sydney Region Plan and the Eastern City District Plan. The proposal will increase residential accommodation in the Double Bay local centre with the future development accommodating up to 30 dwellings. The proposal will also increase the provision of non-residential, commercial



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Strategic Merit Test	Comment
	floorspace which will assist in enhancing the vitality and vibrancy of Double Bay as an important commercial centre. More housing supply and choice could be provided if the proposed 1.3:1 non-residential limit is reduced.
Consistent with the relevant local council strategy that has been endorsed by the Department; or	The PP is consistent with: <ul style="list-style-type: none"> Woollahra Community Strategic Plan 2030 Double Bay Place Plan 2014
Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.	The PP responds to the need to increase residential densities within the Double Bay Centre which is identified within Council's Double Bay Place Plan and the Double Bay Economic Feasibility Study prepared by Hill PDA. The PP will increase housing opportunities within Double Bay to assist in creating a more diverse and varied housing mix.

Table 6: Site Specific Merit Test

Site-specific Merit Test	Comment
The natural environment (including known significant values, resources or hazards),	There are no known site-specific environmental considerations identified in the PP and supporting material that would preclude further consideration of the proposed urban renewal.
The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and	<p>The land use context surrounding the subject site is varied. The site benefits from three street frontages with New South Head Road to the south of the site, Bay Street to the east of the site and Brooklyn Lane to the west of the site.</p> <p>As highlighted in the supporting Urban Design and Development Envelope Study prepared by Tzannes, the context and character of these streets varies.</p> <p>The Bay Street precinct supports lower scale development, interspersed with some larger mixed-use developments. The lower scale of development helps to reinforce a street village character, with sensitively scaled retail offerings and public domain elements assisting in creating this character. The street is tree lined and a number of the buildings are identified as contributory buildings within the Woollahra DCP which enhances the street's village type character.</p>



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Site-specific Merit Test	Comment
	<p>New South Head Road has an abruptly different character and is characterised by heavy traffic contained along six lanes of traffic. The immediate surrounding properties that front the road largely comprise medium density residential apartments. To the east of the site, towards the Commercial Centre, properties fronting New South Head Road primarily consist of larger commercial and retail premises.</p> <p>Brooklyn Lane to the rear of the site is predominantly used as a rear service lane, providing access to car parking for the adjoining properties.</p> <p>The PP has taken into consideration the surrounding context and character of these frontages. It will not adversely impact any surrounding development (existing or proposed), but rather has the potential to act as a catalyst to promote additional urban renewal development.</p> <p>The Study prepared by Tzannes identifies that:</p> <ul style="list-style-type: none"> ▪ The additional height is appropriately located and results in minor additional overshadowing to the properties to the south; ▪ The agglomeration of allotments will effectively enable future development to meet ADG requirements (such as solar access, building separation), both within the site and with regards to existing residential areas; and ▪ The intensification of the site has been provided in response to the site's location with good access to high quality amenities such as public transport, open space, community services, recreation/ entertainment and retail.
The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.	<p>A Traffic Impact Assessment has been prepared and is submitted with the PP at Appendix 6. There are no traffic matters identified on the site that would preclude further consideration of the proposed urban renewal.</p> <p>There is sufficient infrastructure (water, electricity, sewer, etc) available to accommodate the proposed development. The proposal will increase dwellings on site, as well as increase the quantum of non-residential floorspace which is in close proximity to public transport.</p>



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The conclusion of this assessment is that the proposal has both strategic and site-specific merit and should be progressed for consideration of a Gateway Determination.

5.2.2. Is the PP consistent with the council's local strategy or other local strategic plan?

The PP is consistent with the objectives and actions contained within the following local strategies:

- Woollahra Community Strategic Plan 2030; and
- Double Bay Place Plan.

Consideration of the above strategies is undertaken below.

- **Woollahra Community Strategic Plan 2030**

The Woollahra Community Strategic Plan 2030 (Strategic Plan) identifies the strategic direction and integrated planning framework for the Woollahra Municipality. The community vision is that:

Woollahra will continue be a great place to live, work and visit where places and spaces are safe, clean and well-maintained.

Our community will offer a unique mix of urban villages with a good range of shops, services and facilities.

We will make the most of the natural beauty, leafy streetscapes, open spaces, views and proximity to the water and the city.

We will be a harmonious, engaged and connected community that looks out for each other. (p. 6)

The PP will assist in revitalising Double Bay, to deliver a vibrant village which local access to a range of shops and facilities. Notably, the PP will meet the following strategies within Goal 4 (Well-planned neighbourhoods) under the theme Quality places and spaces:

- **4.1 Encourage and ensure high quality planning and urban design outcomes**

The PP will enable a high quality, well designed, urban design outcome on the site which responds to its urban context, topography and orientation. The PP will facilitate the redevelopment of the site and will transform this significant corner in Double Bay. The PP will assist in activating a dead corner of New South Head Road and will completely revitalise the built form along Bay Street. The PP proposes public domain improvements including a through-site link to provide a pedestrian connection from New South Head Road to Brooklyn Lane and improvements to footpaths on New South Head Road.

- **4.3 Protect our heritage, including significant architecture and the natural environment**

The PP is accompanied by a Heritage Impact Statement prepared by Urbis. The Planning Proposal will facilitate future development of a multi-storey mixed-use typology and will not contain modest building widths relating to lots. However, it is important to note that the subject site is a heavily modified section of Bay Street, extending on to New South Head Road, and has already been substantially redeveloped to the



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point that no evidence of the former small-lot subdivision pattern or buildings remain. Therefore, in facilitating future redevelopment of the subject site, there will be no further loss of small-lot subdivision patterns in the area, and site amalgamation and redevelopment is appropriate.

▪ *4.5 Enhance the form and function of the local business centres*

The PP will increase the amount of non-residential floor space which will assist in protecting the capacity of the centre to meet community needs, maintain vibrancy and provide local employment now and into the future.

The PP is consistent with the Woollahra Community Strategic Plan 2030.

Double Bay Place Plan 2014

The Double Bay Place Plan 2014 (Place Plan) sets out a series of strategies, priorities and actions to achieve the vision of Double Bay as Sydney's stylish bayside village.

The Place Plan sets out a series of strategies, priorities and actions aimed at achieving a new vision and place storey for the Centre. Consistency with the Place Plan is outlined in **Table 7** below.

Table 7: Consistency with the Double Bay Place Plan

Strategy	Response
Theme 3: Planning and Centre Beautification	
3.1 Make Double Bay a place for people to live, work and play.	The proposed development will provide a high-quality mixed-use development incorporating retail, commercial and residential uses. The proposal will provide a development in which people can live and work and will help to enhance the vitality and vibrancy of Double Bay.
3.2 Provide increased housing opportunities for people to live in Double Bay.	<p>The proposed development will increase opportunities for people to live in the Centre.</p> <p>In line with Action 3.2.1 of the plan, an economic study has been undertaken by Hill PDA. On 28 December 2015 Council resolved to receive and note the Double Bay Economic Feasibility Study prepared by Hill PDA, conduct a review of planning controls in the Double Bay Centre and prepare a community engagement strategy.</p> <p>The subject PP meets the study's suggested density baseline of 3:1 and provides for additional density in a suitable location.</p> <p>The subject PP thus responds directly to Strategy 3.2 and Action 3.2.1 by providing an amendment to Woollahra LEP 2014 to encourage a new</p>



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Strategy	Response
	mixed-use development incorporating residential uses.
3.6 Create a distinctive sense of arrival and departure to and from Double Bay.	<p>Action 3.6.1 seeks to develop distinctive gateways to and from Double Bay from land and water and one of the actions is to review planning controls for corner sites to better define and activate street corners.</p> <p>The site is noted as the "Western Gateway" into Double Bay within the Double Bay Centre Public Domain Strategy and provides an important arrival point into the Centre.</p> <p>However, the existing buildings on the site do little to address and activate the street frontages along Bay Street and New South Head Road. The PP will provide a high-quality development which will define this important street corner and create a distinctive gateway into the Centre. The development will provide a better articulation of the gateway through an enhanced urban design and built form with an appropriate increase in scale and form.</p>
3.7 Maintain and improve Double Bay's pedestrian network of roads, footways and laneways	As part of the PP, it is intended that a through site link is created along the western extent of the site, linking New South Head Road through to Brooklyn Lane. As part of a VPA offer, the applicant is willing to construct this link as part of a future development application and will register an easement in favour of the public to create a right of footway over the through-site link.

5.2.3. Is the PP consistent with applicable state environmental planning policies?

The PP is consistent with all relevant State Environmental Planning Policies (SEPP). A full assessment is contained in the following table.

Table 8: Consistency with Statement Environmental Planning Policies (SEPP)

SEPP Title	Consistency	Comment
01.Development Standards Consistent	N/A	Not applicable
14.Coastal Wetlands	N/A	Not applicable
15.Rural Landsharing Communities	N/A	Not applicable
19. Bushland in Urban Areas	N/A	Not applicable



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SEPP Title	Consistency	Comment
21.Caravan Parks	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
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
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. Transitional Provisions 2011	N/A	Not applicable
55.Remediation of Land	Yes	No change of land use zoning is proposed for the site. The site has been used for commercial uses for some time. It is highly unlikely the land would be subject to a level of contamination that would preclude its use for residential accommodation.
59.Central Western Sydney Economic and Employment Area	N/A	Not applicable
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	The PP will create the development control framework within which future development can achieve consistency with the SEPP proposal. The accompanying Urban Design and Development Envelope Study investigated the implications for realising the design quality principles in the SEPP and



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SEPP Title	Consistency	Comment
		demonstrated an appropriate built form on the site. This includes an assessment of the over shadowing impacts to surrounding properties. The future DA will need to demonstrate consistency with this SEPP.
70.Affordable Housing (Revised Schemes)	Yes	The future development has the opportunity to provide an appropriate mix and number of dwellings.
71.Coastal Protection	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 (Housing for Seniors or People with a Disability) 2004	N/A	Not applicable
Kurnell Peninsula	N/A	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	Not applicable
SEPP (Miscellaneous Consent Provisions) 2007	N/A	Not applicable
SEPP (Penrith Lakes Scheme) 1989	N/A	Not applicable
SEPP (State and Regional Development) 2011	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 (Major Development) 2005	N/A	Not applicable
SEPP (Sydney Region Growth Centres) 2006	N/A	Not applicable
SEPP (Infrastructure) 2007	N/A	Not applicable
SEPP (Kosciuszko National Park-Alpine Resorts) 2007	N/A	Not applicable
SEPP (Sydney Drinking Water Catchment) 2011	N/A	Not applicable
SEPP (Three Ports) 2013	N/A	Not applicable



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SEPP Title	Consistency	Comment
SEPP (Urban Renewal) 2010	N/A	Not applicable
SEPP (Temporary Structures and Places of Public Entertainment) 2007	N/A	Not applicable
SEPP (Exempt and Complying Development Codes) 2008	N/A	Not applicable
SEPP (Rural Lands) 2008	N/A	Not applicable
SEPP (Western Sydney Employment Area) 2009	N/A	Not applicable
SEPP (Western Sydney Parklands) 2009	N/A	Not applicable
SEPP (Affordable Rental Housing) 2009	Yes	Future development has the opportunity to provide an appropriate mix and number of dwellings.
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	N/A	Not applicable

5.2.4. Is the PP 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 9: Consistency with S117 Ministerial Directions

Direction Title	Consistency	Comment
Employment and Resources		
1.1 Business and Industrial Zones	Consistent	The proposal is consistent with this direction in that it maintains existing B2 lands. The proposal does not propose a land use change, and it does not reduce the potential floor space area for employment uses.
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



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Direction Title	Consistency	Comment
2.2 Coastal Protection	N/A	Not applicable
2.3 Heritage Conservation	Yes	<p>A Heritage Impact Statement has been prepared by Urbis and accompanies this application at Appendix 2. The Heritage Impact Statement considers both the maximum envelope and concept design.</p> <p>The Statement concludes, "The Planning Proposal will facilitate future development of a multi-storey mixed-use typology and will not contain modest building widths relating to lots. However, it is important to note that the subject site is a heavily modified section of Bay Street, extending on to New South Head Road, and has already been substantially redeveloped to the point that no evidence of the former small-lot subdivision pattern or buildings remain. Therefore, in facilitating future redevelopment of the subject site, there will be no further loss of small-lot subdivision patterns in the area, and site amalgamation and redevelopment is appropriate. Future built works DAs will provide for detailed design of future building forms, and there exists an opportunity to articulate and modulate the Bay Street elevation to interpret the significant streetscape articulation of the locality.</p> <p>There are no listed heritage items in the vicinity of the subject site on Bay Street, and the character buildings are generally located opposite to the subject site and will not be physically or visually impacted by future development facilitated by the Planning Proposal. The streetscape provides an existing mixture of traditional and contemporary built form, and through detailed design and future DA stages, the subject proposal will respond to this mixed character and diverse scale.</p> <p>The provision of a wide public access laneway to the west of the site, along Brooklyn Lane, provides an appropriate setback to the neighbouring characterful interwar flat building. The proposed concept envelope suggests that the new building will include a curved corner feature to the south-west corner of the site, responding to the prominent architectural form of the adjacent building. Whilst the adjacent building is not a heritage item, it is a characterful interwar flat building which is representative of the development throughout the locality, and the proposed architectural response to this building is appropriate.</p> <p>Overall the Planning Proposal as outlined herein, and which will facilitate the future redevelopment of the site,</p>



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Direction Title	Consistency	Comment
		<p>is considered appropriate and acceptable from a heritage perspective. The future redevelopment of the subject site will have no adverse heritage impacts to significant buildings, fabric or landscape as the subject site comprises a mixture of heavily altered and later buildings. All heritage items and character items within the vicinity of the site will be wholly retained with no potential physical or visual impacts resulting from future redevelopment. The overall form and height of the indicative concept scheme responds to the specific constraints of the site including its topography, and also responds to the existing built form along New South Head Road.</p> <p>There are no identified heritage constraints associated with the Planning Proposal, and it is therefore recommended to Council for approval".</p> <p>An assessment of potential overshadowing to the heritage gardens at 337-347 New South Head Road, Double Bay has been prepared by Ecological Australia and is provided at Appendix 3. The assessment considers both the maximum envelope and concept design.</p> <p>The Statement concludes, "The potential overshadowing is unlikely to have an impact on the present gardens in the area indicated in the shadow diagrams, as all groundcover species are shade tolerant, and are currently shaded by the present canopy species for extended periods. The canopy species which may be potentially impacted by increased shading to the soil surface during the mid-year period are mature and unlikely to have reduced vigour due to this very small change in sunlight. As the present tree canopy within Overthorpe Gardens creates the current micro-climate and additional overshadowing from the proposed development is very limited in both amount and time, the current micro-climate within the gardens will not be impacted by the proposed development.</p> <p>No weed species were recorded during the ELA site inspection, and the gardens are well maintained, such that overshadowing is unlikely to increase weed invasion or infestations in the gardens".</p> <p>In relation to the overshadowing of the maximum envelope, the updated report notes, "The revised potential overshadowing is still considered unlikely to have an impact on the present gardens in the area</p>



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Direction Title	Consistency	Comment
		indicated in the proposed building height/FSR shadow diagrams, as all groundcover species are shade tolerant, and are currently shaded by the present canopy species for extended periods. As previously stated, the canopy species which may be potentially impacted by increased shading during the mid-year period are mature and unlikely to have reduced vigour due to this increased, but still small change in available sunlight resulting from consideration of the larger shading area. Based on Figure 2, all areas of vegetation would still receive 3 hours of sunlight, even in Winter".
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 an 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 is consistent with this direction in that it increases density (for commercial, retail and residential uses) in a location that is close to a range of public transport options including bus, rail and ferry. The site is located within the Double Bay Commercial Centre and is within close proximity to further services and employment in Sydney's CBD.
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	N/A	This direction applies when a planning authority prepares a PP which will apply to land having a probability of containing Acid Sulfate Soils (ASS). The subject land mapped as potentially containing Class 5 and 2 ASS in the corresponding WLEP planning map. The implications brought about as a result of this PP regarding ASS are expected to be minimal, due to the low category of ASS applying to the subject site and the



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Direction Title	Consistency	Comment
		relatively minor nature of the proposal. Further consideration with regard to ASS will be addressed as part of the assessment process for any subsequent development.
4.2 Mine Subsidence and Unstable Land	N/A	Not applicable
4.3 Flood Prone Land	N/A	The site is located within flood prone land. A future development application will be accompanied by a Flood Risk Assessment to demonstrate a development proposal complies with all flood planning requirements of Council.
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	Yes	Not Applicable. No regional strategies apply to the subject site.
5.2 Sydney Drinking Water Catchments	Yes	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 Second Sydney Airport: Badgerys Creek	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 Section 6.2 above.



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5.3. Environmental, Social and Economic Impact

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

The subject 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

5.3.2. Are there any other likely environmental effects as a result of the PP 7 and how are they proposed to be managed?

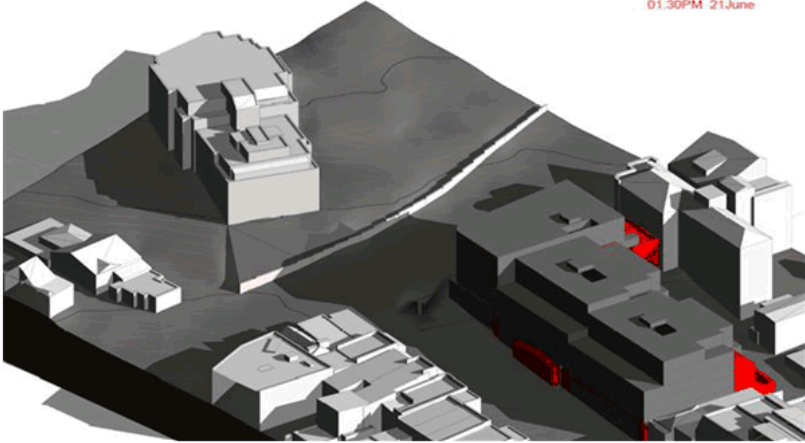
The PP is supported by the studies/reports outlined in **Table 10** below. The outcomes and conclusions of these studies/reports extracted in **Table 10** show that the proposal does not include any unreasonable or unmanaged environmental effects.

Table 10: Outcomes and Conclusions of the Primary Studies and Reports that inform this PP

Study/Report	Outcomes and Conclusions
Urban Design and Development Envelopment Study prepared by Tzannes	<ul style="list-style-type: none">▪ The Urban Design Study includes a site analysis which identifies why the site is uniquely suitable for a mixed-use development with increased density and heights. An overview of these opportunities is provided below:<ul style="list-style-type: none">▫ The delivery of public domain improvements, including a through site link, to provide pedestrian connection from New South Head Road to Brooklyn Lane and improvements to footpaths on New South Head Road.▫ The potential for a gateway building located at the Western Gateway of Double Bay which will cause minimal negative environmental impacts to surrounding residential buildings.▫ Activation of the corner of New South Head Road and opportunity to revitalise the retail offer along Bay Street.▫ Opportunity to provide additional non-residential floorspace including retail and commercial development.▫ Provision of a lower scale four-storey built form along Bay Street, with the upper two storeys set-back above.▫ Opportunity to accommodate a variety of apartment types and sizes.▫ Opportunity to provide below ground parking that is above the levels of the ground water and outside of the acid sulphate soils affected land.▫ Opportunity to maintain current vehicular access from Brooklyn Lane enables vehicular access to and from the site without adding additional traffic along Bay Street and the Double Bay Commercial Centre.▫ Proximity of site to public transport connections.▪ The indicative design has been designed to comply with SEPP 65 requirements for both solar access and cross ventilation. Approximately 60% of units can

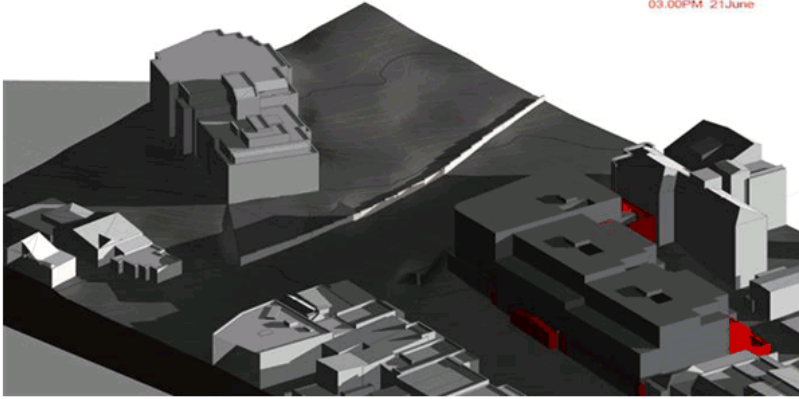


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Study/Report	Outcomes and Conclusions
	<p>achieve adequate cross ventilation and approximately 80% can achieve adequate solar access.</p> <ul style="list-style-type: none"> In relation to overshadowing impacts, the Urban Design Report provides an analysis of the shadow impacts caused by the indicative concept design at mid-winter and equinox. A summary of the overshadowing impacts at 21 June is provided below. This analysis is supplemented by elevational shadow diagrams provided at Figures 24 and 25. <ul style="list-style-type: none"> Between 9am and 12am there is additional overshadowing to New South Head Road and the pavements located either side. At 1:30pm there is very minor overshadowing to a small extent of Overthorpe Gardens, along its northern boundary. At 3pm, there is overshadowing to a small extent of Overthorpe Gardens, but no overshadowing to any of the dwellings at Overthorpe.  <p><i>Figure 24: Elevational Overshadowing Analysis at 1:30pm on 21 June (Source: Loftex)</i></p>



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Study/Report	Outcomes and Conclusions
	 <p>Figure 25: Elevational Overshadowing Analysis at 3pm on 21 June (Source: Loftex)</p>
<p>Heritage Impact Statement prepared by Urbis</p>	<ul style="list-style-type: none"> ▪ The PP will facilitate future development of a multi-storey mixed-use typology and will not contain modest building widths relating to lots. However, it is important to note that the subject site is a heavily modified section of Bay Street, extending on to New South Head Road, and has already been substantially redeveloped to the point that no evidence of the former small-lot subdivision pattern or buildings remain. Therefore, in facilitating future redevelopment of the subject site, there will be no further loss of small-lot subdivision patterns in the area, and site amalgamation and redevelopment is appropriate. Future built works DAs will provide for detailed design of future building forms, and there exists an opportunity to articulate and modulate the Bay Street elevation to interpret the significant streetscape articulation of the locality. ▪ The indicative concept scheme provided demonstrates that potential built development across the subject site will have significant setbacks from Bay Street to reduce any potential visual impacts from the proposed increased scale. Further articulation of the ground floor plan and retail spaces will assist in reducing impacts to the low-scale streetscape character of Bay Street. ▪ All character buildings identified in the Woollahra DCP will be wholly retained along Bay Street. There are no physical or visual impacts to any character buildings as a result of the PP or future DAs which will be required to obtain consent for actual built works. ▪ There are no identified heritage constraints associated with the Planning Proposal, and it is therefore recommended to Council for approval.
<p>Overshadowing Impact Assessment prepared by</p>	<ul style="list-style-type: none"> ▪ The potential overshadowing is unlikely to have an impact on the present gardens in the area indicated in the shadow diagrams, as all groundcover species are shade tolerant, and are currently shaded by the present canopy species for extended periods. The canopy species which may be potentially impacted by increased shading to the soil surface during the mid-year period are mature and




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Study/Report	Outcomes and Conclusions
Ecological Australia	unlikely to have reduced vigour due to this very small change in sunlight. As the present tree canopy within Overthorpe Gardens creates the current micro-climate and additional overshadowing from the proposed development is very limited in both amount and time, the current micro-climate within the gardens will not be impacted by the proposed development.
Flood Impact Statement prepared by Wood & Grieve Engineers	<ul style="list-style-type: none"> The existing development site is currently fully developed with buildings covering the majority of the site area. The currently flood modelling takes this into account and assumes that no flood water can enter the site. The site does not provide flood storage or an overland flow path for stormwater runoff during a large storm event. As a result, the proposed development will have no adverse impact on the existing flood extents nor the conveyance of stormwater through the area. The indicative concept design is capable of being developed in accordance with the proposed new planning controls whilst also fully complying with all flood planning requirements of Council.
Visual Impact Statement prepared by Richard Lamb & Associates	<ul style="list-style-type: none"> None of the surrounding residential context along New South Head Road to the west, east and south, north and north-west facing dwellings at Overthorpe are likely to be potentially affected by view loss caused by the proposed development. As highlighted in Figure 26 below, the Overthorpe buildings are set within a garden characterised by a largely continuous canopy of vegetation and mature tree canopy. It is highly unlikely that there would be appreciable effects of the proposed development on views, due to the substantial screening effects of the vegetation present within the garden. The level of potential screening of views is a relevant consideration in terms of view loss, as the gardens are of State heritage significance, so that it is unlikely that significant clearing or removal of vegetation would be permitted to occur. In addition any natural losses of vegetation are likely to be compensated by replacement of trees of similar species or species of similar significance to those lost. Therefore the existing level of screening of views caused by vegetation to Overthorpe, will remain.



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Study/Report	Outcomes and Conclusions
	 <p><i>Figure 26: View south to the vegetation and built form at Overthorpe, from the roof top on the subject site.</i></p> <ul style="list-style-type: none"> Other neighbouring residential development is unlikely to be significantly affected due to their low height, spatially relationship with and view access to scenic or highly valued features above and beyond, the subject site, for example at 290 New South Head Road. The Statement concludes that no residential development within the immediate or wider visual context is likely to be exposed to visual effects and impacts of the proposed development, of the height and scale proposed. Notwithstanding as a conservative approach, if access to units in the Overthorpe Apartments and assessment of view loss is required by Council and can be arranged, Richard Lamb & Associates recommend that simple block-model photomontages be prepared to be used as objective aids for assessment of the merits of the proposal.
<p>Traffic Impact Assessment prepared by PDC Consultants</p>	<p>Traffic Generation</p> <ul style="list-style-type: none"> The proposed development will result in a net increase in traffic generation of 4 vehicle trips / hour during both the weekday AM and PM peak periods. This equates to only one additional vehicle trip every 15 minutes which will have no material impact on the performance of the external road network or key intersections in the locality, and accordingly, no external improvements will be required to facilitate the development. <p>Parking</p>



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Study/Report	Outcomes and Conclusions
	<ul style="list-style-type: none"> In relation to residential car parking, the indicative concept plans provide 34 car parking spaces. This satisfies the maximum requirements of the Woollahra DCP 2015 and will ensure that all car parking demands are accommodated on-site with no reliance on on-street car parking. In relation to commercial car parking the indicative concept plans provide 26 commercial car spaces. This will include a single 'car share' space which has the potential to replace up to four regular car spaces. The car parking complies with the Woollahra DCP 2015. In relation to retail car parking, the indicative concept plan proposes zero car parking for retail uses. A DCP amendment is requested as part of this PP to exclude this requirement for any future development application. Justification for this amendment to the DCP is provided at Section 4.1. In relation to bicycle parking, the indicative concept plans do not indicate any bicycle parking. However, there is sufficient area for bicycle parking to be provided within the lower ground and basement parking levels to accommodate the required provision. This could be addressed during the preparation of any future development application. In relation to motorcycle parking, the indicative concept plans show provision for five motorcycle spaces. In accordance with the Woollahra DCP 2015, an additional space could be provided to ensure compliance with the DCP requirements. <p>Service Vehicle Parking & Waste Collection</p> <ul style="list-style-type: none"> The indicative concept plans provide a single loading bay that is suitable for use by all vehicles up to and including an 8.8 metre MRV. Swept path analysis has been undertaken and confirms that an 8.8 metre MRV will be able to satisfactorily access the loading bay with all entry and exit movements to occur in a forward direction.

In accordance with the above table, this PP is not anticipated to result in unreasonable environmental effects. Future development applications will investigate the potential for other likely environmental effects arising from future detailed proposals.

5.3.3. Has the PP adequately addressed any social and economic effects?

This PP is capable of providing a diverse range of benefits, which will ultimately provide a range of positive social and economic effects to the locality and broader community. Specifically, this will include the following:

- Economic** - The proposed development will have a positive economic effect by stimulating redevelopment and encouraging future retail/commercial space to improve the economy of Double Bay. The proposed retail/commercial use will assist in enhancing the vitality and vibrancy of Double Bay as an important commercial centre and will provide employment opportunities for local residents, both during construction and during the development's operation. The existing development generates approximately 97 full-time equivalent (FTE) jobs based on the 1,945m² of commercial floorspace



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provided and 22 FTE jobs based on the 368m² of retail floorspace (based on an operational employment allocation of 20 FTE jobs per square metre for commercial development and 16.67 FTE jobs per square metre for retail development using *ABS Retail Industry 1998-99 Cat. 8622.0*). Based on the indicative concept plan, the proposed development is likely to maintain 97 FTE commercial related jobs and provide 29 FTE retail related jobs, providing an addition seven jobs.

- **Housing** – The indicative concept plans which accompany this PP incorporate approximately 30 dwellings in this highly accessible location within the Double Bay Centre. The residential use will improve supply and choice of housing the local centre and will provide homes close to jobs.
- **Social** – The proposed development will contribute to the continued social growth of the area by encouraging a mix of residential and non-residential development within Double Bay which will sustain activity level and assist in maintaining vitality and vibrancy throughout the week and weekend. The retention of non-residential floorspace will enable a daytime population from offices and businesses during the week and will increase footfall in the locality and as well as contribute to retail, cafes, services, medical and restaurant demand. In the evening and on weekends, residents and visitors will provide customers for retail, leisure and restaurant activities in the local centre. The proposed development will assist in sustaining and increasing activity levels within the centre and will enhance the character of Double Bay as a place for people to live, work and play.
- **Sustainable Living** – The proposal will incorporate a mixed-use development and will promote the principles of co-location. This will enable people to work and live within the one area, reducing the need for people to travel large distances.
- **Improved Public Domain** - The PP will encourage the redevelopment of the site which currently contains a series of old and dated buildings with little articulation and architectural resolution. The proposal will significantly improve the presentation to the streetscape that currently exists and will deliver a high-quality building within a prominent location at the western gateway to the Double Bay Centre. The proposal will significantly improve the presentation to the streetscape that currently exists along all facades, as viewed from the public domain, and will improve the casual surveillance opportunities afforded from the site.

The proposal will deliver a series of public domain benefits including a pedestrian through-site link connecting from New South Head Road through to Brooklyn Lane. The proponent offers to enter into a Voluntary Planning Agreement to construct this link and register an easement in favour of the public to create a right of footway over the link.

- **A Holistic Approach** - Due to careful design and appropriate architectural strategies, the proposed concept will not restrict or limit the potential redevelopment of any neighbouring sites. It will also not pose any adverse impacts to the surrounding environment.

Accordingly, it is considered that the PP will have a positive effect on the local economy and community.

5.4. State and Commonwealth Interests

5.4.1. Is there adequate public infrastructure for the PP?

The existing public infrastructure in conjunction is capable of accommodating this proposal.

The surrounding area is well serviced by public transport, providing connections to the surrounding suburbs, including the Sydney CBD. Notwithstanding this, the site is well situated within the established Double Bay local centre, with a variety of commercial services, and recreational, retail and commercial opportunities.



Planning Proposal
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There are a number of educational establishments in the area, with several schools nearby. The area is generally well-served with Police, Ambulance, Fire and other emergency services.

Existing utility services will adequately service the future development proposal as a result of this proposal and will be upgraded or augmented where required. Waste management and recycling services are available through Woollahra Council.

In accordance with the above, this PP does not obstruct the existing public infrastructure. In fact, the proposal seeks to support and enhance the public infrastructure of the site and its surrounds.

5.4.2. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

State and Commonwealth public authorities have not yet been contacted at this early stage in the PP process. The Gateway Determination has yet to be issued by the Minister for Planning and Environment. This will identify the necessary consultation to be undertaken.



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6. PART 4 – COMMUNITY CONSULTATION

This proponent is willing to assist Council and undertake community consultation post Gateway, if required, to ensure all matters and concerns the Council or the community are adequately and thoroughly addressed. The community will be notified of the commencement of the exhibition period via a notice in a local newspaper and via a notice on Woollahra 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 Director General of Planning and Infrastructure;
- The Gateway determination; and
- Any studies relied upon by the PP.



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7. PART 5 – PROJECT TIMELINE

The timeframe for the completion of the PP will depend on the complexity of the matters, 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 11: 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 analysis has already been commissioned to support the PP.
Timeframe for government agency consultation (pre and post exhibition as required by the Gateway determination)	As specified in the Gateway determination. Anticipated timeframe is to run concurrently with the public exhibition period.
Commencement and completion dates for public exhibition period.	Dates are dependent on the date of the Gateway determination. The proponent is willing to undertake consultation with both the Council and the community to ensure all matters and concerns are adequately addressed in an appropriate timeframe.
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



Planning Proposal
2 & 4-10 Bay Street &
294-296 New South Head Road
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8. CONCLUSION

This PP is submitted on behalf of Loftex Pty Ltd. The PP has explained the intended effect of, and justification for, the proposed amendment to the WLEP 2014. This PP has been prepared in accordance with Section 3.33 of the EP&A Act and the relevant guidelines prepared by the NSW Department of Planning and Environment including 'A Guide to Preparing Local Environmental Plans' and 'A Guide to Preparing PPs'.

This PP sets out the justification for the proposed amendment to the WLEP 2014 at 2 & 4-10 Bay Street and 294-296 & 298 New South Head Road, Double Bay. To enable a viable urban renewal development the following amendments are proposed:

- Amend the WLEP 2014 Height of Buildings Map (Sheet HOB_003) to identify the site as having a height limit of 21.5 metres; and
- Amend the WLEP Floor Space Ratio Map (Sheet FSR_003) to identify the site as having a floor space ratio of 3:1.

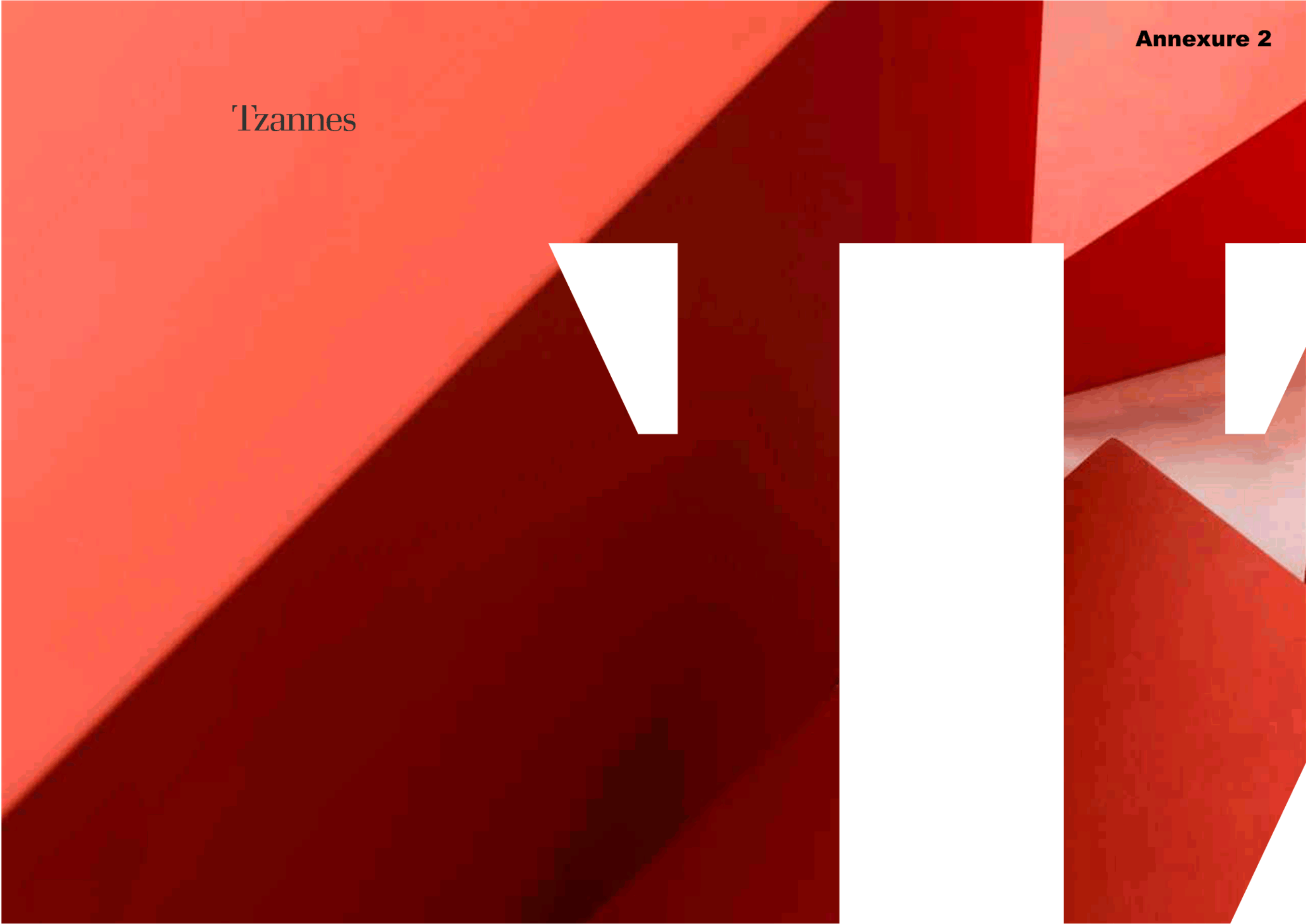
The concept design prepared and accompanying this PP, has been informed by a range of specialist investigations. These studies have outlined that the subject site is capable of accommodating the proposed development without posing any adverse impacts to the surrounding environment.

The proposal has been demonstrated as being the best means of achieving the objectives and intended outcomes. The PP is considered suitable and appropriate as it:

- Is consistent with the principles of Council's community strategic policies;
- Is consistent with Greater Sydney Region Plan, "A Metropolis of Three Cities" and the accompanying Eastern City District Plan
- Is consistent with the principles of local planning strategies and plans;
- Is consistent with the relevant Ministerial Directions under Section 9.1 of the Act; and
- Does not pose any adverse environmental or social impacts to the surrounding community.
- Is consistent and complies with the strategic planning test outlined in DPE's 'A Guide to preparing PPs';

The PP sets out a carefully-planned framework designed to achieve the redevelopment of a key, gateway site within Double Bay. The PP provides the opportunity to create an exciting new mixed-use development incorporating commercial/retail and shop top housing. It is designed to stimulate the local economy and provide much-needed quality housing close to transport, shops and other key amenities.

In summary, there is a sound planning basis and strategic planning merit to support a PP at this site. We therefore request that Council forwards this PP to the Department of Planning and Environment for a Gateway determination.



Tzannes

Cnr Bay St and New South
Head Rd, Double Bay

Urban Design and Development
Envelope Study

Prepared for
Loftex Pty Ltd
May 2019



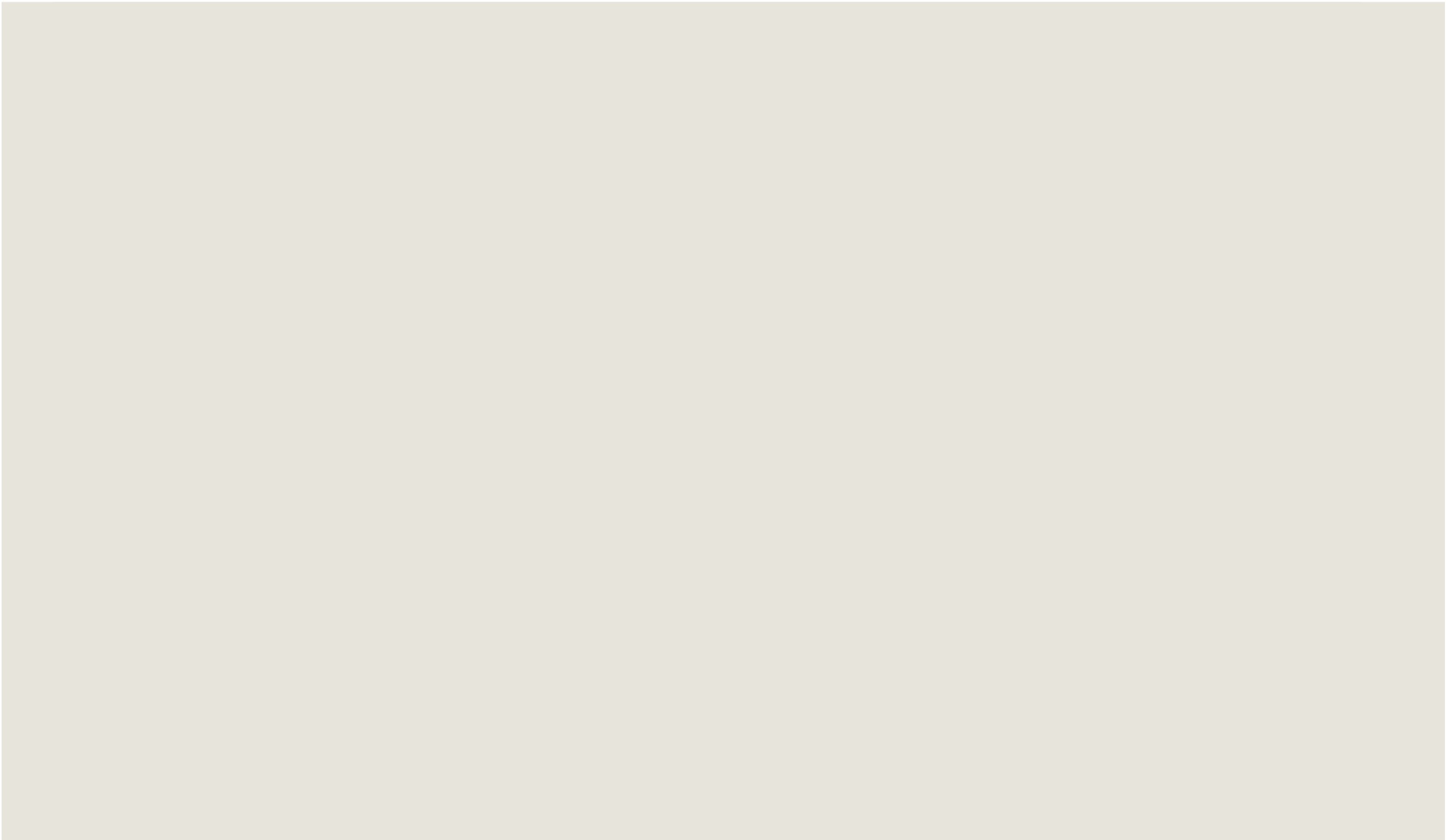
4 Tzannes

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Introduction

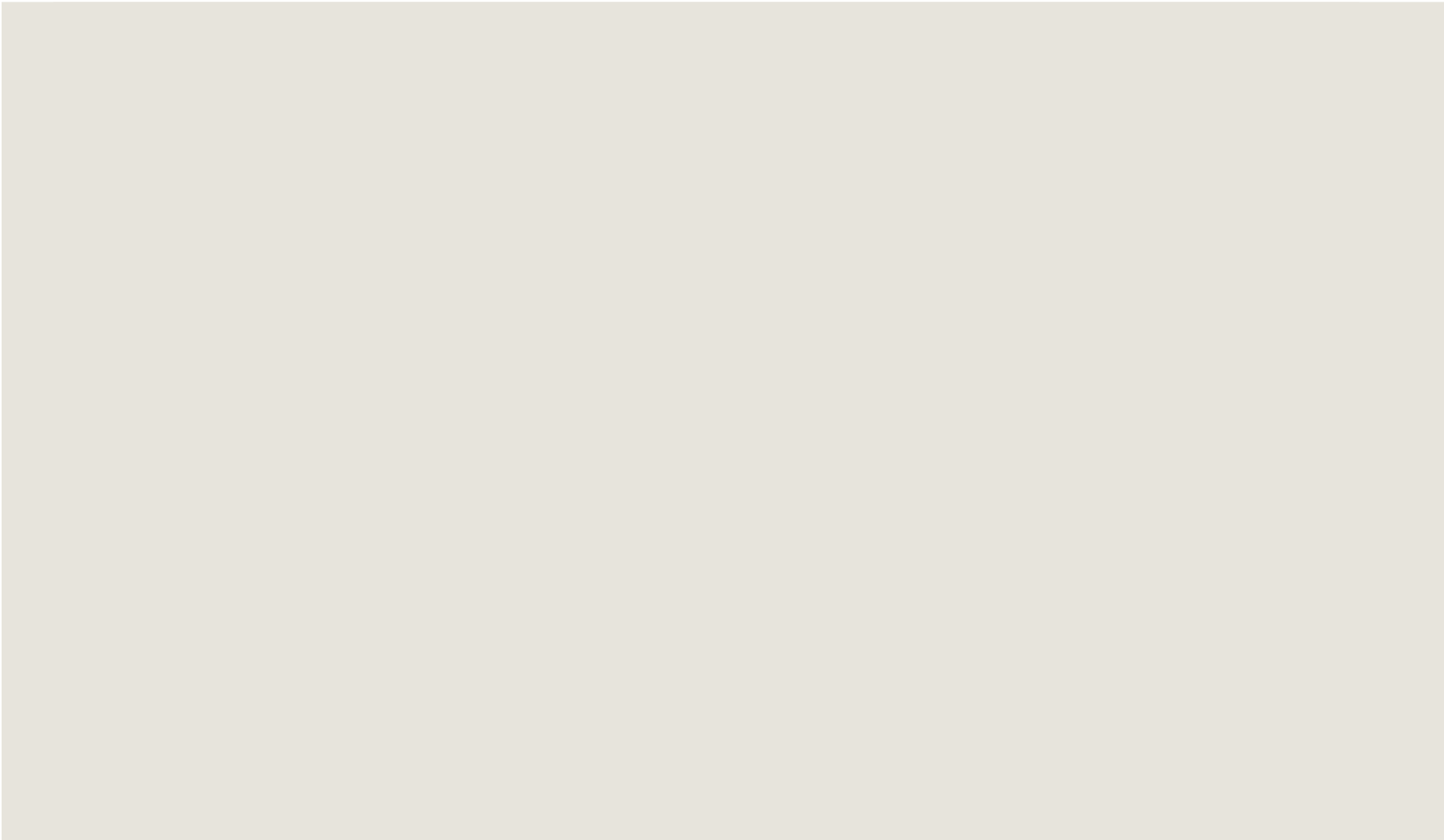
01



Site Location in Double Bay

Loftex	Section 1 Double Bay in Context
<p>In late 2016 Loftex acquired control of a number of commercial properties at the western end of Bay Street and on New South Head Road with a view to undertake a new redevelopment that has potential to transform this significant corner in Double Bay.</p>	<p>This section provides a brief introduction to Double Bay and certain issues that it faces in the future. It also includes an overview of the key urban elements that have been identified as contributing to the unique and vibrant village character of the Double Bay Commercial Core.</p>
<p>Loftex engaged Tzannes as architects and City Plan Strategy and Development as town planners with a brief centred on a number of clear objectives:</p>	Section 2 Vision
<p>Design of a new landmark “gateway” building, that is responsive to its context and informed by a detailed urban design analysis and comprises a mixed use project including retail, commercial and residential uses to help revitalise the Double Bay Village and improve the public domain.</p>	<p>Following from the introduction to Double Bay, a set of overarching urban design objectives are proposed to be implemented in the design development of the subject site.</p>
<div><div>1.</div><div>The design should incorporate and provide an integrated response to Woollahra Council’s greater urban design strategies for Double Bay.</div></div> <div><div>2.</div><div>The development should protect and enhance the unique village environment of this part of Double Bay and Bay Street in particular.</div></div> <div><div>3.</div><div>Maintain and increase commercial floor space to maximise opportunity for employment generation and livelihood of Double Bay.</div></div> <div><div>4.</div><div>New residential buildings should offer a variety of smaller dwelling types that appeal to a broader range of potential residents, not just very large and exclusive ‘executive’ homes.</div></div>	<div>Section 3 Area of Study</div> <p>This part of the report examines in greater detail the immediate urban design context for the site by looking at the two precincts that define the site context: Bay Street and New South Head Road. In addition, we set out the current planning controls relating to the site as well as the immediate site constraints and opportunities.</p>
<p>This urban design report accompanies a planning proposal for the subject site and provides an overview of the design thinking and analysis.</p>	Section 4 The Proposed Envelope
<p>The report consists of four sections.</p>	<p>In regards to the wider strategic context, the proposal responds to the changing nature of the Centre which is undergoing a transition with larger scale mixed developments being introduced which are up to six storeys in height. The Kiaora Lands Development, The Stamford Cosmopolitan Centre, Hunters Lodge, 20-26 Cross Street and The Gallery are key examples of where larger scale buildings have been introduced in the Centre.</p> <p>With regards to the strategic planning context, the Greater Sydney Region Plan identifies Double Bay as a local centre within the Eastern Harbour City. The Region Plan seeks to co-locate residential and commercial activities within local centres to strengthen and support their role as important places for day-to-day access to goods and services. The Eastern City District Plan provides the basis for the strategic planning for the Eastern subregion and recognises the importance of local centres in providing local employment. The District Plan identifies that centres should protect or expand retail and/or commercial floor space, as well as protect or expand employment opportunities and seeks to encourage additional housing in local centres to help create walkable local centres. The planning proposal will be consistent with the District Plan and will provide housing to assist in achieving the Woollahra Local Government Area housing targets and will encourage additional housing whilst protecting and increasing the amount of commercial floor space across the site.</p>

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Double Bay in Context

02

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2 Double Bay in Context
2.1 Introduction



Double Bay Aerial Photo

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2 Double Bay in Context
2.1 Introduction

Double Bay as a vibrant village

Double Bay is a cosmopolitan village highly valued by local residents and visitors alike

As a local centre Double Bay enjoys a unique and excellent position on the southern shore of Sydney Harbour at the base of a large natural amphitheatre. Its accessibility, distinctive landscape and vibrant village atmosphere contribute to its cosmopolitan character that is highly valued by local residents and visitors alike.

Enhancing its vitality and viability

Greater vitality to be provided through increased commercial floorspace, housing opportunities and choice of dwellings

Woollahra Council is currently seeking to enhance the vitality and viability of the Double Bay Commercial Centre by increasing residential development within the Centre through increased housing opportunities and housing choice, whilst maintaining employment.

Rejuvenating the commercial centre

Increased height and FSR within Double Bay key to the viability of future residential developments

In May 2015, Council commissioned Hill PDA to undertake an economic feasibility study to assess the demand for, supply of and financial viability of smaller sized apartments within the Centre. The '*Double Bay Economic Feasibility Study July 2015*' was reported to the Urban Planning Committee on 7 September 2015 and recommended that Council reviews its existing planning controls to allow for increased building heights and FSR within Double Bay with each site to be "*considered on its merits... dependent on urban design testing and other environmental considerations*" (Hill 2015, p.71). The study also recommended that prior to any LEP amendments being made, a detailed review of urban design options and building envelopes is required to demonstrate that increased development will not compromise village character and urban amenity. The findings of the Hill PDA Study create an important opportunity to rejuvenate the centre by increasing its density and population diversity through the provision of broader mix of apartment types whilst maintaining and protecting its distinct character.

Enhancing the public domain

All new developments represent an opportunity to improve the public domain

This report adopts the methodology recommended by the Hill PDA report in that it looks at five adjoining sites and analyses their potential to accommodate increased density while enhancing the character of the public domain, protecting the amenity of the surrounding residential buildings and promoting sustainable mixed use development.

Hill, S, 2015, Double Bay Economic Feasibility Study. Ver 1, HillPDA, Sydney.

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- 2 Double Bay in Context
- 2.2 Key Elements of Local Character

Introduction

Double Bay is a very unique urban environment defined equally by its position in the city and its built environment and by its human scale and social connectivity. We identified a number of physical, social and environmental factors which define its character and in our view, should inform and underpin the urban design approach for any site within the commercial core.



Sunlight

Double Bay offers many opportunities for people to enjoy the sun in an attractive and active public space. There are a range of parks which include Steyne and Guilfoyle Park as well as the tree sheltered environment of Bay St and Cross Street.



People

Double Bay offers numerous opportunities and places to pause, relax and socialise within its richly textured public domain.

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- 2 Double Bay in Context
- 2.2 Key Elements of Local Character



Street Village Character

Double Bay's street village character is characterised by a distinctive public domain with active frontages, significant street trees, appropriately scaled built form and pedestrian infrastructure supporting foot traffic.

Through Site Links and Built Form

Double Bay's built form is characterised by a range of building types, which generally deliver a cohesive street wall. The built form that supports Double Bay's village character is designed to enhance the tree lined streets and street life. The diversity comes from a range of lot sizes which result in both large and finer grain developments.



Human Scale

The public domain of Double Bay affords many opportunities for a rich urban lifestyle by offering a diverse amenity of spaces for people to enjoy. The village character creates a sense of community and integration.

Current Issues

Woollahra Council has identified a number of issues that impact on the success of Double Bay as an urban precinct.

The significance of Double Bay as a commercial centre is being eroded by the impact of Bondi Junction

While Bondi Junction is a much larger and more significant retail centre, it is essentially a version of an American model of the indoor shopping mall. Double Bay as a retail destination offers a unique street level experience that appeals to a more discerning clientele looking for a different, more outdoor street based European feel.

There is a problem with the high vacancy rate and low foot traffic

If Double Bay is to continue to model itself on a European shopping street as a model, residential density and rich urban amenity are key to its success.

There is a lack of urban amenity and infrastructure to encourage foot traffic

New residential developments in Double Bay represent an excellent opportunity to improve the urban amenity of the city centre and create new opportunities for a well connected, walkable town centre.

Lack of diverse housing stock that would encourage a more varied demographic within the area

Due to its excellent position and its unique village character, Double Bay is a highly desirable and very expensive residential area. An improved supply and greater variety of housing stock will no doubt have a positive effect in attracting younger people and families to Double Bay.



Commercial significance of Double Bay eroded by impact of Bondi Junction



High vacancy rates and low foot traffic - Double Bay

Design Principles

Taking the current issues into consideration, the Design Principles below are proposed for the five sites. These principles respond to the Hill PDA Report and aim to achieve the following outcomes.

Living, working and shopping overlay is the key to success of Double Bay Commercial Centre

New development is essential to reposition Double Bay as an attractive place to shop, work and live.

Revised building envelopes must provide for increased density and improve the urban amenity, connectivity and village character.

Greater housing choices will encourage a more diverse population and more active and vibrant public domain.

Increased density must not lead to traffic congestion; not all sites will be equally suitable.

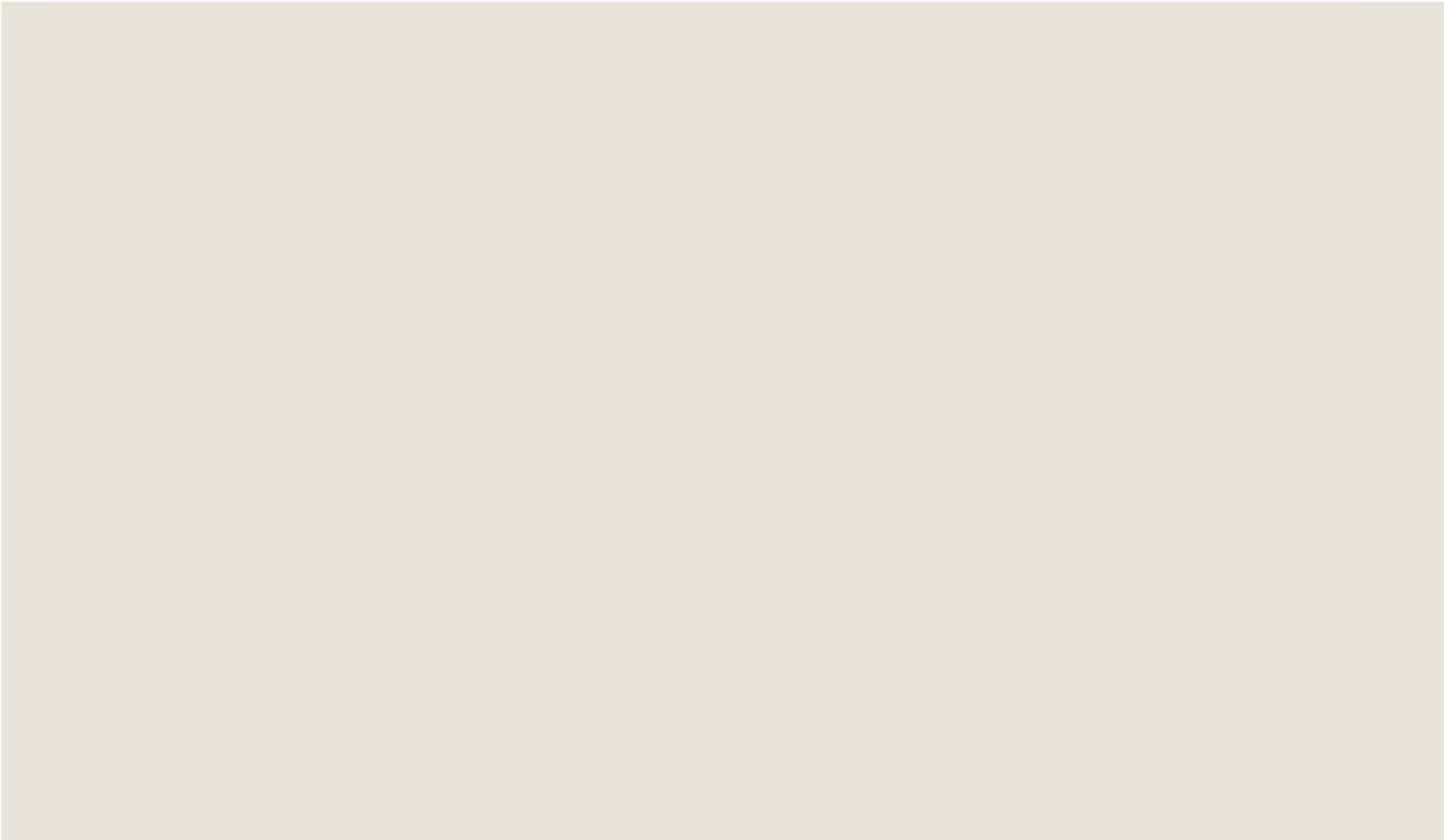


Identify opportunities to increase density while protecting public amenity - Knox St



Make a better place for living - weekday street market at Guilfoyle Park

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3 Vision
3.1 Design Vision

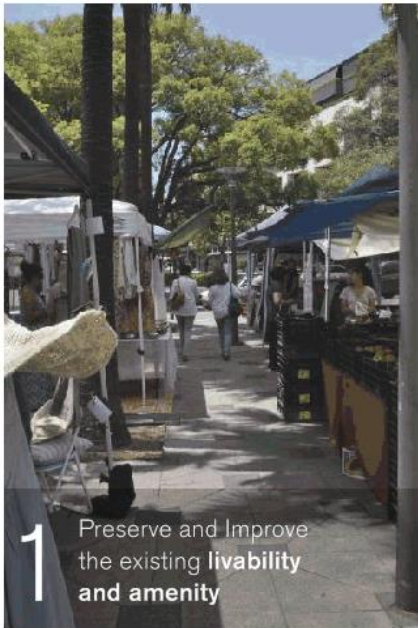


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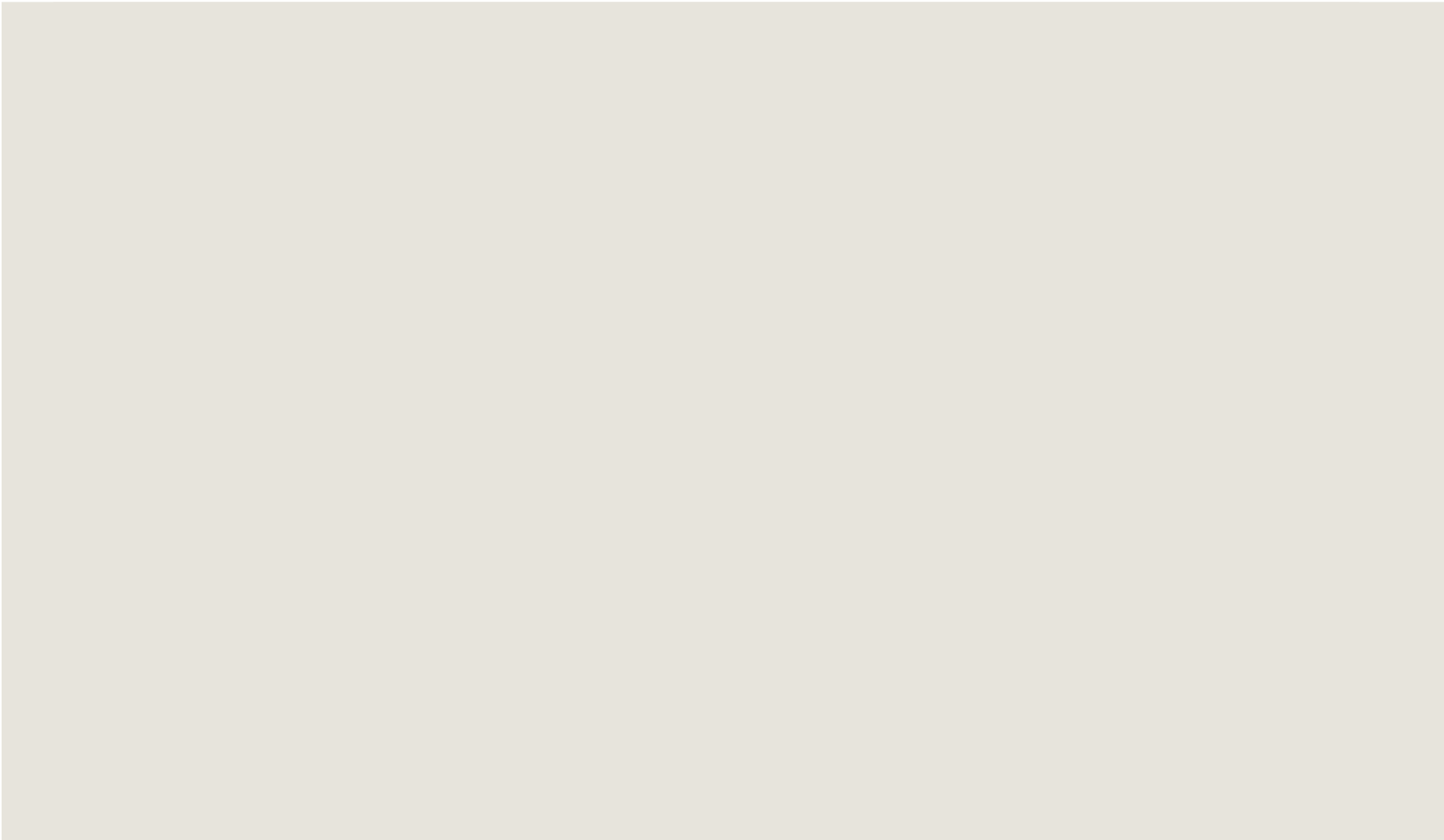
3 Vision
3.1 Design Vision

Vision Statement

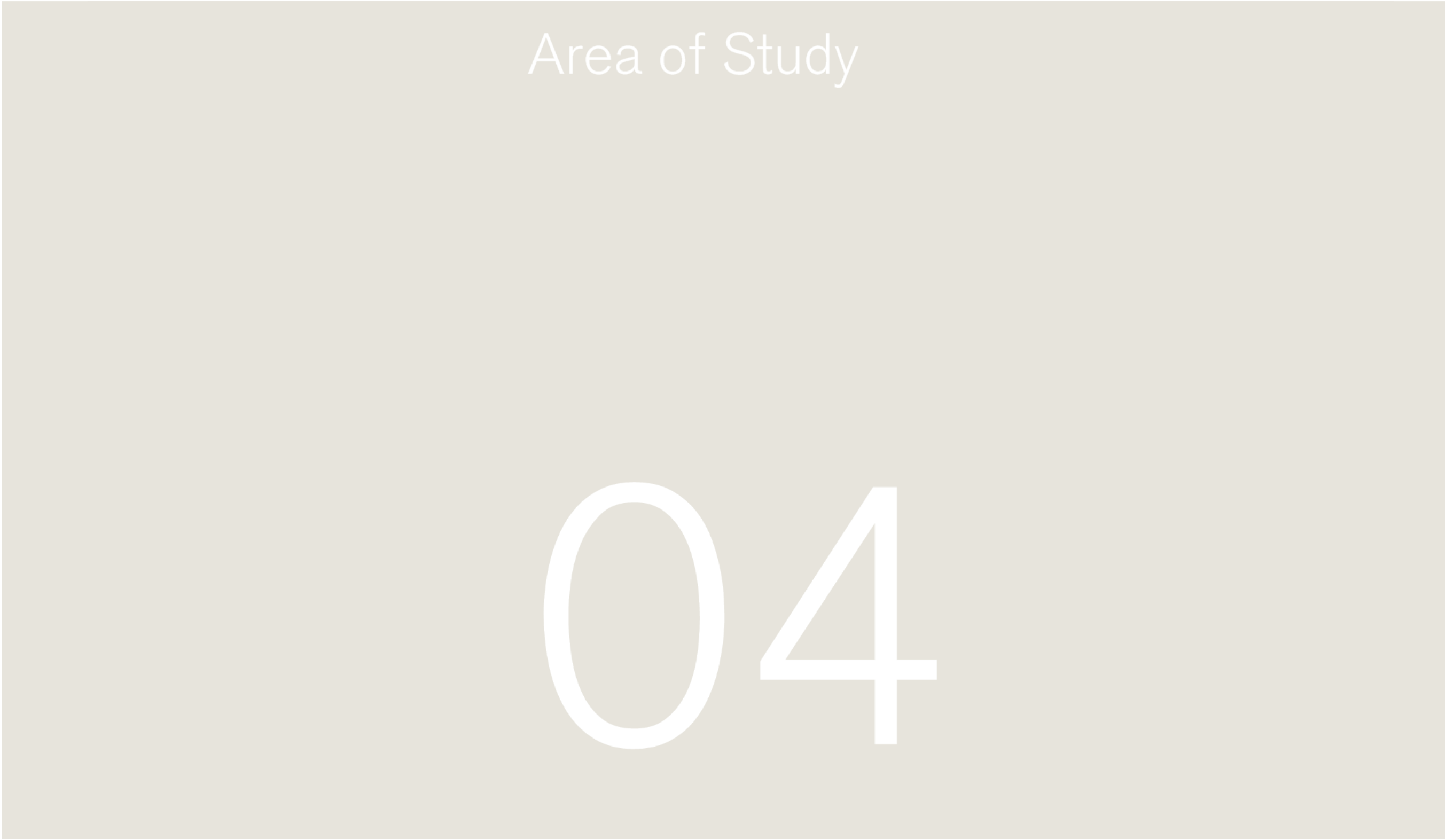
The design objectives for our sites are to protect and enhance the Double Bay village character, improve public domain, increase commercial floor space, increase housing choice and promote sustainable development.



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23 Tzannes



Introduction

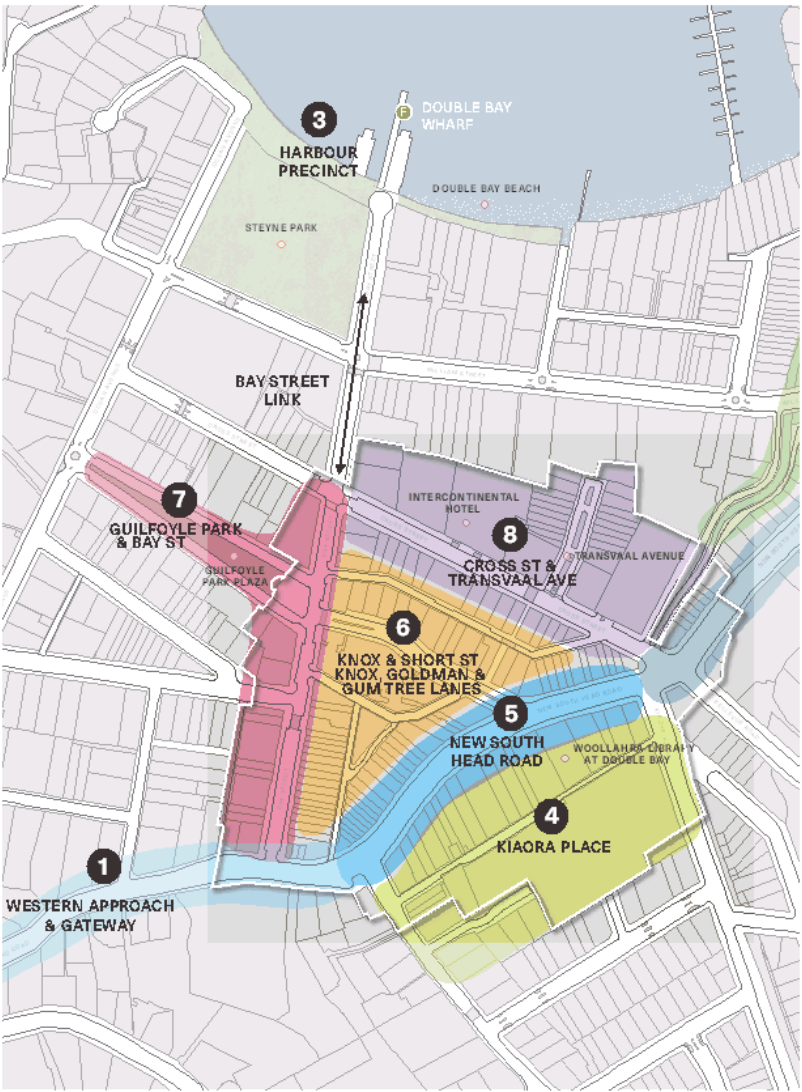
This part of the report includes an overview of the existing planning controls, a summary of the future strategic planning ambitions and an analysis of the immediate urban design context for the site along Bay St and New South Head Rd.



Bay St Public Domain



New South Head Rd - The Fortress



Double Bay Precincts (Aspect Public Domain Report, 2016)



Bay St and extended area of study

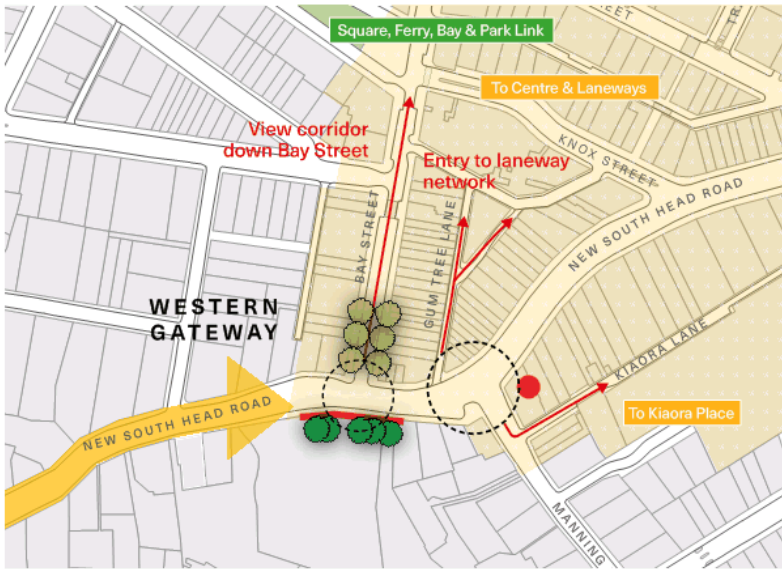


25 Tzannes

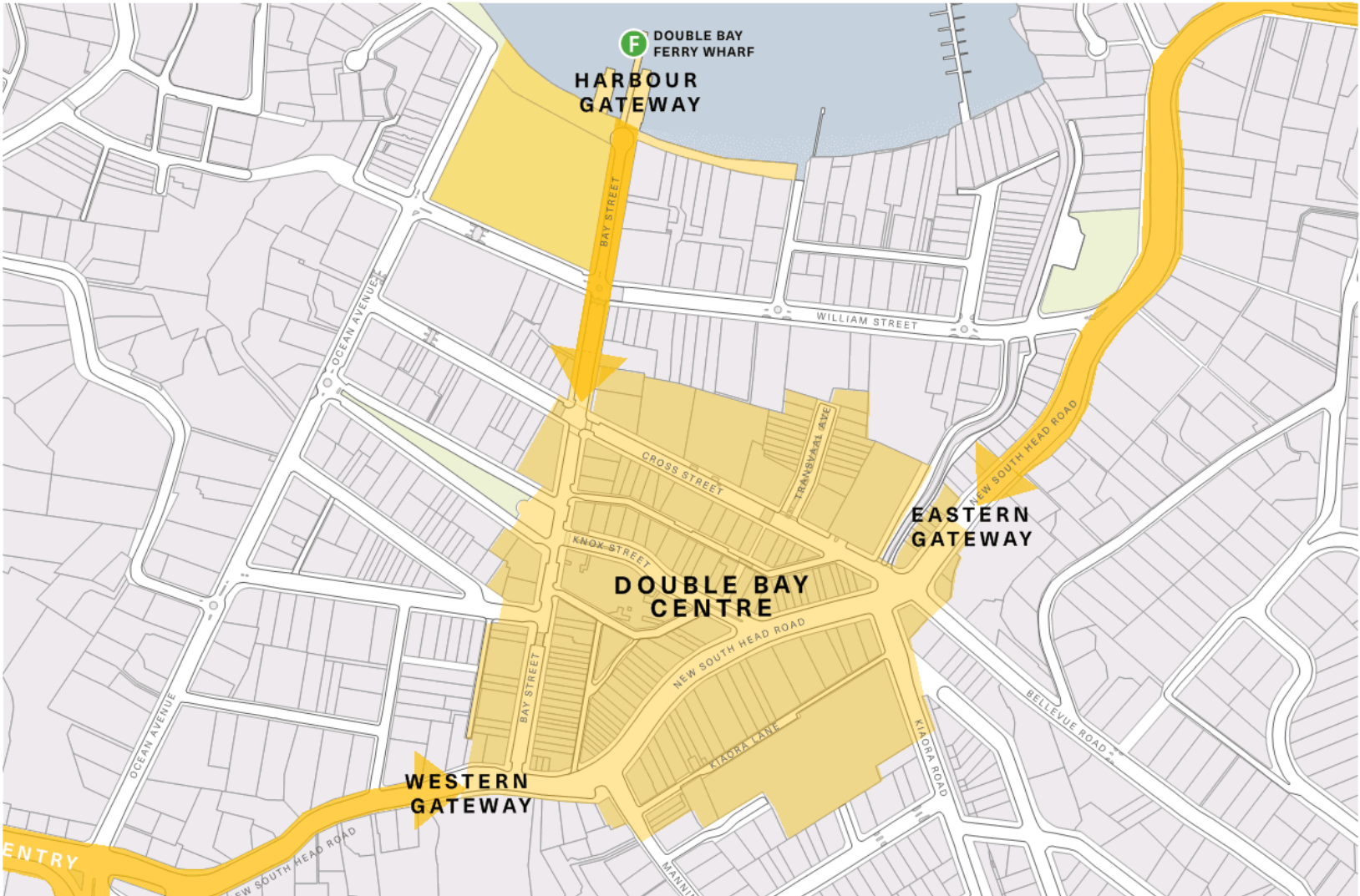
- 4 Area of Study
- 4.1 Precinct Context
- 4.1.1 Double Bay Commercial Centre

Area of Study

The subject site and its immediate context are defined by the intersection between Bay St and New South Head Rd. The intersection sits at the western entry point into the Double Bay Commercial Centre and is topographically the highest point within the Centre. The site has been indicated as the Western Gateway into Double Bay by Aspect in the 2016 Public Domain Report.



Double Bay Centre and gateways (Aspect Public Domain Report, 2016)



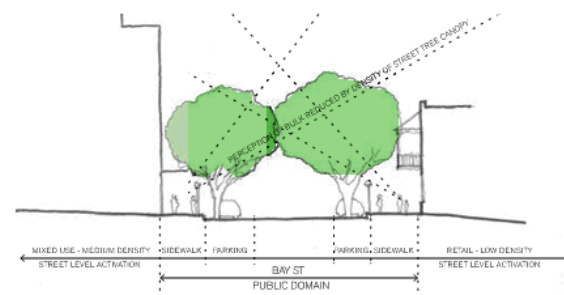
Western gateway in relation to subject site (Aspect Public Domain Report,2016)

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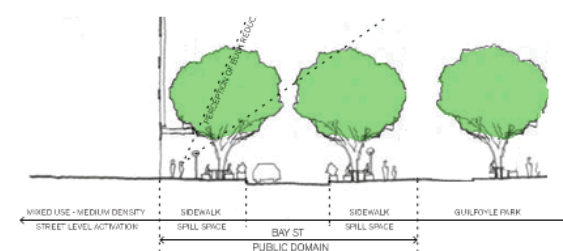
4 Area of Study
4.1 Precinct Context
4.1.2 Bay Street

Four distinct characters

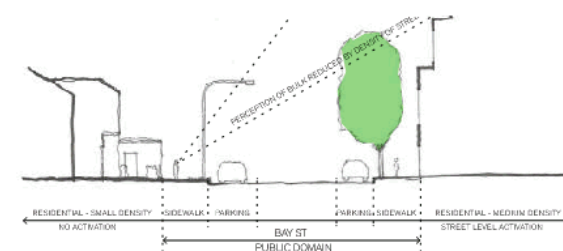
Bay Street connects New South Head Road with the harbour and is one of the most significant elements of the Double Bay public domain. It is also unusual in that its street wall and uses change along its length forming four distinct characters. The drawings locate and describe each of the four sections.



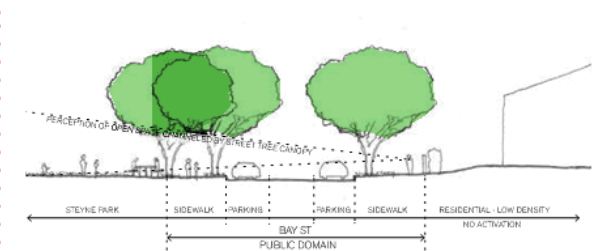
— Mix of both fine grain allotments and larger mixed use developments including Appropriately scaled retail reinforce the street village character



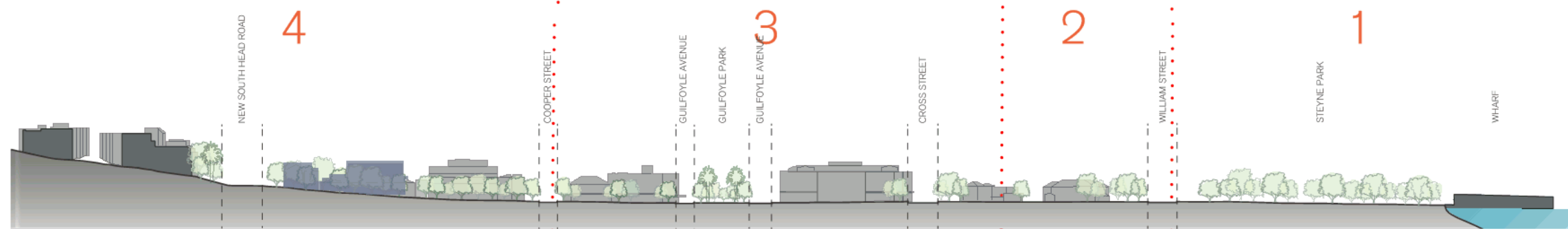
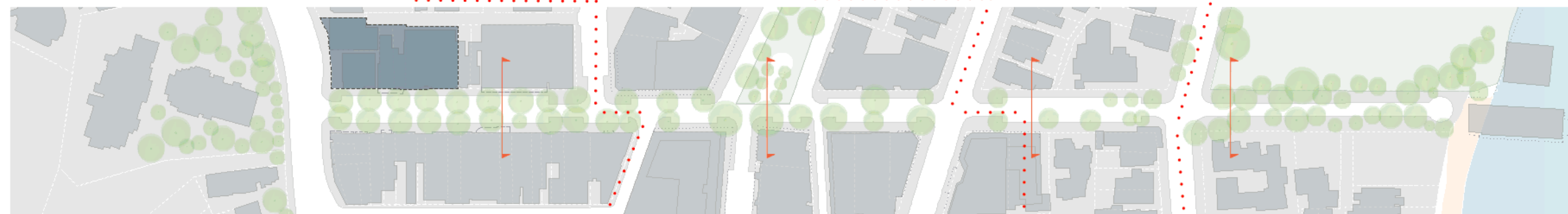
— Guilfoyle Park is an important distinct Public Domain zone on Bay St sitting adjacent sensitively scaled retail and hospitality offerings activating the street



— Predominant residential character, large grain single family housing with little street activation



— Significant natural amenity defined by trees, waterfront and beach with large grain single family housing with little street activation



Bay St Promenade - Double Bay Wharf to New South Head Road



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4 Area of Study

4.1 Precinct Context

4.1.3 New South Head Road

Major road yet to reach its potential

As noted in DCP 2015, New South Head Road is a historically significant connection between the city and South Head. It traverses the Double Bay Centre where it has a strong curved form punctuated with vistas of green at either end. The quality and scale of existing buildings do not yet realise the potential of the space. The drawings below provide further information about it as it abuts the site.



Heavy traffic and sloped topography



Medium density residential to the west and south of Bay St



Lack of public domain infrastructure to encourage foot traffic



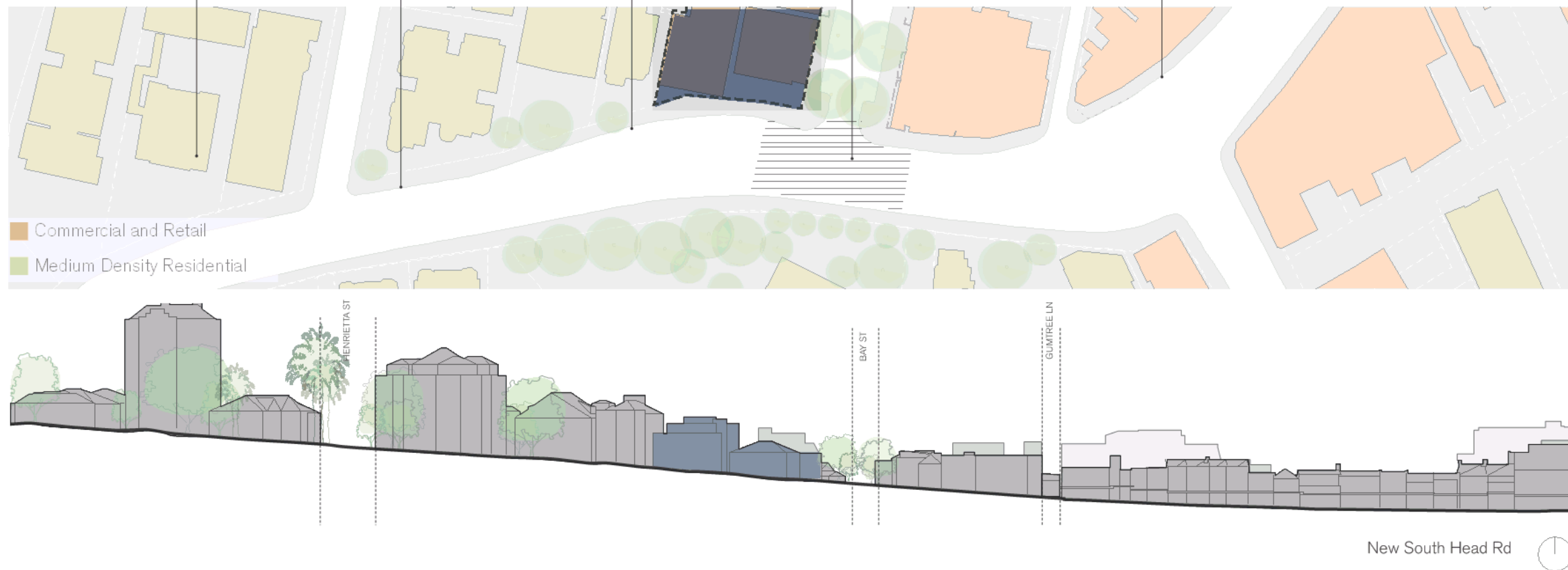
No awnings and inactive retail frontages service outlets



Western gateway to Double Bay defined by the intersection at Bay St, NSHR and Manning St



Active retail with awnings and commercial frontages to the east of Bay St towards Knox St



4 Area of Study
4.1 Precinct Context
4.1.4 Double Bay Character

Double Bay Character

The Double Bay Centre is located in a large natural amphitheatre close to, but visually separated from the harbour foreshore. It sits at the base of a valley, cradled between the two ridges of Darling Point/Edgecliff and Bellevue Hill.

The principal entry into Double Bay is New South Head Road which traverses the centre. Other significant streets within the centre include Bay Street, Cross Street and Knox Street. Buildings along these major streets are typically larger in scale and built to the street boundary to provide spatial definition. The unusual street geometry of Double Bay creates prominent corner sites and significant urban spaces. Woollahra Council recognises the importance of these places and encourages well designated buildings built to the street boundary which contribute to their spatial definition.

The building stock in and around the centre reveals a cross section of architecture of varying quality. The built form of the centre reflects a mix of periods, building types and scale with no particular period predominating. The amalgamation and redevelopment of some sites within the centre have created buildings of different height and bulk to the predominant building stock with an increase in six storey buildings.

The recently approved six storey development at 374-382 New South Head Road on the corner of Knox Street provides a precedent of the desired Double Bay Centre character.

Our proposed site is identified as a prominent corner site sitting along two significant streets. Its position forms the entry to Double Bay Centre and provides the opportunity for a gateway building of five to six storeys to enhance to the spatial definition of the precinct.



Approved 6 storey corner site 374 - 382 New South Head Road
View from New South Head Road



Approved 6 storey corner site 374 - 382 New South Head Road
View from Knox Street

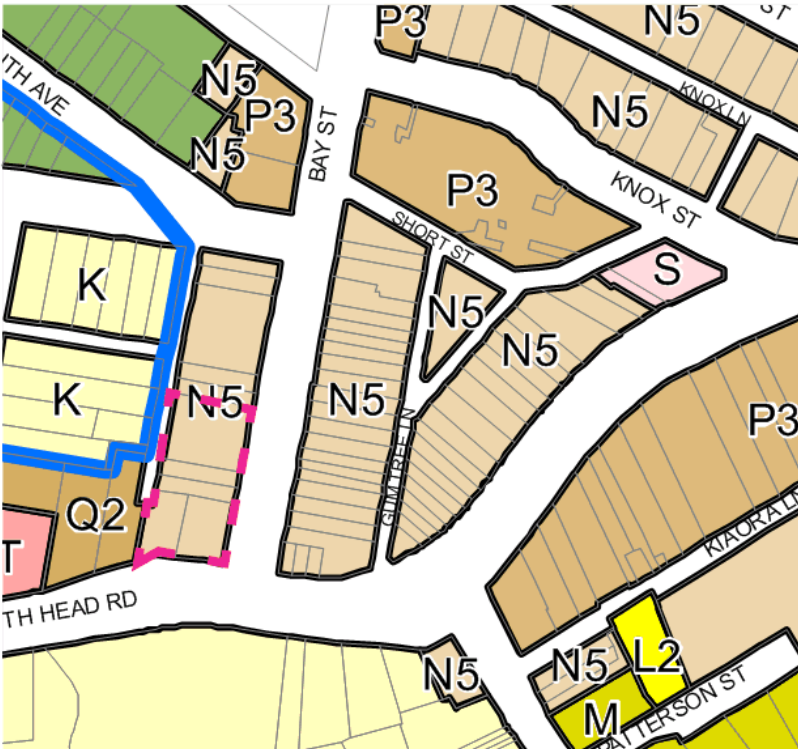
4 Area of Study
4.1 Precinct Context
4.1.4 Double Bay Character



- 4 Area of Study
- 4.2 Site Controls
- 4.2.1 Existing LEP

LEP Maps

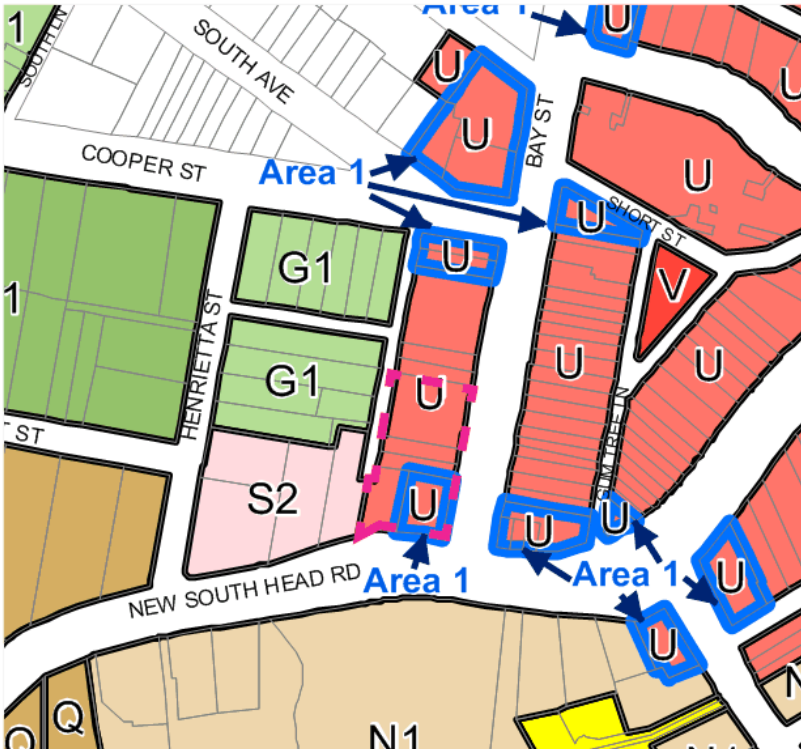
Woollahra LEP 2014 stipulates the maximum building height, maximum floor space ratio and the zoning of the site. Images below extract the relevant sections of the LEP maps.



Building Height (Woollahra LEP 2014)

Maximum Building Height (m)

N5	14.7
P3	18.1
S	23.5
Site Boundary	



FSR (Woollahra LEP 2014)

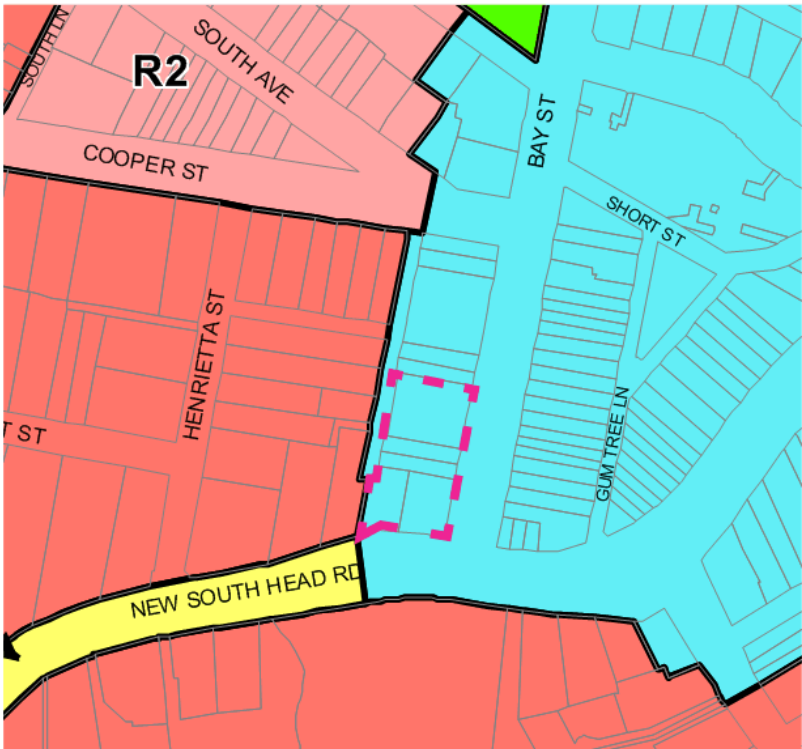
Maximum Floor Space Ratio (n:1)

U	2.5
Refer to Clause 4.4A	

4.4A - Selected corner buildings are eligible for an additional 0.5:1 of FSR under Woollahra LEP 2014, subject to meeting certain requirements. (DCP 2015)

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- 4 Area of Study
- 4.2 Site Controls
- 4.2.1 Existing LEP



Zoning (Woollahra LEP 2014)

Zone

- B2 Local Centre

Constraints

1.

NSHR is busy and noisy
2.

Scale and character of the adjoining terraces on Bay St needs to be respected
3.

Amenity of adjoining 5 storey apartment building on NSHR site needs to be protected
4.

Amenity of the free-standing houses on Henrietta St and Brooklyn Ln needs to be protected
5.

Orientation and depth of the site between Brooklyn Ln and Bay St
6.

Need to protect established trees on Bay St
7.

Preservation of Heritage trees along NSHR
8.

Need to protect amenity of existing apartment buildings across NSHR
9.

No vehicular access from NSHR and no additional traffic on Bay St
10.

Must maintain retail on Bay St
11.

Stepping topography

Key

Site Boundary

Main Vehicular Route

Main Pedestrian Route

Vehicular Access

Awning

Bus Stop

Train Station

Ferry Pier

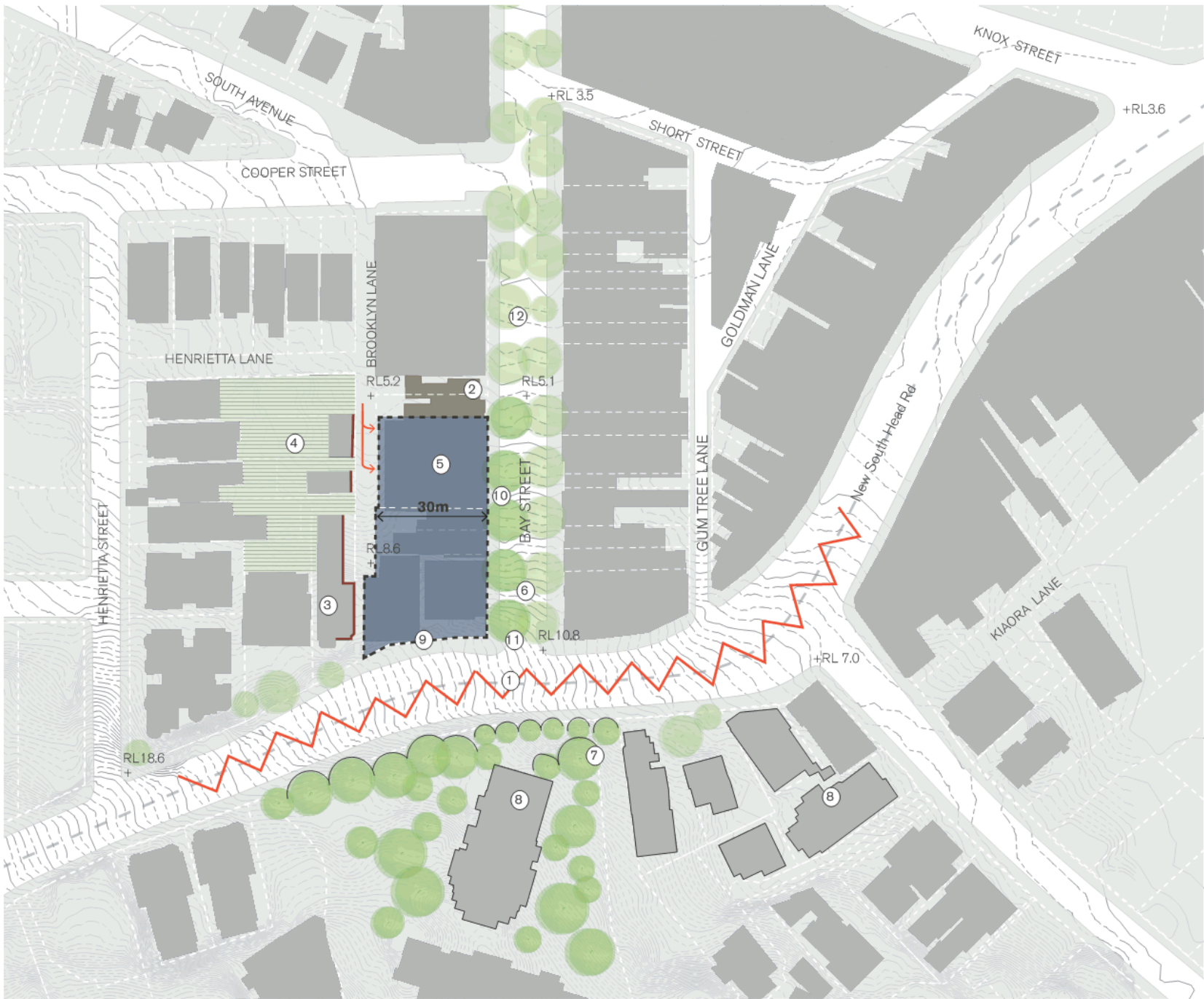
Significant Adjacent Buildings

Neighbouring Backyards

Overshadowing Risk

+RL XXXX

Approximate Road Level



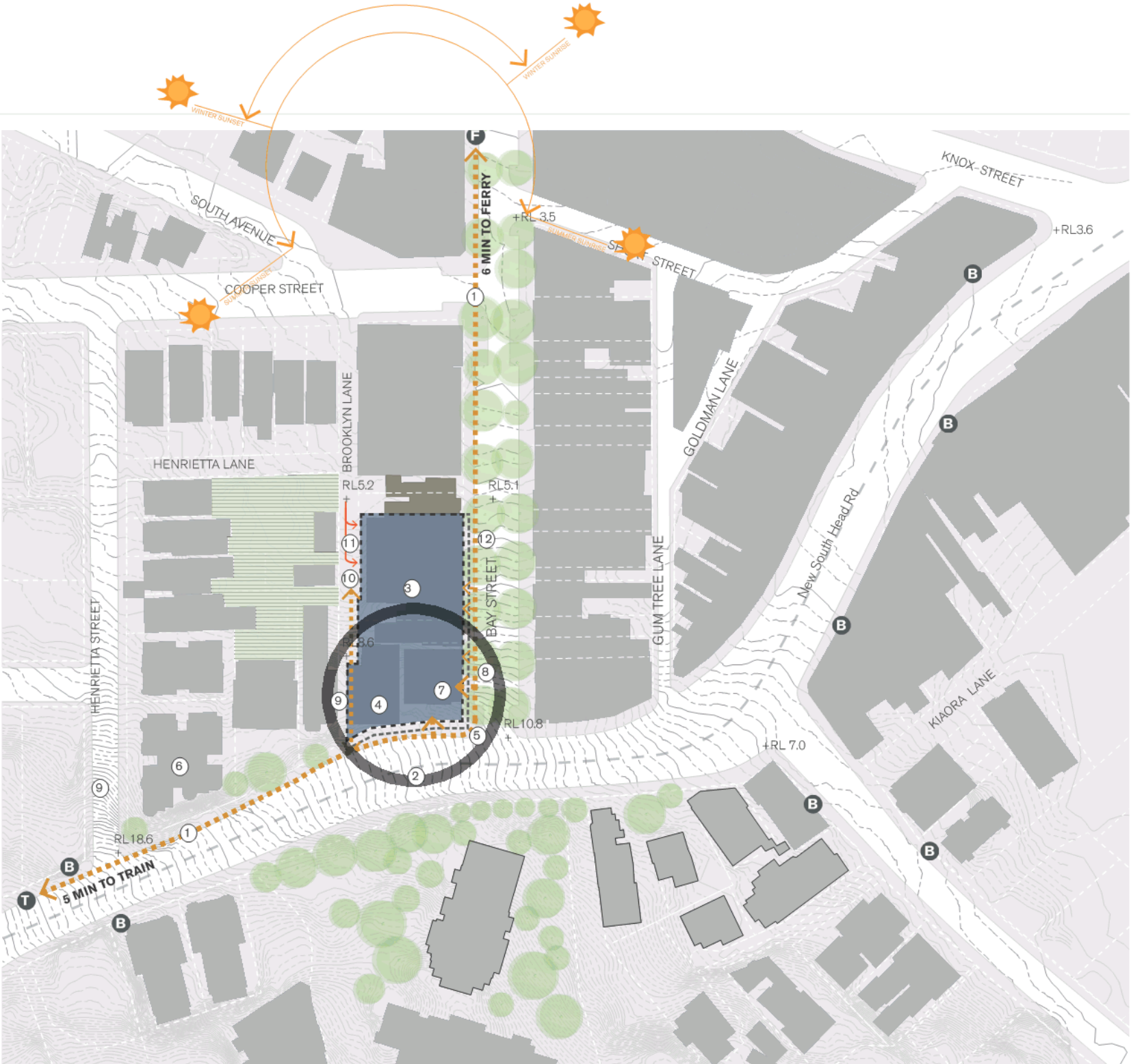
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4 Area of Study
4.3 Site Constraints

Opportunities

1. Excellent public transport and proximity to the rail, bus and ferry network
2. Western Gateway to Double Bay Commercial Centre
3. Increase housing diversity in Double Bay
4. Increase and improve existing commercial and retail uses on site
5. Opportunity for landmark corner retail
6. Precedent Multi Residential existing on NSHR
7. Bay St/ NSHR corner position has potential for minimum impact on existing surrounding residential buildings whilst providing high amenity north-facing apartments.
8. Awnings for improved public domain on Bay St and NSHR
9. Pedestrian through-site link from Brooklyn Lane to NSHR
10. Vehicular access from Brooklyn Ln and eliminate access from Bay Street
11. Use stepping site to accommodate underground carpark/ loading
12. Mixed use opportunities and extending the premium retail and hospitality offer to the south of Bay St

Key	
	Site Boundary
	Main Pedestrian Route
	Vehicular Access
	Awning
	Bus Stop
	Train Station
	Ferry Pier
	Significant Adjacent Buildings
	Neighbouring Backyards
	Overshadowing Risk
	Approximate Road Level



Summary Of Key Points

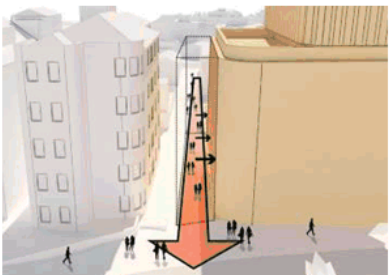
As noted in the introduction, in late 2016 Loftex acquired control of a number of commercial properties at the western end of Bay Street and on New South Head Road with a view to undertake a new redevelopment that has potential to transform this significant corner in Double Bay.

Detailed site analysis confirmed that the site is one of a kind in that it has certain distinctive qualities which make it uniquely suitable for a mixed used development with increased density and heights.

This is consistent with the recommendation contained in the 'Double Bay Economic Feasibility Study July 2015' as reported to the Urban Planning Committee on 7 September 2015 which recommended that Council reviews its existing planning controls to allow for increased building heights and FSR controls within Double Bay with each site to be

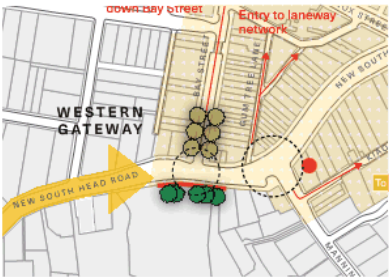
"considered on its merits... dependent on urban design testing and other environmental considerations" (Hill 2015, p.71).

The following is a summary of those key site characteristics.



Public domain improvements

A development is capable of delivering important public domain improvements, including a through site link, to provide pedestrian connection from NSHR to Brooklyn Lane and widening of footpaths on NSHR.



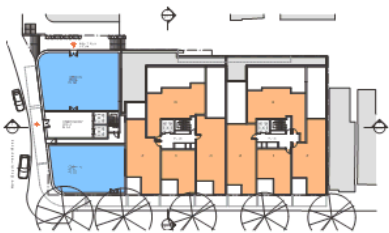
Realising the potential of the Gateway Site

There are sound urban design grounds for increased maximum building height on site – the site has been identified as a location for a gateway building and increased height would cause minimal negative environmental impacts to surrounding residential buildings.



Activation of the important street corner

Site is prominent and visible. Opportunity exists to activate a dead corner of NSHR and complete and revitalise the retail in the southern end of Bay Street.

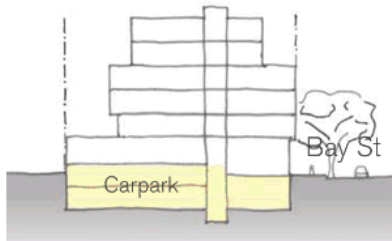


Design that integrates retail, residential, and commercial uses

Urban context of the site, its topography and orientation make a building envelope possible that is efficient, suitable for apartments, can maximise the internal amenity and choice of housing, and increase and further improve retail and commercial activation.

35 Tzannes

4 Area of Study
4.5 Site Analysis



Below ground parking is possible

Site topography allows for below ground parking that is above the levels of the ground water and outside of the acid sulphate soils affected land. Many sites in other parts of Double Bay are very restricted in this respect.



No additional traffic on Bay St

Brooklyn Lane enables vehicular access to and from the site without adding traffic to Bay Street and the Double Bay Centre area. The subject site is one of the few development sites within Double Bay Centre that is unique in this respect.



Minimal impacts on existing residential areas

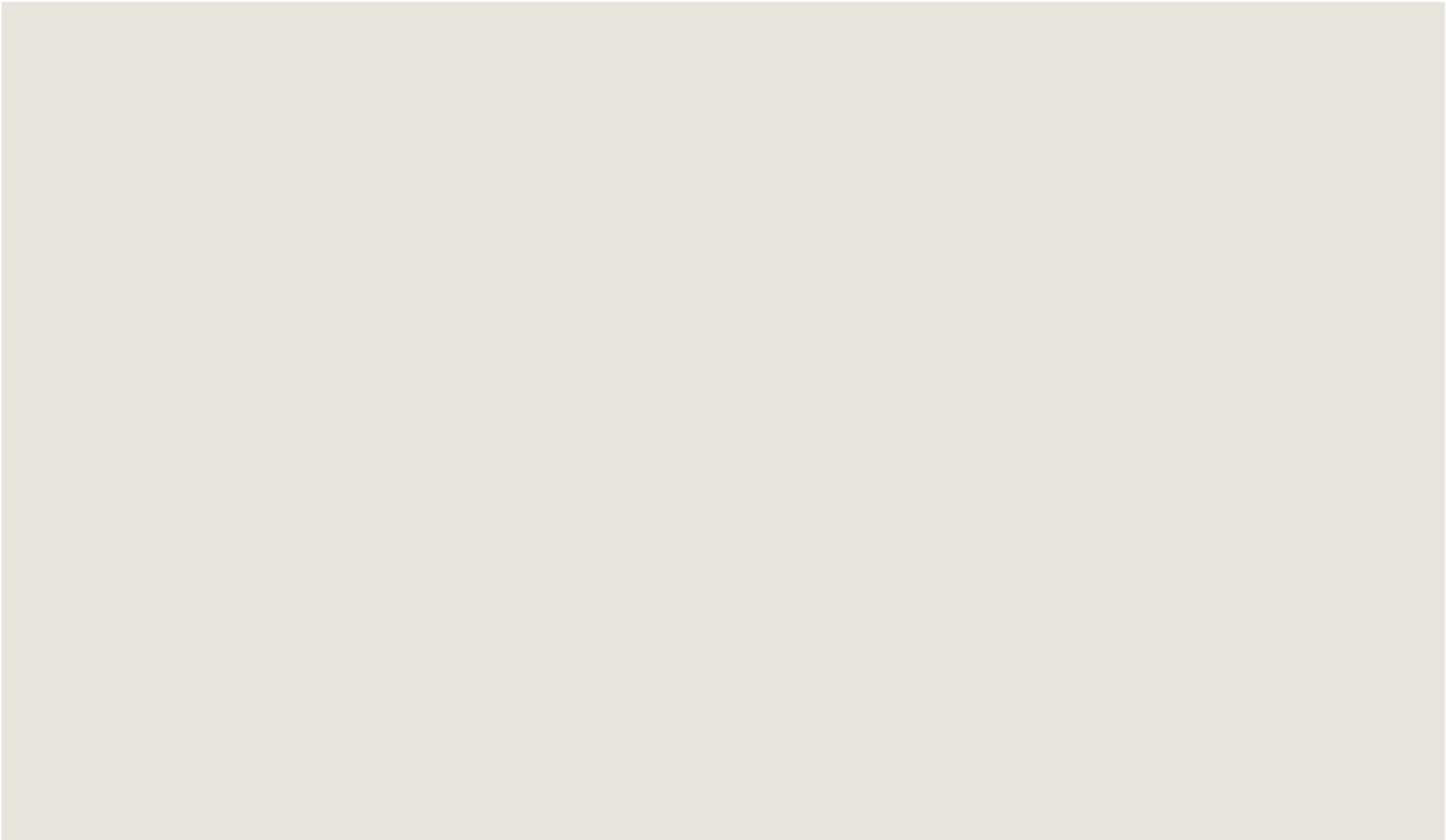
Increased height and density on site can be delivered with minimal environmental impacts on the amenity and the existing street character of Bay Street. Furthermore, the development can rejuvenate the southern end of Bay Street, and deliver a net positive outcome.



Excellent public transport

The site has access to excellent public transport connections including being within a short walking distance of heavy rail.

36 Tzannes

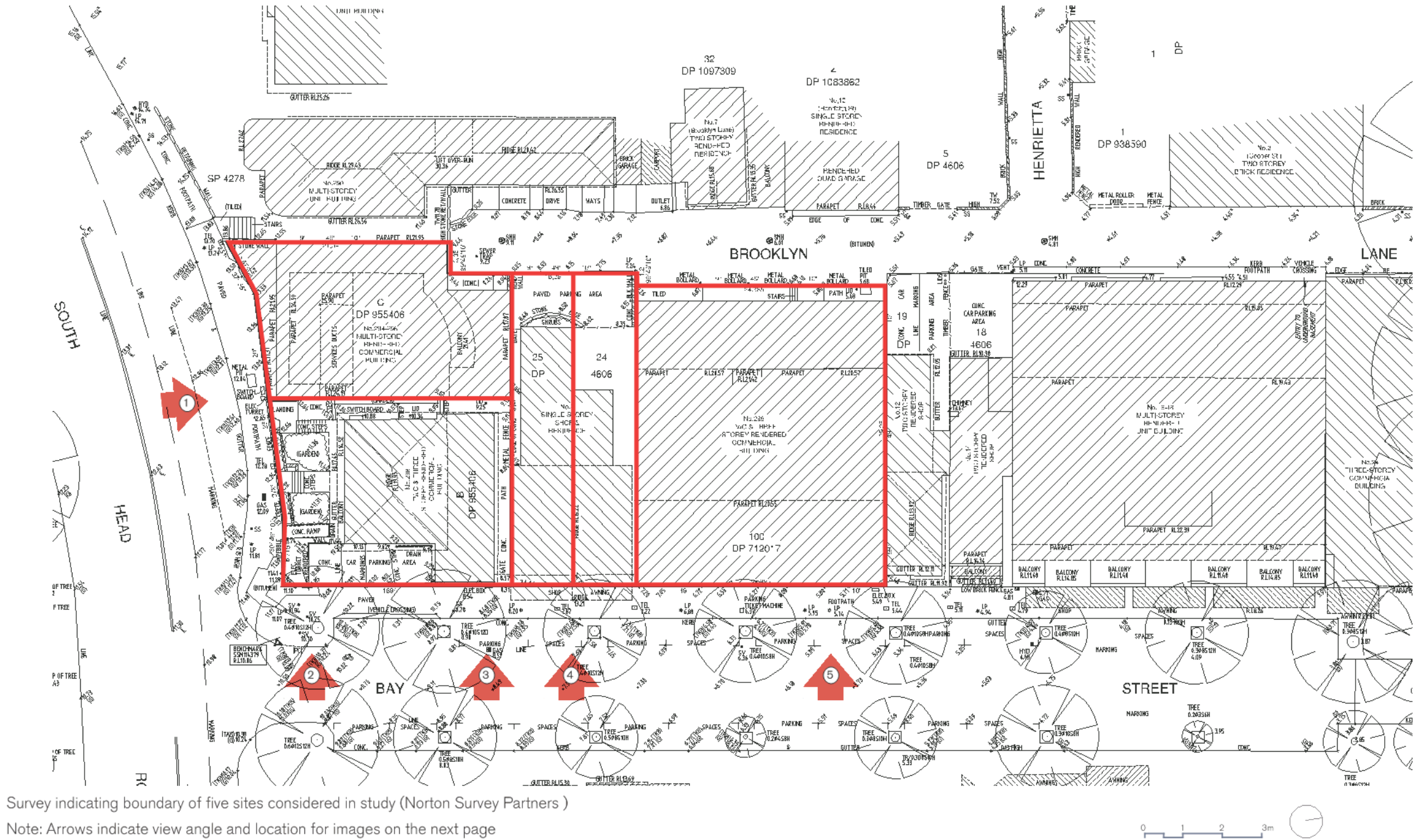


37 Tzannes

Proposed Envelope

05

5 Proposed Envelope
5.1 Site Survey



Survey indicating boundary of five sites considered in study (Norton Survey Partners)
Note: Arrows indicate view angle and location for images on the next page

39 Tzannes

5 Proposed Envelope
5.2 Existing Buildings

Existing Buildings

Images below illustrate the existing condition of the existing buildings and surrounding buildings on New South Head Road and Bay Street.



View 1 North South Head Road



View 2 Bay Street



View 3 Bay Street



View 4 Bay Street



View 5 Bay Street

40 Tzannes

5 Proposed Envelope

5.3 Indicative Reference Scheme

5.3.1 Design Vision



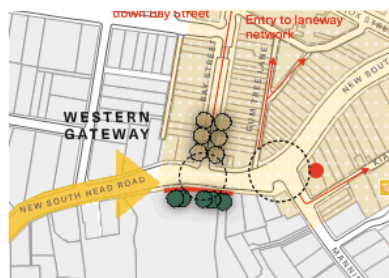
Village

Proposed bulk and scale needs to relate to the existing village character of Double Bay. In terms of bulk and scale, this means four storeys on Bay Street, with two storeys set-back above.



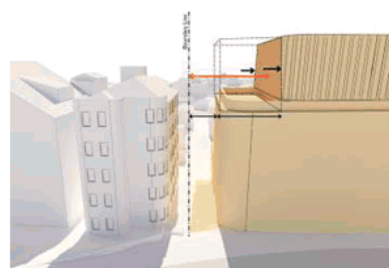
Employment

Existing employment in the town centre must be preserved, protected and improved upon. The design should increase the quality and quantity of commercial floor space that already exists on site.



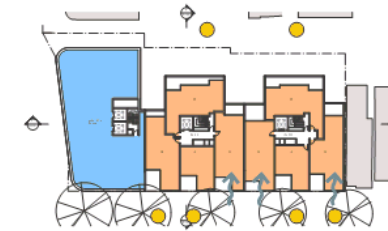
Gateway

Building envelope should be designed to optimise the design opportunities for a gateway building and reinforce an important entry to Double Bay retail area with a flagship corner store.



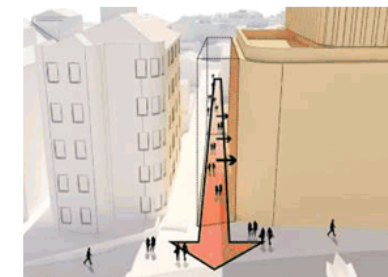
Minimum Impact

Different urban conditions around the site must be accommodated by varying the envelope appropriately. This includes a generous additional setback to the adjacent building on New South Head Road, stepped building form on Bay Street and Brooklyn Lane and providing a dedicated loading bay off the street. This will ensure minimum impact on surrounding properties whilst achieving SEPP 65 compliance.



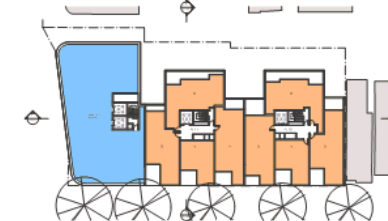
Amenity

The site location, orientation and topography, together with the proposed envelope shall be tested and confirmed as being capable of achieving and exceeding the required apartment amenity, as defined by SEPP 65 and ADG.



Public Benefit

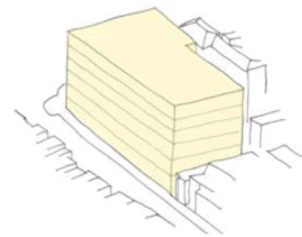
The proposal must include important improvements to the public domain, including increasing the connectivity in the area such as providing a pedestrian link to Brooklyn lane.



Housing Diversity

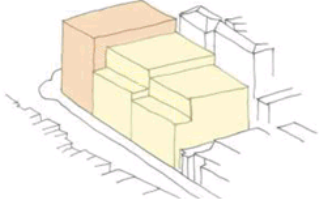
The proposed envelope must accommodate a variety of apartments types and sizes. Increasing housing opportunities to respond to increased population through varied types and sizes.

5 Proposed Envelope
5.3 Indicative Reference Scheme
5.3.2 Design Methodology



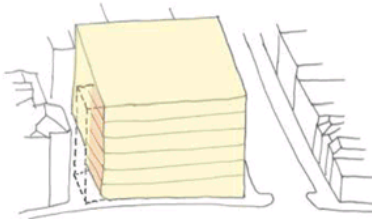
Six Storey envelope

The site has been identified as generally suitable for a 6 storey building envelope. This forms the starting point.



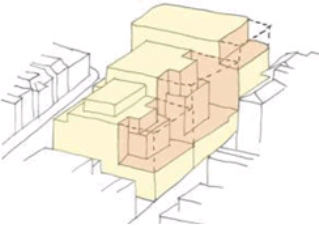
Locating Commercial Office Space on Corner

The building envelope must provide an opportunity for a gateway building by maintaining the 5 storeys on the corner. Commercial office space is located on the more suitable south-facing position at NSH Road, reinforcing an important entry to Double Bay retail area and providing an opportunity for a flagship corner store.



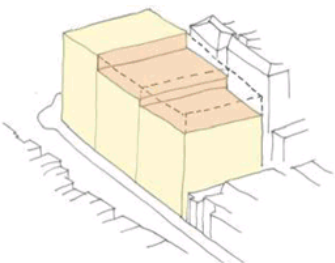
Public benefit - through site link

The proposal includes important improvements to the public domain, including increasing the connectivity in the area by providing a pedestrian link to Brooklyn lane.



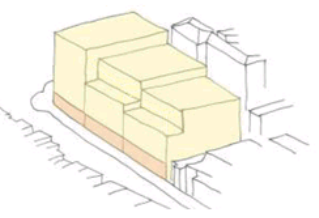
Setback on Brooklyn Lane

Different urban conditions around the site have been accommodated by varying the envelope. This includes a generous additional setback to the adjacent building on New South Head Road and stepped building form on Brooklyn Lane to maintain its character. This also ensures apartment layouts are not too deep so SEPP 65 and ADG compliance is achievable.



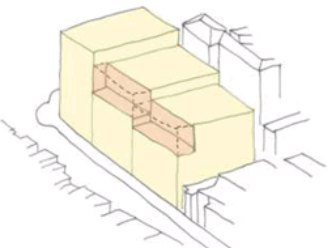
Responding to the topography

Sloping sites create a unique opportunity to create an interesting built form that responds to the topography and wider context. The proposed corner site has a slope in two directions along NSHR from west to east, and along Bay Street and Brooklyn Lane in a South to North direction.



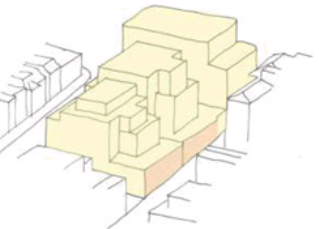
Active ground floors

Ground floor activation is emphasised through a series of retail spaces and high quality commercial floor area, positioned along the street frontage of Bay Street, New South Head Road and Brooklyn Lane. This improves pedestrian amenity, connectivity and street vitality of Double Bay.



Four storeys on Bay Street and two Storeys set back above

The proposed bulk and scale on Bay Street is four storeys on the street, with two storeys set-back above, to maintain its existing village character.



Vehicular access off Brooklyn Lane

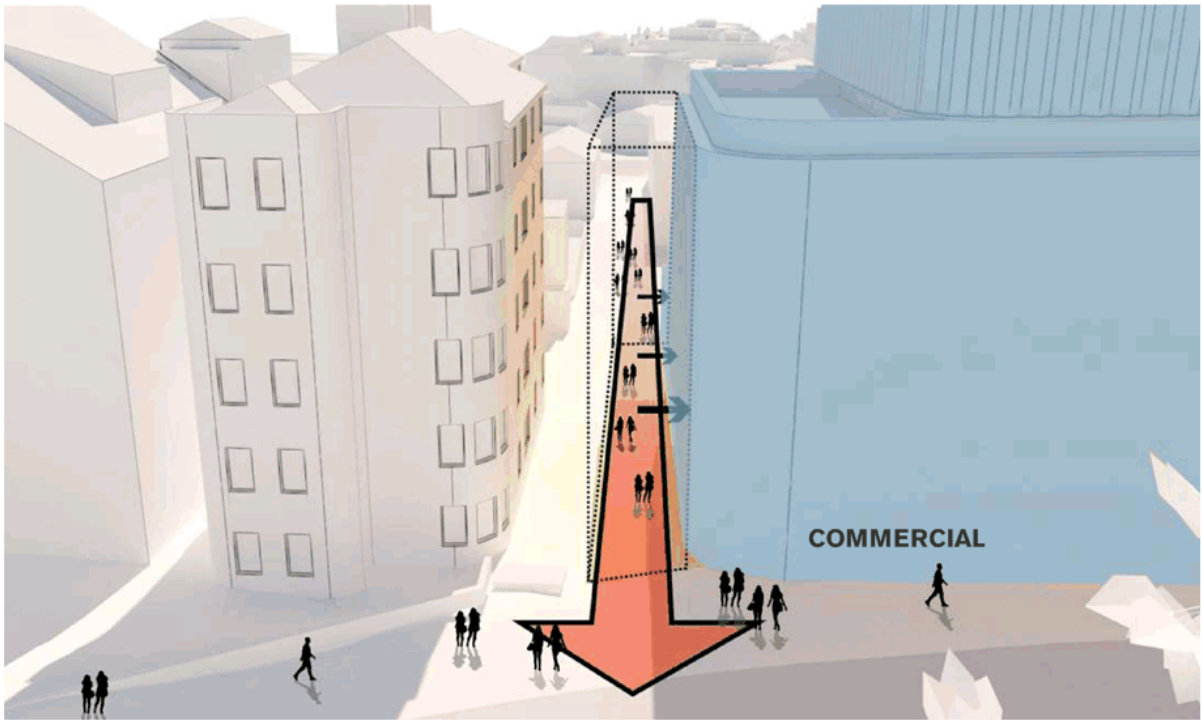
Vehicular access points are located on Brooklyn Lane including a dedicated loading bay and underground carpark entry. This enables uninterrupted retail frontage, removes existing driveways, improves the street parking and reduces traffic on Bay Street.

42 Tzannes

- 5 Proposed Envelope
- 5.3 Indicative Reference Scheme
- 5.3.3 Indicative Public Domain

Public Domain

The design emphasises ground floor activation through a series of retail zones, starting on the corner of Bay Street and New South Head Road, continuing along the length of the site facing Bay Street. This approach aligns with the vision of improving pedestrian amenity along Bay Street. A new public access pedestrian link between New South Head Road and Brooklyn Lane gives back to the public domain by further promoting connectivity and a walkable city. Commercial street frontages along New South Head Road and Brooklyn Lane enhances ground floor activation. Meanwhile vehicular access points are located on Brooklyn Lane, therefore allowing uninterrupted retail frontage on Bay Street and removing all existing driveways from Bay Street.



Provide new public access between New South Head Road and Brooklyn Lane



Retail and Commercial activation from Brooklyn Lane, New South Head Road and Bay Street

43 Tzannes

5 Proposed Envelope
5.3 Indicative Reference Scheme
5.3.4 Analysis

Indicative Reference Scheme

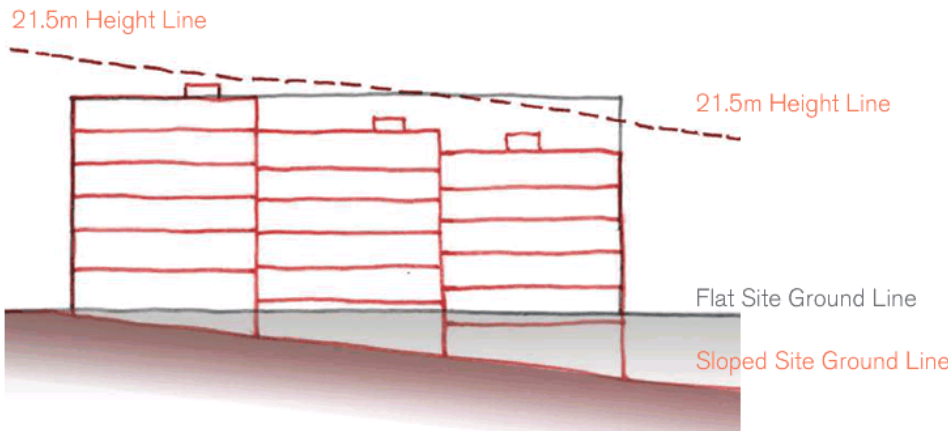
There is an opportunity to stimulate the redevelopment and revitalisation of this key site within the Double Bay Local Centre by amending the existing LEP controls for the site.

These objectives are achieved within a framework that incorporates appropriate setbacks sensitive to existing conditions with minimal impact to adjoining residential areas, no loss of amenity to the public domain or an increase in traffic to Bay Street.

The following reference scheme follows the urban design methodology outlined in this report, and has been developed in reference to the proposed amendments to LEP controls. The purpose of this reference scheme is to demonstrate that an amendment to the controls as outlined herein can unlock the site's potential to enable the development of a sustainable mixed-use precinct.

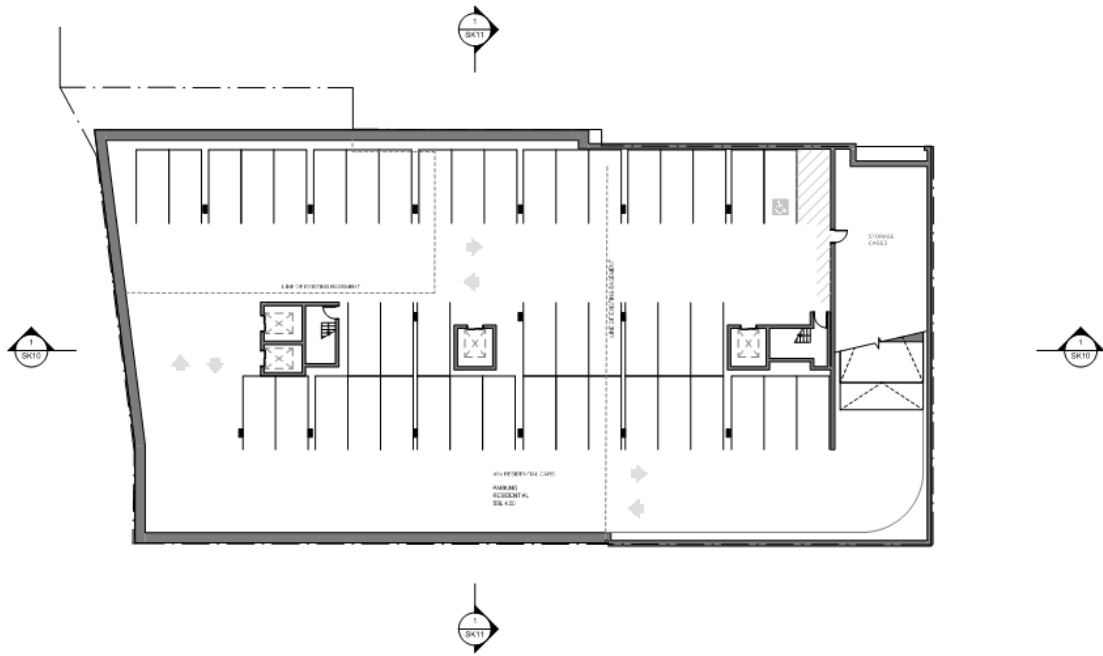
A maximum height limit of 21.5m is proposed for the subject site in order to allow for 6 storey buildings.

The reference proposal delivers a sustainable increase in density through a mix of retail, commercial and residential spaces; significant public domain improvements, street activation and an improved corner condition which realises the gateway potential of the site.

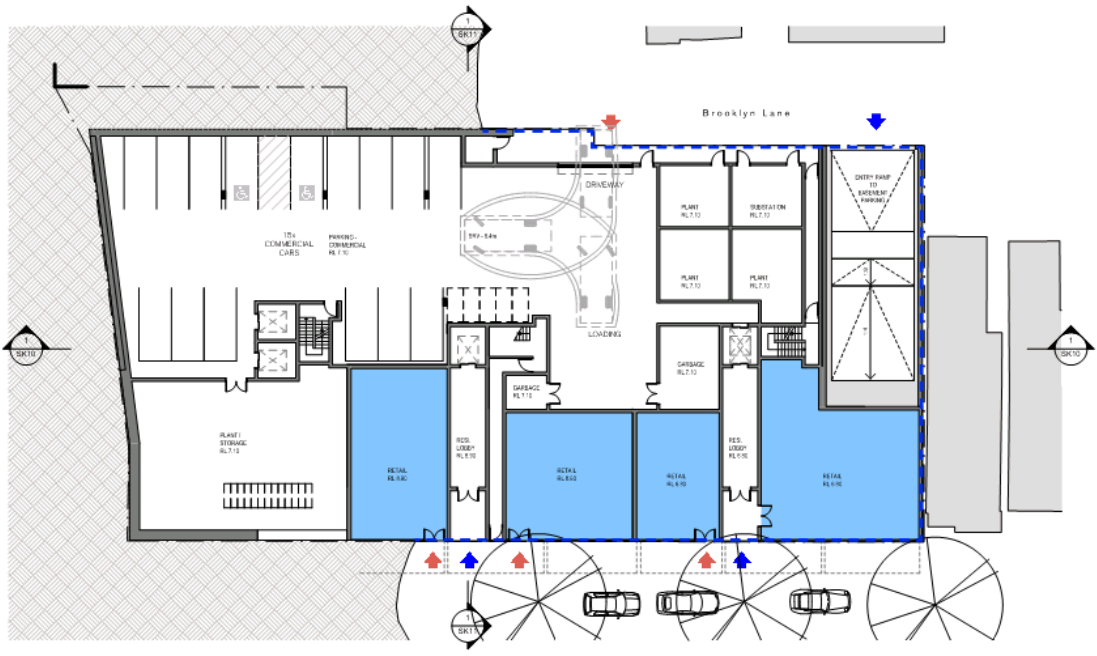


44 Tzannes

5 Proposed Envelope
5.3 Indicative Reference Scheme
5.3.5 Indicative Floor Plans



Basement 1 Plan



Lower Ground Plan

● Commercial/Retail ● Residential - - - Proposed maximum envelope

1:500 @ A3 0 4 8 12 m

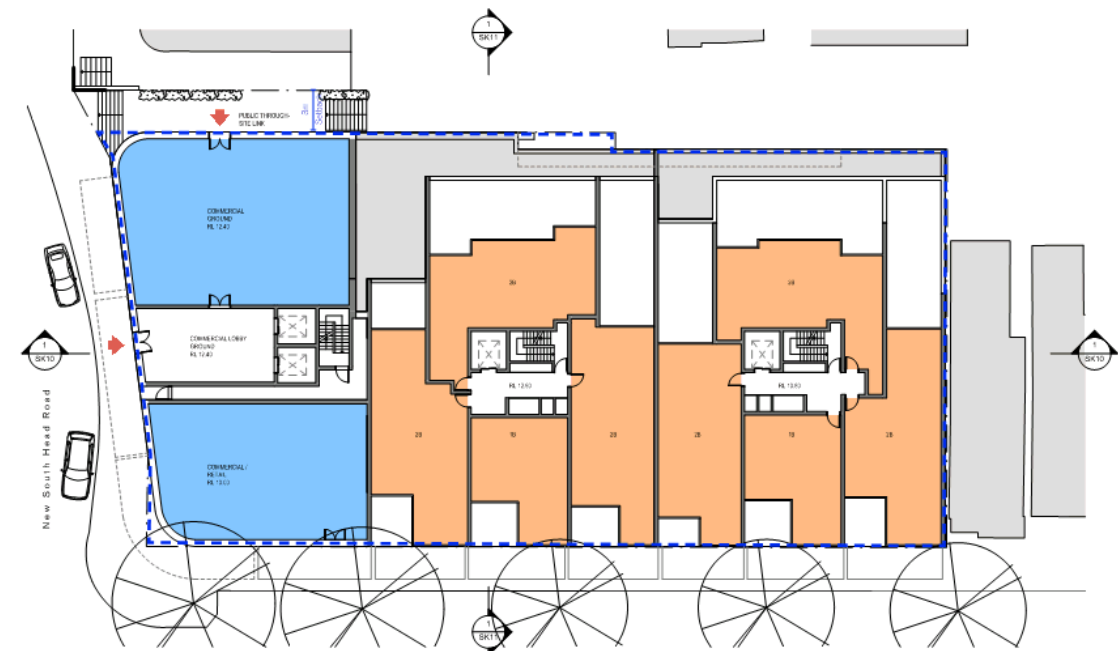
45 Tzannes

5

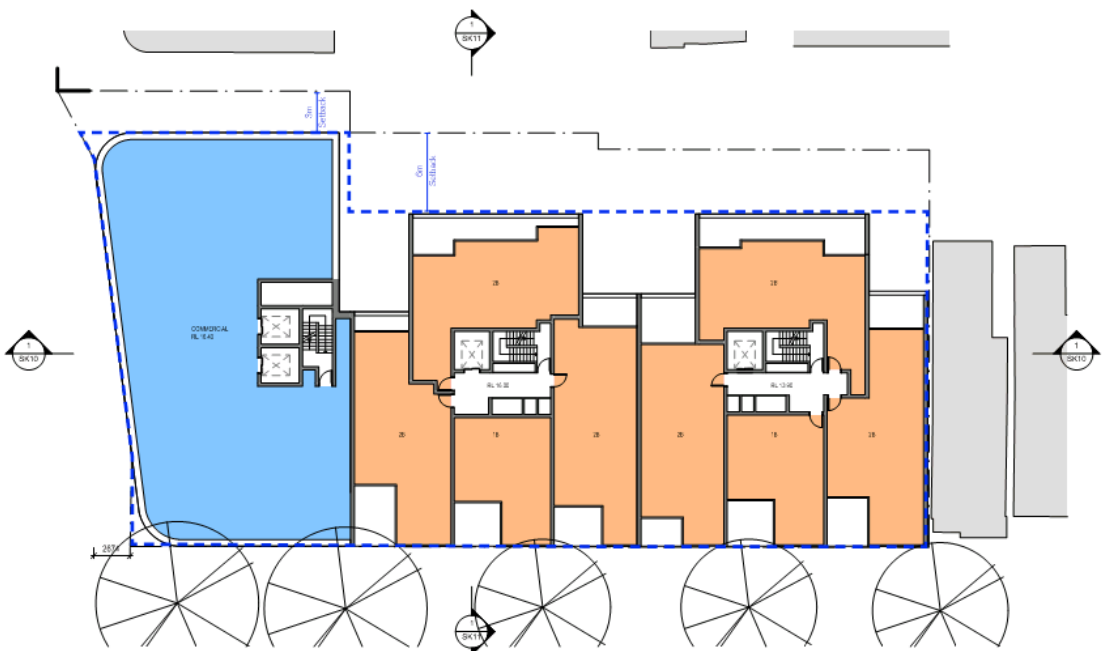
Proposed Envelope

5.3 Indicative Reference Scheme

5.3.5 Indicative Floor Plans



Upper Ground Plan



Level 1 Plan

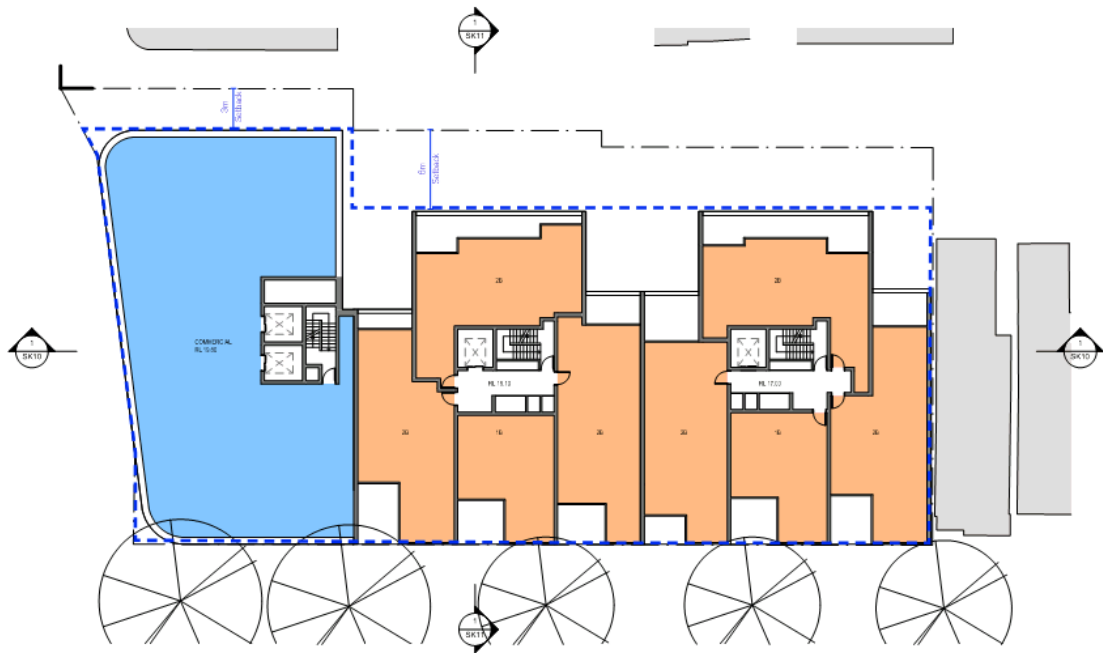


46 Tzannes

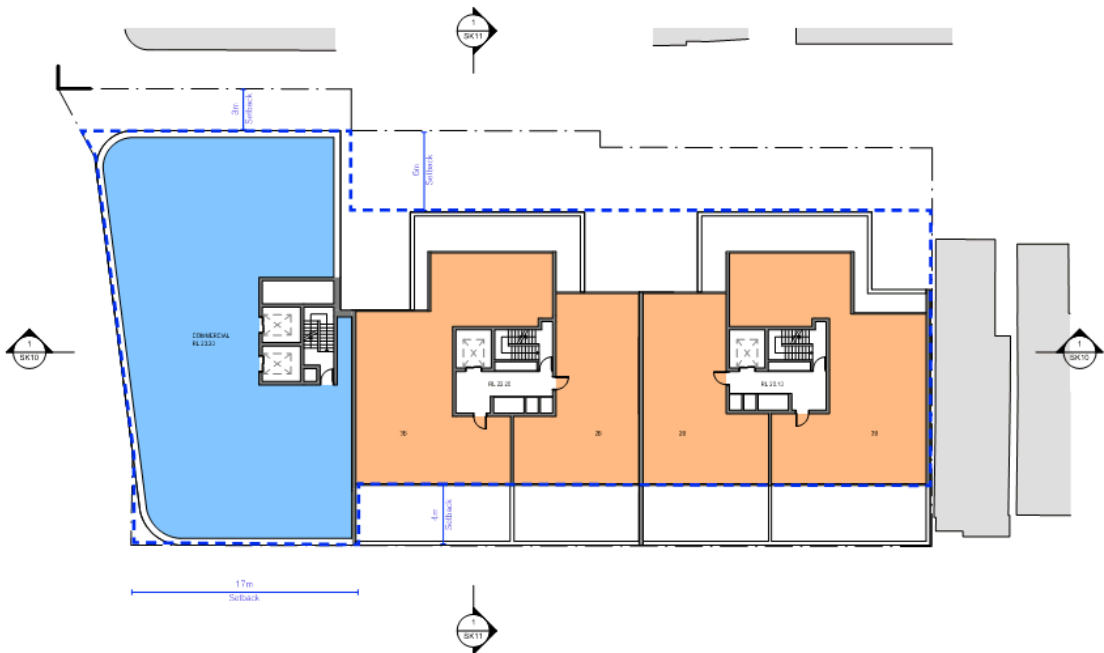
5 Proposed Envelope

5.3 Indicative Reference Scheme

5.3.5 Indicative Floor Plans



Level 2 Plan



Level 3 Plan

● Commercial/Retail

● Residential

--- Proposed maximum envelope

1:500 @ A3

0

4

8

12

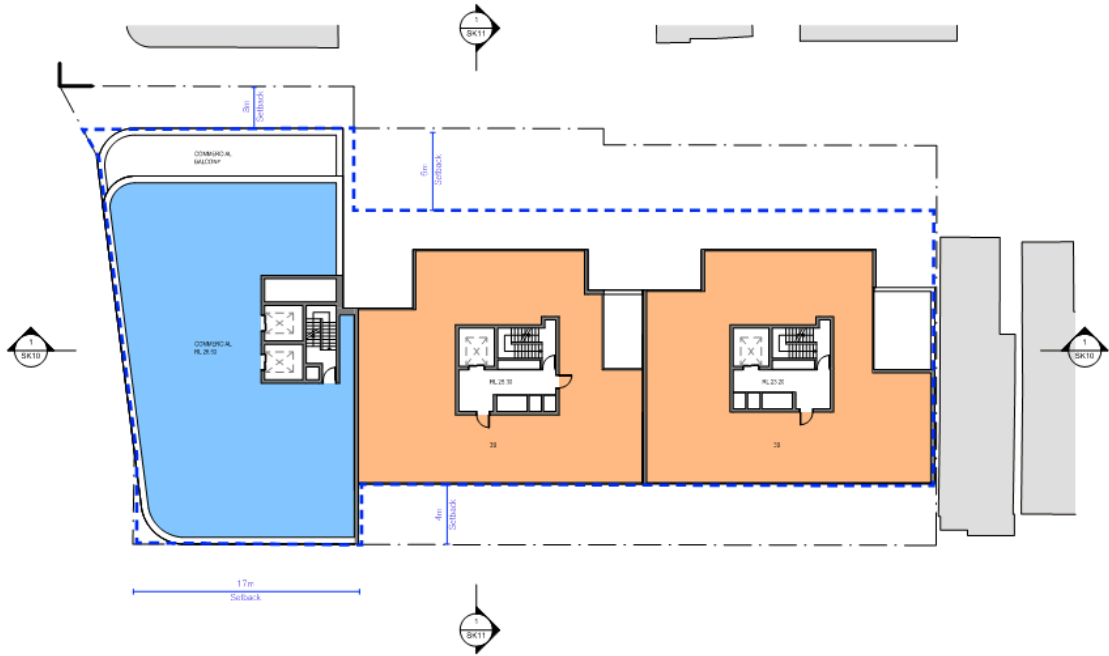
m

47 Tzannes

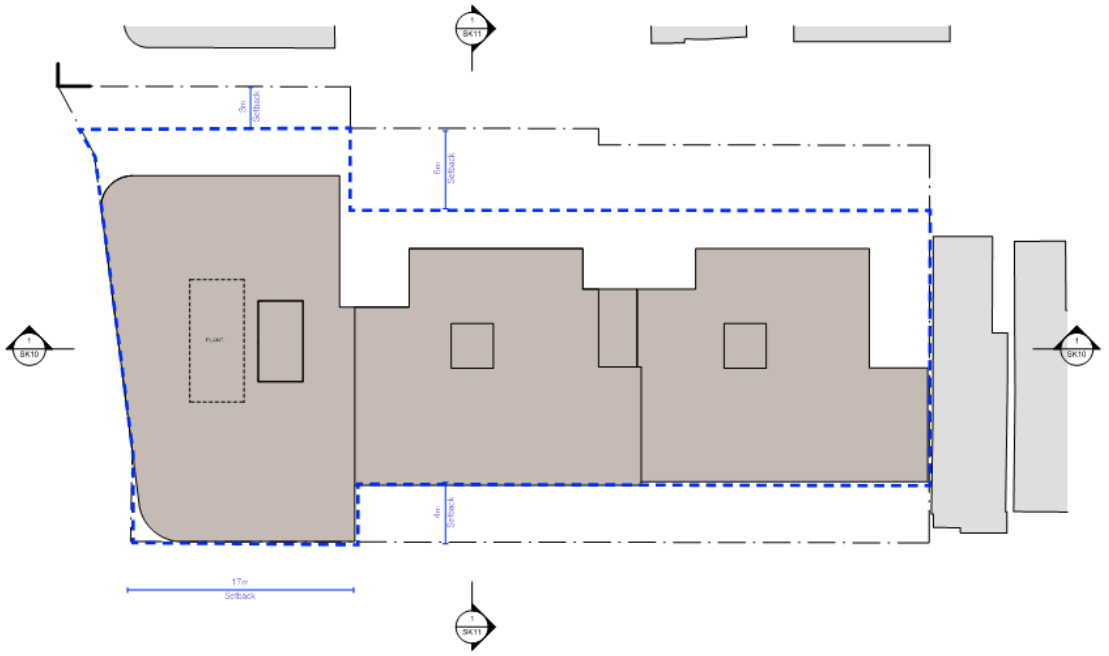
5 Proposed Envelope

5.3 Indicative Reference Scheme

5.3.5 Indicative Floor Plans



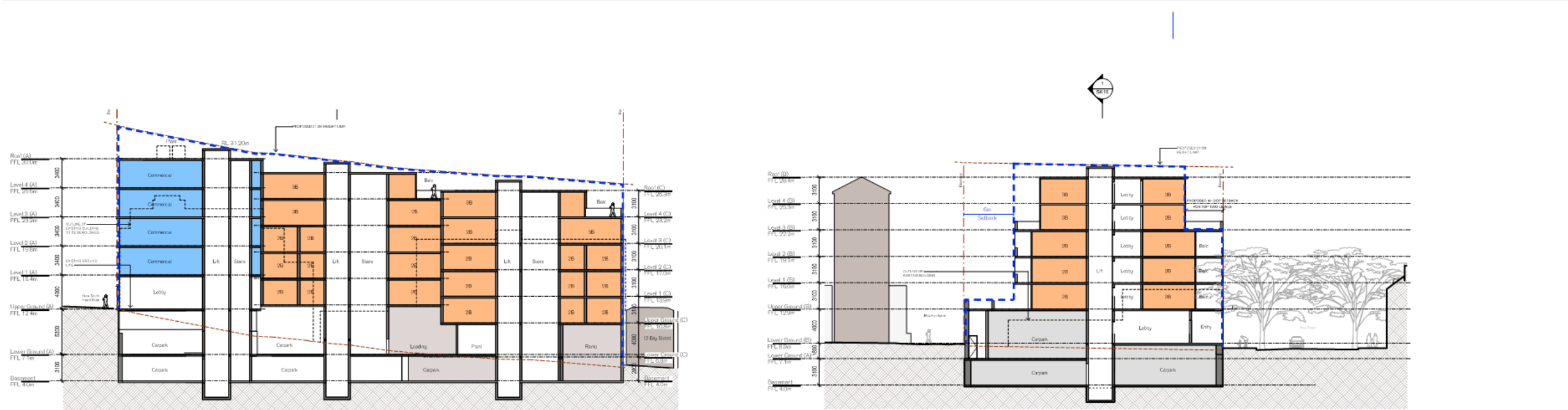
Level 4 Plan



Roof Plan

48 Tzannes

5 Proposed Envelope
5.3 Indicative Reference Scheme
5.3.6 Indicative Sections

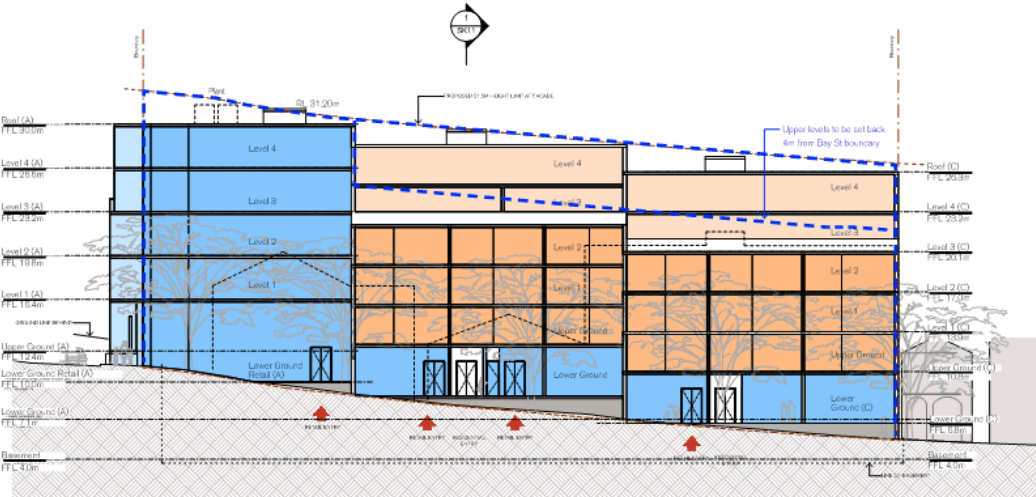


49 Tzannes

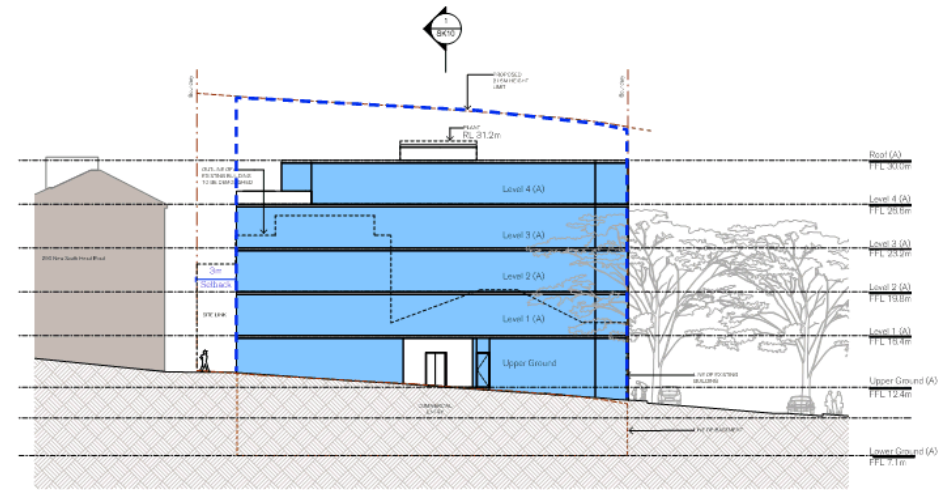
5 Proposed Envelope

5.3 Indicative Reference Scheme

5.3.5 Indicative Elevations

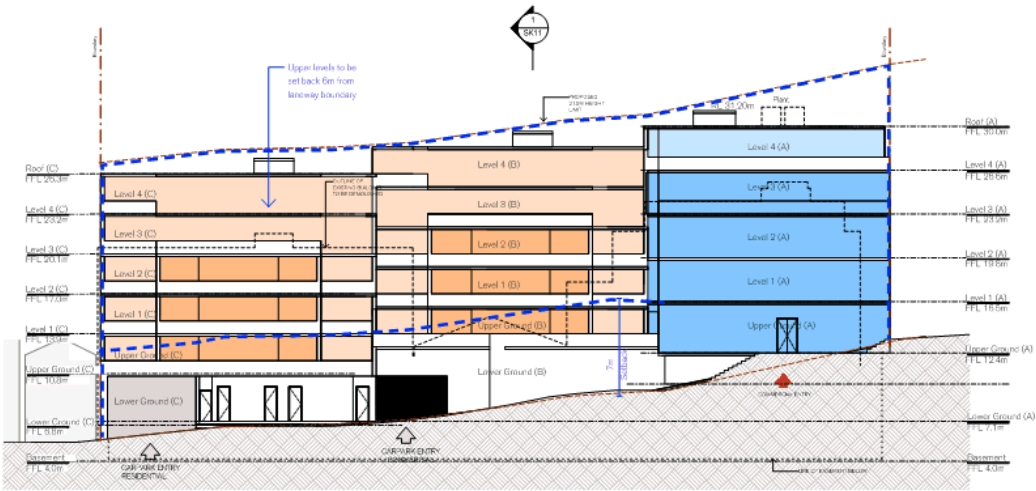


East Elevation



South Elevation

● Retail/Commercial ● Residential --- Proposed maximum envelope



West Elevation

1:500 @ A3 0 4 8 12 m

50 Tzannes

5 Proposed Envelope
5.3 Indicative Reference Scheme
5.3.8 Area Schedule

Commercial (Retail)	Lower Ground	90
Commercial (Retail)	Lower Ground	90
Commercial (Retail)	Lower Ground	55
Commercial (Retail)	Lower Ground	123
Commercial (Retail)	Upper Ground	135
Commercial	Upper Ground	274
Residential	Upper Ground	675
Commercial	Level 1	430
Residential	Level 1	675
Commercial	Level 2	430
Residential	Level 2	675
Commercial	Level 3	430
Residential	Level 3	560
Commercial	Level 4	370
Residential	Level 4	535

Commercial	1934	1.03:1
Retail	493	0.26:1
Combined Commercial and Retail	2427	1.3:1
Residential (Including communal)	3120	1.7:1

51 Tzannes

5 Proposed Envelope
5.3 Indicative Reference Scheme
5.3.9 Shadow Study



52 Tzannes

- 5 Proposed Envelope
- 5.3 Indicative Reference Scheme
- 5.3.10Sepp65 Notes

Solar access and cross ventilation

With careful apartment layout planning and presentation, the indicative reference scheme will achieve the SEPP 65 requirements for both solar access and cross ventilation.

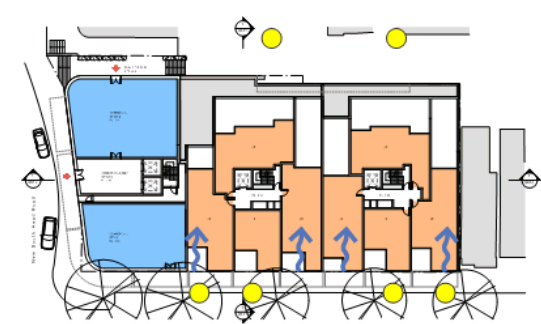
Upper Ground	8	4	6
Level 1	8	4	6
Level 2	8	4	6
Level 3	4	4	4
Level 4	2	2	2

● Solar access to apartment >2hrs

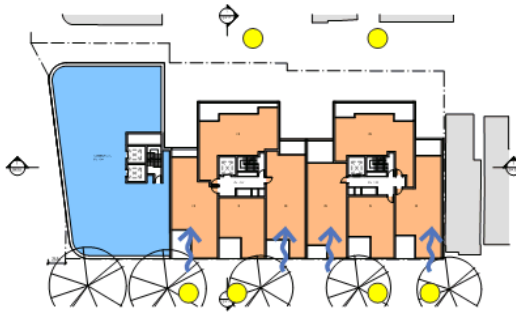
↕ Cross-ventilated apartment

53 Tzannes

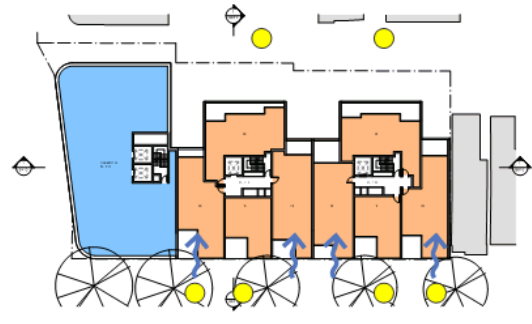
5 Proposed Envelope
5.3 Indicative Reference Scheme
5.3.10SEPP65 Notes



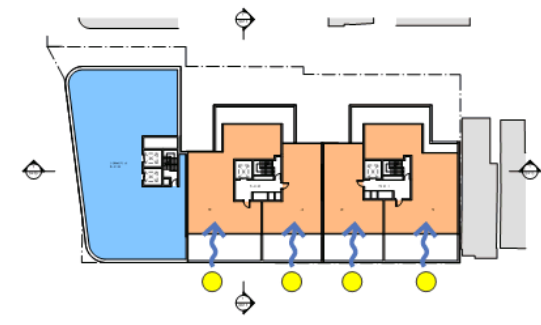
Upper Ground plan



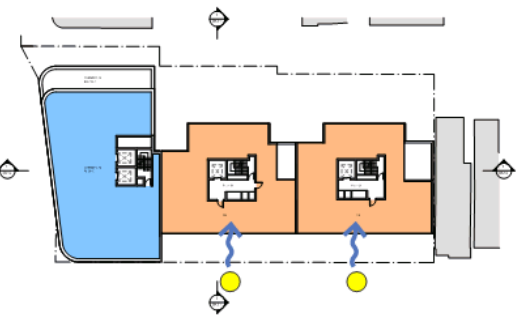
Level 1 Plan



Level 2 Plan



Level 3 Plan



Level 4 Plan

54 Tzannes

- 5 Proposed Envelope
- 5.3 Indicative Reference Scheme
- 5.3.1 Volumetric Study



View West from New South Head Road

- Concept Scheme Envelope
- Maximum Envelope

55 Tzannes

- 5 Proposed Envelope
- 5.3 Indicative Reference Scheme
- 5.3.1 Volumetric Study



View East from New South Head Road

- Concept Scheme Envelope
- Maximum Envelope

Annexure 3

**HERITAGE IMPACT
STATEMENT**

**2-10 BAY ST & 294-298
NEW SOUTH HEAD RD,
DOUBLE BAY NSW 2028**

5 JUNE 2019
P0007482
PREPARED FOR LOFTEX PTY LTD

URBIS

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Project Code	P0007482		
Report Number	01	26.03.2019	Draft
	02	05.06.2019	Final

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98NSHRD_DOUBLEBAY_PLANNINGPROPOSAL2019

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EXECUTIVE SUMMARY

Urbis has been engaged by Loftex to prepare the following Heritage Impact Statement (HIS) for the subject Planning Proposal.

The subject site is not a locally listed heritage item under the Woollahra Local Environmental Plan (LEP) 2014. The site is however, located within close proximity to a number of 'character buildings' as identified in the Woollahra Development Control Plan (DCP) 2015. The subject is also located opposite the state heritage listed item *Gardens to former "Overthorpe"* at 334-347 New South Head Road.

It is proposed to amend the underlying planning controls at the subject site through a Planning Proposal, to provide for future redevelopment of the site with a multi-storey mixed-use development. The Planning Proposal does not seek consent for any built works such as demolition or construction of new buildings. Built works and detailed design will be subject to future Development Applications (DAs).

Notwithstanding the lack of proposed built works, the purpose of the Planning Proposal is to facilitate future redevelopment of the site in accordance with the amended planning controls, and as such we have been provided with indicative schemes for potential future development which we have had regard to in our assessment of potential heritage impact of this proposal. This HIS has been undertaken to determine the potential heritage impact of the Planning Proposal, and the future built form which would be facilitated by it, on the proximate heritage items and character items.

It is intended that the subject buildings will eventually be demolished and replaced. We have assessed the existing buildings in this report and have found that they have no heritage value, and are not required to be retained on heritage grounds.

Heritage items in the vicinity will be wholly retained. Potential future development which may be facilitated by the Planning Proposal will have no detrimental visual or physical heritage impact on vicinity heritage items. The closest heritage item is the former Overthorpe House gardens, which will be retained in full. The garden setting and natural character of this heritage item will not be compromised by potential future development on the subject site.

The Planning Proposal will provide for a 'maximum envelope' (height and FSR) that is higher than what is proposed in the present concept scheme. This is due to the natural topography of the site, and the necessity to step the built form of any future development down towards the northern boundary. Therefore, while the proposed height limit will provide for a maximum building height fronting New South Head Road of 21.5 metres, the proposed concept scheme proposes that the built form fronting New South Head Road is only 17.2 metres. The proposed built form at New South Head Road responds to the existing building form height in the adjoining flat building at 290 New South Head Road.

Future development will 'step-up' towards the southern New South Head Road boundary in defined bays, providing for a dynamic and articulated form which responds to the topography of the subject site. This also means that the overall form of the concept schemes steps down towards the lower scale development located along Bay Street. This is appropriate as higher scale development should be located further towards the arterial New South Head Road end of Bay Street, where existing development is already at four-storeys.

In addition to Bay Street containing a number of lower-scale buildings, a number of these have been identified in the Woollahra DCP as character buildings. It is acknowledged that the Planning Proposal will facilitate potential future development on the subject site which is of a scale higher than currently exists along Bay Street. While future development may be of a higher scale than previously contained on the Bay Street portion of the site, existing development here is already four-storeys (2-10 Bay St), and the Planning Proposal provides for an increase of only two-storeys, which will not dramatically alter the built form currently existing on the site. The indicative scheme also shows that future development along Bay Street will have significant setbacks to reduce potential visual impact of the increased scale of development at the site.

The Planning Proposal will facilitate future development of a multi-storey mixed-use typology, and will not contain modest building widths relating to smaller, traditional lot widths. However, it is important to note that the subject site is already a heavily modified section of Bay Street, at the corner or an arterial road (New South Head Road), and has already been substantially redeveloped to the point that no evidence of the former small-lot subdivision pattern or previous building stock remain. Therefore, in facilitating future redevelopment of the subject site, there will be no further loss of small-lot subdivision patterns in the area, and site amalgamation and redevelopment for this particular site is considered appropriate. Future built works DAs will provide for detailed design of future building forms, and there exists an opportunity to

articulate and modulate the Bay Street elevation to interpret the significant streetscape articulation of the locality.

There are no listed heritage items in the vicinity of the subject site on Bay Street, and the character buildings are generally located opposite to the subject site and will not be physically or visually impacted by future development facilitated by the Planning Proposal. The streetscape provides an existing mixture of traditional and contemporary built form, and through detailed design and future DA stages, the subject proposal will respond to this mixed character and diverse scale.

The provision of a wide public access laneway to the west of the site, along Brooklyn Lane, provides an appropriate setback to the neighbouring characterful interwar flat building. The proposed concept envelope suggests that the new building will include a curved corner feature to the south-west corner of the site, responding to the prominent architectural form of the adjacent building. Whilst the adjacent building is not a heritage item, it is a characterful interwar flat building which is representative of the development throughout the locality, and the proposed architectural response to this building is appropriate.

Overall the Planning Proposal as outlined herein, and which will facilitate the future redevelopment of the site, is considered appropriate and acceptable from a heritage perspective. The future redevelopment of the subject site will have no adverse heritage impacts to significant buildings, fabric or landscape as the subject site comprises a mixture of heavily altered and later buildings. All heritage items and character items within the vicinity of the site will be wholly retained with no potential physical or visual impacts resulting from future redevelopment. The overall form and height of the indicative concept scheme responds to the specific constraints of the site including its topography, and also responds to the existing built form along New South Head Road.

There are no identified heritage constraints associated with the Planning Proposal, and it is therefore recommended to Council for approval.

1. INTRODUCTION

1.1. BACKGROUND

Urbis has been engaged by Loftex to prepare the following Heritage Impact Statement (HIS) for the subject Planning Proposal.

The subject site is not a locally listed heritage item under the Woollahra Local Environmental Plan (LEP) 2014. The site is however, located within close proximity to a number of 'character buildings' as identified in the Woollahra Development Control Plan (DCP) 2015. The subject is also located opposite state heritage listed item *Gardens to former "Overthorpe"* at 334-347 New South Head Road.

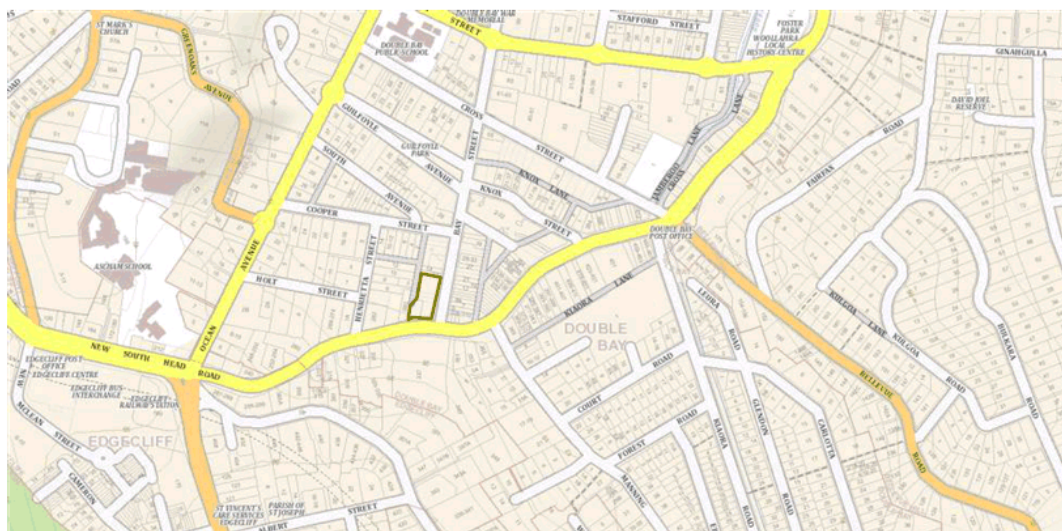
It is proposed to amend the underlying planning controls at the subject site through a Planning Proposal, to provide for future redevelopment of the site with a multi-storey mixed-use development. The Planning Proposal does not seek consent for any built works such as demolition or construction of new buildings. Built works and detailed design will be subject to future Development Applications (DAs).

Notwithstanding the lack of proposed built works, the purpose of the Planning Proposal is to facilitate future redevelopment of the site in accordance with the amended planning controls, and as such we have been provided with indicative schemes for potential future development which we have had regard to in our assessment of potential heritage impact of this proposal. This HIS has been undertaken to determine the potential heritage impact of the Planning Proposal, and the future built form which would be facilitated by it, on the proximate heritage items and character items.

1.2. SITE LOCATION

The subject property is a consolidation of five (5) adjoining properties located at the corner of New South Head Road and Bay Street in Double Bay.

Figure 1 – Locality diagram



Source: SIX Maps, 2017

1.3. METHODOLOGY

This Heritage Impact Statement has been prepared in accordance with the NSW Heritage Branch guideline 'Assessing Heritage Significance' (2001). The philosophy and process adopted is that guided by the *Australia ICOMOS Burra Charter* 1999 (revised 2013).

Site constraints and opportunities have been considered with reference to relevant controls and provisions contained within the Woollahra Local Environmental Plan 2014 and the Woollahra Development Control Plan 2015.

1.4. AUTHOR IDENTIFICATION

The following report has been prepared by Ashleigh Persian (Senior Heritage Consultant). Unless otherwise stated, all drawings, illustrations and photographs are the work of Urbis.

1.5. HERITAGE LISTING

The subject property is not listed as a heritage item under the Woollahra Local Environmental Plan (LEP) 2014. However, the subject property is located within the vicinity of a number of locally listed heritage items, including:

- Item 2016 and also State Heritage Register Item 00246, "Gardens to former "Overthorpe", including 3 Small-Leaved Figs, Coolamon or Watermelon Tree, Silver Quandong, 2 Moreton Bay Figs, Bunya Pine, Queen Palm, Cabbage Palms, 9 Canary Island Date Palms, service driveway, front retaining wall and fence, gates"; and
- Item 2017, "Vegetation associated with the gardens of the former house "Overthorpe", including Silver Quandong, Norfolk Island Pine, Bunya Pine, rainforest specimen, Bangalow Palms, Queen Palms, Cabbage Palms".

Figure 2 – Extract of heritage map showing subject property outlined in blue

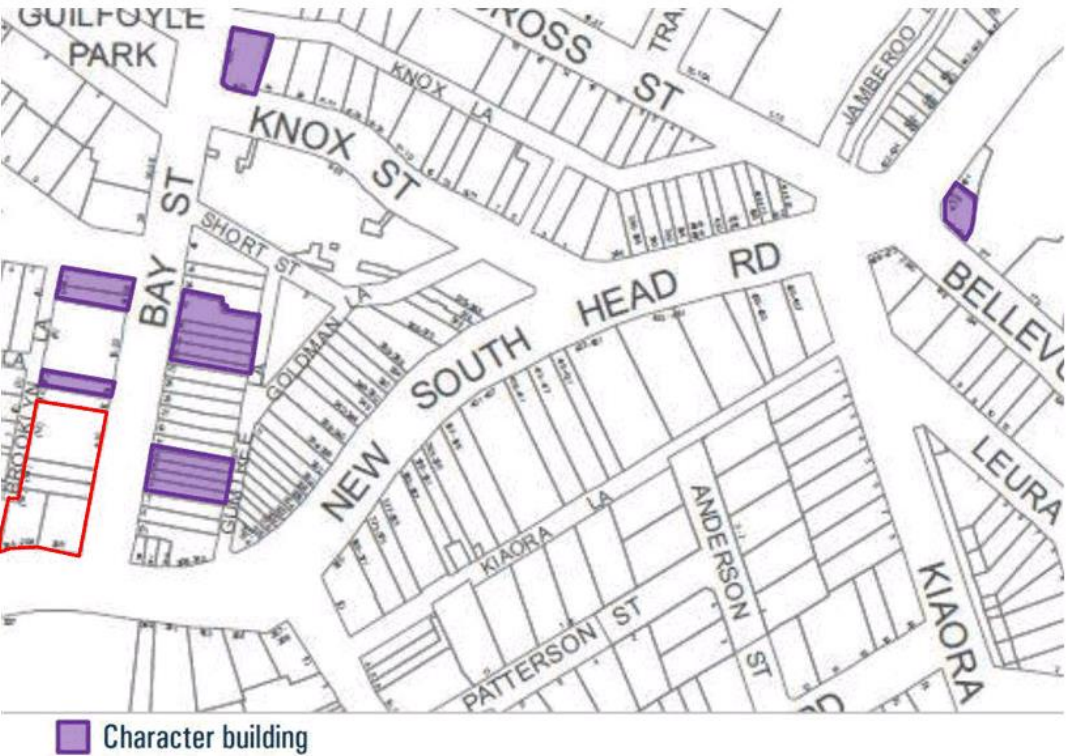


Source: Woollahra Council Local Environmental Plan 2014, Heritage Map HER_003A

The site is also located within close proximity to a number of 'character buildings' as identified in the Woollahra Development Control Plan (DCP) 2015. A 'character building' as defined under the DCP, are buildings which "have high streetscape value because of their strong architectural character and the way in which they address the street".¹ The character buildings within proximity of the subject site are shown on the following diagram.

¹ Woollahra Development Control Plan 2015, D5 p.68, accessed at: http://www.woollahra.nsw.gov.au/__data/assets/pdf_file/0004/150538/Chapter_D5_Double_Bay_Centre.pdf

Figure 3 – Extract of character building map showing subject property outlined in red



Source: Woollahra Council Development Control Plan 2015, D5, p.69

2. SITE DESCRIPTION

2.1. AREA DESCRIPTION

The subject property is located on the corner of New South Head Road and Bay Street at Double Bay, approximately 3.0 kilometres south-east of the Sydney CBD. New South Head Road and Bay Street are the main commercial and retail precincts for Double Bay and comprise predominantly of terraced retail buildings, ancillary buildings including hotels, and residential dwellings (with a predominance of residential flat buildings).



Picture 1 – View looking east along New South Head Road



Picture 2 – View looking south along Bay Street

2.2. SUBJECT SITE DESCRIPTION

The subject site comprises a number of adjoining lots, with four buildings of various retail and commercial uses, as shown on the following aerial.

Figure 4 – Aerial diagram



Source: Nearthmap, 2017

The buildings are listed and described hereunder:

Table 1 – Building Descriptions

294-296 New South Head Road	The building at 294-296 New South Head Road comprises a four level commercial building with basement car parking and upper level office suites. The ground floor contains retail suites to New South Head Road. The building was constructed in the late twentieth century and is constructed of steel and concrete with aluminium framed glazing. The façade to New South Head Road has a ground floor curved podium with tiled façade and floor-to-ceiling showroom windows.
298 New South Head Road	The building at 298 New South Head Road comprises a two-storey brick building dating back to the early to mid twentieth century. The building was originally occupied as a residential flat building and retail tenancies, but was converted to a commercial office building. The building has rendered and painted external walls, a tiled roof and aluminium framed windows. A pebblecrete stair and balcony are later additions.
2 Bay Street	The building at 2 Bay Street comprises a single-storey brick building dating back to the early to mid twentieth century. The building has continued to operate as a retail tenancy since its construction. The building has brick external walls and a tiled roof. Modern alterations include a modified shopfront with floor to ceiling windows, a timber lined soffit awning and internal alterations to open the space. The property has rear access for vehicles to Brooklyn Lane.
4-10 Bay Street	The building at 4-10 Bay Street comprises a multi-level commercial building with basement car parking and ground floor retail suites. The building was constructed in the late twentieth century and is constructed of steel and concrete with aluminium framed glazing. The façade to Bay Street has a concrete columned loggia and with tiled façade.



Picture 3 – 294-296 New South Head Road



Picture 4 – 298 New South Head Road



Picture 5 – 2 Bay Street



Picture 6 – 4-10 Bay Street

2.3. VICINITY HERITAGE ITEMS

The subject property is not listed as a heritage item under the Woollahra Local Environmental Plan (LEP) 2014. However, the subject property is located within the vicinity of a number of locally listed heritage items, including:

- Item 2016, “Gardens to former “Overthorpe”, including 3 Small-Leaved Figs, Coolamon or Watermelon Tree, Silver Quandong, 2 Moreton Bay Figs, Bunya Pine, Queen Palm, Cabbage Palms, 9 Canary Island Date Palms, service driveway, front retaining wall and fence, gates”; and
- Item 2017, “Vegetation associated with the gardens of the former house “Overthorpe”, including Silver Quandong, Norfolk Island Pine, Bunya Pine, rainforest specimen, Bangalow Palms, Queen Palms, Cabbage Palms”.

The gardens of the former Overthorpe house now contain two Mirvac apartment buildings from the 1980s, constructed after the demolition of the Federation mansion. The gardens are located entirely on the southern alignment of New South Head Road, opposite the subject property.



Picture 7 – View of gardens



Picture 8 – View of gardens

The existing statement of significance for the gardens includes the following:

“The gardens of Overthorpe are part of a large and significant botanical collection of rare and exotic Australian rainforest species. The collection of mature trees with their massive canopies has created a micro-environment indistinguishable from a natural sub-tropical rain forest and a truly unique environment unmatched in the Municipality of Woollahra. In spite of the relatively small size of the site, it contains an

historic collection of rain forest trees and palms of regional significance and importance second only to the collection in the Sydney Royal Botanic Gardens.”²

The subject site is also located within proximity to a number of character items in the Woollahra DCP (see Section 1.5).



Picture 9 – Character items



Picture 10 – Character items

² NSW State Heritage Register, Former Overthorpe Gardens Inventory Sheet,
<http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5045523>

3. HISTORICAL OVERVIEW

3.1. AREA HISTORY

The following area history is sourced directly from *A Brief History of Double Bay*, available at <http://www.beautifuldoublebay.com.au/2.html> and supplemented where required.

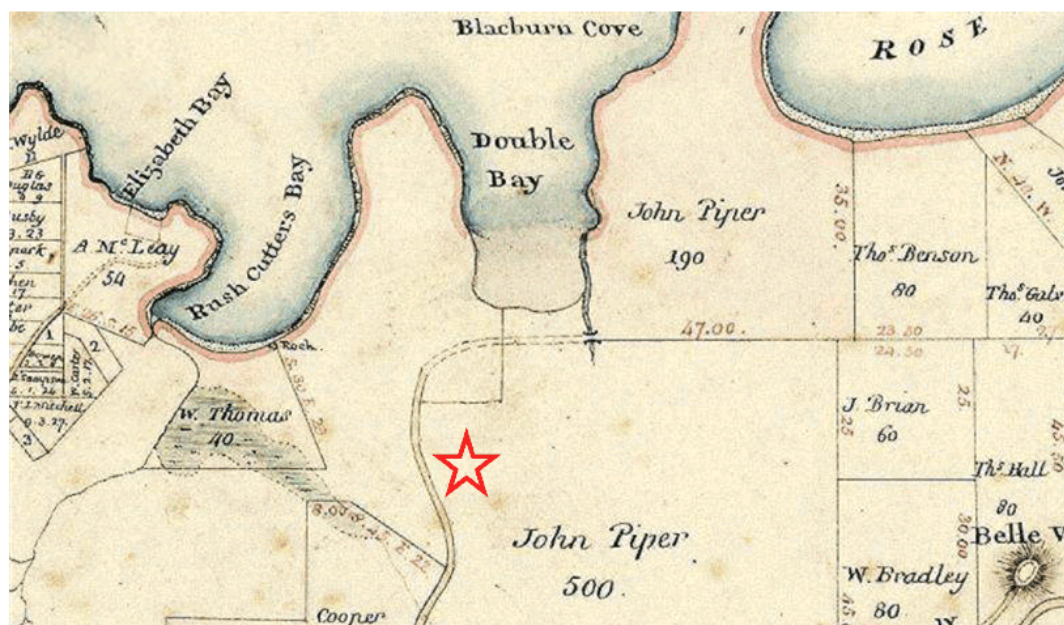
In November 1831 Surveyor-General Mitchell reported that "Double Bay affords a very favourable situation for a village, there being already a road through it, with bridges across, a fine stream of fresh water, and an extensive sandy beach." Governor Richard Bourke agreed with the idea and plans for the village were approved, including Bay Street, Cross Street, Ocean Street, Lillian Street and Swamp Street (later renamed Guilfoyle Avenue after botanist Michael Guilfoyle). The village grew slowly, with most residents being either fishermen, or market gardeners and Aboriginals continued to live in the area well into the latter part of the 1800s.

The 1850s saw the development of the Double Bay wharf and the establishment of Michael Guilfoyle's 'Exotic Nursery' which covered a large area extending from Double Bay to Darling Point and centred on a drained swamp now known as Guilfoyle Avenue. Michael and his family lived in Mort Cottage (named after Thomas Sutcliffe Mort). Guilfoyle introduced many trees and shrubs into Australia including the Camellia. He was also responsible for successfully overcoming difficulties previously encountered in propagating the Jacaranda.

The 1870s saw the establishment of the Royal Oak Hotel and also the public area that was to become Steyne Park, and in 1875 Michael Guilfoyle sold the land that was to be used as the site for Double Bay Public School. By the 1890s, trams were travelling through Double Bay from the City to Watson's Bay, bringing more life to the area and gradually turning it from a quiet backwater to the busy village that we now know.

The development of Double Bay intensified and shifted toward New South Head Road around the time of the tramline extension past Edgecliff in 1898, and development between the wars concentrated along the New South Head Road corridor. During the 1960s and 1970s, the commercial area expanded into the adjoining predominantly residential areas of Bay, Cross, Knox and Patterson Streets.

Figure 5 – Parish of Alexandria map, undated, indicating the approximate location of the subject property

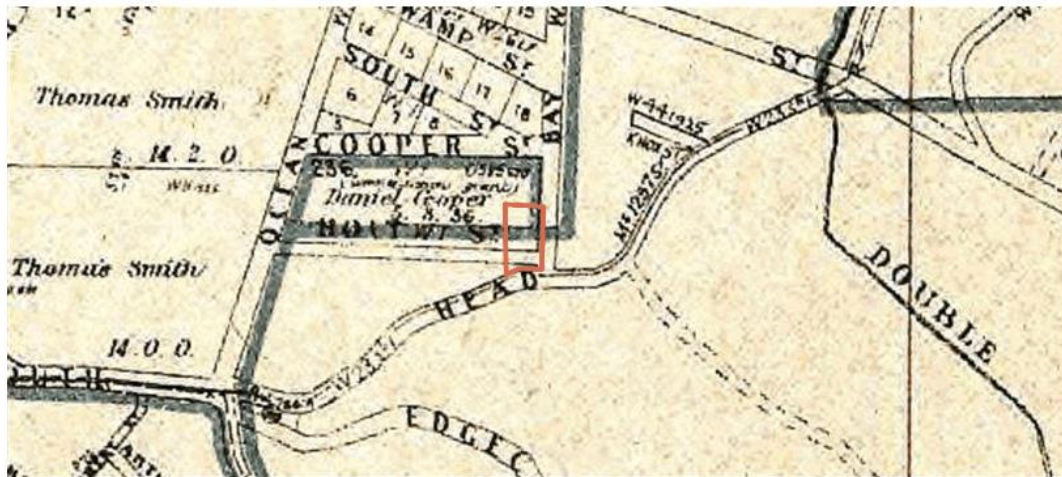


Source: Land and Property Information, Historical Land Records Viewer, A.O. Map No. 185

3.2. SUBJECT SITE HISTORY

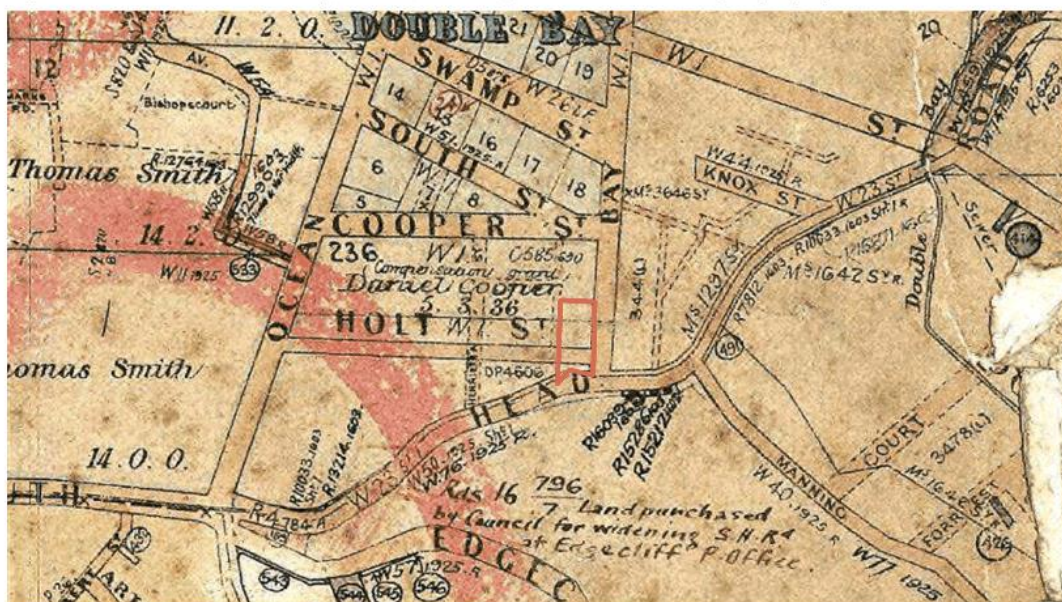
The subject site formed part of John Piper's original 500-acre land grant at Double Bay. The locality remained generally undeveloped until the late 1800s. The immediate street alignment of New South Head Road and Bay Street was in place by 1900 (refer Figure 6). Holt Street, at this stage, extended all the way east to Bay Street, however the current development on the site confirms that this changed in the early twentieth century, with Holt Street terminating at Henrietta Street (Henrietta Street not shown on 1900 map at Figure 6, but visible as an intended road in the later, undated map at Figure 7).

Figure 6 – Parish of Alexandria map, 1900, indicating the location of the subject property



Source: Land and Property Information, Historical Land Records Viewer, A.O. Map No. 24497

Figure 7 – Parish of Alexandria map, undated, indicating the location of the subject property

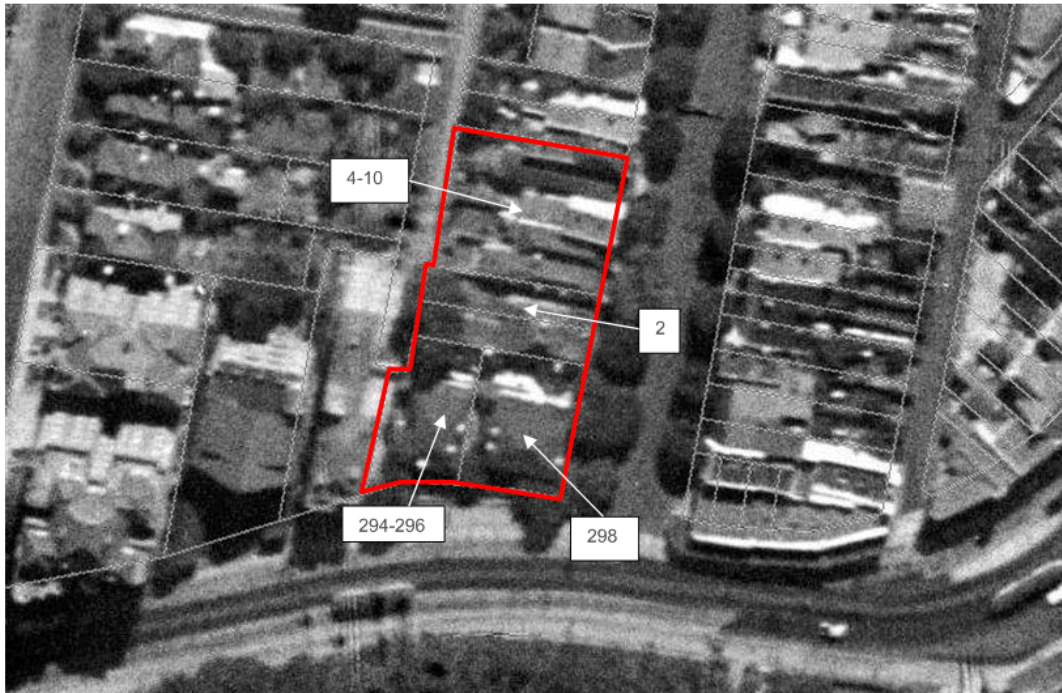


Source: Land and Property Information, Historical Land Records Viewer, A.O. Map No. 52501

In 1941, the two adjoining properties on New South Head Road, at the corner of Bay Street, were put up for sale by auction. By this time, the current street numbers were applied (294-296 and 298), where as in 1920, the properties were known as 120 and 122 New South Head Road, respectively.³ The 1941 advertisement appearing in The Sydney Morning Herald described the properties as follows:⁴

- 294-296 New South Head Road: "Rockwell Flats", brick building comprising 2 self-contained flats.
- 298-300 New South Head Road: "Bellecourt", two-storey brick residence, containing 8 rooms and offices.

Figure 8 – Extract of historical aerial, 1943



Source: SIX Maps, 2017

The 1943 aerial (Figure 8) confirms that the whole of the subject site was developed at this point. In 1943, it appears that terraced retail buildings occupied Bay Street along between numbers 2 and 10. The buildings at 2 Bay Street were in existence by at least 1943, however they have been substantially altered, and present as substantially contemporary retail shopfronts. The earlier buildings at 4-10 Bay Street as seen in the 1943 aerial were replaced in the late twentieth century by a multi-storey retail and commercial building.

The building at 298 New South Head Road appears to be the same building as the one seen in the 1943 aerial. The overall morphology of the building has not changed, however, from our on-site inspection, the building appears to be a substantially modified mid-twentieth century commercial building. This is likely the same building advertised as 298-300 New South Head Road in the 1941 advertisement.⁵

The current building at 294-296 New South Head Road is a contemporary multi-tenanted commercial building and replaces the earlier building identified in the 1943 aerial on this site.

³ Sands Directory, 1920, p.853

⁴ 1941 'Advertising', The Sydney Morning Herald (NSW: 1842 - 1954), 1 October, p. 3., viewed 22 Sep 2017, <http://nla.gov.au/nla.news-article17766488>

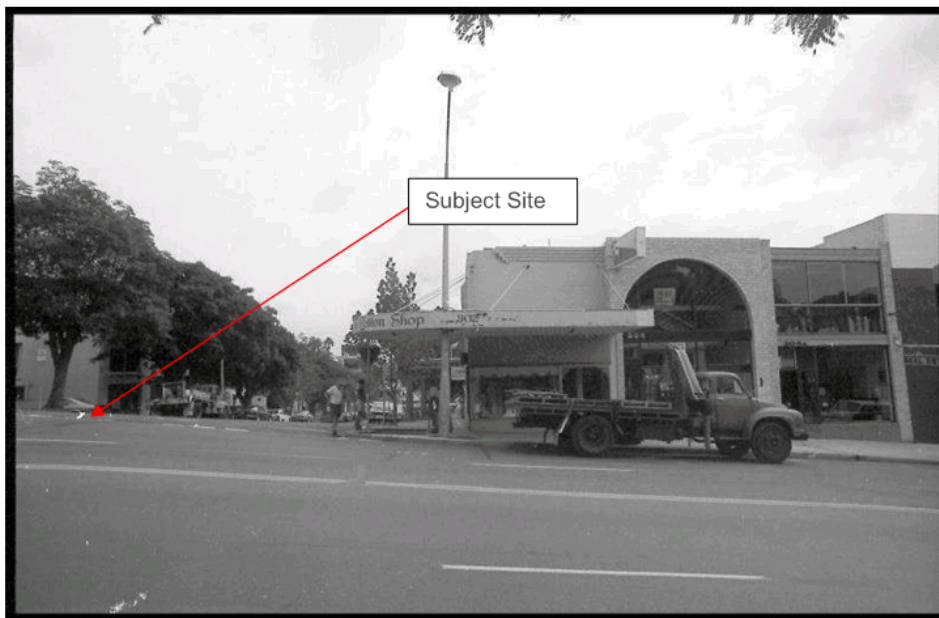
⁵ Ibid.

Figure 9 – Extract of aerial, 1949, showing the subject site



Source: City of Sydney Historical Atlas, Aerial Photographic Survey, 1949, Map 25

Figure 10 – Photo of New South Head Road, Double Bay, facing north towards Bay Street, 1975 (subject side to the far left, with part of the 2 Bay Street building visible)



Source: Woollahra Libraries, Local History Digital Archive, Accession Number pf006360/0152

3.3. DATE OF CONSTRUCTION

From the limited historical records available for the subject site, and our physical investigations, the approximate construction dates for the buildings across the subject site are considered to range from the mid-twentieth century (2 Bay Street and 298 New South Head Road) to the late twentieth century (294-296 New South Head Road and 4-10 Bay Street). All of the buildings across the site have been modified with contemporary additions and alterations.

3.4. ALTERATIONS AND ADDITIONS

The following alterations and additions have been sourced from Woollahra Council development application histories for the site.

Table 2 – Development Applications 294-296 New South Head Road

DA Number	Date	Status	Description
991/2001	11 Dec 2002	Approved	Change of use – office change of approved uses to retail and offices
723/2003	7 Nov 2003	Approved	New advertising structure, temporary advertising banner
640/2004	16 Feb 2005	Approved	Office – new external windows and internal alterations to the existing building

Table 3 – Development Applications 4-10 Bay Street

DA Number	Date	Status	Description
662/2006	1 Nov 2006	Approved	Shop change of use to a beauty salon
729/2006	25 Oct 2006	Rejected	Chop change of use to Chinese Acupuncture
763/2006	12 Dec 2006	Approved	Shop Change of use from clothes shop to Chinese herbal medicine, acupuncture and remedy massage
386/2010	1 Oct 2010	Approved	Shop and Shop fit out. Change of use and fit out for a hand and nail spa
61/2014	27 Mar 2014	Approved	Shop fit out. Change of use to a hairdressing salon with hours from 9am to 8pm

No development application records have been found for 298 New South Head Road, however from our physical inspection, it appears that building has undergone substantial alteration in the late twentieth century, including a new fence, new stairs, new windows and internal alterations.

Similarly, no development application records have been found for 2 Bay Street, however from our physical inspection, it appears that building has undergone substantial alteration in the late twentieth century, including a new shopfront, new awning and internal alterations.

4. HERITAGE SIGNIFICANCE

4.1. WHAT IS HERITAGE SIGNIFICANCE?

Before making decisions to change a heritage item, an item within a heritage conservation area, or an item located in proximity to a heritage listed item, it is important to understand its values and the values of its context. This leads to decisions that will retain these values in the future. Statements of heritage significance summarise the heritage values of a place; why it is important, why a statutory listing was made to protect these values.

4.2. SIGNIFICANCE ASSESSMENT

The Heritage Council of NSW has developed a set of seven criteria for assessing heritage significance, which can be used to make decisions about the heritage value of a place or item. There are two levels of heritage significance used in NSW: state and local. The following assessment of heritage significance has been prepared in accordance with the 'Assessing Heritage Significance' (2001) guides.

Criteria	Significance Assessment
A – Historical Significance <i>An item is important in the course or pattern of the local area's cultural or natural history.</i>	<p>The subject property comprises a mix of buildings ranging from the mid-twentieth century to the late-twentieth century. The buildings are typical retail and commercial buildings, with the building at 298 New South Head Road likely having a former residential use. The buildings are not considered to have historic value.</p>
Guidelines for Inclusion <ul style="list-style-type: none"> shows evidence of a significant human activity <input type="checkbox"/> is associated with a significant activity or historical phase <input type="checkbox"/> maintains or shows the continuity of a historical process or activity <input type="checkbox"/> 	Guidelines for Exclusion <ul style="list-style-type: none"> has incidental or unsubstantiated connections with historically important activities or processes <input type="checkbox"/> provides evidence of activities or processes that are of dubious historical importance <input type="checkbox"/> has been so altered that it can no longer provide evidence of a particular association <input type="checkbox"/>
B – Associative Significance <i>An item has strong or special associations with the life or works of a person, or group of persons, of importance in the local area's cultural or natural history.</i>	<p>The buildings on the site are not associated with any significant person or community. The architects of the existing buildings are not known. The earlier of the buildings have been substantially modified and do not contain any significant associations with the former use or design of the building.</p>
Guidelines for Inclusion <ul style="list-style-type: none"> shows evidence of a significant human occupation <input type="checkbox"/> is associated with a significant event, person, or group of persons <input type="checkbox"/> 	Guidelines for Exclusion <ul style="list-style-type: none"> has incidental or unsubstantiated connections with historically important people or events <input type="checkbox"/> provides evidence of people or events that are of dubious historical importance <input type="checkbox"/> has been so altered that it can no longer provide evidence of a particular association <input type="checkbox"/>

Criteria	Significance Assessment
C – Aesthetic Significance <i>An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.</i>	<p>The building at 294-296 New South Head Road is a generic late twentieth century commercial building with no distinctive aesthetic detailing, and is not considered to meet the threshold for this criterion.</p> <p>The building at 298 New South Head Road is a heavily modified mid twentieth century, former flat building. The building has been converted to offices and has been substantially modernised. The building is not considered to meet the threshold for this criterion.</p> <p>The building at 2 Bay Street is a heavily modified mid twentieth century building. The building has been substantially modernised. The building is not considered to meet the threshold for this criterion.</p> <p>The building at 4-10 Bay Street is a late twentieth century commercial and retail building with limited aesthetic merit, and is not considered to meet the threshold for this criterion.</p>
Guidelines for Inclusion <ul style="list-style-type: none"> • shows or is associated with, creative or technical innovation or achievement <input type="checkbox"/> • is the inspiration for a creative or technical innovation or achievement <input type="checkbox"/> • is aesthetically distinctive <input type="checkbox"/> • has landmark qualities <input type="checkbox"/> • exemplifies a particular taste, style or technology <input type="checkbox"/> 	Guidelines for Exclusion <ul style="list-style-type: none"> • is not a major work by an important designer or artist <input checked="" type="checkbox"/> • has lost its design or technical integrity <input checked="" type="checkbox"/> • its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded <input type="checkbox"/> • has only a loose association with a creative or technical achievement <input type="checkbox"/>
D – Social Significance <i>An item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons.</i>	<p>There is no identified social significance with the subject site,</p>
Guidelines for Inclusion <ul style="list-style-type: none"> • is important for its associations with an identifiable group <input type="checkbox"/> • is important to a community's sense of place <input type="checkbox"/> 	Guidelines for Exclusion <ul style="list-style-type: none"> • is only important to the community for amenity reasons <input checked="" type="checkbox"/> • is retained only in preference to a proposed alternative <input checked="" type="checkbox"/>

Criteria	Significance Assessment
E – Research Potential <i>An item has potential to yield information that will contribute to an understanding of the local area's cultural or natural history.</i>	<p>From the historical analysis included herein, we can confirm that earlier retail and residential structures were located on the subject site prior to the construction of the new buildings. However, it is beyond the scope of this report to assess the archaeological potential of the property. Notwithstanding, any archaeological remains associated with earlier retail or residential flat buildings are not considered likely to yield significant or new information which is not easily found elsewhere,</p>
<p><i>Guidelines for Inclusion</i></p> <ul style="list-style-type: none"> • has the potential to yield new or further substantial scientific and/or archaeological information <input type="checkbox"/> • is an important benchmark or reference site or type <input type="checkbox"/> • provides evidence of past human cultures that is unavailable elsewhere <input type="checkbox"/> 	<p><i>Guidelines for Exclusion</i></p> <ul style="list-style-type: none"> • the knowledge gained would be irrelevant to research on science, human history or culture <input checked="" type="checkbox"/> • has little archaeological or research potential <input type="checkbox"/> • only contains information that is readily available from other resources or archaeological sites <input checked="" type="checkbox"/>
F – Rarity <i>An item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history.</i>	<p>The subject improvements are modified or contemporary versions of their typologies, and are not considered to be rare.</p>
<p><i>Guidelines for Inclusion</i></p> <ul style="list-style-type: none"> • provides evidence of a defunct custom, way of life or process <input type="checkbox"/> • demonstrates a process, custom or other human activity that is in danger of being lost <input type="checkbox"/> • shows unusually accurate evidence of a significant human activity <input type="checkbox"/> • is the only example of its type <input type="checkbox"/> • demonstrates designs or techniques of exceptional interest <input type="checkbox"/> • shows rare evidence of a significant human activity important to a community <input type="checkbox"/> 	<p><i>Guidelines for Exclusion</i></p> <ul style="list-style-type: none"> • is not rare <input checked="" type="checkbox"/> • is numerous but under threat <input type="checkbox"/>
G – Representative <i>An item is important in demonstrating the principal characteristics of a class of NSW's (or the local area's):</i> <ul style="list-style-type: none"> • cultural or natural places; or • cultural or natural environments 	<p>The subject improvements are modified or contemporary versions of their typologies, and are not considered to retain enough intact or distinctive features which demonstrate a particular type of architecture or typology.</p>

Criteria	Significance Assessment
<i>Guidelines for Inclusion</i>	<i>Guidelines for Exclusion</i>
<ul style="list-style-type: none"> • is a fine example of its type <input type="checkbox"/> • has the principal characteristics of an important class or group of items <input type="checkbox"/> • has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity <input type="checkbox"/> • is a significant variation to a class of items <input type="checkbox"/> • is part of a group which collectively illustrates a representative type <input type="checkbox"/> • is outstanding because of its setting, condition or size <input type="checkbox"/> • is outstanding because of its integrity or the esteem in which it is held <input type="checkbox"/> 	<ul style="list-style-type: none"> • is a poor example of its type <input checked="" type="checkbox"/> • does not include or has lost the range of characteristics of a type <input checked="" type="checkbox"/> • does not represent well the characteristics that make up a significant variation of a type <input type="checkbox"/>

4.3. STATEMENT OF SIGNIFICANCE – SUBJECT SITE

The subject properties do not meet the threshold for listing at either a local or state level.

4.4. STATEMENT OF SIGNIFICANCE – OVERTHORPE HERITAGE ITEM

The following Statement of Significance for the former Overthorpe gardens is taken from the current State Heritage Register inventory:⁶

The gardens of Overthorpe are part of a large and significant botanical collection of rare and exotic Australian rainforest species. The collection of mature trees with their massive canopies has created a micro-environment indistinguishable from a natural sub-tropical rain forest and a truly unique environment unmatched in the Municipality of Woollahra. In spite of the relatively small size of the site, it contains an historic collection of rain forest trees and palms of regional significance and importance second only to the collection in the Sydney Royal Botanic Gardens.

The site was Sir John Hay's 'garden' an unusual listing in the 1880s Sands Directory at the time he resided at Rose Bay Lodge Rose Bay. This garden contained a gardener's cottage and is believed to have been the site of an Experimental Nursery. The selection of mature species suggests a possible link with William Guilfoyle's work. The magnificent specimens of great age and scale are testament to the 19th century passion for collecting and displaying rare and exotic trees.

This 'rain forest' supports a fine and large collection of palms, easily eclipsing the significant palm grove in Vaucluse House gardens and creating in places a dominant 'palm jungle' quality similar to the naturally occurring concentrations of Bangalow palms along the east coast of New South Wales. Much of the 'palm jungle' remains totally concealed to public view contained within the tree canopy. Although some trees may have been removed with the unit development on the site all those remaining have benefitted from the installation of irrigation and the high level of maintenance of these gardens.

Located below the ridgeline and Edgecliff Road, the site's elevated position visually presents a lush-vegetated hill slope dominated by massive rainforest canopies and emergent araucarias. This very sheltered location with deep sandy soils and a north easterly aspect has one of the finest and most

⁶ <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?id=5045523>

equitable micro-climates in the Municipality allowing maximum development of sub-tropical and even tropical species. The original vegetation would have more likely also included a local rainforest component and a number of these remnant species are still present.

From New South head Road, Double Bay, near the intersection with Manning Road, the dominant canopy is from an exceptional holm oak (Quercus ilex) and one massive and rare fig, possibly the small-leaved fig (Ficus obliqua). This fig, typical of the lush Australian rain forest plantings on this site, is botanically of great significance in being one of only a few specimens of this species in the Municipality. All but one of these occurs on this site. Another feature grouping of two closely planted specimens in the front garden display magnificent buttressing and a mass of coalesced aerial roots. Although F.obliqua occurs naturally as far south as the Shoalhaven area, it is unlikely that any of these trees are indigenous remnants. In addition to these figs, two Moreton Bay figs, one in particular of magnificent proportions, totally dominate the south-eastern corner of the property. In spite of their size and historical significance the trees are hemmed in on all sides by unit development making them less visually significant.

Apart from the generally larger figs and the dominant palm groves, the property contains many individual component and mature specimens of great botanical significance, including a large chir pine (Pinus roxburghii) and bull bay/evergreen magnolia (M.grandiflora). It is this general massing of many rare species to form a rain forest environment which makes this site very special. Large trees such as the sub-tropical and locally rare coolamon or watermelon tree (Syzygium moorei) in the western garden and silver quandong (Elaeocarpus kirtonii) in the eastern garden are both superb specimens, originally from the rain forests of north-eastern NSW and south-eastern Queensland. More commonly cultivated rainforest species such as Bunya pine (Araucaria bidwillii), Illawarra flame tree (Brachychiton acerifolium) and black bean (Castanospermum australe) are all present in these gardens. The red cedar (Toona ciliata) formerly identified as significant on the site is no longer prominent. (Morris, C. Conservation Management Strategy Overthorpe, gardens and grounds, 2010)

5. THE PROPOSAL

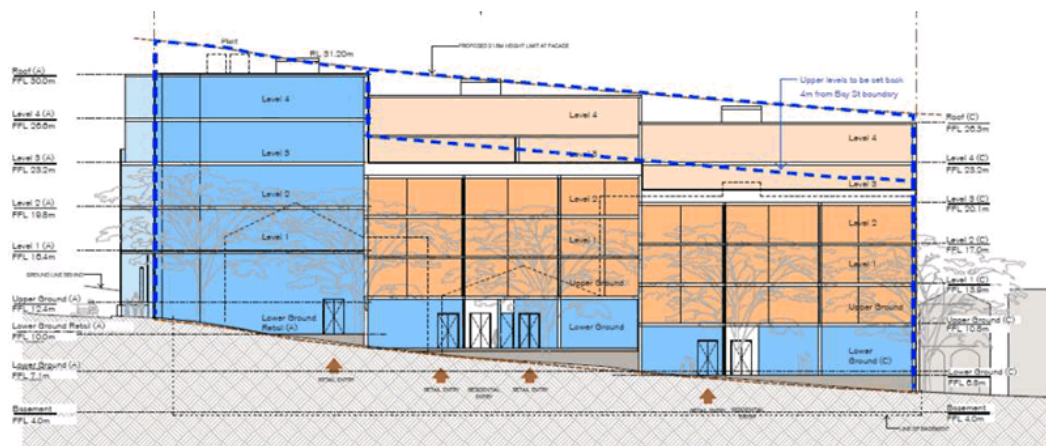
It is proposed to undertake a Planning Proposal for the site, to amend the underlying planning controls, thereby facilitating the potential future redevelopment of the site with a multi-storey mixed-use development. This Planning Proposal does not seek consent for any built works, however an indicative concept scheme has been relied on in our assessment of potential heritage impact. The following planning controls are being proposed for amendment:

Table 4 – Planning control amendments

Control	Existing Control	Proposed Control
Floor Space Ratio (FSR)	2.5:1	3:1 (including 1.3:1 non-resi floor space)
Maximum height Limit	14.7 metres	21.5 metres

Tzannes have prepared an indicative overall envelope demonstrating the potential future built outcome achievable at the subject site through the proposed amended planning controls. We have been provided with the Urban Design and Development Envelope Study prepared by Tzannes and dated May 2019.

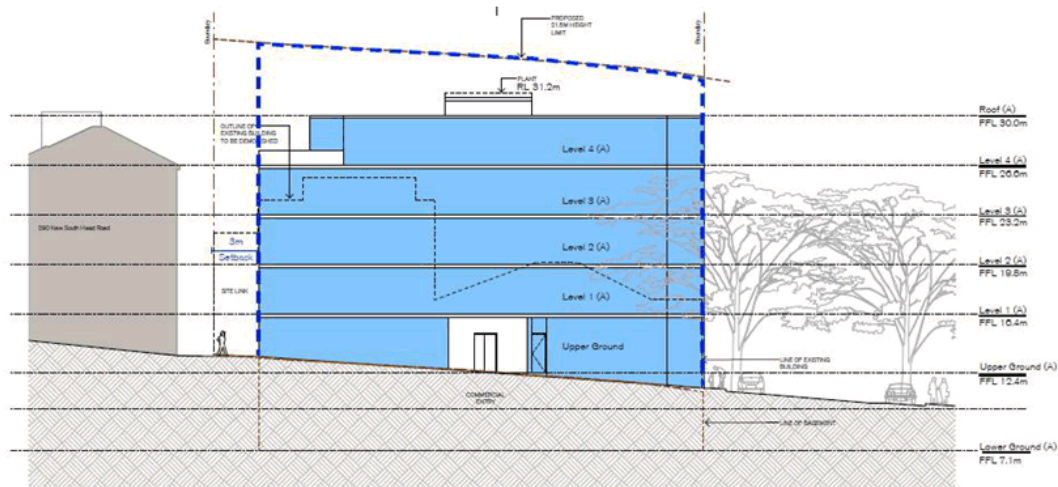
Figure 11 –Indicative concept scheme showing potential future built form which may be facilitated by the Planning proposal through future Development Applications – Bay Street Elevation



East Elevation

Source: Tzannes

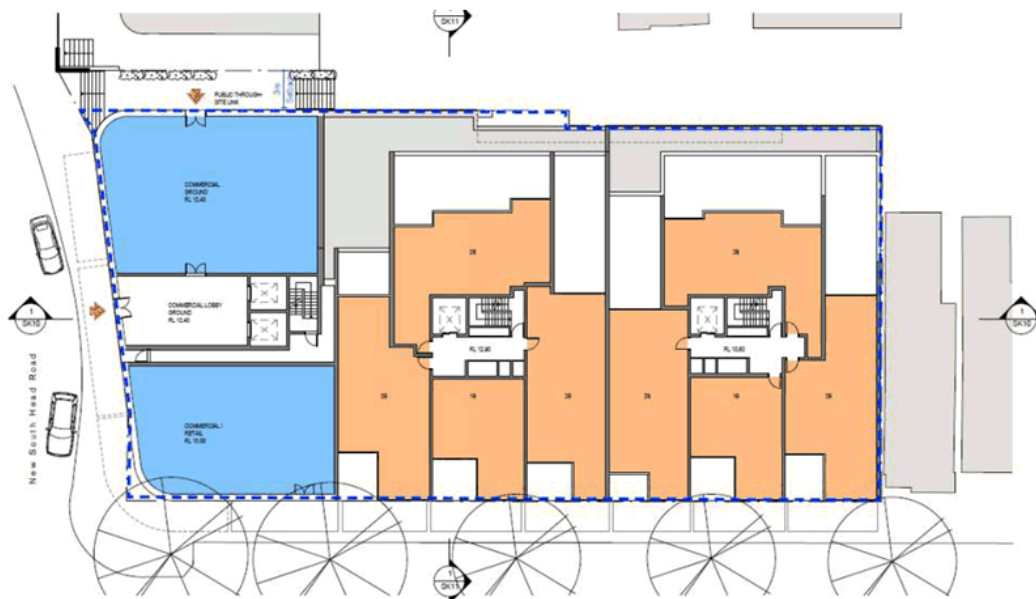
Figure 12 –Indicative concept scheme showing potential future built form which may be facilitated by the Planning proposal through future Development Applications – New South Heath Road elevation



South Elevation

Source: Tzannes

Figure 13 –Indicative concept scheme showing potential future built form which may be facilitated by the Planning proposal through future Development Applications – Indicative Ground Floor to New South Head Road



Upper Ground Plan

Source: Tzannes

6. IMPACT ASSESSMENT

6.1. STATUTORY CONTROLS

6.1.1. Woollahra Local Environmental Plan 2014

The proposed works are addressed in the table below in relation to the relevant clauses in the LEP.

Table 5 – Woollahra Local Environmental Plan, relevant clause impact assessment

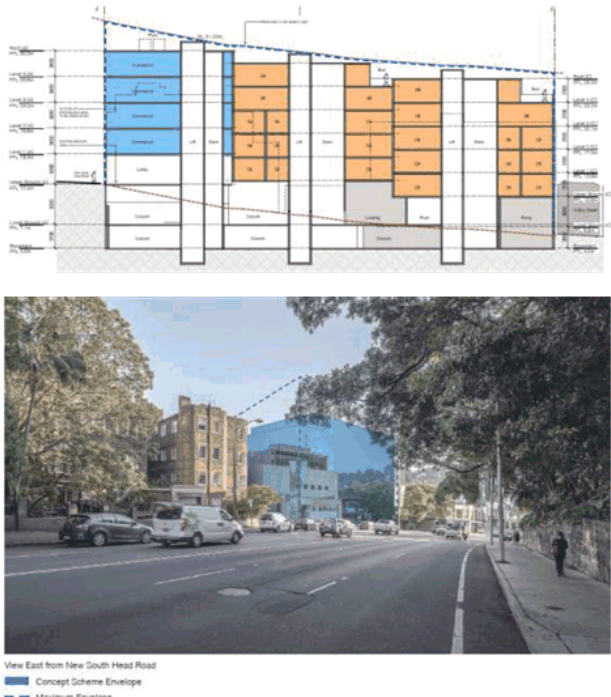
Clause	Discussion
<p>(2) Requirement for consent</p> <p>Development consent is required for any of the following:</p> <p>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):</p> <p>(i) a heritage item,</p> <p>(ii) an Aboriginal object,</p> <p>(iii) a building, work, relic or tree within a heritage conservation area,</p> <p>(e) erecting a building on land:</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.</p>	<p>The subject property is not a listed heritage item under Schedule 5 of the Woollahra LEP 2014. It is, however, located in the vicinity of locally and state listed heritage items and character items as identified in the Woollahra DCP.</p> <p>It is proposed to amend the underlying planning controls at the subject site through a Planning Proposal, to provide for future redevelopment of the site with a multi-storey mixed-use development. The Planning Proposal does not seek consent for any built works such as demolition or construction of new buildings. Built works and detailed design will be subject to future Development Applications (DAs).</p> <p>Notwithstanding the lack of proposed built works, the purpose of the Planning Proposal is to facilitate future redevelopment of the site in accordance with the amended planning controls, and as such we have been provided with indicative schemes for potential future development which we have had regard to in our assessment of potential heritage impact of this proposal.</p>
<p>(4) Effect of proposed development on heritage significance</p> <p>The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</p>	<p>It is noted that the Planning Proposal will facilitate the future redevelopment of the subject site (including demolition of the subject dwellings), and hence the setting of the heritage items opposite will change. However, the individual values of the items, in particular the significance of the former Overthorpe Gardens as an important garden setting, would be retained and conserved even in the context of the potential future redevelopment of the subject site; the proximate heritage items do not rely on the retention of the subject site to retain their significance, and there will be no physical or detrimental visual impacts on the heritage items as a result of any future redevelopment of the subject site.</p> <p>A detailed heritage impact assessment is included in the following sections of the report.</p>

Clause	Discussion
<p>(5) Heritage assessment</p> <p>The consent authority may, before granting consent to any development:</p> <p>(a) on land on which a heritage item is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p> <p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</p> <p>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	<p>This HIS satisfies this clause. This HIS has been undertaken to determine the potential heritage impact of the Planning Proposal, and the future built form which would facilitated by it, on the proximate heritage items and character items, and to assist the consent authority in their assessment of the Planning Proposal.</p>
<p>(6) Heritage conservation management plans</p> <p>The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.</p>	<p>A Conservation Management Plan is not considered necessary for the proposed works as they do not affect any listed heritage items.</p>

6.1.2. Woollahra Development Control Plan 2015

The proposed works are addressed in the table below in relation to the relevant provisions in the DCP.

Table 6 – Woollahra Development Control Plan 2015, relevant clause impact assessment

Clause	Discussion
D5 – DOUBLE BAY CENTRE	
<p><u>Objectives (relevant)</u></p> <p>O4 To conserve and enhance the visual and environmental amenity of all buildings and places of heritage significance in the Double Bay Centre.</p> <p>O5 To ensure a high standard of architectural and landscape design in any new developments within the Double Bay Centre.</p> <p>O6 To preserve and enhance the diversity of uses in the Double Bay Centre.</p> <p>O7 To ensure that new development is compatible with the existing built form, and streetscape and village character.</p> <p>O8 To encourage view sharing and individual privacy.</p> <p>O9 To ensure new development is designed to be compatible with the heritage significance of listed heritage items.</p>	<p>Heritage items in the vicinity will be wholly retained. Potential future development which may be facilitated by the Planning Proposal will have no detrimental visual or physical heritage impact on vicinity heritage items. The closest heritage item is the former Overthorpe House gardens, which will be retained in full. The garden setting and natural character of this heritage item will not be compromised by potential future development on the subject site.</p> <p>The Planning Proposal will provide for a 'maximum envelope' (height and FSR) that is higher than what is proposed in the present concept scheme. This is due to the natural topography of the site, and the necessity to step the built form of any future development down towards the northern boundary. Therefore, while the proposed height limit will provide for a maximum building height fronting New South Head Road of 21.5 metres, the proposed concept scheme proposes that the built form fronting New South Head Road is only 17.2 metres. The proposed built form at New South Head Road responds to the existing building form height in the adjoining flat building at 290 New South Head Road. This is demonstrated in the following extracts of Tzannes urban form study:</p>  <p>The top image is an architectural section showing building envelopes. A solid blue line represents the 'Concept Scheme Envelope' and a dashed blue line represents the 'Maximum Envelope'. The bottom image is a photograph of a street view from New South Head Road, showing existing buildings and trees. A legend below the photograph identifies the blue lines: 'Concept Scheme Envelope' (solid) and 'Maximum Envelope' (dashed).</p>


Clause	Discussion
	<p>Future development will 'step-up' towards the southern New South Head Road boundary in defined bays, providing for a dynamic and articulated form which responds to the topography of the subject site. This also means that the overall form of the concept schemes steps down towards the lower scale development located along Bay Street. This is appropriate as higher scale development should be located further towards the arterial New South Head Road end of Bay Street, where existing development is already at four-storeys.</p> <p>In addition to Bay Street containing a number of lower-scale buildings, a number of these have been identified in the Woollahra DCP as character buildings. It is acknowledged that the Planning Proposal will facilitate potential future development on the subject site which is of a scale higher than currently exists along Bay Street. While future development may be of a higher scale than previously contained on the Bay Street portion of the site, existing development here is already four-storeys (2-10 Bay St), and the Planning Proposal provides for an increase of only two-storeys, which will not dramatically alter the built form currently existing on the site.</p> <p>Potential impacts of scale along Bay Street can be addressed through future DA stages with detailed design and building modulation and articulation. The existing proposed scheme is indicative and provides a concept envelope within which future development may be located. The indicative scheme also shows that future development along Bay Street will have significant setbacks to reduce the visual impact of the increased scale.</p> <p>There are no listed heritage items in the vicinity of the subject site on Bay Street, and the character buildings are generally located opposite to the subject site and will not be physically or visually impacted by future development facilitated by the Planning Proposal. The streetscape provides an existing mixture of traditional and contemporary built form, and through detailed design and future DA stages, the subject proposal will respond to this mixed character and diverse scale.</p>
<p><u>D5.4.4 Bay Street (South)</u></p> <p><u>Objectives</u></p> <p>a) Retain the existing modest, lot related building widths and retail frontages.</p> <p>b) Provide setback areas at ground level that can be used for outdoor eating or public circulation.</p> <p>c) Retain the character buildings along Bay Street.</p> <p>d) Maintain the avenue of trees.</p>	<p>a) The Planning Proposal will facilitate future development of a multi-storey mixed-use typology, and will not contain modest building widths relating to lots. However, it is important to note that the subject site is a heavily modified section of Bay Street, extending on to New South Head Road, and has already been substantially redeveloped to the point that no evidence of the former small-lot subdivision pattern or buildings remain. Therefore, in facilitating future redevelopment of the subject site, there will be no further loss of small-lot subdivision patterns in the area, and site amalgamation and redevelopment is appropriate. Future built works DAs will provide for detailed design of future building forms, and there exists an opportunity to articulate and modulate the Bay Street elevation to interpret the significant streetscape articulation of the locality.</p>

Clause	Discussion
	<p>b) The indicative concept scheme provided demonstrates that potential built development across the subject site will have significant setbacks from Bay Street to reduce any potential visual impacts from the proposed increased scale. Further articulation of the ground floor plan and retail spaces will assist in reducing impacts to the low-scale streetscape character of Bay Street.</p> <p>c) As discussed, all character buildings will be wholly retained along Bay Street. There are no physical or visual impacts to any character buildings as a result of the Planning Proposal or future DAs which will be required to obtain consent for actual built works.</p> <p>d) The Planning Proposal and future DAs will have no impact on the existing trees along Bay Street.</p>
<p>5.6.3. Heritage items and character buildings</p> <p><u>Controls</u> (relevant)</p> <p>C1 All new developments and works to existing developments are to be designed to be compatible with the significance of listed heritage items, conservation areas and nominated character buildings.</p> <p>C3 Development to a character building is to respect the building and complement and enhance the key characteristics of the building including: a) street edge definition; b) its material, detailing and character; c) its holistic building character related to articulation, massing, and patterns and distribution of wall opening.</p> <p>C4 Variations to the building envelope will only be considered where it can be demonstrated that the variations support the sensitive adaptive reuse of heritage items relating to the building's massing.</p> <p>C5 Where a character building is proposed to be replaced, the architectural quality and streetscape contribution of the proposed building must be at least equal to the quality of the building's material, character and detailing.</p> <p>C6 Modifications to character buildings must retain or enhance the architectural streetscape value of the existing building.</p>	<p>Heritage items in the vicinity will be wholly retained. Potential future development which may be facilitated by the Planning Proposal will have no detrimental visual or physical heritage impact on vicinity heritage items. The closest heritage item is the former Overthorpe House gardens, which will be retained in full. The garden setting and natural character of this heritage item will not be compromised by potential future development on the subject site.</p> <p>As discussed, all character buildings will be wholly retained along Bay Street. There are no physical or visual impacts to any character buildings as a result of the Planning Proposal or future DAs which will be required to obtain consent for actual built works.</p>

6.2. HERITAGE DIVISION GUIDELINES

The proposed works are addressed in relation to relevant questions posed in the Heritage Office's 'Statement of Heritage Impact' guidelines.

Table 7 – Heritage Division Guidelines, relevant guideline impact assessment

Guideline	Discussion
<p>The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons:</p>	<p>Heritage items in the vicinity will be wholly retained. Potential future development which may be facilitated by the Planning Proposal will have no detrimental visual or physical heritage impact on vicinity heritage items. The closest heritage item is the former Overthorpe House gardens, which will be retained in full. The garden setting and natural character of this heritage item will not be compromised by potential future development on the subject site.</p> <p>The Planning Proposal will provide for a 'maximum envelope' (height and FSR) that is higher than what is proposed in the present concept scheme. This is due to the natural topography of the site, and the necessity to step the built form of any future development down towards the northern boundary. Therefore, while the proposed height limit will provide for a maximum building height fronting New South Head Road of 21.5 metres, the proposed concept scheme proposes that the built form fronting New South Head Road is only 17.2 metres. The proposed built form at New South Head Road responds to the existing building form height in the adjoining flat building at 290 New South Head Road. This is demonstrated in the following extracts of Tzannes urban form study:</p>  <p>The top diagram is an architectural section showing a building footprint with various levels and setbacks. A blue dashed line indicates the 'Concept Scheme Envelope' and a red dashed line indicates the 'Maximum Envelope'. The bottom diagram is a street-level view looking east from New South Head Road, showing existing buildings and the proposed building envelopes overlaid on the scene.</p> <p>View East from New South Head Road — Concept Scheme Envelope — Maximum Envelope</p>

Guideline	Discussion
	<p>Future development will 'step-up' towards the southern New South Head Road boundary in defined bays, providing for a dynamic and articulated form which responds to the topography of the subject site. This also means that the overall form of the concept schemes steps down towards the lower scale development located along Bay Street. This is appropriate as higher scale development should be located further towards the arterial New South Head Road end of Bay Street, where existing development is already at four-storeys.</p> <p>In addition to Bay Street containing a number of lower-scale buildings, a number of these have been identified in the Woollahra DCP as character buildings. It is acknowledged that the Planning Proposal will facilitate potential future development on the subject site which is of a scale higher than currently exists along Bay Street. While future development may be of a higher scale than previously contained on the Bay Street portion of the site, existing development here is already four-storeys (2-10 Bay St), and the Planning Proposal provides for an increase of only two-storeys, which will not dramatically alter the built form currently existing on the site. The indicative scheme also shows that future development along Bay Street will have significant setbacks to reduce potential visual impact of the increased scale of development at the site.</p> <p>The Planning Proposal will facilitate future development of a multi-storey mixed-use typology, and will not contain modest building widths relating to smaller, traditional lot widths. However, it is important to note that the subject site is already a heavily modified section of Bay Street, at the corner or an arterial road (New South Head Road), and has already been substantially redeveloped to the point that no evidence of the former small-lot subdivision pattern or previous building stock remain. Therefore, in facilitating future redevelopment of the subject site, there will be no further loss of small-lot subdivision patterns in the area, and site amalgamation and redevelopment for this particular site is considered appropriate. Future built works DAs will provide for detailed design of future building forms, and there exists an opportunity to articulate and modulate the Bay Street elevation to interpret the significant streetscape articulation of the locality.</p> <p>There are no listed heritage items in the vicinity of the subject site on Bay Street, and the character buildings are generally located opposite to the subject site and will not be physically or visually impacted by future development facilitated by the Planning Proposal. The streetscape provides an existing mixture of traditional and contemporary built form, and through detailed design and future DA stages, the subject proposal will respond to this mixed character and diverse scale.</p> <p>The provision of a wide public access laneway to the west of the site, along Brooklyn Lane, provides an appropriate setback to the</p>

Guideline	Discussion
	<p>neighbouring characterful interwar flat building. The proposed concept envelope suggests that the new building will include a curved corner feature to the south-west corner of the site, responding to the prominent architectural form of the adjacent building. Whilst the adjacent building is not a heritage item, it is a characterful interwar flat building which is representative of the development throughout the locality, and the proposed architectural response to this building is appropriate.</p> <p>Overall the Planning Proposal as outlined herein, and which will facilitate the future redevelopment of the site, is considered appropriate and acceptable from a heritage perspective. The future redevelopment of the subject site will have no adverse heritage impacts to significant buildings, fabric or landscape as the subject site comprises a mixture of heavily altered and later buildings. All heritage items and character items within the vicinity of the site will be wholly retained with no potential physical or visual impacts resulting from future redevelopment. The overall form and height of the indicative concept scheme responds to the specific constraints of the site including its topography, and also responds to the existing built form along New South Head Road.</p>
<p>The following aspects of the proposal could detrimentally impact on heritage significance.</p> <p>The reasons are explained as well as the measures to be taken to minimise impacts:</p>	<p>There are no identified impact to the heritage significant of any proximate heritage items.</p>
<p>Demolition of a building or structure</p> <p>Have all options for retention and adaptive re-use been explored?</p> <p>Can all of the significant elements of the heritage item be kept and any new development be located elsewhere on the site?</p> <p>Is demolition essential at this time or can it be postponed in case future circumstances make its retention and conservation more feasible?</p> <p>Has the advice of a heritage consultant been sought? Have the consultant's recommendations been implemented? If not, why not?</p>	<p>The Planning Proposal does not seek consent for any built works such as demolition or construction of new buildings. Built works and detailed design will be subject to future Development Applications (DAs).</p> <p>Notwithstanding the lack of proposed built works, the purpose of the Planning Proposal is to facilitate future redevelopment of the site in accordance with the amended planning controls, and as such we have been provided with indicative schemes for potential future development which we have had regard to in our assessment of potential heritage impact of this proposal.</p> <p>It is intended that the subject buildings will eventually be demolished and replaced. We have assessed the existing buildings in this report and have found that they have no heritage value, and are not required to be retained on heritage grounds.</p>

Guideline	Discussion
<p>New development adjacent to a heritage item</p> <p>How does the new development affect views to, and from, the heritage item?</p> <p>What has been done to minimise negative effects?</p> <p>How is the impact of the new development on the heritage significance of the item or area to be minimised?</p> <p>Why is the new development required to be adjacent to a heritage item?</p> <p>How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?</p> <p>Is the development sited on any known, or potentially significant archaeological deposits?</p> <p>If so, have alternative sites been considered? Why were they rejected?</p> <p>Is the new development sympathetic to the heritage item?</p> <p>In what way (e.g. form, siting, proportions, design)?</p> <p>Will the additions visually dominate the heritage item?</p> <p>How has this been minimised?</p> <p>Will the public, and users of the item, still be able to view and appreciate its significance?</p>	<p>Heritage items in the vicinity will be wholly retained. Potential future development which may be facilitated by the Planning Proposal will have no detrimental visual or physical heritage impact on vicinity heritage items. The closest heritage item is the former Overthorpe House gardens, which will be retained in full. The garden setting and natural character of this heritage item will not be compromised by potential future development on the subject site.</p>

7. CONCLUSION AND RECOMMENDATIONS

The Planning Proposal does not seek consent for any built works such as demolition or construction of new buildings. Built works and detailed design will be subject to future Development Applications (DAs).

Notwithstanding the lack of proposed built works, the purpose of the Planning Proposal is to facilitate future redevelopment of the site in accordance with the amended planning controls, and as such we have been provided with indicative schemes for potential future development which we have had regard to in our assessment of potential heritage impact of this proposal.

It is intended that the subject buildings will eventually be demolished and replaced. We have assessed the existing buildings in this report and have found that they have no heritage value, and are not required to be retained on heritage grounds.

Heritage items in the vicinity will be wholly retained. Potential future development which may be facilitated by the Planning Proposal will have no detrimental visual or physical heritage impact on vicinity heritage items. The closest heritage item is the former Overthorpe House gardens, which will be retained in full. The garden setting and natural character of this heritage item will not be compromised by potential future development on the subject site.

The Planning Proposal will provide for a 'maximum envelope' (height and FSR) that is higher than what is proposed in the present concept scheme. This is due to the natural topography of the site, and the necessity to step the built form of any future development down towards the northern boundary. Therefore, while the proposed height limit will provide for a maximum building height fronting New South Head Road of 21.5 metres, the proposed concept scheme proposes that the built form fronting New South Head Road is only 17.2 metres. The proposed built form at New South Head Road responds to the existing building form height in the adjoining flat building at 290 New South Head Road.

Future development will 'step-up' towards the southern New South Head Road boundary in defined bays, providing for a dynamic and articulated form which responds to the topography of the subject site. This also means that the overall form of the concept schemes steps down towards the lower scale development located along Bay Street. This is appropriate as higher scale development should be located further towards the arterial New South Head Road end of Bay Street, where existing development is already at four-storeys.

In addition to Bay Street containing a number of lower-scale buildings, a number of these have been identified in the Woollahra DCP as character buildings. It is acknowledged that the Planning Proposal will facilitate potential future development on the subject site which is of a scale higher than currently exists along Bay Street. While future development may be of a higher scale than previously contained on the Bay Street portion of the site, existing development here is already four-storeys (2-10 Bay St), and the Planning Proposal provides for an increase of only two-storeys, which will not dramatically alter the built form currently existing on the site. The indicative scheme also shows that future development along Bay Street will have significant setbacks to reduce potential visual impact of the increased scale of development at the site.

The Planning Proposal will facilitate future development of a multi-storey mixed-use typology, and will not contain modest building widths relating to smaller, traditional lot widths. However, it is important to note that the subject site is already a heavily modified section of Bay Street, at the corner or an arterial road (New South Head Road), and has already been substantially redeveloped to the point that no evidence of the former small-lot subdivision pattern or previous building stock remain. Therefore, in facilitating future redevelopment of the subject site, there will be no further loss of small-lot subdivision patterns in the area, and site amalgamation and redevelopment for this particular site is considered appropriate. Future built works DAs will provide for detailed design of future building forms, and there exists an opportunity to articulate and modulate the Bay Street elevation to interpret the significant streetscape articulation of the locality.

There are no listed heritage items in the vicinity of the subject site on Bay Street, and the character buildings are generally located opposite to the subject site and will not be physically or visually impacted by future development facilitated by the Planning Proposal. The streetscape provides an existing mixture of traditional and contemporary built form, and through detailed design and future DA stages, the subject proposal will respond to this mixed character and diverse scale.

The provision of a wide public access laneway to the west of the site, along Brooklyn Lane, provides an appropriate setback to the neighbouring characterful interwar flat building. The proposed concept envelope suggests that the new building will include a curved corner feature to the south-west corner of the site,

responding to the prominent architectural form of the adjacent building. Whilst the adjacent building is not a heritage item, it is a characterful interwar flat building which is representative of the development throughout the locality, and the proposed architectural response to this building is appropriate.

Overall the Planning Proposal as outlined herein, and which will facilitate the future redevelopment of the site, is considered appropriate and acceptable from a heritage perspective. The future redevelopment of the subject site will have no adverse heritage impacts to significant buildings, fabric or landscape as the subject site comprises a mixture of heavily altered and later buildings. All heritage items and character items within the vicinity of the site will be wholly retained with no potential physical or visual impacts resulting from future redevelopment. The overall form and height of the indicative concept scheme responds to the specific constraints of the site including its topography, and also responds to the existing built form along New South Head Road.

There are no identified heritage constraints associated with the Planning Proposal, and it is therefore recommended to Council for approval.

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8.1. BIBLIOGRAPHY

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DISCLAIMER

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The logo for URBIS.COM.AU, featuring a horizontal bar with a gradient from blue to green, followed by the text "URBIS.COM.AU" in a bold, sans-serif font.

Annexure 4



ECO LOGICAL AUSTRALIA PTY LTD
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LOFTEX
L18, 141 Walker St
North Sydney NSW 20160

Ref No: 17SYD 8196

6 June 2019

Dear Rob

Re: Updated report on assessment of potential overshadowing of heritage gardens at 337 – 347 New South Head Road, Double Bay.

LOFTEX has contracted Eco Logical Australia (ELA) to undertake an assessment of the impact to the heritage listed gardens at Overthorpe (337 – 347 New South Head Road, Double Bay) of potential overshadowing. This limited overshadowing is a potential impact of the proposed development to the north of these gardens at 2-10 Bay Street and 294 – 298 New South Head Road, Double Bay.

ELA senior ecologist, Toni Frecker and ELA arborist, Elizabeth Hannon, surveyed these gardens on 29th August 2017, with consideration of the shadow diagrams prepared by Tzannes Associates (Figure 1). Literature reviewed prior to attending the site survey included

- Aborigicultural Impact Assessment Report – Proposed Mixed-Use Development 2 -10 Bay Street and 294 – 298 New South Head Road, Double Bay. (Andrew Morton, 2017)
- Overthorpe - Full LEP listing (OEH 2004)
- Register of Significant Trees (Woollahra Council).

A description of the gardens including both the overstorey, mid storey and groundcover species is provided in Morton (2017).

The canopy present, within areas indicated in the shadow diagrams (Figure 1) as potentially being impacted by the proposed development, includes *Phoenix Canariensis* (Canary Island Date Palm) and *Cinnamomum camphora* (Camphor Laurel). The assessment provided in Morton (2017) states that the groundcover species present are very shade tolerant and this was confirmed during the site survey undertaken by ELA.

The potential overshadowing is unlikely to have an impact on the present gardens in the area indicated in the shadow diagrams, as all groundcover species are shade tolerant, and are currently shaded by the present canopy species for extended periods. The canopy species which may be potentially impacted by increased shading during the mid-year period are mature and unlikely to have reduced vigour due to this small change in sunlight. As the present tree canopy within Overthorpe Gardens creates the current micro-climate and additional overshadowing from the proposed development is very limited, the current micro-climate within the gardens will not be impacted by the proposed development.

No weed species were recorded during the ELA site inspection, and the gardens are well maintained, such that overshadowing is unlikely to increase weed invasion or infestations in the gardens.

ECO LOGICAL AUSTRALIA PTY LTD

Updated report

An initial review of the planning proposal by Council has resulted in a requirement that the previous ELA report be updated to also consider the entire proposed building height/FSR envelope, rather than just the concept plan envelope. A revised Concept Scheme Overshadowing figure has been provided by Tzannes Associates that includes this information (Figure 1). ELA notes that the maximum building height/FSR envelope, while technically permissible, is not proposed to be built along New South Head Road and only results from the sloping nature of the site. As such, for determining the impacts of this planning proposal, the concept scheme would be the relevant tool to assess the impact on shadows rather than the maximum envelope.

The revised potential overshadowing is still considered unlikely to have an impact on the present gardens in the area indicated in the proposed building height/FSR shadow diagrams, as all groundcover species are shade tolerant, and are currently shaded by the present canopy species for extended periods. As previously stated, the canopy species which may be potentially impacted by increased shading during the mid-year period are mature and unlikely to have reduced vigour due to this increased, but still small change in available sunlight resulting from consideration of the larger shading area. Based on Figure 1, all areas of vegetation would still receive 3 hours of sunlight, even in Winter.

Please contact me if you have any questions regarding this revised assessment.



Dr Frank Lemckert

Principal Scientific Ecologist

ECO LOGICAL AUSTRALIA PTY LTD

References

Morton A. 2017. *Aboriginal Impact Assessment Report – Proposed Mixed-Use Development 2 -10 Bay Street and 294 – 298 New South Head Road, Double Bay* Earthscapes Horticultural Services Berowra

Office of environment and Heritage 2004. *Overthorpe - Full LEP listing* available at <http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=2711282>

Woollahra Municipal Council 1991. *Register of Significant Trees Volume 2 of 4 Significant Trees under Private Ownership* prepared by Landarc Landscape Architects Rose Bay

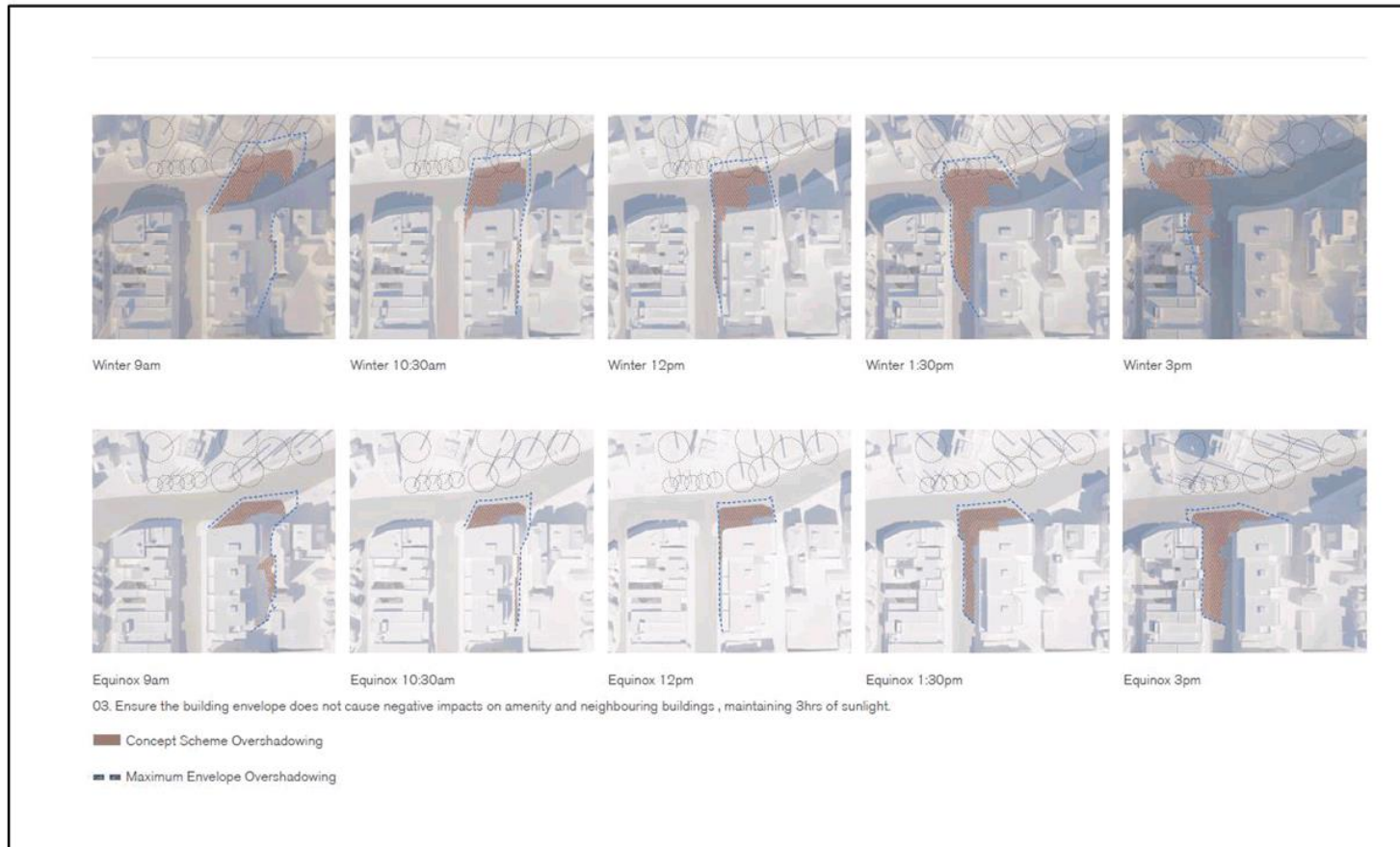


Figure 1 Updated shadow diagram (Tzannes Associates)

Annexure 5



Bay Street Mixed Use Development, Double Bay

Flood Impact Assessment

Prepared for:		Prepared by:	
Client name		Ian Harris	
Loftex Pty Ltd		Project No. 35571-SYD-C	
Date:		Level 6, Building B, 207 Pacific Highway, St Leonards NSW 2065	
19 th March 2019		T: (02) 8484 7000 F: (02) 8484 7100 E: sydney@wge.com.au W: www.wge.com.au	

Revision

Site Address: 2-10 Bay Street, Double Bay, NSW
Real Property Description: Lots B & C on DP 955406, Lots 25 & 24 on DP 4606 and Lot 100 DP 712017
Proposed Development: Retail/ Residential Development
Client: Loftex Pty Ltd
Local Authority: Woollahra Council
Authority Reference #: N/A
Wood & Grieve Reference: 35571-SYD-C-R-FIS



Ian Harris
For and on behalf of
Wood & Grieve Engineers

REVISION	DATE	COMMENT	APPROVED BY
A	19.03.19	Planning Proposal Issue	IAH

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Introduction

1. Introduction

Wood & Grieve Engineers have been commissioned by Loftex Pty Ltd to prepare this Flood Impact Assessment (FIS) in support of a planning proposal for the proposed development at 2-10 Bay Street and 294-298 New South Head Road, Double Bay. The sites real address is Lots B & C on DP 955406, Lots 25 & 24 on DP 4606 and Lot 100 DP 712017.

This FIS has been prepared to specifically address the following items:

- Assessment of the existing flooding surrounding the development;
- Assessment of the impact if the existing flood condition on the ability of the site to be redeveloped in accordance with the planning controls proposed in the Planning Proposal;
- Identification of measures which could be adopted to mitigate flood impacts based on the indicative concept plans prepared by Tzannes architects.

Existing Site Characteristics

2. Existing Site Characteristics

2.1 Property Detail

Address: 2-10 Bay Street and 294-298 New South Head Road, Double Bay
Real Property Description: Lots B & C on DP 955406, Lots 25 & 24 on DP 4606 and Lot 100 DP 712017
Total Site Area: 1862 m²

The existing site situates itself within Woollahra Council local government authority. The pre-developed site consists of multiple mixed use buildings fronting both Bay Street and New South Head Road. Refer to locality plan in figure 1.

The site is bounded by:

- Adjoining property to the North,
- Bay Street to the East,
- New South Head Road to the South,
- Neighbouring property and Brooklyn Lane to the west.



Figure 1: Site Location Plan (Source: Nearmaps 2017)

The proposed development can be seen on the indicative concept plans in Appendix A of this report. The proposed development will consist of a 5-6 storey building with ground floor retail and a basement level carpark.

Flood Impact Assessment

3. Flood Impact Assessment

When considering a new development, it is important to assess the impact of existing flooding on the proposed development and also the impact of the proposed development on existing or potential flooding both upstream and downstream of the development.

3.1 Existing Flooding

3.1.1 Flood Related Development Controls

Wood and Grieve have reviewed Council's LEP documentation and Council's Flood Studies Double Bay Catchment Flood Study (November 2011) and the site is located within Council's Flood Planning Area (that is affected by overland flow) and is impacted by the 100yr ARI flood event. Figure 4 below illustrates that the flood level for the 100-year storm event is approximately between RL14.00m AHD and RL6.00m AHD with depths ranging from 0.2m to 0.4m.

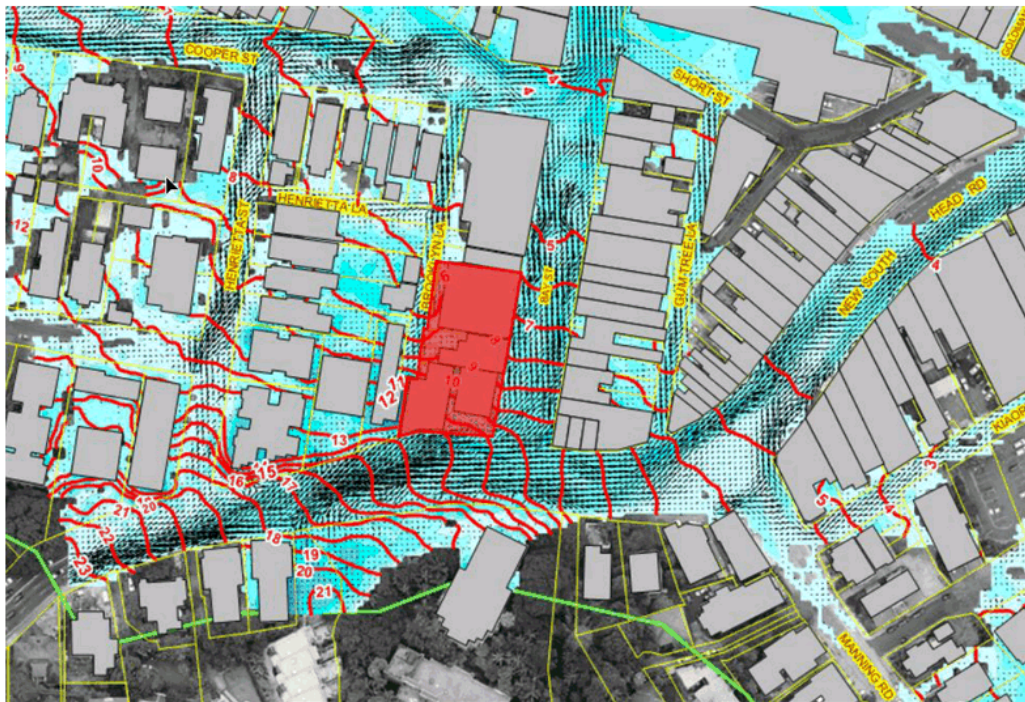


Figure 2: Double Bay Flood Study 100 YEAR ARI Flood and Water Depth (Source: Bewsher Consulting)

Reference to Woollahra council's Flood study mapping indicates that the site is subject to a high risk classification for flooding.

It can be seen from the 100 Year flood simulation produced by Bewsher Consulting Pty Ltd that the flood depth ranges from 250 to 450mm along New South Head Road, Bay Street and Brooklyn lane. The resulting flood levels, based on these depths and existing street levels, are summarized below.

Flood Impact Assessment

Double Bay Floodplain Risk Management Study and Plan has been used to determine the increase in flood levels as a result of a predicted rise in sea levels. It can be seen that an increase in flood level in the range of 20mm to 50mm is likely. For flood planning purposes, the worst case increase of 50mm will be used.

The table below indicates the 100 year flood levels surrounding the development site.

Street Name	Max Flood Depth(1:100 Year)	2100 Flood increase	RL(Invert of Kerb)	RL + Flood Depth
New South Head Rd (SW)	400mm	50mm	13.53m	13.98m
Bay Street (SE)	400mm	50mm	10.69m	11.14m
Bay Street (NE)	400mm	50mm	5.36m	5.81m
Brooklyn Lane (NW)	400mm	50mm	5.67m	6.12m

Table 1: 100 Year Flood Depth

3.2 Impact of Development on Flooding

The existing development site is currently fully developed with buildings covering the majority of the site area. The currently flood modelling takes this into account and assumes that no flood water can enter the site. The site does not provide flood storage or an overland flow path for stormwater runoff during a large storm event. As a result the proposed development will have no adverse impact on the existing flood extents nor the conveyance of stormwater through the area.

3.3 Flood Planning

Wood & Grieve have assessed the local constraints surrounding and through the site to ascertain the flood planning levels for the development.

Flood Planning Levels are based on the following freeboards above the 100 year ARI storm event are required in Woollahra DCP 2015;

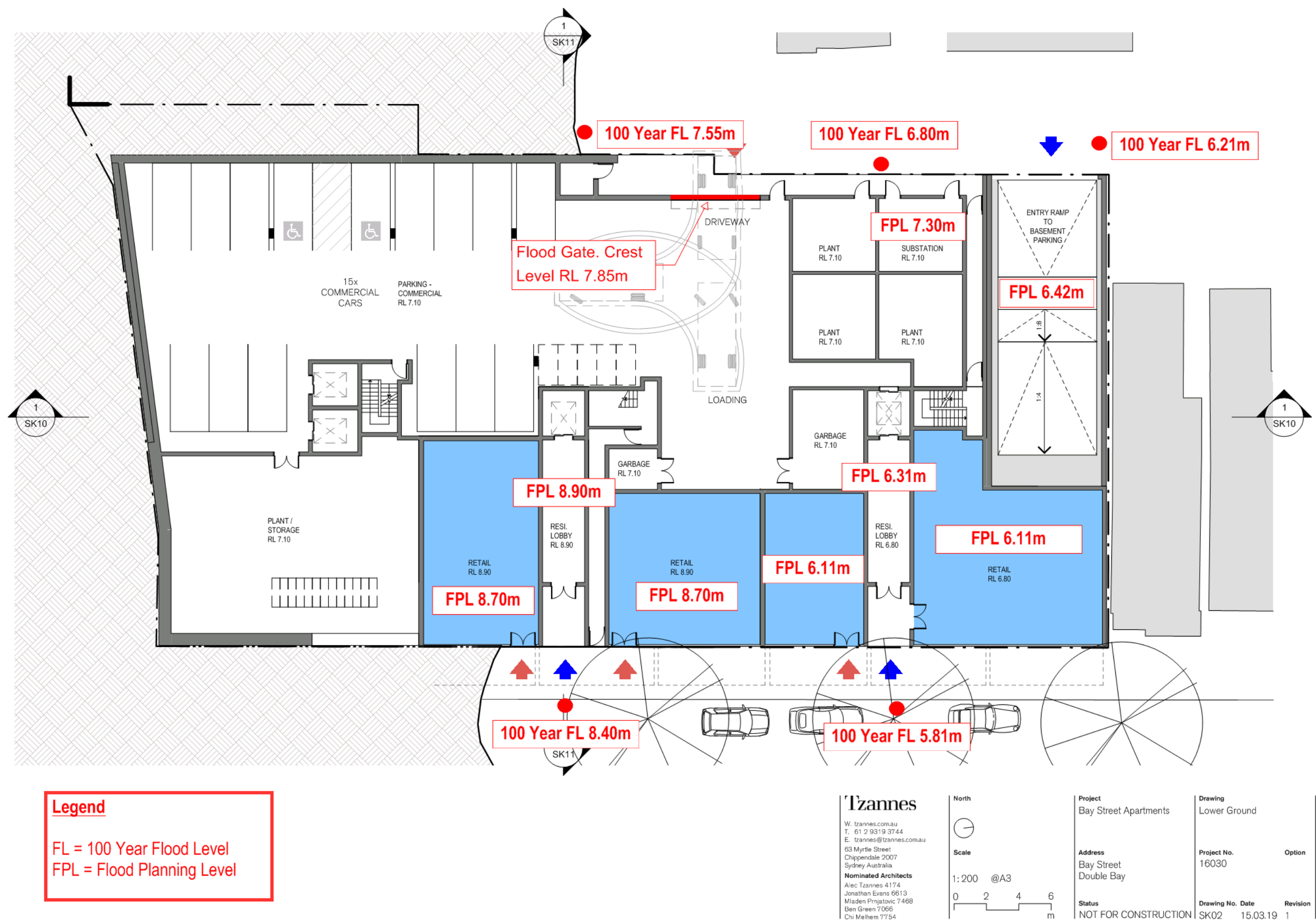
- 500mm for habitable floor areas
- 300mm for non-habitable floor areas (including retail)
- 300mm for carparks
- 500mm for Substation

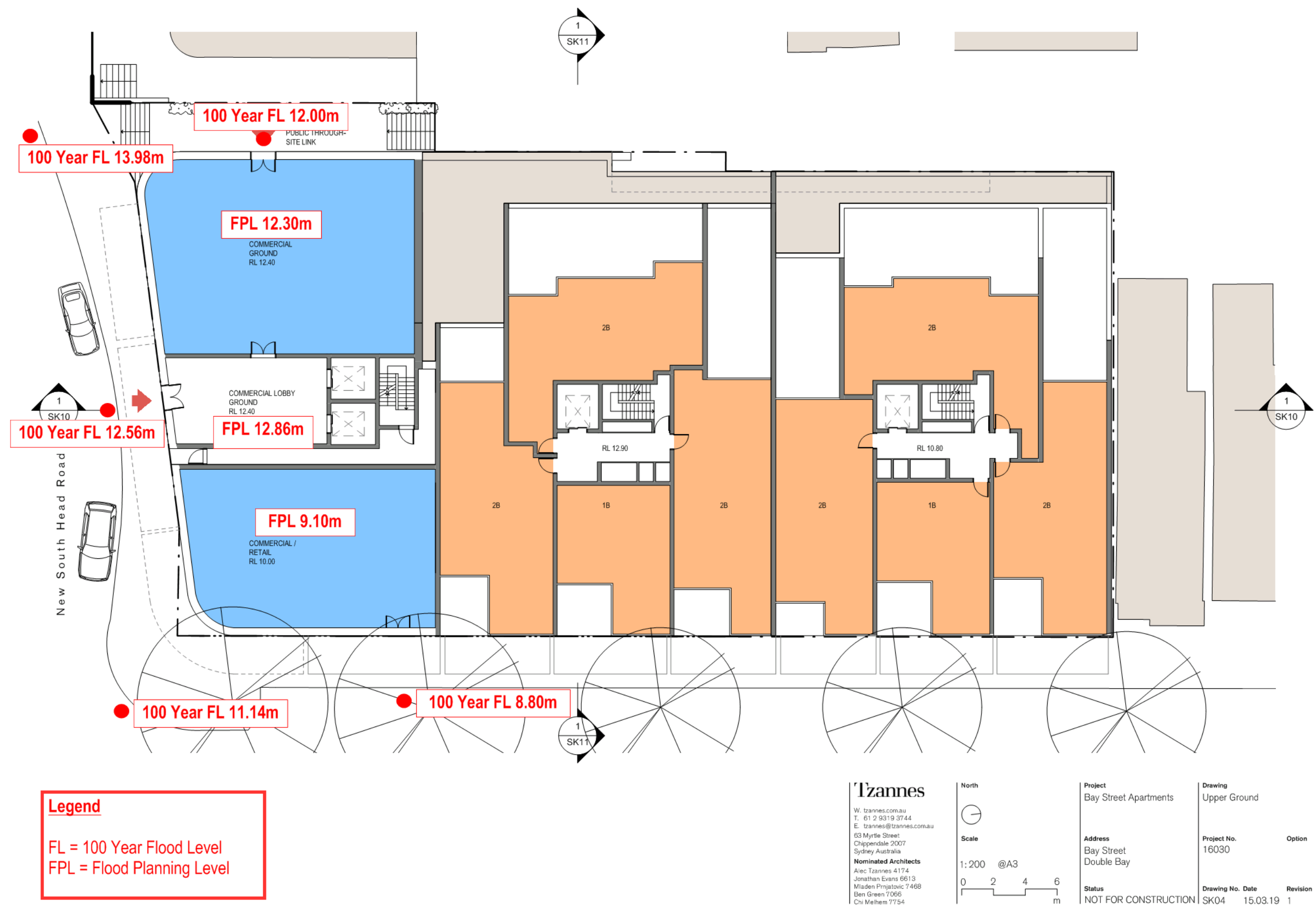
The provision of flood mitigation measures such as providing freeboard by lifting entry levels to the building or where this is not possible the provision of flood barriers would result in the development being capable of meeting the flood planning guidelines. As such it has been determined that the site is capable of being developed in accordance with the proposed new planning controls whilst also fully complying with all flood planning requirements of council.

Appendix A – Flood Compliance Sketch

Appendix A – Flood Compliance Sketch

APPENDIX A – FLOOD COMPLIANCE SKETCH





Annexure 6



Our job number 120617

6th June 2019

Lotti Wilkinson
Suite 6.02, 120 Sussex Street
Sydney NSW 2000

By Email: lottiw@cityplan.com.au

Dear Lotti,

Advice on View Sharing

Planning Proposal 2-10 Bay Street and 294-298 New South Head Road Double Bay

I refer to the above matter and to your briefing material. Thank you for this opportunity to provide visual assessment services on this project.

As you will be aware, Richard Lamb and Associates (RLA) have extensive experience in scenic resource management and landscape heritage conservation over the last 20 years.

As the author of this advice and principal of RLA, I have 30 years' experience in these areas and have published in local and international journals on perception, aesthetic assessment and landscape management. I also have extensive experience working on view loss and view sharing, in which RLA specialise. My recently updated CV can be found on our website www.richardlamb.com.au.

I am very familiar with Double Bay locality and the eastern suburbs bays more generally and have been involved in several projects representing both the Council and private clients in it, depending on my judgement of the merits in each case and including a previous proposal for this site. I am also familiar locality, underlying topography and the features of the landscape to which viewers are generally exposed and views of which may be affected by the proposal, having carried out view sharing assessments for adjacent sites in New South Head Road and Edgecliff Road, in the vicinity of the site.

I have briefly perused the plans and understand that you are preparing a PP for a mixed development including retail and residential units as depicted in the Urban Design and Development Envelope Study dated May 2019 prepared by Tzannes (the plans)

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www.richardlamb.com.au



We have not made any specific assessment of private domain view loss and provide only general comments regarding predominant view access, the likely composition of views and potential effects of development on views from potentially affected neighbouring residential development.

Proposed Development

The development includes part-five and part-six storeys of built form that would be visible above the existing ground level from Bay Street and five storeys in respect of views from the south from New South Head Road.

The built form rises in height via a series of steps up to the south, so that the commercial part of the building at the corner of New South Head Road and Bay Street, is the tallest built form proposed at RL 30.0m. All parts of the proposed built form sit below a height of 21.5m at the street facade from natural ground level.

The development, as shown in the Urban Design and Development Envelope Study dated May 2019 prepared by Tzannes, does not fill the permissible maximum building envelope in terms of height or FSR. Further, the highest part of the proposed development which is roofline along the south elevation that presents to New South Head Road, sits well below the LEP height control of 21.5m. In fact from all directions, the height of the proposed façade sits below the LEP height control.

Site Context

The subject site is located at the corner of Bay Street and New South Head Road, Double Bay and is characterised by a significant cross fall from south to north and from west to east toward Bay Street.

The land north of New South Head Road falls in elevation towards the low-lying Double Bay Village. The west side of Bay Street in the vicinity of the site is characterised by retail and mixed-use development predominantly of three to four storeys in height, with examples of taller height buildings located further north. The east side of Bay Street opposite the site and to the north to as far as Short Street, is predominantly characterised by two-storey development.



View south to the vegetation and built form at Overthorpe, from the roof top on the subject site.

The south side of New South Head Road is elevated relative to the road and the subject site. The Overthorpe Apartments are located on a large lot generally and includes a garden of the former Overthorpe residence, that is listed in Schedule 5 of the Woollahra Local Environmental Plan 2014 (LEP) and is also listed in the NSW State Heritage Register. This development is massed in two individual blocks that are set back from the road behind mature vegetation that appears to provide significant screening to potential views to the north and across the subject site.

Private Domain Visual Catchment

Of the surrounding residential context along New South Head Road to the west, east and south, north and north-west facing dwellings at Overthorpe are likely to be those potentially most affected by view loss caused by the proposed development.

The lower and closer form (north block) appears to include four to five residential levels of accommodation, with a broadly rectangular shaped floorplate that is positioned with its short (north) elevation at an oblique angle to New South Head Road, to take in north-easterly views. The rear block (south block) of is elevated in relation to the north block and located further from the site.

Both buildings are set within a garden characterised by a largely continuous canopy of vegetation and mature tree canopy. It is highly unlikely that there would be appreciable



effects of the proposed development on views, due to the substantial screening effects of the vegetation present within the garden. The level of potential screening of views is a relevant consideration in terms of view loss, as the gardens are of State heritage significance, so that it is unlikely that significant clearing or removal of vegetation would be permitted to occur. In addition any natural losses of vegetation are likely to be compensated by replacement of trees of similar species or species of similar significance to those lost.

Therefore the existing level of screening of views caused by vegetation to Overthorpe, will remain.

Other neighbouring residential development is unlikely to be significantly affected due to their low height, spatial relationship with and view access to scenic or highly valued features above and beyond, the subject site, for example at 290 New South Head Road.

Existing view access

For reasons described above in our opinion the most affected potential views will be from the closest neighbouring dwellings at and the Overthorpe Apartments. With regard to 290 New South Head Road, only upper apartments could be affected because views from lower levels would be blocked by buildings east of the site.

Notwithstanding views from the upper floor of the north block of dwellings, could be exposed to potential view loss, views from Overthorpe, are unlikely to be significantly affected overall by the height and scale of the proposed development adjacent to the corner of Bay Street.

This is partly due to the orientation for the majority of apartments, to the north-east, effectively orientated away from the south-west corner of the site where the proposed development is tallest.

Visual effects of the proposed development

Views from the lower two levels of Overthorpe Apartments are unlikely to be significantly affected, given the relative levels between Overthorpe and the site, and due to the significant screening effects of vegetation within the gardens that is likely to remain.

Some views from higher level dwellings at Overthorpe may have views to the highest and closest part of the proposed development, including its south elevation and roof at the corner of New South Head Road which sits at RL 30.0m. This height is significantly below the LEP height control. Whilst some downward views may include this part of the proposed development, based on the information to hand, the proposed built form is unlikely to generate significant view loss or blocking effects on views from Overthorpe Apartments, if they exist.



Conclusion

In our opinion, no residential development within the immediate or wider visual context is likely to be exposed to any significant visual effects and impacts caused by the proposed development, of the height and scale proposed. Notwithstanding as a conservative approach, if access to units in the Overthorpe Apartments and assessment of view loss is required by Council and can be arranged, we may recommend that simple block-model photomontages be prepared to be used as objective aids for assessment of the merits of the proposal.

Please do not hesitate to contact us if you have any questions or require clarification of any points,

Yours sincerely

A handwritten signature in black ink, appearing to read 'Richard Lamb', written in a cursive, flowing style.

Dr Richard Lamb

6th June 2019

Annexure 7



TRAFFIC IMPACT ASSESSMENT

Planning Proposal

2-10 Bay Street & 294-298 New South Head Road, Double Bay

Prepared for: Loftex Property

Reference: 0091r02v02

Date: 7/04/2019

PDC Consultants

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Appendix A:	Architectural Concept Plans
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1. Introduction

1.1. Overview

PDC Consultants has been commissioned by Loftex Property to undertake a Traffic Impact Assessment of a Planning Proposal (Proposal) relating to the site at 2-10 Bay Street & 294-298 New South Head Road, Double Bay. As indicated by the concept plans prepared by Tzannes and included as **Appendix A**, the Proposal seeks to permit a 6-storey mixed-use development having the following potential characteristics:

- 30 residential apartments;
- 1,934m² of commercial gross floor area (GFA);
- 493m² of retail GFA;
- Ground floor and basement level car parking accommodating a total of 60 car spaces;
- A single loading bay, suitable for use by an 8.8 metre medium rigid vehicle (MRV);
- Two vehicle access driveways onto Brooklyn Lane.

The site is located in the Woollahra local government area (LGA) and accordingly, the proposed development has been assessed in accordance with the Woollahra Development Control Plan 2015 and Local Environmental Plan 2014.

1.2. Background

It is noteworthy to mention that ARC Traffic + Transport (ARC) has previously prepared a Traffic Impact Assessment report (ARC Report) dated December 2017, which accompanied a development application (DA) submission for the subject site and was subsequently withdrawn. This report relies on the survey data collected as part of the ARC Report and this is discussed in further detail in Section 2.5 of this report.

1.3. Structure of this Report

This report documents the findings of our investigations in relation to the anticipated traffic and parking impacts of the Proposal, and should be read in the context of the Planning Proposal report prepared separately by City Plan. The remainder of this report is structured as follows:

- Section 2: Describes the site and existing traffic and parking conditions in the locality;
- Section 3: Describes the development contemplated under the Proposal;
- Section 4: Assesses the parking requirements of the development;



- Section 5: Assesses the traffic generation and impacts of the development;
- Section 6: Discusses the proposed access and internal design arrangements;
- Section 7: Presents the overall study conclusions.

1.4. References

In preparing this report, reference has been made to the following guidelines / standards:

- Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014);
- Woollahra Development Control Plan 2015 (Woollahra DCP 2015);
- State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure 2007);
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65);
- NSW Apartment Design Guide (ADG);
- Disability (Access to Premises – Buildings) Standards 2010 (Disability Standard 2010);
- Australian Standard AS 2890.1-2004, Part 1: Off-Street Car Parking (AS 2890.1);
- Australian Standard AS 2890.2-2002, Part 2: Off-Street Commercial Vehicle Facilities (AS 2890.2);
- Australian Standard AS 2890.3-2015, Part 3: Bicycle Parking Facilities (AS 2890.3);
- Australian Standard AS 2890.6-2009, Part 6: Off-Street Parking for People with Disabilities (AS 2890.6);
- RMS Guide to Traffic Generating Development 2002 (RMS Guide);
- RMS Technical Direction TDT 2013/04a - Guide to Traffic Generating Developments, Updated Traffic Surveys (RMS Guide Update).



2. Existing Conditions

2.1. Location and Site

The site is located at 2-10 Bay Street & 294-298 New South Head Road, Double Bay being approximately 400 metres north-east of Edgecliff Station Railway Station and 3 kilometres east of the Sydney CBD. More specifically, it is located on the north-western corner of the New South Head Road / Bay Street intersection.

The site is comprised of 5 separate lots, which as a whole, has a total area of 1,863m². **Table 1** below shows the formal identification of each of the 5 lots and describes the existing vehicular access arrangements to each lot.

Table 1: Lot Identification & Vehicular Access

ADDRESS	LOT IDENTIFICATION	EXISTING VEHICULAR ACCESS
2 Bay Street	Lot 24, DP 4606	Two separate 4.5 metre wide entry / exit driveways onto Brooklyn Lane, serving separate garages.
	Lot 25, DP 4606	
4-10 Bay Street	Lot 100, DP 712017	10.0 metre wide entry / exit driveway onto Brooklyn Lane, serving a hardstand parking area.
294-296 New South Head Road	Lot C, DP 955406	4.0 metre wide entry / exit driveway onto Brooklyn Lane, serving a garage
298 New South Head Road	Lot B, DP 955406	7.0 metre wide entry / exit driveway onto Bay Street, serving a garage and hardstand parking area.

The site is bound by New South Head Road to the south having a length of 34 metres and Bay Street to the east having a length of 60 metres. The western boundary has a total length of 67 metres which borders a neighbouring residential development and includes a 47 metre street frontage to Brooklyn Lane. The northern boundary borders a neighbouring retail development having a length of 29 metres.

In its entirety, the site is comprised of a number of uses including:

- A single residential dwelling;
- Approximately 1,930m² commercial GFA;
- Approximately 370m² retail GFA;
- Basement, garage and at-grade car parking areas providing a total of approximately 36 car spaces accessed via both Bay Street and Brooklyn Lane.

Figures 1 and 2 overleaf provide an appreciation of the site's location in both a broad and local context respectively.

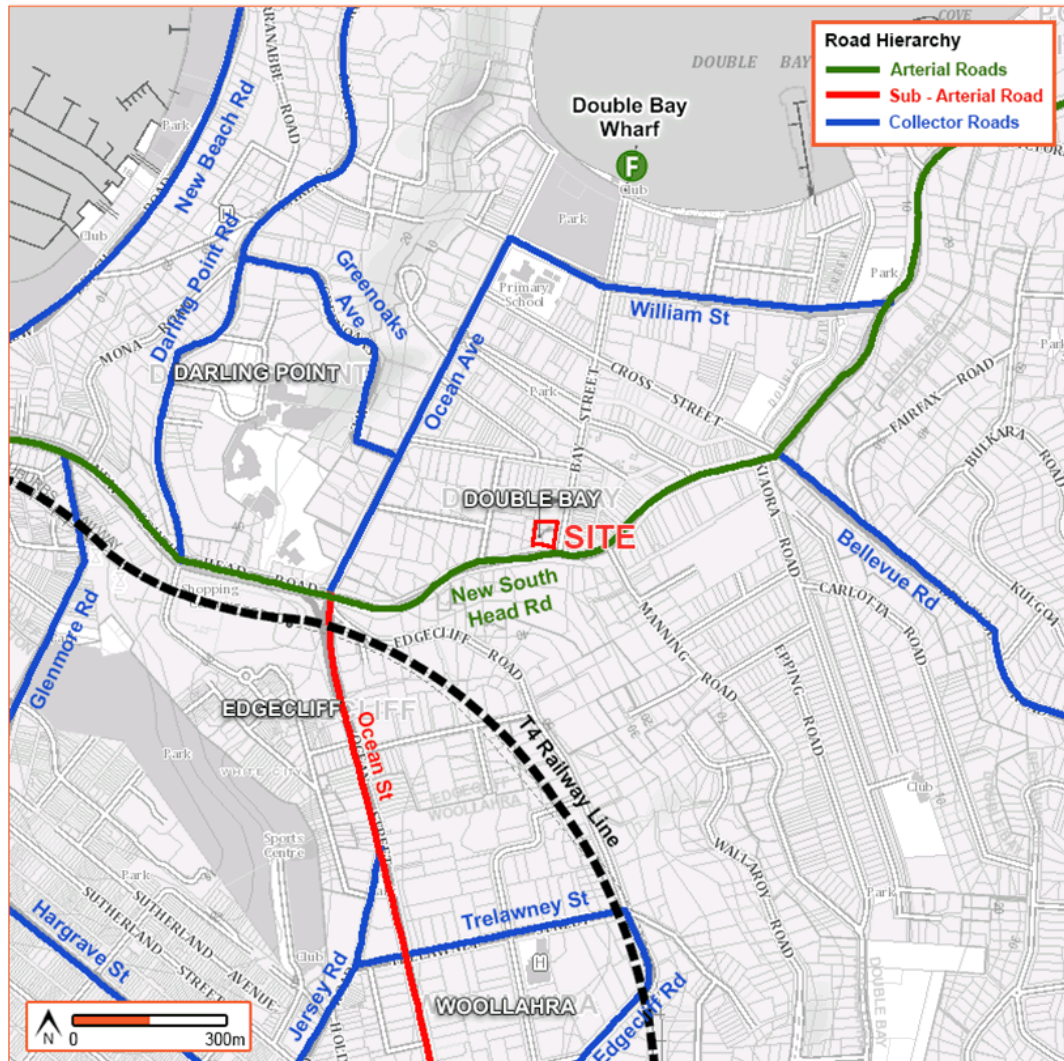


Figure 1: Location & Road Hierarchy Plan



Figure 2: Site Plan



2.2. Road Network

The road hierarchy in the vicinity of the site is shown by **Figure 1**, with the following roads considered noteworthy:

- New South Head Road forms part of an RMS Main Road, MR 173. New South Head Road generally runs in an east-west direction intersecting with Old South Head Road in the east and the Cross City Tunnel and William Street in the west. It is subject to 60km/h speed zoning restrictions and generally accommodates 2-3 lanes of traffic in both directions. Near the site, 'Clearway' restrictions operate between the hours of 3pm-7pm and 6am-10am, Monday to Friday along the northern and southern kerbsides respectively. Additionally, time restricted (2 hour) parking restrictions apply along both kerbsides between the hours of 9am-3pm, Monday to Friday and 9am-6pm on Saturdays.
- Bay Street: a local road in the form of a cul-de-sac that runs in a north-south direction between Double Bay Wharf at its northern end and New South Head Road at its southern end. It is generally subject to 50km/h speed zoning restrictions however, 40km/h School Zone restrictions apply between the hours of 8:00-9:30am and 2:30-4:00pm on school days only. It accommodates a single lane of traffic in both directions and permits time restricted (2 hour) parallel parking between the hours of 9am-6pm, Monday to Saturday, along both kerbsides.
- Brooklyn Lane: a local road in the form of a cul-de-sac that runs in a north-south direction, intersecting Cooper Street at its northern end. It is subject to 50 km/h speed zoning restrictions and accommodates a single lane of traffic in both directions. To the north of the Brooklyn Lane / Henrietta Lane intersection, the road has a carriageway width of 5 metres, whilst to south of the intersection, the carriageway widens to 6.5 metres. 'No Parking' restrictions apply along both kerbsides of Brooklyn Lane.

2.3. Public & Active Transport

2.3.1. Bus Services

The Integrated Public Transport Service Planning Guidelines, Sydney Metropolitan Area, states that the walking catchment for metropolitan bus services includes all areas within a 400 metre radius of a bus stop. As can be seen from **Figure 3**, the site is situated within 400 metres of numerous bus stops along New South Head Road, Manning Road and the Edgecliff Bus Interchange.

Accordingly, residents, staff and visitors of the development would have convenient access to these services for journeys to / from the site. **Table 2** below shows the notable town centres that are accessible via the numerous bus services that are accessible within 400 metres of the site and the average service headways during peak and off-peak periods.



Table 2: Bus Services

ROUTE NO.	ROUTE (TO / FROM)	ROUTE DESCRIPTION	AVERAGE HEADWAY
200	Bondi Junction to Chatswood	Via Edgecliff, Rushcutters Bay, Woolloomooloo, Sydney, North Sydney, Crows Nest, & Artarmon	Weekdays: 15-20 minutes peak / 30 minutes peak Weekends:
323	North Bondi to Edgecliff	Via New South Head Road	Weekdays: 20 minutes peak only Weekends: No services
324	Watsons Bay to Walsh Bay	Via New South Head Road	Weekdays: 8-20 minutes peak / 30 minutes off peak Weekends: 30 minutes peak on Saturdays & Sundays
325	Watsons Bay to Walsh Bay	Via Vaucluse Road	Weekdays: 30 minutes all day Weekends: 30 minutes on Saturdays & Sundays
326	Edgecliff to Bondi Junction	Via Bellevue Hill	Weekdays: 30 minutes peak / 1 hour off peak Weekends: 1 hour on Saturdays & Sundays
327	Edgecliff to Bondi Junction	Via Bellevue Road & Manning Road	Weekdays: 30 minutes peak / 1 hour off peak Weekends: 1 hour on Saturdays & Sundays
328	Bondi Junction to Darling Point	Via Edgecliff (Loop Service)	Weekdays: 20-30 minutes peak / 1 hour off peak Weekends: 1 hour on Saturdays & Sundays
389	Bondi Junction to Pyrmont	Via Woollahra, Paddington, Darlinghurst & Sydney	Weekdays: 7-8 minutes peak / 10-15 minutes off peak Weekends: 15-20 minutes on Saturdays & Sundays
L24	Vaucluse to City Wynyard	Via Rose Bay, Double Bay, Edgecliff & Darlinghurst (Limited Stops)	Weekdays: 2 morning services only Weekends: No services

2.3.2. Rail Services

The Integrated Public Transport Service Planning Guidelines, Sydney Metropolitan Area, states that the walking catchment for metropolitan railway stations includes all areas within an 800 metre radius of a station. It can be seen from **Figure 3** that Edgecliff Railway Station is located approximately 400 metres (or 7-9 minute walk) from the site and hence, falls well within the typical walking catchment area. Accordingly, residents, staff, and visitors of the proposed development would have convenient access to the Sydney rail network, as shown by **Figure 4**.

Edgecliff Railway Station is serviced by 2 railway lines being the T4 Eastern Suburbs & Illawarra Line (suburban) and the South Coast Line (intercity). **Table 3** below shows the notable town centres that are accessible along the abovementioned railway lines and the average service headways during peak and off-peak periods.



Table 3: Rail Services

RAILWAY LINE	NOTABLE TOWN CENTRES ALONG LINE	AVERAGE HEADWAY
T4 Eastern Suburbs & Illawarra Line	Waterfall, Cronulla, Sutherland, Hurstville, Wolli Creek, Redfern, Sydney CBD & Bondi Junction	Weekdays: 20 minutes peak / 30 minutes off peak Weekends: 30 minutes all day
South Coast Line	Bomaderry, Kiama, Port Kembla, Wollongong, Waterfall, Sutherland, Hurstville, Wolli Creek, Sydney CBD & Bondi Junction	Weekdays: 7-20 minutes peak / 1 hour off peak Weekends: 1 hour on Saturdays & Sundays

2.3.3. Ferry Services

The Integrated Public Transport Service Planning Guidelines, Sydney Metropolitan Area, states that the walking catchment for metropolitan ferry wharves includes all areas within an 800 metre radius of a wharf. It can be seen from **Figure 3** that Double Bay Wharf is located approximately 550 metres (or 7 minute walk) from the site and hence, falls within the typical walking catchment area. Accordingly, residents, staff, and visitors of the proposed development would have convenient access to the Sydney Ferries network, as shown by **Figure 5**.

Double Bay Wharf is serviced by a single ferry service being, the F7 Circular Quay to Double Bay ferry route. **Table 4** below shows the services available from Double Bay Wharf and the average service headways during peak and off-peak periods.

Table 4: Ferry Services

ROUTE (TO / FROM)	NOTABLE WHARVES ALONG ROUTE	AVERAGE HEADWAY
F7 Circular Quay to Double Bay	Circular Quay, Garden Island, Darling Point & Double Bay	Weekdays: 30 minutes all day Saturdays: 1 hour all day Sundays & Public Holidays: 1 hour all day

2.3.4. Cycle Network

Figure 3 also shows that the site has good access to the local cycle path network with Bay Street accommodating an on-road cycle path, providing connections to the broader bicycle network. Edgecliff Road, to the south of the site, also accommodates an on-road cycle path.

2.3.5. General Services Access

The site is conveniently located for residents, staff and visitors of the development to take advantage of the retail, commercial, social and recreational services within Double Bay. **Figure 3** shows the walking accessibility of the site, within 400 metres and 800 metres of the site which generally represents an approximately 5 minute and 10 minute walk respectively.

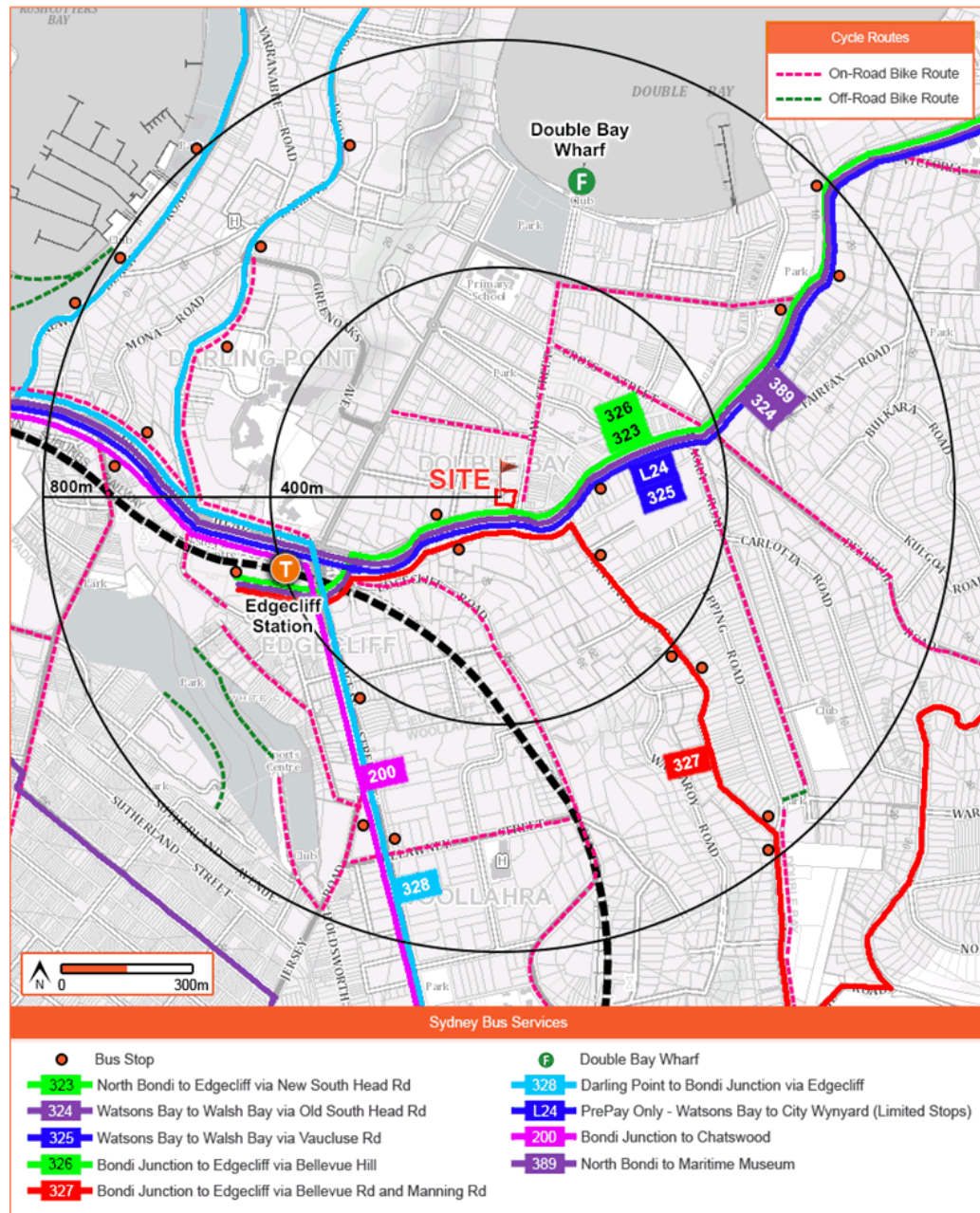


Figure 3: Public & Active Transport Services

Figure 4: Sydney Trains Rail Network

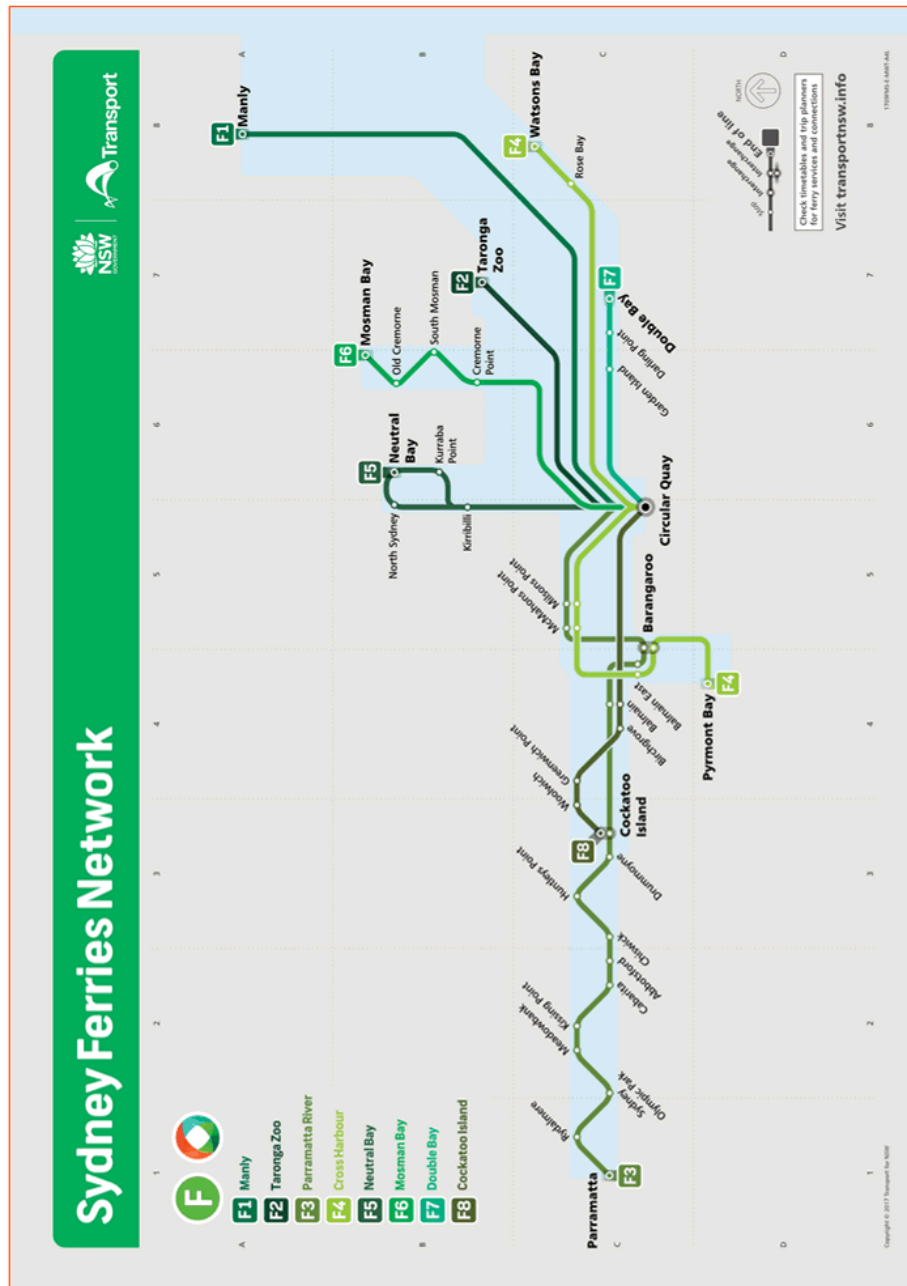


Figure 5: Sydney Ferries Network



2.4. Existing Traffic Generation

2.4.1. Overview

As discussed in Section 2.1 of this report, the site is comprised of a number of uses including

- A single residential dwelling;
- Approximately 1,930m² commercial GFA;
- Approximately 370m² retail GFA;

2.4.2. Residential

It is understood that the residential dwelling located within 2 Bay Street is a relatively small dwelling (no more than 2 bedroom) with a single parking space. With reference to the RMS Guide, it is estimated that this dwelling would generate an average of no more than one (1) vehicle trip per hour in both the weekday 7-9am (AM) and 4-6pm (PM) peak periods.

2.4.3. Commercial

The RMS Guide Update provides the following summary trip rates for commercial trip generation:

- 1.6 vehicle trips per 100m² GFA, during the AM peak period;
- 1.2 vehicle trips per 100m² GFA, during the PM peak period.

The above trip rates are based on surveys of key sub-regional centres across Metropolitan Sydney, some of which provide excellent accessibility to public transport and local services, others of which provide relatively poor access to these same services. With reference to the surveyed traffic volumes, it is apparent that the current commercial trip generation of the site is lower than the above rates and more akin to the trip generation rates surveyed (for the RMS Guide Update) in Chatswood, being approximately 1 trip per 100m² GFA during both peak periods.

Based on the approximate 1,930m² of commercial floor space available at the site, the application of this trip generation rate indicates that the existing commercial component of the site would generate approximately 19 vehicle trips per hour during both the AM and PM peak periods.



2.4.4. Retail

The trip generation of the retail component of the site is not easily determined with reference to the RMS Guide Update, which provides trip rates for major shopping centres not readily applicable to retail floor space in Double Bay. Accordingly, reference was made to the trip rates determined as part of numerous previous studies undertaken by ARC in similar centres across the Sydney metropolitan area (including Hunters Hill, Botany and Randwick), as outlined in the ARC Report. These trips rates are 1 vehicle trip per 100m² GFA during the AM peak period and 3.5 trips per 100m² GFA during the PM peak period.

Application of the above rates to the estimated 370m² of retail GFA, results in 4 vehicle trips per hour during the AM peak period and 13 vehicle trips per hour during the PM peak period.

2.4.5. Overall Traffic Generation of Existing Development

With regard to the above, the peak period traffic generation of the existing development has been estimated to be as follows:

- 24 vehicle trips / hour during the AM peak period;
- 33 vehicle trips / hour during the PM peak period.

The above traffic generation has been used to assess the net change in traffic generation as a result of the development contemplated under the Planning Proposal, as is discussed in Section 5.1 of this report.

2.5. Existing Traffic Volumes & Intersection Performance

ARC has undertaken traffic surveys of a number of key intersections within the vicinity of the site. These surveys were undertaken in July and August 2017, between the hours of 7:00-9:00am and 4:00-6:00pm which correspond to the weekday AM and PM commuter peak periods respectively. **Figures 6 and 7** overleaf provide a summary of the peak period traffic volumes through a number of intersections surrounding the site.

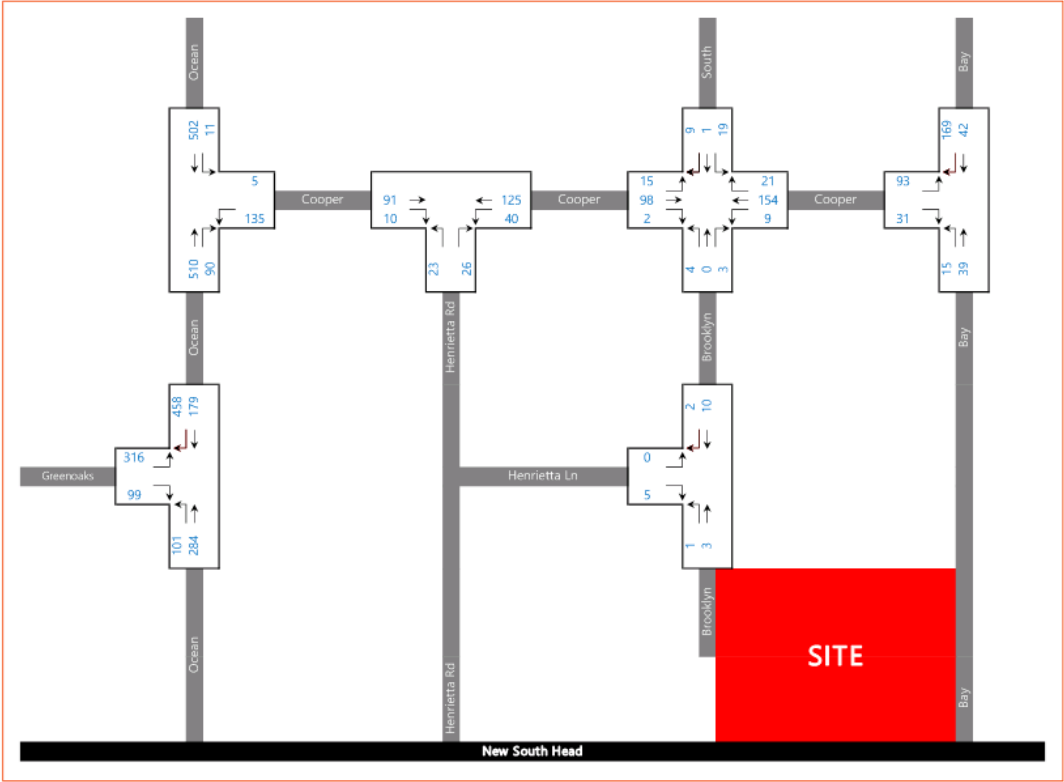


Figure 6: AM Peak Hour (8:00am – 9:00am) Traffic Flows

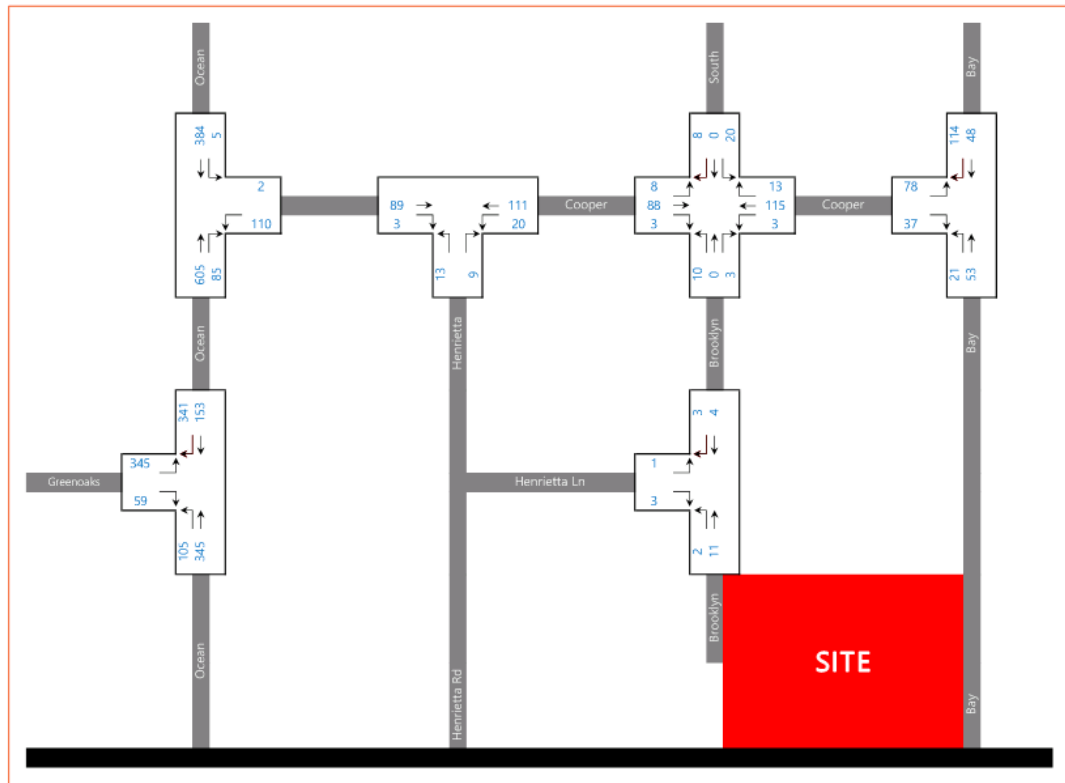


Figure 7: PM Peak Hour (16:45pm – 17:45pm) Traffic Flows



2.6. Existing Intersection Performance

The key intersections identified for this assessment include:

- Bay Street / Cooper Street;
- Cooper Street / Brooklyn Lane / South Avenue;
- Cooper Street / Henrietta Street;
- Cooper Street / Ocean Avenue;
- Ocean Avenue / Greenoaks Avenue.

ARC used the results of the survey, as shown by **Figures 6 and 7**, to develop existing (base-case) SIDRA models of the above key intersections for the AM and PM peak periods. These were calibrated and validated against intersection queue lengths and phase / cycle times, as was observed during separate site inspections undertaken by ARC during both the AM and PM peak periods.

SIDRA modelling outputs a range of performance measures, in particular:

- Degree of Saturation (DOS) – The DOS is used to measure the performance of intersections where a value of 1.0 represents an intersection at theoretical capacity. As the performance of an intersection approaches DOS of 1.0, queue lengths and delays increase rapidly. It is usual to attempt to keep DOS to less than 0.9, with satisfactory intersection operation generally achieved with a DOS below 0.8.
- Average Vehicle Delay (AVD) – The AVD (or average delay per vehicle in seconds) for intersections also provides a measure of the operational performance of an intersection and is used to determine an intersection's Level of Service (see below). For signalised intersections, the AVD reported relates to the average of all vehicle movements through the intersection. For Give Way, Stop & Roundabout controlled intersections, the AVD reported is that for the movement with the highest AVD.
- Level of Service (LOS) – This is a comparative measure that provides an indication of the operating performance, based on AVD.

Table 5 overleaf provides a recommended baseline for assessment of intersection performance as per the RMS Guide.



Table 5: Intersection Performance Criteria

LEVEL OF SERVICE	AVERAGE DELAY PER VEHICLE (seconds/vehicle)	TRAFFIC SIGNALS AND ROUNDABOUTS	GIVE WAY AND STOP SIGNS
A	Less than 14	Good operation	Good operation
B	15 to 28	Good with acceptable delays and spare capacity	Acceptable delays and spare capacity
C	29 to 42	Satisfactory	Satisfactory, but accident study required
D	43 to 56	Operating near capacity	Near capacity and accident study required
E	57 to 70	At capacity; at signals, incidents will cause excessive delays. Roundabouts require other control mode	At capacity, requires other control mode
F	More than 70	Unsatisfactory and requires additional capacity	Unsatisfactory and requires other control mode or major treatment

Table 6 below shows the results of the SIDRA modelling undertaken by ARC, and shows the existing (base-case) performance of all key intersections during the weekday AM and PM peak periods.

Table 6: Summary of ARC SIDRA Modelling Results – Existing

INTERSECTION	SCENARIO	PERIOD	DEGREE OF SATURATION	AVERAGE DELAY (seconds)	LEVEL OF SERVICE
Bay Street / Cooper Street	Existing	AM	0.128	3.8	A
		PM	0.099	3.5	A
Cooper Street / Brooklyn Lane / South Avenue	Existing	AM	0.103	1.3	A
		PM	0.073	1.3	A
Cooper Street / Henrietta Lane	Existing	AM	0.091	1.6	A
		PM	0.072	0.9	A
Cooper Street / Ocean Avenue	Existing	AM	0.370	1.9	A
		PM	0.406	1.4	A
Ocean Avenue / Greenoaks Avenue	Existing	AM	0.550	7.7	A
		PM	0.535	7.2	A

Table 6 shows that all intersections operate very well during both the weekday AM and PM peak periods. Indeed, all intersections operate with minimal delays and degree of saturation, with a LOS A during both the AM and PM peak periods.



3. Development Contemplated Under Planning Proposal

As shown by the Tzannes concept plans included as **Appendix A**, the Proposal seeks to permit a 6-storey mixed-use development having the following potential characteristics:

- 30 residential apartments comprising:
 - 6 x one-bedroom apartments;
 - 20 x two-bedroom apartments;
 - 4 x three-bedroom apartments;
- 1,934m² of commercial GFA;
- 493m² of retail GFA;
- Ground floor and basement level parking accommodating a total of 60 car spaces;
- A single loading bay, suitable for use by an 8.8 metre MRV;
- Two vehicle access driveways onto Brooklyn Lane.

The parking and traffic implications arising from the above development are discussed in Sections 4 and 5 respectively.



4. Parking Requirements

4.1. Car Parking

4.1.1. Overview

The development is located within the Double Bay Centre and accordingly, it is subject to parking multipliers as stipulated in the Woollahra DCP 2015. Specifically, a parking multiplier of '0.6' is required to be adopted for one-bedroom apartments, retail floor space and commercial floor space.

With this in mind, the car parking assessment below includes the discounted car parking rate where applicable.

4.1.2. Residential Car Parking

The Woollahra DCP 2015 stipulates maximum car parking rates for residential apartments. Additionally, it is important to note that the site is situated 400 metres from Edgecliff Railway Station and hence, falls within an 800 metre radius of railway station within the Sydney Metropolitan Area. Accordingly, the car parking requirement for the residential component of the development is to be assessed in accordance with both the Woollahra DCP 2015 and ADG, as stipulated by Clause 30(1)(a) of the SEPP 65.

As stated by Objective 3J-1 of the ADG, the minimum car parking requirement for residential apartments is set out in the RMS Guide or Council's DCP, whichever is less. It is noted however, that the RMS Guide adopts a minimum car parking requirement whereas, the Woollahra DCP adopts a maximum car parking requirement.

Table 7 below shows the residential car parking requirement for the development under application of both the RMS Guide and Woollahra DCP 2015, and the proposed provision in response.

Table 7: Residential Car Parking Requirement and Provision

TYPE	NO.	RMS MINIMUM PARKING RATE	DCP MAXIMUM PARKING RATE	PARKING MULTIPLIER		RMS MINIMUM REQUIREMENT	DCP MAXIMUM REQUIREMENT	PROPOSED PROVISION
				RMS	DCP			
One Bedroom	6	0.6 spaces / unit	0.5 space / unit	-	0.6	34	28	28
Two Bedroom	20	0.9 spaces / unit	1.0 space / unit	-	-			
Three Bedroom	4	1.4 spaces / unit	1.5 spaces / unit	-	-			
Visitor	30	0.2 spaces / unit	0.2 spaces / unit	-	-	6	6	6
TOTAL						40	34	34



It is evident from **Table 7** above that the residential component of the development requires a minimum of 40 car spaces under the RMS Guide and is permitted to provide up to a maximum of 34 car spaces under the Woollahra DCP 2015. The key difference between the two policies is the fact that the RMS requirement is a generic *minimum rate* that applies to all developments in NSW and therefore generally seeks to maximise on-site parking provision, particularly for sites that are not well served by public transport. In contrast, it is clear from the *maximum rates*, that the Woollahra DCP 2015 seeks to minimise on-site parking provisions / car ownership rates and encourage the use of more sustainable modes of transport such as buses, ferries and rail, noting that the site benefits from excellent access to public transport services.

In response, the development proposes 34 car parking spaces and this complies with the Woollahra DCP 2015. Although less than the RMS minimum, the provision of 34 spaces also complies with the ADG / SEPP 65, noting that the development only needs to satisfy the RMS Guide or Woollahra DCP, whichever is less.

The proposed residential car parking provision and allocation is therefore considered acceptable. The provision is also consistent with the objectives of the Woollahra DCP 2015 which seeks to minimise on-site parking provisions / car ownership rates and encourage the use of sustainable modes of transport.

4.1.3. Commercial Car Parking

The Woollahra DCP 2015 stipulates minimum car parking rates for commercial developments. **Table 8** below shows the minimum car parking requirement under the applicable 'business premises' parking rate and the proposed provision in response.

Table 8: Commercial Car Parking Requirement and Provision

TYPE	GFA.	DCP PARKING RATE	PARKING MULTIPLIER	DCP REQUIREMENT	PROPOSED PROVISION
Commercial	1,934m ²	2.5 spaces / 100m ² GFA	0.6	29	26
TOTAL				29	26

It is evident from **Table 8** that the commercial component of the development requires a minimum of 29 car spaces under application of the Woollahra DCP 2015, and 26 commercial car spaces are provided in response. The provision of 26 car spaces will however include a single 'car share' space for the commercial component and this has the potential to replace up to 4 regular car spaces, as outlined under Clause E1.9.2 of the Woollahra DCP 2015. Accordingly, the development will effectively provide a total of 29 car spaces (25 regular spaces plus 4 car spaces as a result of the 'car share' space) and this complies with the Woollahra DCP 2015.

The proposed commercial car parking provision is therefore considered acceptable.



4.1.4. Retail Car Parking

The Woollahra DCP 2015 stipulates minimum car parking rates for retail developments. **Table 9** below shows the minimum car parking requirement under the applicable 'retail premises' parking rate and the proposed provision in response.

Table 9: Retail Car Parking Requirement and Provision

TYPE	GFA	DCP PARKING RATE	PARKING MULTIPLIER	DCP REQUIREMENT	PROPOSED PROVISION
Retail	493m ²	3.3 spaces / 100m ² GFA	0.6	10	0
TOTAL				10	0

It is evident from **Table 9** above that the retail component of the development is required to provide a minimum of 10 car parking spaces under application of the Woollahra DCP 2015. In response, the development does not propose any retail car parking and this is considered acceptable in the circumstances for the following reasons:

- The existing development incorporates approximately 370m² of retail floor space with no on-site parking for retail staff or visitors. The existing development therefore generates a demand for 8 retail car spaces under the applicable car parking rates of the Woollahra DCP 2015 and this demand is wholly accommodated on-street.
- As per **Table 9** above, the Proposal will generate a demand for 10 on-street car spaces however this would equate to a net increase in demand of only 2 on-street car spaces once the existing development is taken into account.
- The Proposal would include the removal of an existing driveway onto Bay Street. This would provide a public benefit through the creation of 1-2 additional on-street parking spaces and would offset the abovementioned net increase in on-street parking demand of 2 car spaces. Accordingly, the Proposal would have no impact on the availability of on-street parking in the locality.
- The site resides within the Double Bay Centre which accommodates numerous retail, commercial, social and recreational services / businesses / shops. Accordingly, it is expected that a significant proportion of retail business would be drawn from 'foot traffic', as pedestrians walk past the site as part of a multi-purpose trip, whereby pedestrians would visit a number of different shops / businesses as part of a single journey. Accordingly, it is expected that the retail tenancies would generate negligible retail visitor parking demands.
- Given the constrained width of Brooklyn Lane and the high traffic generation characteristics of retail developments, it is not considered appropriate to provide on-site retail visitor parking, as this would be accessed off Brooklyn Lane and could potentially result in efficiency concerns. In this regard, it is considered appropriate that any minor retail visitor parking demands be accommodated on-street or within the off-street public car parking that is available within the Double Bay Town Centre.



- As discussed in Section 2.3 of this report, the site benefits from excellent access to public transport services being within 400 metres of Edgecliff Railway Station, 400 metres of numerous bus stops located along New South Head Road, Manning Road and Edgecliff Bus Interchange, and within 550 metres of Double Bay Wharf. The site is therefore well situated to take advantage of these public transport services and will result in negligible retail staff and visitor parking demands generally.

With regard for the above, it is evident that the Proposal would have no impact on the availability of parking in the locality and accordingly, it is considered acceptable that the development does not provide any on-site retail parking. Furthermore, it is noted that the Proposal seeks to delete the requirement for minimum retail parking rates to apply to the site and this is supported for the reasons outlined above.

4.2. Bicycle Parking

The Woollahra DCP 2015 stipulates minimum bicycle parking rates for residential, retail and commercial developments. **Table 10** below shows the minimum bicycle parking requirements under the applicable parking rates and the proposed provision in response.

Table 10: Bicycle Parking Requirement and Provision

TYPE	USER	NO.	DCP PARKING RATE	DCP REQUIREMENT
Residential	Resident	30	1.0 space / unit	33
	Visitor	30	0.1 spaces / unit	
Commercial	Staff	1,934m ²	1.0 space / 150m ² GFA	26
	Visitor	1,934m ²	1.0 space / 400m ² GFA	
Retail	Staff	493m ²	1.0 space / 250m ² GFA	
	Visitor	493m ²	2.0 spaces + 1.0 space / 100m ² over 100m ²	
TOTAL				59

It is evident from **Table 10** above that the development is required to provide a total of 59 bicycle parking spaces, comprising 33 residential spaces and 26 commercial / retail spaces, under the Woollahra DCP 2015.

Whilst the plans do not currently indicate any bicycle parking, it is noted that there is ample space within the lower ground and basement parking levels to accommodate this level of parking provision and accordingly, this could be addressed during the preparation of any future development application.

4.3. Motorcycle Parking

The Woollahra DCP 2015 stipulates minimum motorcycle parking rates for all new developments. **Table 11** overleaf shows the minimum motorcycle parking requirement and the proposed provision in response.



Table 11: Motorcycle Parking Requirement and Provision

TYPE	NO.	DCP PARKING RATE	MINIMUM REQUIREMENT	PROPOSED PROVISION
Car Spaces	60	0.1 spaces / car space	6	5
TOTAL			6	5

It is evident from **Table 11** that the development is required to provide a total of 6 motorcycle parking spaces, under the Woollahra DCP 2015. As indicated by the architectural drawings included in **Appendix A**, the development provides a total of 5 motorcycle spaces, being one space less than the minimum requirement.

Notwithstanding, the development will be able to readily accommodate an additional motorcycle space, ensuring that the development provides a total of 6 motorcycle spaces. The development is therefore able to comply with the motorcycle parking requirements of the Woollahra DCP 2015.

4.4. Service Vehicle Parking & Waste Collection

The Woollahra DCP 2015 does not stipulate any specific service vehicle parking rates for residential or commercial uses. It does however state that *'a minimum of one loading bay will generally be required for retail premises (such as a supermarket) that require delivery of large items or pallets of goods.'* In this regard, it is evident that the proposal requires the provision of a single loading bay. In response, the development provides a single loading bay that is suitable for use by all vehicles up to and including an 8.8 metre MRV, and therefore satisfies the requirements of the Woollahra DCP 2015.

Waste collection of the development would also occur on-site from within the loading bay, with the use of a vehicle no larger than an 8.8 metre MRV. In this regard, it is expected that all residential waste would be collected by Council's contractors and all retail / commercial waste collected by a private waste contractor.

Swept path analysis has been undertaken of the proposed loading arrangements with the use of an 8.8 metre MRV, as is defined in AS 2890.2. The swept path results are included in **Appendix B** and confirm that an 8.8 metre MRV will be able to satisfactorily access the loading bay with all entry and exit movements to occur in a forward direction.



5. Traffic Impacts

5.1. Trip Generation

5.1.1. Residential

The RMS Guide Update recommends application of a traffic generation rate of 0.19 trips / apartment / hour during the AM peak period and 0.15 trips / apartment / hour during the PM peak period, for high density residential developments. Application of these rates to the 30 apartments proposed, results in the following peak period traffic generation:

- 6 vehicle trips / hour, during the AM peak period;
- 5 vehicle trips / hour, during the PM peak period.

5.1.2. Commercial

As discussed in Section 2.4.3 of this report, the existing commercial floor space generates traffic at a rate of approximately 1.0 trip / 100m² GFA / hour during both peak periods. Whilst this rate could be applied to the proposed commercial floor space, it is considered appropriate to adopt a more conservative approach and use the traffic generation rates outlined in the RMS Guide Update which are as follows:

- 1.6 vehicle trips per 100m² GFA, during the AM peak period;
- 1.2 vehicle trips per 100m² GFA, during the PM peak period.

Application of these rates to the proposed 1,934m² of commercial GFA, results in the following commercial traffic generation:

- 31 vehicle trips / hour, during the AM peak period;
- 23 vehicle trips / hour, during the PM peak period.

5.1.3. Retail

Given that the Proposal would not include any on-site retail car parking, it is considered appropriate to adopt the retail trip rates outlined in Section 2.4.4 of this report, which reflect the 'retrained' level of parking. These rates are 1.0 trip / 100m² GFA / hour during the AM peak period and 3.5 trips / 100m² / hour GFA during the PM peak period. Application of these rates to the proposed 493m² of retail GFA, results in the following retail traffic generation:

- 5 vehicle trips / hour, during the AM peak period;
- 17 vehicle trips / hour, during the PM peak period.



5.1.4. Combined

The total traffic generation of the proposed development is therefore expected to be in the order of:

- 42 vehicle trips / hour, during the AM peak period;
- 45 vehicle trips / hour, during the PM peak period.

The total traffic generation discussed above is however not a net change as this does not take into consideration the generation of the existing development, as is discussed in Section 2.4.5 of this report. In this regard, the net change in generation as a result of the Proposal is expected to be as follows:

- 18 vehicle trips / hour, during the AM peak period;
- 12 vehicle trips / hour, during the PM peak period.

5.2. Traffic Impacts

As discussed above, the Proposal would result in a net increase in traffic generation of 18 vehicle trips / hour during the weekday AM peak period and 12 vehicle trips / hour during the weekday PM peak period, and these trips would split into both directions (in / out of the site) thereby minimising impacts. This equates to only one additional vehicle trip every 3-5 minutes which will have no material impact on the performance of the external road network or key intersections in the locality, and accordingly, no external improvements will be required to facilitate the development.

Additionally, given the moderate increase in traffic generation and noting that the trips would be split into both directions (in / out of the site), it was not considered necessary to undertake further SIDRA modelling as this would simply demonstrate that the Proposal would have negligible impacts on the performance of the key intersections. The traffic impacts of the Proposal are therefore considered acceptable.



6. Design Aspects

6.1. Access

The development proposes two separate access driveways onto Brooklyn Lane. This includes a 5.5 metre wide combined entry / exit driveway serving the ground floor car park and a 6.2 metre wide combined entry / exit driveway serving the basement car park.

The width of the proposed access driveways complies with the minimum requirements of Table 3.1 of AS 2890.1 and importantly, the access arrangements will ensure that all entry and exit movements to the site will occur in a forward direction. Swept path analysis has been undertaken of the proposed vehicle access arrangements in accordance with AS 2890.1. The results are provided as **Appendix B** and indicate that satisfactory entry and exit manoeuvres can be achieved, and that all cars will enter and exit the site in a forward direction.

6.2. Internal Design

The proposed internal parking arrangements as shown by the Tzannes concept plans included in **Appendix A**, generally comply with the relevant requirements of AS 2890.1, AS 2890.2 and AS 2890.6 with the following design aspects considered noteworthy:

6.2.1. Driveway / Ramp

- The vehicular ramp has a grade of 12.5% (1 in 8) for the first 6 metres inside the property boundary and this is a downgrade for vehicles exiting the site. This arrangement complies with the requirements of Clause 3.3 of AS 2890.1.
- The vehicular ramp has a maximum grade of 25% (1 in 4) with 2.0 metre transitions of 12.5% (1 in 8) provided at both ends, thereby satisfying Clause 2.5.3 of AS 2890.1.
- The vehicular ramp has a minimum width of 6.2 metres between kerbs and will therefore accommodate two-lane, two-way traffic flow, thereby satisfying Figure 2.8 of AS 2890.1.

6.2.2. Parking Modules

- All car parking spaces are provided in accordance with the User Class 1A requirements of AS 2890.1, having a minimum space width of 2.4 metres and length of 5.4 metres, with an aisle width of 5.8 metres.
- All accessible car parking spaces are provided with a minimum space width of 2.4 metres and length of 5.4 metres, with an aisle width of 5.8 metres. Additionally, these spaces are located immediately adjacent to a 2.4 metre wide and 5.4 metre long shared area, thereby satisfying the requirements of AS 2890.6.
- All walls / columns are generally located outside of the space design envelope, as required under Figure 5.2 of AS 2890.1.



6.2.3. Head Heights

- A minimum clear head height of 2.2 metres is required above all traffic circulation and car parking areas in accordance with Clause 5.3.1 of AS 2890.1.
- A minimum clear head height of 2.5 metres is required above the accessible car parking space and shared areas, in accordance with Clause 2.4 of AS 2890.6.
- A minimum clear head height of 4.5 metres is required above all areas to be traversed by the MRV including directly above the loading bay, in accordance with AS 2890.2.

6.2.4. Other Design Aspects

- A 2.5 metre by 2.0 metre visual splay is required to be provided on the egress side of the driveways, at the property boundary, in accordance with Figure 3.3 of AS 2890.1. These areas are to be kept clear of all vertical obstructions with a height greater than 0.6 metres.
- All motorcycle spaces are provided in accordance with Clause 2.4.7 of AS 2890.1.

In summary, the proposed access and parking arrangements would operate satisfactorily and generally comply with AS 2890.1, AS 2890.2 and AS 2890.6.



7. Conclusions

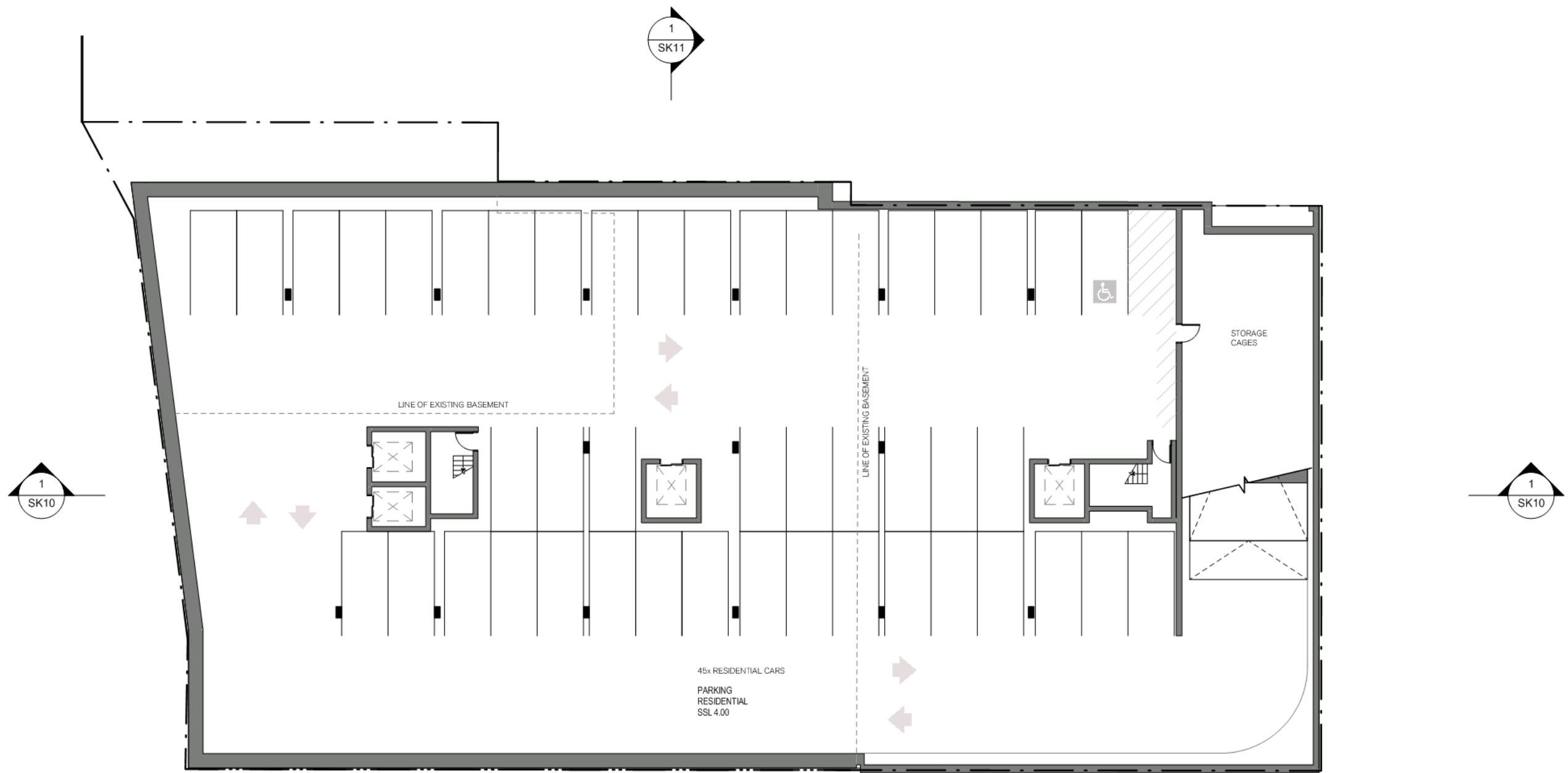
In summary:

- PDC Consultants has been commissioned by Loftex Property to undertake a Traffic Impact Assessment of a Planning Proposal relating to the site at 2-10 Bay Street & 294-298 New South Head Road, Double Bay. As shown by the Tzannes concept plans included as **Appendix A**, the Planning Proposal seeks to permit a 6-storey mixed-use development, having the following potential characteristics:
 - 30 residential apartments;
 - 1,934m² of commercial GFA;
 - 493m² of retail GFA;
 - Ground floor and basement level car parking accommodating a total of 60 car spaces;
 - A single loading bay suitable for all vehicles up to an 8.8 metre MRV;
 - Two vehicle access driveways onto Brooklyn Lane.
- The traffic generation assessment confirms that the development will generate 42 vehicle trips / hour and 45 vehicle trips / hour during the AM and PM peak periods respectively. This translates to a net increase in traffic generation of 18 vehicle trips / hour during the weekday AM peak period and 12 vehicle trips / hour during the weekday PM peak period once the existing development is taken into consideration. This equates to only one additional vehicle trip every 3-5 minutes which will have no material impact on the performance of the external road network or key intersections in the locality, and accordingly, no external improvements will be required to facilitate the development. The traffic impacts of the proposed development are therefore considered acceptable.
- The residential component of the development requires a minimum of 40 car spaces under the RMS Guide and is permitted to provide up to 34 car spaces under the Woollahra DCP 2015. In response the development provides 34 residential car spaces and therefore satisfies the Woollahra DCP 2015. The proposed residential car parking provision is therefore considered acceptable.
- The commercial component of the development requires a minimum of 29 car spaces under application of the Woollahra DCP 2015, and 26 commercial car spaces are provided in response. The provision of 26 car spaces will however include a single 'car share' space which has the potential to replace up to 4 regular car spaces, as outlined under Clause E1.9.2 of the Woollahra DCP 2015. Accordingly, the development will effectively provide a total of 29 car spaces (25 regular spaces plus 4 car spaces as a result of the 'car share' space) and this complies with the Woollahra DCP 2015. The proposed commercial car parking provision is therefore considered acceptable.
- The retail component of the development requires a minimum of 10 car parking spaces under application of the Woollahra DCP 2015. The development does not propose any retail car parking in response, consistent with the existing development, and this is considered acceptable having regard for the reasons discussed under Section 4.1 of this report. Furthermore, it is noted that the Proposal seeks to delete the requirement for minimum retail parking rates to apply to the site and this is supported.
- The proposed access and parking arrangements generally comply with the requirements of AS 2890.1, AS 2890.2 and AS 2890.6, and will operate satisfactorily.

It is therefore concluded that the Proposal is supportable on traffic planning grounds.



Appendix A



GFA COMPLIANCE TABLE

Site Area		1862m ²	
PROPOSED CONTROLS		CONCEPT SCHEME	
Maximum FSR	3:1	GFA	5547m ²
Maximum GFA	5586m ²	COMPLIES	
Minimum Non-residential FSR	1.3:1	Non-residential GFA	2427m ²
Minimum Non-residential GFA	2420m ²	COMPLIES	

YIELD SUMMARY

APARTMENT MIX		GFA	
One Bedroom Apartments	6	Residential GFA	3120m ²
Two Bedroom Apartments	20	Commercial GFA	1934m ²
Three Bedroom Apartments	4	Retail GFA	493m ²
Total Apartments	30	Total GFA	5547m ²

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North



Scale

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m

Project
Bay Street Apartments

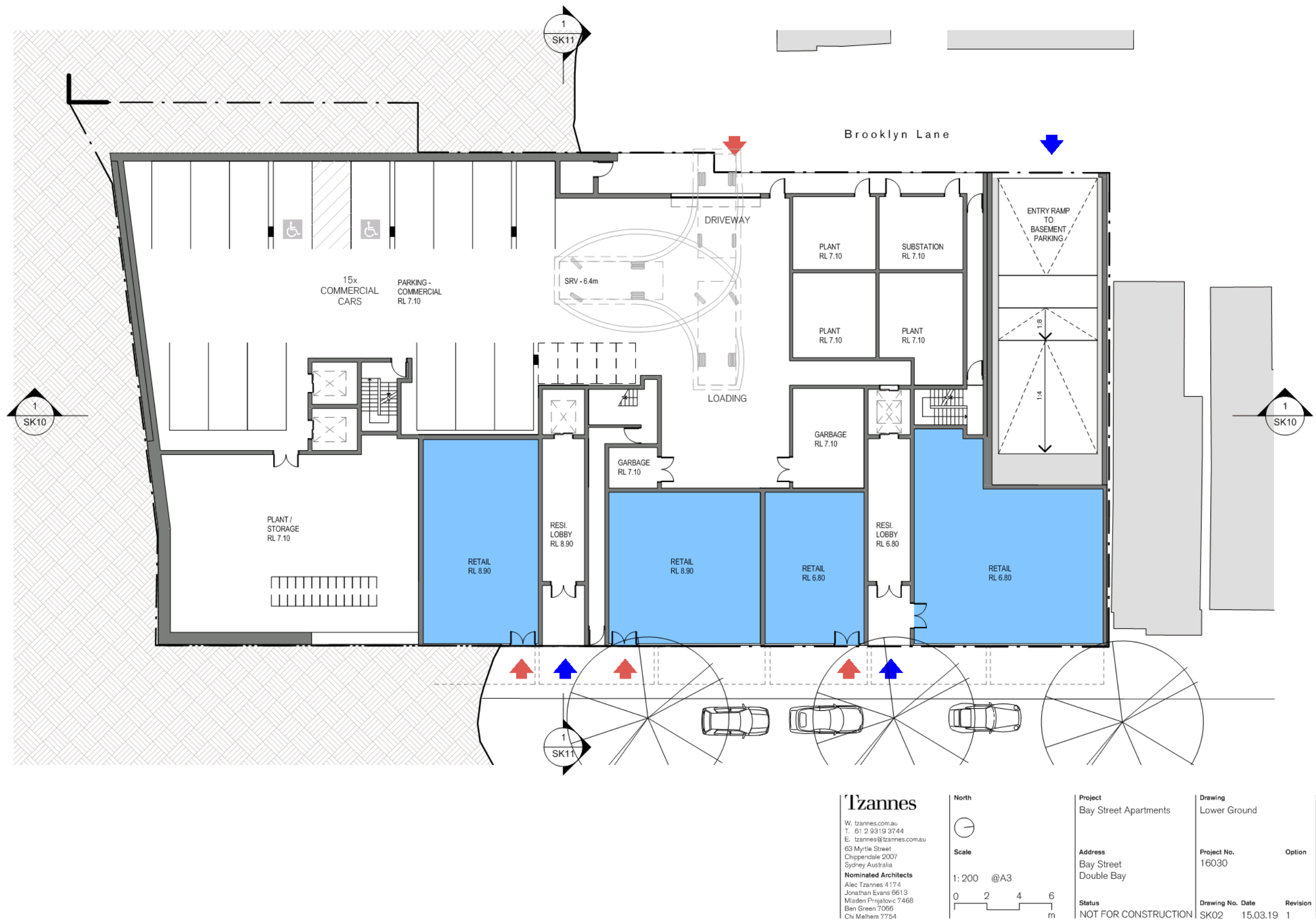
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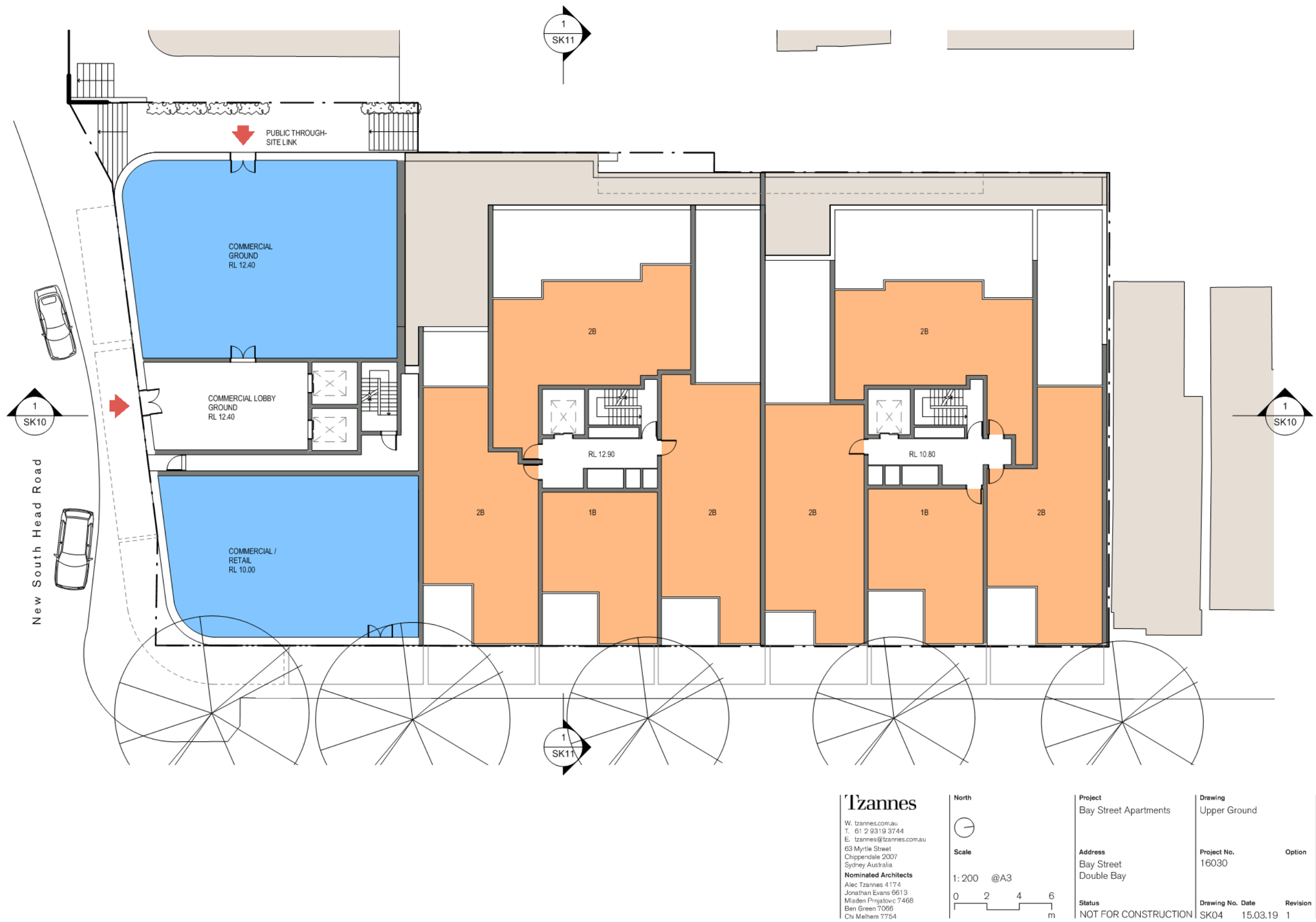
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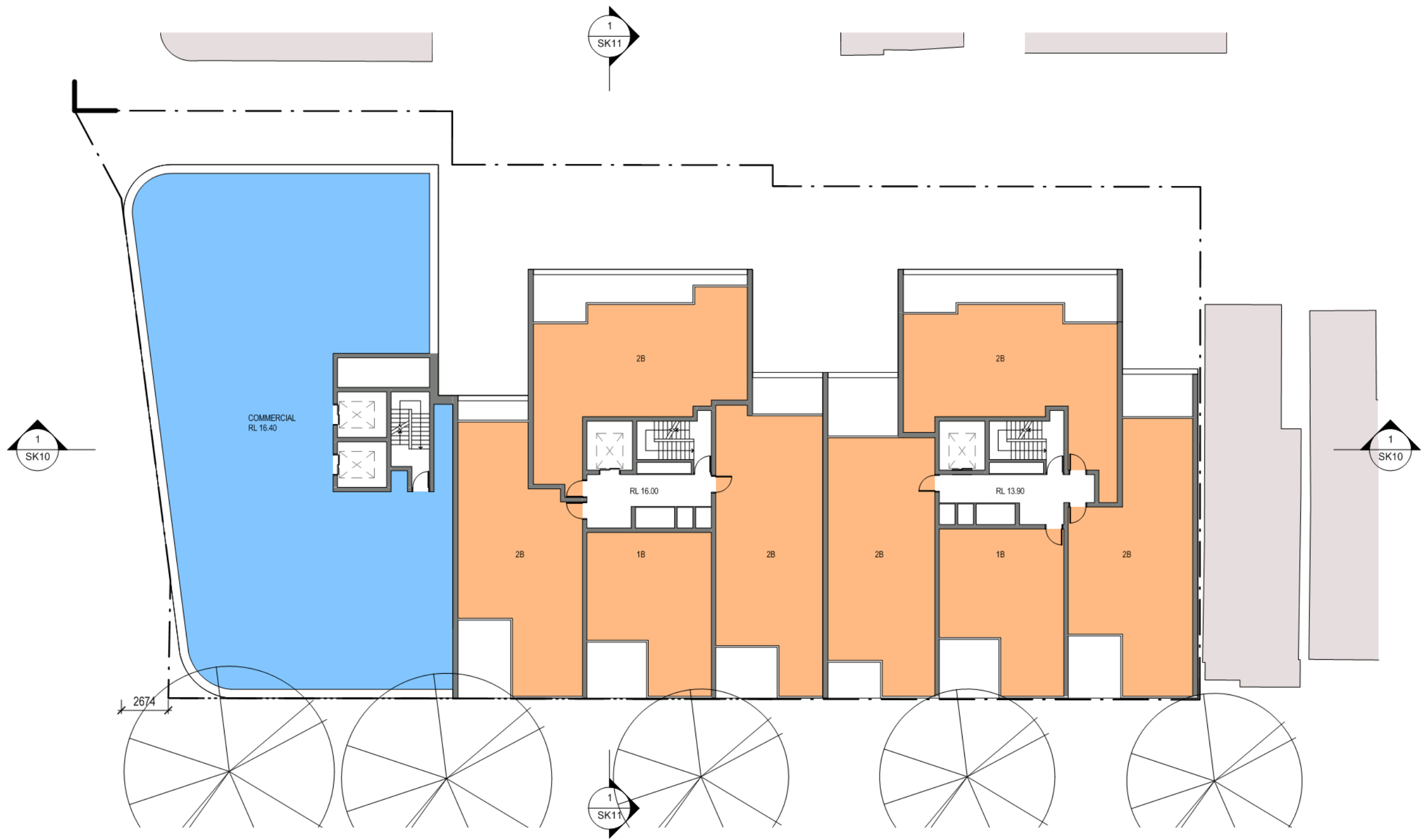
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Project No.
16030

Drawing No. Date Revision
SK01 15.03.19 1





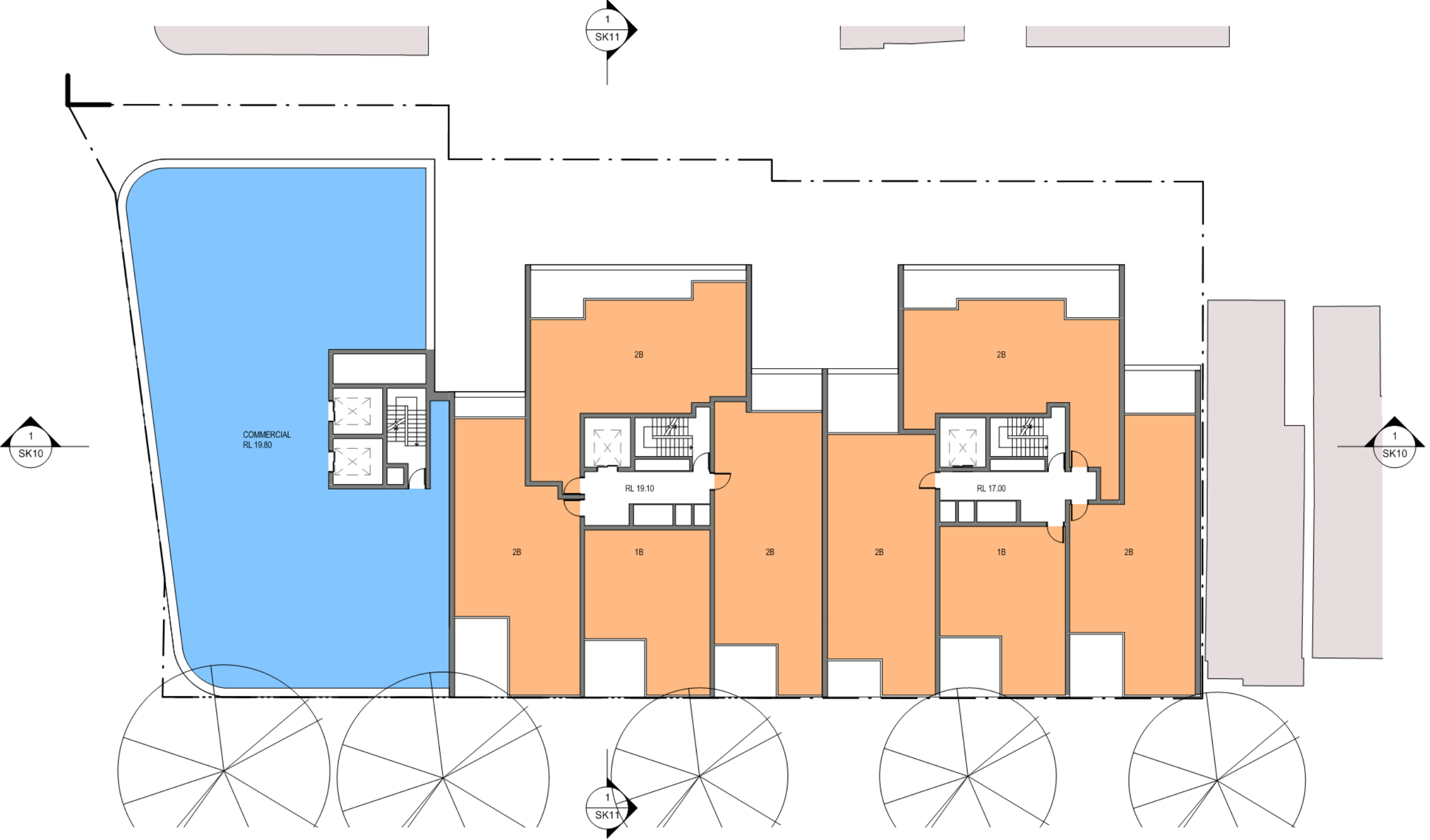


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North

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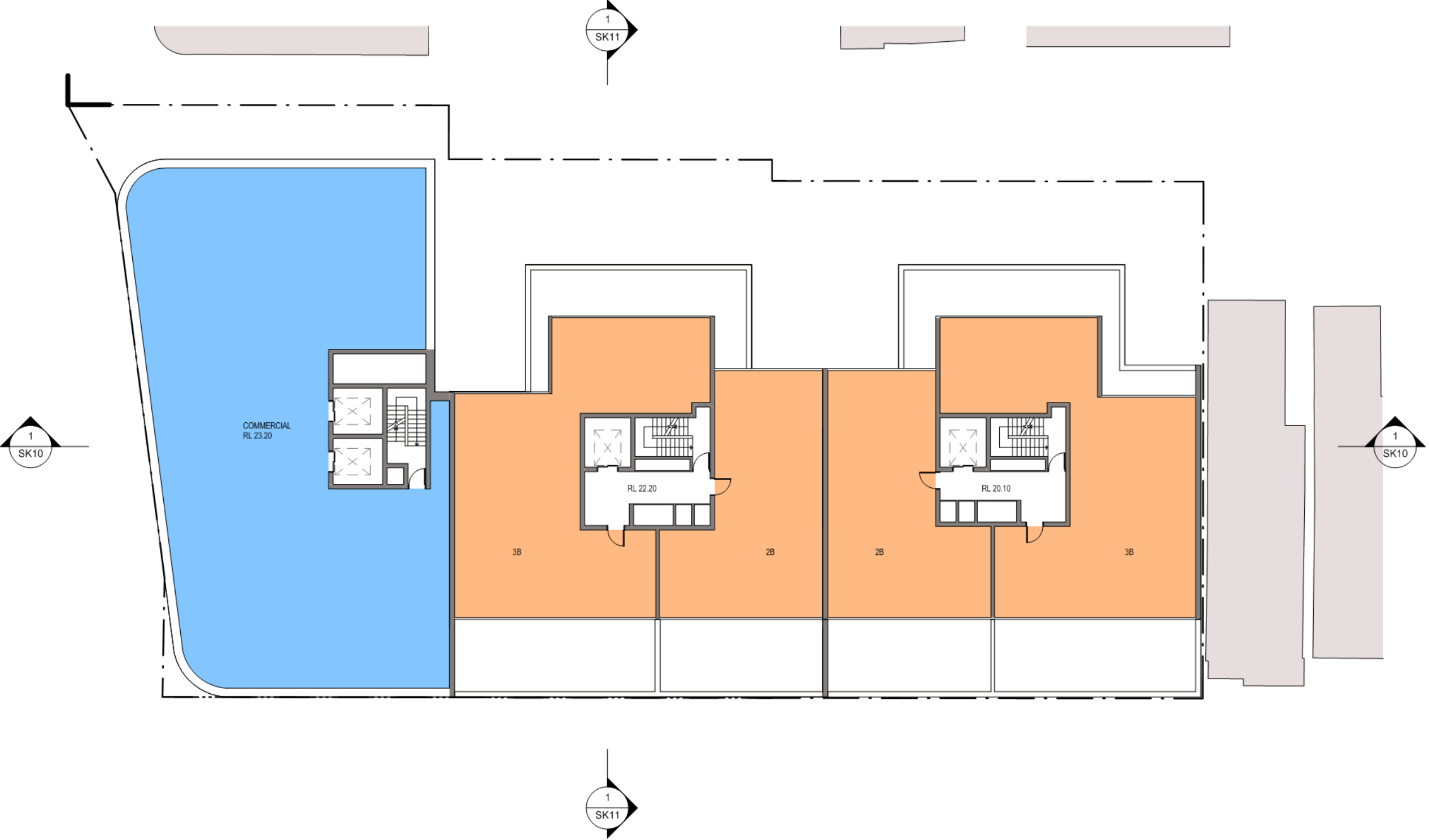


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North

Scale
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Address Bay Street Double Bay	Project No. 16030 Option
Status NOT FOR CONSTRUCTION	Drawing No. Date Revision SK06 15.03.19 1



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Ben Green 7066
Chi Melhem 7754

North

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Project
Bay Street Apartments

Address
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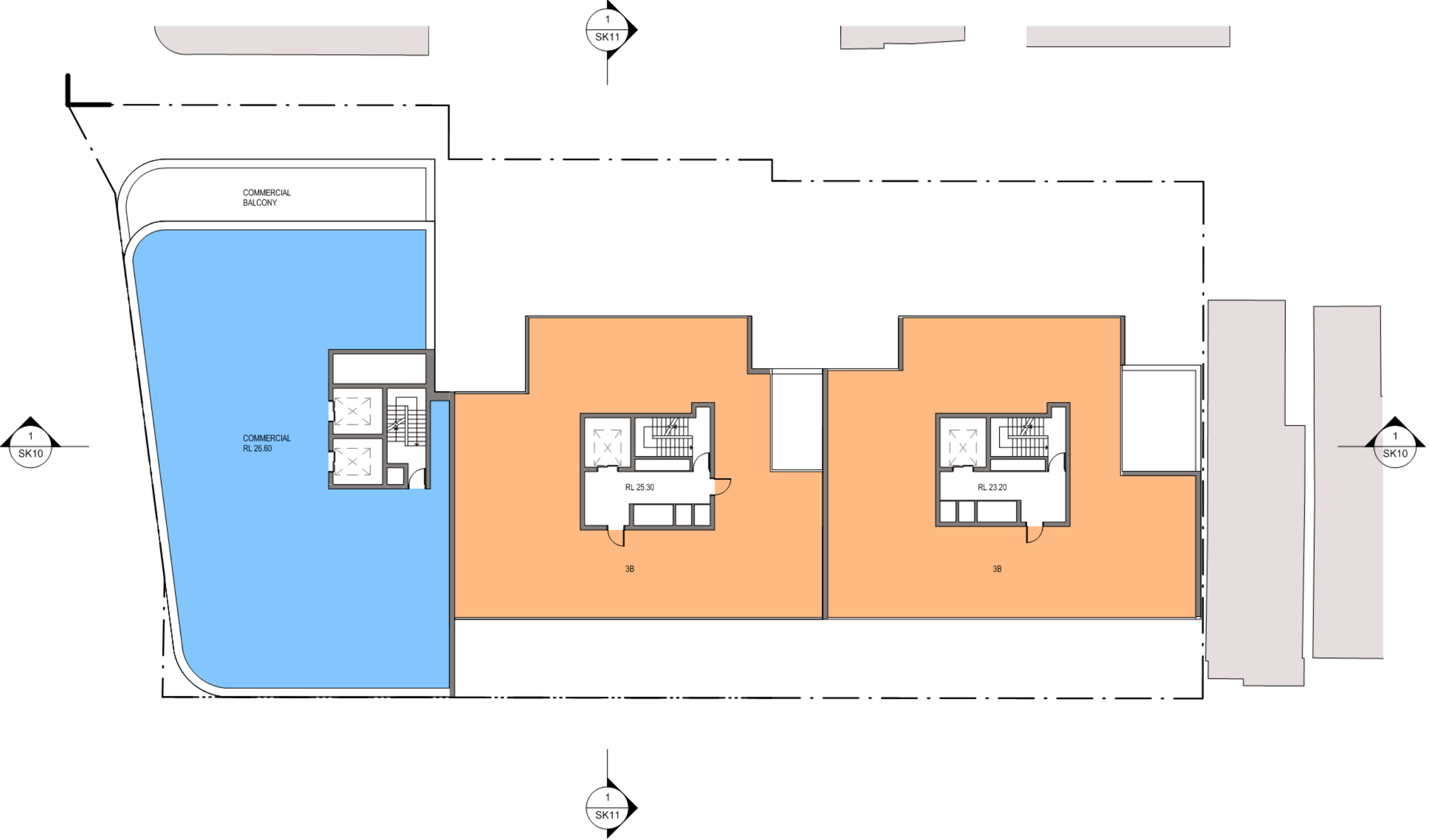
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Project No.
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Drawing No. Date Revision
SK07 15.03.19 1

Option



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North

Scale

1:200 @A3

Project

Bay Street Apartments

Address

Bay Street
Double Bay

Status

NOT FOR CONSTRUCTION

Drawing

Level 4

Project No.

16030

Drawing No.

SK08

Date

15.03.19

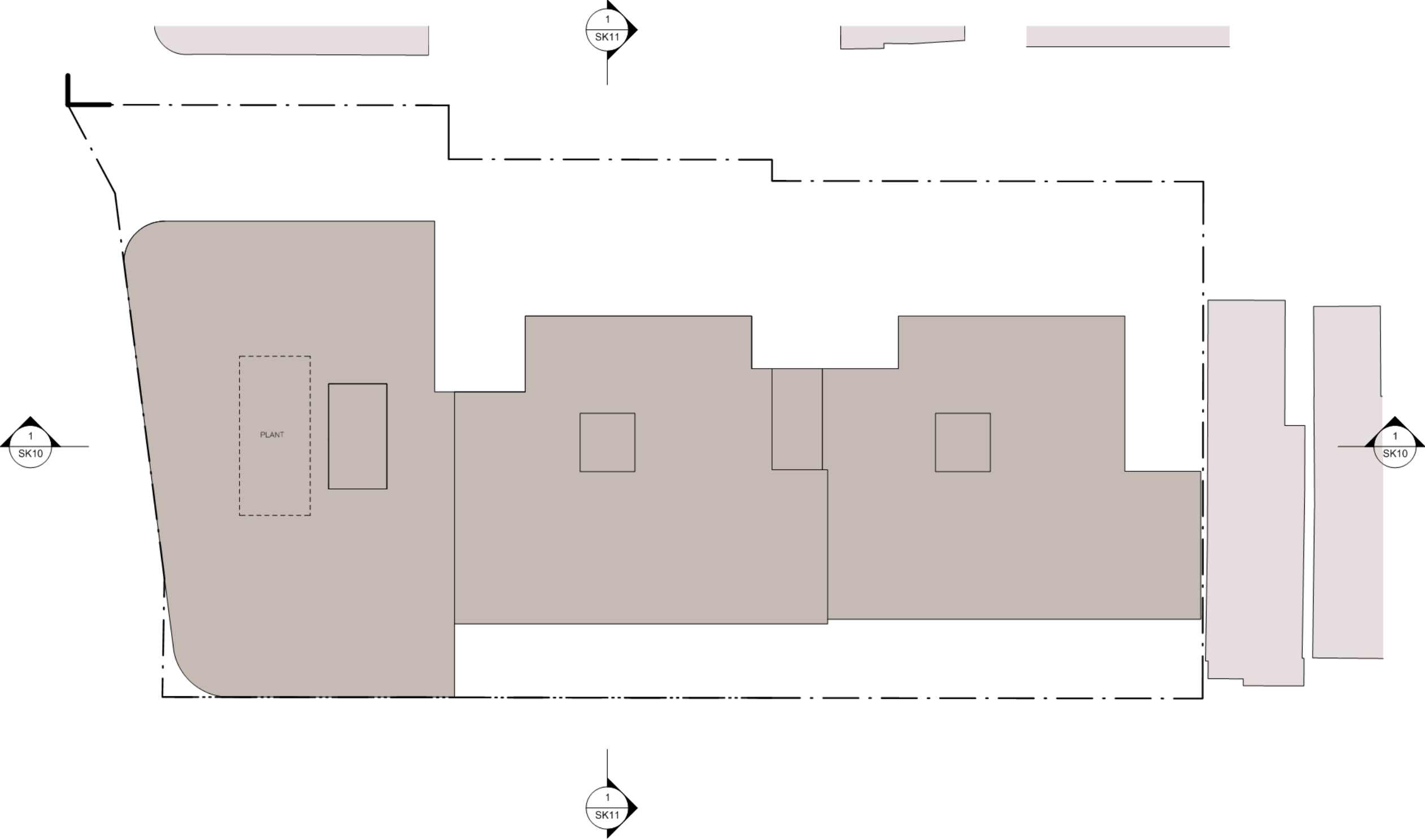
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Option

Annexure 7 Traffic Impact Assessment - PDC Consultants - 7 April 2019

Page 329



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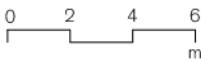
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Chi Melhem 7754

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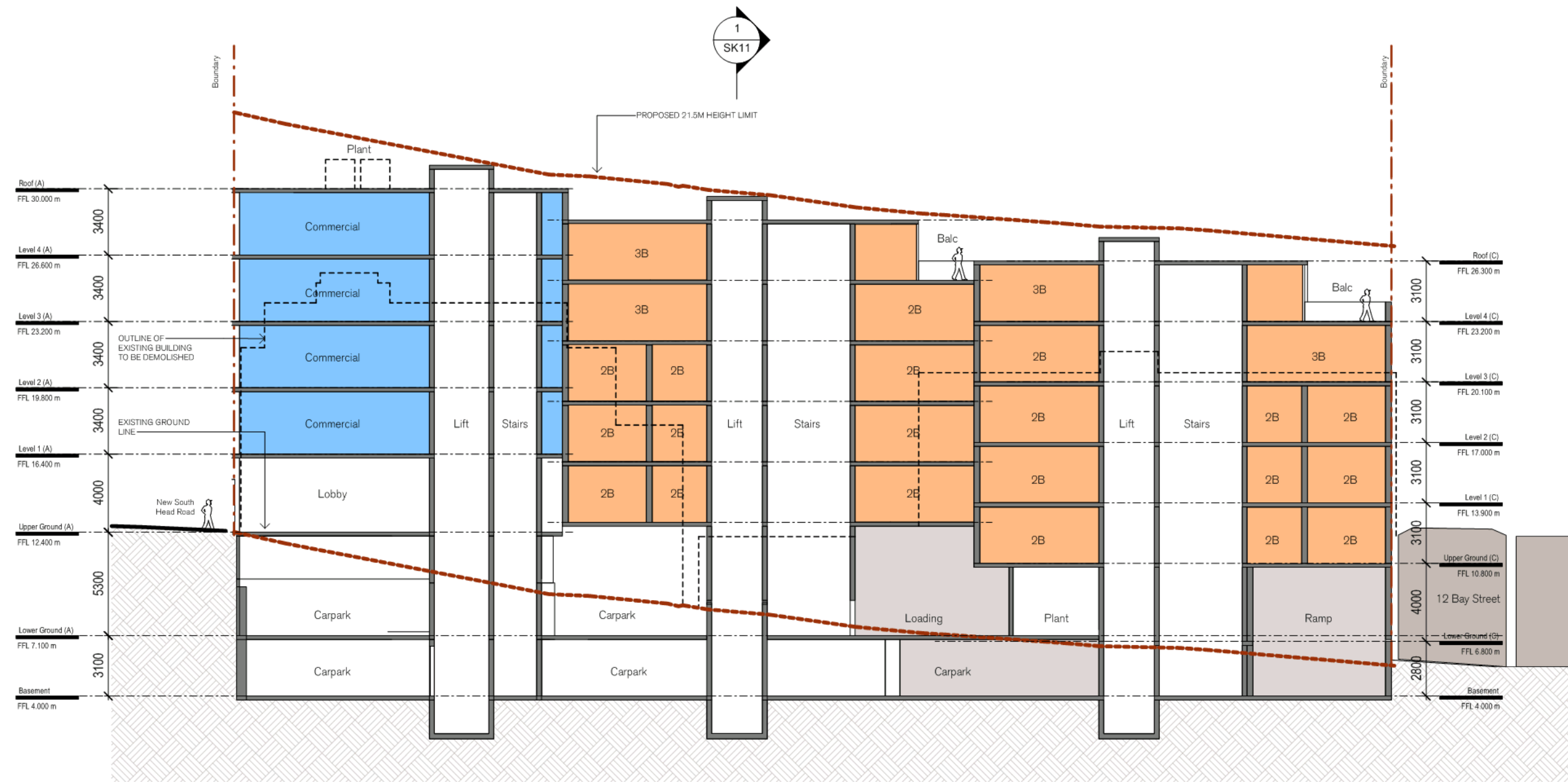
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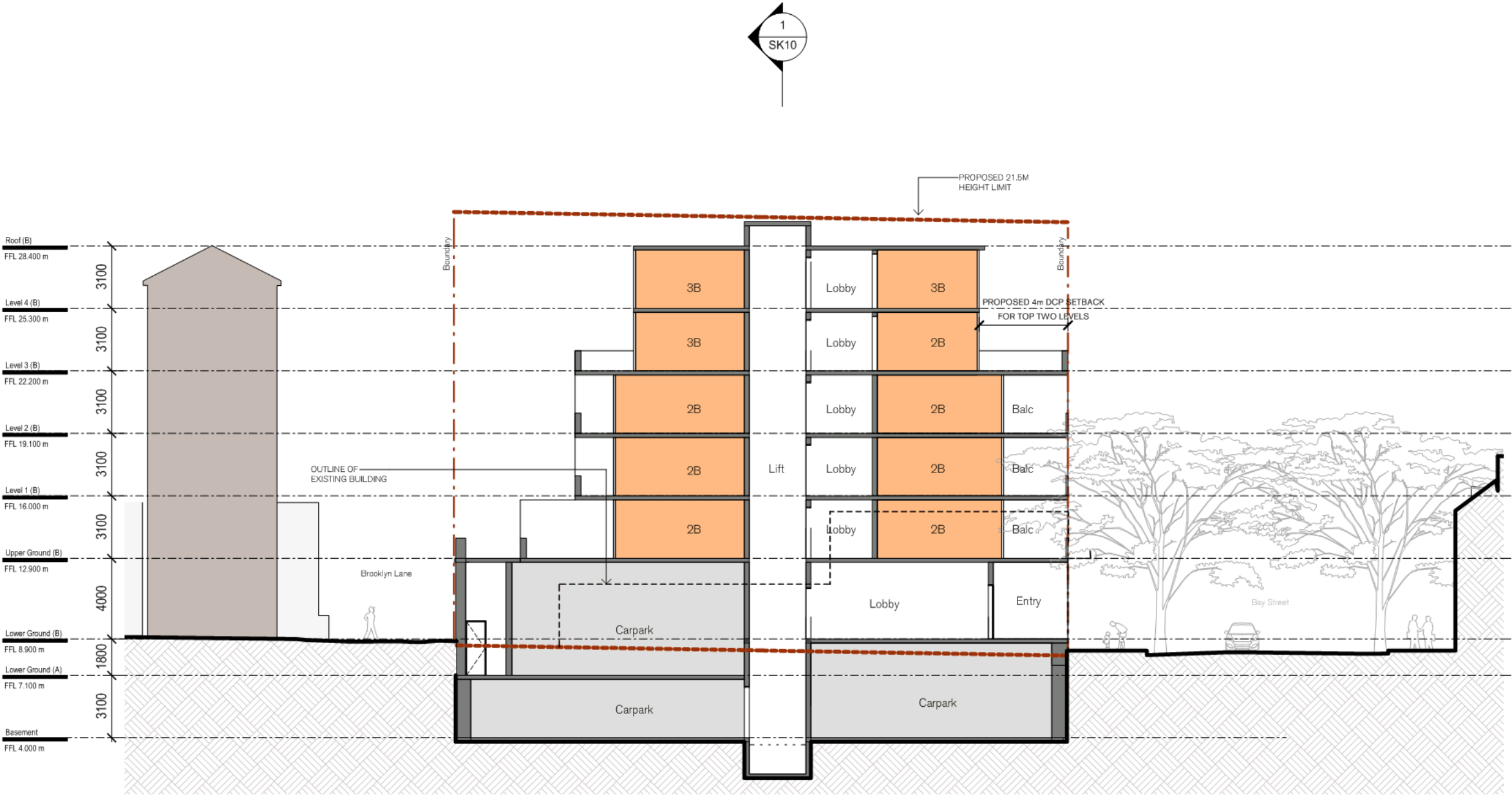


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North
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Project Bay Street Apartments	Drawing Section AA
Address Bay Street Double Bay	Project No. 16030
Status NOT FOR CONSTRUCTION	Drawing No. SK10 Date 15.03.19 Revision 1



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North



Scale

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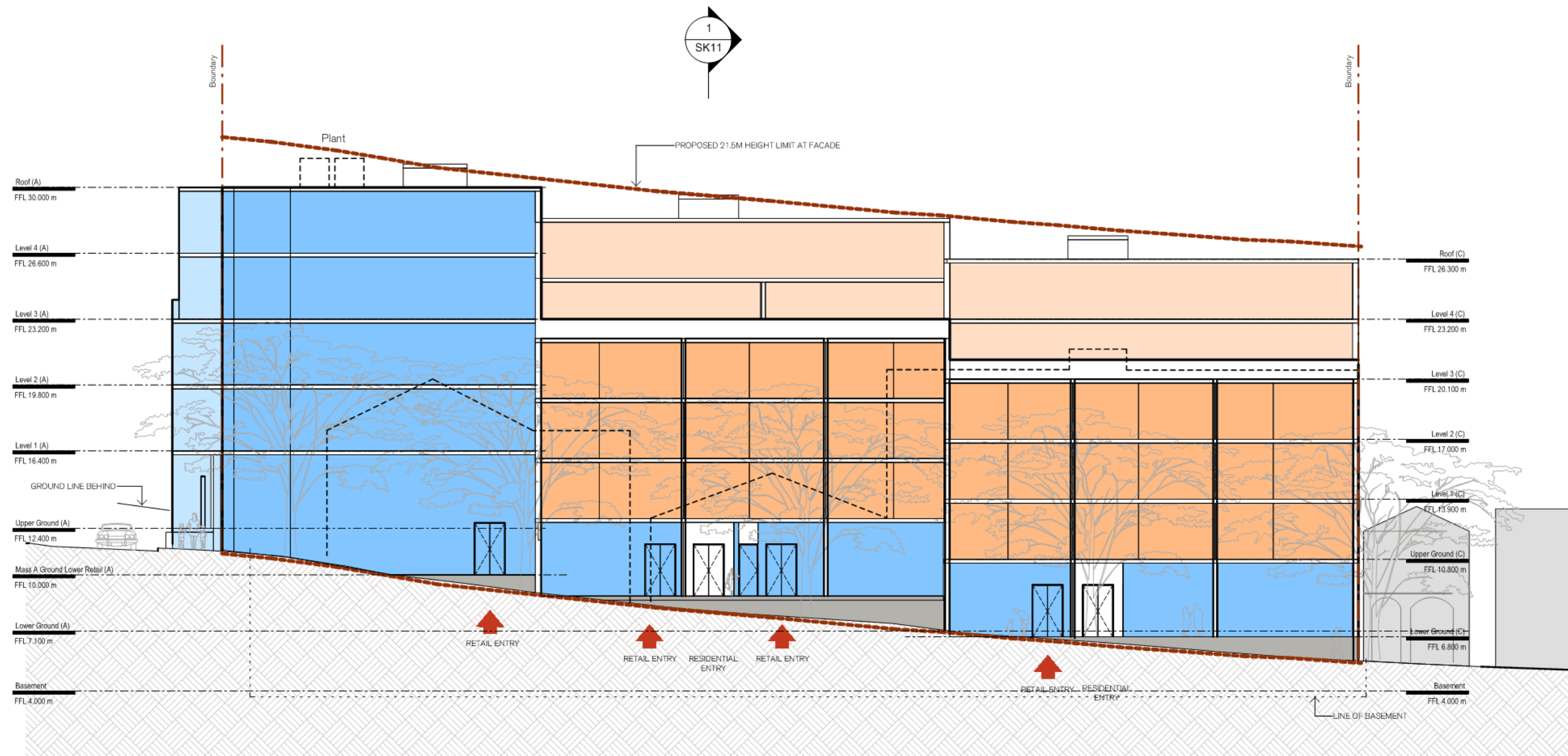
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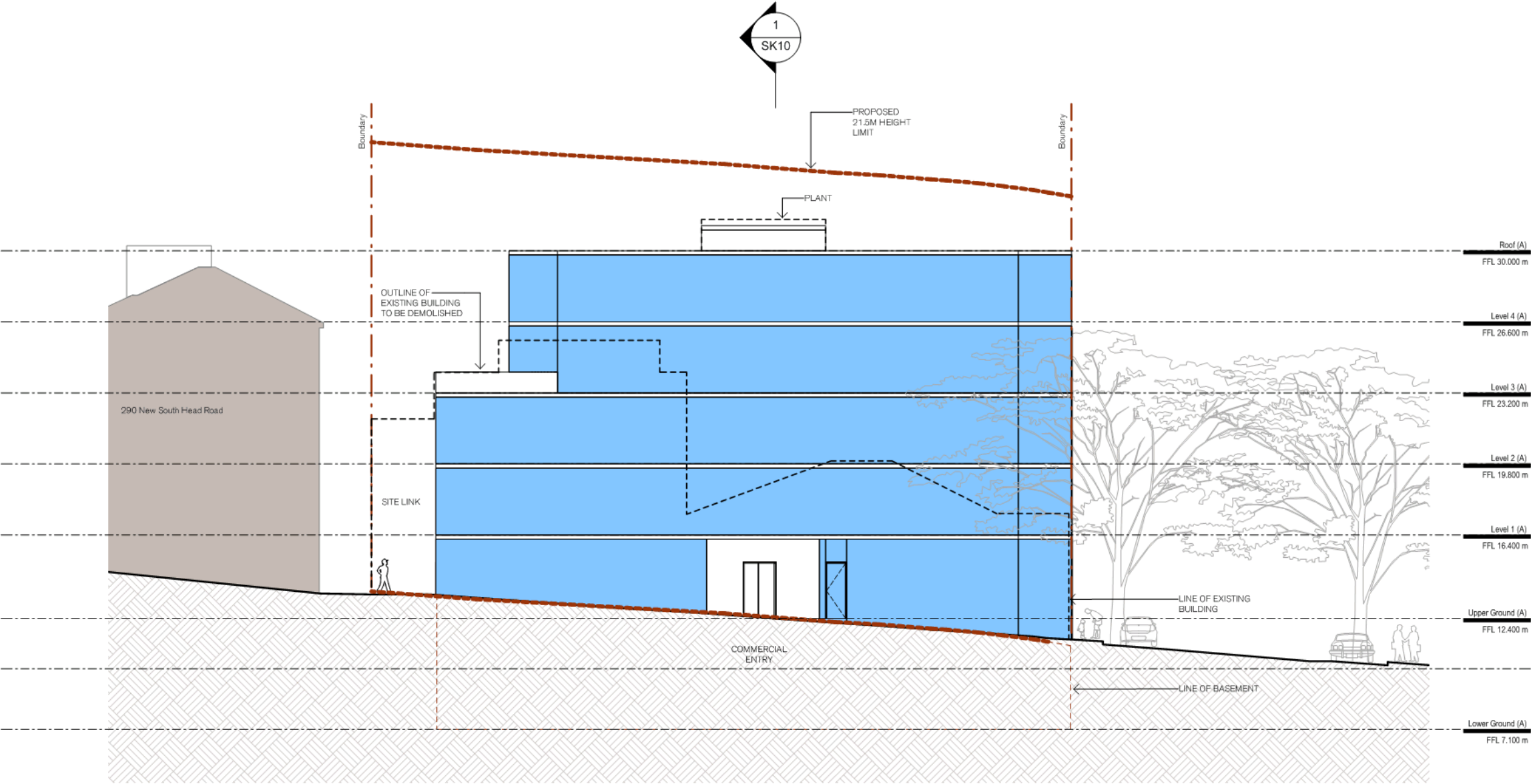
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SK11 15.03.19 1



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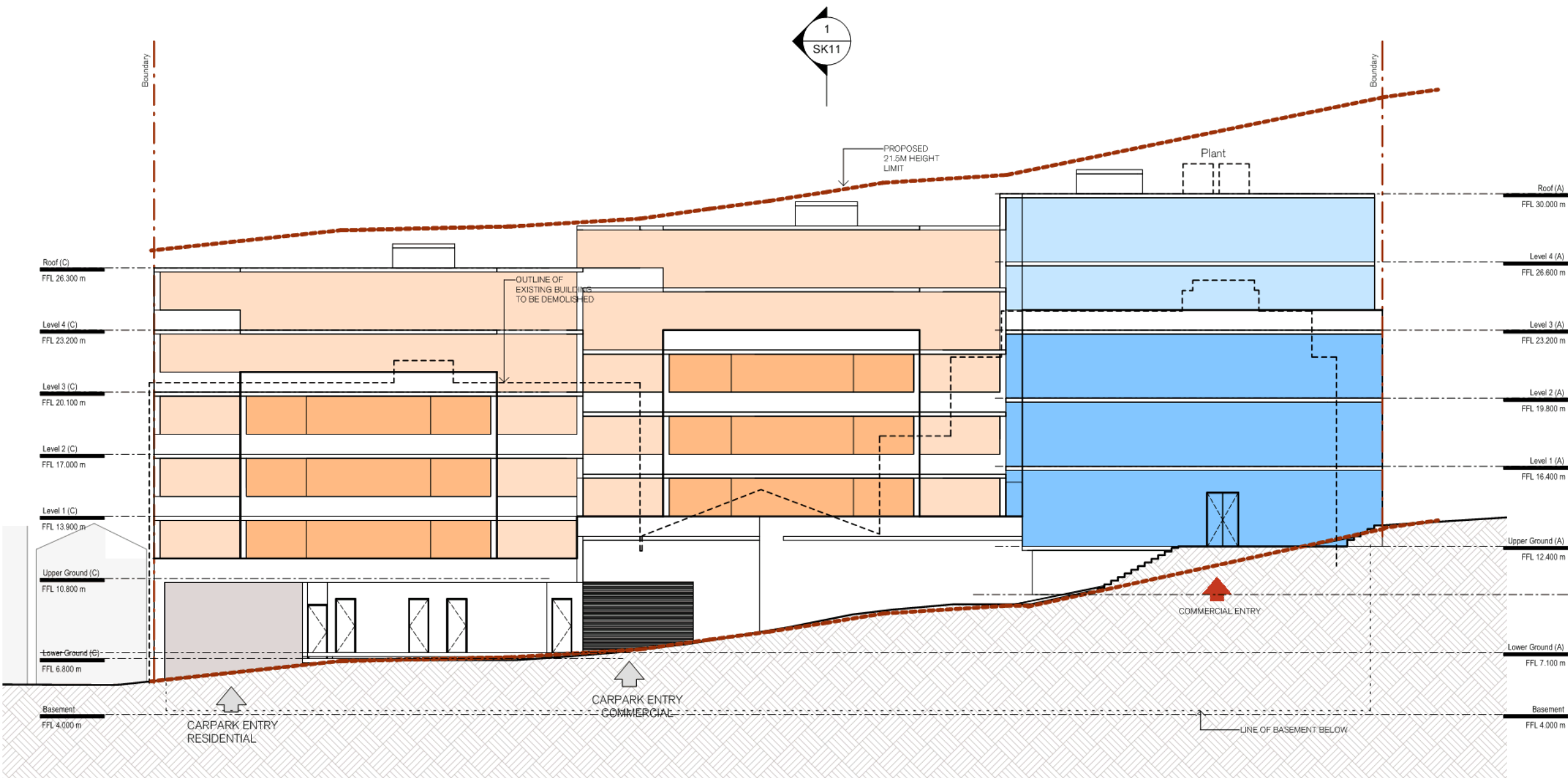
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16030

Drawing No. Date Revision
SK14 15.03.19 1



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Project
Bay Street Apartments

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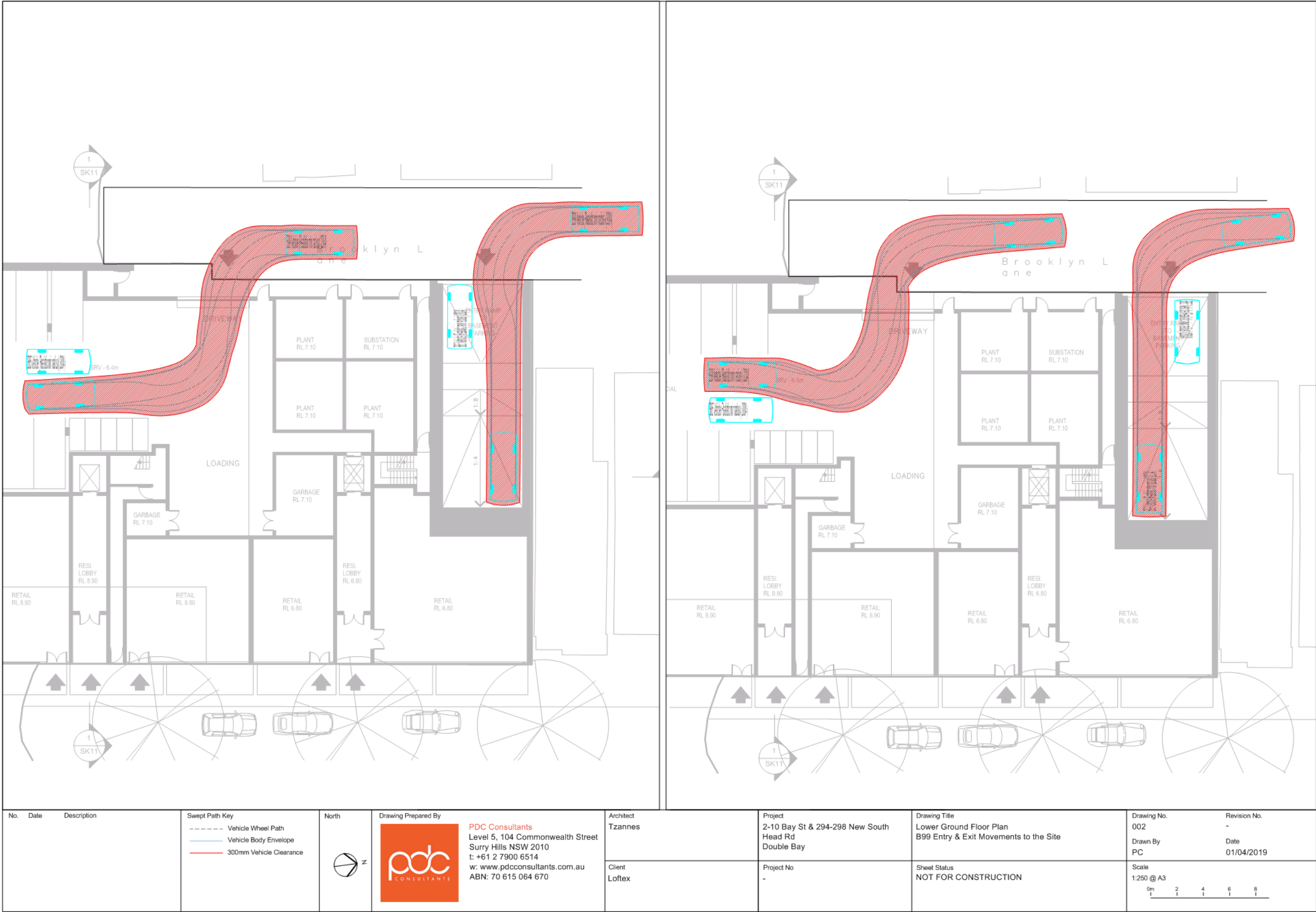
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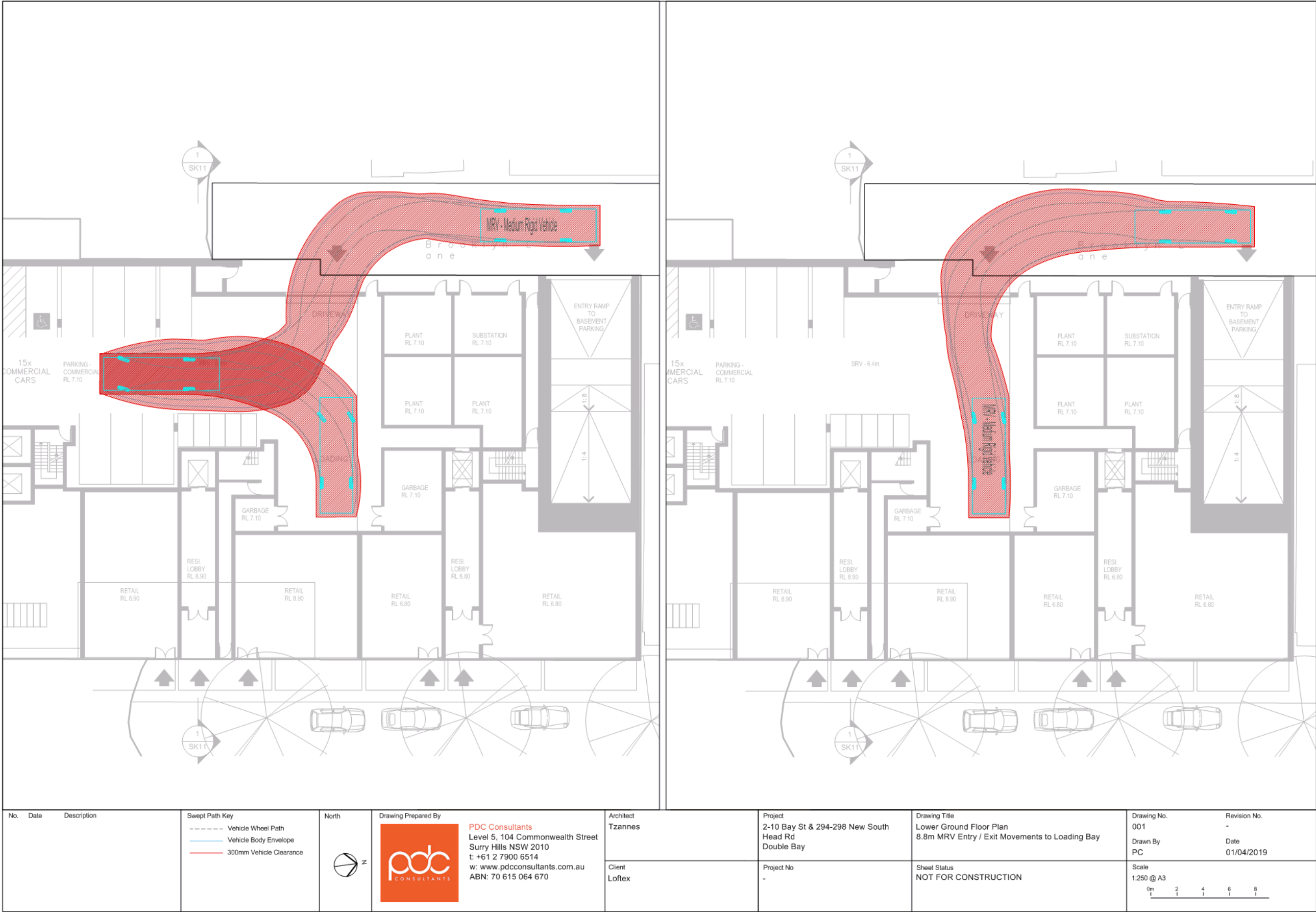
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Appendix B

0091r02v02 | 7/04/2019
2-10 Bay Street & 294-298 New South Head Road, Double Bay | Traffic Impact Assessment





Item No:	R2 Recommendation to Council
Subject:	POTENTIAL AMENDMENTS TO THE PADDINGTON HERITAGE CONSERVATION AREA CONTROLS TO INSERT NUMERICAL CONTROLS FOR PAVILIONS AND LINKING STRUCTURES
Author:	Flavia Scardamaglia, Strategic Heritage Officer
Approvers:	Anne White, Acting Manager - Strategic Planning Allan Coker, Director - Planning & Development
File No:	19/188088
Reason for Report:	To report on Council's decision requesting staff to identify potential controls for the maximum height of pavilions and dimensions for linking structures.

Recommendation:

- A. THAT Council note the report to the Environmental Planning Committee meeting of 2 December 2019 which contains potential options to address the inclusion of numerical controls for pavilion and linking structures in the Paddington Heritage Conservation Area controls.
- B. THAT a meeting of the Paddington Heritage Conservation Area Working Party is convened as soon as possible to discuss potential amendments to the numerical controls for pavilions and linking structures.

1. Background

On 4 November 2019, Council's Environmental Planning Committee (EPC) considered a report on the public exhibition of proposed amendments to the Paddington Heritage Conservation Area Controls. On 11 November 2019 Council resolved:

- A. *THAT Council approve the Draft Woollahra Development Control Plan 2015 (Amendment No. 7) – Chapter C1 Paddington Heritage Conservation Area as amended and attached at Annexure 3 to the report of the Environmental Planning Committee of 4 November 2019, subject to the following:*
 - a) *Amend C15 of 2.5.2 by inserting the words 'narrow and non-habitable' as follows:*
 - i *a narrow, non-habitable linking structure may be provided between the principal building form and the pavilion addition.*
 - b) *Amend the definition of pavilion in Chapter A3 Definitions: by including the word 'non-habitable' in the description of the linking structure.*
 - c) *Insert additional bullet point in Table 2 Materials and details for infill development as part of Clause 1.3.13 Infill development (new development) which was omitted in error.*
 - d) *the DCP requiring the retention and reuse of significant fabrics including wrought iron.*
 - e) *Adding the word 'narrow' to clause C15(a).*
- B. *THAT Council requests that staff report back on potential maximum height for pavilions and potential dimensions for linking structures to an Environmental Planning Committee meeting (as a matter of urgency).*

In response to Part A, the *Draft Woollahra Development Control Plan 2015 (Amendment No 7) – Chapter C1 Paddington Heritage Conservation Area*, as amended by the Council resolution of 11 November 2019, will come into effect on 2 January 2020.

2. Existing controls in Chapter C1 Paddington Heritage Conservation Area

In response to Part B, Council staff have reviewed the controls in the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) relating to the maximum height for pavilions and the dimensions for linking structures. We identify the following controls and figures will apply as at 2 January 2020 when *Draft Woollahra Development Control Plan 2015 (Amendment No 7)* comes into effect.

2.1. Pavilion: Existing height controls

Highlighted text represents staff emphasis.

Woollahra DCP 2015	
Chapter A3 Definitions	
Pavilion: A structure which	must be subsidiary in height, form and scale to the principal building.
Chapter C1 Paddington heritage Conservation Area	
Clause 1.3.1 Single storey buildings of Chapter C1	
O3	To ensure that the scale and form of single storey buildings are retained and that alterations and additions do not dominate the building.
C12	A pavilion addition may be permitted if:..... e) It is subsidiary to the existing building and will not dominate the existing building in terms of bulk, height and scale.
C13	A pavilion addition must be single storey, be subsidiary to the ridge height of the principal building (not including chimneys), and must not be able to be seen over the roof of the principal building.
C18	An attic is permitted within the roof space of the pavilion addition provided that:.... b) The form and pitch of the pavilion addition roof matches the form and pitch of the roof of the principal building.
Figure 2 Intrusive additions <i>Note: relevant diagrams relating to the height of pavilions</i>	

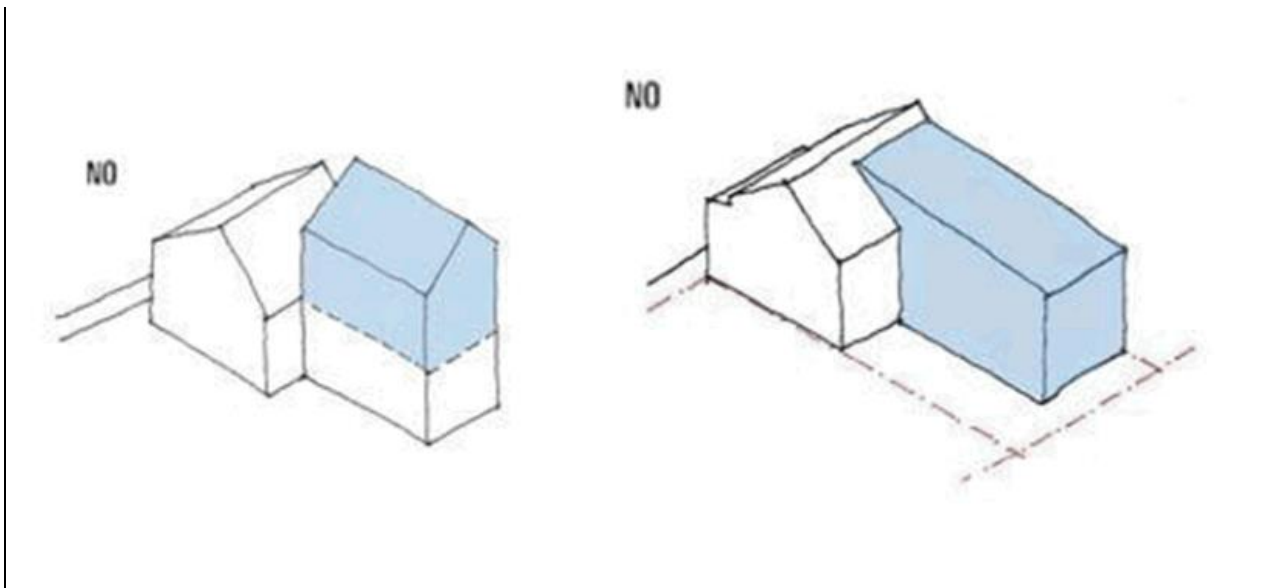
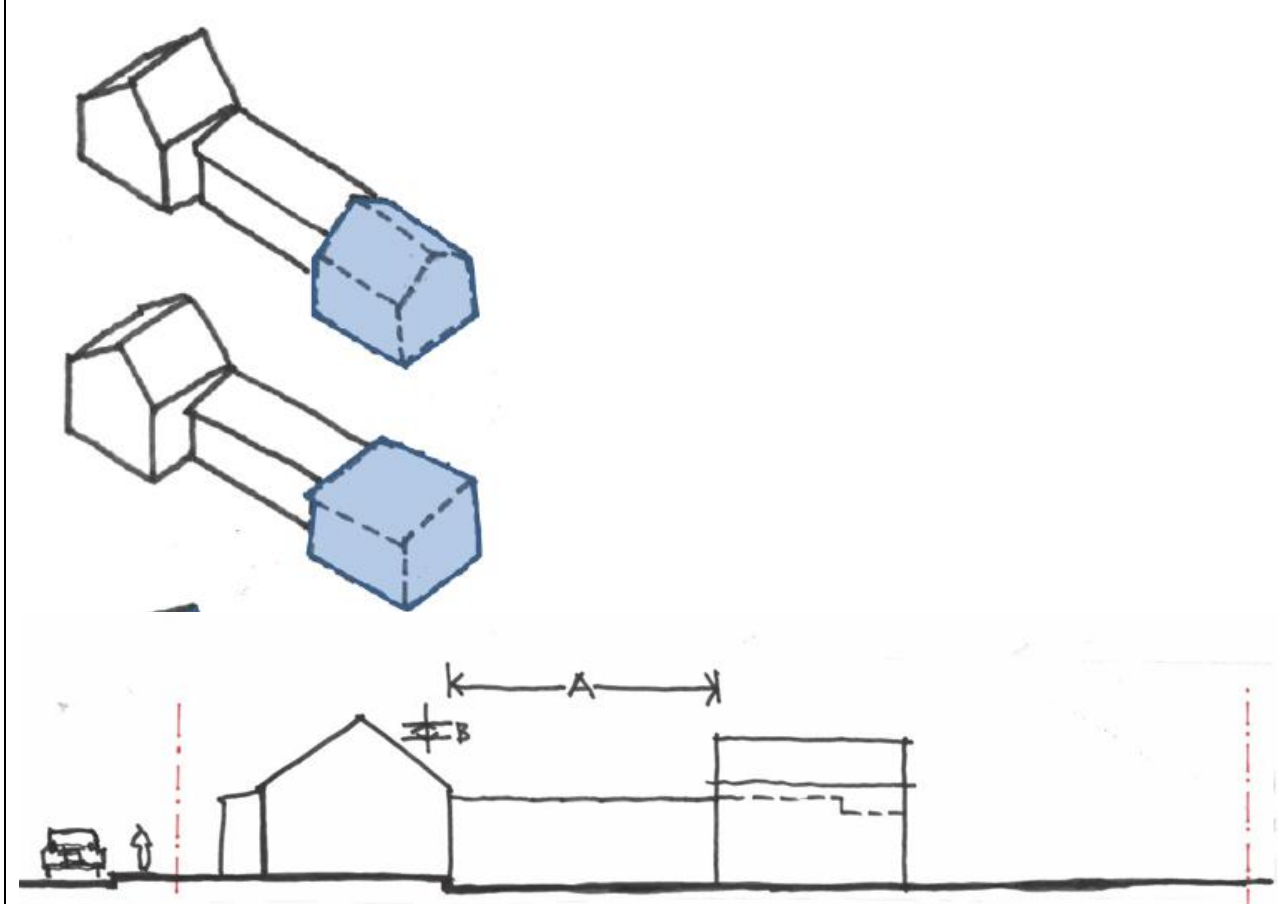


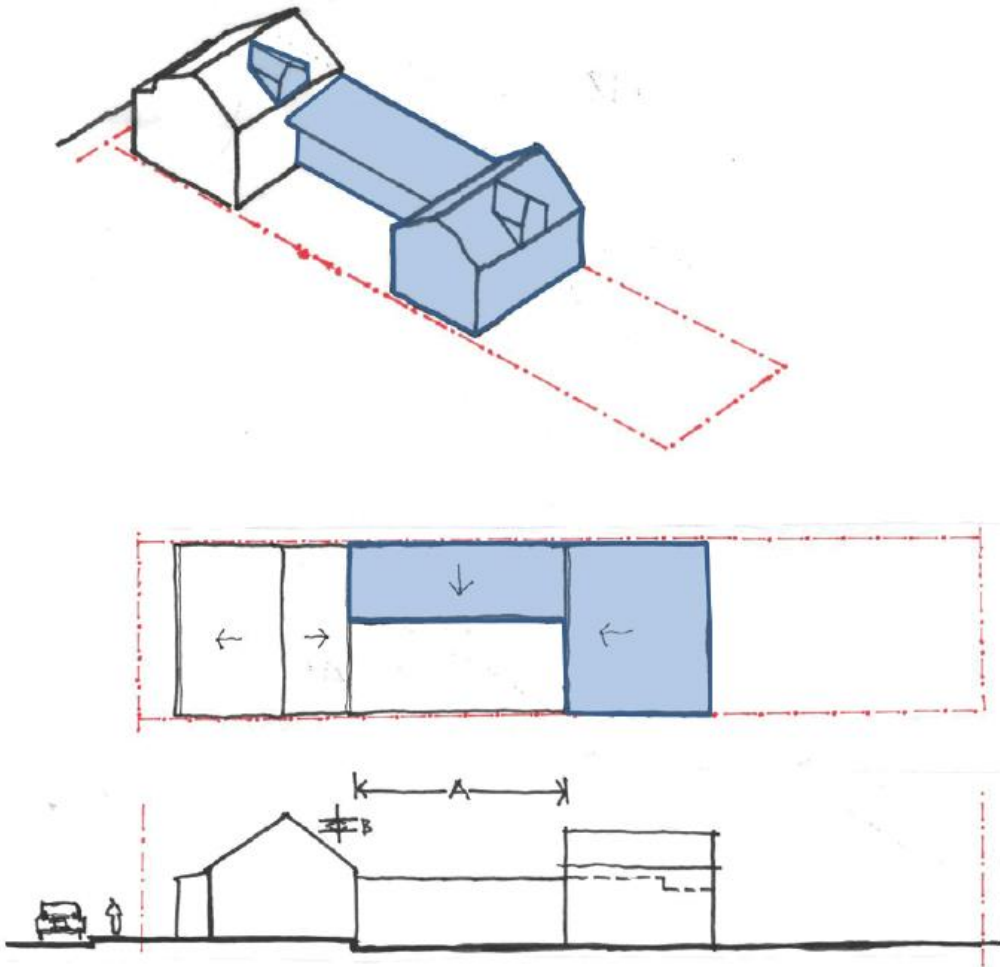
Figure 3 Non-intrusive development

Note: relevant diagrams relating to the height of pavilions



2.2. Linking Structures: Existing controls

Highlighted text represents staff emphasis.

Chapter C1 Paddington heritage Conservation Area	
Clause 1.3.1 Single storey buildings	
C10	Additions of an appropriate form and scale are permitted at the rear of the principal building form if: <ul style="list-style-type: none"> a) The addition is a ground floor rear addition attached to the principal building below the existing eave or employs a pavilion style addition.
C14	A pavilion addition must be wholly located at the rear of the existing principal building. Additions that wrap around the principal building are not appropriate.
C15	Where a pavilion addition is appropriate: <ul style="list-style-type: none"> a) [...] b) The height of the linking structure must be single storey and below the eaves of the principal building form; c) [...] d) [...] e) The inclusion of a courtyard must comply with the controls and minimum requirements in Section C1.4.8 Private open space, swimming pools, courtyards and landscaping.
<p>Figure 3 Non-intrusive development Note: relevant diagrams relating to the dimensions of linking structures</p>  <p>Measurement A: dimension must provide a usable courtyard and must comply with the controls and minimum requirements in <i>Section 1.4.8 Private open space, swimming pools,</i></p>	

courtyards and landscaping – provided that a compliant rear building alignment can be achieved.

Measurement B: dimension must provide an addition that is single storey, must be subsidiary in height to the ridge height of the principal building (not including chimneys), and must not be able to be seen over the roof of the principal building.

3. Next Steps

Council staff consider that the existing controls in the amended Woollahra DCP 2015 are sufficiently clear and robust to ensure that the height of the pavilion structure is subsidiary to the principal building form and the dimensions of the linking structure are appropriate, as outlined in Section 2.1 and 2.2 of this report.

Furthermore, the inclusion of numerical controls may discourage architectural innovation and may not take into account site specific variations e.g. sloping land or the visibility of a pavilion from the public domain.

However, having considered part B of the Council resolution of 11 November 2019, and in discussion with staff from our development control section, we have identified potential options that could be used to address Council's resolution.

4. Potential numerical controls for pavilions and linking structures

Figures 4 and 5 below, illustrate an indicative lot in Paddington. These figures illustrate built form elements that could be accompanied by numerical controls in Chapter C1 Paddington Heritage Conservation Area of the Woollahra DCP 2015. **Table 1** below describes these elements in more detail.

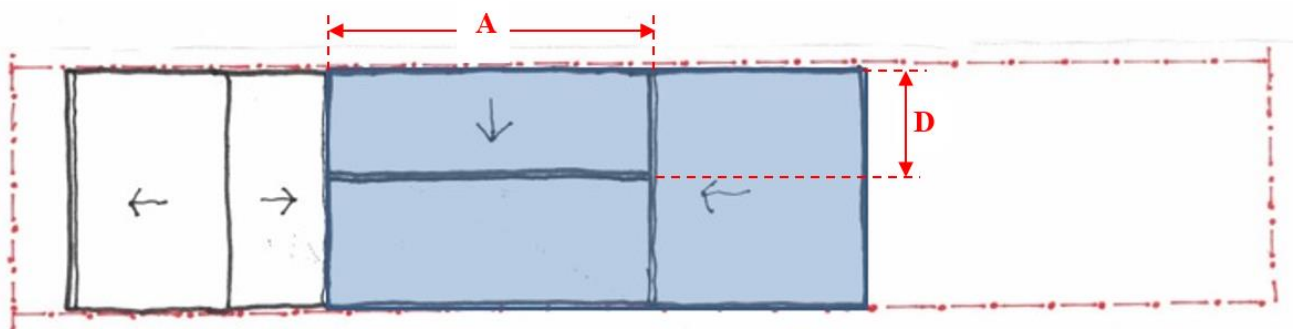


Figure 4: Plan view of an indicative lot in Paddington, illustrating the principal building form, linking structure and pavilion.

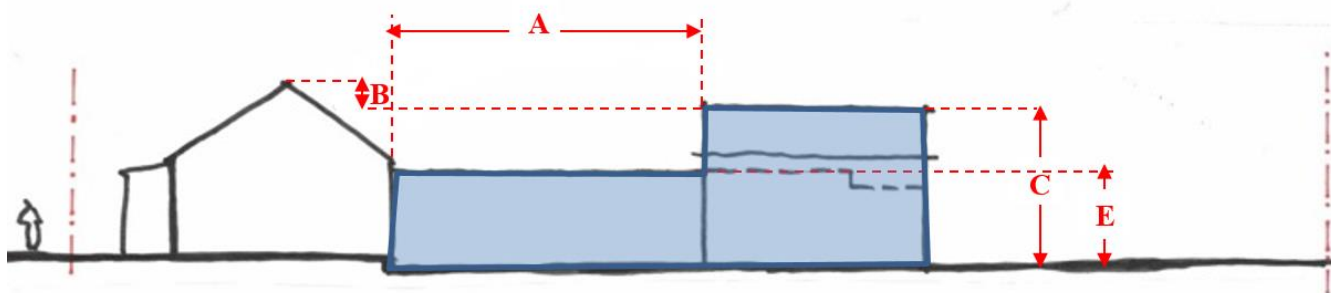


Figure 5: Cross section of an indicative lot in Paddington, illustrating the principal building form, linking structure and pavilion.

Table 1: Built form elements that could be accompanied by a numerical control

Numerical Control	Discussion
A (Length of linking structure)	<p>Whilst there is no numerical control for ‘A’, it is noted that C15 (d) requires compliance with open space controls of <i>Clause 1.4.8 Private open space, swimming pools, courtyards and landscaping</i>. These are prescriptive numerical controls.</p> <p>We will therefore need to ensure that any additional control for ‘A’ will need to ensure that it does not conflict with the controls for private open space, swimming pools, courtyards and landscaping.</p>
B (Height relationship between the principal building and the pavilion)	<p>Similar to C9 of <i>1.3.1 Single storey buildings</i>, there is a mechanism to introduce a non-numerical maximum height for pavilion additions. This could be achieved by requiring the height of the pavilion addition to be below the ridge line of the principal built form e.g. 300mm below the ridge line of the principal built form.</p>
C (Height of the pavilion)	<p>The Woollahra LEP 2014 provides a maximum building height control of 9.5 metres across the majority of the Paddington Heritage Conservation Area. Under section 3.43 (5) of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act), a provision of a DCP has no effect where:</p> <ul style="list-style-type: none"> (a) it is the same or substantially the same as a provision of an environmental planning instrument applying to the same land, or (b) it is inconsistent or incompatible with a provision of such instrument. <p>It is therefore necessary that any control relating to the height of pavilions is not written in a manner which is in conflict with these provisions. Furthermore, in considering a measure for ‘C’, the effectiveness of this will depend on a number of factors including the size, width and slope of the subject site. It is difficult to anticipate the development potential for every site in Paddington, and there needs to be some scope for architectural creativity.</p>
D (Linking structure width)	<p>Introduction of an additional control for ‘D’ could be achieved by providing a maximum width, e.g. 25% of the lot width and/or a minimum of 1.1metres.</p> <p>However, further research is required to understand the practicality of a control of this nature, and the implications it could have to the heritage conservation area.</p>
E (Linking structure height)	<p>There is already a requirement that the linking structure should start below the eaves of the principal building – as outlined at C10 (a) and C15 (b) of Clause 1.3.1 above.</p> <p>Council staff consider that the existing controls are sufficiently clear and robust.</p>

5. Recommendation

This report raises a number of issues about the introduction of numerical controls for pavilion structures. To enable a full and informed discussion to take place about the merit of such controls we recommend that this matter be referred to a meeting of the Paddington Heritage Conservation Area Working Party (PHCAWP) for consideration and advice to Council.

The PHCAWP meets as required, and its membership consists of

- Woollahra Councillors;
- Representatives from The Paddington Society and Woollahra History and Heritage Society;
- Representative from the National Trust;
- Woollahra Council staff from Strategic Planning and Development Control;
- Paddington Residents.

6. Conclusion

On 11 November 2019, Council requested that staff report back on potential controls for the maximum height for pavilions and dimensions for linking structures. Staff have identified that there are a number of existing controls in Chapter C1 Paddington Heritage Conservation Area of the Woollahra DCP 2015 which address the maximum height of pavilions and dimensions for linking structures.

Notwithstanding, there are some options available that could be used to enhance these controls. The most appropriate mechanism to discuss and consider the appropriateness of these controls is via a meeting of the PHCAWP. We therefore recommend that a meeting of the PHCAWP be convened as soon as possible to consider additional controls for pavilions in relation to maximum height and in relation to the dimensions for linking structures.

Annexures

Nil

Political Donations: Matters to be considered by Councillors at Council and/or Committee Meetings

