

REZONING REVIEW – Briefing Report

Date of referral	13/01/2020	
Department ref. no	RR_2020_WOOLL_001_00	
LGA	Woollahra	
LEP to be amended	Woollahra Local Environmental Plan 2014	
Address	294-298 New South Head Road and 2-10 Bay Street, Double Bay	
Reason for review	<input checked="" type="checkbox"/> Council notified the proponent it will not support the proposed amendment	<input type="checkbox"/> Council failed to indicate support for the proposal within 90 days, or failed to submit the proposal after indicating its support
Is a disclosure statement relating to reportable political donations under s10.4 of the Act required and provided?	<input type="checkbox"/> Provided <input checked="" type="checkbox"/> Not required Comment: No donations or gifts to disclose.	

1. SUMMARY OF THE PROPOSAL

The Rezoning Review request relates to the planning proposal for 294-298 New South Head Road and 2-10 Bay Street, Double Bay to amend the Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014) by:

- amending the maximum building height control from 14.7m (4 storeys) to 21.5m (6 storeys) across the entire site;
- amending the maximum floor space ratio (FSR) control from part 2.5:1/part 3:1 to 3:1 across the entire site; and
- including a minimum non-residential FSR control of 1.3:1 to be applied as part of the maximum 3:1 FSR control.

1.1 Background

15 February 2018

A development application (DA) was lodged with Woollahra Municipal Council for a shop top housing development incorporating 46 residential units and seven commercial premises at the subject site. The DA was accompanied by two Clause 4.6 variation reports, which sought an exemption from the maximum FSR and maximum building height development standards applicable to the site under the Woollahra LEP. According to the proponent, the current FSR and height controls are inconsistent and a mismatch, that is, the height control does not allow for a built form that accommodates the permissible FSR.

During the assessment process, Council advised that they would not be able to support the DA in its current form and that a planning proposal should be lodged seeking amendments to the maximum FSR and building height development standards.

15 August 2018

The proponent met with Council staff to present a preliminary design scheme. Council officers were receptive to the preliminary amended design, however they expressed concerns regarding the six-storey height along Bay Street. Following this meeting, the DA was subsequently withdrawn.

17 December 2018

A formal 'pre-planning proposal' meeting was held between the proponent's project team and Council's strategic planning team. The indicative plans showed a part 4 storey / part 6 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 14.7m to 25m (6 storeys) and maximum FSR from part 2.5:1 and part 3:1 to 3:1 across the site was sought.

Following the meeting, Council provided written comments on the preliminary proposal. In summary, Council staff advised that a building height control of 25m was significant and would not be supported. Council also indicated that they would not support a proposal for increased FSR, unless it incorporates a minimum non-residential FSR control of 1.3:1.

5 April 2019

A request for planning proposal was submitted by the proponent to Council.

13 May 2019

Council wrote to the proponent requesting the submission of additional information to enable an appropriate assessment of the proposed amendments to the Woollahra LEP 2014. The additional information sought included:

- A survey plan;
- A revised planning proposal report to include development yield analysis;
- Revised supporting studies to address the envelope prescribed by the proposed maximum FSR and building height controls as well as the conceptual envelope; photomontages and site photographs;
- A 3D model complying with Council's technical standard; and
- Calculations of the land value increase for the site resulting from the planning proposal undertaken by a qualified valuer.

13 June 2019

The proponent submitted additional information to Council. It included:

- A survey plan;
- Diagrams showing the existing GFA;
- A revised planning proposal report including a development yield analysis for the residential and commercial components and consideration of updated shadow diagrams and maximum building envelope;
- An updated urban design study with photomontages, site photographs and shadow diagrams reflecting the maximum building envelope and conceptual scheme;
- Updated technical studies, including view analysis, heritage impact statement and microclimate impact study (relating to the heritage listed "Overthorpe" garden opposite to the site); and

- A 3D model.

22 August 2019

Council issued advice to the proponent that the request for planning proposal and payment of fees have been accepted.

2 December 2019

A motion was passed with a vote of 4/3 for Council to prepare a planning proposal for the site at Council's Environmental Planning Committee meeting.

9 December 2019

At the Ordinary Council Meeting of 9 December 2019, Council unanimously resolved to refuse to prepare a planning proposal for the site. The reasons for refusal were related to excessive height and floor space ratio, unacceptable bulk and scale and impacts on amenity and views.

13 January 2020

A rezoning review application is lodged with the Department.

Planning proposal – introduction of non-residential FSR control for the Double Bay Centre

On 7 November 2018, Woollahra Municipal Council submitted a planning proposal for Gateway determination that seeks to protect the employment capacity of the Double Bay Centre (Department's reference: PP_2018_WOOLL_004_00). The proposal seeks to amend the Woollahra LEP 2014 to introduce the following within the Double Bay Centre:

- A new provision setting a minimum non-residential FSR of 1.3:1.
- A new objective for the B2 Local Centre Zone to reinforce the proposed amendments and ensure consistency.
- These amendments would only apply to development within the Double Bay Centre and would not increase or otherwise affect the application of other relevant controls, such as maximum building height or maximum (overall) FSR.

The land to which this proposal relates is currently zoned B2 Local Centre within Double Bay and includes the subject site.

An assessment of the planning proposal determined that further information is required before a Gateway determination can be made. Specifically, further evidence is needed to demonstrate whether a non-residential FSR of 1.3:1 is the most appropriate means to achieve the aims of the planning proposal.

An economic report (Hill PDA) was provided with the planning proposal; however, it is not considered adequate in terms of demonstrating appropriateness of the proposed non-residential FSR as:

- it was prepared in 2015 and may not reflect current market conditions; and
- the report was prepared with different aims to that of the planning proposal and there is no specific discussion of the proposed non-residential FSR of 1.3:1.

The planning proposal may be considered adequate for Gateway determination if an economic report is provided that demonstrates the appropriateness of the proposed FSR control in relation to current market conditions and the maximum FSRs for the Double Bay Centre.

On 6 March 2019, a letter was sent to Council requesting the above information to be submitted. The letter advised that assessment of the planning proposal was placed on hold until such time when the appropriate evidence is provided.

On 7 February 2020, a further letter was sent to Council recommending the withdrawal of the planning proposal as the requested information has not been provided to date and the proposal could not progress further.

No additional information has been provided by Council to date.

1.2 Locality and context

The subject site is located at 294-298 New South Head Road and 2-10 Bay Street, Double Bay in the Woollahra local government area (**Figure 1**). It is within 2km of Bondi Junction and 3.5km of Sydney CBD. The site sits at the western entry point to the Double Bay Commercial Centre, which is defined by the intersection of Bay Street and Manning Road with New South Head Road (**Figure 2**). The Commercial Centre contains a variety of retail, office and business premises as well as residential uses.

The site is approximately 450m from Edgecliff train station and bus interchange. It is approximately 550m from Double Bay wharf, which provides ferry services to Rose Bay, Watsons Bay and Circular Quay.

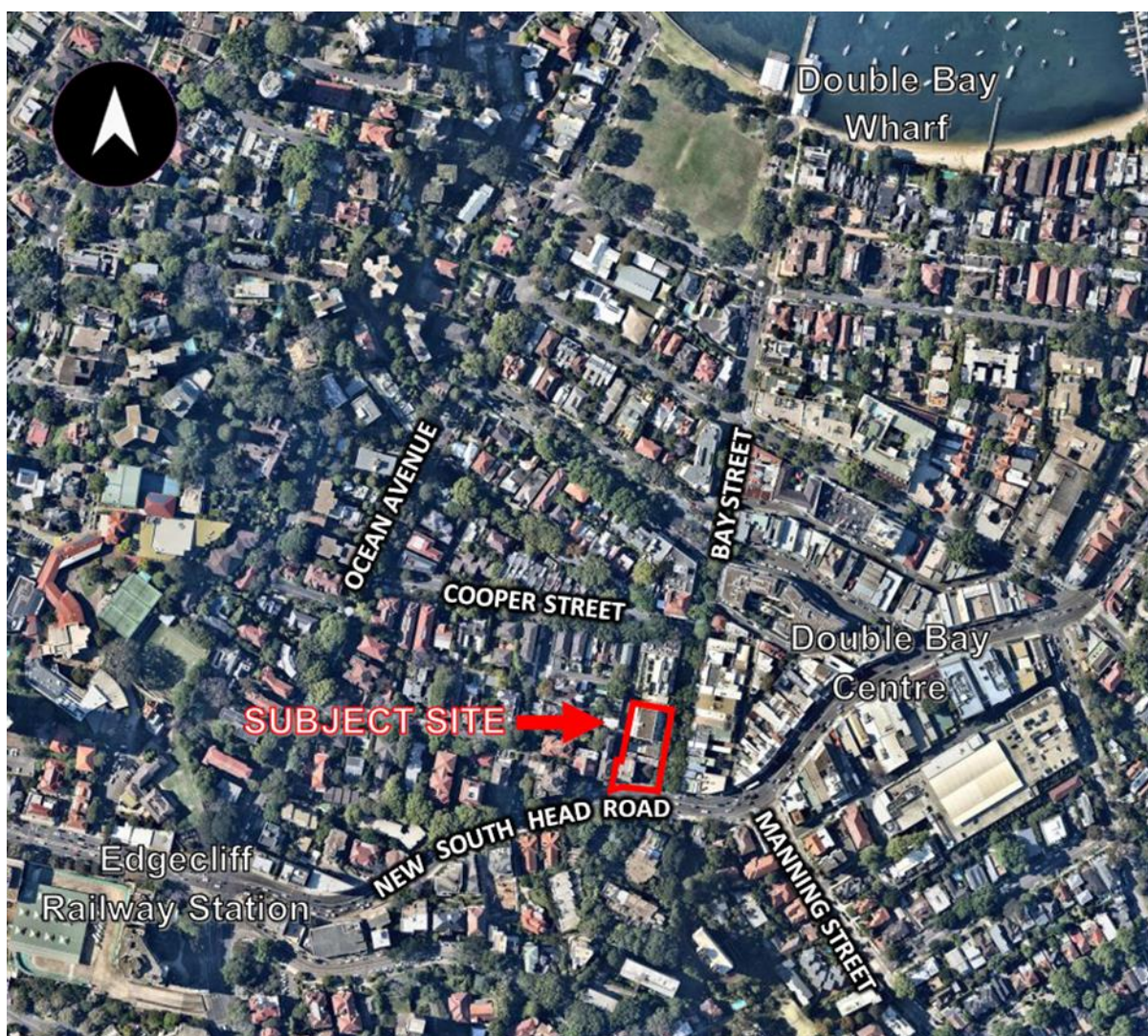


Figure 1: Locality Map (source: Nearmap)

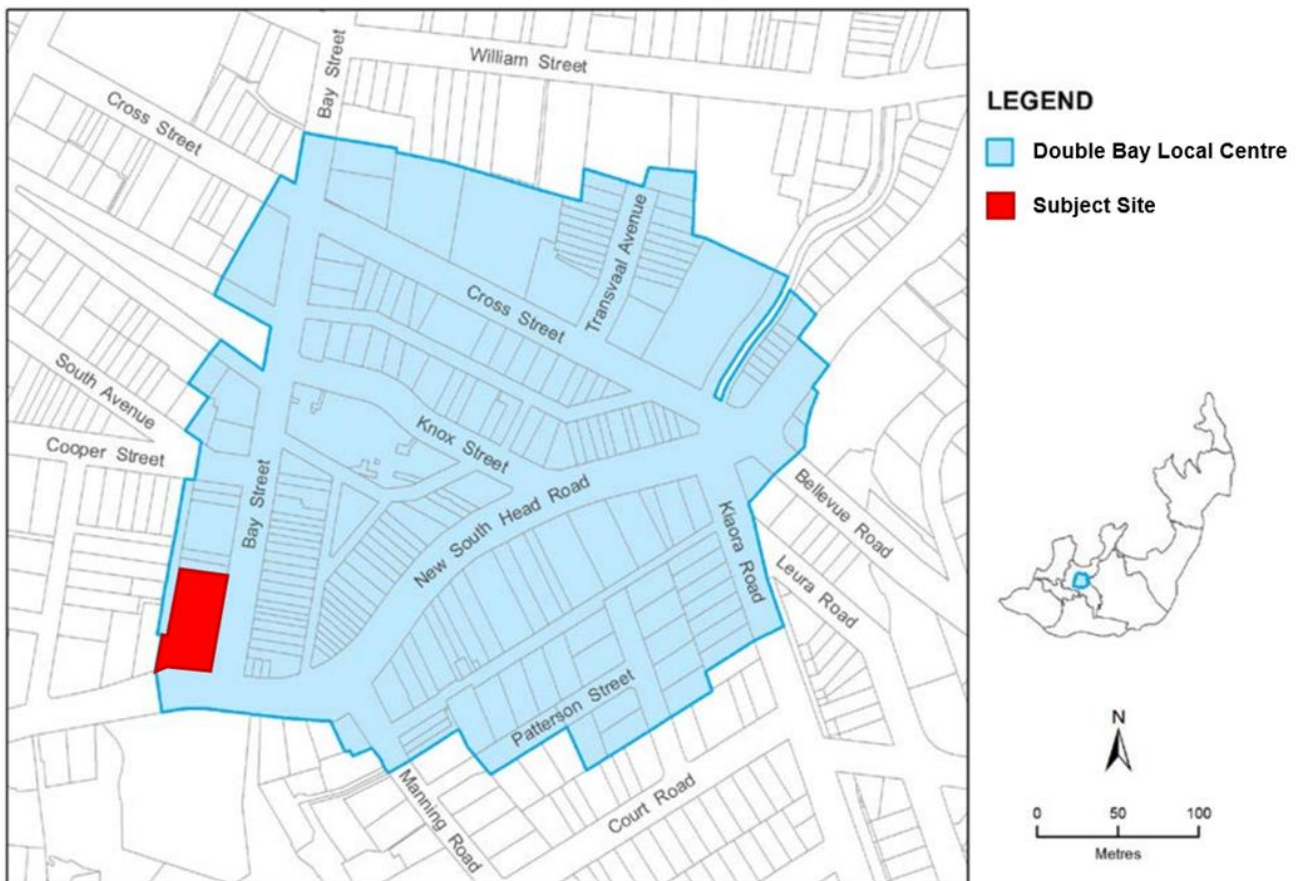


Figure 2: Location of the subject site within the Double Bay Commercial Centre (source: Woollahra DCP 2015)

New South Head Road is a main arterial road providing access from Sydney CBD through the eastern suburbs to Vaucluse. It is well serviced by public buses, including bus routes 323, 324, 325, 326 and 327, which connect with the surrounding suburbs with several stops within 100m of the site. The bus services in the vicinity to the site also provide access to Bondi Junction and Sydney CBD. Bus services are available seven days a week and are typically available every 10 minutes during peak hour and every half hour off-peak.

Developments to the west of the site along New South Head Road primarily consist of residential flat buildings with heights of up to seven storeys (**Figure 3**). To the east of the site is a range of main street retail and commercial premises forming part of the Double Bay Commercial Centre (**Figure 4**).



Figure 3: Residential flat buildings to the west of the site on New South Head Road looking north-west (source: Google Maps)



Figure 4: Commercial and mixed use developments along New South Head Road to the east of the site, looking north east (source: Google Maps)

Bay Street predominately consists of finer grain allotments with low-rise commercial premises and taller mixed use developments of four to five storeys. Several buildings in Bay Street are identified as character buildings in the Woollahra Development Control Plan (DCP) 2015 due to their architectural character (**Figure 5**). This includes the two-storey building to the north of the site at 14 Bay Street and a group of attached two-storey buildings opposite the site at 9-15 Bay Street (**Figures 6 and 7**). The scale of the existing developments and street trees reinforce a village character along Bay Street.

Brooklyn Lane primarily provides rear access to the adjoining commercial and residential uses. Development along Brooklyn Lane (**Figure 8**) varies from one to six storeys in height.



Figure 5: Woollahra DCP mapping showing location of character buildings (denoted by yellow hatching) (source: Woollahra DCP 2015)



Figure 6: Low rise commercial buildings on the eastern side of Bay Street (9-15 Bay Street, from right to left), which are identified as character buildings under the Woollahra DCP 2015 (source: Google Maps)



Figure 7: Character building at 14 Bay Street (middle) and a more recent 4-storey shop top housing development on Bay Street (source: Google Maps)



Figure 8: A view along Brooklyn Lane to the west of the subject site, looking south-west (source: Google Maps)

Opposite to the site on the southern side of New South Head Road are two heritage items (**Figure 9** and **10**):

- 337-347 New South Head Road – *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.* This is identified under Schedule 5 of the Woollahra LEP 2014 (item 206) and is also listed on the State Heritage Register (SHR 00246).
- 349 New South Head Road – *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.* This is identified under Schedule 5 of the Woollahra LEP 2014 (item 207).

The closest public open space to the site is Guilfoyle Park, located approximately 200 metres to the north. Steyne Park, which has an area of approximately 1.8ha with a playground and waterfront access is located approximately 450m from the site to the north.



Figure 9: Heritage items at 337-349 Old South Head Road to the south of the subject site (source: Google Maps)



Figure 10: Heritage map under Woollahra LEP 2014 - note the location of the subject site in relation to heritage item 206 and 207

1.3 Site description

The subject site consists of several separate allotments, as shown in Table 1 below.

Table 1: Legal description of the subject site

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

An aerial photograph showing the subject site is provided in **Figure 11** below.



Figure 11: Site Map (source: Nearmap)

The site has three street frontages, being New South Head Road to the south, Bay Street to the east and Brooklyn Lane to the west. The amalgamated site forms a rectangular shape with a combined area of approximately 1,862.7m². It is situated at the topographically highest point of the Double Bay Commercial Centre

The existing development on the site comprises four separate buildings ranging from one to four storeys in height. The land at 294-296 New South Head Road currently accommodates a part three, part four-storey mixed use building known as "The Fortress" (**Figure 12**). The adjoining land at 298 New South Head Road is located at the corner of New South Head Road and Bay Street and contains a three-storey commercial building (**Figure 12** and **13**). The development at 2 Bay Street is a single storey commercial building (**Figure 13**). The adjoining development at 4-10 Bay Street contains a four-storey commercial building (**Figure 14**).

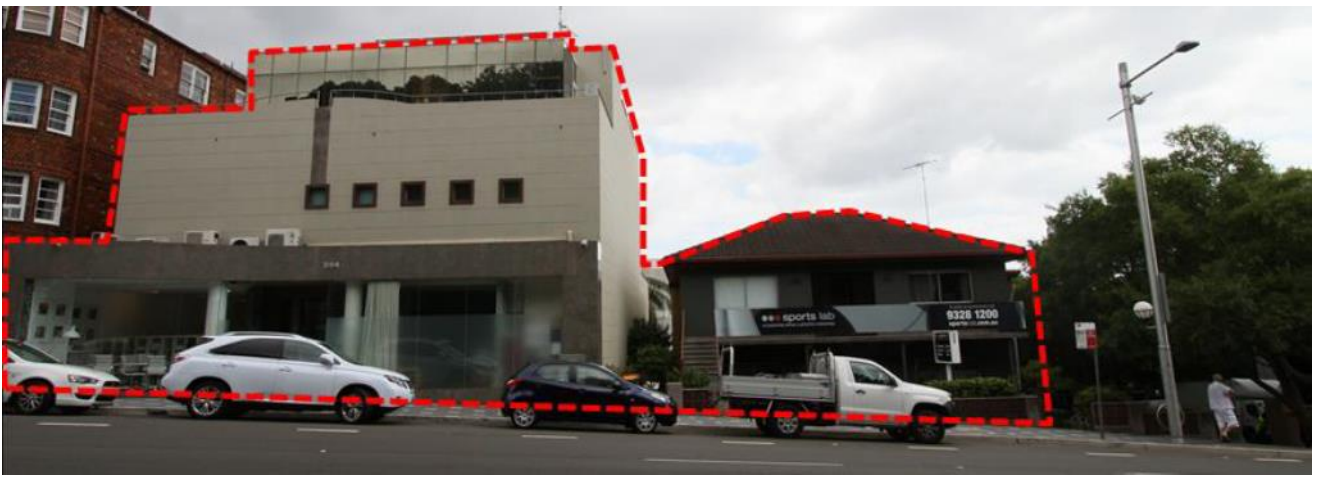


Figure 12: 294-296 (left) and 298 (right) New South Head Road (source: City Plan)



Figure 13: 298 New South Head Road (left) and 2 Bay Street (right) (source: City Plan)



Figure 14: 4-10 Bay Street (source: City Plan)



Figure 15: Part view of the rear of the site from Brooklyn Lane looking north-east (source: City Plan)

1.4 Current planning provisions

Under the Woollahra LEP 2014, the following controls apply to the site:

- B2 Local Centre zone (**Figure 16**);
- Maximum building height of 14.7 metres (**Figure 17**);
- Maximum FSR of 2.5:1 across the site, except 298 New South Head Road which is identified as 'Area 1' under Clause 4.4A of the Woollahra LEP, which 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 (**Figure 18**).

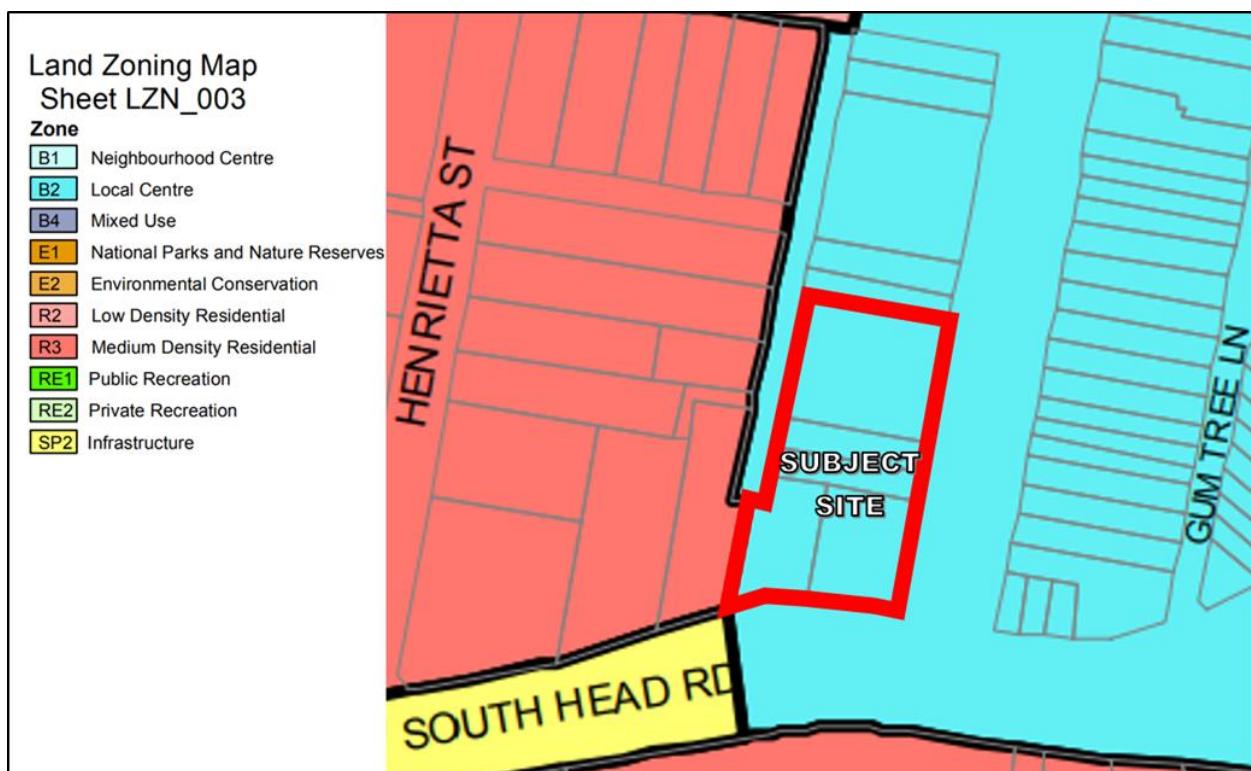


Figure 16: Current land zoning map under the Woollahra LEP 2014

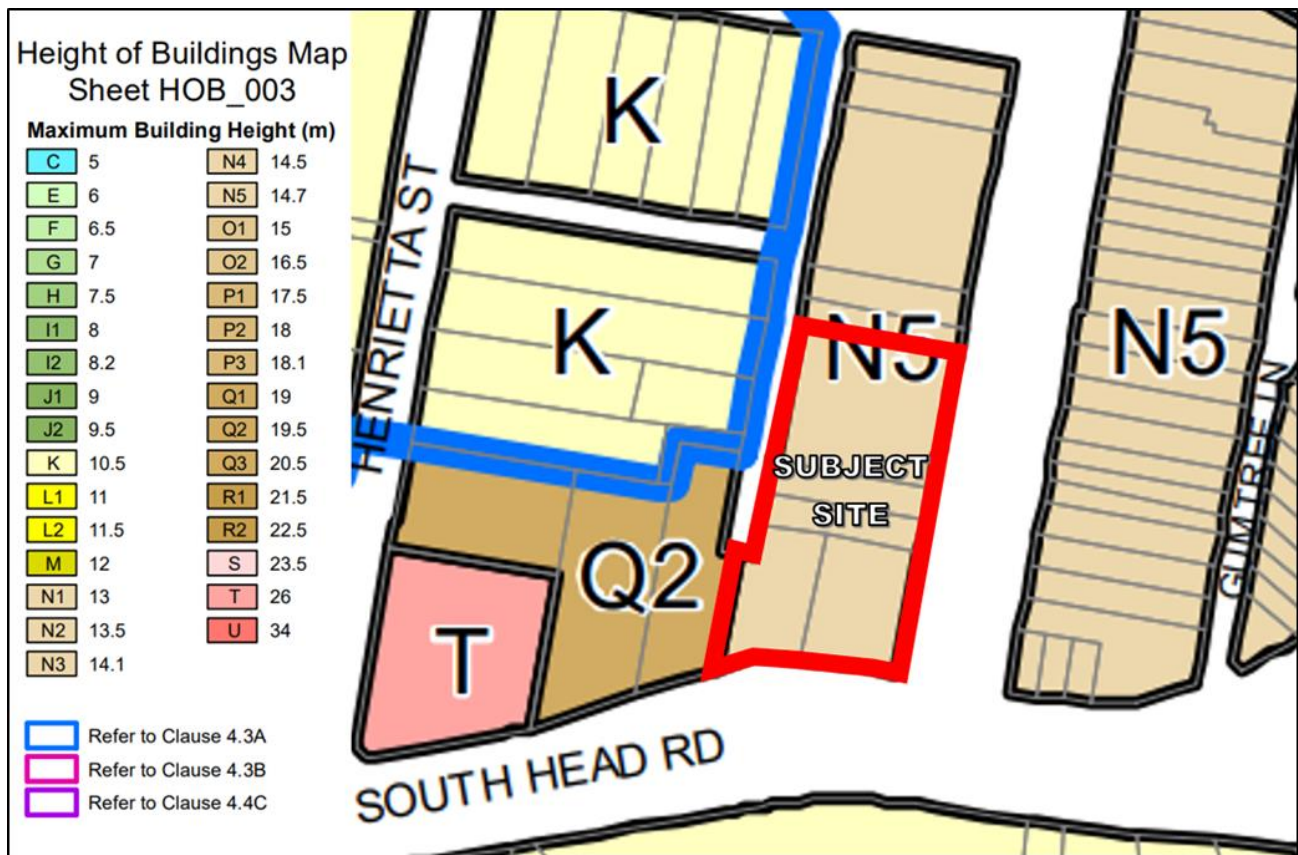


Figure 17: Current height of buildings map under the Woollahra LEP 2014

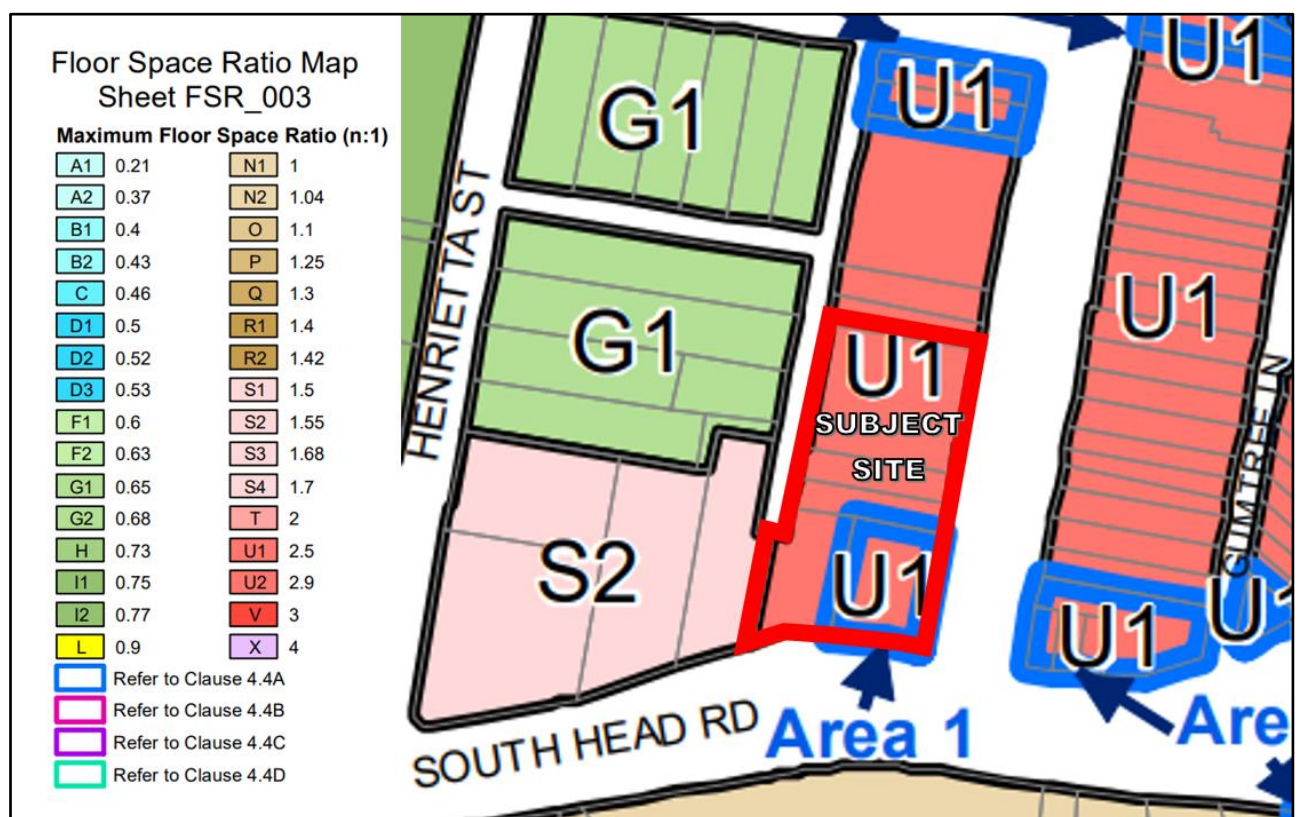


Figure 18: Current FSR map under the Woollahra LEP 2014

1.5 Proposed planning provisions

The planning proposal seeks to amend the Woollahra LEP 2014 to:

- increase the maximum building height from 14.7m to 21.5m across the entire site;
- increase the maximum floor space ratio (FSR) from part 2.5:1 and part 3:1 to 3:1 across the entire site; and
- include a minimum non-residential FSR of 1.3:1 to be applied as part of the maximum 3:1 FSR control.

No draft LEP maps were provided as part of the planning proposal.

A comparison between the current and proposed controls is provided in Table 2 below.

Table 2: Comparison between existing and proposed development controls

Control	Current	Proposed
Zone	B2 Local Centre	B2 Local Centre
Maximum building height	14.7m (4 storeys)	21.5m (6 storeys)
Maximum FSR	Part 2.5:1 and part 3:1	3:1
Minimum non-residential FSR	Nil	1.3:1

The planning proposal is accompanied by a conceptual development scheme that envisages a mixed-use building of 6 storeys in height with upper level setbacks (**Figures 19 - 22**). The conceptual scheme demonstrates the following:

Table 3: Key data relating to the conceptual development scheme for the site

Element	details
Total gross floor area (GFA)	5,547m ²
Residential GFA	3,120m ²
Non-residential GFA	2,427m ²
FSR – total	3:1
FSR – non-residential	1.3:1
Height	21.5m
Total residential units	30 dwellings
Car parking	60 spaces at ground and basement levels



View West from New South Head Road

■ Concept Scheme Envelope

■ Maximum Envelope

Figure 19: Photomontage of the maximum envelope (based on the proposed controls) and conceptual scheme – view along New South Head Road looking west

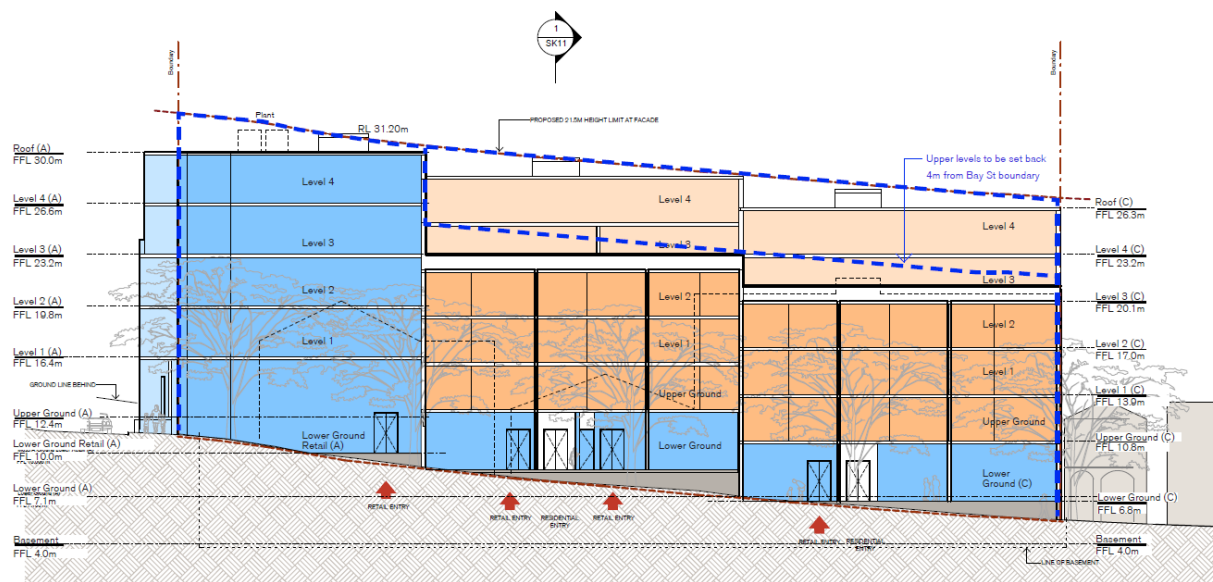


View East from New South Head Road

■ Concept Scheme Envelope

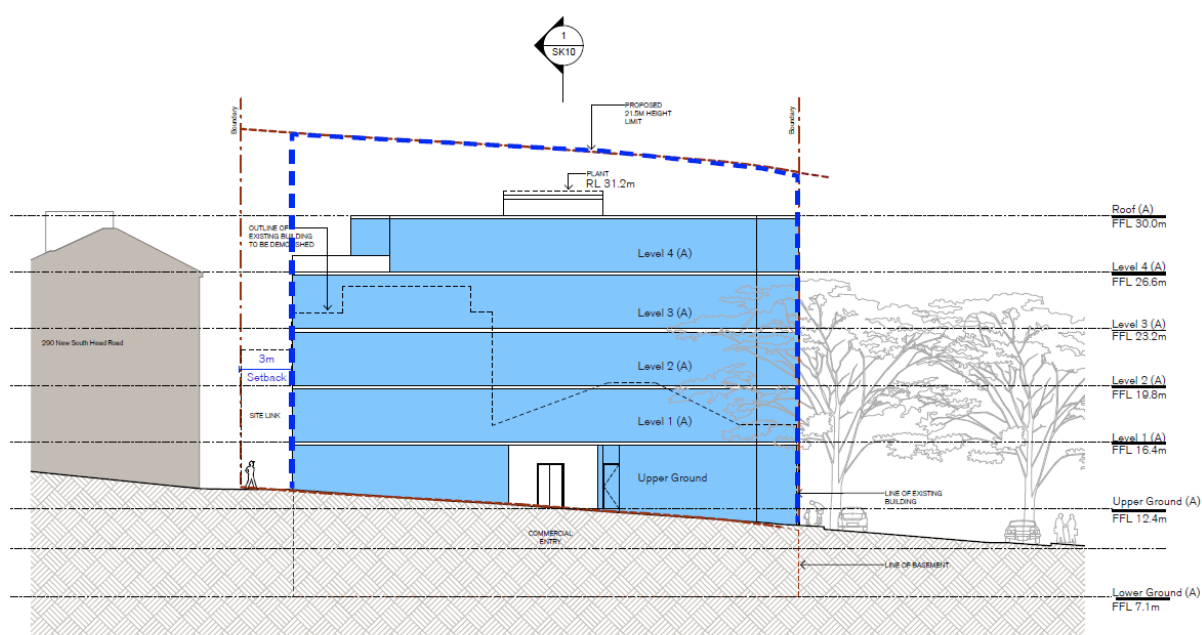
■ Maximum Envelope

Figure 20: Photomontage of the maximum envelope (based on the proposed controls) and conceptual scheme – view along New South Head Road looking east



East Elevation

Figure 21: East elevation (Bay Street elevation) of the conceptual scheme, note the 21.5m height control is represented by the upper blue dotted line



South Elevation

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

Figure 22: South elevation (New South Head Road elevation) of the conceptual scheme

The proponent made an offer to enter into a voluntary planning agreement (VPA) with Council by letter dated 18 March 2019. The proposed public benefits included:

- Construction of a new pedestrian through-site link between New South Head Road and Brooklyn Lane as part of the future development; and
- Registration of an easement in favour of the public to create a right of footway over the through-site link.

The proponent estimated that the contribution value for the design and construction of the works is approximately \$500,000, subject to further confirmation. The benefits are not intended to be used to offset against any contributions payable under section 7.11 or 7.12 of the *Environmental Planning and Assessment Act 1979*.

2. INFORMATION ASSESSMENT

Does the proposal seek to amend a zone or planning control that is less than five years old?

No. The Woollahra LEP 2014 commenced on 23 May 2015.

2.1 Strategic merit test

Consistency with the relevant regional plan outside the Greater Sydney region, 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.

Proponents will not be able to depend on a draft regional, district or corridor/precinct plan when the Minister for Planning and Public Spaces or the Department of Planning, Industry and Environment have announced that such a plan will be updated before being able to be relied on.

Greater Sydney Region Plan and Eastern City District Plan

The *Greater Sydney Region Plan - A Metropolis of Three Cities* identifies a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. The Eastern City District Plan is one of five district plans to guide implementation of the Region Plan.

The proponent has provided comments to demonstrate the planning proposal's consistency with the priorities of the Greater Sydney Region Plan and the Eastern City District Plan. The comments in the planning proposal and rezoning review application are summarised in the table below.

Table 4: Alignment of the planning proposal with the Region Plan and District Plan

Greater Sydney Region 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 proposal 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	<p>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.</p> <p>The proposal will provide opportunities for activation at a neighbourhood level and support community interaction.</p>

Greater Sydney Region Plan Objective	Eastern City District Planning Priority	Response
Objective 8 Greater Sydney's communities are culturally rich with diverse neighbourhoods	Planning Priority E4 Fostering healthy, creative, culturally rich and socially connected communities	<p>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.</p> <p>The proposal seeks to enable the redevelopment of the site to provide a mixed-use development accommodating commercial and retail uses as well as residential accommodation.</p> <p>The proposal will provide opportunities to encourage interaction between the local residential and working populations.</p>
<p>Objective 10 Greater housing supply</p> <p>Objective 11 Housing is more diverse and affordable</p>	Planning Priority E5 Providing housing supply, choice and affordability, with access to jobs, services and public transport	<p>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.</p> <p>The proposal will enable the redevelopment of the site to provide additional housing and broaden choice of housing in the Double Bay local centre, which has access to jobs, services and public transport.</p>
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	<p>This objective recognises Greater Sydney's centres and neighbourhoods each having a unique combination of people, potential, history, culture, arts, climate, built form and natural features creating places with distinctive identities and functions.</p> <p>Redevelopment of the subject corner site within the Double Bay Centre presents an opportunity to renew the neighbourhood and enhance street life.</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 under the District Plan. The District Plan encourages the growth of these centres to reduce the need for people to travel long distances to access jobs and services.</p> <p>The proposal contributes to the 30-minute cities initiative by facilitating additional jobs and homes in a highly accessible location in close proximity to public transport, including local bus services, the Edgecliff railway station and Double Bay ferry wharf.</p>
Objective 30 Urban tree canopy cover is increased	Planning Priority E17 Increasing urban tree canopy cover and delivering Green Grid connections	Landscaping will be considered as part of the detailed design at the development application stage.

Greater Sydney Region Plan Objective	Eastern City District Planning Priority	Response
Objective 31 Public open space is accessible, protected and enhanced	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>As part of the future development, there is an opportunity to create a publicly accessible laneway between New South Head Road and Brooklyn Lane to improve pedestrian connectivity and permeability. (Note: This is contingent upon the execution and implementation of a voluntary planning agreement between the proponent and Council.)</p>
Objective 33 A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change		<p>This objective seeks to mitigate climate change by reducing the emission of greenhouse gases to prevent more severe climate change.</p> <p>The proposal provides employment opportunities and residential accommodation in a location that encourages uptake of public transport use and discourages the use of private vehicles, and would contribute to the reduction of carbon emission.</p>

Consistency with a relevant local strategy that has been endorsed by the Department.

The following local strategic plans are relevant to the planning proposal. However, they are not endorsed by the Department.

Woollahra Community Strategic Plan 2030

The *Woollahra Community Strategic Plan 2030* identifies the strategic direction and integrated planning framework for the Woollahra Municipality. The Rezoning Review application states that the proposal will assist in revitalising Double Bay and delivering a vibrant village with access to a range of shops and facilities. The proponent provided the following comments (Table 5 – in *italic*) explaining the consistency of the proposal with the Community Strategic Plan:

Table 5: Alignment of planning proposal (PP) with Woollahra Community Strategic Plan 2030

Strategies	Response
4.1 Encourage and ensure high quality planning and urban design outcomes	<i>The PP will facilitate the redevelopment of the site and will transform this significant corner in Double Bay. The PP will assist in activating an underutilised corner of New South Head Road and will revitalise and enhance the built form along Bay Street.</i>
4.3 Protect our heritage, including significant architecture and the natural environment	<p><i>The Planning Proposal will facilitate future development of a multi-storey mixed-use typology on a heavily modified section of Bay Street, which 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.</i></p> <p><i>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</i></p>

	<i>subject site and will not be physically or visually impacted by future development facilitated by the Planning Proposal.</i>
4.5 Enhance the form and function of the local business centres	<p><i>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.</i></p> <p>Note: The proponent has submitted floor plans of the existing buildings on the site. The existing non-residential GFA amounts to 2,313m² (commercial 1,945m² and retail 368m²), which equates to 1.24:1 FSR. The proposed minimum non-residential FSR control of 1.3:1 will ensure future development incorporates an amount of employment floor space, which will be slightly more than the existing.</p>

Woollahra Local Strategic Planning Statement

The *Woollahra Local Strategic Planning Statement* (Woollahra LSPS) has been finalised by Council and assured by the Greater Sydney Commission. The Woollahra LSPS sets out a 20-year land use vision to guide land use planning for the LGA. The proponent has provided information to demonstrate consistency of the proposal with the then draft LSPS, which is outlined in Table 5 (in *italics*) below. The planning priorities have not been changed in the final version of the LSPS.

Table 6: Alignment of proposal with Woollahra Local Strategic Planning Statement

Planning Priority	Response
Liveability	
Planning Priority 4 - Sustaining diverse housing choices in planned locations that enhance our lifestyles and fit in with our local character and scenic landscapes.	<i>The proposal will provide housing in a location close to services and public transport hubs. The proposal will respect the character and role of Double Bay and will not decrease space for employment uses.</i>
Planning Priority 6 - Placemaking supports and maintains the local character of our neighbourhoods and villages whilst creating great places for people.	<i>The proposal will maintain and enhance the unique character of Double Bay, specifically its high-quality built environment. The proposal will provide a well-designed building which preserves the heritage and village character of Double Bay.</i>
Productivity	
Planning Priority 7 - Supporting access to a range of employment opportunities and partnerships.	<i>The proposal will protect local job opportunities and employment space within Double Bay. This will assist in retaining and enhancing the vitality and vibrancy of Double Bay as an important local centre providing jobs, businesses and services.</i>
Planning Priority 8 - Collaborating to achieve great placemaking outcomes in our local centres which are hubs for jobs, shopping, dining, entertainment and community activities.	<i>The proposal will support Double Bay as a thriving place for local business and community life. The proposal will support the diverse business offering of Double Bay while carefully protecting the amenity of the surrounding residential area.</i>

Responding to a change in circumstances, such as investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.

The Rezoning Review application states that the proposal responds to the need to increase residential densities within the Double Bay Centre, which is identified in the

Eastern City District Plan and Council's strategic plans. The application argues that the proposal will increase housing opportunities within Double Bay and assist in creating a more diverse and varied housing mix.

2.2 Site-specific merit test

The natural environment (including known significant environmental values, resources or hazards).

Environment

The Rezoning Review application states that there are no known site-specific environmental considerations identified in the planning proposal and supporting studies, which would preclude further consideration of the proposal.

The Flood Impact Assessment (**Attachment E10**) supporting the planning proposal concludes that the proposed development will have no adverse impact on the existing flood extents nor the conveyance of stormwater throughout the area.

The existing uses, approved uses and likely future uses of land in the vicinity of the proposal.

Urban Design

The planning proposal included an Urban Design and Development Envelope Study (**Attachment E7**). The study identified a number of opportunities to improve the urban design outcomes in the locality:

- The delivery of public domain improvements, including a potential through site link, to provide pedestrian connection from New South Head Road to Brooklyn Lane. This is contingent upon the execution and implementation of a voluntary planning agreement between the proponent and Council.
- The potential for a landmark building at the western gateway to Double Bay centre, which will cause minimal negative environmental impacts to the surrounding residential buildings.
- Activation of the corner of New South Head Road and Bay Street.
- Provision of residential accommodation and employment uses in close proximity to public transport.
- Opportunity to accommodate a variety of apartment types and sizes.

Heritage

The planning proposal was supported by a Heritage Impact Statement (**Attachment E8**).

The heritage assessment states that the proposal will have no detrimental visual or physical impacts on the heritage listed gardens to the former house "Overthorpe" on the southern side of New South Head Road. (See further discussion below.)

The report notes that there are no listed heritage items in the vicinity of the site on Bay Street. The character buildings on Bay Street identified in the Woollahra DCP 2015 are located opposite to the site and will not be visually or physically impacted by future development facilitated by the planning proposal.

The report further states that the site is within a heavily modified section of Bay Street and there is no remaining evidence of the former small-lot subdivision pattern or buildings. There will be no further loss of small-lot subdivision pattern in the area, and site amalgamation and redevelopment are appropriate.

Overshadowing of heritage gardens

The planning proposal was accompanied by an ecologist's report that assessed the potential overshadowing of the heritage listed gardens at 337-349 New South Head Road (**Attachment E9**).

The assessment has considered the potential impacts from both the maximum building envelope and conceptual development scheme. It states that the potential overshadowing to Overthorpe gardens is unlikely to have an adverse impact. This is because all groundcover species are shade tolerant, and are already 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 the 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 limited, the micro-climate within the gardens will not be affected.

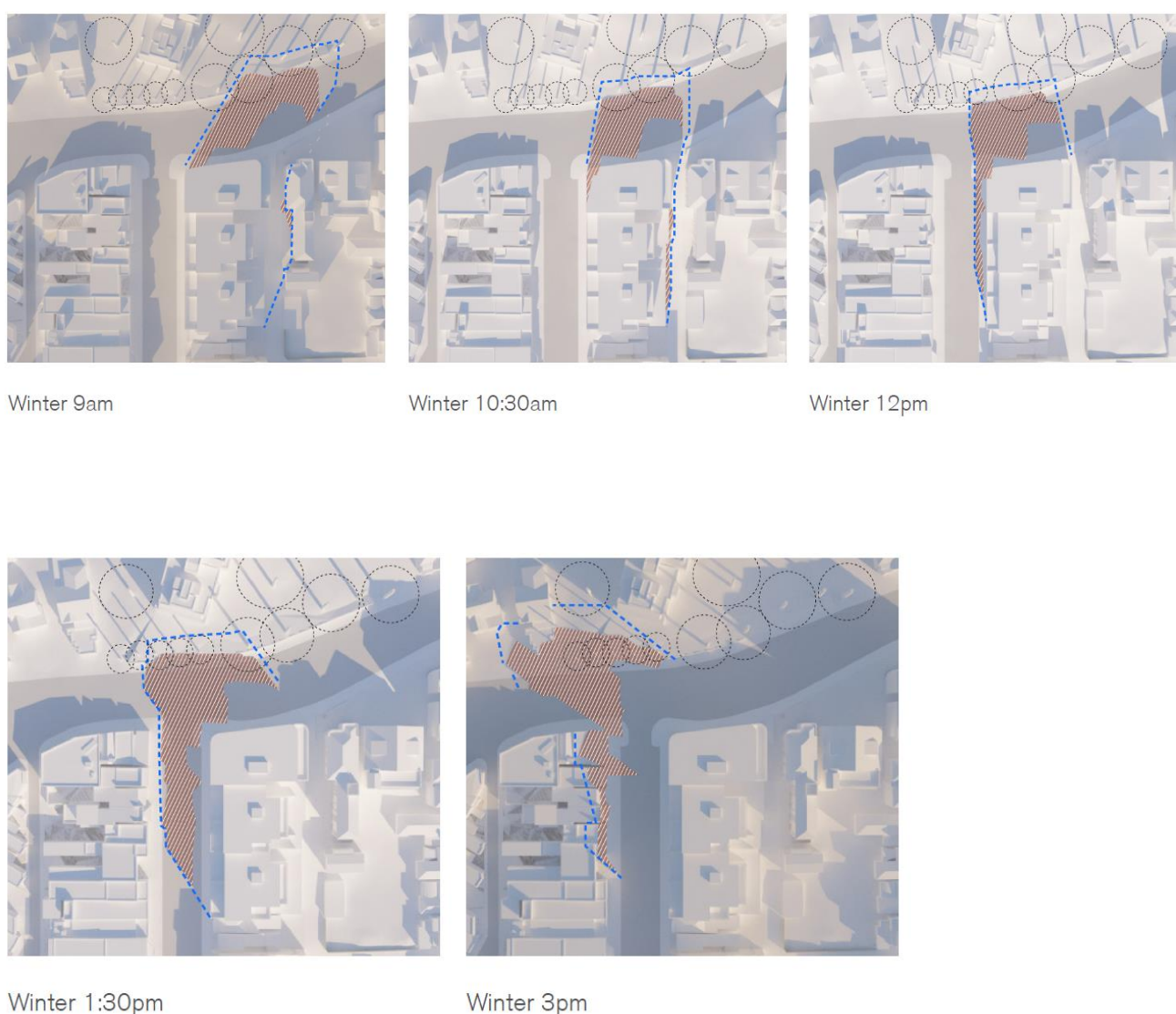


Figure 23: Shadow diagrams demonstrating the potential overshadowing on Overthorpe gardens in mid winter (note: shadows created by the maximum building envelope and conceptual scheme are represented by blue dotted lines and brown hatching respectively)

Traffic

The planning proposal was supported by a Traffic Impact Assessment (**Attachment E12**). The assessment concludes that the proposal will have no material impact on the performance of the external road network or key intersections in the locality. As such, no external improvements will be required to facilitate the development. The traffic impacts of the proposed development are considered by the report as acceptable.

View sharing

The planning proposal contained a Visual Impact Statement (**Attachment E11**) to assess potential view loss impact as a result of the proposal. The report is a desktop assessment, no access and inspection of the potentially affected properties and computer modelling were carried out.

The study identifies that the north and north-west facing dwellings within the residential development at 337-347 New South Head Road (former “Overthorpe”, see **Figure 24**) are likely to be most affected by view loss caused by future development on the subject site. However, it is unlikely that there would be significant effects on views, due to the substantial screening by the existing vegetation in the garden. The garden is heritage listed on both the State Heritage Register and the Woollahra LEP 2014, and as such significant clearing or removal of vegetation is unlikely to occur.

In relation to the adjoining residential flat building at 290 New South Head Road, the study states that only the upper level apartments would be affected as views from the lower levels would be blocked by existing buildings east of the site. No models of views from 337-347 or 290 New South Head Road are provided.

The study states that other neighbouring residential development is unlikely to be significantly affected due to their low height, and spatial relationship with view corridors to scenic or valued features above and beyond the subject site.



Figure 24: The residential flat building and garden areas at the former “Overthorpe” (337-347 New South Head Road) as viewed from the rooftop of 294-296 New South Head Road (subject site).

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.

The planning proposal stated that the existing utility services will adequately support the future development or will be upgraded or augmented as required.

As noted above, the proponent has made an offer to enter into a Voluntary Planning Agreement with Council (**Attachment E13**). The proposed public benefits include construction of a publicly accessible pedestrian link between Brooklyn Lane and New South Head Road as part of the future development. An easement for right of footway over the above through-site link is proposed to be registered in favour of the public. The estimated contribution value for the design and construction of the works is approximately \$500,000 (subject to confirmation and negotiation).

3. COUNCIL VIEWS

On 16 January 2020, the Department wrote to Woollahra Municipal Council advising of the Rezoning Review request and seeking Council's comments. Council provided a response on 28 January 2020 (**Attachment D**).

Council staff confirmed that the planning proposal submitted with the rezoning review request *"is generally the same as the proposal... submitted to Council staff on 5 April 2019, and accepted with additional information by Council staff on 22 August 2019."*

Council staff raised a minor issue relating to the description of the planning proposal in the letter issued by the Department. There are no other comments or issues raised by Council regarding the rezoning request.

Based on the report to the Environmental Planning Committee meeting of 2 December 2019, it is noted that Council staff supported the request for planning proposal as it has strategic and site-specific merit. The report noted that the planning proposal 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.*

ATTACHMENTS

Attachment A – Locality Map

Attachment B – Site Map

Attachment C – Current LEP maps and provisions

Attachment D – Council correspondence

Attachment E – Rezoning Review application documents

- E1 – Rezoning Review application form
- E2 – Cover letter – Rezoning Review request
- E3 – Planning Proposal (revised version, June 2019)

- E4 – Planning Proposal application form to Woollahra Municipal Council
- E5 – Donations Disclosure form
- E6 – Cover letter (lodgement of additional information, June 2019)
- E7 – Urban Design and Development Envelope Study (revised version, May 2019)
- E8 – Heritage Impact Statement (revised version, June 2019)
- E9 – Assessment of overshadowing of heritage gardens at 337-347 New South Head Road (revised version, June 2019)
- E10 – Flood Impact Assessment (March 2019)
- E11 – Advice on View Sharing (revised version, June 2019)
- E12 – Traffic Impact Assessment (April 2019)
- E13 – VPA letter of offer to Council (March 2019)
- E14 – Existing GFA Diagrams (May 2019)
- E15 – Survey Plan (July 2016)

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