

Council Ref: Pre-application consultation 4/2019 [19/131156]

5 September 2019

Andreas Antoniadès
Antoniades Architects
Suite 1, Level 2, 2a Cooper Street,
Double Bay NSW 2028

Dear Mr Antoniadès

Pre-application consultation response

Meeting No: 4/2019

Meeting date: 14 August 2019

Property: 252-254 New South Head Road, Double Bay

Applicant: Antoniades Architects Pty Ltd

Thank you for attending the meeting on 14 August 2019, to discuss your pre-application consultation for a request for a planning proposal at 252-254 New South Head Road, Double Bay (the site).

Attached are our responses to the information you submitted prior to the meeting, and key issues discussed at the meeting. We hope that these will be of assistance should you proceed to lodge a request to prepare a planning proposal.

In summary, the pre-application submission seeks a maximum building height of 22m and floor space ratio (FSR) of 2.6:1. The existing controls on the site permit a maximum building height of 13.5m and an FSR of 1.3:1. A request for a planning proposal must fully justify the changes being sought to the building height and FSR controls.

The site is located in the Double Bay residential precinct to the east of the Edgecliff Commercial Centre.

The requested increase in both building height and FSR controls are significant in relation to the existing context of the site and its relevant applicable controls. In particular, the requested FSR is excessive and inconsistent with the existing and future desired character of the Double Bay residential precinct. In summary, Council staff would not support a request for a planning proposal which could create a building envelope which has such an excessive bulk and scale.

The pre-application consultation aims to identify issues that need to be addressed prior to requesting Council to prepare a planning proposal. However, it is only after a detailed assessment of a request that all issues can be identified and fully considered. Please note the disclaimer at the end of the response.

The comments provided in this letter and the attached response are made in regard to a pre-application for a planning proposal request. The comments do not represent a notification under clause 10A of the *Environmental Planning and Assessment Regulation 2000*.

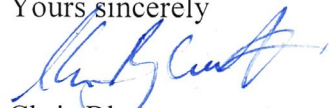
An application form and information to guide your application are available on Council's website:

www.woollahra.nsw.gov.au/building_and_development/development_rules/requests_for_planning_proposals.

If you lodge a request for a planning proposal, indicate on the form that you had a pre-application meeting and include the reference provided at the top of this letter.

I hope this service has been of use to you. Please contact Neda Vandchali if you require any further assistance on (02) 9391 7171.

Yours sincerely



Chris Bluett

Manager, Strategic Planning

PRE -APPLICATION CONSULTATION RESPONSE

Reference no.	Pre-application 4/2019
Address	252-254 New South Head Road, Double Bay
Meeting date	14 August 2019
Pre-application officer	Neda Vandchali, Strategic Planning
Applicant	Antoniades Architects Pty Ltd
Present at meeting	Woollahra Council Chris Bluett – Manager, Strategic Planning Jorge Alvarez – Acting Team Leader, Strategic Planning Neda Vandchali – Strategic Planner Nick Williams – Tree Officer Thomass Wong – Team Leader Development Assessment Applicant Andreas Antoniades – Antoniades Architects Pty Ltd George Karavanas – GSA Planning Hpone Thaung – Developer Mitchell Corn – Client representative

1 Information submitted

On 22 July 2019 the applicant submitted the following material for staff consideration:

- Completed pre-application consultation form dated 15 July 2019.
- Pre-planning proposal report prepared by GSA Planning dated July 2019.
- Architectural drawings prepared by Antoniades Architects dated June 2019.
- Enduring power of attorney – July 2019

2 The site and context

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

The site contains a four-storey residential flat building with a pitched roof known as the 'Dalkeith Building'. The main features of the existing building are:

- Eight residential units
- Substantial landscaping to the front and rear setbacks
- Accessible via two pedestrian entrances off New South Head Road
- No vehicular access or parking

The existing context of the site consists of the following:

- The site is zoned R3 Medium Density Residential under the *Woollahra local Environmental Plan 2014* (Woollahra LEP 2014).
- The site is accessed via New South Head Road that is zoned SP2 Infrastructure - Classified Road.
- The site is located approximately 10m from the Edgecliff Commercial Centre (zoned B4 Mixed Use) and approximately 180m from the Double Bay Commercial Centre (zoned B2 Local Centre).
- To the north, at 260 New South Head Road, is a three-storey residential flat building with substantial landscaping along its site setbacks.
- To the east, at 256 New South Head Road, is a three-storey residential flat building with no front setback to New South Head Road, and minimal setbacks to all other boundaries.
- To the south and west, at 250 New South Head Road, is a four to seven-storey residential flat building, with substantial landscaping along its north, east and western setbacks. A vehicle driveway and parking area, with access to New South Head Road, is located on the south-west boundary of the site.
- Further to the west, at 240 New South Head Road, is a five to six storey recently constructed residential flat building, with no boundary setbacks.
- To the south of the site, on the opposite side of New South Head Road, are a mix of four to eight-storey residential flat buildings and a four-storey commercial building.
- On the opposite side of New South Head Road, at 365 Edgecliff Road, is a residential flat building with significant tree cover and landscaping at the New South Head Road boundary.
- The landscaping at the frontage of the subject site combined with the landscaping at the New South Head Road frontage of 365 Edgecliff Road has the effect of creating a green gateway at this location. Consequently, the landscaping of this site is an important and highly visible marker delineating the edge of the Edgecliff Commercial Centre and the entrance into the Double Bay residential precinct.

3 Description of the planning proposal request

A request for a planning proposal would involve the following changes to the Woollahra Local Environmental Plan (WLEP) 2014:

- Amendment to the maximum building height standard from 13.5m to 22m.
- Amendment to the maximum floor space ratio (FSR) standard from 1.3:1 to 2.6:1.

4 State legislation

4.1 Greater Sydney Regional Plan: A Metropolis of Three Cities (2018)

The *Greater Sydney Regional Plan: A Metropolis of Three Cities* (2018) (the Regional Plan), is built on a vision of three cities. The vision is that most residents live within 30 minutes of their jobs, education and health facilities, services and great places. Ten directions are set out within the Regional plan which establish the aspirations for the region over the next 40 years and are a core component of the vision and a measure of the Regional Plan's performance.

The directions align within the categories of:

- Infrastructure and collaboration
- Liveability
- Productivity
- Sustainability

The Regional Plan includes objectives to create and support local employment opportunities, particularly in centres.

A request for a planning proposal must demonstrate full compliance with relevant directions and actions of the Regional Plan.

4.2 Eastern City District Plan (2018)

The *Eastern City District Plan* (2018) (the District Plan) is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. It contains the planning priorities and actions for implementing the Regional Plan at a district level and is a bridge between regional and local planning. The priorities include objectives to create and renew local centres by various methods, including creating and supporting local employment opportunities.

A request for a planning proposal must demonstrate full compliance with the vision and relevant priorities and actions of the District Plan.

4.3 Environmental Planning and Assessment Act 1979

Section 3.33 of the *Environmental Planning and Assessment Act 1979* (the Act) sets out what information a planning proposal is to include when submitted for a gateway determination. The former Department of Planning and Environment prepared two documents titled *A Guide to Preparing Planning Proposals* (December 2018) and *A Guide to Preparing Local Environmental Plans* (December 2018) to help applicants meet the requirements of the Act.

We draw to your attention that these guidelines identify that a planning proposal must demonstrate the strategic merit and the site-specific merit of the proposed LEP amendment.

4.4 State Environmental Planning Policy 65: Design Quality of Residential Apartment Development (SEPP 65)

A request for a planning proposal must address the relevant matters in SEPP 65 and the associated Apartment Design Guide (ADG) including:

- Section 2E - building depth.
- Objective 3F-1- Separation between dwellings to achieve a reasonable level of internal and external privacy.
- Objectives 4A-1 and 4B-3 to achieve a reasonable sunlight and cross ventilation.

Council staff are concerned that a built form that might eventuate under the requested FSR and maximum building height standard would fail to meet key amenity matters contained in SEPP 65.

5 Woollahra Local Environmental Plan 2014

5.1 Part 4.3: Height of buildings

The existing maximum building height that applies to the site under Woollahra LEP 2014 and the requested height are:

Woollahra LEP 2014 - Height (m)	Requested height (m)
13.5	22

The existing controls on the site permit a maximum building height of 13.5m. The pre-application submission seeks a maximum building height of 22 m which is approximately 60% greater than the existing control on the site.

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

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

Having considered the site's topography and its surrounding built form context, existing and future desired character of New South Head Road, the requested increase in height controls may be consistent with the objectives above. However, in combination with the requested FSR controls, it would permit development which is of an excessive bulk and scale which fails to respond to the existing and the desired future character of the surrounding context.

However, if a request for a planning proposal is submitted, it must fully justify the requested building height control for the site. The request must respond to the objectives above, and provide appropriate justification with regard to matters such as desired future streetscape character, bulk and scale, solar access, views, loss of privacy, overshadowing, visual intrusion and public amenity. The request must also address whether a change in maximum building height may require associated changes to the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015).

View sharing

A request for a planning proposal must address any view sharing impacts relating to surrounding properties. An assessment of these impacts must be based on the **maximum** building envelope created by the requested planning controls, not the building envelope of the concept building (although this may be included in addition to the maximum building envelope, for example, shown as "wire frame" superimposed on a photograph). The view sharing assessment must follow the four step process established in *Tenacity Consulting v Warringah (2004) NSWLEC 140* (paragraphs 23-33). The requirement for a view sharing assessment must not be taken to represent our support for the requested building height control, whether it be the height sought in your pre-application submission or another height.

The pre-application material only included a preliminary view analysis of a limited number of surrounding properties. A request for a planning proposal must address view sharing impacts relating to all affected surrounding properties.

Solar access and overshadowing

A request for a planning proposal must address any solar access impacts on surrounding properties. An assessment of these impacts must be based on the **maximum** building envelope created by the requested planning controls, not the building envelope of the concept building (although the solar access and overshadowing impacts from the concept building may be included in addition to the maximum building envelope).

5.2 Part 4.4: Floor space ratio

The existing FSR control that applies to the site under Woollahra LEP 2014 and the requested FSR are:

Woollahra LEP 2014 - FSR	Requested FSR
1.3:1	2.6:1

The existing controls on the site permit a maximum FSR of 1.3:1. The pre-application submission seeks a maximum FSR of 2.6:1. The pre-application submission seeks a maximum FSR of 2.6:1 which is 100% greater than the existing control on the site.

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

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

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

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

Council staff do not support the requested FSR on the subject site. However, if a request for a planning proposal is submitted it must fully justify the requested FSR control for the site. This must include analysis of the impacts of increasing FSR from the existing controls to the requested control. The request must also address whether a change in maximum FSR may require associated changes to the Woollahra DCP 2015.

6 Woollahra Development Control Plan 2015

6.1 Chapters B1.3: Double Bay Precinct

The site is located in the Double Bay residential precinct which is addressed in Chapter B1.3 of Woollahra DCP 2015. A request for a planning proposal must have regard to the desired future character of the precinct.

6.2 Chapter B3: General Development Controls

A request for a planning proposal must identify whether any changes are required to Chapter B3: General Development Controls. In particular, the request must identify all consequential changes that are required to the building envelope controls and how a better planning outcome would be achieved.

6.3 Chapter E1: Parking and Access

A request for a planning proposal must be accompanied by a traffic and transport report based on the **maximum** permitted development under the requested planning controls.

6.4 Chapter E3: Tree Management

A request for a planning proposal, regardless of the scale, must have regard to Council's desired future character objectives and controls relating to trees, specifically Chapter E3 Tree Management of Woollahra DCP 2015.

The mature Jacaranda tree at the southern boundary of the site is highly prominent and appears to have good health with good structural stability. The mature Jacaranda tree must be retained (see also 8.3).

The applicant must engage an arboricultural consultant early in the planning phase to determine the retention value of all of the existing trees and vegetation, especially along New South Head Road. Setbacks from trees worthy of retention can be calculated and used to guide the constraints and opportunities analysis of the site and inform building envelope changes. Proposed building envelopes must demonstrate how the landscape setting is reinforced and how existing trees can be retained.

7 Voluntary Planning Agreement

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 this policy statement, 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.

Should you lodge a request for a planning proposal, changes will be sought to the current planning controls for the site. If approved, these changes will substantially increase the development potential of the site and hence its land value. With this in mind, and in light of the Council's decision on 23 April 2018, the Council would anticipate negotiating a VPA to share in this value uplift for the community's benefit. We emphasise, however, that the strategic merit of a planning proposal must be fully justified and the Council would need to support the requested changes.

8 Referral officers comments

8.1 Strategic Planning

For reporting purposes to the Department of Planning, Industry and Environment, the planning proposal must include a statement which, based on the maximum potential development as well as your indicative concept, identifies the:

- Number and size of existing and proposed dwellings
- Existing and proposed car parking spaces.

8.2 Development control

Should a development application for the site be lodged prior to a change in the existing planning controls, it would be assessed under the existing controls that apply. The expectation is that an application must fully comply with the relevant development standards and controls. Any exceedances of the development standards would need to be fully justified by virtue of *Clause 4.6 Exceptions to development standards* in Woollahra LEP 2014.

8.3 Open Space and Trees

A mature Jacaranda tree (*Jacaranda mimosifolia*) is located adjacent to the New South Head Road frontage of the site. The tree is highly prominent when viewed from the public domain. The Jacaranda appears to have good health with good structural stability and a useful life expectancy of 15-40 years in its current growing conditions.

In any development context, the tree must be retained. The concept proposal and any future design will need to be sympathetic to the location of the tree, soil, tree roots and crown, to minimise impacts.

Retaining the tree does not impede development for the following reasons:

- The tree is positioned adjacent to the boundary.
- Due to the steep embankment to the north, this will limit the root spread. Roots will predominantly be found within the small tiered garden beds on the higher side of the embankment. Several surface roots are evident within these areas.
- The crown of the tree only extends approximately 6m to the north.

Note: Site surveys were not provided with the pre-application request. Any future proposal must be informed with a detailed site survey, root mapping and advice from a project arborist.

8.4 Engineering Services

As New South Head Road is a Classified Road, we recommend early consultation with the Roads and Maritime Services (RMS).

Council's Traffic and Transport Engineering team are aware that the parking and generation rates in Chapter E1 Parking and Access in Woollahra DCP 2015 are maximum rates. However, Council staff are concerned that the concept proposal provides a significant shortfall for parking on-site. Council's Traffic and Transport Engineering team would recommend the following:

- Additional car parking spaces be provided on-site.
- Provide a dedicated car share space/s for a car share provider that is authorised by Council.
- Provide a location/ parking bay on-site for a service vehicle which can also be utilised as a pick-up / drop off area.
- Provide vehicular site access off New South Head Road subject to RMS concurrence.

A traffic impact statement identifying the **maximum** potential additional vehicle movements and traffic management strategy must be provided. The maximum potential car park and traffic movements must be based on calculations in accordance with Chapter E1 Parking and Access in Woollahra DCP 2015. This statement must address the implications of the proposal on existing traffic, parking and transport conditions surrounding the site and within any proposed parking areas. The statement must be produced by a suitably qualified and experienced traffic engineer in accordance with Chapter E1 Parking and Access in Woollahra DCP 2015.

The statement must include (but not be limited to) the following:

- An assessment of the proposed off-street parking/service delivery area in accordance with AS2890.
- Expected traffic generation rates and the impact on the surrounding road networks.
- Impact on existing parking conditions and transport requirements in the surrounding area.
- Level of compliance with Council's Parking Development Control Plan requirements (E1 parking and access).
- Any recommendations to mitigate the knock-on effects of the proposal upon the surrounding road network and existing on-street parking capacity.

8.5 Urban Design

The site is located in Double Bay residential precinct to the east of the Edgecliff Commercial Centre. The landscaping at the frontage of the subject site combined with the landscaping at the New South Head Road frontage of 365 Edgecliff Road has the effect of creating a green gateway at this location. Consequently, the landscaping of this site is an important and highly visible marker delineating the edge of the Edgecliff Commercial Centre and the entrance into the Double Bay residential precinct.

In considering the proposed FSR and height controls, we draw your attention to the Opportunities and Recommendations in Section B3.02 of the *Double Bay Public Domain Strategy* which was adopted by Council on 8 August 2016. This strategy identifies the following Opportunity/Recommendation for the Double Bay Western Gateway:

Reduce hard paved footpath areas with additional planting, buffer strips, and planted gardens where possible

Consistent with the strategy, the landscaped character in this area should be maintained and enhanced.

Due to the prominent nature of the site, a streetscape study must be provided to identify a responsive built form frontage to the public domain that will enhance the existing streetscape character and the desired future character of the context.

The concept proposal illustrates an overall bulk and scale which results in high site coverage compared with the overall site coverage of its surrounding residential context. A figure-ground study is required to assess the consistency of any proposed conceptual footprint with the existing and desired future character of the area. The study must demonstrate how any indicative concept balances the proposed built form and landscaping, to enhance the existing green character of the Double Bay residential precinct.

To assess the capability of the site to accommodate the requested controls, a request for a planning proposal must include an urban design analysis to demonstrate design excellence, high level of amenity and a positive response to the SEPP 65 principles and objectives.

8.6 Compliance

No comments at this time.

9 Information required with a request to prepare a planning proposal

Should you submit a request for a planning proposal, the core documents listed in 9.1 below, are required. Additional documents may be required at the time a request to prepare a planning proposal is lodged.

9.1 Documents

- Completed application form.
- Land owner's consent.
- Request to prepare a planning proposal addressing the matters in *A guide to preparing planning proposals* (December 2018). In particular, "Chapter 2: The parts of a planning proposal" and "Attachment 1: Information checklist".
- Concept plans including elevations and sections illustrating the distribution of land use and building bulk.
- Results of any consultation with surrounding property owners.
- Disclosure statement (relating to political donations and gifts).
- Survey plan.
- Studies, investigations and reports supporting the requested changes and relating to the **maximum** requested building height / FSR envelope, as well as the concept plan envelope, including:
 - Photomontage and site photographs
 - 3D Model in the format required by Attachment 9: 3D Digital Model Technical Requirement of Council's DA Guide.
 - View analysis
 - Shadow diagrams in plan and elevation
 - Development yield for residential dwellings
 - Arboricultural Report
 - Traffic and parking assessment
 - Urban design analysis (including streetscape study and figure-ground study)
 - Geotechnical investigation
 - Acoustic assessment

Notes:

- Images must show the **maximum** building height / FSR envelope of the proposal, as well as the concept plan envelope may include, for example, a "wire frame" superimposed on a photograph or another image.
- Further reports, studies or documentation may be required once the request has been submitted.

10 Fees

This planning proposal request is considered to be a major planning proposal. According to Council's 2019/2020 Fees and Charges the cost for stages 1 and 2 are:

Major planning proposal

Stage 1 Up to gateway determination	\$40,950 (GST exempt)	All steps up to and including submission of planning proposal to Department of Planning & Environment for gateway determination if endorsed by Council. May include changes to Woollahra DCP 2015.
Stage 2 Post gateway determination	\$24,440 (GST exempt)	All steps up to publication of the amending LEP subject to Council support. May include changes to Woollahra DCP 2015.

Note: An hourly rate of \$280.00 applies to any additional unforeseen tasks and functions.

The above fees are relevant for the 2019/20 financial year only. Any fees payable outside this period will be subject to the adopted fees and charges for the relevant financial year.

11 Next steps

Should you choose to lodge a planning proposal, we prefer that you lodge the application together with supporting studies and information in person at Council's Customer Service Centre, Redleaf, 536 New South Head Road, Double Bay.

Once all documentation is received, the planning proposal request will be assessed and reported to Council's Environmental Planning Committee (EPC). If the EPC supports the planning proposal, it will be referred to the Woollahra Local Planning Panel (LPP) for advice. The advice of the Woollahra LPP will then be reported back to the EPC for consideration.

12 Conclusion

The pre-application submission seeks a maximum building height of 22m and FSR of 2.6:1. The existing controls on the site permit maximum building height of 13.5m and FSR of 1.3:1.

As identified above, the requested building height and FSR controls are considered a significant increase to the existing controls on the site. Council staff would not support a request for a planning proposal which could create a building envelope which has such an excessive bulk and scale. However, if a request for a planning proposal is lodged with Council, it must fully justify the changes being sought to the building height and FSR controls.

13 Disclaimer

The aim of a pre-application meeting is to provide a service to people who wish to obtain the comments of Council staff about the various aspects of a planning proposal request, prior to lodging an application. The advice can then be addressed or at least known, prior to lodging an application. This has the following benefits:

- It allows a more informed decision about whether to proceed with a request for a planning proposal; and
- It allows issues to be addressed, especially issues of concern, prior to requesting Council to prepare a planning proposal. This could then save time and money once the request for a planning proposal is lodged.

All efforts are made to identify issues of relevance and likely concern with the preliminary request. However, the comments in this response are based on the information submitted for preliminary assessment and discussion at the pre-application meeting.

You are advised that:

- The comments expressed may vary once detailed information is submitted and formally assessed, or as a result of issues contained in submissions by interested parties if a planning proposal is exhibited.
- If a request to prepare a planning proposal is received by Council, nothing contained in a pre-application response binds Council staff, the elected Council members, or other bodies beyond Council in any way.

The comments provided in this response are made in regard to a pre-application for a request for a planning proposal. The comments do not represent a notification under clause 10A of the *Environmental Planning and Assessment Regulation 2000*.

We hope that this advice assists you. If you have any further enquires please contact Neda Vandchali on (02) 9391 7171 during normal business hours.

Neda Vandchali
Strategic Planner

Chris Bluett
Manager - Strategic Planning