

**Item No:** R4 Recommendation to Council  
**Subject:** **REQUEST FOR A PLANNING PROPOSAL FOR 252-254 NEW SOUTH HEAD ROAD, DOUBLE BAY**  
**Author:** Neda Vandchali, Strategic Planner  
**Approvers:** Anne White, Manager - Strategic Planning  
Nick Economou, Acting Director Planning & Development  
**File No:** 20/142787  
**Reason for Report:** To report on a request for a planning proposal for 252-254 New South Head Road, Double Bay which seeks to amend the maximum building height and floor space ratio standards in the Woollahra Local Environmental Plan 2014.  
To recommend that Council does not support the request for a planning proposal for 252-254 New South Head Road, Double Bay.

**Recommendation:**

- A. THAT Council resolves not to support the request for a planning proposal for 252-254 New South Head Road, Double Bay, which seeks to amend the *Woollahra Local Environmental Plan 2014* in the following manner:
- Increase the maximum building height standard from 13.5 to 22m.
  - Introduce a secondary height control of reduced level 45.90m Australian Height Datum at the New South Head Road frontage.
  - Increase the maximum floor space ratio (FSR) from 1.3:1 to 2.6:1.
- B. THAT Council notify the applicant that it does not support the request for a planning proposal for the following reasons:
- The proposed maximum building height and FSR standards are excessive and would create a building envelope which has an excessive bulk and scale.
  - The requested increase in both the maximum building height and FSR standards are inconsistent with the existing and desired future character of the Double Bay residential precinct.
  - The proposed standards would create a building envelope that will adversely impact on the site and its surroundings, particularly with regard to streetscape; landscape character and views.
- C. THAT the applicant is notified that Council does not support the request for a planning proposal in accordance with clause 10A of the *Environmental Planning and Assessment Regulation 2000*.

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**1. Summary**

A request for a planning proposal was submitted by Antoniades Architects for 252-254 New South Head Road (the subject site), Double Bay. The objective of the request is to amend the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) to increase the development potential of the subject site. The request seeks the following amendments to Woollahra LEP 2014 to:

- Increase the maximum building height from 13.5 metres to 22 metres.
- Introduce a secondary height control of reduced level (RL) 45.90m Australian Height Datum (AHD) at the New South Head Road frontage.
- Increase the maximum floor space ratio (FSR) from 1.3:1 to 2.6:1.

An indicative development concept, which could be constructed in accordance with the proposed standards was submitted with the request. The development concept is for a part seven, part eight storey residential flat building comprising:

- 33 apartments, with a mix of studios (14), 1 bedroom units (13), and 2 bedroom units (6)
- Six car spaces (4 resident and 2 car share), 1 motorcycle space and 38 bicycle spaces.

Council staff do not support the request for the planning proposal as:

- 1) The proposed maximum building height and FSR standards are excessive and would create a building envelope which has an excessive bulk and scale.
- 2) The requested increase in both the maximum building height and FSR standards are inconsistent with the existing and desired future character of the Double Bay residential precinct.
- 3) The proposed standards would create a building envelope that will adversely impact on the site and its surroundings, particularly with regard to streetscape; landscape character and views.

## 2. The subject site and context

The site is known as 252-254 New South Head Road, Double Bay (SP11702) located in the Double Bay residential precinct, on the northern side of New South Head Road. It has an irregular shape with an area of 934.9m<sup>2</sup> and an approximate frontage of 19m to New South Head Road. The site slopes down significantly from the south-western corner to the north-eastern corner with an approximate fall of 10m.

The site is approximately 10 metres from the Edgecliff Commercial Centre and 180 metres from the Double Bay Centre (see **Figure 1** below). Neighbouring development consists of residential flat buildings (RFB) of three to seven storeys.

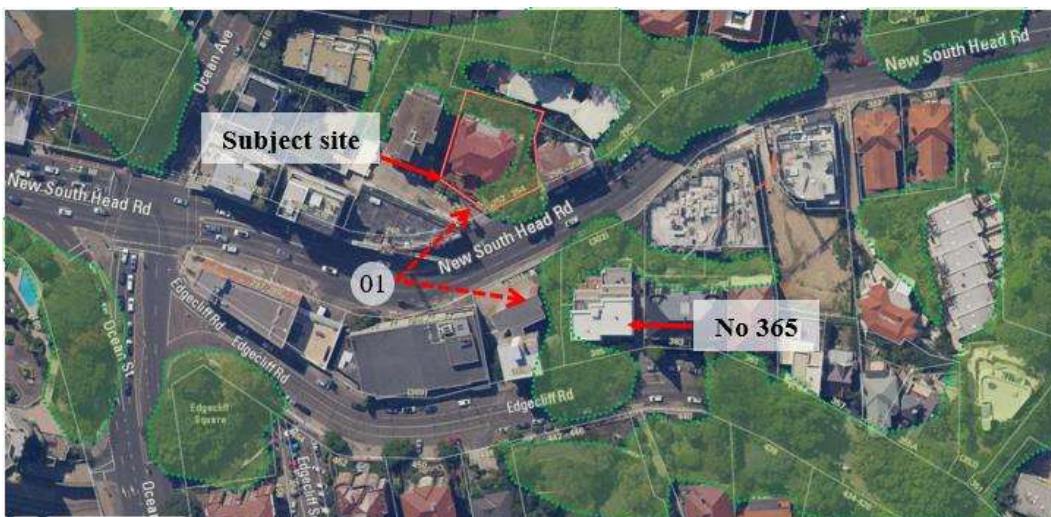


**Figure 1:** Location plan of the site and its context





**Figure 2:** The subject site (indicated in red) as viewed from New South Head Road



01: New South Head Road looking east, towards the subject site

**Figure 3:** The top images highlights the landscaped character of the subject site and its surrounding context. The bottom image illustrates the existing landscaped character in this area, when viewed from the west (point 01).

The site is currently occupied by a four-storey RFB with a pitched roof known as the ‘Dalkeith Building’. It contains eight residential units with substantial landscaping in the front and rear setbacks. Pedestrian access is via two entrances off New South Head Road. It has no vehicular access or on-site parking. A mature Jacaranda tree is located adjacent to the New South Head Road frontage of the site. The tree is prominent when viewed from the public domain. **Figure 2** illustrates the site as viewed from the opposite side of New South Head Road.

This section of New South Head Road has an established landscape character in both the public and private domain. The landscaping at the site’s frontage, combined with the landscaping at 365 Edgecliff Road, creates an important and highly visible marker. When travelling east along New South Head Road, this landscaping delineates the edge of the Edgecliff Commercial Centre and facilitates a soft transition into the Double Bay residential precinct. **Figure 3** above illustrates the significant landscaped character at this location and the surrounding context.

### 3. Background

On 14 August 2019, a planning proposal pre-application consultation meeting was held between Council staff, the developer and the developer’s representatives to discuss the proposal. Subsequent to the meeting, the applicant was advised in a letter dated 5 September 2019 that Council staff would not support the proposal for the following reasons (see **Annexure 3**):

- The proposed height and FSR creates a building envelope which has an excessive bulk and scale and is inconsistent with the existing and desired future character identified in the Woollahra Development Control Plan (DCP) 2015
- The concept proposal illustrates a building with an excessive site coverage compared with the overall site coverage of the surrounding residential context.
- The concept proposal would detrimentally impact on the landscaped character of the subject site and its surroundings.

On 17 March 2020, the applicant submitted a request for a planning proposal. The submitted proposal is seeking an identical height and FSR to the pre- application proposal, with an additional (lower) secondary height control of RL 45.90m AHD.

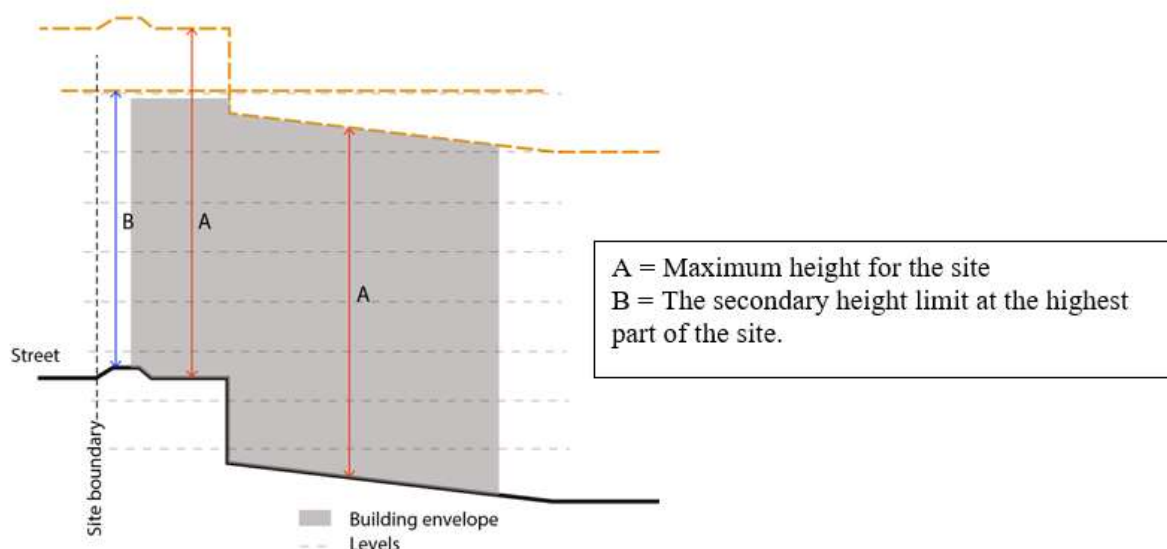
The secondary height control is a maximum height at the highest part of the site, or the crown of the adjoining road. The objectives of a secondary height control are to:

- Maintain public and private views, and/or,
- Provide a consistent streetscape at the street frontage when the highest point of a site is at the roadway.

An example of a secondary height limit is illustrated in **Figure 4** below.

Council staff requested additional information in a letter dated 24 April 2020. On 12 June 2020, the applicant submitted the additional information required and Council staff receipted payment for the request for a planning proposal.





**Figure 4:** Secondary height control concept

For the purpose of reporting this planning proposal request to the Environmental Planning Committee, staff have only attached the Planning Proposal Report prepared by GSA Planning. The complete package of information submitted by the applicant is available on Council's website at the following link:

[https://www.woollahra.nsw.gov.au/building\\_and\\_development/development\\_rules/previous\\_and\\_proposed\\_exhibitions/planning-proposal-252-254-new-south-head-road-double-bay/](https://www.woollahra.nsw.gov.au/building_and_development/development_rules/previous_and_proposed_exhibitions/planning-proposal-252-254-new-south-head-road-double-bay/)

This includes the following documents:

- *Planning Proposal Report by GSA Planning - 11 March 2020 (see **Annexure 1**)*
- *Architectural drawings by Antoniades Architects - 26 Feb 2020*
- *Urban Design Report by GMU Urban Design and Architecture - March 2020*
- *Traffic and parking impact report by TTPA - March 2020*
- *Acoustic assessment by Renzo Tonin & Assoc - 2 March 2020*
- *Arboricultural impact assessment by Advanced Treescape - 11 March 2020*
- *Stormwater management drawings by Antoniades Architects / Integrated Group Services - March 2020*
- *Letter addressing additional information request by GSA Planning - 12 June 2020*
- *View analysis by GSA Planning - 12 June 2020*
- *View analysis drawings by Antoniades Architects - 10 June 2020*
- *Shadow diagrams by Antoniades Architectures - 10 June 2020*
- *Survey plan by Cibar Surveying - 23 Sept 2019*
- *Pre-application consultation response - 5 September 2019 (see **Annexure 2**).*

#### 4. The request for a planning proposal

As identified in the report by GSA Planning at **Annexure 1**, the intended effect of the request for a planning proposal is to facilitate redevelopment of the site for a part seven storey, part eight storey RFB with car parking. The proposal seeks the following changes to the Woollahra LEP 2014:

**Table 1: Existing and proposed Woollahra LEP 2014 provisions**

Provision	Existing	Proposed
Zone	R3: Medium Density Residential	No change
Maximum Height	13.5 m	22m
Secondary height limit	N/A	RL 45.90m AHD along New South Head Road.
FSR	1.3:1	2.6:1

The applicant submitted an indicative development concept of the potential built form facilitated by the requested planning provisions. The proposed part seven storey, part eight storey residential flat building comprises:

- 33 apartments, with a mix of studios (14), 1 bedroom units (13), and 2 bedroom units (6)
- Six car spaces (4 resident and 2 car share), 1 motorcycle space and 38 bicycle spaces.

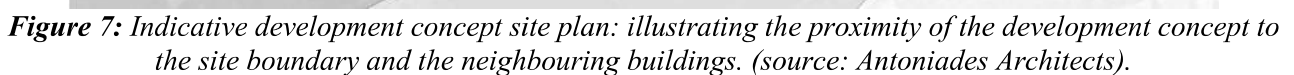
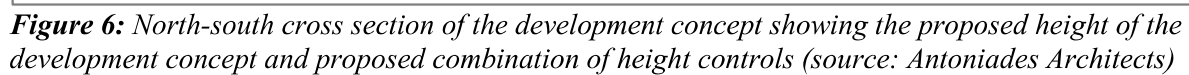
The concept proposal provides a net gain of 25 additional residential units on the subject site.

**Figures 5 to 7** below show extracts of the indicative development concept proposed for the subject site.



**Figure 5:** Proposed building envelope: maximum 22m height envelope shown with dashed line and secondary height plane of RL 45.90m AHD shown in green (Source: Antoniades Architects)





## **5. Assessment of the request for a planning proposal**

In the request for a planning proposal, the applicant has mitigated some of the concerns expressed in the pre-application advice by recommending a secondary height control. However, the request is otherwise identical to that submitted in the pre-application planning proposal which was not supported by Council staff (see **Annexure 2**).

Staff do not support the current request as it lacks strategic merit on a number of planning grounds. The request would result in a bulk and scale which is inconsistent with the vision and objectives of the strategic framework, particularly the *Woollahra Local Strategic Planning Statement (LSPS)*, *Woollahra LEP 2014* and *Woollahra DCP 2015*. It will result in a built form with adverse impacts on the surroundings, particularly with regard to local character, landscape, views and amenity.

### **5.1. State Environment Planning Policy (SEPP) 65 - Design Quality of Residential Apartment Development**

The proposed height and FSR standards would permit development which is of an excessive bulk and scale which would fail to achieve the principles in *State Environment Planning Policy (SEPP) 65 - Design Quality of Residential Apartment Development*. In particular:

*Principle 1: Context and Neighbourhood Character* –the requested planning provisions fail to respond to its context, adjacent sites, streetscape and neighbourhood.

*Principle 2: Built Form and Scale* - the requested planning provisions fail to achieve a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

*Principle 5: Landscape* –the requested planning provisions would result in a built form which would be unable to achieve integrated landscaping and built form on the site.

### **5.2. Woollahra LSPS**

The proposal does not respond to the desired future character of the area as described in the *Woollahra LSPS*.

Key elements of the long term land use vision for the entire local government area, as set out in the *Woollahra LSPS*, are to protect and enhance local character and the landscape setting. The proposal is inconsistent with the following Planning priorities

- **4:** *Sustaining diverse housing choice in planned locations that enhance our lifestyles and fit in which our local character and scenic landscapes.*
- **6:** *Placemaking supports and maintains the local character of our neighbourhood and villages whilst creating great places for people.*
- **11:** *Conserving, enhancing and connecting our diverse and healthy green spaces and habitat, including bushland, tree canopy, gardens and parklands.*

The proposed changes would permit development which is inconsistent with the low scale and leafy character of the residential precinct and negatively impact on the urban tree canopy cover and landscaping.



### 5.3. *Woollahra LEP 2014*

The proposed provisions do not respond to the maximum building height and FSR objectives in the Woollahra LEP 2014, particularly those related to the desired future character and impacts on the surrounding area.

- ***Cl 4.3: Height of buildings***

The existing standard on the site permits a maximum building height of 13.5m. The request for a planning proposal seeks a maximum building height of 22 m which is approximately 60% greater than the existing standard 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.*

Council staff note that the applicant has attempted to mitigate the height impacts with a secondary height control of RL 45.90m AHD. However, having considered the desired future character of the Double Bay residential precinct, the requested increase in height is inconsistent with the objectives above, particularly objectives (a), (b), (d) and (e).

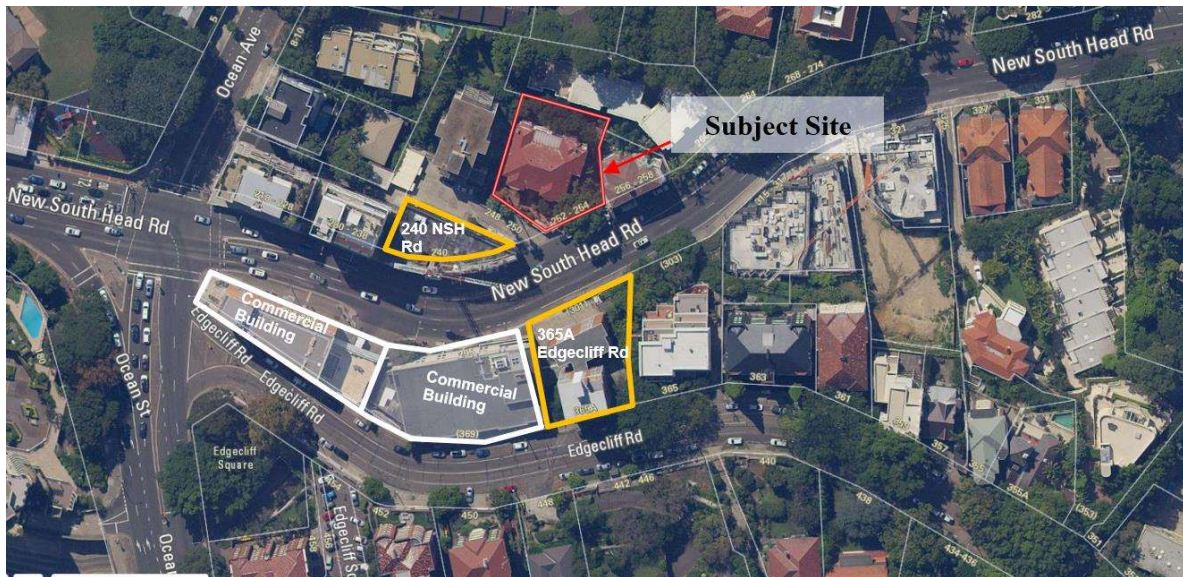
- ***View sharing***

The request for a planning proposal was accompanied by the following two documents:

- *View analysis by GSA Planning - 12 June 2020*
- *View analysis drawings by Antoniades Architects - 10 June 2020*

Council staff identified that the request for a planning proposal must address any view sharing impacts relating to surrounding properties. This assessment must be based on the **maximum** building envelope created by the requested planning standards, not the building envelope of the concept building. However, the documentation submitted with the application has failed to address view sharing impacts from the maximum building envelope i.e. the applicant has only provided an assessment of view impacts resulting from the indicative development concept.

This view analysis, prepared by GSA Planning, has considered views from the two neighbouring sites at 240 New South Head Road to the west, and 365A Edgecliff Road to the south of the site (see **Figure 8** below).



**Figure 8:** Location of buildings assessed in the view analysis report

The view analysis report provided by GSA Planning states that:

- *The existing views are retained or improved.*
- *The view effects are reasonable, and the Planning Proposal's environmental and built form effects will be minimal.*

In particular, the report states that:

- *In terms of the reasonableness of the proposal, although there is a minor potential view reduction from View 1 at Level 3 of No. 240 New South Head Road, majority of potential views are generally retained or improved, as a result of the concept building form.*
- *Any view reduction is likely to be relatively negligible or minor (Page 17).*
- *In terms of the reasonableness of the proposal, views are generally unaffected at the middle and upper levels, and there appear to be no existing water views at the lower levels from living room windows at No. 365A Edgecliff Road due to existing vegetation and development.*
- *There appear to be no potential view loss as a result of the concept building form, with all middle and upper level views assessed appear to be entirely retained (Page 23)*

Council staff do not support the request on the basis that the view analysis is insufficient for the following reasons:

1. The analysis only considered view loss associated with the indicative concept building, and not the maximum building envelope.
2. The analysis failed to accurately assess existing views from the adjoining buildings and relied upon 3D Imagery prepared by Antoniades Architect.

A comprehensive view sharing assessment could potentially identify greater view impacts to the surrounding properties.

- **Woollahra LEP 2014: Cl 4.4: Floor space ratio**

The existing standard on the site permits a maximum FSR of 1.3:1. The proposed FSR of 2.6:1 is 100% greater than the existing FSR standard 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.*

Council staff have undertaken an analysis of the existing site coverage of the neighbouring properties in the Double Bay residential precinct. The majority of these sites have a site coverage of approximately 40% or less and an FSR of less than 2:1. The proposed FSR of 2.6:1 is significantly higher than the surrounding development and the current FSR standard. It results in a site coverage of approximately 60%.

The proposed FSR would result in an excessive building envelope with compromised setbacks and separation distances on the side boundaries. This will impact the amenity of the future users of the site and the neighbouring buildings, in particular:

- A reliance on non-habitable openings on side facades
- Reduced opportunities for landscape buffers on side boundaries
- Poor amenity for internal spaces
- Adverse impacts on the outlook of the neighbouring sites
- A blank and un-articulated façade to the public domain.

Having considered the site and its context, the proposed 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.

#### **5.4. Woollahra DCP 2015**

The proposal does not respond to the desired future character of the area as described in the Woollahra DCP 2015. We note the following which is taken from the Double Bay residential precinct character as set out in Section B1.3

*The precinct is notable for both the density of its built form and its green landscape character. The tree canopy, formed by both street trees and private plantings, is a prominent element in the municipality's presentation from Sydney Harbour and should be maintained.*

Further, the following extracts are taken from Section B1.3.2 Desired Future Character

##### *Streetscape character and key elements of the precinct*

*Development respects and enhances the existing elements of the neighbourhood character that contribute to the precinct including:*

*d) the established tree canopy;*

##### *Desired future character objectives*

- O1 To respect and enhance the streetscape character and key elements of the precinct.*
- O2 To reinforce a consistent building scale within streets.*

- O4 *To maintain the evolution of residential building styles through the introduction of well designed and contemporary buildings, incorporating modulation and a varied palette of materials.*
- O9 *To retain and reinforce the green setting of mature street trees, private trees and garden plantings*

Contrary to these objectives, the proposed changes would permit development which:

- Fails to enhance the streetscape character
- Is not consistent with the building scale on the streets
- Is not well modulated
- Is unable to retain and reinforce the green setting.

This section of New South Head Road (between Edgecliff and Double Bay Centres) has an established landscape character in both the public and private domain. The landscaping at the New South Head Road frontage of the site, combined with the landscaping at 365 Edgecliff Road, facilitates a green gateway when moving west to east into the Double Bay residential precinct.

In addition, at this location there is a built form transition from higher density development in the Edgecliff Centre to the lower-density built form in the Double Bay residential precinct. The building at 240 New South Head Road (to the south west of the site) marks the entrance to the Edgecliff Commercial Corridor. This landscape and the height transition is illustrated in **Figure 9**.



Landscaping at New South Head Road (in both the private and public domain) in the Double Bay residential precinct

**Figure 9:** Existing streetscape character of New South Head Road at the entrance to Double Bay residential precinct

The proposed maximum building height combined with the secondary height standard, creates a street wall height that both dominates and disrupts the established tree canopy along New South Head Road. This is not consistent with the desired future character under the Woollahra DCP 2015 B1.3.2, particularly the following objectives:

- O1 To respect and enhance the streetscape character and key elements of the Precinct.*
- O5 To ensure that rooflines sit within the predominant street tree canopy.*
- O9 To retain and reinforce the green setting of mature street trees, private trees and garden plantings.*

The proposed bulk, scale and street wall height which would result from the proposed provisions, creates a similar built form volume to the adjoining site at 240 New South Head Road. A built form volume of this scale is more consistent with buildings in the Edgecliff Commercial Corridor, rather than responding to the context of the Double Bay residential precinct within which the site lies.

Furthermore, Council's tree management team are concerned that the footprint of the concept building would intrude into the *Tree Protection Zone* (TPZ) of the existing Jacaranda tree at the sites frontage to New South Head Road. However, it is noted that the proposed documents have not clearly illustrated all the existing and proposed RL's within the TPZ area of the tree, in order to fully assess the potential impacts on the tree.

We also note that development with the proposed bulk and scale is unlikely to achieve the Design Excellence Objectives in Woollahra DCP 2015 B3.1.3, in particular:

- o *4. Development contributes positively to the streetscape.*
- o *6. Development provides high levels of amenity for the both the private and public domain.*

## **6. Staff recommendation**

In summary, Council staff do not support the request as it lacks strategic and site specific merit, particularly:

- 1) The proposed maximum building height and FSR standards are excessive and would create a building envelope which has an excessive bulk and scale.
- 2) The requested increase in both the maximum building height and FSR standards are inconsistent with the existing and desired future character of the Double Bay residential precinct.
- 3) The proposed standards would create a building envelope that will adversely impact on the site and its surroundings, particularly with regard to streetscape; landscape character and views.

## **7. Next steps**

Should Council resolve not to support the request for a planning proposal, the next step is to notify the applicant of its decision in accordance with clause 10A of *the Environmental Planning and Assessment Regulation 2000*.

However, if Council decides to support the request, the next step is for staff to prepare a planning proposal in accordance with the *Environmental Planning and Assessment Act 1979* and the relevant guidelines. In this scenario, staff may require additional information or justification statements from the applicant to support the request for a planning proposal. Following the submission of this information to staff satisfaction, staff will prepare a planning proposal. As of 1 June 2018, Council must refer all planning proposals to the Woollahra Local Planning Panel for advice. This advice would then be reported to the Environmental Planning Committee.



## 8. Conclusion

On 12 June 2020, Council staff received the full package of information to assess a request for a planning proposal for 252-254 New South Head Road, Double Bay. This request for a planning proposal is seeking the following changes to the Woollahra LEP 2014 to:

- Increase the maximum building height standard from 13.5 to 22m.
- Introduce a secondary height control of RL 45.90m AHD at the New South Head Road.
- Increase the maximum FSR from 1.3:1 to 2.6:1.

Council Staff recommend that Council resolves not to support the request for a planning proposal as it lacks strategic and site specific merit. The proposed maximum height and FSR standards would create a building envelope which has an excessive bulk and scale.

The requested increase in both building height and FSR standards are inconsistent with the existing and desired future character of the Double Bay residential precinct and a development built to the scale permitted by the proposed standards would adversely impacts on the site and its surrounding context

## Annexures

1. Planning Proposal Report by GSA Planning - 11 March 2020 [↓](#) 
2. Pre-application consultation response - 5 September 2019 [↓](#) 



## **PLANNING PROPOSAL**

To Amend the Woollahra Local Environmental Plan  
(LEP) 2014 as It Applies to

### **No. 252-254 New South Head Road, Edgecliff**

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Job No: 18418

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Date : 11 March 2020

For and on behalf of **GSA Planning**  
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PADDINGTON NSW 2021

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## ANNEXURES

### A – LIST OF SEPPS

### B – CONSIDERATION OF SECTION 9.1 DIRECTIONS

### C – A GUIDE TO PREPARING PLANNING PROPOSALS CHECKLIST

Abbreviation	Abbreviation Meaning
ADG	Apartment Design Guide
AHD	Australian Height Datum
ANEF	Australian Noise Exposure Forecast
AS	Australian Standard
ASS	Acid Sulfate Soils
CBD	Central Business District
CMP	Construction Management Plan
Council	the Council
CRZ	Critical Root Zone
DA	Development Application
DCP	Development Control Plan
DP	Deposited Plan
DPE	Department of Planning & Environment
EIS	Environmental Management Plan
EPAA	Environmental Planning and Assessment Act 1979
EPAR	Environmental Planning and Assessment Regulations 2000
EUR	Existing Use Rights
FFL	Finished Floor Level
FSR	Floor Space Ratio
GFA	Gross Floor Area
GSC	Greater Sydney Commission
HCA	Heritage Conservation Area
HIA/HIS	Heritage Impact Assessment/Heritage Impact Statement
IHAP	Independent Hearing and Assessment Panel
LEP	Local Environmental Plan
LGA	Local Government Area
LSPS	Local Strategic Planning Statement
MHWM	Mean High Water Mark
NSW	New South Wales
NSWLEC	NSW Land & Environment Court
OEH	Office of Environment and Heritage
OSD	On-Site Detention
PoM	Plan of Management
POS	Private Open Space
PP	Planning Proposal
REF	Review of Environmental Factors
RFB	Residential Flat Building
RL	Reduced Level
RMS	Roads & Maritime Services
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SREP	Sydney Regional Environmental Plan
SP	Strata Plan
SWMP	Stormwater Management Plan
TPZ	Tree Protection Zone
TfNSW	Transport for NSW
VENM	Virgin Excavated Natural Material
WMP	Waste Management Plan
WSUD	Water Sensitive Urban Design

## 1.0 PRE-LODGE MENT BACKGROUND

This Planning Proposal has been prepared on behalf of Penoh Capital Land Pty Ltd by Gary Shiels & Associates Pty Ltd – (hereafter referred to as GSA Planning). GSA Planning has expertise in Urban Design, Environmental & Traffic Planning. This Planning Proposal is for the property known as No. 252-254 New South Head Road, Edgecliff (hereafter referred to as 'the subject site').

The subject site is on the northern side of New South Head Road and adjoins a portion of New South Head Road has been under investigation by Council to consider built forms and uplift for the sites lining the road. Previous Council investigations into nearby opportunity sites justified increasing density, building height and floor space ratio close to the Edgecliff Centre as being consistent with the well-established best planning practice of increasing development potential in centre to promote more sustainable and public transport-oriented development.

To facilitate the redevelopment of the site and invigoration of the New South Head Road corridor at Double Bay, the Planning Proposal seeks to amend the Woollahra Local Environmental Plan (LEP) 2014, with site-specific changes to the LEP Maps, summarised as follows:

- **Building Height proposed:** 22 metres (currently 13.5m), with a secondary height control of:
  - Option A:** RL 45.90 AHD within an area 11m perpendicular to both southern boundaries
  - Option B:** RL 45.90 AHD within an area south of a line 5m from the southern and south-eastern boundaries, running across the site
- **Floor Space Ratio proposed:** 2.6:1 (currently 1.3:1).

The existing building on the subject site is a deteriorating four-storey residential flat building, with no on-site parking available. The conceptual built form proposed in this Planning Proposal has been designed by Antoniades Architects and continues the residential flat building use of the subject site.

A Pre-application Consultation was undertaken on **14 August 2019** with Woollahra Council, with regard to this Planning Proposal. In Council's response letter dated **5 September 2019**, it is acknowledged that the site is close to the Edgecliff Commercial Centre and the Double Bay Commercial Centre, and surrounding building vary from three to seven storeys. The letter also states the following, inter alia:

*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 [building height objectives]. 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 desired future character of the surrounding context.*

To allay Council's concerns regarding future bulk and scale as a result of the planning proposal, two height limits will minimise perceived bulk at the street front, to complement the existing streetscape. Further discussion of the amended building height and FSR controls consistency with the relevant objectives are discussed in Section 5.2.2 of this planning proposal.

The Planning Proposal has allowed Antoniades Architects to develop a concept design for a residential flat building on the site, with a contemporary built form which respects and protects the integrity of the existing and future character, and nearby amenity. The built form would complement the location and the adjacent and nearby taller buildings, particularly in the New South Head Road streetscape. The proposal demonstrates the 'contextual fit' of additional height and FSR on the site.





The proposed height strategy which does not exceed RL 45.90 AHD at the street front, or 22m from the lower portion of the site, will ensure the height and scale of future development provides an appropriate streetscape transition.

This report has considered the proposed form against maintaining views and privacy of nearby residents and minimising overshadowing. The concept design's controlled bulk and scale have minimised any effects.

Proximity to excellent public transport services and to local retail facilities and services, will be convenient and desirable for future residents. A residential flat building complements nearby residential uses and maintains local amenity.

This Planning Proposal has been prepared in accordance with Section 3.33 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'. Following this pre-lodgement background are eight sections. Section 2.0 identifies the site; Sections 3.0 to 8.0 contain the Planning Proposal; and Section 9.0 provides additional information.

## 2.0 SITE DESCRIPTION

This section contains a description of the following: The Locality; The Site; Existing Built Form and Landscaping; Existing Character and Context; and Nearby Approved Planning Proposals.

### 2.1 The Locality

The subject site is located approximately 2.8km east of the Sydney CBD and is in the New South Head Road Corridor, within the Woollahra LGA (see **Figure 1**).



Source: SIX Maps, 2020

**Figure 1: Location Plan**

 Subject Site



## 2.2 Site Description and Existing Built Form

The subject site is located on the northern side of New South Head, and is known as No. 252-254 New South Head Road, Double Bay, described as SP11702, with a site area of 934.9m<sup>2</sup>. The site is zoned R3 Medium Density Residential under the Woollahra LEP 2014.

An existing four-storey residential flat building with a hipped tile roof, is known as the 'Dalkeith Building' (see **Photograph 1**). The existing older building contains eight units, and is rundown in comparison to many developments nearby the subject site. The site includes substantial landscaping and is entered via two pedestrian entrances from New South Head Road (see **Photograph 2**). There is no vehicle parking available.



**Photograph 1:** The subject site, as viewed from New South Head Road



**Photograph 2:** The subject site, as viewed from No. 250 New South Head Road



## 2.3 Existing Character and Context

The surrounding area is characterised by retail and commercial buildings of both Edgecliff and Double Bay; medium-density mixed-use development; residential development; and the nearby Ascham School. The Edgecliff Centre, Railway Station and Bus Interchange are approximately 200m from the subject site. Double Bay centre is approximately 300m from the site. Many of the buildings facing New South Head Road were constructed in the Inter-War period and are reaching the end of their useable life. The area has been undergoing significant change.

Significant urban renewal along New South Head Road is seeing the character of the area evolve with both Double Bay and the nearby Edgecliff Local Centre in transition. Higher density developments reflect the high accessibility of the area. New South Head Road density in the vicinity of the subject site has been the subject of a number of recently proposed and approved planning proposals for increased height.

### Development to the North

To the north of the subject site is No. 260 New South Head Road, a long three-storey brick residential flat building with 11 units; a small number of parking spaces at ground level; and substantial landscaping in the front and rear setbacks. The site extends from New South Head Road, to the north of the subject site (see **Photograph 3**). Further to the north is No. 2 Holt Street, a three-storey brick residential flat building with hipped tile roof, and 15 units with parking at ground level (see **Photograph 4**).



**Photograph 3:** 260 New South Head Road, as viewed from within the site (source: realestate.com.au)



**Photograph 4:** No. 2 Holt Street, as viewed from the street.

### Development to the East

To the east of the subject site is No. 256 New South Head Road, 'Monterey', a painted brick three-storey residential flat building built with hipped tile roof, constructed to the front boundary. The building has seven units and no parking (see **Photograph 5**). Further to the east is No. 260 New South Head Road, as described above (see **Photograph 6**).



**Photograph 5:** No. 256 New South Head Road, as viewed from the street



**Photograph 6:** No. 260 New South Head Road, as viewed from the street



### Development to the South

To the south is No. 365A Edgecliff Road, an eight storey brick residential flat building known as 'Edgecliff Towers'. The building is setback from the front boundary, with at grade garages (see **Photograph 7**). The building has dual frontage to Edgecliff Road (see **Photograph 8**).



**Photograph 7:** No. 365A Edgecliff Road, as viewed from New South Head Road.



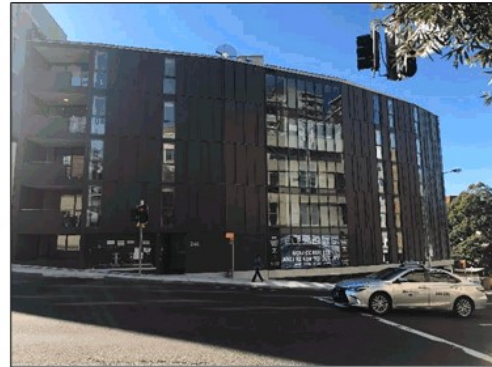
**Photograph 8:** No. 365A Edgecliff Road as viewed from Edgecliff Road.

### Development to the West

To the west of the subject site is No. 250 New South Head Road, a brick residential flat building of 17 units. The building is setback from the street and has a driveway frontage to New South Head Road (see **Photograph 9**). Further to the west is No. 240 New South Head Road, a recently constructed contemporary residential flat building with a flat roof, following an approved planning proposal. The new development has 19 units, and has a curved façade built to the front boundary with New South Head Road (see **Photograph 10**).



**Photograph 9:** No. 250 New South Head Road, as viewed from the access handle



**Photograph 10:** No. 240 New South Head Road, as viewed from the street

## 2.4 Nearby Planning Proposal Approvals

The density of the Edgecliff Mixed Use Centre is increasing with new developments and amendments to the LEP height and FSR controls, as proposed and approved, along New South Head Road.

This includes the recent modifications to approval of a new five- to six-storey residential flat building with ground and basement car parking levels at Nos. 240-246 New South Head Road, to the west of the subject site, as discussed in Section 2.3 (see **Figure 2** on the following page).

The approved planning proposal for this site amended the zoning to B4 Mixed Use, increased the height control to 24.9m, and increased the FSR control to 4.8:1. The previous development standards for the site were a height of 18m with a height of 14m at the highest part of the land (Area H of Clause 4.3A(3)); and an FSR of 4.0:1.



Source: Simmons Architects

**Figure 2:** Approved Development at Nos. 240-246 New South Head Road

Similarly, a planning proposal to increase the height and FSR controls at Nos. 80-84 and 90 New South Head Road has been approved. This saw the FSR control increase from 1.5:1 to 2.9:1, and the maximum building height control increase from 14.5m to 23.5m (see **Figure 3**).



Source: PTI Architects

**Figure 3:** Approved Development at Nos. 80-84 and 90 New South Head Road



Planning proposals have been lodged for sites further along New South Head Road. This includes approval to amend the height control from 14.7m to 23.5m and amend the FSR control from 2.5:1 and 3:1 to 4.5:1 at No. 374 and 376-382 New South Head Road, Double Bay. This enables a six-storey mixed use development on the prominent corner site (see **Figure 4**). At time of writing, a DA has not yet been lodged for this site.



Source: Eeles Trelease Pty Ltd

**Figure 4:** Concept Plan for Nos. 374 and 376-382 New South Head Road



### 3.0 PART 1 - OBJECTIVES OR INTENDED OUTCOMES

The objectives of the Planning Proposal are:

- To allow the redevelopment of the site by facilitating a contemporary residential flat building nearby the Edgecliff Mixed Use Centre;
- To enhance the potential of the underutilised site in close proximity to a public transport location; and
- To provide a built form that is compatible with the existing and emerging context and character of the locality.

The intended outcomes of the Planning Proposal are:

- To amend the Woollahra LEP 2014 to enable the redevelopment of No. 252-254 New South Head Road, Double Bay for a part 7-storey and part 8-storey residential flat building development, with shared car parking at Level 4 (street level).
- The concept submitted with the planning proposal shows a maximum height of RL 45.90 AHD (under Option A or B) at front of the site to ensure streetscape compatibility (see Figures 5 and 6 on the following pages); with the balance of the site being maximum 22m high from existing ground level.
- The concept has an FSR of 2.6:1.

#### 3.1 Height Strategy for Increased Permitted Height for the Subject Site

The intention is to limit the height for the front portion of the site. This is because there is a significant drop in the site, from the southern boundaries.

To request a 22 metre height limit over the entire site could result in a street elevation which is inconsistent with Council's desired streetscape outcomes. Therefore, to give Council confidence any future development would be consistent with the streetscape in terms of height, a second layer of height control is proposed. This can be included as an additional subclause in the LEP, or included as an additional Area map.

Accordingly, this proposal nominates a height of RL45.90 AHD for a limited portion of the southern side of the site, adjoining New South Head Road and adjacent to the entrance to No. 250 New South Head Road. We have prepared two alternatives for Council to consider: Option A or Option B, in **Figures 5 & 6** on the following page. Both options result in similar areas where the height would be restricted for streetscape purposes:

- Option A: 388m<sup>2</sup>
- Option B: 312m<sup>2</sup>

It should be noted that other controls will limit the height in this area; that is, the Apartment Design Guide requirements which increase setbacks as building height increases, as well as Council's controls relating to streetscape etc.

### Option A

This option nominates an 11 metre setback from the southern and south-eastern boundary, as a means of containing any development to RL45.90 AHD (see **Figure 5**). Potential wording for this option could be:

Proposed Option A modification to Clause 4.3A:

#### 4.3A Exceptions to building heights (Areas A–H)

- (1) The objectives of this clause are as follows—
  - (a) to ensure new development is consistent with the desired future character of the neighbourhood,
  - (b) to ensure new development is consistent with the surrounding buildings and the streetscape,
  - (c) to protect views and vistas that are in the public domain.
- (2) This clause applies to land identified as "Area A", "Area B", "Area C", "Area D", "Area E", "Area F", "Area G", "Area H" and "Area J" on the Height of Buildings Map.
- (3) Despite clause 4.3, the height of a building on land to which this clause applies, in an Area indicated in Column 1 of the table to this clause, at the highest part of the land (exclusive of any access handles), must not exceed the height shown opposite that Area in column 2.

Column 1	Column 2
Area A	3.0 metres
Area B	4.0 metres
Area C	6.5 metres
Area D	7.5 metres
Area E	8.0 metres
Area F	10.5 metres
Area G	11 metres
Area H	14 metres
Area J	22 metres, other than an area measured 11m perpendicular to the southern and south-eastern boundaries, which must not exceed RL45.90AHD.



Source: Antoniades Architects

**Figure 5: Height Strategy – Option A**

### Option B

This option instead proposes a line, extended 5 metres from the southern & south-eastern boundaries on the eastern and western boundaries. The area where the height can achieve RL45.90AHD is then contained (see **Figure 6**).

Proposed Option B modification to Clause 4.3A:

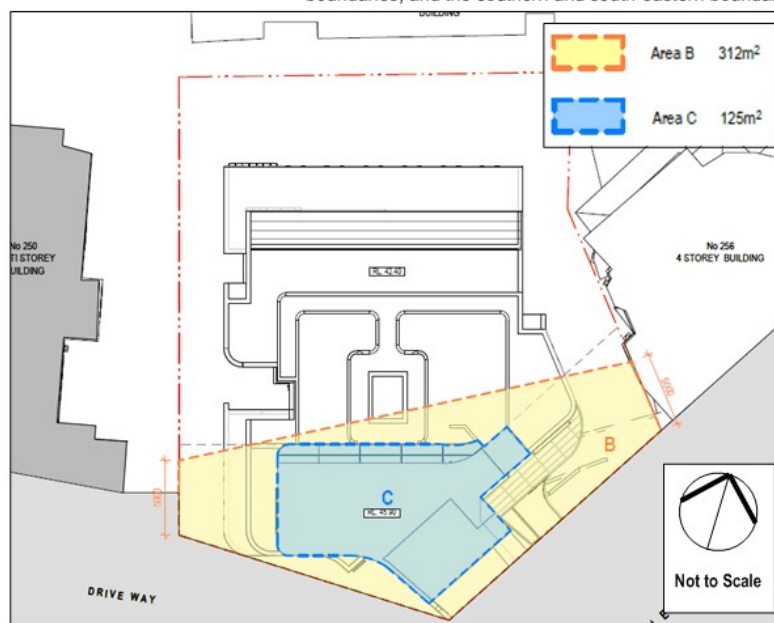
#### 4.3A Exceptions to building heights (Areas A–H)

- (1) The objectives of this clause are as follows—
  - (a) to ensure new development is consistent with the desired future character of the neighbourhood,
  - (b) to ensure new development is consistent with the surrounding buildings and the streetscape,
  - (c) to protect views and vistas that are in the public domain.
- (2) This clause applies to land identified as "Area A", "Area B", "Area C", "Area D", "Area E", "Area F", "Area G", "Area H" and "Area J" on the Height of Buildings Map.
- (3) Despite clause 4.3, the height of a building on land to which this clause applies, in an Area indicated in Column 1 of the table to this clause, at the highest part of the land (exclusive of any access handles), must not exceed the height shown opposite that Area in column 2.

Column 1	Column 2
Area A	3.0 metres
Area B	4.0 metres
Area C	6.5 metres
Area D	7.5 metres
Area E	8.0 metres
Area F	10.5 metres
Area G	11 metres
Area H	14 metres
Area J	22 metres (with reference to Clause 4.3A(4))

- (4) Despite clause 4.3(3), the height of a building in Area J indicated in Column 1 of the table to this clause, must not exceed the height shown in Column 2, for the area as specified below.

Column 1	Column 2
Area J	RL45.90AHD: for the area between a line drawn from the eastern and western boundaries, measured 5m from the intersections of those boundaries with the southern and south-eastern boundaries; and the southern and south-eastern boundaries.



Source: Antoniadis Architects

**Figure 6: Height Strategy – Option B**

gsa planning

This will ensure the New South Head Road Corridor retains an appropriate built form and design excellence is achieved. Setback requirements of the ADG will ensure that the bulk of the built form within Area A or B is restricted, to minimise the bulk and scale of the concept development.

The amendments are outlined in detail in the Urban Design Report prepared by GMU Urban Design and Architecture Pty Ltd (hereafter referred to as GMU) (separately submitted).



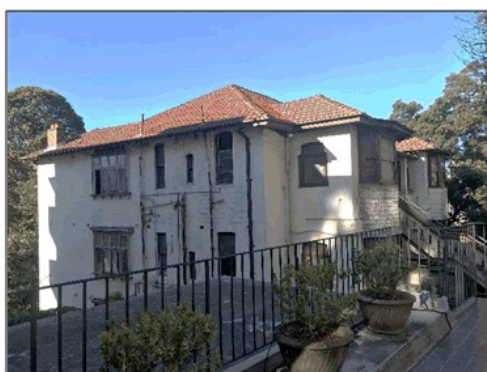
## 4.0 PART 2 – EXPLANATION OF PROVISIONS

The proposed amendments are, inter alia:

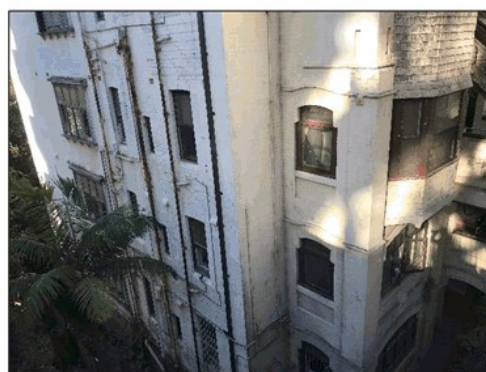
- Amending the Woollahra LEP 2014 Height of Building Map to indicate a reduced maximum height to RL 45.90 AHD at front of the site (refer to Option A and B, in Section 3), with a maximum permissible height of 22m for the remainder of the site; and
- Amending the Woollahra LEP 2014 Floor Space Ratio Map to indicate a maximum permissible FSR of 2.6:1.

### 4.1 Building Height

The proposal would increase the height from 13.5 metres to 22 metres for the majority of the site, however a separate control is proposed near the front of the site to address the considerable level change within the site. The existing building sits almost three storeys below street level (see **Photographs 11 & 12**).

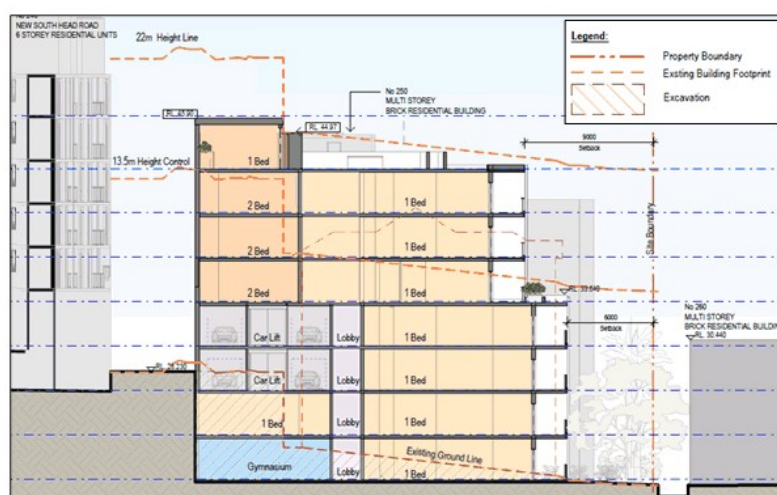


**Photograph 11:** The Subject Site, viewed from No. 250 New South Head Road.



**Photograph 12:** The existing building has three levels below street entry level.

The existing residential flat building already exceeds the height limit by approximately 4.7 metres; however the Planning Proposal does not seek to achieve the proposed 22 metre height line for the site, within the street frontage zone (see **Figure 7**).



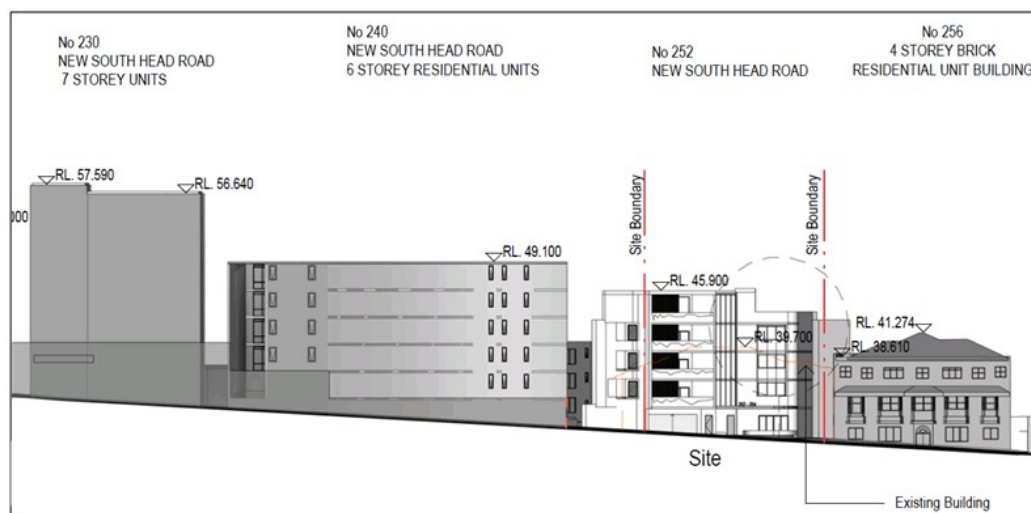
Source: Antoniades Architects

**Figure 7:** Indicative Section

Increasing the permitted building height would be equivalent to another 1.5 floors above the existing roof line. The concept increases the rear setbacks of the upper levels, to reduce effects of the additional height.

The proposed height would enable a future building to have a streetscape presence on New South Head Road, however the two options presented still limit the height at the front of the site to be consistent in the streetscape. Currently the building sits below road level. The current height limit at street level is 13.5 metres.

The Planning Proposal nominates a fixed level at the front of the site of RL45.90 AHD which is the equivalent of an additional level only at the street frontage. However the New South Head Road elevation shows this is both compatible and consistent with the streetscape (see **Figure 8**). It should be noted Apartment Design Guide requirements for setbacks will limit the extent of the top floor.



**Figure 8: Streetscape Elevation with RL45.90 AHD Height**

The proposed amendment to height will provide a building envelope consistent with the evolving nature of the streetscape, and the proposed amendment to FSR controls the extent of the built form on the site. The proposed amendments will allow for a new, well-designed development that considers the context, character and future use of Double Bay as a busy local centre with a perimeter of increased residential density.

The following photographs show the existing conditions in New South Head Road (see **Photographs 13, 14 & 15** on the following page).





**Photograph 13:** New South Head Road approach to the site



**Photograph 14:** The site in the New South Head Road streetscape



**Photograph 15:** The gap in the New South Head Road streetscape looking toward Edgecliff

The concept proposal shows the integration of a building at street-front which is consistent with others nearby, and retains an existing jacaranda tree which contributes to the streetscape (see **Figure 9**).



Source: Antoniades Architects

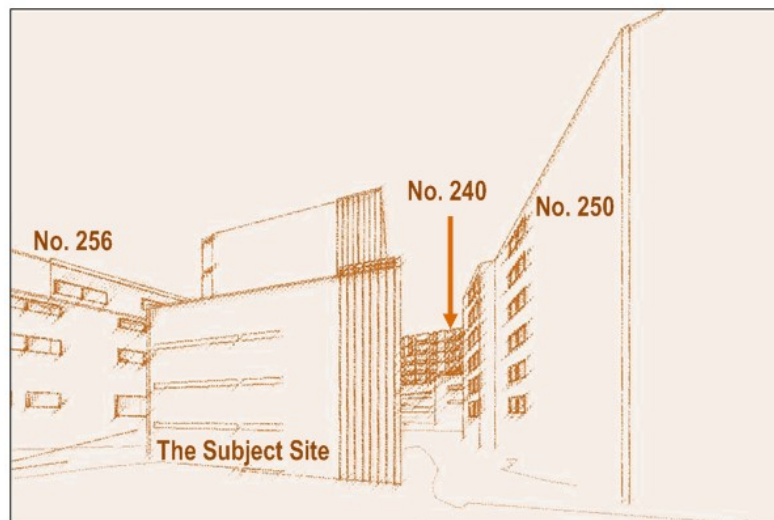
**Figure 9:** Indicative Proposal in the Streetscape, as viewed from the east on New South Head Road

## 4.2 Floor Space Ratio

The proposal would increase the site's FSR control from 1.3:1 to 2.6:1. The additional FSR will accommodate an increased height, specifically towards the middle and rear of the site which has a steep and challenging topography.

The proposed FSR would allow a residential flat building that has a part three and part four storey streetscape appearance, when viewed from New South Head Road. The upper level is only a single level addition to the existing maximum height standard at the street front.

Importantly, the increased FSR allows a building envelope that is sympathetic with surrounding built forms (see **Figure 10**).



Source: Antoniades Architects

**Figure 10:** View of the proposal from rear neighbours at  
No. 260 New South Head Road

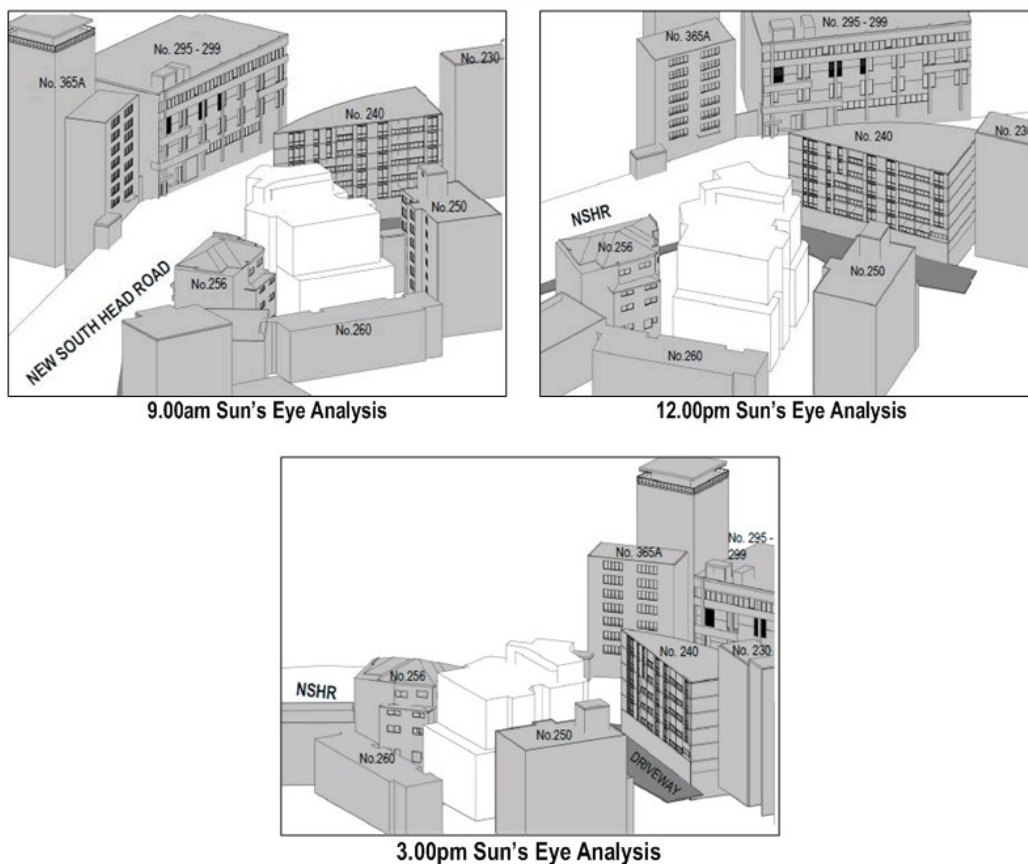
Accordingly, in our opinion, the planning proposal provides an FSR control that more appropriately addresses the context of the site and the evolving character of the New South Head Road Corridor.

## 4.3 Solar Access

The proposal will maintain appropriate sunlight access to No. 250 New South Head Road by increasing side setbacks from the existing. ADG-compliant setbacks would provide approximately 10.5m separation distance between the proposed built form's upper levels and the neighbouring building. A 3m setback in accordance with the ADG is provided to No. 256 New South Head Road, to maximise solar access.

Sun eye diagrams have been prepared hourly between 9:00am and 3:00pm on 21<sup>st</sup> June by Antoniades Architects (separately submitted). These diagrams show the concept design's height and scale is expected to maintain solar access requirements to neighbouring sites' private open space and windows (see **Figure 11** on the following page). Any future development application will feature a degree of articulation and modulation to ensure DCP controls for solar access are achieved. We consider the proposed built form to be an appropriate representation of a likely form.





Source: Antoniades Architects

**Figure 11: Indicative Sun's Eye Analysis**

Further details regarding solar access are discussed in the GMU Urban Design Report, which states, inter alia:

*The site's side boundaries to the east and west, whilst the front boundary is to the south. Some additional overshadowing will be created resulting in the following:*

**No. 240 New South Head Road**

*Approximately 10am-12pm - Minor additional overshadowing to the residential development to the south at No. 240 New South Head Road however, as demonstrated in the sun-eye diagrams on the following pages, only a few units are impacted during the morning hours.*

*1-3pm - No additional overshadowing impacts occur to the residential development at No. 240 New South Head Road. The additional overshadowing will fall on the road surface and pedestrian areas.*

**No. 256 New South Head Road**

*Approximately 1-3pm - Limited additional overshadowing will also impact the residential development to the east at No. 256 New South Head Road during the afternoon. This is demonstrated in the sun-eye diagrams on the following pages.*

**Public domain**

*9am-3pm - The majority of additional overshadowing impacts associated with the proposal will impact the road surface and public domain areas.*

Accordingly, the concept plans based on the proposed height and FSR development standards will provide generous solar access to neighbouring sites.

## 4.4 Views

### 4.4.1 Views Generally

The proposed increase in building height and FSR will largely maintain existing views from nearby residential accommodation. Due to the existing density of New South Head Road and its surrounds, our initial investigation into views has not detected any significant views from residential developments within the vicinity of the subject site, that would be significantly affected by the proposal.

The residential flat building directly opposite the site at No. 365A Edgecliff Road has views of the harbour which would not appear to be interrupted by the proposed concept building. The proposed form has a height at street front only one level higher than the current height development standard. As No. 365A Edgecliff Road is elevated, the proposal is unlikely to affect views from this property.

Views across the site from No. 240 New South Head Road to the west are largely retained as a result of the proposal, and the carefully resolved concept building envelope.

Additionally, the concept building envelope is below existing landscaping and will maintain harbour views towards the north from upper levels of No. 240 New South Head Road (see **Figure 12**). These figures show that existing views are currently obscured by landscaping (palms). Please refer to architectural plans for view photo locations.



Existing View from Upper Level Balcony at No. 240 New South Head Road (Level 3)



Proposed view from Upper Level Balcony at No. 240 New South Head Road (Level 3)

Source: Antoniadis Architects

**Figure 12:** View Comparison showing improvement with Palm's removal



In our opinion, the preliminary view analysis shows the planning proposal's considerate form will be likely to maintain views for residents of nearby residential developments. A full view analysis is provided in the architectural plans (separately submitted), and we include a View Impact Analysis consistent with the Planning Principle outlined in *Tenacity v Warringah* [2004] NSWLEC 140, as requested by Council at the Pre-Planning Proposal meeting.

#### 4.4.2 View Impact Analysis in accordance with Tenacity Planning Principle

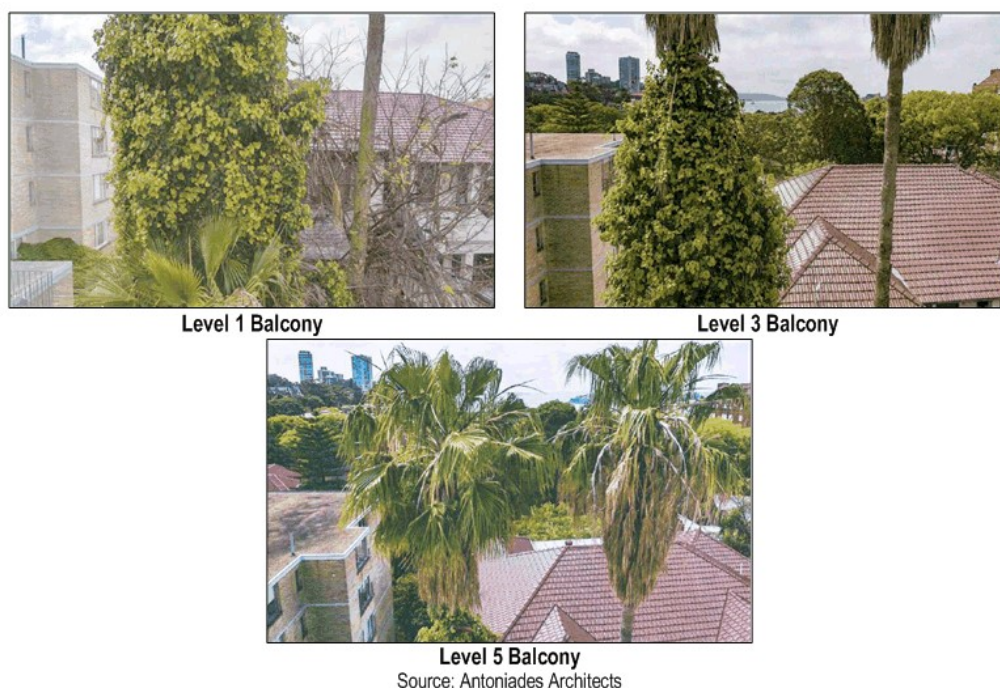
In our opinion, the proposed single storey increase in building height in the streetscape will largely maintain existing views from nearby residential accommodation. Due to the steep topography and existing density of New South Head Road and its surrounds, our initial investigation into views has not detected any iconic views from nearby residential developments which might be affected.

As we have not had the opportunity to access surrounding sites, instead we have relied upon photographs and view analysis imagery provided by Antoniades Architects; real estate photography; real estate or DA floor plans (where available); and aerial imagery.

In the assessment of development applications relating to view issues, the NSW Land and Environment Court relies on the planning principle in *Tenacity v Warringah Council* [2004] NSWLEC 140. Our assessment of the proposal against this planning principle is included below. The four steps in assessing view affectation are considered as follows:

##### **Assessment of the views Affected**

Very limited views are available directly across the site due to the existing built form and established vegetation. Any water views towards the harbour appear to be predominantly from middle and upper level balconies of No. 240 New South Head Road to the west of the subject site; and middle and upper level windows No. 365A Edgecliff Road to the south of the subject site (see **Figure 13**). However **Figure 15** demonstrates some levels are likely to receive views with the removal of existing vegetation.



**Figure 13: Existing Views Across the Site from No. 240 New South Head Road**

***From what Part of the Property are Views Obtained?***

The views across the subject site are from middle and upper level balconies adjoining living areas of No. 240 New South Head Road and are across the rear boundary. Views are available from middle and upper level windows of No. 365A Edgecliff Road, across the subject site, and would appear to be unaffected by the proposed height increase (see **Figure 14**).



Source: Thehomepage.com.au



Source: Rwebay.com.au



Source: Snowdenjones.com.au



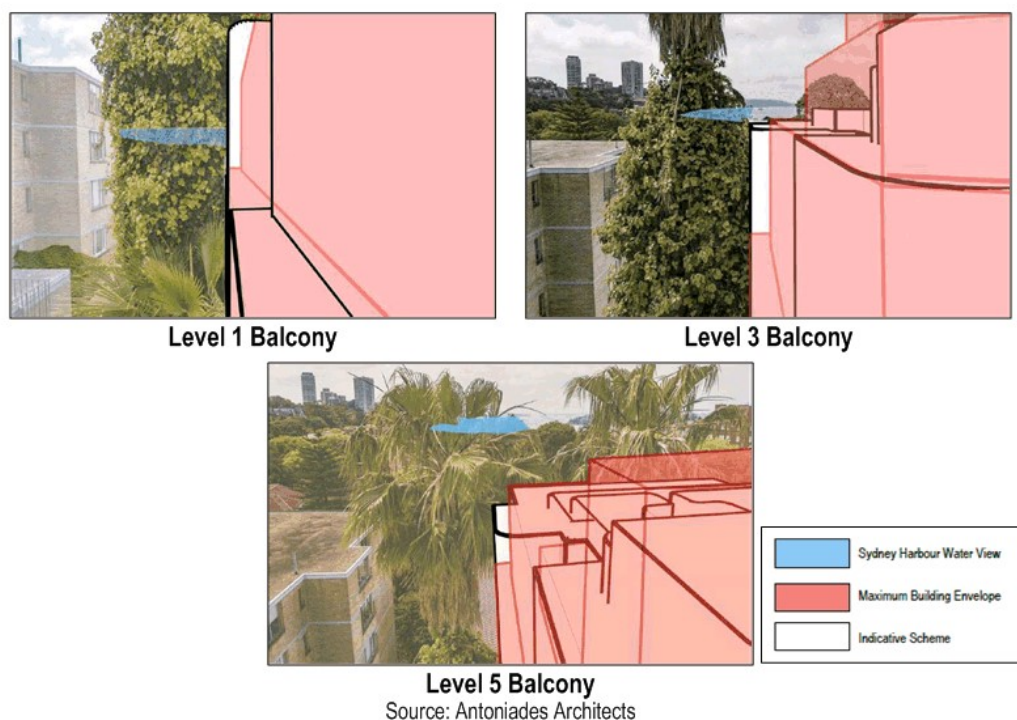
Source: Mybhr.com

**Figure 14:** Existing Views Across the Site from No. 365A Edgecliff Road

***The Extent of Impact***

The view assessed is from balconies along the northern elevation of No. 240 New South Head Road, which as living areas, are valued more highly than bedrooms or service areas. The water views from the balconies are nearly entirely retained as a result of the proposed conceptual built form, and maximum building envelope. With removal of existing palms and vegetation, some lower level balconies are likely to receive water views, where currently these are obscured (see **Figure 15** on the following page).





**Figure 15: Proposed Views Across the Site from No. 240 New South Head Road**

As we have not had the opportunity to access the site at No. 365A Edgecliff Road, we have relied upon real estate photography. It appears that some water views are obtained from living areas, however it is likely that some views are from bedrooms and service areas. Nonetheless, due to the elevation of this building above the subject site and existing dense vegetation to the north of the existing building on the subject site, the proposed conceptual built form and maximum building envelope is highly unlikely to affect water views from No. 365A Edgecliff Road.

#### ***The Reasonableness of the Proposal***

This planning proposal has outlined an increased maximum FSR and two layers of building height to ensure streetscape compatibility. The concept building and maximum building envelope have been modelled to comply with the proposed building height and FSR controls as a result of this planning proposal. Accordingly, the building envelope of the sympathetically designed concept building will maintain water views from No. 240 New South Head Road.

The views towards the harbour from No. 365A Edgecliff Road would not appear to be interrupted by the proposed concept building and maximum building envelope. This is attributed to the proposed form and height strategy providing a height at the street front that is below the overall 22m height control proposed for the remainder of the site.

Applying the four principles to the proposed development, we consider that water views from No 240 New South Head Road and No. 365A Edgecliff Road would be largely maintained. In terms of the reasonableness of the proposal, a very minor view reduction from balconies of No. 240 New South Head Road, is likely to be improved by the removal of existing palms. Likewise any view reduction from the living rooms of apartments in No. 365A Edgecliff Road is likely to be negligible. Based on the view analysis undertaken, there will be no other view loss especially as iconic views of the Harbour Bridge and the city skyline are not readily available in this location.

Accordingly, any view reduction is likely to be very minor and the planning proposal's constrained form will encourage future redevelopment will maintain views for residents of nearby residential developments. The proposal is in our opinion reasonable on the basis of *Tenacity Consulting v Warringah*. A full view analysis is provided in the architectural plans (separately submitted).

#### 4.5 Acoustic and Visual Privacy

The planning proposal and concept design has considered the visual and acoustic privacy of neighbouring residential developments. Due to the generous separation between the subject site and nearby development, an increase in height and FSR would be unlikely to affect the privacy or amenity of residents.

A future development will be required to meet with ADG requirements for separation and privacy, and the proposal has demonstrated this is achievable.

In terms of noise, an Acoustic Report, prepared by Renzo Tonin and Associates (separately submitted) has considered noise from New South Head Road, concluding, inter alia:

*Renzo Tonin & Associates have completed an acoustic assessment of the residential development located at 252-254 New South Head Road, Rose Bay including noise impacts on the site from road traffic and potential noise impacts from mechanical plant and equipment serving the site.*

*The study of external noise intrusion into the subject development has found that appropriate controls can be incorporated into the building design to achieve a satisfactory accommodation environment, consistent with the intended quality of the building and relevant standards and the Council's guidelines.*

*Noise emission goals for the operation of mechanical plant and equipment have been set in accordance with the Noise Policy for Industry. It is feasible that noise emissions from the subject site can comply with these criteria, subject to detailed design for Construction Certificate.*

Balconies in the concept design have been oriented towards the site's landscaped rear setback and New South Head Road to maintain privacy to residential flat buildings to the east and west. Additionally, the communal roof terrace offers increased setbacks and separation distances from adjoining developments, with a planter buffer to provide further separation.

The planning proposal will ensure that a building height and FSR desirable within the Double Bay Local Centre applies to the subject site. The indicative built form would accommodate a well-designed residential flat building, continuing the site's existing use and complementing the area's character; the bulk and scale of nearby existing and future development; and positively contribute to the New South Head Road streetscapes (refer to Concept Plans, separately submitted).

Accordingly, in our opinion, the planning proposal is unlikely to present any significant visual or acoustic effects on adjoining development.



## 5.0 PART 3 - JUSTIFICATION

This part has been prepared in accordance with the DP&E's *A Guide to Preparing Planning Proposals* and will consider the following: Need for Planning Proposal; Relationship to Strategic Planning Framework; Environmental, Social and Economic Impact; and State and Commonwealth Interests. A checklist against the Guide's requirements is provided in **Annexure C**.

### 5.1 Section A – Need for the Planning Proposal

#### 5.1.1 Q1. Is the planning proposal a result of any strategic study or report?

Yes, GMU have prepared an Urban Design Report to accompany the planning proposal. The Urban Design Report draws on:

- 'A Metropolis of Three Cities' – Greater Sydney Commission;
- 'Eastern City District Plan' – Greater Sydney Commission;
- 'Draft Woollahra Local Strategic Planning Statement' (LSPS); and
- 'Woollahra Municipal Council's Opportunity Sites Study' 2010 – Woollahra Council.

These reports and studies justify the works proposed in conjunction with the amendments to the LEP building height and FSR controls in the Planning Proposal.

The Strategic Context for the planning proposal discusses 'A Metropolis of Three Cities' and the characteristics and goals of the 'Eastern City District Plan' in relation to the subject site. The subject site is located between the nearby Edgecliff Local Centre, a significant centre with railway and bus connections, and the Double Bay Local Centre. GMU outlines the planning proposal's compliance with the goals and priorities within the 'Eastern City District Plan', as follows:

*The area is located less than a 30-minute distance from strategic centres and major job hubs including Sydney's CBD, Bondi Junction and the Randwick Health and Education Precinct.*

*From Edgecliff Train Station, the journey to Sydney's CBD and Bondi Junction takes approximately 5 minutes by train. Train services are frequent.*

*The site is located within short walking distance from Edgecliff Train Station and bus interchange and it is well placed to provide housing close to a transport node to meet the strategic aims of A Metropolis of Three Cities.*

...

*Edgecliff Centre is a well-established local centre located along New South Head Road, which is a state arterial road in proximity to public open spaces, parks and waterfront areas. The area provides the retail/commercial strip for the local community and the general public.*

*The Centre is strategically located close to:*

- Sydney's CBD and other strategic centres including Bondi Junction and the Randwick Health and Education Precinct.
- Local and international destinations including the eastern beaches and cultural centres.
- Job hubs, educational/community facilities, services and public transport corridors.

*This provides an opportunity to contribute to the future growth of the district and revitalise the local centres by creating additional infrastructure such as services and accommodations as predicted by the strategic policies.*

*The subject site is located within walking distance of the Edgecliff Centre, the train station and the bus interchange which reinforces the District Plan's aim for a '30-minute city' and supports sustainable public transport use.*



The 'Draft Woollahra LSPS' was released by Woollahra Council in September 2019. The document sets out a 20-year land use vision, nominating a series of planning priorities for the LGA. Included is a local vision to guide future development, which nominates local planning priorities and associated strategies and actions.

Planning priorities and strategies set out in the LSPS include Infrastructure and Collaboration along with an ambitious active transport vision nominated for the area. Liveability and housing choice are also key aspects of the LSPS. The GMU Urban Design Report states the following regarding the site's potential to meet the strategies and planning priorities of the Draft LSPS, as follows, inter alia:

*The subject site is located approximately 200m from the Edgecliff Centre, conveniently located to facilitate housing consistent with Council's nominated planning strategies.*

...

*The subject site is well-placed for providing development in accordance with the nominated priorities for the area due to its proximity to public transport, village locations and the site and context's natural features.*

The 'Woollahra Municipal Council's Opportunity Sites Study' was released by Woollahra Council in 2010 and identified 24 locations as 'opportunity sites' to increase dwelling capacity and meet the housing targets set out by the NSW Government in the *East Subregional Strategy* in 2010. These sites are proposed to have an increased height and FSR, comparable with that of the subject site for this Planning Proposal. The GMU Urban Design Report states the following regarding opportunity sites and Council's current position, inter alia:

*The subject site is located immediately to the east of the eastern gateway site (No. 4). This should be considered as part of the analysis of the existing and future height profile and densities along New South Head Road to ensure harmonious streetscape proportions.*

The 'Double Bay Economic Feasibility Study' investigated prospective barriers hindering the development of residential uses in the Double Bay Centre from both planning and property economics perspectives. These barriers include the Centre's existing FSR and height limits; the higher land values; small sites; and fragmented ownership. These result in greater costs and challenges to achieve a reasonable size development parcel. Although the subject site is not within the study area, it is in close proximity and on the New South Head Road corridor, to the east of the study area.

The study identified the following opportunities for encouraging residential development include:

- There is a significant demand for housing due to the centre's waterfront location and proximity to Sydney CBD;
- The centre is an attractive location for the younger generation with diverse retail components including new wine bars, cafes and restaurants; and
- Forecast residential growth in the Locality.

Other considerations include:

- Apartments are increasingly popular in the Woollahra LGA. In the 2011-2016 period there was an increase of 812 people living in medium-high density dwellings [source: *Woollahra Municipal Council profile.idj*];
- Opportunity for older home-owners to downsize to apartments and remain in the local area, by releasing equity in their larger family homes;
- Convenience of apartment living close to shops, services, entertainment and public transport; and
- Desire from singles, couples, and families with younger children to live in apartments close to employment, public transport, schools, parks, and other services.

The subject site is located near the Double Bay Local Centre, and will align with desired opportunities for the locality by increasing the site's residential capacity to accommodate forecast residential growth. The proposal will contribute to the local economy with additional residents utilising the Double Bay Commercial Centre, close to the subject site.

Accordingly, in our opinion, the Planning Proposal has considered the strategic reports and studies applicable to the subject site and surrounding Local Centres.

**5.1.2 Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

There are three options that could apply to the site regarding its potential development. These are as follows:

**OPTION 1 – Do Nothing**

This option does not promote the economic potential of the site which currently features a poorly maintained building that does not meet its development potential or provide appropriate amenity adjacent to a busy road. The current height and FSR development standards applicable to the site do not offer a suitable return on investment to redevelop the site. Additionally, unless new, well-designed developments are encouraged and approved, the locality might decline.

**OPTION 2 – Lodge a Development Application**

Lodging a development application such as the indicative proposal accompanying this application would require two Clause 4.6 Applications to Vary the Development Standards for building height and FSR. These would be departures of between 22% and 62% for building height; and double for FSR. These are significant variations for a Local Planning Panel to determine, and therefore a planning proposal was considered to be an appropriate method to achieve the desired outcome.

**OPTION 3 – Planning Proposal**

A planning proposal will enable redevelopment of the site at a scale which achieves reasonable economic return for the site. Edgecliff and Double Bay Local Centres will be better utilised, by providing additional housing nearby these well-connected transport, retail and commercial hubs.

The planning proposal is the best means to achieve the intended outcomes of increased maximum building height and floor space ratio for the site. A planning proposal to amend these development standards is needed in order to achieve these outcomes. The planning proposal will achieve the LEP objectives for height and FSR.

**5.2 Section B – Relationship to Strategic Planning Framework**

**5.2.1 Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?**

**a) Does the proposal have strategic merit? And is:**

- 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; or
- Consistent with the relevant local councils' strategy that has been endorsed by the Department; or

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

The planning proposal has strategic merit and is consistent with the objectives of the *Greater Sydney Region Plan - A Metropolis of Three Cities* (2018); and the actions and planning priorities of the *Eastern City District Plan* (2018). Additionally, the Strategic Merit of the planning proposal, generally, and in relation to Council's strategies and studies will be assessed in the following sections.

### **A Metropolis of Three Cities**

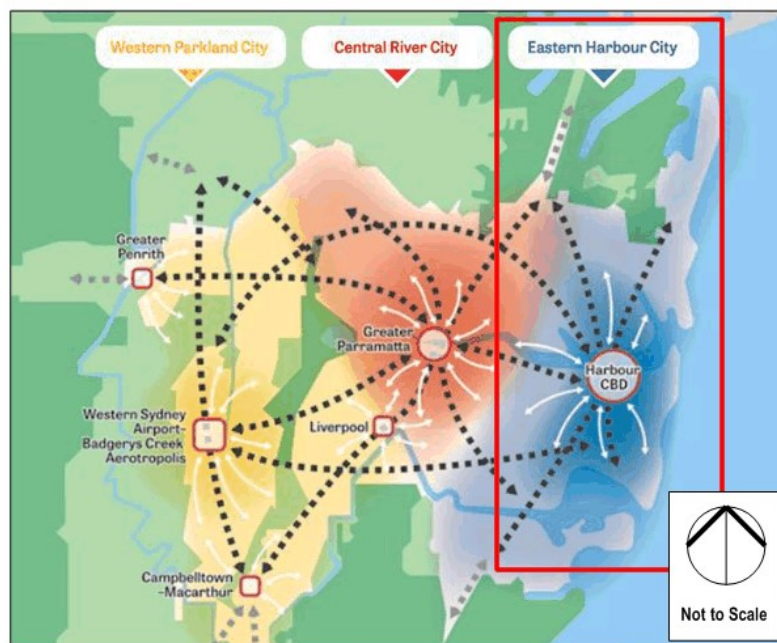
In March 2018, the GSC released the *Greater Sydney Region Plan: A Metropolis of Three Cities* which is the latest metropolitan strategic plan to guide Sydney's long- term growth. This document replaces *A Plan for Growing Sydney* which was previously used to assess this Planning Proposal.

The plan identifies three cities for the Greater Sydney Region with the subject site being located with the *Eastern City District Plan* (see **Figure 16** on the following page).

The vision is for three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and 'great places'. The overarching goals include the following:

- *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 landscapes*
- *An efficient city*
- *A resilient city*





Source: Eastern City District Plan, March 2018   Eastern City

**Figure 16: Map Showing the Metropolis of Three Cities**

A *Metropolis of Three Cities* states that the population of Greater Sydney is projected to grow to 8 million people over the next 40 years. It is essential that residents have quick and easy access to jobs and essential services. Housing supply and choice will need to increase accordingly to meet the growing and changing needs of the community. In response to this, the planning proposal will allow for increased and diversified housing supply close to the City and public transport hubs, whilst simultaneously updating the quality of the built form and housing compared to the existing situation on the site.

The planning proposal is consistent with Objective 10 of this Plan, as follows, inter alia:

- **Objective 10:** Greater housing supply.

Ongoing housing supply, with a range of housing types in accessible and well-serviced locations will create more liveable neighbourhoods, and support Greater Sydney's growing population. The NSW Government has identified that 725,000 additional homes will be needed by 2036 to meet demand based on current population projections.

The 0-5 year housing supply target for the Eastern City is 46,550 new dwellings (an average of 8,100 new dwellings per year); and the 20 year strategic target is 157,500 (average of 8,411 new dwellings per year). The region plan recognises the important role that the development industry plays in providing new housing to meet these targets.

The *Eastern City District Plan* has a target of 350 new dwellings within the Woollahra LGA in the next five years (until 2022 / 2023), which translates to an average of 70 new dwellings per year. Currently, the total number of new dwellings completed in the previous five years is 123, which is an average of only 24.6 per year, or 28% of the required average) [source: 2018 Sydney Housing Supply Forecast Data, DPI&E].

At the current completion rate, it is unlikely the five year target will be met.

Accordingly, the planning proposal aligns with this objective through accommodating up to 33 well-designed residential apartments on the site; a contribution of potentially, an additional 25 dwellings in the LGA. This is the equivalent of an average year in Woollahra. A future DA will ease demand for a mix of new housing stock, and contribute to increased housing supply targets within the LGA and Eastern City.

The planning proposal has the potential to provide contemporary apartment-living, appealing to a mix of young professionals, singles and couples, and downsizers. The central location of the site; near a range of train and bus services, employment lands, retail services, and recreational areas; are aspects that further enhance the viability to increase the capacity of the site.

The planning proposal is an opportunity for contemporary new apartments close to transport links and employment opportunities. Studio and one-bedroom apartments will appeal to younger professional singles and couples, with the 20-34 year old demographic currently making up 28.5% of the population in Double Bay [source: 2016 Census QuickStats: Double Bay].

Importantly, the planning proposal will provide residential apartments with the capacity to accommodate downsizers, allowing Double Bay and nearby Edgecliff residents to continue to age in place. Trends indicate apartments are the most common dwelling structure within this local centre, with 75.1% of dwellings in Double Bay being flats or apartments [source: 2016 Census QuickStats: Double Bay].

### Eastern City District Plan

Double Bay is identified as a "local centre" in the *Eastern City District Plan*. The Edgecliff Local Centre is adjacent to the subject site.

The planning priorities and corresponding actions that are relevant to the planning proposal include the following, inter alia:

- **Planning Priority E1:** *Planning for a city supported by infrastructure.*

The site is well-served by bus stops, approximately 110m walking distance from the subject site, with regular services to North Bondi, Bondi Junction, Edgecliff and Watsons Bay. The site is approximately 280m from Edgecliff Train Station, which provides access to the CBD and surrounding suburbs. The existing transport infrastructure ensures the site is accessible for residents and visitors.

The site's proximity to local schools, employment, hospitals, medical services, parks, and other facilities and services will benefit future residents. It is unlikely the proposal will directly affect the provision of public infrastructure or significantly increase demand. Therefore, the proposal is consistent with the objectives for this priority.

- **Planning Priority E4:** *Fostering healthy, creative, culturally rich and socially connected communities.*

The planning proposal seeks to increase the residential capacity in Double Bay. The proposal is consistent with the following actions in the Plan which foster strong local communities through a place-based planning approach:

*Action 10: Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities*

Future development on the subject site will feature adaptable apartments and lift access, ensuring it will be a safe and inclusive place for people of all ages and abilities. Increased residential uses near the centre is an important factor in maintaining Double Bay's level of liveability.

- **Planning Priority E5:** *Providing housing supply, choice and affordability, with access to jobs, services and public transport.*

A future development application will provide short-term local employment opportunities during the construction phase. Approximately 33 residential units on the site will ensure that an affordable housing supply and choice is available to the community.

- **Planning Priority E6:** *Creating and renewing great places and local centres, and respecting the District's heritage.*

Double Bay is identified as a local centre in the Plan. It is intended that the planning proposal will increase accommodation and density near the centre.

The proposal is consistent with the following actions in the Plan which seek to foster strong local communities through a place-based planning approach:

*Action 18: Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places.*

*Action 22: Use flexible and innovative approaches to revitalise high streets in decline. A healthy balance of business, retail, health, community and residential uses in the centre is an important factor in maintaining Double Bay's high level of liveability.*

The planning proposal will ensure that a collaborative approach is taken throughout each phase of the planning, design, development and management process. This is discussed further in Section 7.0.

The concept design addresses New South Head Road and will better contribute to the streetscape. The concept built form will increase available residential accommodation, which is important to enhance the capacity of Double Bay local centre. The local centre vision is for an appealing place where people want to live, and that meet the needs of residents. The planning proposal facilitates future redevelopment to achieve that outcome.

- **Planning Priority E16:** *Protecting and enhancing scenic and cultural landscapes*

The planning proposal and concept design ensures that future site renewal will protect and maintain any existing views to the harbour from surrounding developments. The proposal will contribute to the evolving cultural landscape of New South Head Road, which has a variety of contemporary mixed-use and residential flat buildings.

In our opinion, the planning proposal is consistent with the relevant goals and priorities of the Eastern City District Plan.



**5.2.2 Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?**

**b) Does the proposal have site-specific merit, having regard to the following:**

- **The natural environment;**
- **The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and**
- **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 subject site is within an established residential and commercial area and is not identified by Council as having any particular ecological significance. A site-specific increase in the height and FSR would have no immediate impact on the natural environment. The area is experiencing a significant increase in the height, bulk and scale of proposed and approved built forms. These cater for growth, and contribute to the future character of a desirable and convenient location.

Some of the key site-specific reasons to amend the Woollahra LEP 2014, with consideration of the surrounding existing and approved uses, services, and infrastructure, include:

- Consistent with the *Greater Sydney Region Plan: A Metropolis of Three Cities*; and the *Eastern City District Plan*;
- Identified Edgecliff Station sites near the subject site have potential for heights up to 17 storeys;
- Offers a building height consistent with comparable local centres and corridors with a similar role as New South Head Road;
- Optimises site use for future growth based on a transit-oriented development approach and accentuating prominent locations, including core areas;
- Complementary use to the surrounding residential uses;
- Close to various public transport connections:
  - Approximately 110 metres to the New South Head Road bus network;
  - Approximately 220 metres to train and bus services from Edgecliff Railway Station and Bus Interchange, including airport services;
  - Local buses service nearby ferry terminals, including Double Bay Wharf for services to Circular Quay, Garden Island, Darling point, Rose Bay, and Watsons Bay; and
  - Bus services provide access to Sydney CBD, and wider metropolitan area.
  - Train services provide access to Sydney CBD, and Domestic and International Airports.
- Proximity to nearby uses:
  - Approximately 350m from Double Bay shopping centre; and
  - Approximately 220m from Eastpoint Food Fair and other retail and commercial services in Edgecliff.

Accordingly, in our opinion, the site-specific planning proposal has merit and can be supported.

#### WOOLLAHRA LEP 2014

The subject site is zoned R3 Medium Density Residential under the LEP, gazetted on 23 May 2015 (see Figure 17). Residential flat buildings are permissible with development consent.

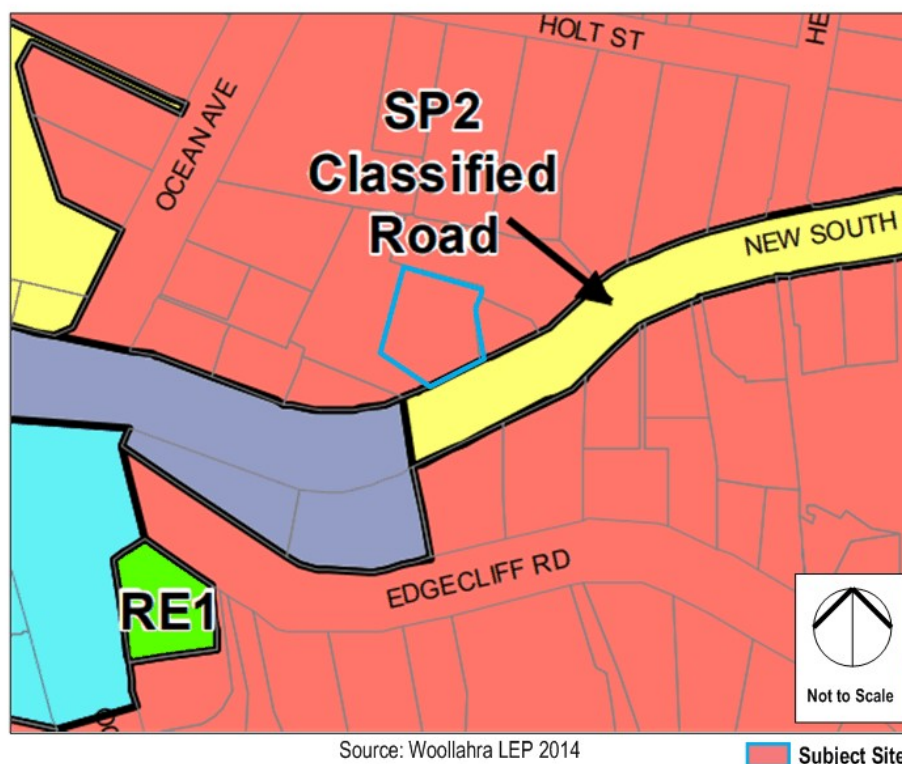


Figure 17: LEP Zoning Plan

The LEP Land Use Table contains the objectives for the R3 Medium Density Residential Zone. The relevant objectives and our response are stated, inter alia:

<b>Objective:</b>	<i>To provide for the housing needs of the community within a medium density residential environment.</i>
<b>Response:</b>	The planning proposal will allow an increased number of apartments to become available in the existing medium density residential area.
<b>Objective:</b>	<i>To provide a variety of housing types within a medium density residential environment.</i>
<b>Response:</b>	The concept plans indicate approximately 33 apartments can be accommodated on the site; with a mix of studio, one and two-bedroom apartments.
<b>Objective:</b>	<i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i>
<b>Response:</b>	N/A
<b>Objective:</b>	<i>To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.</i>
<b>Response:</b>	The proposed height and scale is compatible with recently approved and future development along the New South Head Road corridor.

## HEIGHT OF BUILDINGS OBJECTIVES

The Woollahra LEP 2014 contains objectives for Height of Buildings. The relevant objectives are stated, inter alia:

**Objective:** *to establish building heights that are consistent with the desired future character of the neighbourhood,*

**Response:** In our opinion, the increased building height is consistent with both the existing and the desired future character of the area, particularly when the dual layers are applied.

**Objective:** *to establish a transition in scale between zones to protect local amenity,*

**Response:** The proposal will establish an appropriate transition in scale between existing and new development to the west and residential development to the east, through the incorporation of height strategy Option A or B

**Objective:** *to minimise the loss of solar access to existing buildings and open space,*

**Response:** Solar access will be maintained to nearby existing buildings and open space, notwithstanding the additional height.

**Objective:** *to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,*

**Response:** The planning proposal demonstrates views and privacy will be retained to nearby existing buildings and open space. A future application will be designed to minimise overshadowing and visual intrusion.

**Objective:** *to protect the amenity of the public domain by providing public views of the harbour and surrounding areas.*

**Response:** The proposal will not affect public views, as there are no public views from street level across the site, towards the harbour.

## FLOOR SPACE RATIO OBJECTIVES

The Woollahra LEP 2014 contains objectives for Floor Space Ratio. The relevant objectives are stated, inter alia:

**Objective:** *to ensure the bulk and scale of new development is compatible with the desired future character of the area, and*

**Response:** The planning proposal demonstrates the increased FSR will be compatible with the bulk and scale of future development in the area.

**Objective:** *to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain, and*

**Response:** The concept plans have been designed to ensure appropriate levels of solar access are maintained to adjoining development and the public domain, as displayed in the Sun Eye Diagrams (separately submitted).

**Objective:** *to ensure that development allows adequate provision on the land for deep soil planting and areas of private open space,*

**Response:** The concept design retains the existing Jacaranda tree near the front boundary. Deep soil planting will be incorporated at the ground floor level rear and side gardens. Private open space balconies and terraces, with planters and landscaped features, are provided across each level in the concept plans.

Accordingly, in our opinion, the proposal satisfies the relevant objectives for the zone, building height and FSR.



### 5.2.3 Q4. Is the planning proposal consistent with Council's Local Strategy or other local strategic plans?

#### Woollahra Community Strategic Plan 2030

The Woollahra Community Strategic Plan 2030 identifies the strategic direction and integrated planning framework for the Woollahra Municipality. The key opportunities and challenges relevant to the planning proposal include:

- Responding to the housing targets set by the State Government.
- Providing a diverse range of housing choices to meet the variety of household types, income and lifestyles.

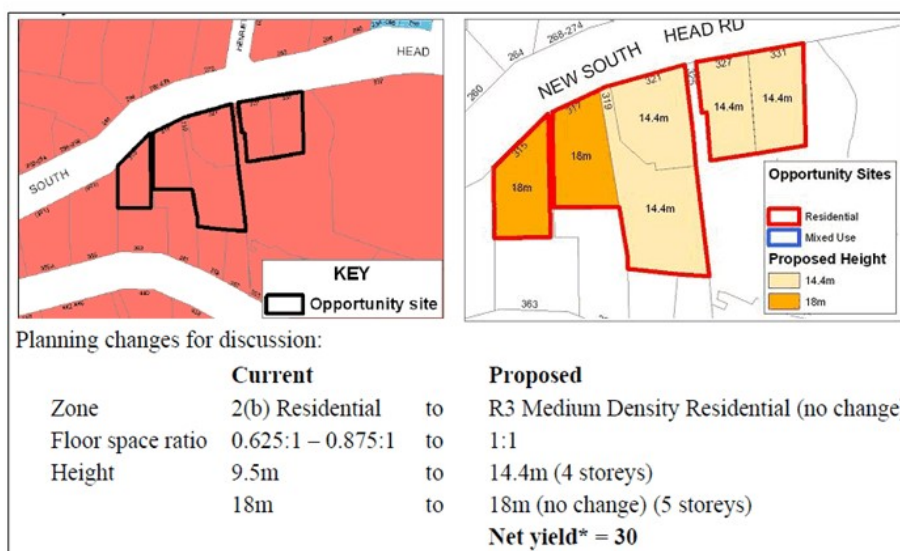
The planning proposal will provide approximately 33 new studio, one, and two-bedroom apartments. This is potentially an additional 25 residential apartments, compared to the existing building. The proposal would contribute to the 350 new dwelling target set for the Woollahra LGA in the *Eastern City District Plan* (to 2022 / 2023).

Revitalising the site with a contemporary, architecturally-designed residential flat building will help deliver a new building with enhanced amenities, on-site shared parking, and improved accessibility compared to the existing. New apartments would cater to a mix of population types with varying incomes. The planning proposal is, in our opinion, consistent with the Woollahra Community Strategic Plan 2030.

#### Woollahra Municipal Council's Opportunity Sites Study (2010)

The Woollahra Municipal Council's 'Opportunity Sites Study' was published in June 2010 and provides a summary of information on a variety of sites with recognised potential for redevelopment across the LGA. Information provided includes the proposed height, FSR and zone that will be made available for each site.

An example of an opportunity site nearby the subject site is Nos. 315-321 and 327-331 New South Head Road, Double Bay. This site is opposite the subject site and is zoned R3 Medium Density Residential. At the time of the study, the land was occupied by a dwelling house and older style residential flat buildings, some of which were in very poor condition (see **Figure 18**).



Source: Woollahra Council, 2010

**Figure 18:** Existing and Proposed Zoning, Height and FSR at Nos. 315-321 & 327-331 New South Head Road

The Study presented the following reasoning for the potential LEP amendments, inter alia:

- *Site contains older building stock.*
- *RFBs are the predominant building form and define the character of the area.*
- *Reasonable to provide for redevelopment opportunities that are consistent with the prevailing context.*
- *Redevelopment presents opportunity to improve the pedestrian amenity along this part of New South Head Road.*
- *Site is well located to the Double Bay centre and access to public transport and services.*

On the **11 March 2013**, a DA pertaining to No. 315-317 New South Head Road received an approval by Woollahra Council for the demolition of the existing residential flat buildings and construction of a new 4-storey residential flat building containing 24 residential apartments, 2 levels of basement carparking, subdivision, landscaping and siteworks (see **Photograph 16**). Since its approval, multiple Section 4.55 (cf previously Section 96) modifications have been approved.



**Photograph 16:** New Residential Flat Building at No. 315-317 New South Head Road

On **23 October 2017**, a DA was originally approved with subsequent modifications also approved at No. 319 New South Head Road (DA 66/2017), directly behind the opportunity site at No. 321 New South Head Road (see **Figure 19**). The approval pertained to the demolition of the existing dwelling and construction of a new 4 storey residential flat building, containing 17 units with basement car parking on the site. The new building has a height of 12.8m, and FSR of 1.18:1, based on a recent s4.55 approval.



Source: MHN Design Union

**Figure 19:** Originally Approved Development at  
No. 319 New South Head Road



On 7<sup>th</sup> September 2015, a DA pertaining to No. 321 New South Head Road (DA 235/2014) received an approval by Woollahra Council for the demolition of the existing building and construction of a new 4-storey residential flat building containing 13 apartments, 2 levels of basement carparking, landscaping and siteworks (see **Photograph 17**). Similarly, since its approval, multiple Section 4.55 (cf previously Section 96) modifications have been approved.



Photograph 17: New Residential Flat Building at No. 321 New South Head Road

Another site identified in the Opportunity Sites Study is Nos. 203-233 and Nos. 235-285 New South Head Road. This site is approximately 200m from the subject site and contains the eight-storey Edgecliff Centre; Edgecliff Station; bus interchange; commercial premises; retail components; and car parking. Amendments to the LEP for development on this site include the following:

- Amend the FSR on site from 2.5:1 to 6.05:1; and
- Amend the height on site from 26m to 53m (17 storeys).

The existing urban form on the Edgecliff Centre site has low amenity, and the accessibility and functionality of public transport services and shopping centres could be greatly improved through redevelopment and street activation (see **Figure 20**). This includes increasing density to promote public transport-oriented development; high dwelling yield; and uniting two sites that currently function separately.



Source: Woollahra Council, 2010

**Figure 20:** Edgecliff Centre 3D Model, as viewed from New South Head Road



The proposed amendments to the LEP height and FSR controls are in excess of the proposed height and FSR amendments to the subject site, displaying the growing trend of increasing potential of sites on this major road. The planning proposal will allow for similar redevelopment to occur at a scale complementary to adjoining and nearby development.

Therefore, the planning proposal is, in our opinion, consistent in height and FSR with sites nearby identified in the Woollahra Municipal Council's Opportunity Sites Study 2010.

### New South Head Road Corridor Strategy

We have been advised that Woollahra Council is currently developing a local strategic document which addresses the desired future character and development of New South Head Road. We understand the public exhibition period for this strategic document has been delayed, as Council staff work towards its finalisation in the coming months.

As our client is looking to progress through the planning proposal stage in a timely manner, we have considered the Woollahra Municipal Council's Opportunity Sites Study (2010) (as above) in assessing the proposed building height and FSR amendments. The proposal will offer a development of a bulk and scale consistent with nearby existing developments, and the future development at Edgecliff Centre nearby the subject site.

### Woollahra DCP 2015

A future application would be required to consider the objectives and controls of the Woollahra DCP 2015. The site is within the Double Bay Precinct. Our response to the objectives is as follows:

- Objective:** *To respect and enhance the streetscape character and key elements of the precinct.*  
**Response:** The planning proposal's dual heights will provide a residential flat building that complements the streetscape's building height line.
- Objective:** *To reinforce a consistent building scale within streets.*  
**Response:** The proposed dual building height strategy combined with the proposed FSR will provide a built form which is consistent in scale with surrounding existing and future development. The built form and stepped heights will create a smooth transition between development to the east and west of the subject site.
- Objective:** *To design and site buildings to respond to the topography and minimise cut and fill.*  
**Response:** The planning proposal's building height and FSR maximise the site's potential by utilising the existing topography and does not require excessive cut and fill. The concept design demonstrates this through the minimal excavation required to accommodate the potential built form.
- Objective:** *To maintain the evolution of residential building styles through the introduction of well-designed contemporary buildings, incorporating modulation and a varied palette of materials.*  
**Response:** Revised building heights and FSR for the site will facilitate a new, well-designed contemporary residential flat building on the site. A future proposal will incorporate modulation and a varied material palette.
- Objective:** *To ensure that rooflines sit within the predominant street tree canopy.*  
**Response:** The height strategy for the front portion of the site will ensure a future built form will complement the canopy of the existing Jacaranda tree on-site.
- Objective:** *To maintain the significance of heritage items within the precinct, and the character of the adjoining Transvaal Avenue Heritage Conservation Area.*  
**Response:** N/A

**Objective:** To encourage the retention of Inter-War flat buildings, particularly significant and traditional building elements visible from the street.

**Response:** While this area is in the Precinct, it is on the southern edge of the Precinct. This part of New South Head Road has a different character to other parts of the Precinct and is an area in transition, with nearby flat buildings on New South Head Road being replaced by contemporary developments.

**Objective:** To provide a transition between the higher density buildings of the Double Bay centre and the lower density buildings of the residential area.

**Response:** N/A, the site is not within the Double Bay centre.

**Objective:** To retain and reinforce the green setting of mature street trees, private trees and garden plantings.

**Response:** A future development application will restrict the built form to ensure significant trees and palms are retained, including an existing Jacaranda tree at the front of the site. The planning proposal provides ample landscaped area to accommodate new trees and vegetation.

**Objective:** To protect important iconic and harbour views from the public spaces.

**Response:** N/A, public footpaths adjacent to the site do not enjoy iconic harbour views.

**Objective:** To maintain on-street parking and minimise kerb crossings, particularly on Bay Street and Ocean Avenue.

**Response:** N/A, as the site is on New South Head Road.

To ensure the potential residential flat building development proposed can be achieved on the site, a future proposal would be required to comply with the DCP controls. These would relate to items such as, inter alia:

- Maintenance of solar access;
- Measures to retain views across the site;
- Minimal parking requirements given the proximity to public transport;
- Privacy measures to protect amenity of nearby developments;

In our opinion, the planning proposal demonstrates a future development application could achieve compliance with the major development controls.

#### **5.2.4 Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

Yes. There are a number of SEPPs that apply to the subject site which relate to matters that would be considered as part of the Planning Proposal. In our opinion, the Planning Proposal is consistent with those relevant SEPPs (see **Annexure A**).

#### **5.2.5 Q6. Is the planning proposal consistent with applicable Ministerial Directions (s. 9.1 directions)?**

Yes. The Planning Proposal is consistent with the applicable Section 9.1 Ministerial Directions. An assessment of the proposal against the relevant Section 9.1 directions is attached as **Annexure B**.

### **5.3 Section C – Environmental, Social and Economic Impact**

#### **5.3.1 Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, would be adversely affected as a result of the proposal?**

No. The subject site is within an established residential area with nearby residential and commercial uses that has been used for these purposes for many years. The site is not identified by Council as having any particular ecological significance. For these reasons, it is unlikely that the Planning Proposal would adversely affect critical habitat, threatened species, populations, ecological communities or habitats.



**5.3.2 Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

Yes. Documents including a Traffic Report have been prepared in support of the Planning Proposal. The Planning Proposal is unlikely to affect the significance of heritage items in the vicinity. The likely environmental effects as a result of the Planning Proposal are considered as follows:

**Traffic and Parking**

A Traffic Report has been prepared by Transport and Traffic Planning Associates which form part of this submission. The assessment of the indicative development in lieu of an increased building height and FSR, as well as recommendations to avoid potential issues regarding traffic and parking, are provided. In relation to the overall impact of the planning proposal, the report states the following:

*The site is very conveniently located to rail and bus services as well as the public parking stations, shopping, entertainment and employment facilities at Edgecliff and Double Bay. There have been a number of residential apartment developments in the area, including the adjoining site, which have been granted dispensation for a reduced parking provision.*

...

*It would be proposed to provide 6 parking spaces in the envisaged development allocated as:*

*4 resident spaces  
2 car share spaces.*

*In addition, it would be proposed to provide 1 motorcycle space (L3) and 38 bicycle spaces (L2).*

...

*The site is very well serviced by rail and bus services while shopping and restaurant/entertainment venues are available within easy walking distance. Employment, entertainment and other retail facilities in the City and Bondi Junction etc are easily accessed by the public transport services. Assessment of the development scheme concludes that the proposal will:*

- ❖ *provide suitable and adequate parking on-site reflecting the special circumstances*
- ❖ *not present any unsatisfactory traffic capacity, safety or environmental related implications.*

**Heritage**

The planning proposal is unlikely to have any heritage implications as the subject site is not a heritage item and is not located within a Heritage Conservation Area. The heritage items at No. 337 New South Head Road; Nos. 287-289 New South Head Road, and Ocean Road are some distance from the subject site and unlikely their heritage significance is unlikely to be affected (see **Figure 21**).



**Figure 21: LEP Heritage Map**



It should be noted that the assessment of the environmental effects would form a key part of any DA for the subject site.

**5.3.3 Q9. Has the planning proposal adequately addressed any social and economic effects?**

Yes. The planning proposal concept continues to provide residential accommodation on the site. The social and economic benefits include an increased number of dwellings; variety in dwelling sizes; and high amenity accommodation in a central location.

The planning proposal will create a number of positive social and economic outcomes, including:

- Revitalising the site and providing a high-quality development in a well-connected location;
- Carefully designed built form to maintain solar access to the public domain and adjoining development;
- Contemporary accommodation which is capable of achieving compliance with current Apartment Design Guide requirements, for greater amenity;
- Additional residential accommodation which is close to transport; employment centres; and Sydney's CBD. This meets the objectives and planning priorities of *Greater Sydney Region Plan: A Metropolis of Three Cities*;
- Additional local expenditure from an increase in future residents correlating with the increased number of apartments; and
- Additional employment during the construction process;
- Appropriate and efficient use of urban infill land.

The planning proposal achieves the objectives for the R3 Medium Density Zone, and promotes increased development to revitalise the nearby Edgecliff and Double Bay Centres. The subject site is close to excellent public transport and retail services. The minor increase in residents, is unlikely to require additional social infrastructure.

The variety of smaller-sized apartments will cater to a range of age groups, households, and demographics. The concept might potentially offer more affordable housing options within the locality for new home-owners, or for down-sizers. Accordingly, in our opinion, the planning proposal addresses the social and economic effects of amending the LEP.

**5.4 Section D – State and Commonwealth Interests**

**5.4.1 Q10. Is there adequate public infrastructure for the planning proposal?**

Yes. The subject site is within an established urban area currently serviced by adequate water, sewer and electricity infrastructure which can be upgraded for future development. As previously discussed, the site is close to a variety of public transport connections including the bus network operating along New South Head Road and trains from the nearby Edgecliff Railway Station. These increase the transport sustainability of the proposal.

Additionally with shopping facilities, restaurants, entertainment, and other services at both Edgecliff Centre and Double Bay Centre, walkability is increased, and reliance on car travel is decreased.

**5.4.2 Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

The proposal will be referred to relevant public authorities as part of the Gateway assessment. In our opinion the proposal is not likely to affect any interest of Commonwealth authorities.



The Planning Proposal is expected to elicit comment from Roads & Maritime Services (RMS / Transport for NSW) with respect to traffic generation; vehicles entering and departing the site; noise and vibration on non-road development (residential); and stormwater.

The concept proposal includes minimal on-site parking as the site is close to public transport, and has proposed a vehicle turntable within the garage to ensure any vehicles enter and depart the site in a forward direction. Any vehicles waiting for the proposed car lift will be able to wait within the site area.

Stormwater concept designs demonstrate the proposal will not increase the existing load on RMS infrastructure.

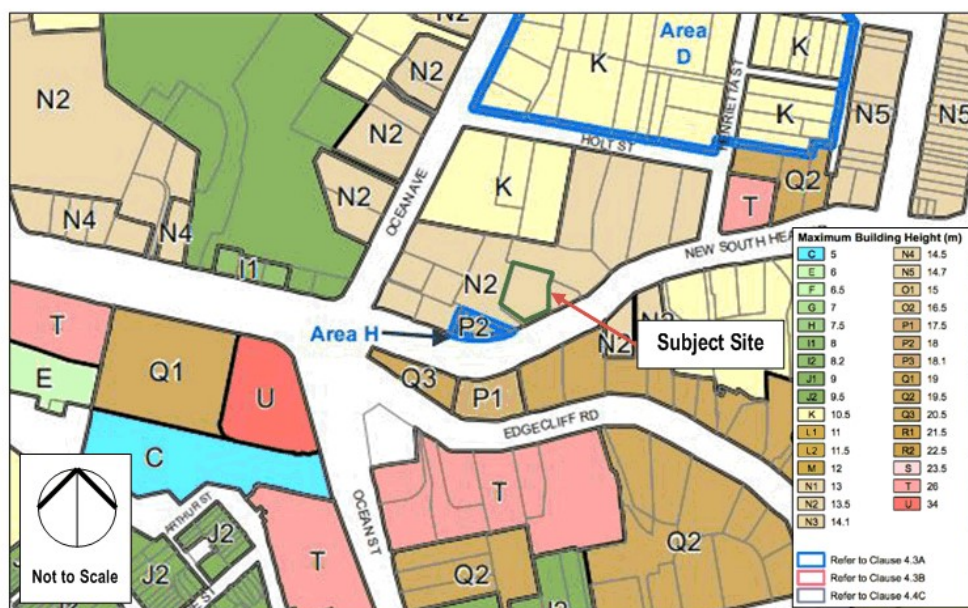
Any future development will be capable of providing appropriate sound attenuation in accordance with the SEPP Infrastructure for residential development adjacent to classified roads.

## 6.0 PART 4 – MAPPING

This section contains a description of the Current Development Standards, the Proposed Revised Development Standards, and the corresponding LEP maps.

### 6.1 Current Development Standards

The following maps relate specifically to Woollahra LEP 2014 as existing (see **Figures 22 & 23**).



**Figure 22: Current Height of Buildings Map Sheet HOB\_003**



**Figure 23: Current Floor Space Ratio Map Sheet FSR\_003**

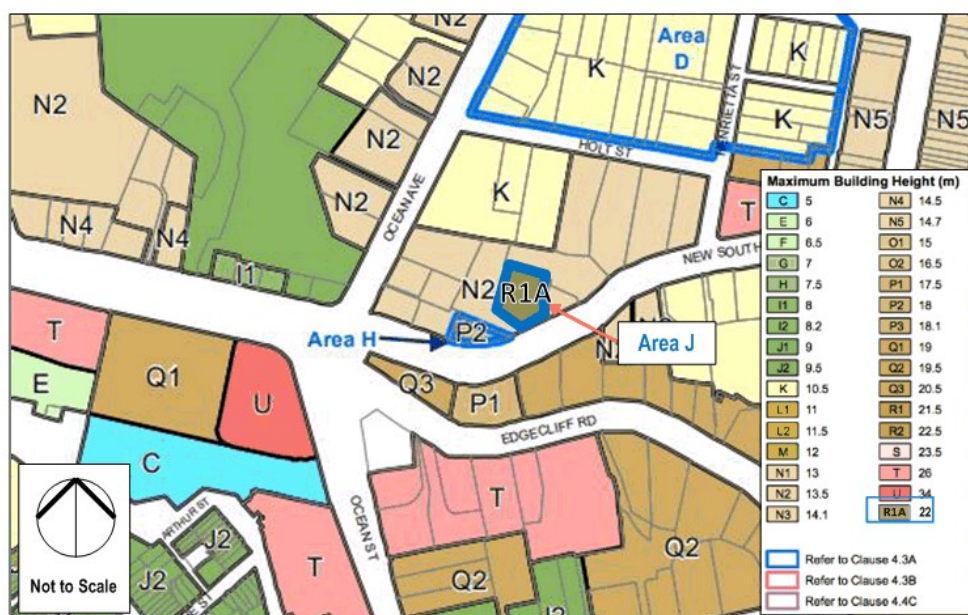


## 6.2 Proposed Revised Development Standards

To give effect to the Planning Proposal, mapping amendments would be required to the Height of Buildings and Floor Space Ratio Maps (see **Table 1**).

TABLE 1: PROPOSED MAPPING AMENDMENTS TO WOOLLAHRA LEP 2014	
LEP Map Sheet Number	Proposed Amendments
Height of Buildings Map Sheet HOB_003	Amend the building height from 13.5m to 22m (R1A), in conjunction with Option A or B to limit height to RL45.90 AHD at the highest part of the subject site at No. 252-254 New South Head Road (Area J)
Floor Space Ratio Map FSR_003	Amend the floor space ratio from 1.3:1 to 2.9:1 (U2), applying to the subject site at No. 252-254 New South Head Road

The following maps relate specifically to Woollahra LEP 2014 as proposed (see **Figure 24** below, and **Figure 25** on the following page).



**Figure 24: Proposed Height of Buildings Map Sheet HOB\_003**  
**AREA J = 22 metres**  
**with street front area under Option A or B with height limited to RL45.90 AHD**



**Figure 25: Proposed Floor Space Ratio Map Sheet FSR\_003**  
**U1A = 2.6:1**

## 7.0 PART 5 – COMMUNITY CONSULTATION

Community consultation would take place following a Gateway determination, in accordance with Section 3.34 and Schedule 1, Clause 4 of the *Environmental Planning and Assessment Act 1979*.

'A Guide to Preparing Local Environmental Plans' states that the gateway determination will specify the community consultation that must be undertaken on the planning proposal. Schedule 1 of the *Environmental Planning and Assessment Act 1979* provides a nominated exhibition period of 28 days, or as follows:

**4 Planning proposals for local environmental plans subject to a gateway determination (Division 3.4)**

28 days or:

- (a) if a different period of public exhibition is specified in the gateway determination for the proposal—the period so specified, or
- (b) if the gateway determination specifies that no public exhibition is required because of the minor nature of the proposal—no public exhibition.

Public exhibition of the planning proposal is likely in the following forms:

- Notification in a newspaper that circulates in the area affected by the Planning Proposal, e.g. the Wentworth Courier;
- Notification on the Woollahra Council website; and
- Notification in writing to affected and adjoining landowners; unless the planning authority is of the opinion that the number of landowners makes it impractical to notify them.

During the exhibition period, the following material concerning the Planning Proposal will be made available:

- The Planning Proposal in the form approved for community consultation by the Gateway determination;
- The Gateway determination; and
- Any information or technical information relied upon by the Planning Proposal.

The community consultation for this planning proposal will be considered complete only when the PPA has considered any submissions made concerning the proposed LEP and the report of any public hearing into the proposed LEP.



## 8.0 PART 6 – PROJECT TIMELINE

This anticipated project timeline has been provided to effectively monitor the progress of the planning proposal during the plan-making stage and assist with resourcing to minimise potential delays (see **Table 2**)

TABLE 2: PROJECT TIMELINE	
MILESTONE	DATE
Anticipated commencement date	<b>March 2020</b>
Anticipated date for Gateway determination	<b>April 2020</b>
Anticipated timeframe for the completion of required technical information	<b>May 2020</b>
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	<b>June 2020</b> 28 days – runs concurrently with the exhibition period
Commencement and completion dates for public exhibition period	<b>June 2020</b>  28 days exhibition – plus notification and advertisement period.
Timeframe for consideration of submissions	<b>July 2020</b> 4 weeks for consideration
Timeframe for consideration of a proposal post exhibition	<b>August 2020</b> 2 weeks for reporting
Legal drafting	<b>September 2020</b> 6 weeks
Anticipated date Planning Proposal Authority (PPA) (Woollahra Council) will forward to the Department of Planning, Industry and Environment (DPIE)	<b>October 2020</b>

## 9.0 ADDITIONAL CONSIDERATIONS

The proposal's built form takes into consideration both the existing character of the area and future development nearby. The concept proposal would meet the community's housing needs by providing new apartments and associated facilities on site as a result of the planning proposal. Views prepared of the proposed development in the streetscape, demonstrate the proposal's form and scale will provide a positive contribution to the streetscape (see **Figure 26**).

Importantly the proposed heights at the street front will be compatible contextually with the adjacent Thane Building, and provide a transition from this building to the existing residential flat building to the east at No. 256-258 New South Head Road.

The planning proposal recognises the importance of maintaining amenity for nearby residents. As previously discussed, the planning proposal is sensitive to maintaining solar access, views, and acoustic and visual privacy to residential buildings directly to the north, west and east of the subject site. The concept built form is compliant with ADG requirements, which would be applicable for a future development on the site, post-Planning Proposal approval.



Source: Antoniades Architects

**Figure 26:** The Proposal in the Streetscape

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## **ANNEXURE A: LIST OF SEPPS**



SEPP	APPLIES TO SITE/COMMENTS
SEPP No 1—Development Standards	Not Applicable LEP is a Standard Instrument Format and includes Clause 4.6 Exception to Development Standards
SEPP No 19—Bushland in Urban Areas	Not Applicable
SEPP No 21—Caravan Parks	Not Applicable
SEPP No 30—Intensive Agriculture	Not Applicable
SEPP No 33—Hazardous and Offensive Development	Not Applicable
SEPP No 36—Manufactured Home Estates	Not Applicable
SEPP No 44—Koala Habitat Protection	Not Applicable
SEPP No 47—Moore Park Showground	Not Applicable
SEPP No 50—Canal Estate Development	Not Applicable
SEPP No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	Not Applicable
SEPP No 55—Remediation of Land	Applies to all sites; therefore, any requirements would be investigated at DA stage.
SEPP No 62—Sustainable Aquaculture	Not Applicable
SEPP No 64—Advertising and Signage	Not Applicable, as only residential accommodation is proposed for in this zone.
SEPP No 65—Design Quality of Residential Flat Development	Not Applicable
SEPP No 70—Affordable Housing (Revised Schemes)	Not relevant as the site does not fall within one of the sites identified in the aims of the SEPP.
SEPP (Affordable Rental Housing) 2009	Not Applicable, as an existing strata plan
SEPP (Building Sustainability Index: BASIX) 2004	Applies, would be addressed at DA Stage
SEPP (Coastal Management) 2018	Not Applicable
SEPP (Exempt and Complying Development Codes) 2008	Not relevant to the Planning Proposal
State Environmental Planning Policy (Gosford City Centre) 2018	Not Applicable
SEPP (Housing for Seniors or People with a Disability) 2004	Applies to the site, however seniors housing is not proposed
SEPP (Infrastructure) 2007	Applies, however not relevant to the Planning Proposal
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	Not Applicable
SEPP (Kurnell Peninsula) 1989	Not Applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not Applicable
SEPP (Miscellaneous Consent Provisions) 2007	Applies to the site and may be relevant for temporary structures
SEPP (Penrith Lakes Scheme) 1989	Not Applicable
SEPP (Rural Lands) 2008	Not Applicable
SEPP (State and Regional Development) 2011	Not Applicable
SEPP (State Significant Precincts) 2005	Not Applicable, as the site is not identified as State Significant
SEPP (Sydney Drinking Water Catchment) 2011	Not Applicable
SEPP (Sydney Region Growth Centres) 2006	Not Applicable
SEPP (Three Ports) 2013	Not Applicable
SEPP (Urban Renewal) 2010	Not Applicable, as the site is not within an identified precinct
SEPP (Vegetation in Non-Rural Areas) 2017	Not Applicable
SEPP (Western Sydney Employment Area) 2009	Not Applicable
SEPP (Western Sydney Parklands) 2009	Not Applicable

Regional Environmental Plans – Deemed SEPPs	APPLIES/COMMENTS
SREP No 8 (Central Coast Plateau Areas)	Not Applicable
SREP No 9 - Extractive Industry (No 2 – 1995)	Not Applicable
SREP No 16 - Walsh Bay	Not Applicable
SREP No 20—Hawkesbury-Nepean River (No 2—1997)	Not Applicable
SREP No 24 - Homebush Bay Area	Not Applicable
SREP No 26 - City West	Not Applicable
SREP No 30 - St Marys	Not Applicable
SREP No 33 - Cooks Cove	Not Applicable
SREP (Sydney Harbour Catchment) 2005	Applies to entire Woollahra LGA, would be addressed at DA Stage. The site is not within Foreshores and Waterways Area Boundary.

## **ANNEXURE B: CONSIDERATION OF SECTION 9.1 DIRECTIONS**



SECTION 9.1 DIRECTIONS		APPLICABLE/ NOT APPLICABLE
<b>1. Employment Resources</b>		
1.1 Business and Industrial Zones		Not Applicable
1.2 Rural Zones		Not Applicable
1.3 Mining, Petroleum Production and Extractive Industries		Not Applicable
1.4 Oyster Aquaculture		Not Applicable
1.5 Rural Lands		Not Applicable
<b>2. Environment and Heritage</b>		
2.1 Environment Protection Zones		Not Applicable
2.2 Coastal Management		Not Applicable
2.3 Heritage Conservation		Not Applicable
2.4 Recreation Vehicle Areas		Not Applicable
2.5 Application of E2 and E3 Zones & Environmental Overlays in Far North Coast LEPs		Not Applicable
<b>3. Housing, Infrastructure and Urban Development</b>		
<b>3.1 Residential Zones</b>		<b>Applicable (see A1.0)</b>
3.2 Caravan Parks and Manufactured Homes Estates		Not Applicable
3.3 Home Occupations		Not Applicable
<b>3.4 Integrating Land Use and Transport</b>		<b>Applicable (see A2.0)</b>
3.5 Development Near Regulated Airports and Defence Airfields		Not Applicable
3.6 Shooting Ranges		Not Applicable
<b>4. Hazard and Risk</b>		
<b>4.1 Acid Sulfate Soils</b>		<b>Applicable (see A3.0)</b>
4.2 Mine Subsidence and Unstable Land		Not Applicable
4.3 Flood Prone Land		Not Applicable
4.4 Planning for Bushfire Protection		Not Applicable
<b>5. Regional Planning</b>		
5.1 Implementation of Regional Strategies		Not Applicable
5.2 Sydney Drinking Water Catchments		Not Applicable
5.3 Farmland of State and Regional Significance of the NSW Far North Coast		Not Applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast		Not Applicable
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)		Not Applicable
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)		Not Applicable
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)		Not Applicable
5.8 Second Sydney Airport: Badgerys Creek (Revoked 20 August 2018)		Not Applicable
5.9 North West Rail Link Corridor Strategy		Not Applicable
<b>5.10 Implementation of Regional Plans</b>		<b>Applicable (see A4.0)</b>
5.11 Development of Aboriginal Land Council		Not Applicable
<b>6. Local Plan Making</b>		
<b>6.1 Approval and Referral Requirements</b>		<b>Applicable (see A5.0)</b>
6.2 Reserving Land for Public Purposes		Not Applicable
6.3 Site Specific Provisions		Not Applicable

<b>7. Metropolitan Planning</b>	
<b>7.1 Implementation of A Plan for Growing Sydney (Greater Sydney Region Plan: A Metropolis of Three Cities, March 2018)</b>	<b>Applicable (see A6.0)</b>
7.2 Implementation of Greater Macarthur Land Release Investigation	Not Applicable
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not Applicable
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not Applicable
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not Applicable
7.6 Implementation of Wilton Priority Growth Area Interim Land Use Infrastructure Implementation Plan	Not Applicable
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not Applicable
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	Not Applicable
7.9 Implementation of Bayside West Precincts 2036 Plan	Not Applicable
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	Not Applicable

## CONSIDERATION OF RELEVANT SECTION 9.1 MINISTERIAL DIRECTIONS

### A1.0 Direction 3.1 Residential Zones

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted. The objectives of this direction are stated below:

- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,*
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- (c) to minimise the impact of residential development on the environment and resource lands.*

The planning proposal will retain existing site boundaries and the medium density use of the site. The planning proposal will allow for future development comprising a mix of studio, one, and two bedroom apartments to provide for existing and future housing needs.

The subject site is in close proximity to public transport, medical, educational, retail and commercial services that have capacity to accommodate the minor increase in residents that the planning proposal will generate. Importantly, there are no significant environmental or resource lands nearby the subject site, and no anticipated impacts of the proposal on these lands.

The proposal will retain the residential use of the site whilst improving the housing mix within close proximity to services. The proposal is consistent with this direction.

### A2.0 Direction 3.4 Integrating Land Use and Transport

The direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. The objectives of this direction are stated below:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and*
- (b) increasing the choice of available transport and reducing dependence on cars, and*
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- (d) supporting the efficient and viable operation of public transport services, and*
- (e) providing for the efficient movement of freight.*

Although the zone is unchanged, the proposal is consistent with the objectives of Direction 3.4 due to the site's close proximity to public transport.

The site is bordering the Edgecliff Local Centre and close to the Double Bay Centre. It is approximately 110m from public bus transport on New South Head Road, and 270m from train services and the bus interchange at Edgecliff Railway Station. The Nos. N91, L24, 200, 328, 324, 325, 326, 327, and 328 bus services and train services provide regular links between Bondi Junction, Vacluse, Walsh Bay, Watsons Bay, Darling Point, Chatswood, and the Sydney CBD.

The site's accessibility to public transport and local retail facilities and services satisfies the objectives of the direction as it reduces car dependency. The proposal is consistent with this direction.



### **A3.0 Direction 4.1 Acid Sulfate Soils**

This direction applies when a relevant planning authority prepares a planning proposal for land with potential for acid sulfate soils, as shown on the Acid Sulfate Soils Planning Maps. The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. In particular:

- (4) *The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.*
- (5) *When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:*
  - (a) *the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or*
  - (b) *such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines.*
- (6) *A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director General prior to undertaking community consultation in satisfaction of section 57 of the Act.*

The site is identified as Class 5 Acid Sulfate Soils. The proposal will increase the permissible height and FSR on the site, however, will not vary land uses permitted on the site; will not propose basement or underground parking. As little excavation is proposed, it is considered a future development is unlikely to affect the application of any acid sulfate soil controls.

In our opinion, the proposal is consistent with the direction.

### **A4.0 Direction 5.10 Implementation of Regional Plans**

Under *Greater Sydney Region Plan: A Metropolis of Three Cities*, The *Eastern City District Plan* was released in March 2018 and applies to the Woollahra LGA. An assessment of the proposal against the relevant Planning Priorities and Objectives is in Section 5.2 of this report. In our opinion, the proposal is consistent with the direction.

### **A5.0 Direction 6.1 Approval and Referral Requirements**

The direction applies when a relevant planning authority prepares a planning proposal. The objective of the direction is 'to ensure that LEP provisions encourage the efficient and appropriate assessment of development'.

The Planning Proposal does not propose any controls that amend concurrence or referral procedures in the LEP. The proposal is consistent with this direction.

### **A6.0 Direction 7.1 Implementation of A Plan for Growing Sydney (*Greater Sydney Region Plan: A Metropolis of Three Cities*, March 2018)**

*A Plan for Growing Sydney* was released in December 2014 and applied to the Sydney Metropolitan Area, including the Woollahra LGA. The plan was intended to guide the delivery of housing, employment, infrastructure and open space over the next 20 years.

The plan was superseded by the *Greater Sydney Region Plan: A Metropolis of Three Cities* since March 2018. A detailed assessment of the proposal against the *Greater Sydney Region Plan: A Metropolis of Three Cities* is in Section 5.2 of this report. In our opinion, the proposal is consistent with the direction.

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**ANNEXURE C: 'A GUIDE TO PREPARING PLANNING PROPOSALS' CHECKLIST**

'A Guide to Preparing Planning Proposals', prepared by the Department of Planning, Industry and Environment dated December 2018, provides guidance and information on the process for preparing planning proposals under Part 2. The following checklist is based on the requirements outlined in the guide, to display the Planning Proposal has addressed each requirement:

Requirement Under Part 2	Addressed in Planning Proposal
<b>Part 1 – Objectives or Intended Outcomes</b>  <i>Part 1 of the planning proposal should be a short, concise statement setting out the objectives or intended outcomes of the planning proposal. It is a statement of what is planned to be achieved, not how it is to be achieved.</i>	✓ Section 3.0
<b>Part 2 – Explanation of Provisions</b>  <i>The explanation of provisions is a more detailed statement of how the objectives or intended outcomes are to be achieved by means of amending an existing LEP.</i>	✓ Section 4.0
<b>Part 3 – Justifications</b>  <i>Questions to consider when demonstrating the justifications</i>  <b>Section A</b> Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?  Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	✓ Section 5.1.1  ✓ Section 5.1.2
<b>(Part 3)</b>  <b>Section B</b> Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?  a) Does the proposal have strategic merit? Will it: <ul style="list-style-type: none"> <li>• give effect to 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; or</li> <li>• give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement; or</li> <li>• responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised</li> </ul>	✓ Section 5.2.1



<p>by existing strategic plans.</p> <p>b) Does the proposal have site-specific merit, having regard to the following?</p> <ul style="list-style-type: none"> <li>• the natural environment (including known significant environmental values, resources or hazards) and</li> <li>• the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and</li> <li>• 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.</li> </ul> <p>Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?</p> <p>Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?</p> <p>Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?</p>	<p>✓ Section 5.2.2</p> <p>✓ Section 5.2.3</p> <p>✓ Section 5.2.4 (Annexure A)</p> <p>✓ Section 5.2.5 (Annexure B)</p>
<p><b>(Part 3) Questions to consider when demonstrating the justifications</b></p> <p><b>Section C</b></p> <p>Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?</p> <p>Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?</p> <p>Q9. Has the planning proposal adequately addressed any social and economic effects?</p>	<p>✓ Section 5.3.1</p> <p>✓ Section 5.3.2</p> <p>✓ Section 5.3.3</p>
<p><b>(Part 3) Questions to consider when demonstrating the justifications</b></p> <p><b>Section D</b></p> <p>Q10. Is there adequate public infrastructure for the planning proposal?</p> <p>Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?</p>	<p>✓ Section 5.4.1</p> <p>✓ Section 5.4.2</p>
<p><b>Part 4 – Mapping</b></p> <p>Planning proposals should be supported by relevant and accurate mapping where appropriate. The mapping should be clear and accurately identify, at an appropriate scale, relevant aspects of the proposal</p>	<p>✓ Section 6.0</p>

<p><b>Part 5 – Community Consultation</b></p> <p><i>The planning proposal should outline the community consultation to be undertaken in respect of the proposal, having regard to the requirements set out in 'A guide to preparing local environmental plans'.</i></p>	<p>✓ Section 7.0</p>
<p><b>Part 6 – Project Timeline</b></p> <p><i>The timeframe for the completion of the planning proposal will depend on the complexity of the matter, the nature of any additional information that may be required and the need for agency and community consultation. The following details should be provided as a minimum in the project timeline:</i></p> <ul style="list-style-type: none"> <li>• anticipated commencement date (date of Gateway determination)</li> <li>• anticipated timeframe for the completion of required technical information</li> <li>• timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)</li> <li>• commencement and completion dates for public exhibition period</li> <li>• dates for public hearing (if required)</li> <li>• timeframe for consideration of submissions</li> <li>• timeframe for the consideration of a proposal post exhibition</li> <li>• date of submission to the Department to finalise the LEP</li> <li>• anticipated date the local plan-making authority will make the plan (if authorised)</li> <li>• anticipated date the local plan-making authority will forward to the PCO for publication.</li> </ul>	<p>✓ Section 8.0</p>

Woollahra  
Municipal  
Council



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

5 September 2019

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

Dear Mr Antoniadis

**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*.

Redleaf Council Chambers  
536 New South Head Road  
Double Bay NSW 2028

Correspondence to:  
PO Box 61  
Double Bay NSW 1360

t: (02) 9391 7000  
f: (02) 9391 7044  
e: records@woollahra.nsw.gov.au  
[www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au)

DX 3607 Double Bay  
ABN 32 218 483 245



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](http://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**

252-254 New South Head Road, Double bay  
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## 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	<b>Woollahra Council</b> 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  <b>Applicant</b> 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 934.9m<sup>2</sup> 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

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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



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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.

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## 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.

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#### *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.



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### 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.

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## 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.

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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.



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## 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.

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## 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

<b>Stage 1</b> 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.
<b>Stage 2</b> 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:

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- 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**



