

OUR REF:18418

23 December 2020

Eastern Harbor City
Department of Planning Industry & Environment
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ATTENTION: Brendan Metcalfe
Acting Director, Eastern and South Districts

Dear Brendan,

**RE: REZONING REVIEW REQUEST
NOS. 252-254 NEW SOUTH HEAD ROAD, DOUBLE BAY**

This Planning Report has been prepared to NSW Department of Planning, Industry and Environment (DPIE) on behalf of Antoniadis Architects (the Proponent) to request a Rezoning Review of a planning proposal submitted to Woollahra Municipal Council (Council). The planning proposal for land comprising Nos. 252-254 New South Head Road, Double Bay (the site), which is zoned R3 Medium Density Residential and has a current permitted building height of 13.5m and a permitted floor space ratio (FSR) of 1.3:1.

1.0 INTRODUCTION

The site is ideally located at a short distance between two centres. Recent construction and approvals have increased density; however Woollahra Council still falls well behind the housing targets agreed with the Greater Sydney Commission. This is an opportunity to increase density on the site, while maintaining streetscape and neighbour amenity. 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 building height control which has been proposed to be compatible with the streetscape:
 - 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 overarching vision for the planning proposal is to facilitate a residential flat building on the site, with a contemporary built form which respects and protects the integrity of the existing and future character of New South Head Road, 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 carefully designed proposal demonstrates the 'contextual fit' of additional building height and FSR on the site. The proposed building 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 building height and scale of future development provides an appropriate streetscape transition.

Since the planning proposal was lodged on 17 March 2020, the proponent has consulted extensively with Council. The planning proposal was heard at the Environmental Planning Committee of Council on 2 November 2020. The recommendation of the four Committee members, was that the planning proposal would not be supported by Woollahra Municipal Council. This recommendation was adopted at the Council meeting on 23 November 2020, and the applicant was advised.

The proponent has acted in a collaborative and reasonable manner throughout the process of the planning proposal with little feedback from Council staff regarding the assessment of the proposal. It is extremely disappointing that Councillors resolved not to support the proposal. Accordingly, this rezoning request has been initiated by the proponent as a result of the decision by Councillors to not support the planning proposal.

The request for a Rezoning Review has been prepared in accordance with 'A Guide to Preparing Planning Proposals' and 'A Guide to Preparing Local Environmental Plans' (DPIE) and includes an overview of the site and its context, background to the planning proposal, an assessment of strategic and site-specific merits and a response to Councillor's reasons for not supporting the proposal.

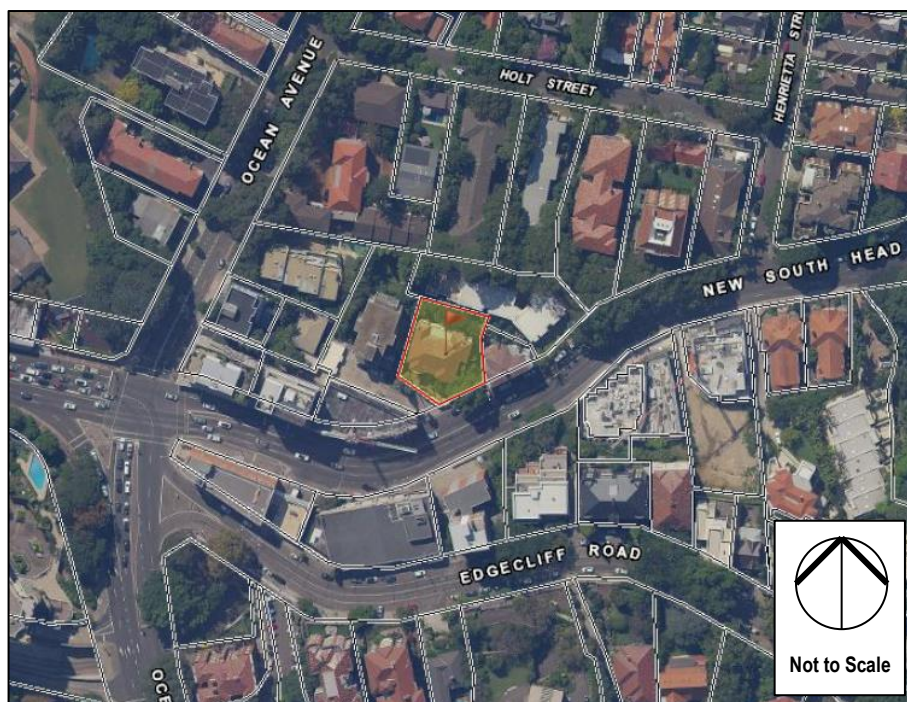
This Report is accompanied by the following documentation, separately submitted:

- Planning Proposal Application to Woollahra Municipal Council including Architectural Plans prepared by Antoniades Architects;
- Email Correspondence between Woollahra Municipal Council and Proponent and their representatives;
- Woollahra Municipal Council Pre-application Consultation Response (dated: 5 September 2019);
- Woollahra Municipal Council Request for a Planning Proposal Request for Additional Information (dated: 24 April 2020);
- Woollahra Municipal Council Agenda and Minutes of Environmental Planning Committee meeting: 2 November 2020
- Woollahra Municipal Council Agenda and Minutes of Council meeting: 23 November 2020
- Woollahra Municipal Council Record of Decision (dated 30 November 2020).

2.0 SITE AND SURROUNDING CONTEXT

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


 Subject Site

Figure 1: Location Plan

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 934.9m². 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. The existing building with a building height of approximately 18.6m does not comply with the current LEP Height of Buildings development standard of 14.5 metres.



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 building 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** on the following page). 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** on the following page).



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 and at or near both side boundaries on a small, irregular shaped lot. 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**) and has dual frontage to Edgecliff Road (see **Photograph 8**).



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



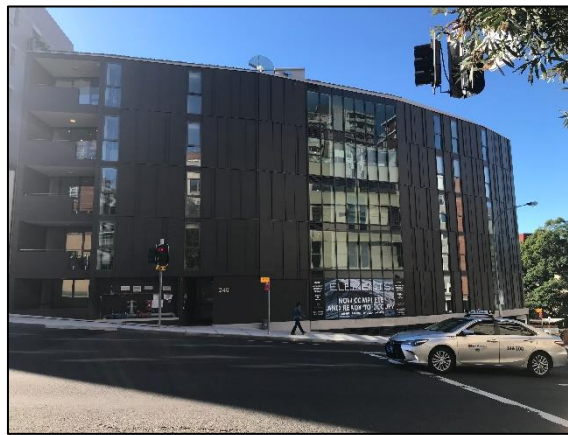
Photograph 8: No. 365A Edgecliff Road as viewed from Edgecliff Road.

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 a battle-axe lot 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 to increase both building height and FSR (see Section 2.4 of this report). 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 building height and FSR development standards, as proposed and approved, along New South Head Road.

This includes the recent modifications to the 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**).

The approved planning proposal for this site amended the zoning to B4 Mixed Use, increased the building height development standard to 24.9m, and increased the FSR development standard to 4.8:1. The previous development standards for the site were a building 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 building height and FSR development standards at Nos. 80-84 and 90 New South Head Road has been approved. This saw the FSR development standard increase from 1.5:1 to 2.9:1, and the maximum building height development standard 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 building height development standard from 14.7m to 23.5m and amend the FSR development standard 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**).



Source: Eeles Trelease Pty Ltd

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

In our opinion, these recent planning proposals demonstrate the evolution of New South Head Road and that the development standards have not kept pace.

3.0 THE PLANNING PROPOSAL

The planning proposal has been subject to extensive collaboration and engagement over the last 1.5 years. This has involved a number of meetings and discussions between Council Officers, the proponent and consultants.

Below provides a background of the planning proposal and a summary of key milestones:

- On **11 July 2019**, a pre-planning proposal report was submitted to Woollahra Municipal Council.
- On **14 August 2019**, the proponent attended a Council meeting to discuss the pre-application request for a planning proposal to increase to the FSR and building height development standards. Concerns raised by officers included:
 - the proposed FSR in conjunction with the requested building height would be excessive and
 - inconsistent with the existing and desired future character of the Double Bay residential precinct.
 - impacts to the environmental amenity of surrounding development, the subject site and the streetscape in respect of
 - view sharing,
 - solar access and
 - overshadowing.

In response to the pre-application consultation meeting, the proponent's team prepared:

- planning proposal report which outlined the two tier heights and FSR proposed;
- indicative architectural plans showing how bulk and scale would be managed,
- perspectives depicting the proposal in the area,
- detailed view analyses from various buildings to demonstrate existing view corridors and views over the building would be maintained,
- shadow diagrams to demonstrate compliant solar access would be maintained,
- urban design analysis;
- acoustic assessment;
- arborist report;
- hydraulic report;
- stormwater management plans; and
- traffic and parking impact report (submitted separately).

These consultant documents demonstrated that view sharing and solar access would be maintained, and overshadowing would be limited. These served to confirm the indicative development is an appropriate bulk and scale for the Double Bay Precinct.

- On **17 March 2020**, the proponent submitted the planning proposal to specifically amend the FSR and height of buildings development standards for the subject site.
- On **24 April 2020**, Council requested additional core information including
 - evidence of consultation with surrounding property owners,
 - disclosure statement, and
 - a survey plan.
 - an addition to the planning proposal report to address the LSPS 2020 and
 - confirmation of the number of dwellings on the site.
- Other supporting studies and information were also requested including
 - a photomontage,
 - 3D model,
 - view analysis,

- shadow diagrams and
- an urban design report.
- Council suggested a Voluntary Planning Agreement (VPA) be negotiated with Council.
- **On 12 June 2020**, GSA Planning prepared a letter response to Council regarding the additional information requested.
 - The letter confirmed that consultation with surrounding property owners is not a requirement.
 - A survey plan was attached.
 - A disclosure statement was attached.
 - The letter included a response to the Woollahra LSPS 2020. At the time of original submission, the final document had not yet been released.
 - The number of existing dwellings on the site was confirmed.
 - Although the architectural plans originally submitted included a photomontage, Antoniades Architects provided additional photomontage view imagery in accordance with Council's request and also provided a 3D model.
 - Shadow diagrams and sun's eye diagrams were submitted in addition to the originally submitted diagrams.
 - Antoniades Architects prepared streetscape illustrations depicting the maximum proposed building height/FSR envelope in accordance with Council's request.
 - A View Analysis Report was prepared by GSA Planning and Antoniades Architects. Council had requested this analysis model the maximum envelope to all boundaries. In the letter response to Council, GSA Planning noted:

Clearly the difficulty in viewing the maximum envelope is that extends to all boundaries, without setbacks or modulation. In that sense, it is an exaggerated representation which is beyond the worst-case scenario. Any future application would have setbacks and modulation as a future building could not be constructed to the full height and to all boundaries. Likewise a future building would consider solar access, views, compliance with not only setbacks but also requirements such as the Apartment Design Guide and so on.

- With regard to a VPA, the letter noted the applicant is willing to enter into discussions with Council regarding a potential VPA for the planning proposal.
- **On 2 November 2020**, the planning proposal was seen at the Woollahra Environmental Planning Committee. The Committee did not support the proposal.
- **On 23 November 2020**, Council resolved not to support the request for a planning proposal for three reasons which will be discussed in Section 5.0.

In summary, the planning proposal has been subject to extensive consultation and engagement with Council and a substantial amount of urban design, planning work and technical analysis has resulted in a proposal which the proponent believes to be appropriate for the site and the Double Bay Precinct.

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 building 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 Building Height Strategy for Increased Permitted Height for the Subject Site

The intention is to limit the building height for the front portion of the site to complement the existing streetscape. This is because there is a significant drop in the site, from the southern boundaries, and while in our opinion a 22 metre building height limit was compatible with nearby development, it would be incompatible at the street frontage.

To request a 22 metre building height limit over the entire site would result in a street elevation which is inconsistent with the existing streetscape and Council's desired streetscape outcomes. Therefore, to give Council confidence any future development would be consistent with the streetscape in terms of building 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.

This less common approach nominates a building height of RL 45.90 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.

Two alternative methods were prepared for Council to consider: Option A or Option B, in **Figures 5 & 6** on the following pages. Both options result in similar areas where the building height would be restricted for streetscape purposes:

- Option A: 388m²
- Option B: 312m²

It should be noted that other controls will limit the extent of building height in this area: that is, the Apartment Design Guide (ADG) requirements which increase setbacks as building height increases, and Council's controls relating to streetscape etc.

Option A

This option nominates an 11 metre setback from the southern and south-eastern boundary, containing any development to RL 45.90 AHD (see **Figure 5** on the following page). Potential wording in Clause 4.3A 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: Building 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 building height can achieve RL 45.90 AHD is then contained (see **Figure 6** on the following page).

Proposed Option B modification to Clause 4.3A:

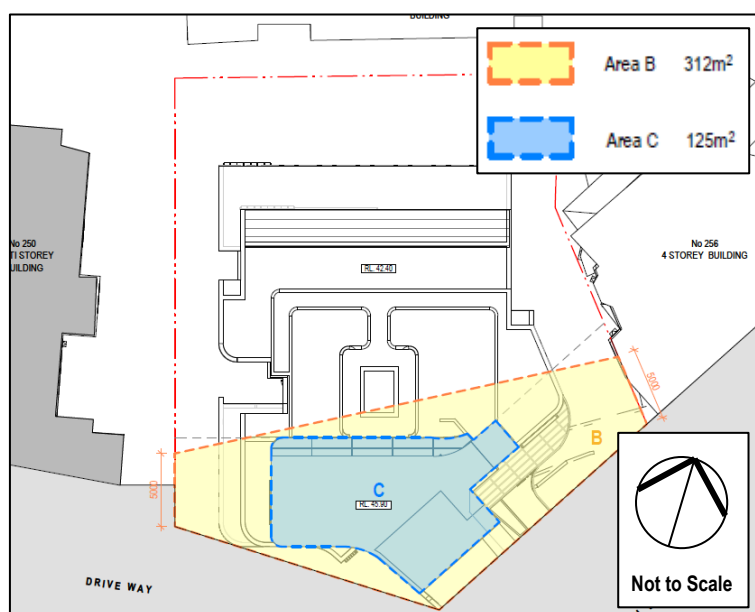
4.3A Exceptions to building heights (Areas A–H)

- (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. |



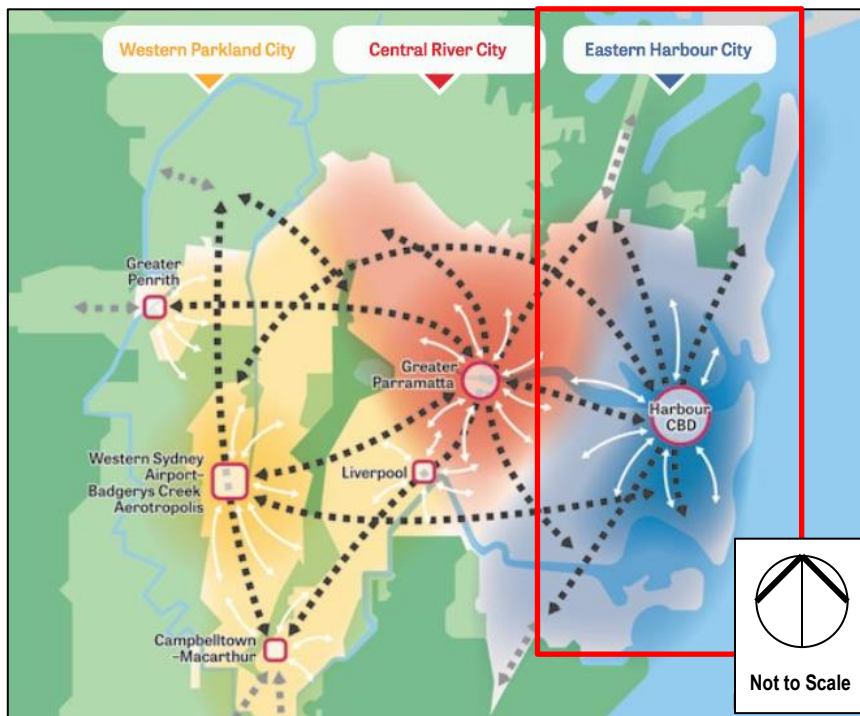
Source: Antoniades Architects

Figure 6: Building Height Strategy – Option B

4.0 MERIT ASSESSMENT CRITERIA

4.1 Strategic Merit

Table 1 below provides a detailed assessment of the planning proposals strategic merit.

| TABLE 1: STRATEGIC MERIT TEST | |
|---|--|
| Criteria | Planning Proposal Response |
| <p><i>Give effect to 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.</i></p> | <p>The proposal is informed by comprehensive analysis of the site's physical and environmental attributes, with consideration of the following relevant strategic plans.</p> <p>A Metropolis of Three Cities</p> <p>In March 2018, the GSC released the <i>Greater Sydney Region Plan: A Metropolis of Three Cities</i> which is the latest metropolitan strategic plan to guide Sydney's long-term growth. This document replaces <i>A Plan for Growing Sydney</i> which was previously used to assess this Planning Proposal.</p> <p>The plan identifies three cities for the Greater Sydney Region with the subject site being located with the <i>Eastern City District Plan</i> (see Figure 8).</p> |
| |  <p>Source: Eastern City District Plan, March 2018</p> <p>Figure 8: Map Showing the Metropolis of Three Cities</p> <p>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:</p> <ul style="list-style-type: none"> • 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*

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.

The NSW Government has identified that 725,000 additional homes will be needed by 2036 to meet demand based on current population projections. Woollahra LGA has a target of 350 new dwellings, or 70 dwellings per year, which it is not currently achieving.

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 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 *Eastern City District Plan's* target of 350 new dwellings within the Woollahra LGA in the next five years (until 2022 / 2023), cannot be met when currently, the total number of new dwellings completed in the previous five years is 123. This 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 ever be met.

This planning proposal could provide an additional 25 dwellings in the LGA as part of the proposal for up to 33 well-designed residential apartments on the site. This is the equivalent of an average year in Woollahra Council area so far, in one single development. A future DA will contribute to a mix of new housing stock, and increased housing supply in the LGA and Eastern City.

The location is ideal for increased density. The planning proposal is an opportunity for contemporary new apartments close to transport links and employment opportunities. The central location 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.

A future development resulting from the Planning Proposal could provide contemporary apartment-living. 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 and both are an easy trip to the Sydney CBD by train or by bus.

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 buses, with stops approximately 110m walking distance from the subject site, for regular services to North Bondi, Bondi Junction, Edgecliff and Watsons Bay. The site is approximately 280m from Edgecliff Train Station, which provides fast access to the CBD and surrounding suburbs. The site is very accessible for residents and visitors.

The site's proximity to employment, hospitals, medical services, local schools, 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.

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.

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.*

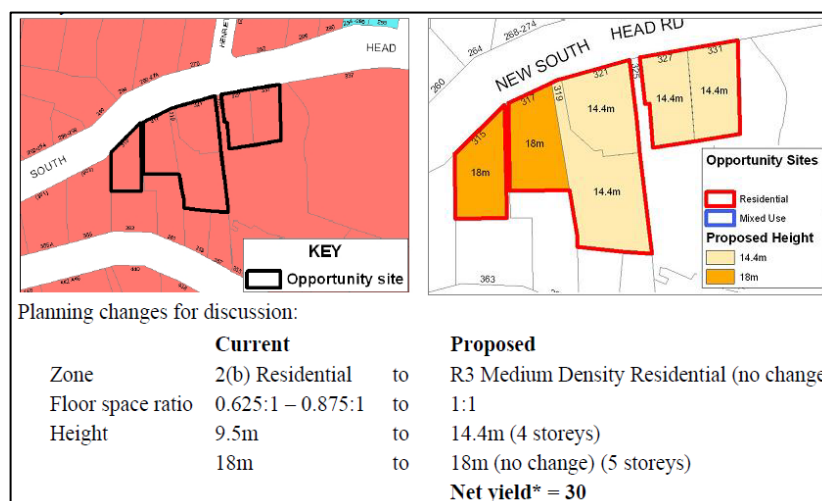
The planning proposal will provide approximately 33 new studio, one, and two-bedroom apartments. This is potentially an additional 25 residential apartments, compared to the existing building. The proposal would contribute to the 350 new dwelling target set for the Woollahra LGA in the *Eastern City 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 building 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 9** on the following page).



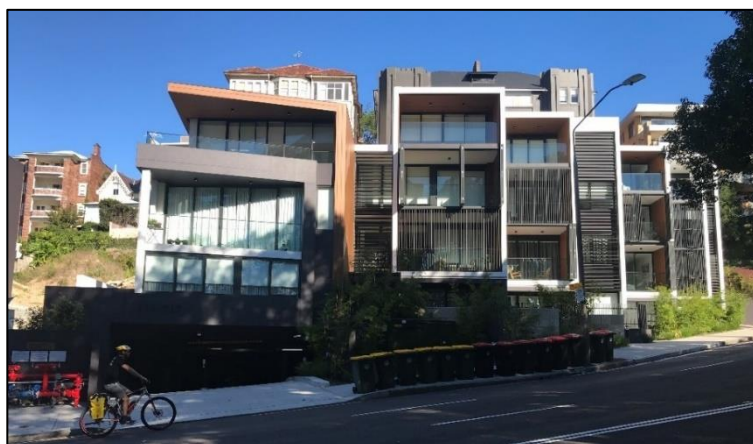
Source: Woollahra Council, 2010

Figure 9: Existing and Proposed Zoning, Building 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 10**). Since its approval, multiple Section 4.55 (cf previously Section 96) modifications have been approved.



Photograph 10: New Residential Flat Building at No. 315-317 New South Head Road

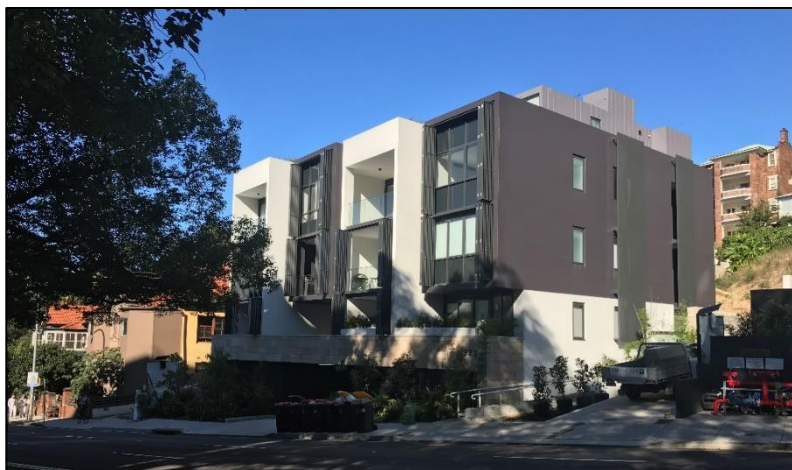
On **23 October 2017**, a DA was originally approved with subsequent modifications also approved at No. 319 New South Head Road (DA 66/2017), directly behind the opportunity site at No. 321 New South Head Road (see **Figure 10**). The approval pertained to the demolition of the existing dwelling and 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 10: Originally Approved Development at No. 319 New South Head Road

On **7th 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 11**). Similarly, since its approval, multiple Section 4.55 (cf previously Section 96) modifications have been approved.



Photograph 11: 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. Potential 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 building 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 11**). 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 11: Edgecliff Centre 3D Model, as viewed from New South Head Road

The proposed amendments to the LEP building height and FSR development standards for the subject site, respond to the growing trend for 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 building height and FSR with sites nearby identified in the Woollahra Municipal Council's Opportunity Sites Study 2010.

Give effect to a relevant local strategy that has been endorsed by the Department, such as local strategic planning statement, housing strategy.

Woollahra Local Strategic Planning Statement

The *Woollahra Local Strategic Planning Statement* was released by Woollahra Council in March 2020 and endorsed by the Department of Planning, Industry and Environment. The document sets out a 20-year land use vision, nominating a series of planning priorities for the LGA to guide amendments to the LEP and DCP. 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. Accordingly, the two key overarching priorities applicable to this planning proposal are infrastructure & collaboration; and liveability; which are discussed below:

Infrastructure & Collaboration

With 35.9% of residents in the LGA catching public transport to work, and 10.4% walking, it is essential that new housing near local economic centres and transport hubs is provided. This is something that the planning proposal will deliver. Where new developments increase the number of dwellings, it is important that improvements in infrastructure are appropriately matched. The planning proposal will accommodate up to 33 new dwellings only 5 minutes' walk away from the Double Bay Local Centre, or the Edgecliff Railway Station and Bus Interchange. An assessment against the relevant infrastructure and collaboration planning priorities are provided below:

Planning Priority 1: Planning for integrated land use and transport for a healthy, sustainable, connected community and a 30-minute city.

As previously discussed, the proposal will provide new housing in close proximity to buses along New South Head Road, and the Edgecliff Railway Station and Bus Interchange. These services provide connections to a range of local centres, and the Sydney CBD. Accordingly, additional dwellings with

easy access to a range of economic centres and employment opportunities will contribute to the plan for an integrated and sustainable 30 minute city.

Planning Priority 2: Planning for a community supported by infrastructure that fosters health, creativity, cultural activities and social connections.

The planning proposal will provide a range of housing options for young professionals, couples, and downsizers. Generous internal and external communal space is proposed in the concept plans associated with the planning proposal, to foster social interaction and connections between neighbours. The site's proximity to the vibrant Double Bay Centre and nearby parks encourages healthy lifestyles, and provides opportunities for participation in recreational and cultural activities for future residents.

Accordingly, in our opinion, the proposal contributes to the relevant planning priorities for infrastructure and collaboration, and will assist in achieving a 30-minute city.

Liveability

As the population continues to grow in the Woollahra LGA, with an estimated increase of over 2,000 people by 2036, it is essential that new housing suitable to this growth is provided. As stated in the LSPS, the main housing type in the LGA is apartments (55% of private dwellings).

The new dwelling stock as a result of the planning proposal will contribute up to 33 contemporary apartments, an increase of up to 25 dwellings over the existing eight apartments. This will assist Woollahra Council in accommodating the required future population growth in an area which can accommodate a higher density.

These new dwellings are in an ideal location with easy access to the Edgecliff public transport hub; two local centres; employment opportunities; health and medical services; shops; and public parks and open space. An assessment against the relevant liveability planning priorities are provided below:

Planning Priority 4: Sustaining diverse housing choices in planned locations that enhance our lifestyles and fit in with our local character and scenic landscapes.

The planning proposal will accommodate a contemporary residential flat building with up to 33 new dwellings. These comprise a mix of studios (x14), 1 bedroom units (x13), and 2 bedroom units (x6), all with access to private open space.

The proposal will offer various unit sizes to accommodate a range of income levels, with the diverse housing proposed catering to people of varying ages and capabilities.

Car parking on site is provided, however minimised to encourage active use of the ample public transport available nearby. The location of the proposal will accommodate housing nearby transport options, local centres and villages, and parks and green space.

Importantly, the design, height and scale of the proposed residential flat building associated with the planning proposal will provide an uplifted built form on the site compared to the existing poorly resolved residential flat building, which does not provide easy access to all levels, private open spaces for every unit or resident amenity by design and materials on a busy road.

The amended height and FSR will allow for a building which more appropriately addresses the street and offers a smooth transition between development along the northern side of New South Head Road.

Planning Priority 5: Conserving our rich and diverse heritage.

The subject site and existing building are not heritage items and are not within a heritage conservation area. The planning proposal will permit a future contemporary, architecturally-designed residential flat building that aligns with the desired future character of the area.

The GMU Urban Design Report states the following regarding the site's potential to meet the strategies and planning priorities of the LSPS, as follows, inter alia:

| | |
|---|--|
| | <p><i>GMU understand that Council advocates for improved connections and interchange upgrades to improve the connectivity of the area and continue to provide convenient access to Sydney's CBD and other major job hubs.</i></p> <p><i>The subject site is located approximately 200m from the Edgecliff Centre, conveniently located to facilitate housing consistent with Council's nominated planning strategies.</i></p> <p><i>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.</i></p> <p>Accordingly, the proposal will give effect to the LSPS by providing additional housing in an ideal location and will strategically align with State Government Plans, including the Eastern City District Plan.</p> |
| <i>Respond to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.</i> | <p>The current zoning of the site and building height and FSR development standards do not reflect the site and its future development potential, particularly in regard to local and State Government Plans.</p> <p>The planning proposal responds to the strategic planning opportunities for the site and its suitability for future medium density residential development in a location where there is strong identified demand for increased housing stock and diversity.</p> |

The above assessment demonstrates that the site's strategic characteristics make it eminently suitable for urban renewal. The technical reports which accompany the planning proposal support the increase in building height and FSR for the site and demonstrate strong evidence for future development. The planning proposal responds positively to the key actions, priorities and objectives of the relevant strategic planning policies.

4.2 Site Specific Merit

The planning proposal has site-specific merit for the reasons detailed in the following assessments, as outlined in **Table 2: Site Specific Merits Test**.

| TABLE 2: SITE SPECIFIC MERITS TEST | |
|---|--|
| Criteria | Planning Proposal Response |
| <i>Does the planning proposal have site specific merit with regard to:</i> | |
| The natural environment (including known significant environmental values, resources or hazards). | The subject site is within an established residential and commercial area and is not identified by Council as having any particular ecological significance or subject to environmental hazards. A site-specific increase in building height and FSR would have no effect on the natural environment. The indicative proposal demonstrates required setbacks and deep soil landscaping to accommodate substantial trees would be provided. The proposal also demonstrates an existing front setback Jacaranda could be retained. |
| The existing uses approved uses and likely future uses of land in the vicinity of the land subject to the proposal. | <p>Proposal is consistent with existing land use zoning context:</p> <p>The proposal seeks approval to amend the Woollahra LEP development standards relating to building height and FSR. The site is currently zoned R3 Medium Density Residential. The land use is characterised by residential flat buildings. The development standards do not achieve the scale, form and quality of development appropriate to its physical and strategic characteristics and location. The indicative proposal will continue the residential use of the site. This is consistent with the existing land use context. The indicative proposal demonstrates a future built form will be an appropriate infill development.</p> |

| | |
|--|---|
| | <p>Proposal is consistent with the approved uses in the vicinity: Within the immediate vicinity of the subject site approvals have been granted for planning proposals:</p> <ul style="list-style-type: none"> Nos. 240-246 New South Head Road; Nos. 80-84 and 90 New South Head Road; and Nos. 374 and 376-382 New South Head Road (Refer Section 2.4 of this report). <p>Approvals have also been granted for development applications within the vicinity of the site:</p> <ul style="list-style-type: none"> Nos. 315-317 New South Head Road; and No. 321 New South Head Road. <p>The proposal will be consistent with the approved uses in the vicinity.</p> <p>Proposal is consistent with future planned uses in the vicinity: The proposed building envelope provides a height transition with neighbouring development and is not a significant departure from the existing non-compliant building's height, within the centre and rear of the site. The planning proposal is consistent with future land uses as it will maintain the residential use of the site and increase available housing in the area.</p> |
| <p>The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.</p> | <p>The subject site is within an established urban area currently serviced by adequate water, sewer and electricity infrastructure. A likely infrastructure upgrade is for increased electricity demand, which would form part of a development application. Local infrastructure upgrades to the LGA could be the subject of a Voluntary Planning Agreement in accordance with Department of Planning, Industry and Environment guidelines. Additionally, shopping facilities, restaurants, entertainment, and other services are within walking distance of both Edgecliff Centre and the Double Bay Centre.</p> <p>Public transport connections are available to the site.</p> <ul style="list-style-type: none"> 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. <p>Proximity to nearby uses:</p> <ul style="list-style-type: none"> Approximately 350m from Double Bay shopping centre; and Approximately 220m from Eastpoint Food Fair and other retail and commercial services in Edgecliff. |

4.3 Other Statutory Planning Considerations

As detailed in the planning proposal request and Council's recommendations to support the LEP Amendment, the proposal is consistent with the relevant State Environmental Planning Policies (SEPPs):

- SEPP No 55—Remediation of Land
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Miscellaneous Consent Provisions) 2007
- SREP (Sydney Harbour Catchment) 2005

The planning proposal is consistent with relevant Section 9.1 (previously 117) Ministerial Directions:

- Direction 3.1 Residential Zones
- Direction 3.4 Integrating Land Use and Transport

- Direction 4.1 Acid Sulfate Soils
- Direction 5.10 Implementation of Regional Plans
- Direction 6.1 Approval and Referral Requirements
- Direction 7.1 Implementation of A Plan for Growing Sydney (*Greater Sydney Region Plan: A Metropolis of Three Cities*, March 2018)

5.0 RESPONSE TO ELECTED COUNCIL'S CONTENTIONS

On 23 November 2020, Council identified three reasons why the elected Councillors did not support the planning proposal. The reasons relate to the building envelope, Double Bay character and effects on streetscape; landscape character and views.

The proponent provides a detailed explanation which demonstrates the building envelope is compatible in the location, particularly where two heights are proposed, to fit within the streetscape. The Double Bay Residential Precinct includes New South Head Road, and therefore the character varies significantly within the precinct. The proposal demonstrates a future development would provide compliant landscaping which would retain trees and enable others on the site, to maintain the landscape character. Since views are available along existing side boundaries and above the proposal, a future development would also provide side setbacks, be limited by height at the street front and therefore be consistent in the streetscape.

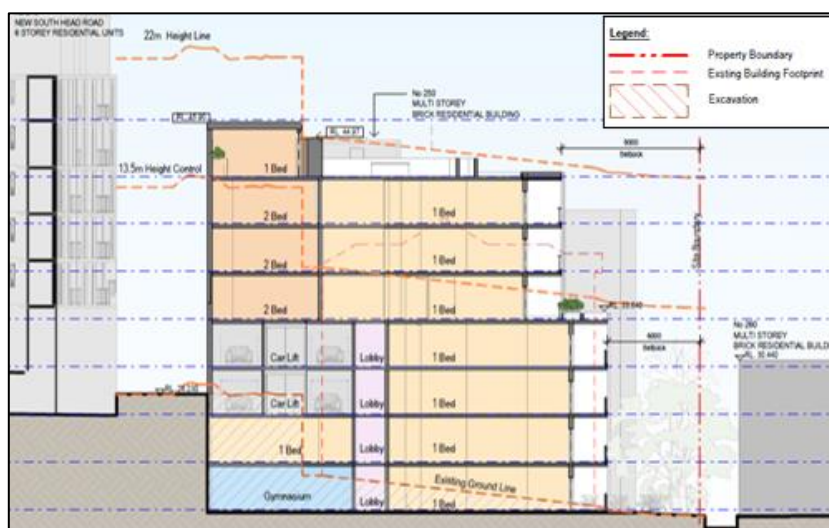
TABLE 3: RESPONSE TO COUNCILS REASONS NOT TO SUPPORT THE PROPOSAL

| Council Reason | Proponent Response |
|---|--|
| 1. The proposed maximum building height and FSR standards are excessive and would create a building envelope which has an excessive bulk and scale. | <p>Building Height The proposal would increase the building height from 13.5 metres to 22 metres for the majority of the site, however a separate height limit 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, however, already exceeds the current height standard by more than one storey.</p> <p>The Woollahra LEP 2014 contains objectives for Height of Buildings. The relevant objectives are stated, inter alia:</p> <p><i>Objective: to establish building heights that are consistent with the desired future character of the neighbourhood,</i> Response: The proposal is to increase both building height and FSR, which are then outside the current desired future character, however, the indicative proposal demonstrates that the other relevant objectives are achieved.</p> <p><i>Objective: to establish a transition in scale between zones to protect local amenity,</i> 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.</p> <p><i>Objective: to minimise the loss of solar access to existing buildings and open space,</i> Response: Solar access will be maintained to nearby existing buildings and open space, notwithstanding the additional height.</p> <p><i>Objective: to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,</i> 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.</p> |

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.

The Planning Proposal does not seek to achieve the proposed 22 metre height line over the entire site, but instead proposed to limit the height, within the street frontage zone (see **Figure 12**).



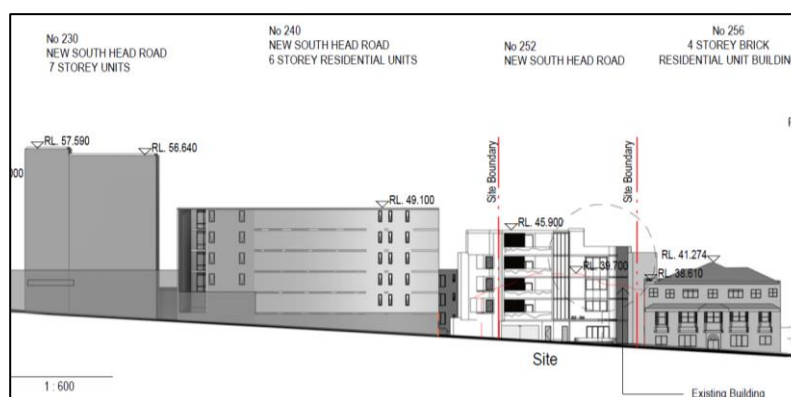
Source: Antoniadis Architects

Figure 12: 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 when compared to the existing building.

The proposed secondary street frontage building height would enable a future building to have a streetscape presence on New South Head Road. The two options presented limit the height at the front of the site to be consistent in the streetscape. Currently the building sits below road level and has no relationship with the street. The current building height limit at street level is 13.5 metres.

The Planning Proposal nominates a fixed level at the front of the site of RL 45.90 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 13**). It should be noted ADG requirements for setbacks will limit the extent of the top floor, as well as Council's DCP controls for view sharing, solar access and so on.



Source: Antoniadis Architects

Figure 13: Streetscape Elevation with RL 45.90 AHD Building Height

The proposed amendment to building 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 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 14**).



Source: Antoniades Architects

Figure 14: Indicative Proposal in the Streetscape, as viewed from the east on New South Head Road

Floor Space Ratio:

The proposal would increase the site's FSR development standard from 1.3:1 to 2.6:1. 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 limited to the street front area only.

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 bulk and scale of the indicative proposal has been carefully modelled to demonstrate the FSR objectives will be achieved.

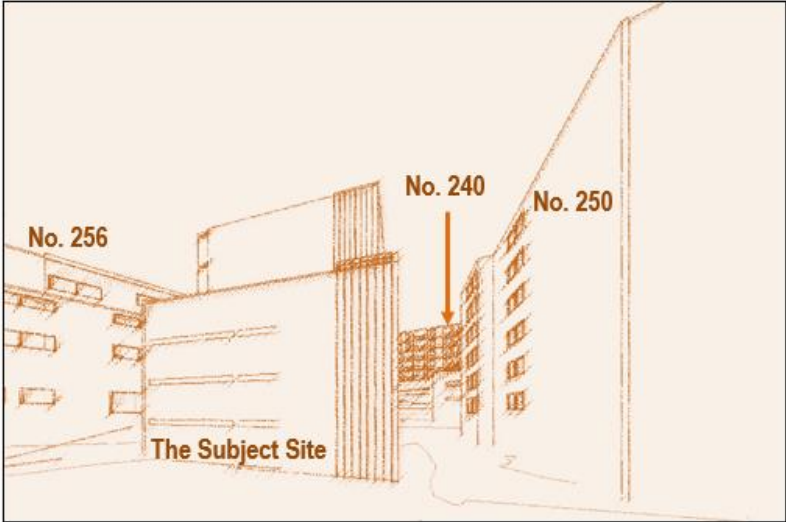
Objective: to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain, and

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.

Importantly, the increased FSR allows a building envelope that is sympathetic with surrounding built forms by providing required setbacks and stepped built forms (see **Figure 15** on the following page).

| | |
|--|--|
| |  <p>Source: Antoniadis Architects</p> <p>Figure 15: View of the proposal from rear neighbours at No. 260 New South Head Road</p> <p>The proposed building height and corresponding increase in FSR recognise the existing and future character, and the importance of Double Bay and nearby Edgecliff as a transport and retail hub. The building height and FSR will be compatible contextually, with the opportunity for a revitalised residential flat building that positively addresses the streetscape. Accordingly, in our opinion, the planning proposal which meets current amenity standards, increases housing availability and provides an FSR which would more appropriately address the site context and the evolving character of the New South Head Road Corridor.</p> |
| <p>2. The requested increase in both maximum building height and FSR standards are inconsistent with the existing and desired future character of the Double Bay residential precinct.</p> | <p>Woollahra DCP 2015</p> <p>As discussed in the previous response to Council's reasons for not supporting the proposal, the desired future character relies on Building Height and FSR development standards, however the planning proposal seeks to vary these. Therefore, the proposal cannot comply with the LEP's desired future character per se, but as the indicative proposal demonstrates, the objectives are otherwise achieved.</p> <p>Furthermore, we note the DCP's desired future character for the Double Bay Precinct does not refer to either Height of Buildings or FSR, not to 'building scale within streets'. Again, the indicative proposal will be compatible with the streetscape; the rear portion of the building form will be lower than the existing building and the additional height within the centre is 1.5 storeys (one storey plus a roof terrace) above the non-compliant existing building height.</p> <p>The proposed increase in building height and FSR has been identified to be consistent with the strategic characteristics of the site and is in keeping with the desired future character objectives of the Double Bay Precinct. Our response to the desired future character objectives is as follows:</p> <p>Objective: To respect and enhance the streetscape character and key elements of the precinct.</p> <p>Response: The planning proposal's dual building heights will provide a residential flat building that complements the streetscape's building height line.</p> <p>Objective: To reinforce a consistent building scale within streets.</p> <p>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 building heights will create a smooth transition between development to the east and west of the subject site.</p> <p>Objective: To design and site buildings to respond to the topography and minimise cut and fill.</p> |

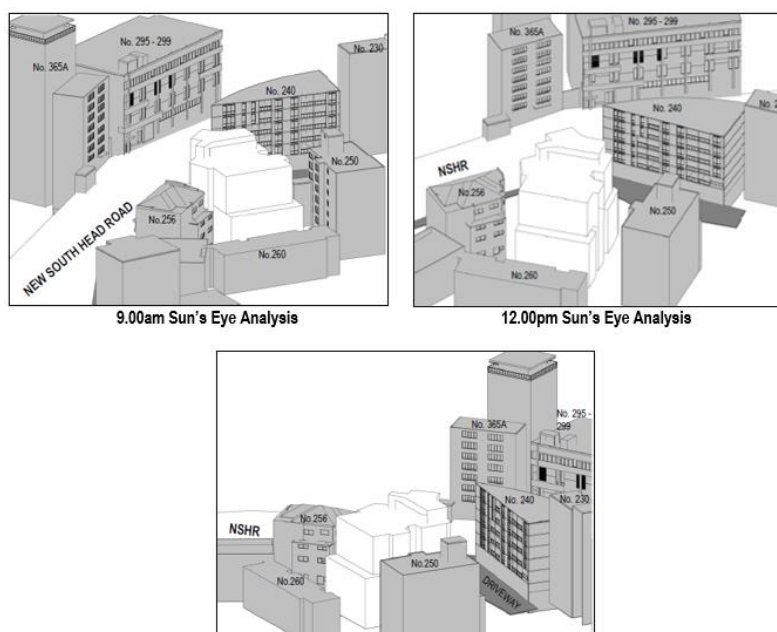
| | |
|--|--|
| | <p>Response: The planning proposal's building height and FSR maximise the site's potential by utilising the existing topography and does not require excessive cut and fill. The concept design demonstrates this through the minimal excavation required to accommodate the potential built form.</p> <p>Objective: <i>To maintain the evolution of residential building styles through the introduction of well-designed contemporary buildings, incorporating modulation and a varied palette of materials.</i></p> <p>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.</p> <p>Objective: <i>To ensure that rooflines sit within the predominant street tree canopy.</i></p> <p>Response: The building 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. The indicative proposals compliant side and rear setbacks allow further deep soil landscaping.</p> <p>Objective: <i>To maintain the significance of heritage items within the precinct, and the character of the adjoining Transvaal Avenue Heritage Conservation Area.</i></p> <p>Response: N/A</p> <p>Objective: <i>To encourage the retention of Inter-War flat buildings, particularly significant and traditional building elements visible from the street.</i></p> <p>Response: This part of the precinct has a different character to other parts and is an area in transition, with nearby buildings on New South Head Road being replaced by contemporary developments, such as No. 240 New South Head Road.</p> <p>Objective: <i>To provide a transition between the higher density buildings of the Double Bay centre and the lower density buildings of the residential area.</i></p> <p>Response: N/A, the site is not within the Double Bay centre and does not adjoin the centre.</p> <p>Objective: <i>To retain and reinforce the green setting of mature street trees, private trees and garden plantings.</i></p> <p>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.</p> <p>Objective: <i>To protect important iconic and harbour views from the public spaces.</i></p> <p>Response: N/A, public footpaths adjacent to the site do not enjoy iconic harbour views, however, compliant side setbacks will maintain existing private views.</p> <p>Objective: <i>To maintain on-street parking and minimise kerb crossings, particularly on Bay Street and Ocean Avenue.</i></p> <p>Response: N/A, as the site is on New South Head Road.</p> <p>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:</p> <ul style="list-style-type: none"> • 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; <p>In our opinion, the planning proposal demonstrates a future development application could achieve compliance with the major development controls.</p> |
|--|--|

| | |
|--|---|
| | <p>As the proposal meets the desired future character objectives of the Double Bay Precinct, the proposal will enhance the residential space, in turn contributing to the revitalisation of the Double Bay Local Centre and greater New South Head Road Corridor through generating residential accommodation compatible with current housing needs and quality expectations.</p> |
| <p>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.</p> | <p>Impact on site and surrounds/streetscape</p> <p>The proposal's built form takes into consideration both the existing character of the area and future development nearby. Importantly the proposed building 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. By providing two building height limits, the proposed bulk and scale will be minimised at the street front to ensure consistency with the streetscape. Given the location of the site, the proposed building height would enable a future building to have a streetscape presence on New South Head Road.</p> <p>Landscape character</p> <p>As previously noted, a future development application will incorporate landscaping to enhance the character of the site. Importantly, significant palms and trees will be retained, including the existing Jacaranda tree at the front of the site. Retention of this tree will continue to contribute to the streetscape landscape character. Existing palms on site will be relocated to a more suitable location. Importantly, the proposal will include the provision of landscaped area on the southern boundary to provide a green setting at the streetscape.</p> <p>Views</p> <p>The Council Officer requested a view analysis based on the proposed height being extended to all boundaries. This approach in our view was disingenuous and potentially misleading for the following reasons:</p> <ul style="list-style-type: none"> • No future building on the site would be permitted to be constructed to all boundaries; • The proposed FSR would not encompass the entire site to the maximum heights sought, as demonstrated by the indicative proposal; and • Existing views currently available from No. 240 New South Head Road are available only via the western side boundary setback of the subject site. To require an assessment based on bulk extended over that setback fails to acknowledge the existing views and the requirement for a future building to provide setbacks and retain those views. <p>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.</p> <p>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 building height development standard. As No. 365A Edgecliff Road is elevated, the proposal is unlikely to affect views from this property.</p> <p>Views across the site from No. 240 New South Head Road to the west are principally via existing side setbacks and are largely retained as a result of the proposal, and the carefully resolved concept building envelope which retains the side setbacks.</p> <p>Additionally, the concept building envelope is below existing street trees and landscaping in Double Bay. Harbour views towards the north from upper levels of No. 240 New South Head Road will be maintained.</p> <p>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 Impact Analysis was prepared consistent with the Planning Principle outlined in <i>Tenacity v Warringah</i> [2004] NSWLEC 140, as requested by Council at the Pre-Planning Proposal meeting.</p> |

Solar Access

The proposal will maintain appropriate sunlight access to No. 250 New South Head Road by increasing side setbacks compared to the existing building. 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 21st June by Antoniades Architects (separately submitted). These diagrams show the concept design's building height and scale is expected to maintain solar access requirements to neighbouring sites' private open space and windows (see **Figure 16**). 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 16: 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.

| | |
|--|--|
| | <p>Public domain <i>9am-3pm - The majority of additional overshadowing impacts associated with the proposal will impact the road surface and public domain areas.</i></p> <p>Accordingly, the concept plans based on the proposed building height and FSR development standards will provide generous solar access to neighbouring sites, in accordance with DCP requirements.</p> |
|--|--|

6.0 CONCLUSION

This report has been prepared on behalf of the proponent to accompany a request for a Rezoning Review of a proponent-initiated planning proposal at 252-254 New South Head Road, Double Bay.

The planning proposal and a subsequent development application would provide approximately 25 additional dwellings in a location that is ideally suited to increased density, in a Council area which currently is not meeting housing targets. The dwellings a future development would replace, are less likely to provide the level of amenity proposed for new development, which would meet ADG requirements for solar access, natural ventilation, private open space, and accessibility. A future development would mee construction requirements for sound attenuation between dwellings and for a building on a very busy road. All this would be provided within 5 minutes' walk of Edgecliff Station and supermarkets and other resident services; or the cafes, restaurants and shops of Double Bay.

For the reasons outlined in this Report and the accompanying documentation, it is submitted that the planning proposal has considerable strategic and site-specific merit, and thus warrants support and endorsement to proceed to Gateway Determination.

If you require further information, or we can assist you further, please do not hesitate to contact our office on 9362 3364.

Yours faithfully,



George Karavanas
MANAGING DIRECTOR