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IRF21/4438

Gateway determination report – PP-2021-6330

252-254 New South Head Road, Double Bay

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal (Council)
Planning Proposal Report (GSA Planning)
Architectural drawings (Antoniades Architects)
Urban design report (GMU Design and Architecture)
Traffic and parking impact assessment (Transport and Traffic Planning Associates)

Acoustic assessment (Renzo Tonin & Associates)

Arboricultural impact assessment (Advanced Treescape Consulting)

Stormwater management drawings (Antoniades Architects/Integrated Group Services)

Additional information response (GSA Planning)

View analysis (GSA Planning)

View analysis drawings (Antoniades Architects)

Shadow diagrams (Antoniades Architects)

Survey plan (Cibar Surveying)

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Woollahra Local Government Area
PPA	Woollahra Municipal Council
NAME	252-254 New South Head Road, Double Bay
NUMBER	PP-2021-6330
LEP TO BE AMENDED	Woollahra Local Environmental Plan 2014
ADDRESS	252-254 New South Head Road, Double Bay
DESCRIPTION	SP11702
RECEIVED	18/10/2021
FILE NO.	IRF21/4438
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The stated objectives of the planning proposal are:

- *To allow the redevelopment of the site by facilitating a contemporary residential flat building, comprising a part 7-storey and part 8-storey development, with shared car parking at level 4 (street level);*
- *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 proposal also seeks to minimise impacts on public and private views and provide a consistent streetscape at the New South Head Road frontage.

The objectives of this planning proposal are clear and adequate.

The concept design scheme (**Figure 1**) that informs the proposed controls will be discussed in section 4 of this report. The concept is for a part seven, part eight storey residential flat building (RFB) comprising 33 apartments with a street wall scale of part five, part six storeys at the New South Head Road frontage.



Figure 1 Proposed building envelope with the 22m maximum height control shown in dashed lines and secondary height plane of RL 45.90m AHD shown in green (source: Planning proposal)

1.3 Explanation of provisions

The planning proposal seeks to amend the Woollahra LEP 2014 per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Maximum height of the building	13.5m	22m
Floor space ratio (FSR)	1.3:1	2.6:1
Secondary height control – Clause 4.3A Exceptions to building heights	N/A	Reduced level (RL) 45.90m Australian Height Datum (AHD) at the highest part of the site for a designated area adjacent to New South Head Road frontage*.
Number of dwellings	8 apartments (existing)	33 apartments

* The proposal includes two options to designate the area of the secondary height control:

- Option A: RL 45.90 AHD within an area 11m perpendicular to both the southern and south-eastern boundaries (**Figure 2**); or
- 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 (**Figure 3**).

Potential wording of changes to *clause 4.3A Exceptions to building heights* to give effect to the secondary height control are included in the proposal, however these are indicative only and the final wording will be drafted by the Parliamentary Counsel's office. A Gateway condition is recommended to require an advisory upfront in the proposal to state this.



Figure 2 Building height strategy – Option A (source: Antoniades Architects)

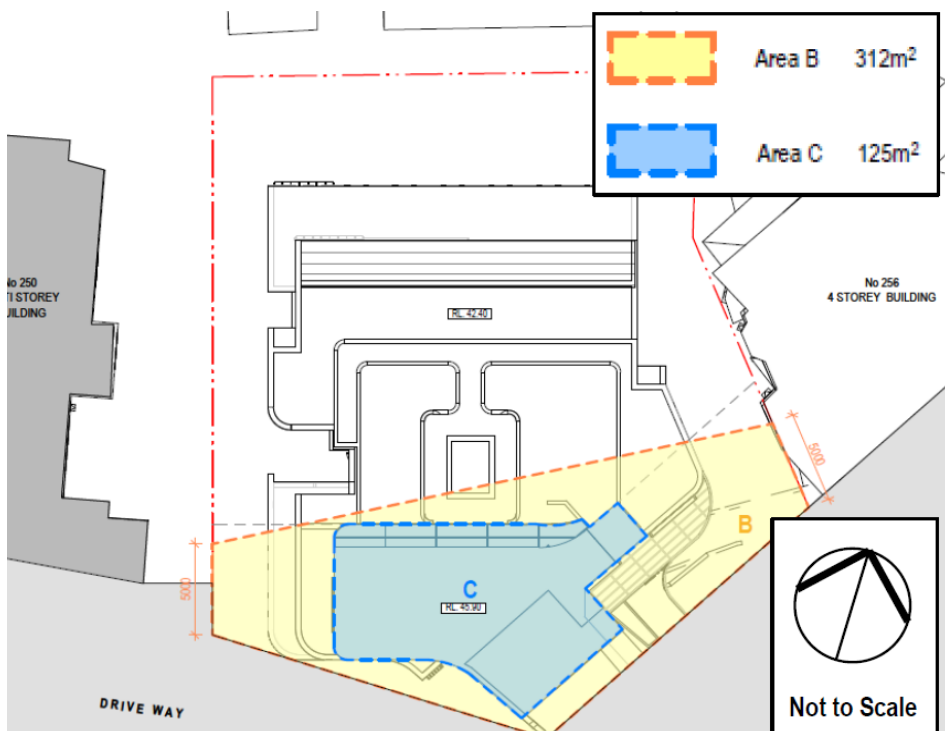


Figure 3 Building height strategy – Option B (source: Antoniades Architects)

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved. However, the Department recommends the preparation of a site-specific DCP which is to be in place prior to the issuing of any development consent for the site. A Gateway condition has been recommended update the proposal to contain a provision to this effect. This is discussed further in the report.

1.4 Site description and surrounding area

The subject site is located at 252-254 New South Head Road, Double Bay, and is legally described as SP11702. The site is irregular in shape, approximately 934.9 sqm in area, and has a frontage of 19m to New South Head Road (**Figure 4**).

The site is zoned R3 Medium Density Residential and is occupied by a four-storey residential flat building (RFB) known as the 'Dalkeith Building' (**Figure 6**). The site is steep and falls by approximately 10m from the south-west to the north-west corner and the street frontage is elevated above the rest of the property.

There is vegetation in the front and rear setbacks, including an established and prominent Jacaranda tree at the front/New South Head road frontage. The existing building contains eight units and is accessible via two pedestrian entrances at its New South Head Road frontage. There is no vehicle parking available on the site.

The subject site is located approximately 2.8km east of the Sydney CBD and 1.5km north-west of the Bondi Junction strategic centre. The site is approximately 10m from land within the Edgecliff Commercial Centre, 200m east of the Edgecliff train station and bus interchange, and 200m west of the Double Bay Centre (**Figure 5**). The nearest open spaces to the site are Trumper Park (500m) and Steyne Park (800m).



Figure 4 Subject site – outlined in blue (source: Nearmap)

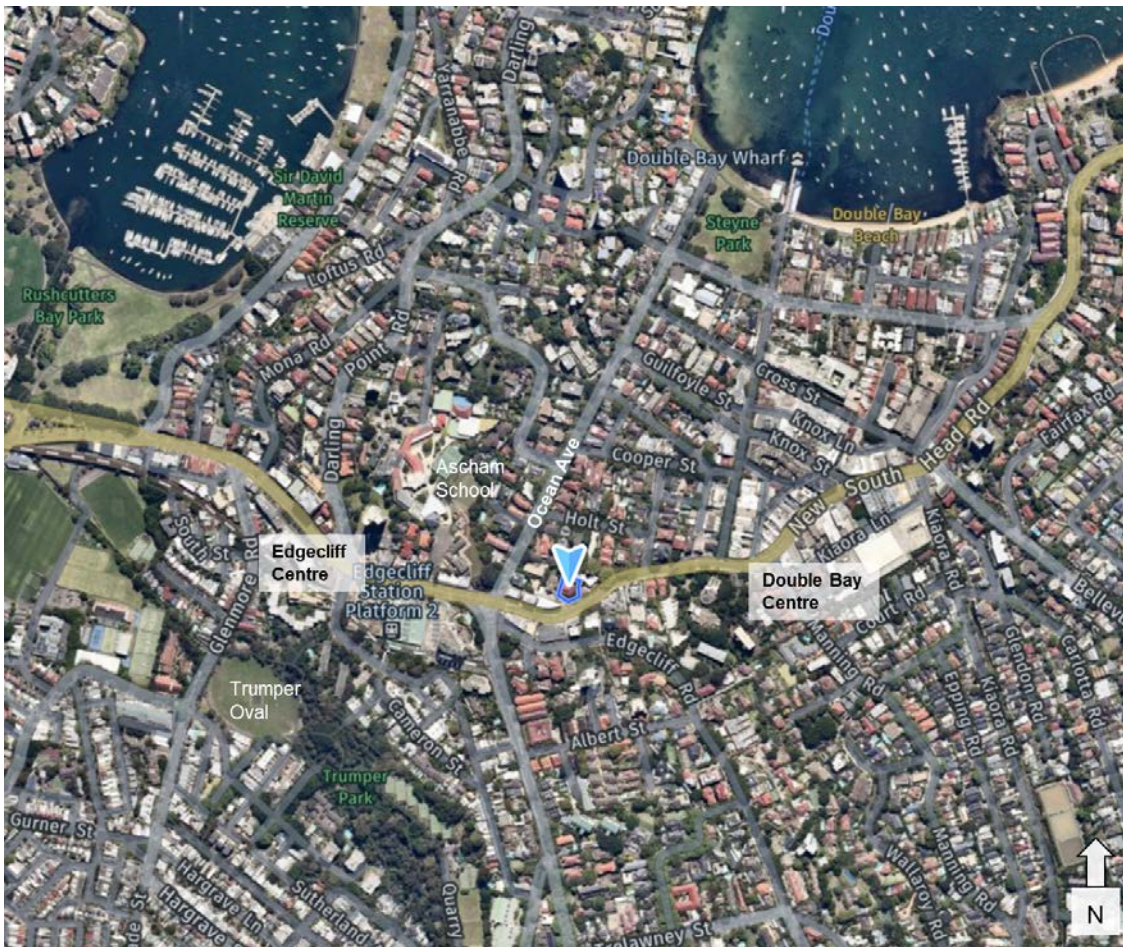


Figure 5 Site context (source: Nearmap)



Figure 6 Existing RFB on the site – western and southern elevations – three levels are below the street entry level (source: Proponent's planning proposal report)

The site is adjacent to several RFBs ranging from two to seven storeys on both the northern and southern side of New South Head (NSH) Road. The streetscape character of the northern side of NSH Road includes both older RFBs and larger scale contemporary development with varied street backs – include many nil setbacks (**Figure 7**). Directly to the south-west of the site is a recently completed part five/four storey RFB at 240-246 NSH Road which was the subject of a planning proposal to increase height and FSR (18m HOB and 4:1 FSR).

The southern side of NSH Road includes residential and commercial uses ranging from four to eight storeys. Due to the sloping topography, developments fronting Edgecliff Road to the south of the site are visible and form part of a layered streetscape profile when viewed from NSH Road (**Figure 8**).

The site is not a heritage item, is not located within a heritage conservation area and is not located within the vicinity of any heritage items.



Figure 7 New South Head Road – streetscape looking north-west (source: Google maps)



Figure 8 New South Head Road streetscape looking east (source: Google maps)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Height of Buildings and Floor Space Ratio maps.

Prior to community consultation, the mapping in the planning proposal should be updated to be improve the resolution and show the map legends in full to ensure legibility and clarity. A Gateway condition is recommended accordingly.

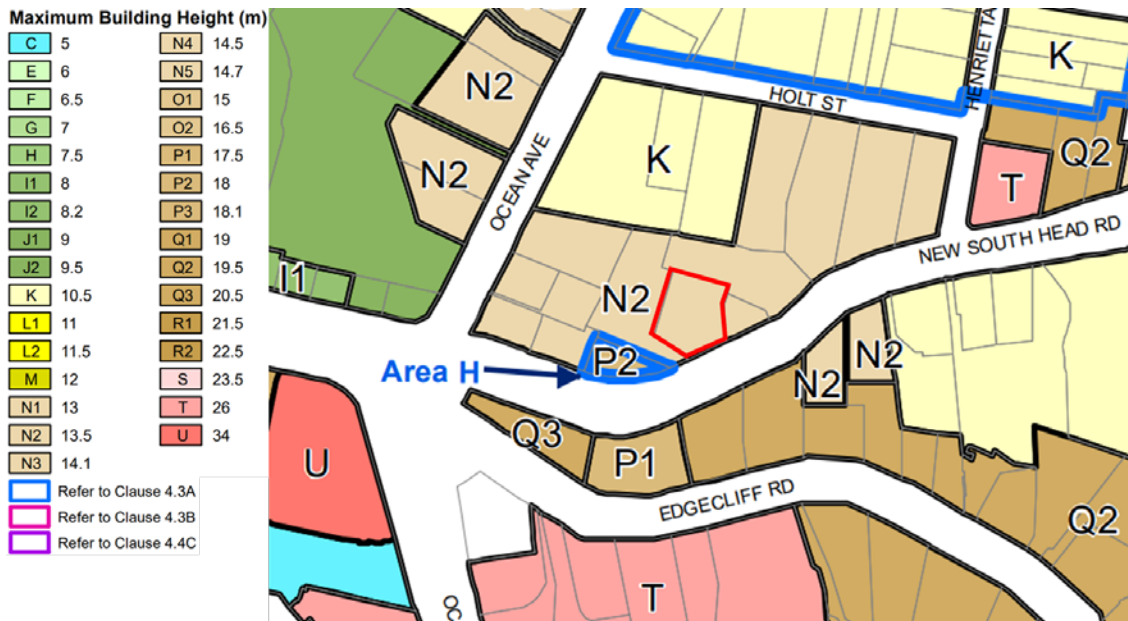


Figure 9 Current height of building map (site outlined in red)



Figure 10 Proposed height of building map – site marked as 'Area J' (source: Planning proposal)

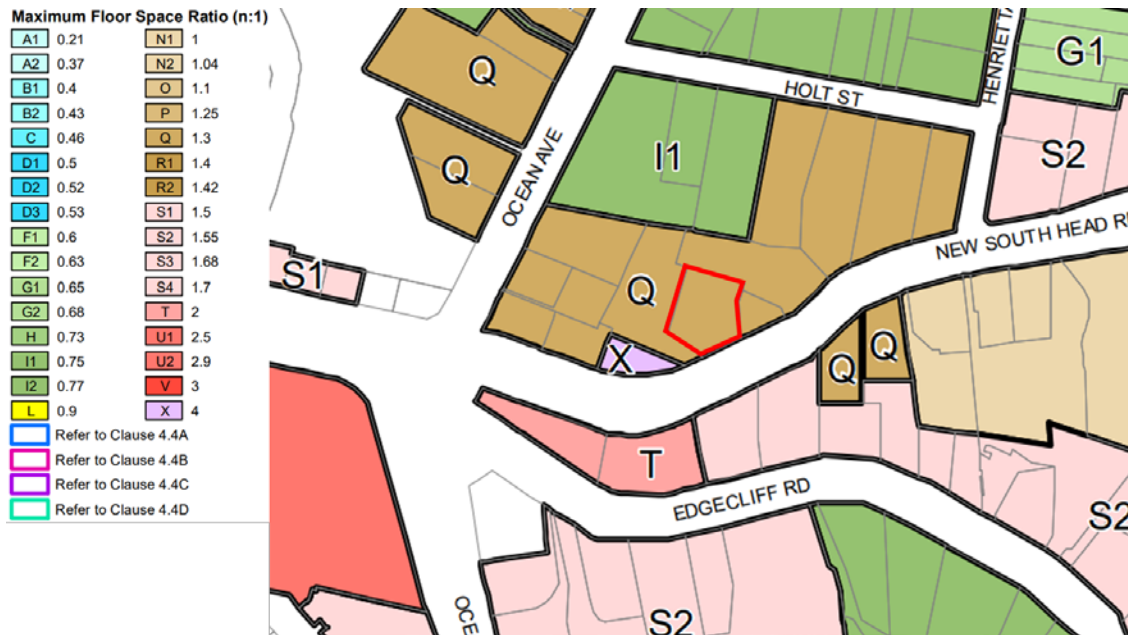


Figure 11 Current floor space ratio map (site outlined in red)



Figure 12 Proposed floor space ratio map (source: Planning proposal)

1.6 Background

Planning proposal history 2019-2020

- 14 August 2019: A planning proposal pre-application consultation meeting was held between Council staff and the proponent. Subsequently, Council advised the proponent in writing that staff would not support the proposal due to concerns around: the proposed FSR and height resulting in excessive bulk and scale inconsistent with the Double Bay residential precinct, residential amenity impacts and excessive site coverage. The need for additional information was also identified relating to urban design, traffic and transport and vegetation.

- 17 March 2020: The proponent submitted a request for a planning proposal. The submitted proposal requested an identical height and FSR to the pre-application proposal, with an additional secondary height control of RL 45.90m AHD at the NSH Road frontage.
- 24 April: Council staff requested additional information
- 12 June: The proponent submitted additional information to Council's request and Council receipted payment for the proposal.
- 2 November: The Environmental Planning Committee (EPC) considered the planning proposal and recommended Council not support the request for a proposal.
- 23 November: Council resolved not to support the proposal for the following reasons:
 - *The proposed maximum building height and FSR standards are excessive and would create a building envelope with 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.*

The proponent was notified of this decision on 30 November.

Rezoning review

- 23 December 2020: The proponent lodged a rezoning review request (RR-2021-69) with the Department.
- 22 July 2021: The Sydney Eastern City Planning Panel considered the planning proposal and determined that it demonstrated strategic and site-specific merit and recommended it proceed to Gateway subject to conditions.
- 23 August: Council resolved to accept the role as the planning proposal authority and on 6 September confirmed this with the Department.
- 24 September: Council wrote to the proponent requesting further site testing to check the proposed FSR, and that a site specific DCP is prepared to address car parking, residential unit mix, deep soil area and building envelopes informed by the site testing.
- 6 October: The proponent advised Council that it considered these documents need not be prepared at this stage, and that its interpretation of the Panel's decision is that these are matters to be considered by the Department in its Gateway assessment.
- 18 October: Council submitted the proposal to the Department for Gateway determination.

2 Need for the planning proposal

The planning proposal states that it is not the result of the Woollahra Local Strategic Planning Statement (LSPS) or a specific strategic study or report. It states that the proposal was a result of consideration of state policies and consideration of Council's strategic documents. The proposal identifies the site is in an accessible location to the key transport interchange at Edgecliff and the Edgecliff local centre, public open space, parks and waterfront areas.

The Sydney Eastern City Planning Panel supported the proposal to proceed to Gateway on 22 July 2021, considering that the site is well located for increased residential density due to its proximity to Edgecliff train station and bus interchange. The Panel also considered that the proposed height and secondary height control allows for a transition from 240-246 NSH Road to 256 NSH Road and the proposed yields are not inconsistent with the existing built form in the area.

The planning proposal is considered the appropriate and best means to include additional floor space and height on the site, and to facilitate the intended outcomes. The extent of the proposed increased heights and FSRs mean it would be inappropriate to consider it via a clause 4.6 variation to a development application. The proposal also seeks to introduce a secondary height control by amending clause 4.3A Exceptions to building heights. There are no other mechanisms other than a planning proposal to introduce an amendment to this clause.

3 Strategic assessment

3.1 District Plan

The site is within the Eastern City District and the Greater Sydney Commission released the Eastern City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 4 District Plan assessment

District Plan Priorities	Justification
Planning Priority E1: Planning for a city supported by infrastructure	The proposal is consistent with this priority as it aligns land use and infrastructure planning in order to maximise the utility of the existing infrastructure assets in the New South Head Road, Double Bay area. In particular, the site has access to existing bus services and is in proximity to the Edgecliff local centre, which has railway and bus station links to the Sydney CBD and strategic centres such as Bondi Junction. Further, it is unlikely that the proposed development will generate increased demand for public infrastructure.
Planning Priority E5: Providing housing supply, choice and affordability with access to jobs, services and public transport Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage Planning Priority E10: Delivering integrated land use and transport planning and a 30-minute city	The proposal will facilitate residential accommodation (up to 33 apartments based on the concept plan) within close walking distance to the Edgecliff bus interchange and railway station, connecting Edgecliff to Bondi Junction strategic centre and the Sydney CBD. The proposal is consistent with objectives relating to greater housing supply with access to employment, services and community infrastructure.
Planning Priority E16: Protecting and enhancing scenic and cultural landscapes Planning Priority E17: Increasing urban tree canopy cover and delivering Green Grid Connections	The proposal seeks to protect the site's scenic landscape qualities. The proposed height and FSR controls are stated to have been designed to retain the significant Jacaranda tree at the New South Head Road frontage, which is an important element in the streetscape. A Gateway condition is recommended to require a site-specific DCP to be prepared, which will address the provision of deep soil zones to support tree canopy and screen planting. The proposal also seeks to minimise view impacts and is accompanied by a visual impact assessment.

A Gateway condition is recommended to update the planning proposal to address Planning Priorities E1, E6, E10, E16 and E17 of the Eastern City District Plan.

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 5 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement (LSPS)	The Woollahra LSPS was finalised by Council in March 2020 and subsequently assured by the Greater Sydney Commission. The LSPS sets out a 20-year land use vision to guide land use planning for the LGA.

	<p>The discussion in Section 3.1 above on the Eastern City District Plan largely applies here as the Woollahra LSPS gives effect to District Plan priorities.</p> <p>The planning proposal is consistent with the endorsed Woollahra LSPS, particularly with the following priorities for the reasons above.</p> <ul style="list-style-type: none"> • Planning Priority 1 - <i>Planning for integrated land use and transport for a healthy, sustainable, connected community and a 30-minute city.</i> • Planning Priority 4 - <i>Sustaining diverse housing choices in planned locations that enhance our lifestyles and fit in with our local character and scenic landscapes.</i>
Community Strategic Plan (CSP)	<p>The Woollahra CSP 2030 identifies the strategic direction and integrated planning framework for the LGA. The planning proposal notes that the proposal is consistent with key relevant opportunities and challenges including:</p> <ul style="list-style-type: none"> • <i>Responding to the housing targets set by the State Government.</i> • <i>Providing a diverse range of housing choices to meet the variety of household types, income and lifestyles.</i>
Draft Woollahra Local Housing Strategy (LHS) 2021	<p>On 25 October 2021, the draft LHS was endorsed by Council, subject to a few minor changes. At the time of writing this report the LHS has been sent to the Department for endorsement and is currently under assessment.</p> <p>Whilst the lodgement of the planning proposal pre-dated the public exhibition of the draft LHS, the proposal is consistent with this strategy as it seeks to provide capacity for up to an additional 25 apartments of varying configurations in an accessible area in close proximity to services, public open space and transport infrastructure.</p> <p>A Gateway condition is recommended to require the proposal to be updated to address the draft LHS.</p>

Draft Edgecliff Commercial Centre Planning and Urban Design Strategy

The site is adjacent to the study area boundary of Council's draft '*Edgecliff Commercial Centre Planning [EEC] and Urban Design Strategy*' which was on exhibition from 31 May to 30 September 2021. The draft strategy states it '*establishes a vision for the ECC and provides recommendations on planning controls, urban design, public domain and transport to guide future development.*' The Panel acknowledged the site's proximity to the study area in its decision.

3.3 Sydney Eastern City Planning Panel recommendation

As mentioned, the planning proposal was subject of a rezoning review by the Panel (RR-2021-69). On 22 July 2021, the Panel considered the planning proposal and supported it to be submitted for Gateway determination, as it demonstrates strategic and site-specific merit.

The recommendation included the following:

- *Whilst the proposal has both strategic and site specific merit the Panel recommends to the delegate that in granting any Gateway determination a site specific DCP be prepared to address the unique constraints of this site, particularly to ensure that privacy (including aural privacy), overshadowing and view-sharing are addressed and that the DCP be exhibited at the same time as the Planning Proposal. The Panel further recommends that the DCP include the following matters:*
 1. *That due to the location immediately adjacent to the Edgecliff train Station and bus interchange that carparking on the site be minimised or deleted and that servicing only be provided.*

2. *The residential mix (noting that concept plans accompanying the Planning Proposal comprise 80% studio flat and one bedroom units) and provision of more affordable housing, which will meet a demand in the LGA and be appropriate given the convenience of a transport orientated location.*
 3. *The deep soil area to maintain the Jacaranda tree is to be shown on the DCP.*
 4. *A building envelope that establishes appropriate height and setbacks to maintain amenity to adjoining residential properties and deep soil planting.*
- *The Panel also recommends to the delegate that the proponent should undertake further testing to ensure the proposed FSR can be contained in the proposed height limit whilst satisfying the other built form and amenity outcomes, deep soil planting and tree canopy that would be required.*

Comment

The Panel's recommendations have been considered in the Department's assessment of the planning proposal and in part, form part of the recommended Gateway conditions.

3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 6 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
2.6 Remediation of Contaminated Land	Consistent	<p>Direction 2.6 aims to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered at the planning proposal stage.</p> <p>The direction applies as development is proposed to be carried out for residential purposes and the planning proposal does not provide complete historical knowledge on the prior uses of the land.</p> <p>The planning proposal does not seek to change the existing residential zoning of the site. Any contamination testing is considered appropriate to determine as part of any future development assessments.</p>
3.1 Residential Zones	Consistent	<p>Direction 3.1 aims to encourage a variety of housing types, make efficient use of infrastructure and service and minimise the impact of residential development on the environment and resource lands. This Direction applies as the site is within an existing residential zone.</p> <p>The proposal is considered consistent with this direction as it will increase the potential residential yield and provide a variety of apartment sizes. The proposal will make efficient use of existing infrastructure and services, as the site is located within an established urban area, near schools, shops and public transport.</p>

3.4 Integrated Land Use and Transport	Consistent	<p>Direction 3.4 requires a planning proposal to consider improving access to housing, jobs and services by walking, cycling and public transport and reducing reliance on cars.</p> <p>The proposal is consistent with this direction as it will facilitate increased density through residential development in a location close to public transport, with major bus routes and railway station in walking distance to the site.</p> <p>The site is located near services, schools and local centres. The site's accessibility to public transport satisfies the objectives of the direction as it seeks to reduce dependence on cars.</p>
3.5 Development Near Regulated Airports and Defence Airfields	Consistent	<p>Direction 3.5 seeks to ensure the effective and safe operation of regulated airports and defence airfields and that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity.</p> <p>The proposal notes the land is identified on the Obstacle Limitation Surfaces chart for Sydney Airport as being in the 'Outer horizontal surface 156 AHD.' The proposed maximum building height of 22m would not breach this.</p> <p>The proposal is consistent with this direction.</p>
4.1 Acid Sulfate Soils	Consistent	<p>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. The site is currently developed for urban purposes and is mapped under the Woollahra LEP 2014 as containing Class 5 acid sulfate soils.</p> <p>Clause 6.1 in the Woollahra LEP 2014 is considered adequate to prevent environmental damage arising from the exposure of acid sulfate soils. The proposal does not seek to alter existing acid sulfate soils provisions within the LEP. It is considered appropriate that this work be undertaken as part of any future development assessment (DA).</p>

6.3 Site Specific Provisions	Partly inconsistent, justification required	<p>Direction 6.3 aims to discourage unnecessarily restrictive site-specific planning controls. This direction applies to the planning proposal as it seeks to implement additional specific provisions.</p> <p>The proposal is partly inconsistent with this direction as it seeks to introduce a secondary height control for the site. As previously mentioned, a Gateway condition is also recommended to require the preparation of a site-specific DCP.</p> <p>It is noted that the proposed secondary height control seeks to account for the topography of the site to ensure an appropriate height at the New South Head Road frontage that is suitable with the surrounding development.</p> <p>The planning proposal states the direction is applicable but does not provide any commentary on in/consistency. A Gateway condition has been recommended for the planning proposal to be updated to address and justify the inconsistency with this Direction.</p>
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3.5 State environmental planning policies (SEPPs)

The planning proposal's consistency with all relevant SEPPs as discussed in the table below.

Table 7 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP No 65 – Design Quality of Residential Apartment Development	SEPP 65 is relevant as the proposal includes a concept design for a residential flat building of over three storeys and more than four dwellings. Whilst specific design details will be assessed as part of any future DA, it is relevant to consider the design principles of this SEPP and its relationship to the Apartment Design Guide (ADG)	Consistent, but further consideration of matters required including around: building separation and apartment depth (see section 4.1)	<p>The proposal and supporting analysis considers solar access, includes shadow diagrams, assesses privacy and traffic and parking to conclude that the concept design can satisfy the requirements of the SEPP.</p> <p>The Urban Design Report and the Architectural Drawing set addresses some of the key design requirements of the ADG. Key urban design matters are discussed further below in section 4.1.</p> <p>This will need to be further considered and addressed as part of any future detailed design for a DA.</p> <p>These reports indicate the proposed controls can facilitate a future development that would comply with this SEPP and the ADG. The concept</p>

			<p>demonstrates that it achieves general compliance in relation to solar access, ventilation, open space and overshadowing.</p> <p>Further testing of the building separation distances to ensure visual privacy is recommended, notably to the eastern boundary. Building depth should also be considered, as indicative apartments show a depth of up to 26m, when the ADG recommends 18m.</p>
SEPP (Infrastructure) 2007	The Infrastructure SEPP is relevant as the site fronts NSH Road which is a state classified road and therefore consideration of appropriate access, acoustic and pollution measures is required as per clauses 101 and 102.	Consistent	<p>The proposal states that the proposed development can adopt appropriate noise abatement measures at the DA stage.</p> <p>The proposal seeks to introduce a new vehicular access from NSH Road. A Traffic and Parking Impact Assessment has been provided with the proposal, which concludes that the site can support vehicle access off NSH Road. Clause 101(2) of ISEPP requires that development consent is not granted to land that has frontage to a classified road unless the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development. A Gateway condition has been recommended to consult with Transport for NSW.</p>

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 8 Environmental impact assessment

Environmental Impact	Assessment
Critical habitats and threatened species	No critical habitat areas, threatened species, populations or ecological communities or their habitats have been identified on the site. There are no likely environmental impacts in this regard that would arise as a result of the planning proposal.
Urban design – potential built form	See discussion at 4.1.1.

Tree canopy and landscaping

The planning proposal is supported by an Arboricultural Impact Assessment which identifies 15 trees that were inspected on the site. The proposal proposes to retain and retain various trees where possible and remove others in accordance with the findings of the assessment. In particular, the Jacaranda tree at the front of the site is recommended for retention due to its vegetation value, the assessment considers the proposed scheme would have a 'moderate, acceptable level of impact' on the tree.

The concept scheme indicates provision of landscaping and screening along the rear (northern) setback, eastern and western setbacks and accompanying deep soil zones (**Figure 13**). The Jacaranda tree at the front NSH Road setback is proposed to be retained and is shown in the concept scheme. Various landscaped areas on roofs are also indicated.

The site-specific DCP should provide for the retention and protection of the Jacaranda tree. The Jacaranda tree contributes to the existing tree canopy and overall green landscaped setting of the entry into Double Bay. As such, the site-specific DCP should ensure provision of adequate deep soil zones on the site to ensure healthy tree canopy is supported and screen planting provided to mitigate privacy impacts to adjoining properties. A Gateway condition has been recommended accordingly.



Figure 13 Landscape concept scheme (source: Antoniades Architects)

Traffic and Parking

The planning proposal is accompanied by a Traffic and Parking Impact Assessment. It is proposed to provide a combined entry/exit driveway on the New South Head Road (State road) frontage. The assessment concludes the proposal will 'provide suitable and adequate parking on-site reflecting the special circumstances' and 'not present any unsatisfactory traffic capacity, safety or environmental related implications.' A condition of Gateway requires consultation with Transport for NSW, in light of the proposed entry/exit driveway off NSH Road.

	<p>The assessment states that the Woollahra DCP specifies a maximum parking provision for residential apartments within 400m of a railway station, which applied to the concept scheme indicates a maximum allowance of 37 spaces. Considering the high level of accessibility to transport infrastructure and retail and entertainment uses, the concept scheme proposes a reduced parking provision of four resident car spaces and two car share spaces.</p> <p>The Panel recommended in its decision that car parking on the site should be minimised or deleted and that only servicing be provided. This aspect may be further explored and addressed in the site-specific DCP.</p> <p>In any case, further assessment of traffic and parking impacts will occur at the DA stage.</p>
Noise	<p>The site is subject to potential noise impacts given its location adjacent to New South Head Road, a classified/State road.</p> <p>An Acoustic Report supports the proposal that assessed potential noise impacts on the site from traffic and also mechanical plant that would service the site. The report concluded the <i>'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'</i></p> <p>Design solutions will be required to achieve ventilation without exceeding internal noise limits. This includes locating habitable areas away from NSH Road and wintergardens to create a noise buffer.</p> <p>The proposal notes that balconies in the concept design have been orientated towards the site's landscaped rear setback and New South Head Road to maintain privacy to the RFBs to the east and west.</p> <p>It is noted that detailed assessment of noise impacts would be undertaken as part of any future development application.</p> <p>Further, the site-specific DCP is to include considerations of environmental impacts such as visual and acoustic privacy and overshadowing. A Gateway condition has been recommended accordingly.</p>

4.1.1 Urban Design

Potential built form

A concept design has been provided with the planning proposal, which depicts a part seven, part eight storey residential flat building (RFB) (**Figure 14**) comprising 33 apartments (indicative mix of 14 studios, 13 one-bedroom and 6 two-bedroom units). The concept scheme indicates 2,247 sqm of residential gross floor area (GFA). Two levels of basement car parking are proposed to be accessed off NSH Road via an internal car lift due to the steep topography of the site.

The concept scheme illustrates the proposed secondary height control of RL 45.90m AHD at the NSH Road frontage, to facilitate a street wall scale of part five, part six storeys. However, certain images provided in the planning proposal and supporting documentation indicate a street wall scale of part four, part five storeys. A Gateway condition is recommended to clarify the street wall height in storeys to NSH Road and ensure consistency between architectural drawings and images.

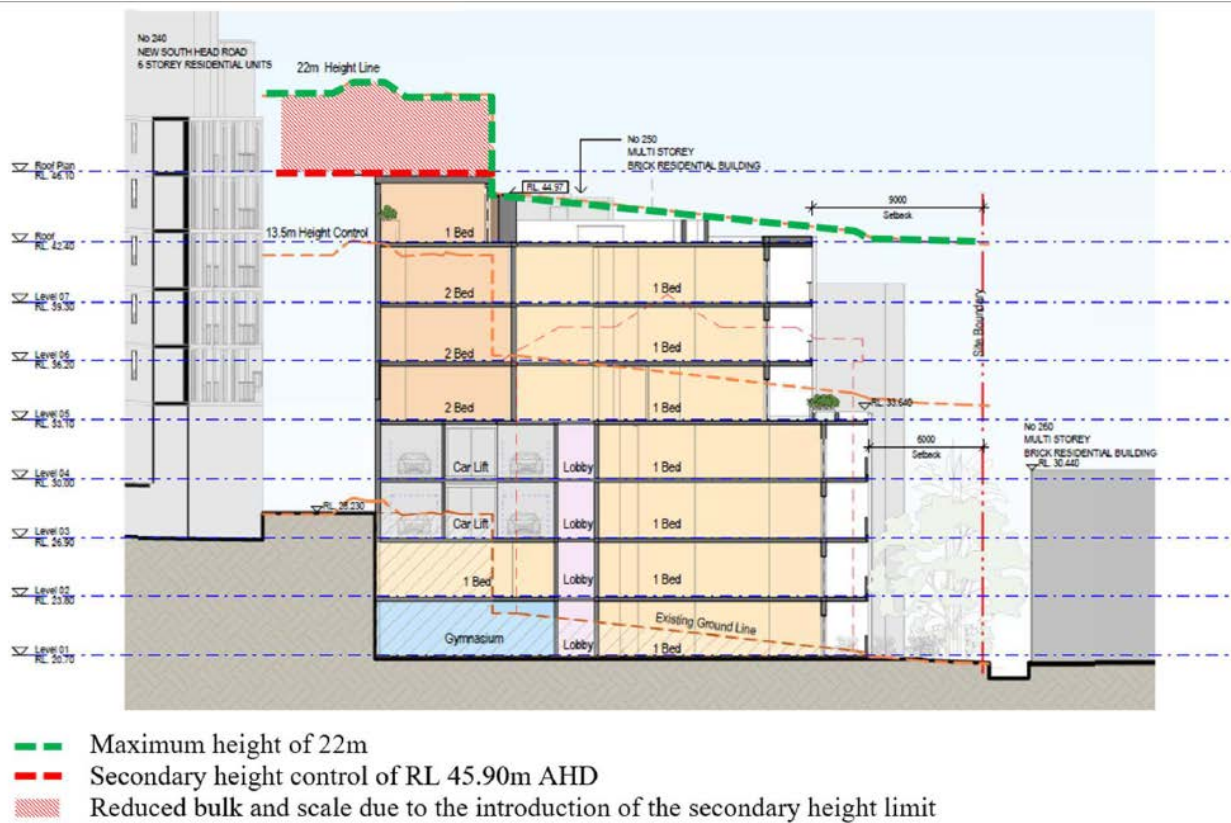


Figure 14 Cross section of the concept scheme (source: Antoniades Architects)

The scheme illustrates a smaller footprint at the upper level to minimise visual bulk. The concept scheme shows the built form stepping down with the slope and maximum building height control (Figures 14 and 15).

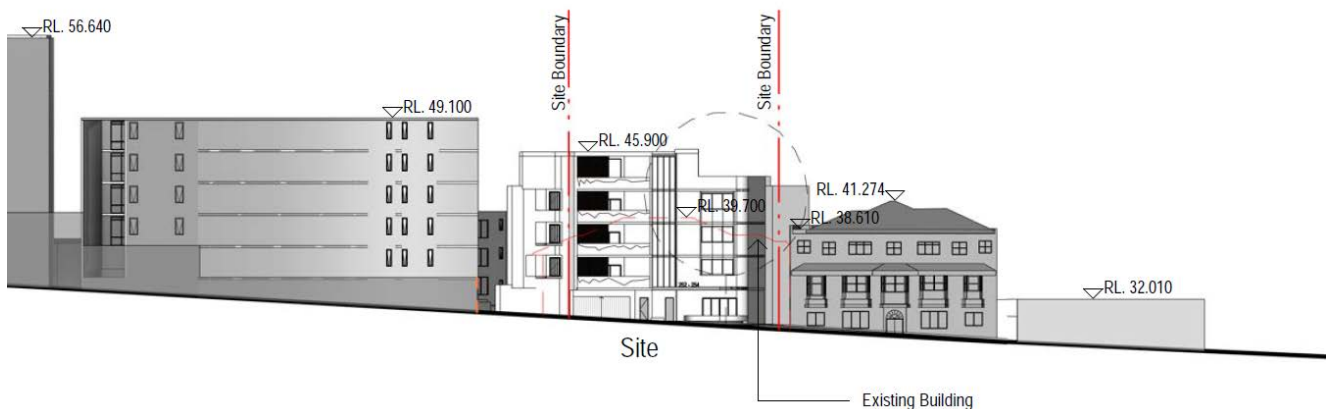


Figure 15 Concept scheme – New South Head Road elevation (source: Antoniades Architects)

Visual privacy

The proposal states the Urban Design Report and architectural drawings considered the building separation distances as in the ADG. The Department considers that the proposal may not meet certain minimum building separations as recommended in the ADG, notably on the eastern boundary to the adjoining existing RFB at 256 NSH Road (it is unclear whether there are habitable rooms at this 256 NSH Road elevation) (Figure 16). Further consideration could be given to separation distances to ensure visual privacy for future residents and adjoining residents.

Overshadowing

- 240 NSH Road: minor additional shadowing in the morning approximately between 10am and 12pm that would impact apartments in this RFB.
- 256 NSH Road: additional overshadowing in the afternoon between approximately 1 and 3pm.
- Public domain: the majority of the additional overshadowing would fall on NSH Road and the footpaths throughout the day. The Urban Design Report notes that the footpaths are largely already in shadow from existing tree canopy.

It is acknowledged that further assessment of overshadowing impacts will occur at the DA stage.

Solar access to proposed apartments

Solar access to proposed open space

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the ground floor communal open space will receive direct sunlight in mid-winter (an average of 37% of total communal open space).

The Design Criteria under Objective 3D-1 of the ADG provides that “*Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June*”. Whilst the indicative ground floor open space does not achieve this, it is considered acceptable in light of the site’s constraints and the provision of the north facing rooftop area.

Ventilation

The architectural drawings suggest that 60.6% of apartments (20 out of 33) are naturally cross-ventilated. Two of the top floor units rely on operable skylights to achieve cross flow and due to noise from NSH Road, design solutions to achieve ventilation will be required for some units to ensure internal noise levels are not exceeded. Further consideration of building depth should be undertaken as indicative apartments show a depth of up to 26m, when the ADG recommends 18m.

View impacts

The planning proposal includes a View Impact Analysis which provides an assessment against the planning principles outlined in *Tenacity v Warringah Council* [2004] NSWLEC 140. The view analysis depicts the anticipated impacts on the RFBs at 240 NSH Road and 365A Edgecliff Road to the south-west and south of the site respectively. The analysis describes the impacts based on the concept scheme as well as the ‘maximum building envelope’. The proposal outlines there is a moderate impact on view sharing for levels 3 and 4 at 240 NSH Road. The assessment did not detect any significant views from residential developments in the vicinity that would be significantly affected by the proposal.

Conclusion

In light of the above urban design matters, further site testing is to be carried out to ensure the proposed FSR of 2.6:1 is achievable within the proposed height controls, taking into consideration the ADG. In particular, more attention is required around building depth and building separation. If the proposed FSR is not achievable, the proposal should be revised to be of a lesser FSR. A Gateway condition is recommended to this effect.

A site-specific DCP is to be prepared to guide future development on the site, in consideration of the steep topography and urban infill context. The following considerations are recommended to be included in the site-specific DCP:

- built form and articulations, including the building’s interface with adjoining developments and presentation to New South Head Road
- provision of deep soil zones to support tree canopy and screen planting
- apartment mix, to encourage housing affordability
- environmental impacts such as overshadowing, visual and acoustic privacy and view-sharing.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 9 Social and economic impact assessment

Social and Economic Impact	Assessment
Social	The proposal is considered to provide social benefits by increasing housing availability and choice. The central location of the site provides a suitable location for modern, accessible accommodation.
Economic	It is considered that the proposal would provide economic benefits by creating employment and economic activity during future construction phase of the development.

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 10 Infrastructure assessment

Infrastructure	Assessment
Traffic and Transport	<p>The site is located in an area well serviced by public transport as the site has access to existing bus and rail services along New South Head Road (State road), including connections to Bondi Junction and the Sydney CBD.</p> <p>As mentioned earlier in the report, a Traffic and Parking Impact Assessment accompanies the proposal and does not raise any issues with existing transport infrastructure or the need for any upgrade to the road network as a result of the proposal.</p>
Utilities infrastructure	<p>The proposal states the site is within an established urban area that is serviced by adequate water, and electricity which can be upgraded for future development.</p> <p>As the proposal would intensify development on the site, it is recommended that relevant state infrastructure service providers are consulted as part of the Gateway determination, including Sydney Water, Ausgrid and Transport for NSW. These have been included as Gateway conditions.</p>

5 Consultation

5.1 Community

Council proposes a community consultation period of a minimum of 28 days.

The exhibition period proposed is considered appropriate, and forms part of the conditions of the Gateway determination.

5.2 Agencies

Council has nominated Roads and Maritime Services (RMS) /Transport for NSW as the public agency to be consulted about the planning proposal. The Department concurs and notes RMS is now part of Transport of NSW.

It is recommended the following agencies be consulted on the planning proposal and given 28 days to comment:

- Ausgrid;
- Sydney Water; and
- Transport for NSW

6 Timeframe

Council proposes an eight month time frame to complete the LEP from the issuing of any Gateway determination.

The Department concurs with this time frame. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

The timeframe proposed by Council appears to indicate that Council would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal was subject to a rezoning review, the Department recommends that Council not be authorised to be the local plan-making authority for this proposal.

Section 9 of the planning proposal contains an incorrect statement about Council being authorised to exercise the functions of the Minister for Planning and Public Spaces under section 3.36 of the Act. A Gateway condition is recommended to remove this statement.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- the Sydney Eastern City Planning Panel determined that the proposal demonstrates strategic and site-specific merit;
- it would provide additional modern housing in an area close to existing public transport, public open space and local services;
- the proposal is consistent with the Eastern City District Plan, Council's local strategic plans, and relevant SEPPs; and
- any inconsistencies or relevant section 9.1 Ministerial Directions which are not currently addressed, will be addressed by way of Gateway conditions prior to public exhibition.

As discussed in the previous sections 4 and 5, the planning proposal should be updated to address outstanding issues which are described in the recommended conditions below.

9 Recommendation

It is recommended the delegate of the Secretary:

- Note that the consistency with section 9.1 Directions 6.3 Site Specific Provisions is unresolved and will require justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal (including attachments) is to be revised prior to public exhibition to address the matters set out below:
 - i. provide further testing to ensure the proposed floor space ratio (FSR) of 2.6:1 is achievable within the proposed height controls, taking into consideration the Apartment Design Guide including overshadowing of adjoining properties.
 - ii. address the draft Woollahra Local Housing Strategy
 - iii. address Planning Priorities E1, E6, E10, E16 and E17 of the Eastern City District Plan
 - iv. address and justify the inconsistency with section 9.1 Direction 6.3 Site Specific Provisions
 - v. clarify the street wall height in storeys to New South Head Road and ensure consistency between architectural drawings and images
 - vi. include an advisory upfront in section 5 'Explanation of provisions' that draft amendments to clauses are indicative only and will be subject to drafting by Parliamentary Counsel should the planning proposal progress to finalisation
 - vii. include a table that clarifies the extent of overshadowing impacts to individual units in the adjoining residential properties
 - viii. update the existing and proposed maps in section 7 'Mapping' to ensure legibility and clarity
 - ix. correct the statement in section 9 'Project timeline' as Council has not been authorised as the local plan-making authority to exercise the functions under section 3.36 of the Act.
2. The planning proposal is to contain a provision that a site-specific development control plan (DCP) is to be prepared and in place prior to the issuing of any development consent for the site. The DCP should address matters including, but not limited to:
 - i. built form and articulations, including the building's interface with adjoining developments and presentation to New South Head Road
 - ii. provision of deep soil zones to support tree canopy and screen planting
 - iii. apartment mix
 - iv. environmental impacts such as overshadowing, visual and acoustic privacy and view-sharing.
3. Consultation is required with the following public authorities:
 - Ausgrid;
 - Sydney Water;
 - Transport for NSW
4. The planning proposal should be made available for community consultation for a minimum of 28 days.
5. The planning proposal must be placed on exhibition no later than 4 months from the date of the Gateway determination.

6. The planning proposal must be reported to council for a final recommendation no later than 6 months from the date of the Gateway determination.
7. The timeframe for completing the LEP is to be 8 months from the date of the Gateway determination.
8. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.



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