

<b>DATE OF DECISION</b>	22 July 2021
<b>PANEL MEMBERS</b>	Jan Murrell (Chair), Susan Budd, Sue Francis, Mary-Lou Jarvis, Toni Zeltzer
<b>APOLOGIES</b>	Carl Scully, Roberta Ryan
<b>DECLARATIONS OF INTEREST</b>	None

### REZONING REVIEW

Rezoning Review - RR-2021-69 – Woollahra at 252 – 254 New South Head Road, Double Bay (AS DESCRIBED IN SCHEDULE 1).

Reason for Review:

- The Council has notified the proponent that the request to prepare a planning proposal has not been supported.
- The Council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support.

### PANEL CONSIDERATION AND DECISION

The Panel considered the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

- should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- should not** be submitted for a Gateway determination because the proposal has
  - not demonstrated strategic merit
  - has demonstrated strategic merit but not site specific merit

The decision was unanimous.

### REASONS FOR THE DECISION

- The Panel notes that whilst the subject site is not contained within either the Double Bay or Edgecliff strategic planning work that has or is being undertaken by Council, it is noted that this work has either not been adopted by Council or has not been completed after many years of consideration. However, the site does adjoin the study area of the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy on public exhibition until 3<sup>rd</sup> September 2021.
- The Panel considers the site to be well located for increased residential density due to its proximity to the Edgecliff train station and bus interchange.
- The Panel notes the applicant's site is adjacent and, in many respects relates to the Edgecliff Centre. However, at the same time the Panel is cognisant of the fact that the site is in proximity to a lower density zone and regard must be given to the topography to ensure that this residential zone is not overwhelmed.
- The Panel is also aware that the development at 240-246 New South Head Road has been the subject of a site specific Planning Proposal which increased height and FSR.

- In respect of site specific issues, the proposed height and site specific clause allows for a transition from 240-246 New South Head Road to 256 New South Head Road and the proposed yields are not inconsistent with the existing built form in the area.
- The Panel notes the briefing report refers to the applicant's willingness to initiate discussions with Council regarding a VPA which would provide public benefit and the Panel encourages the applicant to finalise such discussions so that any draft VPA can be placed on exhibition with the draft Planning Proposal.
- 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.

PANEL MEMBERS	
 Jan Murrell (Chair)	 Sue Francis
 Susan Budd	 Toni Zeltzer
 Mary-Lou Jarvis	

SCHEDULE 1		
1	<b>PANEL REF – LGA – DEPARTMENT REF - ADDRESS</b>	Rezoning Review - RR-2021-69 – Woollahra at 252 – 254 New South Head Road, Double Bay
2	<b>LEP TO BE AMENDED</b>	Woollahra Local Environmental Plan 2014
3	<b>PROPOSED INSTRUMENT</b>	<p>The Proposal seeks to amend development standards within the Woollahra Local Environmental Plan (LEP) 2014 as it applies to 252-254 New South Head Road, Double Bay to:</p> <ul style="list-style-type: none"> <li>• Increase the maximum permissible floor space ratio (FSR) from 1.3:1 to 2.6:1;</li> <li>• Increase the maximum permissible building height from 13.5 metres to 22 metres; and</li> <li>• Introduce a secondary height control of reduced level (RL) 45.90 Australian Height Datum (AHD) to a portion of the site at the New South Head Road frontage. The proponent has presented two options to implement this control: <ul style="list-style-type: none"> <li>o Option A: RL 45.90 AHD within an area 11m perpendicular to both the southern and south-eastern boundaries (Figure 1); or</li> <li>o 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 2).</li> </ul> </li> </ul> <p>If approved, the concept plans envisage a part 7-storey, part 8-storey residential flat building, with a part 5-storey, part 6-storey street wall height at the New South Head Road frontage, due to the proposed secondary height control.</p> <p>The proponent has indicated they are willing to initiate discussions with Council regarding a potential voluntary planning agreement (VPA) for the planning proposal.</p>
4	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Rezoning review request documentation</li> <li>• Briefing report from Department of Planning, Industry and Environment</li> </ul>
5	<b>BRIEFINGS AND SITE INSPECTIONS BY THE PANELS</b>	<ul style="list-style-type: none"> <li>• <b>Site inspection:</b> Panel members visited the site independently, prior to 22 July 2021.</li> <li>• <b>Briefing with Department of Planning, Industry and Environment (DPIE), Council and Proponent:</b> 22 July 2021 <ul style="list-style-type: none"> <li>o Panel members in attendance: Jan Murrell (Chair), Susan Budd, Sue Francis, Mary-Lou Jarvis, Toni Zeltzer</li> <li>o DPIE staff in attendance: Simon Ip, Lawren Drummond</li> <li>o Council representatives in attendance: Neda Vandchali, Anne White</li> <li>o Proponent representatives in attendance: George Karavanas, Elina Braunstein, Yvette Middleton, Mitchell Corn, Andreas Antoniadis, Hpone Thuang</li> </ul> </li> </ul>