



# **PLANNING PROPOSAL**

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

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

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Date : 11 March 2020

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**A – LIST OF SEPPS**

**B – CONSIDERATION OF SECTION 9.1 DIRECTIONS**

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

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

## 1.0 PRE-LODGE MENT BACKGROUND

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

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

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

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

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

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

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

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

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

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

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

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

This Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the relevant Department of Planning Guidelines including 'A Guide to Preparing Local Environmental Plans' and 'A Guide to Preparing Planning Proposals'. Following this pre-lodgement background are eight sections. Section 2.0 identifies the site; Sections 3.0 to 8.0 contain the Planning Proposal; and Section 9.0 provides additional information.



## 2.0 SITE DESCRIPTION

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

### 2.1 The Locality

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



Source: SIX Maps, 2020

 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 934.9m<sup>2</sup>. The site is zoned R3 Medium Density Residential under the Woollahra LEP 2014.

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



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



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



## 2.3 Existing Character and Context

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

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

### Development to the North

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



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



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

### Development to the East

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



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



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

### Development to the South

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



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



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

### Development to the West

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



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



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

## 2.4 Nearby Planning Proposal Approvals

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

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



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



Source: Simmons Architects

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

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



Source: PTI Architects

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

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



Source: Eeles Trelease Pty Ltd

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

### 3.0 PART 1 - OBJECTIVES OR INTENDED OUTCOMES

The objectives of the Planning Proposal are:

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

The intended outcomes of the Planning Proposal are:

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

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

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

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

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

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

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





## Option B

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

Proposed Option B modification to Clause 4.3A:

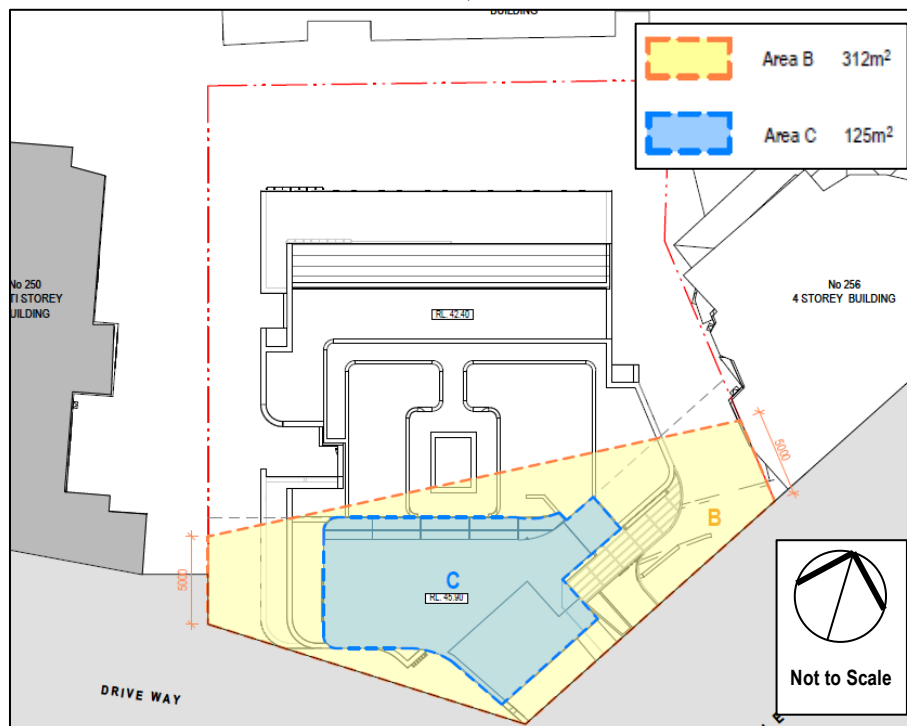
### 4.3A Exceptions to building heights (Areas A–H)

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

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

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

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



Source: Antoniades Architects

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

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

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

## 4.0 PART 2 – EXPLANATION OF PROVISIONS

The proposed amendments are, inter alia:

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

### 4.1 Building Height

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

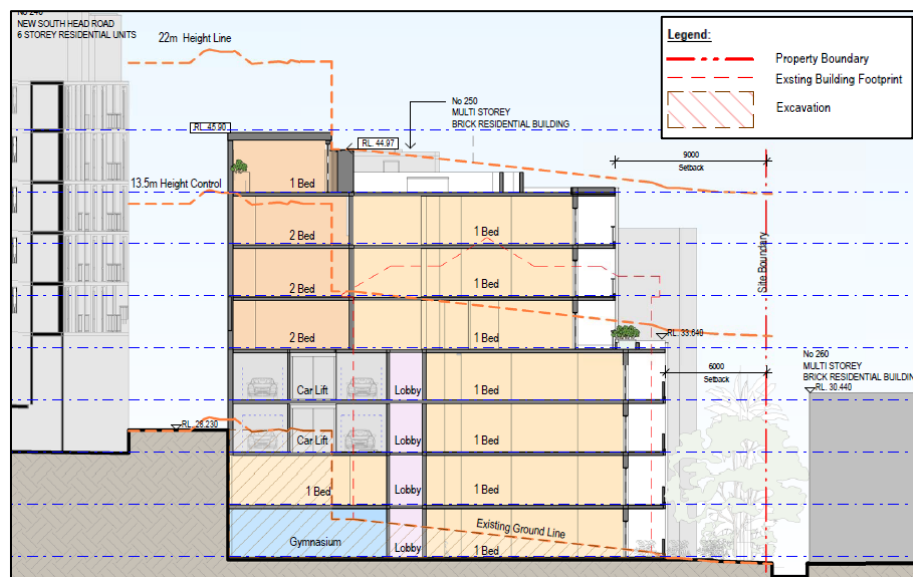


**Photograph 11:** The Subject Site, viewed from No. 250 New South Head Road.



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

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



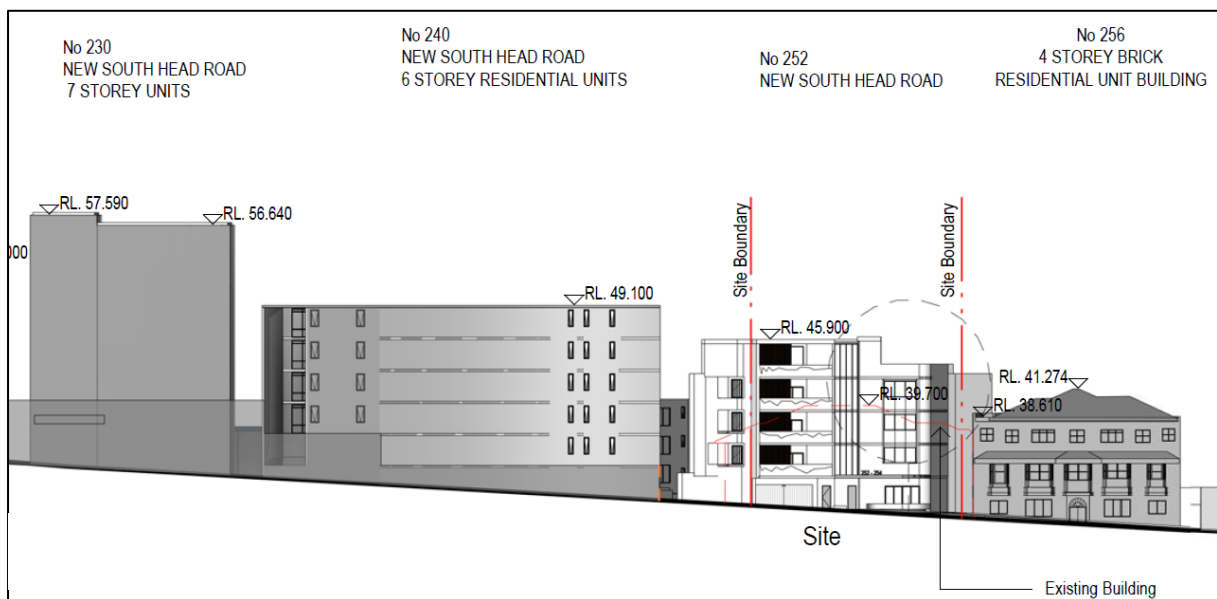
Source: Antoniades Architects

**Figure 7: Indicative Section**

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

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

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



Source: Antoniadis Architects

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

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

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





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



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



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

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



Source: Antoniades Architects

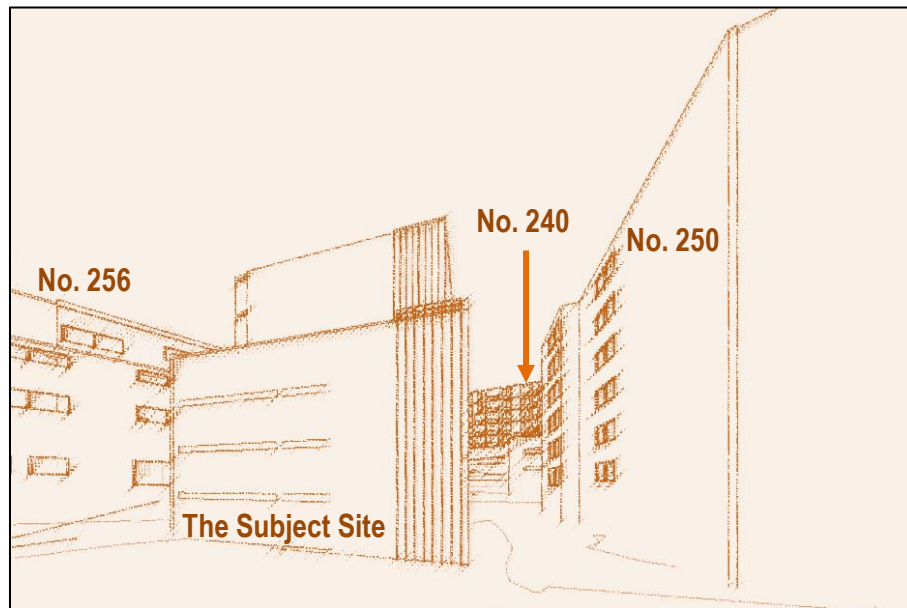
**Figure 9:** Indicative Proposal in the Streetscape, as viewed from the east on New South Head Road

## 4.2 Floor Space Ratio

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

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

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



Source: Antoniades Architects

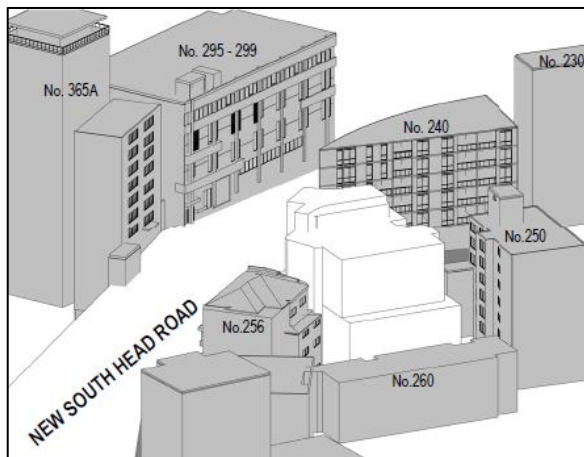
**Figure 10:** View of the proposal from rear neighbours at No. 260 New South Head Road

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

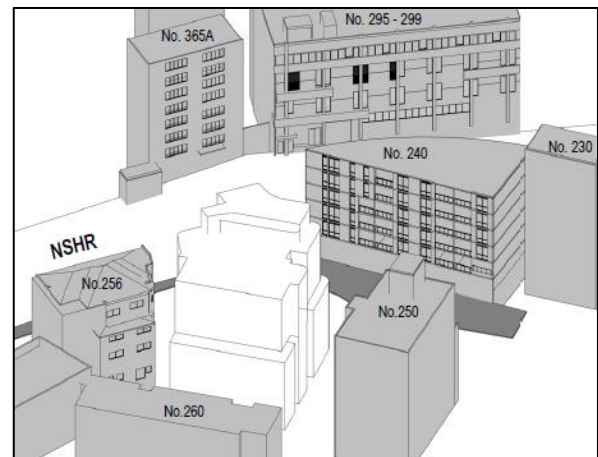
## 4.3 Solar Access

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

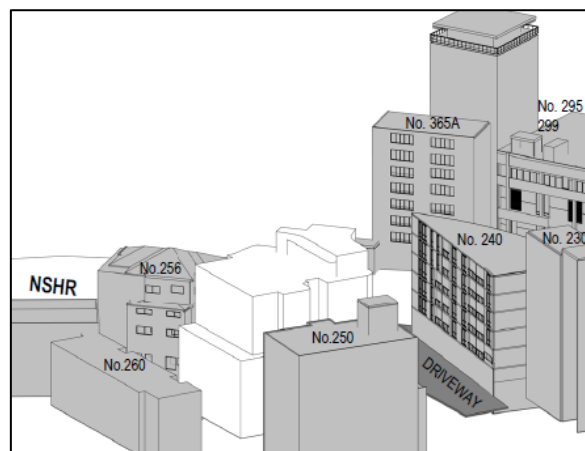
Sun eye diagrams have been prepared hourly between 9:00am and 3:00pm on 21<sup>st</sup> June by Antoniades Architects (separately submitted). These diagrams show the concept design's height and scale is expected to maintain solar access requirements to neighbouring sites' private open space and windows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



9.00am Sun's Eye Analysis



12.00pm Sun's Eye Analysis



3.00pm Sun's Eye Analysis

Source: Antoniades Architects

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

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

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

**No. 240 New South Head Road**

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

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

**No. 256 New South Head Road**

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

**Public domain**

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

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



## 4.4 Views

### 4.4.1 Views Generally

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

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

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

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



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



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

Source: Antoniades Architects

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

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

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

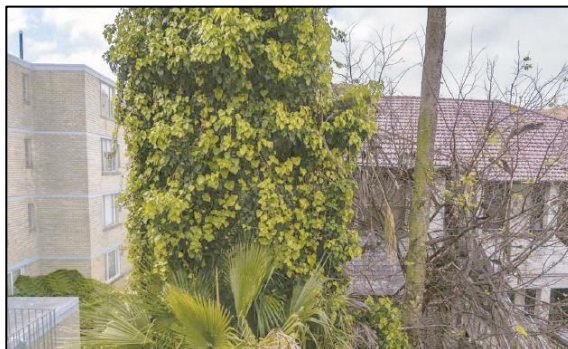
In our opinion, the proposed single storey increase in building height in the streetscape will largely maintain existing views from nearby residential accommodation. Due to the steep topography and existing density of New South Head Road and its surrounds, our initial investigation into views has not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

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

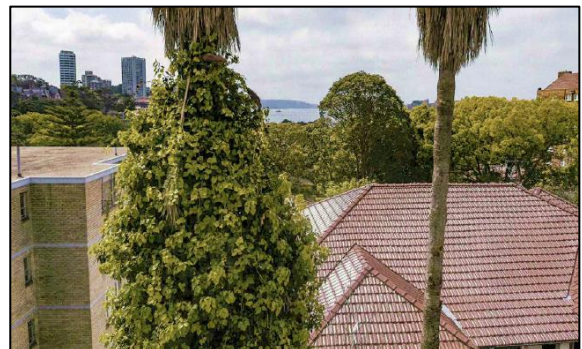
In the assessment of development applications relating to view issues, the NSW Land and Environment Court relies on the planning principle in *Tenacity v Warringah Council* [2004] NSWLEC 140. Our assessment of the proposal against this planning principle is included below. The four steps in assessing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

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

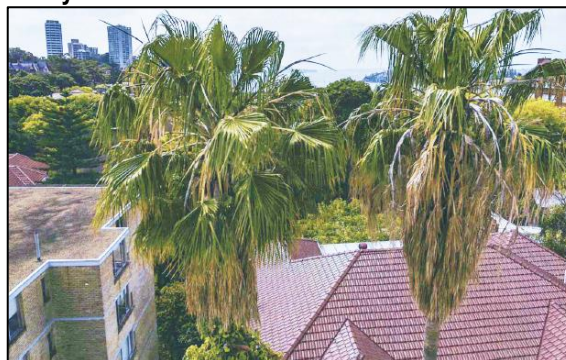
Very limited views are available directly across the site due to the existing built form and established vegetation. Any water views towards the harbour appear to be predominantly from middle and upper level balconies of No. 240 New South Head Road to the west of the subject site; and middle and upper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



Level 1 Balcony



Level 3 Balcony



Level 5 Balcony

Source: Antoniades Architects

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



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

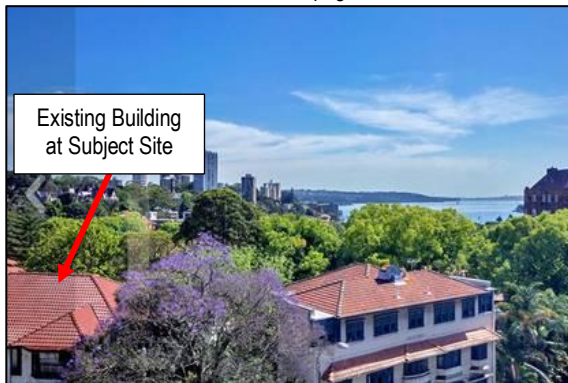
The views across the subject site are from middle and upper level balconies adjoining living areas of No. 240 New South Head Road and are across the rear boundary. Views are available from middle and upper level windows of No. 365A Edgecliff Road, across the subject site, and would appear to be unaffected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



Source: Thehomepage.com.au



Source: Rwebay.com.au



Source: Snowdenjones.com.au

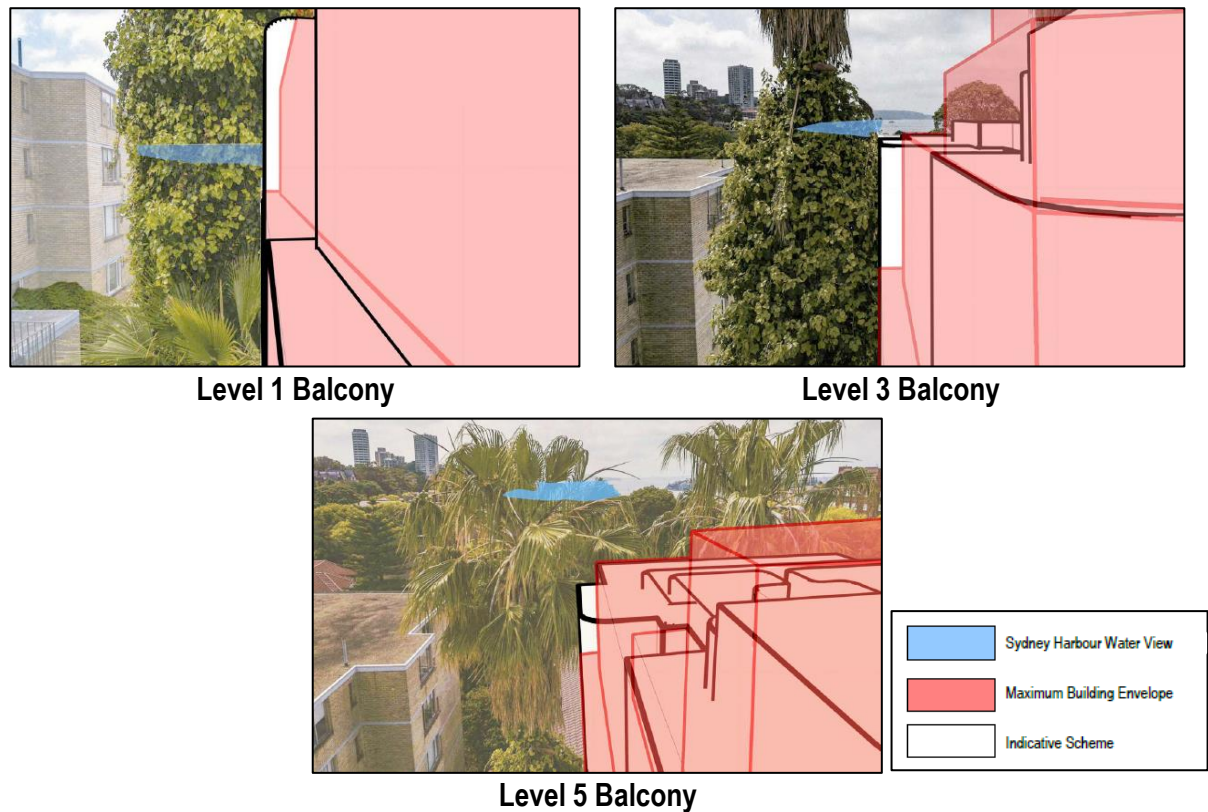


Source: Mybhr.com

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

### ***The Extent of Impact***

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



Source: Antoniades Architects

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

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

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

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

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

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

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

#### 4.5 Acoustic and Visual Privacy

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

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

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

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

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

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

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

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

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

## 5.0 PART 3 - JUSTIFICATION

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

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

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

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

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

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

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

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

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

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

...

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

*The Centre is strategically located close to:*

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

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

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



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

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

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

...

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

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

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

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

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

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

Other considerations include:

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



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

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

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

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

##### **OPTION 1 – Do Nothing**

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

##### **OPTION 2 – Lodge a Development Application**

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

##### **OPTION 3 – Planning Proposal**

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

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

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

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

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

- Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or
- Consistent with the relevant local councils' strategy that has been endorsed by the Department; or

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

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

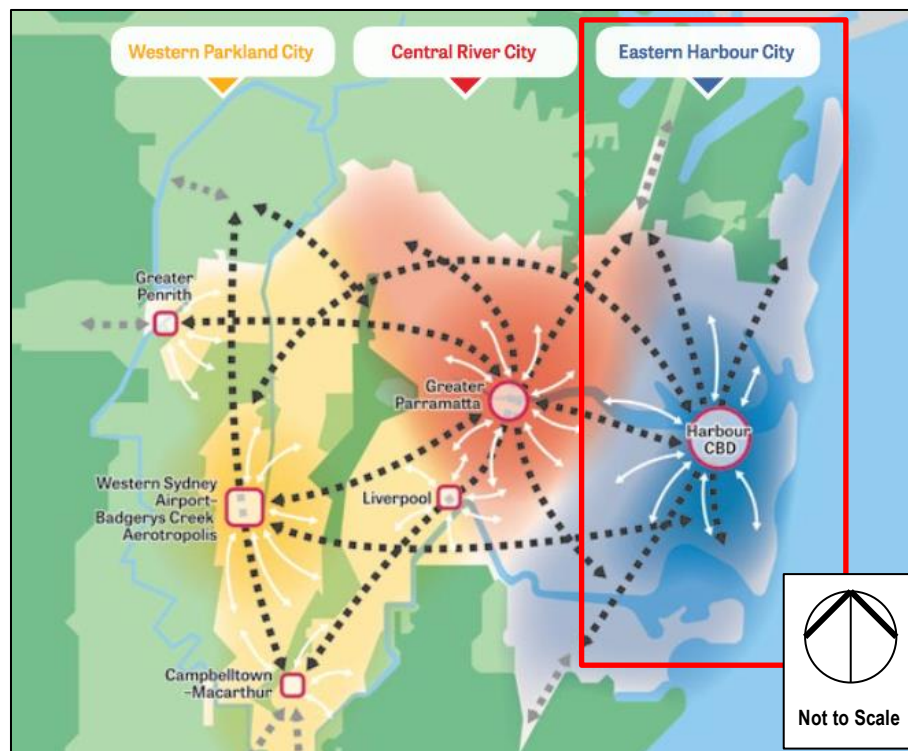
### **A Metropolis of Three Cities**

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

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

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

- *A city supported by infrastructure*
- *A collaborative city*
- *A city for people*
- *Housing the city*
- *A city of great places*
- *A well-connected city*
- *Jobs and skills for the city*
- *A city in its landscapes*
- *An efficient city*
- *A resilient city*



Source: Eastern City District Plan, March 2018   Eastern City

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

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

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

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

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

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

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

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

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

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

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

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

## Eastern City District Plan

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- The natural environment;
- The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and
- The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

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

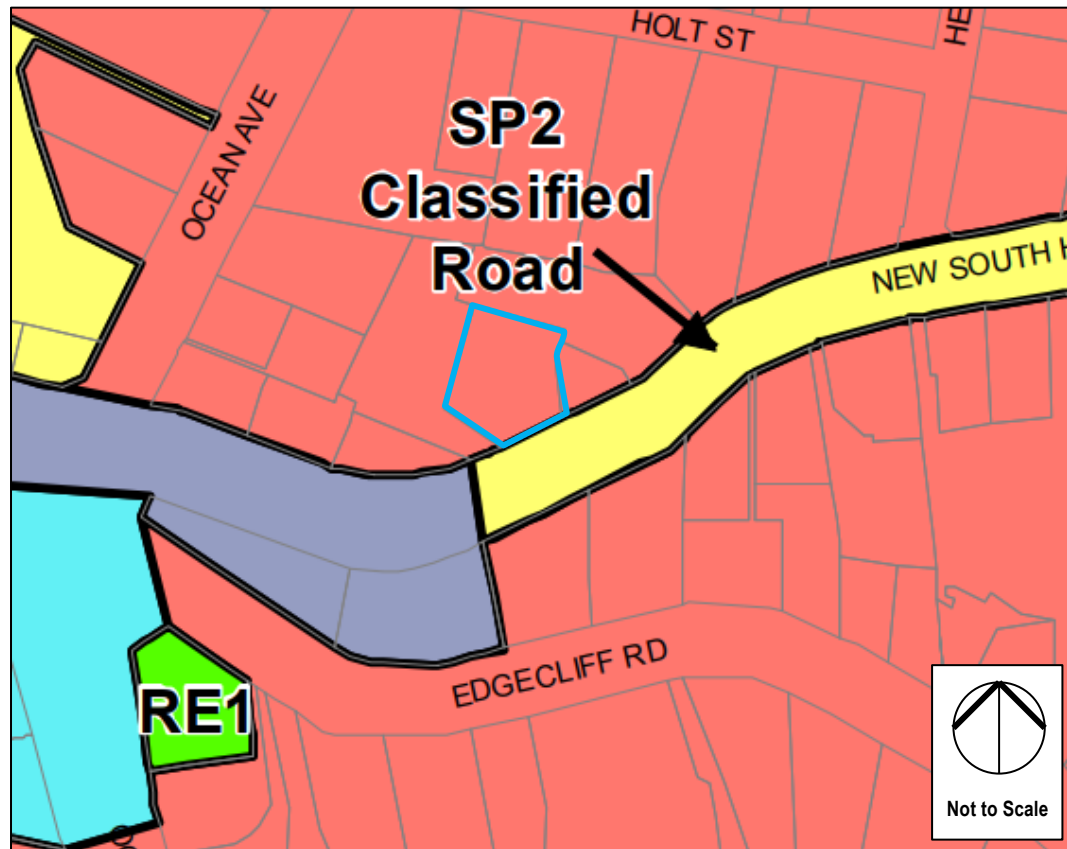
Some of the key site-specific reasons to amend the Woollahra LEP 2014, with consideration of the surrounding existing and approved uses, services, and infrastructure, include:

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

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

**WOOLLAHRA LEP 2014**

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



Source: Woollahra LEP 2014

**Figure 17: LEP Zoning Plan**

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

**Objective:** To provide for the housing needs of the community within a medium density residential environment.  
**Response:** The planning proposal will allow an increased number of apartments to become available in the existing medium density residential area.

**Objective:** To provide a variety of housing types within a medium density residential environment.  
**Response:** The concept plans indicate approximately 33 apartments can be accommodated on the site; with a mix of studio, one and two-bedroom apartments.

**Objective:** To enable other land uses that provide facilities or services to meet the day to day needs of residents.  
**Response:** N/A

**Objective:** To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.  
**Response:** The proposed height and scale is compatible with recently approved and future development along the New South Head Road corridor.

## HEIGHT OF BUILDINGS OBJECTIVES

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

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

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

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

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

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

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

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

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

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

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

## FLOOR SPACE RATIO OBJECTIVES

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

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

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

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

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

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

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

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



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

#### Woollahra Community Strategic Plan 2030

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

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

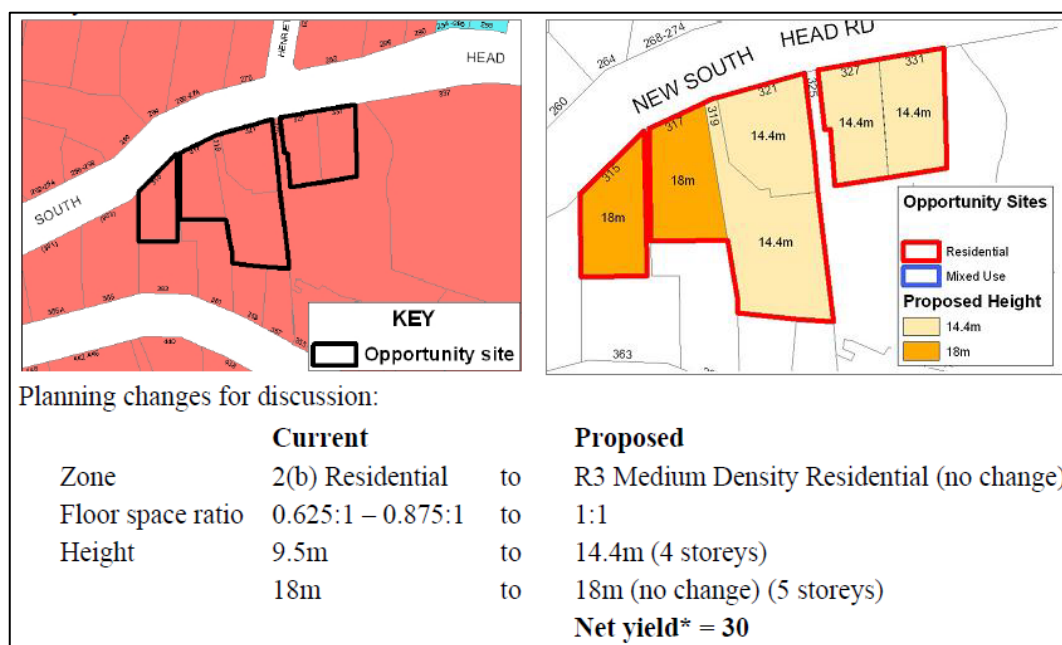
The planning proposal will provide approximately 33 new studio, one, and two-bedroom apartments. This is potentially an additional 25 residential apartments, compared to the existing building. The proposal would contribute to the 350 new dwelling target set for the Woollahra LGA in the *Eastern City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

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

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

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

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



Source: Woollahra Council, 2010

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

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

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

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



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

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



Source: MHN Design Union

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



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



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

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

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

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



Source: Woollahra Council, 2010

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

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

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

### **New South Head Road Corridor Strategy**

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

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

### **Woollahra DCP 2015**

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

*Objective: To respect and enhance the streetscape character and key elements of the precinct.*

**Response:** The planning proposal's dual heights will provide a residential flat building that complements the streetscape's building height line.

*Objective: To reinforce a consistent building scale within streets.*

**Response:** The proposed dual building height strategy combined with the proposed FSR will provide a built form which is consistent in scale with surrounding existing and future development. The built form and stepped heights will create a smooth transition between development to the east and west of the subject site.

*Objective: To design and site buildings to respond to the topography and minimise cut and fill.*

**Response:** The planning proposal's building height and FSR maximise the site's potential by utilising the existing topography and does not require excessive cut and fill. The concept design demonstrates this through the minimal excavation required to accommodate the potential built form.

*Objective: To maintain the evolution of residential building styles through the introduction of well-designed contemporary buildings, incorporating modulation and a varied palette of materials.*

**Response:** Revised building heights and FSR for the site will facilitate a new, well-designed contemporary residential flat building on the site. A future proposal will incorporate modulation and a varied material palette.

*Objective: To ensure that rooflines sit within the predominant street tree canopy.*

**Response:** The height strategy for the front portion of the site will ensure a future built form will complement the canopy of the existing Jacaranda tree on-site.

*Objective: To maintain the significance of heritage items within the precinct, and the character of the adjoining Transvaal Avenue Heritage Conservation Area.*

**Response:** N/A



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Traffic and Parking

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

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

...

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

*4 resident spaces  
2 car share spaces.*

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

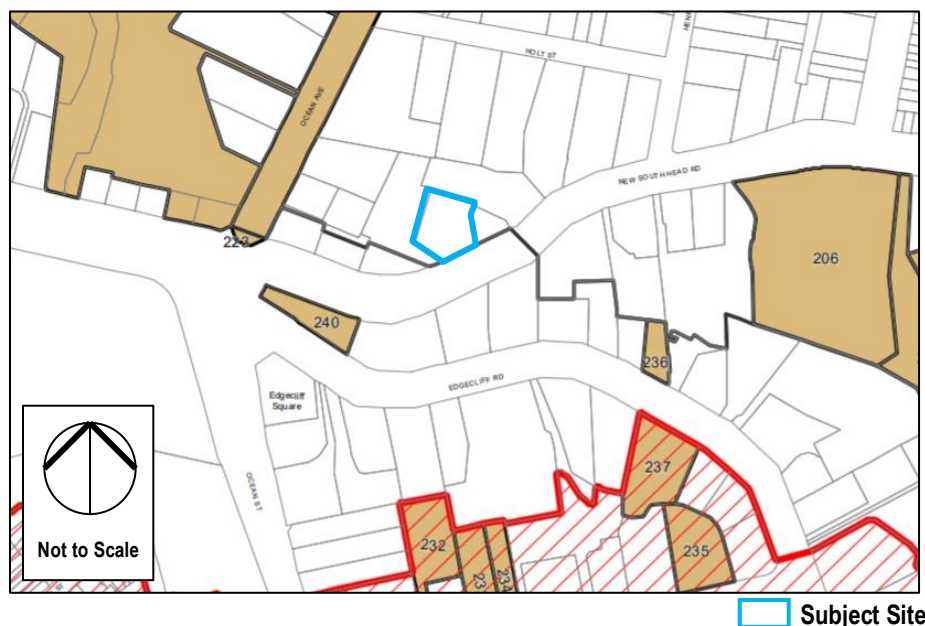
...

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

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

#### Heritage

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



**Figure 21: LEP Heritage Map**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



## 6.0 PART 4 – MAPPING

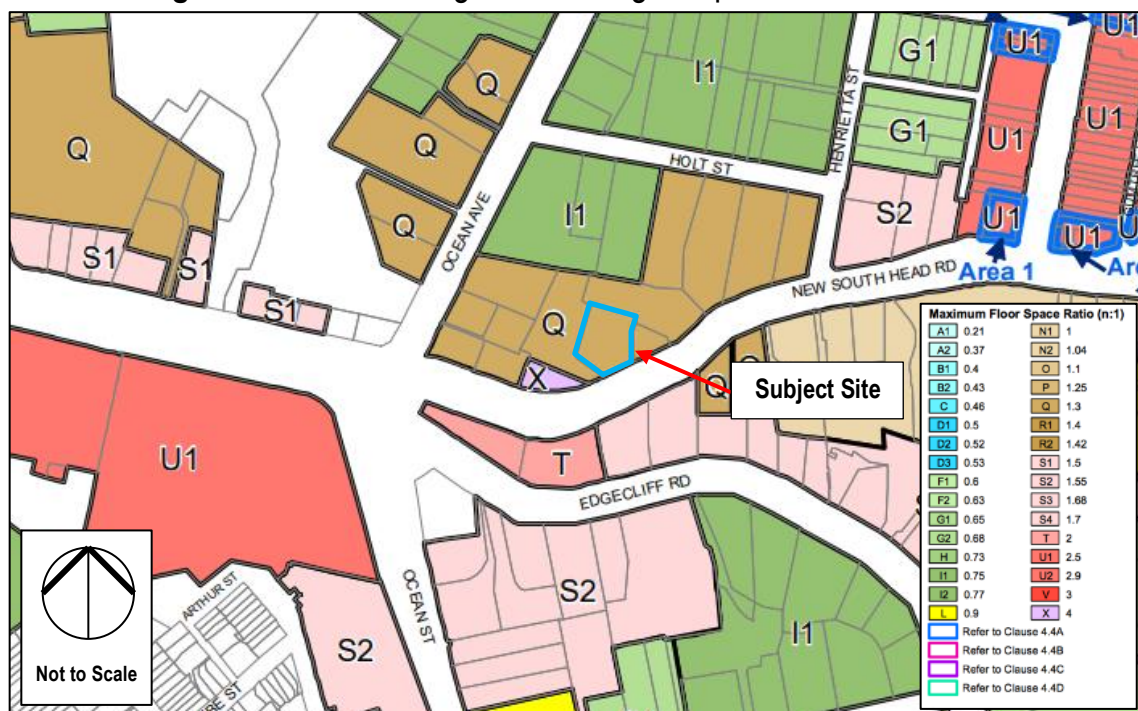
This section contains a description of the Current Development Standards, the Proposed Revised Development Standards, and the corresponding LEP maps.

### 6.1 Current Development Standards

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



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



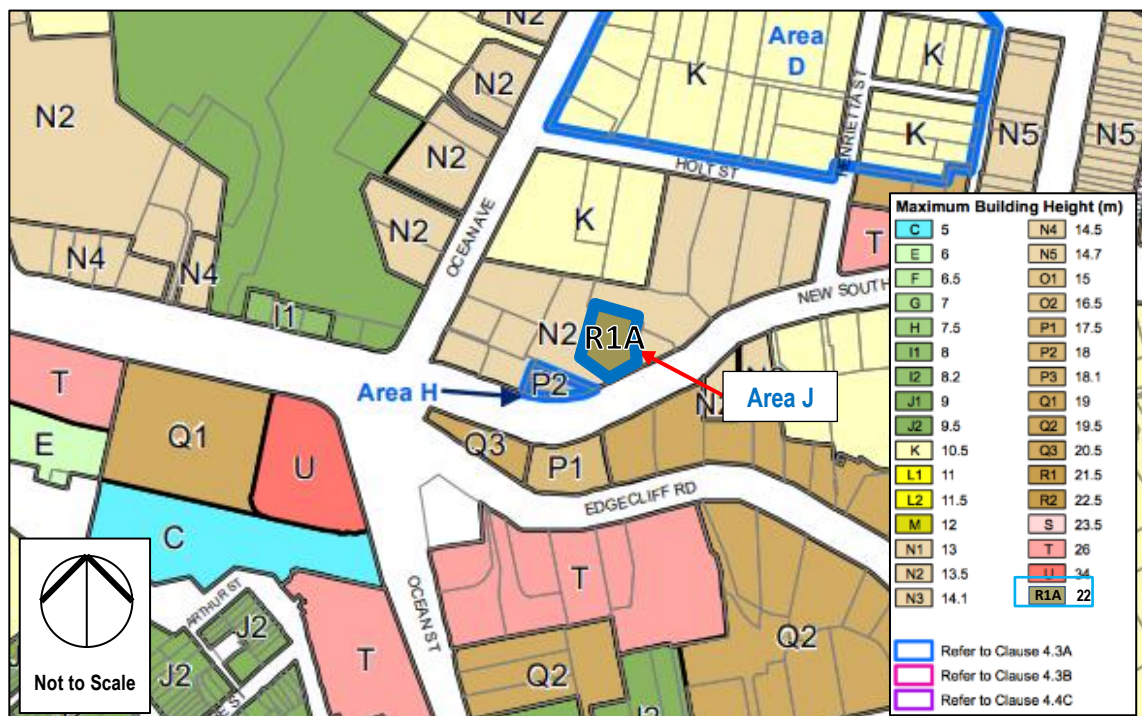
**Figure 23:** Current Floor Space Ratio Map Sheet FSR\_003

## 6.2 Proposed Revised Development Standards

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

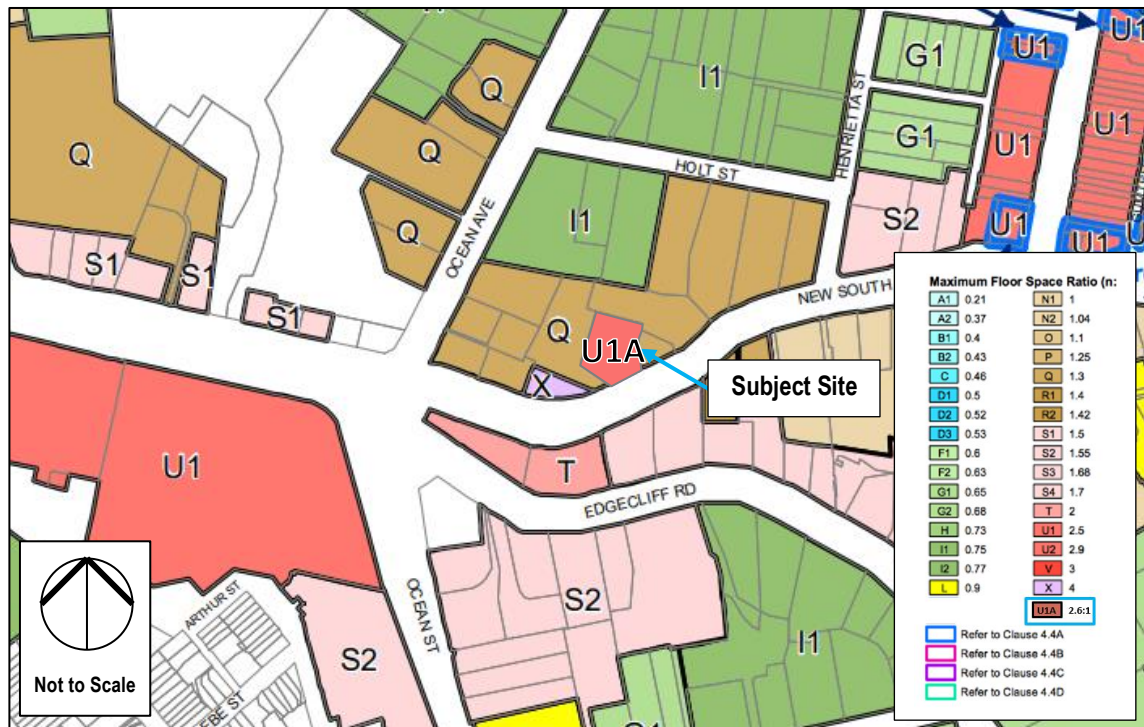
TABLE 1: PROPOSED MAPPING AMENDMENTS TO WOOLLAHRA LEP 2014	
LEP Map Sheet Number	Proposed Amendments
Height of Buildings Map Sheet HOB_003	Amend the building height from 13.5m to 22m (R1A), in conjunction with Option A or B to limit height to RL45.90 AHD at the highest part of the subject site at No.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

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



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





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

## 7.0 PART 5 – COMMUNITY CONSULTATION

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

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

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

28 days or:

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

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

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

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

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

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



## 8.0 PART 6 – PROJECT TIMELINE

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

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

## 9.0 ADDITIONAL CONSIDERATIONS

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

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

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



Source: Antoniades Architects

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

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

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



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

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

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

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



## CONSIDERATION OF RELEVANT SECTION 9.1 MINISTERIAL DIRECTIONS

### A1.0 Direction 3.1 Residential Zones

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

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

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

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

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

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

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

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

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

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

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

### A3.0 Direction 4.1 Acid Sulfate Soils

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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