

Planning Proposal



252-254 New South Head Road, Double Bay



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Division/Department:	Planning and Place/Strategic Planning
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Supporting documents (circulated separately)

Supporting studies and reports:

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

Additional information:

- Final Gateway Determination response letter - 7.3.22(1)
- Annexure A - AA.RES.1904_252-254 New South Head Road - 2022.03.07
- Annexure C - Final Draft Site Specific DCP - 252-254 NSHR - 7.3.22(1)

Council reports/resolutions and Sydney Eastern City Planning Panel determination:

- Report to the Environmental Planning Committee of 2 November 2020
- Council resolution of 23 November 2020 to not support the planning proposal
- Sydney Eastern City Planning Panel determination of the rezoning review (RR-2021-69) of 22 July 2021
- Report to Council of 23 August to accept the role as Planning Proposal Authority
- Council resolution of 23 August 2021 to accept the role as Planning Proposal Authority

Correspondence with the applicant

- Letter to applicant requesting required DCP and site testing - 22 September 2021
- Applicant response to request for DCP and site testing - 6 October 2021
- Email to applicant requesting required DCP and site testing – 25 February 2022
- Applicant response to request for DCP and site testing – 7 March 2022

1. Introduction

1.1. Background

On 12 June 2020, Antoniades Architects submitted a request for a planning proposal for 252-254 New South Head Road, Double Bay (the subject site). The objective of the request is amendment of the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) to increase the development potential of the subject site.

The applicant submitted an indicative development concept that demonstrates what could be constructed in accordance with the proposed development standards.

1.1.1. Council resolution not to support the request for a planning proposal

On 2 November 2020, the Environmental Planning Committee considered a report on this matter. Subsequently, on 23 November 2020, Council resolved:

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

Council notified the applicant of the Council decision 30 November 2020.

1.1.2. Rezoning Review

On 23 December 2020, the applicant lodged a rezoning review (RR-2021-69) with the then NSW Department of Planning, Industry and Environment (DPIE). The *Sydney Eastern City Planning Panel* (the Panel) was responsible for making a recommendation on the merits of a rezoning review.

On 22 July 2021, the Panel determined that the request for a planning proposal should be submitted for a gateway determination because the proposal has demonstrated strategic and site specific merit. The Panel's determination, including the reasons for the decision, is included in the package of supporting documents. The Panel provided the following reasons for their decision:

- *The Panel notes that whilst the subject site is not contained within either the Double Bay or Edgecliff strategic planning work that has or is being undertaken by Council, it is noted that this work has either not been adopted by Council or has not been completed after many years of consideration. However, the site does adjoin the study area of the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy on public exhibition until 3rd September 2021.*
- *The Panel considers the site to be well located for increased residential density due to its proximity to the Edgecliff train station and bus interchange.*
- *The Panel notes the applicant's site is adjacent and, in many respects relates to the Edgecliff Centre. However, at the same time the Panel is cognisant of the fact that the site is in proximity to a lower density zone and regard must be given to the topography to ensure that this residential zone is not overwhelmed.*
- *The Panel is also aware that the development at 240-246 New South Head Road has been the subject of a site specific Planning Proposal which increased height and FSR.*
- *In respect of site specific issues, the proposed height and site specific clause allows for a transition from 240-246 New South Head Road to 256 New South Head Road and the proposed yields are not inconsistent with the existing built form in the area.*
- *The Panel notes the briefing report refers to the applicant's willingness to initiate discussions with Council regarding a VPA which would provide public benefit and the Panel encourages the applicant to finalise such discussions so that any draft VPA can be placed on exhibition with the draft Planning Proposal.*
- *Whilst the proposal has both strategic and site specific merit the Panel recommends to the delegate that in granting any Gateway determination a site specific DCP be prepared to address the unique constraints of this site, particularly to ensure that privacy (including aural privacy), overshadowing and view-sharing are addressed and that the DCP be exhibited at the same time as the Planning Proposal. The Panel further recommends that the DCP include the following matters:*
 1. *That due to the location immediately adjacent to the Edgecliff train Station and bus interchange that car parking on the site be minimised or deleted and that servicing only be provided.*
 2. *The residential mix (noting that concept plans accompanying the Planning Proposal comprise 80% studio flat and one bedroom units) and provision of more affordable housing, which will meet a demand in the LGA and be appropriate given the convenience of a transport orientated location.*
 3. *The deep soil area to maintain the Jacaranda tree is to be shown on the DCP.*
 4. *A building envelope that establishes appropriate height and setbacks to maintain amenity to adjoining residential properties and deep soil planting.*
- *The Panel also recommends to the delegate that the proponent should undertake further testing to ensure the proposed FSR can be contained in the proposed height limit whilst satisfying the other built form and amenity outcomes, deep soil planting and tree canopy that would be required.*

As the Panel supported the request for a planning proposal to progress to a gateway determination, Woollahra Council was invited to be the Planning Proposal Authority (PPA).

1.1.3. Council resolution to be Responsible Planning Authority

On 23 August 2021, Council considered a report on the rezoning review for 252-254 New South Head Road, Double Bay. Council resolved:

- A. *THAT Council notes that:*
- i. *On 23 November 2020 Council resolved not to support a request for a planning proposal for 252-254 New South Head Road, Double Bay.*
 - ii. *Contrary to the Council recommendation, the request for a planning proposal was supported on 22 July 2021 by the Sydney Eastern City Planning Panel for the purpose of requesting a gateway determination to allow public exhibition.*
 - iii. *By Council taking on the role of Planning Proposal Authority, Council staff will be responsible for overseeing the planning proposal process which provides Council with greater control over the preparation of the additional site testing/site specific DCP and managing the community consultation process including the assessment of submissions.*
- B. *THAT Council accept the role of Planning Proposal Authority for 252-254 New South Head Road, Double Bay (RR-2021-69) and prepare a planning proposal for the site which seeks to amend the Woollahra Local Environmental Plan 2014 in the following manner:*
- i. *Increase the maximum building height standard from 13.5 to 22m.*
 - ii. *Introduce a secondary height control of reduced level 45.90m Australian Height Datum at the New South Head Road frontage.*
 - iii. *Increase the maximum floor space ratio from 1.3:1 to 2.6:1.*
- C. *THAT the applicant prepare, in consultation with Council staff:*
- i. *Further site testing to establish if the proposed FSR is appropriate.*
 - ii. *A site specific development control plan informed by the site testing.*
- D. *THAT any Planning Agreement proposed by the applicant be prepared in accordance with the adopted Woollahra Voluntary Planning Agreement Policy 2020.*
- E. *THAT should a gateway determination be received, the Planning Proposal, draft Development Control Plan and any draft Planning Agreement be publicly exhibited.*
- F. *THAT the applicant pays the relevant planning proposal fees as identified in Council's adopted Fees and Charges for 2021/2022.*

On 6 September 2021, Council confirmed with DPIE that, in relation to Rezoning Review RR-2021-69 for 252-254 New South Head Road, Double Bay:

- Council resolved to undertake the role as Planning Proposal Authority
- A planning proposal will be prepared and submitted for a Gateway determination, which will be accompanied by:
 - Further site testing to establish if the proposed FSR is appropriate.
 - A site specific development control plan informed by the site testing.

In accordance with Council's resolution, Council sent a letter to the applicant on 24 September 2021, (a copy is included in supporting documentation) requesting the following documents be prepared by the applicant, in consultation with Council staff:

1. Further site testing to ensure the proposed FSR can be contained in the proposed height limit whilst satisfying the other built form and amenity outcomes, deep soil planting and tree canopy that would be required.

2. A site specific development control plan (DCP) to address car parking, residential unit mix, deep soil area and building envelopes which is informed by the site testing.

On 6 October 2021, Council received a letter from the applicant in response to Council's request, included in a package of supporting documents, that from their interpretation of the Panel's Decision *the additional site testing and site-specific DCP that were referenced in the Panel's Decision, are matters to be considered by the Department in granting a Gateway determination in relation to the planning proposal and, if considered appropriate by the Department, made the subject of conditions of any Gateway determination.*

On 18 October 2021, Council submitted the draft planning proposal, through the NSW Planning Portal, for gateway determination. The planning proposal was prepared in accordance with the relevant legislation and guidelines, and the Panel's resolution.

1.1.4. Gateway Determination

On 15 December 2021, the Department of Planning and Environment (DPE) issued the gateway determination with the following conditions:

1. *The planning proposal (including attachments) is to be revised prior to public exhibition to address the matters set out below:*
 - i. *provide further testing to ensure the proposed floor space ratio (FSR) of 2.6:1 is achievable within the proposed height controls, taking into consideration the Apartment Design Guide including overshadowing of adjoining properties*
 - ii. *address the draft Woollahra Local Housing Strategy*
 - iii. *address Planning Priorities E1, E6, E10, E16 and E17 of the Eastern City District Plan*
 - iv. *address and justify the inconsistency with section 9.1 Direction 6.3 Site Specific Provisions*
 - v. *clarify the street wall height in storeys to New South Head Road and ensure consistency between architectural drawings and images*
 - vi. *include an advisory upfront in section 5 'Explanation of provisions' that draft amendments to clauses are indicative only and will be subject to drafting by Parliamentary Counsel should the planning proposal progress to finalisation*
 - vii. *include a table that clarifies the extent of overshadowing impacts to individual units in the adjoining residential properties*
 - viii. *update the existing and proposed maps in section 7 'Mapping' to ensure legibility and clarity*
 - ix. *correct the statement in section 9 'Project timeline' as Council has not been authorised as the local plan-making authority to exercise the functions under section 3.36 of the Act.*
2. *The planning proposal is to contain a provision that a site-specific development control plan (DCP) is to be prepared and in place prior to the issuing of any development consent for the site. The DCP should address matters including, but not limited to:*
 - i. *built form and articulations, including the building's interface with adjoining developments and presentation to New South Head Road*
 - ii. *provision of deep soil zones to support tree canopy and screen planting*
 - iii. *apartment mix*
 - iv. *environmental impacts such as overshadowing, visual and acoustic privacy and view-sharing.*
3. *Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:*

- (a) *the planning proposal must be made publicly available for a minimum of **28 days**; and*
 - (b) *the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of A guide to preparing local environmental plans (Department of Planning and Environment, 2018).*
4. *Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:*
 - *Ausgrid;*
 - *Sydney Water; and*
 - *Transport for NSW.*

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.
5. *A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).*
6. *Given the nature of the planning proposal, Council is not authorised to be the local plan-making authority to make this plan.*
7. *The planning proposal must be placed on exhibition no later than 4 months from the date of the Gateway determination.*
8. *The planning proposal must be reported to council for a final recommendation no later than 6 months from the date of the Gateway determination.*
9. *The time frame for completing the LEP is to be 8 months following the date of the Gateway determination.*

1.1.5. Additional information

On 7 March 2022, the applicant lodged additional information in response to the Gateway determination that included:

- Calculation of floor space – the diagrams show the gross floor area (GFA) of each level of the development concept and that the FSR of 2.6:1 is achieved within its floor plan and not in the overall building envelope
- Confirmation that the development would be no more than four storeys at the New South Head Road frontage
- A table of the two properties potentially affected by overshadowing – the table shows that the northern living room windows of all units within those properties will receive at least two hours of direct sunlight mid-winter between the hours of 9.00am and 3.00pm
- A draft DCP.

1.2. Description of this planning proposal

The planning proposal seeks the following amendments to the Woollahra LEP 2014:

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

The applicant provided the following documents in support of the proposal:

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

1.3. Building envelopes and concepts for the site

The indicative development concept shows a net gain of 25 apartments in a part seven, part eight storey residential flat building (refer to **Figures 1 to 3**) comprising:

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



Figure 1: Proposed building envelope: maximum 22m height envelope (dashed line) and secondary height plane of RL 45.90m AHD (in green (Source: Antoniades Architects)

The indicative development concept shows 5 storeys at the frontage to New South Head Road with the remainder of the building below ground level at that point. The number of storeys above ground level increases towards the rear of the subject site.

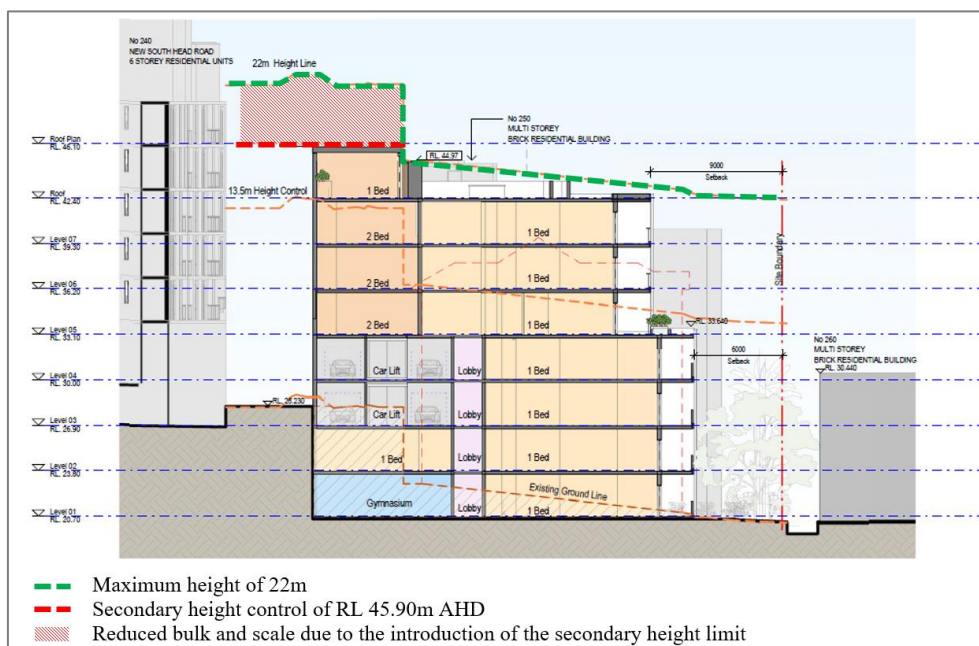


Figure 2: North-south cross section of the indicative development concept showing the proposed height and combination of height controls (Source: Antoniades Architects)



Figure 3: Indicative development concept site plan: illustrating the proximity of the development concept to the site boundary and neighbouring buildings. (Source: Antoniades Architects).

2. Existing site and context

2.1. The subject site

The subject site is irregularly shaped, and has an area of 934.9m². It has a frontage of 19m to the northern side of New South Head Road (refer **Figure 4**) and falls from the south-western corner to the north-eastern corner by 10m.

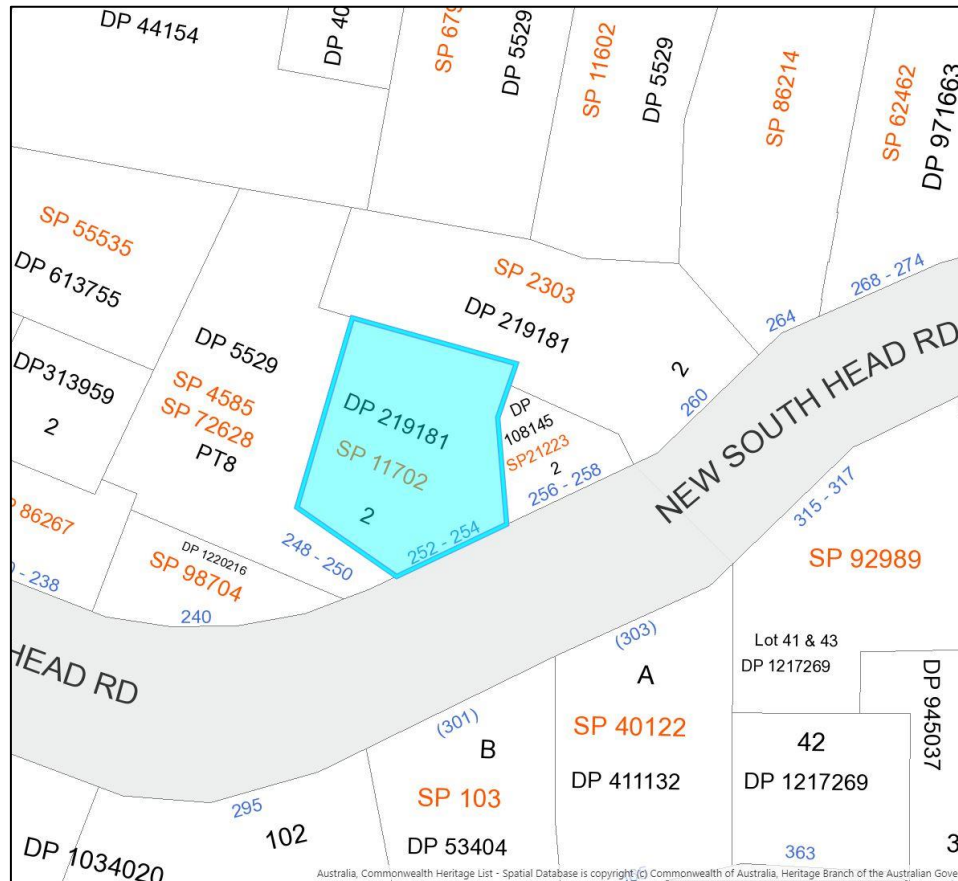


Figure 4: The subject site at 252-254 New South Head Road, Double Bay (Source: Woollahra Council)

The subject site is approximately 10 metres from the Edgecliff Commercial Centre and 200 metres from the Double Bay Centre (see **Figure 5**). Neighbouring development consists of residential flat buildings of three to seven storeys.

As shown in **Figures 6 to 8**, the subject site accommodates a four-storey residential flat building (RFB) with a pitched roof, known as the 'Dalkeith Building'. The building contains eight apartments with substantial landscaping within in the front and rear setbacks. Pedestrian access is via two entrances off New South Head Road. The existing development has no vehicular access or on-site parking. A mature Jacaranda tree is located adjacent to the New South Head Road frontage. The Jacaranda is prominent when viewed from the public domain. **Figure 7** illustrates the subject site as viewed from the opposite side of New South Head Road. **Figure 8** shows a closer view of the existing RFB.

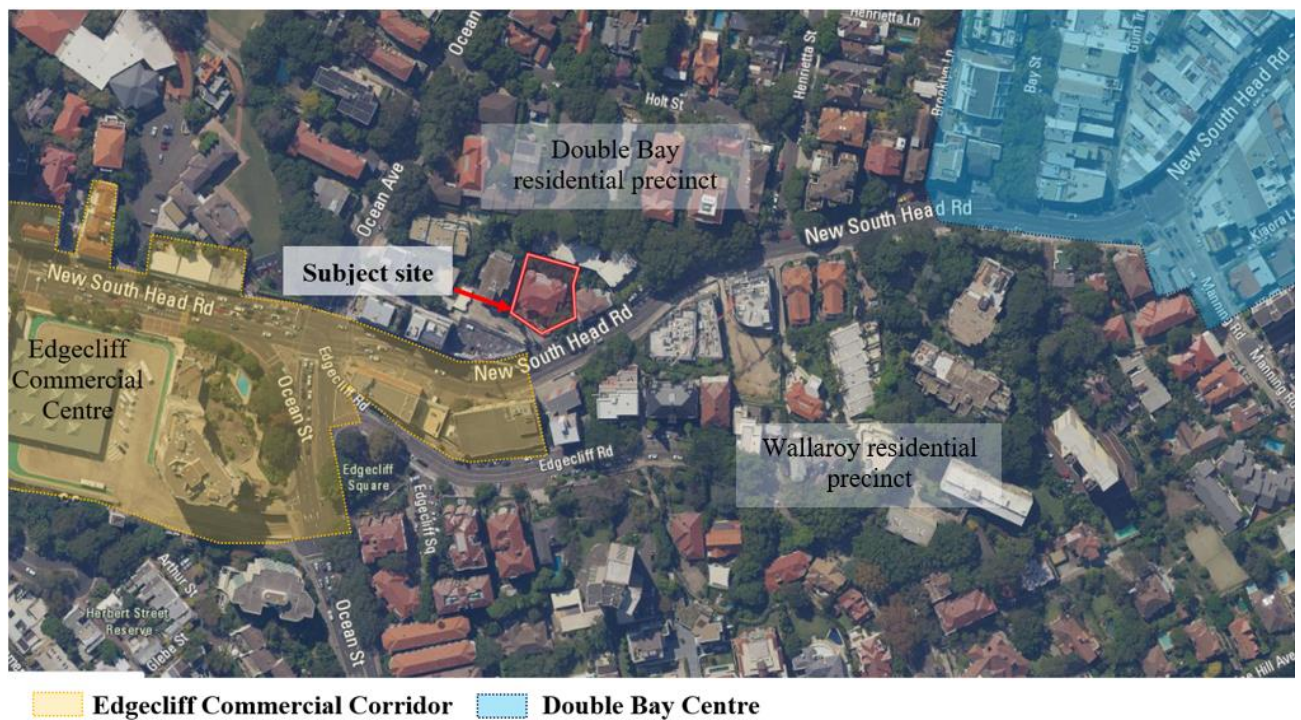


Figure 5: Location plan of the subject site and its context (Source: Woollahra Council)

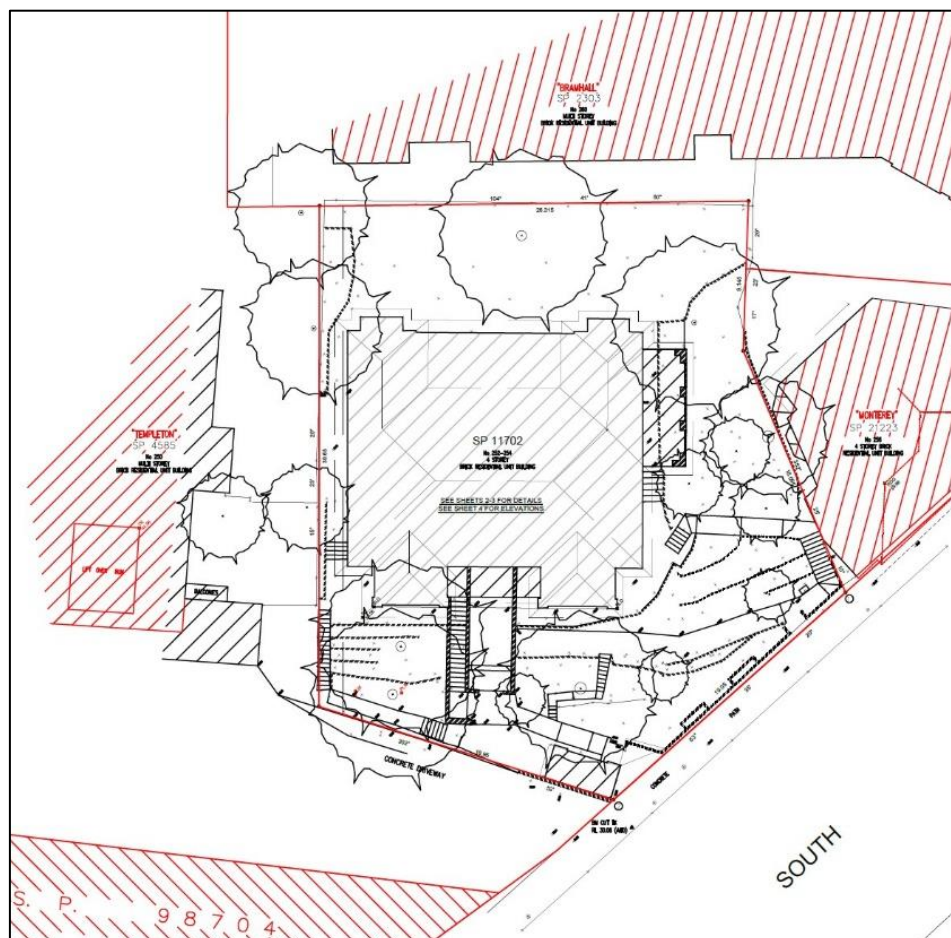


Figure 6: Extract of site survey (Source: Cibar Surveying Pty Ltd)



Figure 7: The subject site (indicated in red) as viewed from New South Head Road (Source: Google 2020 and Woollahra Council)



Figure 8: Closer view of subject site showing existing four-storey RFB (Source: GSA Planning)

2.2. Existing context

2.2.1. Double Bay Residential Precinct

The subject site is located in the Double Bay Residential Precinct under the Woollahra DCP 2015 (see **Figure 9**). Extracts of the relevant DCP clause are provided below:

Streetscape character and key elements of the precinct

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

- b) the topography and the siting of development on New South Head Road, which descends into (and ascends out of) the Double Bay Centre;
- c) well established gardens and trees including the avenue plantings in Ocean, Guilfoyle and South Avenues, Bay Street and William Street;
- d) the established tree canopy;

Desired future character objectives

- O1 To respect and enhance the streetscape character and key elements of the precinct.
- O2 To reinforce a consistent building scale within streets.
- O3 To design and site buildings to respond to the topography and minimise cut and fill.
- O4 To maintain the evolution of residential building styles through the introduction of well-designed contemporary buildings, incorporating modulation and a varied palette of materials.
- O5 To ensure that rooflines sit within the predominant street tree canopy.
- O9 To retain and reinforce the green setting of mature street trees, private trees and garden plantings.

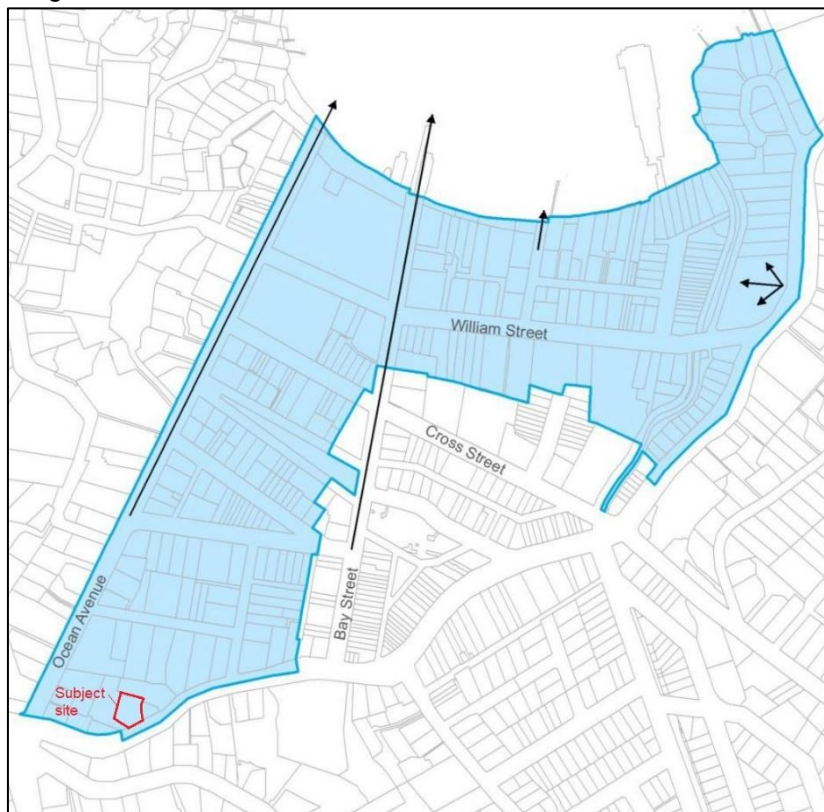


Figure 9: Subject site located within the Double Bay Precinct under Woollahra DCP 2015

2.2.2. New South Head Road

This adjacent section of New South Head Road has an established landscape character in the public and private domain. The landscaping at the subject site's frontage, combined with the landscaping at 365 Edgecliff Road, creates an important and highly visible marker. When travelling east along New South Head Road, this landscaping delineates the edge of the Edgecliff Commercial Centre and facilitates a soft transition into the Double Bay residential precinct. **Figure 10** illustrates the significant landscaped character in the context.



Figure 10: The top image highlights the landscaped character of the subject site and its surrounding context. The bottom image illustrates the existing landscaped character in the context, when viewed from the west (point 01). (Source: Google 2020 and Woollahra Council)

2.2.3. Adjacent development

The surrounding area is characterised by retail and commercial buildings in the Edgecliff Commercial Centre and Double Bay Centre; medium-density mixed-use development; residential development; and the nearby Ascham School.

To the east of the subject site (see **Figure 11**) is 'Monterey' 256-258 New South Head Road, 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.

To the west of the subject site (see **Figure 12**) is 248-250 New South Head Road, a brick residential flat building containing 17 units. The building is setback from the street and has a driveway frontage to New South Head Road.

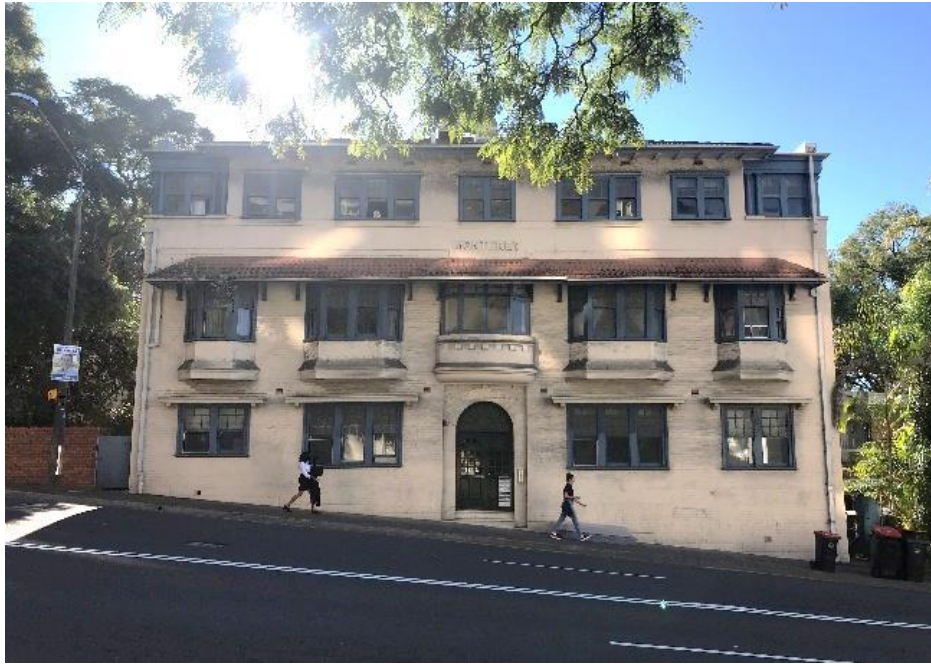


Figure 11: 256-258 New South Head Road, located to the east of the subject site (Source: GSA Planning)



Figure 12: 248-250 New South Head Road located to the west of the subject site (Source: GSA Planning)

To the south-west of the subject site (see **Figure 13**) is 240 New South Head Road, a recently constructed residential flat building with a flat roof, resulting from another planning proposal. The development contains 19 units, and has a curved façade built to the front boundary with New South Head Road.

To the north of the subject site (see **Figure 14**) is 260 New South Head Road, a long three-storey brick residential flat building containing 11 units, a small number of parking spaces at ground level and substantial landscaping in the front and rear setbacks.



Figure 13: 240 New South Head Road, located south-west of the subject site (Source: GSA Planning)



Figure 14: 260 New South Head Road, located north of the subject site, as viewed from within that site (Source: realestate.com.au) (Source: GSA Planning)

2.2.4. Proximity to services, transport and recreation facilities

The subject site is located approximately 250 metres from train services and the bus interchange at Edgecliff Station, and 800 metres from Double Bay Ferry Wharf.

The 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 subject site is located within 300 metres of Double Bay Centre, 200 metres of the Edgecliff Centre, 600 metres of Double Bay Primary school, 600 metres to Trumper Park and Oval, and 700 metres to Styne Park.

3. Existing planning controls

The site is subject to the following planning controls under the Woollahra LEP 2014:

Table 1: Existing planning controls in the Woollahra LEP 2014 for 252-254 New South Head Road, Double Bay (SP11702)

Land Use Zoning	Maximum building height	Minimum subdivision lot size	Maximum Floor space ratio	Acid sulfate soils
R3 Medium Density Residential	13.5m	700m ²	1.3:1	Class 5

4. Objectives of planning proposal

The objectives of the planning proposal are:

- To allow the redevelopment of the site for a part 7-storey and part 8-storey residential flat building, with shared car parking at Level 4 (street level)
- To enhance the potential of the underutilised site in close proximity to public transport
- To encourage a built form that is compatible with the existing and emerging context, and character of the locality.

4.1. Secondary height control

The intention of the secondary height controls is to limit the height for a designated area at the highest part of the site adjacent to New South Head Road. This is because there is a significant drop in the site, from the southern boundary towards the north.

A 22 metre maximum building height over the entire site could impact on views and result in a street elevation that is inconsistent with Council's desired streetscape. To ensure any future development will maintain views and be consistent with the streetscape in terms of height, a secondary height control is proposed. This can be included in an additional subclause in the LEP.

The objectives of a secondary height control are to:

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

The proposed provisions are described in section 5 of this planning proposal.

5. Explanation of provisions

The planning proposal seeks the following amendments to the Woollahra LEP 2014:

- Amend the Height of Buildings Map (Sheet HOB_003) to apply *Maximum Building Height (m) R1A – 22*
- Amend *Clause 4.3A Exceptions to building heights* to introduce a new *Area J* to restrict the height within a designated area. In this area, the building will be restricted to not exceed RL45.90 AHD
- Amend the Floor Space Ratio Map (Sheet FSR_003) to apply a *Maximum Floor Space Ratio (n:1) of 2.6:1*

The draft amendments to clauses are indicative only and will be subject to drafting by Parliamentary Counsel should the planning proposal progress to finalisation.

A site-specific development control plan (DCP) is to be prepared and in place prior to the issuing of any development consent for the site. The DCP will address matters including, but not limited to:

- Built form and articulations, including the building's interface with adjoining developments and presentation to New South Head Road;
- Provision of deep soil zones to support tree canopy and screen planting;
- Apartment mix; and
- Environmental impacts such as overshadowing, visual and acoustic privacy and view-sharing.

(Also refer to Section 7 Mapping)

Table 2: Summary of existing and proposed Woollahra LEP 2014 Height of Buildings and FSR standards

Woollahra LEP 2014 control/clause	252-254 New South Head Road, Double Bay	
	Current	Proposed
Height (m)	13.5m	22m Secondary height control of RL45.90 AHD within a designated area
FSR (n:1)	1.3:1	2.6:1

The proposal nominates a height of RL45.90 AHD for an area at the highest part of the site, adjacent to the entrance to 250 New South Head Road.

The applicant prepared the two options for a secondary height control provision, to designate the area where the height must not exceed RL45.90 AHD:

- Option A: 388m²
- Option B: 312m²

The two options are illustrated in **Figures 15** and **16** and are discussed in detail below.



Figure 15: Height Strategy – Option A (Source: Antoniades Architects)



Figure 16: Height Strategy – Option B (Source: Antoniades Architects)

These proposed options are outlined in the Urban Design Report prepared by GMU Urban Design and Architecture Pty Ltd (GMU), included in the supporting documents.

5.1.1. Option A

This option nominates an 11 metre setback from the southern and south-eastern boundary, as a means of containing any development to RL45.90 AHD (see **Figure 15**). Potential wording for Option A could be as follows.

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

- (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	An area measured 11m perpendicular to the southern and south-eastern boundaries, which must not exceed RL45.90AHD

5.1.2. Option B

This option proposes a line, extended 5 metres from the southern and south-eastern boundaries on the eastern and western boundaries. The area where the height can achieve RL45.90AHD is then identified (see **Figure 16**). Potential wording for Option B could be as follows.

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

- (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	An area between a line drawn from the eastern boundary, measured 5m from the intersection with the south-eastern boundary, and the western boundary, measured 5m from the intersection with the south-western boundary, and the south-eastern and south-western boundaries, which must not exceed RL45.90AHD

6. Justification

The Panel found that the planning proposal has strategic merit and provided the following reasons for its decision:

- *The Panel notes that whilst the subject site is not contained within either the Double Bay or Edgecliff strategic planning work that has or is being undertaken by Council, it is noted that this work has either not been adopted by Council or has not been completed after many years of consideration. However, the site does adjoin the study area of the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy on public exhibition until 3rd September 2021.*
- *The Panel considers the site to be well located for increased residential density due to its proximity to the Edgecliff train station and bus interchange.*
- *The Panel notes the applicant's site is adjacent and, in many respects relates to the Edgecliff Centre. However, at the same time the Panel is cognisant of the fact that the site is in proximity to a lower density zone and regard must be given to the topography to ensure that this residential zone is not overwhelmed.*
- *The Panel is also aware that the development at 240-246 New South Head Road has been the subject of a site specific Planning Proposal which increased height and FSR.*
- *In respect of site specific issues, the proposed height and site specific clause allows for a transition from 240-246 New South Head Road to 256 New South Head Road and the proposed yields are not inconsistent with the existing built form in the area.*
- *The Panel notes the briefing report refers to the applicant's willingness to initiate discussions with Council regarding a VPA which would provide public benefit and the Panel encourages the applicant to finalise such discussions so that any draft VPA can be placed on exhibition with the draft Planning Proposal.*
- *Whilst the proposal has both strategic and site specific merit the Panel recommends to the delegate that in granting any Gateway determination a site specific DCP be prepared to address the unique constraints of this site, particularly to ensure that privacy (including aural privacy), overshadowing and view-sharing are addressed and that the DCP be exhibited at the same time as the Planning Proposal. The Panel further recommends that the DCP include the following matters:*
 1. *That due to the location immediately adjacent to the Edgecliff train Station and bus interchange that car parking on the site be minimised or deleted and that servicing only be provided.*
 2. *The residential mix (noting that concept plans accompanying the Planning Proposal comprise 80% studio flat and one bedroom units) and provision of more affordable housing, which will meet a demand in the LGA and be appropriate given the convenience of a transport orientated location.*
 3. *The deep soil area to maintain the Jacaranda tree is to be shown on the DCP.*
 4. *A building envelope that establishes appropriate height and setbacks to maintain amenity to adjoining residential properties and deep soil planting.*

- *The Panel also recommends to the delegate that the proponent should undertake further testing to ensure the proposed FSR can be contained in the proposed height limit whilst satisfying the other built form and amenity outcomes, deep soil planting and tree canopy that would be required.*

6.1. Need for planning proposal

The matters identified in the *Local Environmental Plan Making Guideline 2021* are addressed in the following sections.

6.1.1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

No. The planning proposal is not the result of the *Woollahra Local Strategic Planning Statement 2020* or a strategic study undertaken by Council.

GMU 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 Council¹.*

GMU provides the following justification on page 5:

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.

¹ On 26 July 2021 Council resolved that no further action is taken on the matters deferred for consideration prior to the adoption of the *Woollahra Local Environmental Plan 2014*, including the Opportunity Sites.

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 GMU Urban Design Report also states the following regarding opportunity sites:

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 GMU report also noted the *Double Bay Economic Feasibility Study*, which 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. Although the subject site is not within the study area, it is in close proximity and on the New South Head Road corridor. 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 residential growth. The proposal will contribute to the local economy, with additional residents utilising the Double Bay Commercial Centre that is close to the subject site.

Accordingly, whilst not the result of the Woollahra LSPS 2020 or a strategic study, the applicant advised that the planning proposal has considered the strategic reports and studies applicable to the subject site and surrounding local centres.

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

As identified by the applicant, there are three options that could apply to the site regarding its potential development. These are as follows:

Option 1 – Do Nothing

In the applicant's opinion, 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.

Option 2 – Lodge a Development Application

Lodging a development application such as the indicative proposal accompanying this application would require two clause 4.6 variations to building height and FSR development standards. These would be departures of between 22% and 62% for building height; and 100% for FSR. These are significant variations for a Local Planning Panel to determine, and therefore, the applicant considered a planning proposal an appropriate method to achieve the desired outcome.

Option 3 – Planning Proposal

The applicant advised that a planning proposal is the best means to achieve the intended outcomes of increased maximum height of buildings and FSR for the site, stating a planning proposal will enable redevelopment of the site at a scale which achieves reasonable economic return.

6.2. Relationship to strategic planning framework

6.2.1. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including exhibited draft plans or strategies)?

Yes. The applicant has identified that the planning proposal is consistent with the relevant objectives of the *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018) and the relevant planning priorities and actions of the *Eastern City District Plan* (2018), as discussed below.

Greater Sydney Region Plan: A Metropolis of Three Cities

The applicant states the planning proposal is consistent with the directions and objectives of *Greater Sydney Region Plan: A Metropolis of Three Cities*, particularly objective 10: Greater housing supply and that:

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.

Eastern City District Plan

The planning proposal is generally consistent with the planning priorities and actions of the *Eastern City District Plan*, particularly the following:

Planning Priority E1. Planning for a city supported by infrastructure

The applicant advises:

The planning proposal will provide an additional 25 dwellings in the LGA, which is unlikely to have a significant impact on existing infrastructure such as roadways, train and bus services, schools, medical centres, retail, and other local services and facilities.

The Panel included the following as its reasons for resolving that the planning proposal be submitted for gateway:

- *The Panel considers the site to be well located for increased residential density due to its proximity to the Edgecliff train station and bus interchange.*
- *The Panel notes the briefing report refers to the applicant's willingness to initiate discussions with Council regarding a VPA which would provide public benefit and the Panel encourages the applicant to finalise such discussions so that any draft VPA can be placed on exhibition with the draft Planning Proposal.*

Council will require the applicant to enter into a VPA to facilitate liveability improvements in the Centre as a consequence of the uplift in residential development on the subject site.

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

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

The applicant has identified that 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.

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

The planning proposal seeks to increase the supply of housing in Double Bay. Approximately 33 residential units on the subject site (25 net additional) will contribute to housing supply in proximity to transport, employment and services.

The site's proximity to local schools, employment, hospitals, medical services, parks, and other facilities and services will benefit future residents.

The site is well-served by bus stops, with regular services to North Bondi, Bondi Junction, Edgecliff and Watsons Bay. The site is approximately 250m from Edgecliff Station, which provides access to the CBD and surrounding suburbs. The existing transport infrastructure ensures the site is accessible for residents and visitors.

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

The planning proposal does not involve works to the public domain. The subject site is not a heritage item or in a heritage conservation area, nor is it within centre.

Notwithstanding these matters, the planning proposal could result in a development that would contribute, in a small way, to medium scale residential development close to the Edgecliff local centre, and that would be within walking distance of public transport and local services. The resulting development could, therefore, contribute to enhancing the role of the Edgecliff local centre.

Proposed site-specific controls are aimed at achieving a human scale at the street frontage, and quality built form that can be achieved through the design excellence process. Proposed site-specific requirements for deep soil and the retention of the mature Jacaranda are intended to protect the streetscape character of the adjacent part of New South Head Road.

Planning Priority E10. Delivering integrated land use and transport planning and a 30-minute city

The planning proposal will enable development that is walking distance to public transport and local services, as follows:

- *Approximately 110 metres to the New South Head Road bus network*
- *Approximately 220 metres to train and bus services at Edgecliff Station and bus interchange*
- *Approximately 220m from Eastpoint Food Fair and other retail, commercial, and medical services in Edgecliff.*
- *Connected to local ferry terminals by various bus services, including Double Bay Wharf for services to Circular Quay, Garden Island, Darling point, Rose Bay, and Watsons Bay*
- *Approximately 350m from Double Bay shopping centre*

Planning Priority E16. Protecting and enhancing scenic and cultural landscapes

Planning Priority E17. Increasing urban tree canopy cover and delivering Green Grid connections

Proposed site-specific requirements for deep soil zones will help accommodate existing and new landscaping (particularly canopy trees). The deep soil zones will be identified in the site-specific DCP, with the aim of enhancing the landscaped character of the locality.

In particular, the mature Jacaranda tree at the front boundary, which is a significant element of the streetscape, is required to be maintained. Deep soil areas will enable new trees to be planted, to the urban tree canopy cover.

6.2.2. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Yes. The applicant has advised that the planning proposal is consistent with the *Woollahra Local Strategic Planning Statement 2020* and Council's Community Strategic Plan, *Woollahra 2030* as follows:

Woollahra Local Strategic Planning Statement 2020

The planning proposal is consistent with Planning Priority 4:

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

There are adequate setbacks and deep soil areas to protect the Jacaranda Tree adjacent to New South Head Road and allow for the planting of new trees. Additionally, the permitted envelope will ensure fair view sharing, consistent with the Panel's recommendations.

Community Strategic Plan - Woollahra 2030

Woollahra 2030 identifies the strategic direction and integrated planning framework for the Woollahra LGA. 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. Should a development application similar to the indicative development concept proceed, an additional 25 apartments could be provided.

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 the applicant's opinion, consistent with *Woollahra 2030*. Compliance with the Panel's recommendations to incorporate minimised car parking and a suitable apartment mix will further contribute to meeting relevant opportunities and challenges.

Woollahra Local Housing Strategy (2021)

Council approved the Woollahra LHS on 25 October 2021. The report identified that Woollahra's 2016-2021 target of 300 net new dwellings has been achieved, and another 900 dwellings are required by 2036.

The LHS identifies that Woollahra's housing targets will be primarily met in the Edgecliff Commercial Centre (ECC), with it being the only area within the LGA that is capable of accommodating growth without State Government investment in major infrastructure and services.

The planning proposal has the potential to deliver 33 dwellings (25 net new dwellings) that would contribute to achieving Woollahra's housing targets, while also being near the ECC.

6.2.3. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. The planning proposal is consistent with the *Standard Instrument – Principal Local Environmental Plan* and all other applicable State Environmental Planning Policies (refer to **Schedule 1**).

6.2.4. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Yes. The planning proposal is consistent with applicable section 9.1 directions (refer to **Schedule 2**), with the exception of Direction 1.4 Site Specific Provisions. A site specific provision is included by amending Clause 4.3A of the Woollahra LEP 2014 to include a secondary height control to a designated area near New South Head Road. The secondary height control requires development to not exceed RL45.90 AHD. The site specific controls are considered necessary to ensure development on the site fits within the built context, which is 3 to 5 storeys when viewed from New South Head Road. Given the significant slope of the site, a building to the full 22m at the primary frontage could be up to 7 or 8 storeys. However, this built form is not supported, as it would adversely affect the streetscape.

6.3. Environmental, social and economic impact

6.3.1. 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?

No. There are no critical habitat areas, threatened species, populations or ecological communities or their habitats present on the subject land. Accordingly, the proposal will not have any impact in this regard.

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

The potential environmental effects of the planning proposal are discussed below. Other environmental effects that might arise through the redevelopment of the sites would be identified through the development application process. Good design and conditions of consent will limit these effects.

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, prepared by Transport and Traffic Planning Associates, forms part of this submission. The assessment of the indicative development, 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.

The Panel's recommendation in relation to traffic and parking was that due to the location (immediately adjacent to the Edgecliff train Station and bus interchange), car parking on the site should be minimised or deleted and that servicing only be provided. Provisions of this type will be incorporated into the site specific DCP provisions.

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 337 New South Head Road, 287-289 New South Head Road, and on Ocean Road are some distance from the subject site and their heritage significance is unlikely to be affected by the planning proposal (see **Figure 17**).



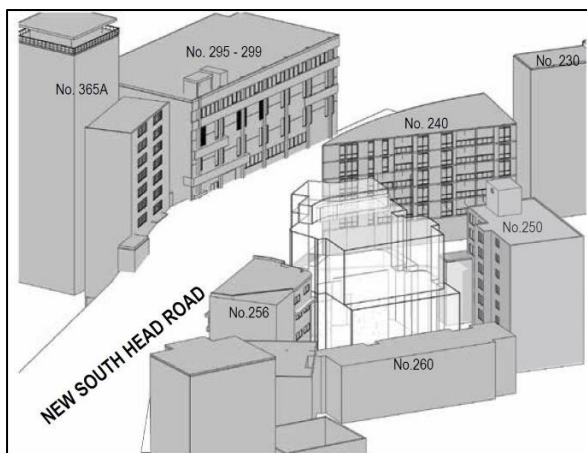
Figure 17: LEP heritage map.

Solar Access

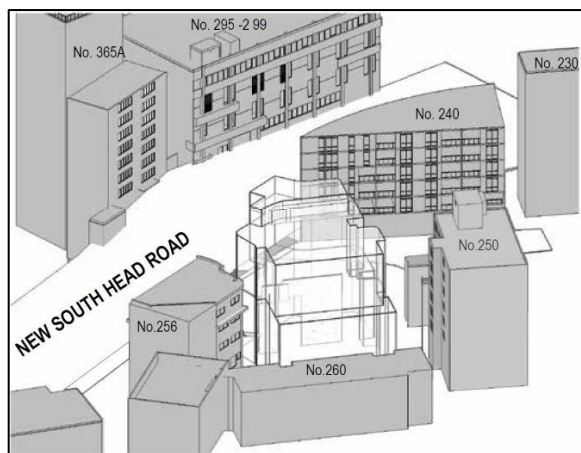
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65) applies to the provision of an apartment building on the site, which includes consideration of Principle 6: Amenity. This requires that good design positively influences internal and external amenity for residents and neighbours, including access to sunlight. The Apartment Design Guide (ADG) provides further guidance about the design of apartment buildings to achieve the principles of SEPP 65, including separation distances that in conjunction with height controls assist in providing residential amenity, including sunlight.

The proposal will maintain appropriate sunlight to 250 New South Head Road by increasing side setbacks from the existing building. ADG-compliant setbacks would provide approximately 10.5m separation distance between the proposed built form's upper levels and the neighbouring building. A 3m setback in accordance with the ADG is provided to 256 New South Head Road, to maximise solar access.

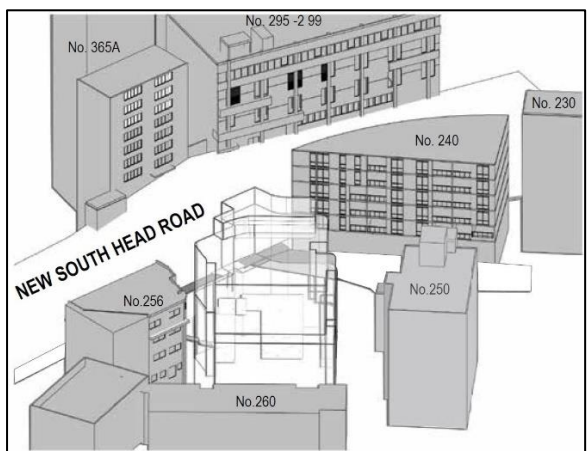
Sun eye diagrams have been prepared for hourly intervals between 9:00am and 3:00pm on 21st June by Antoniades Architects (see supporting documents). These diagrams show the concept design's height and scale is expected to maintain solar access requirements to neighbouring dwellings' private open space and windows (see **Figure 19**). Any future development application could feature further articulation and modulation to ensure DCP controls for solar access are achieved.



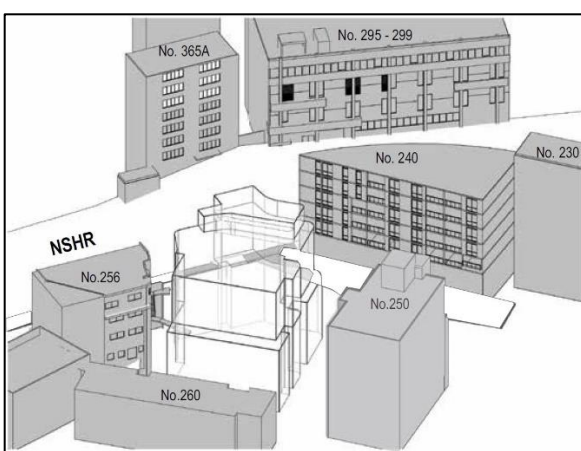
9.00am Sun's Eye Analysis



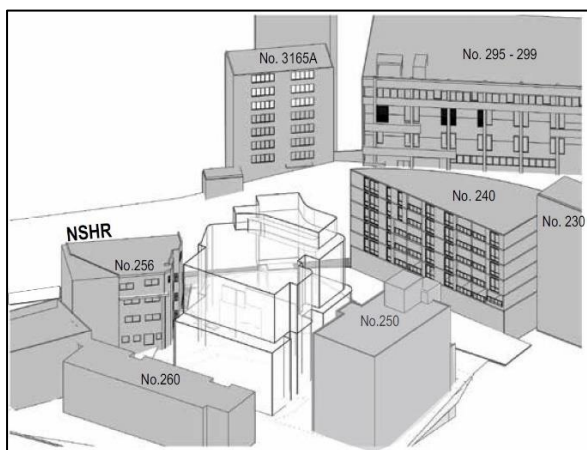
10.00am Sun's Eye Analysis



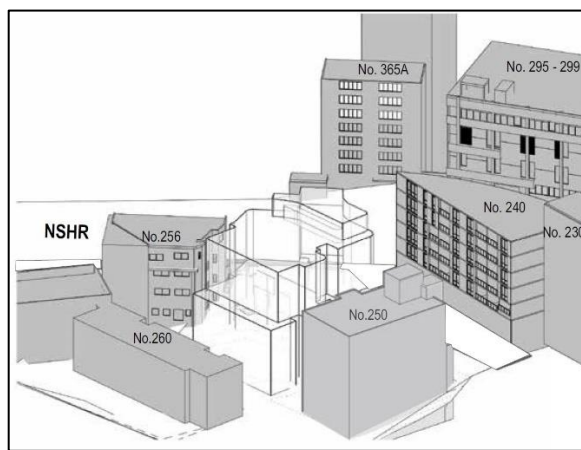
11.00am Sun's Eye Analysis



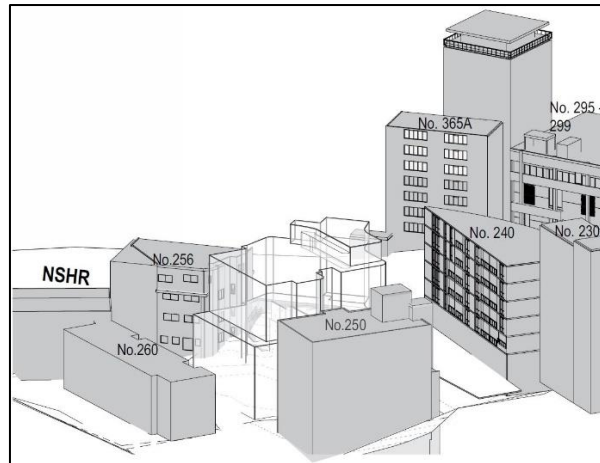
12.00pm Sun's Eye Analysis



1.00pm Sun's Eye Analysis



2.00pm Sun's Eye Analysis



3.00pm Sun's Eye Analysis

Figure 18: Indicative Sun's Eye Analysis (Source: Antoniades Architects)

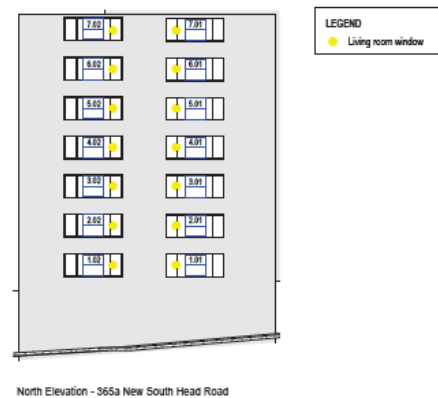
The applicant provided additional information (as required in the Gateway determination) to clarify the extent of overshadowing to individual units in the adjoining residential properties at 240 and 365A New South Head Road (refer to **Figures 18A** and **18B**). The information indicates that the living room windows of the affected units will receive at least two hours of direct sunlight mid-winter between 9am and 3pm.

SOLAR ACCESS - NO. 240

Level	Unit	Window	Receive 2 hours solar access
1	1	1.01.1	Y
	2	1.02.1	Y
		1.02.2	Y
	3	1.03.1	Y
		1.03.2	Y
	4	1.04.1	Y
2		1.04.2	Y
		1.04.3	Y
		1.04.4	Y
	6	2.06.1	Y
		2.06.2	Y
	7	2.07.1	Y
3		2.07.2	Y
	8	2.08.1	Y
		2.08.2	Y
	9	2.09.1	Y
		2.09.2	Y
		2.09.3	Y
4		2.09.4	Y
	10	3.10.1	Y
		3.10.2	Y
	11	3.11.1	Y
		3.11.2	Y
	12	3.12.1	Y
5		3.12.2	Y
	13	3.13.1	Y
		3.13.2	Y
		3.13.3	Y
		3.13.4	Y
	14	4.14.1	Y
6		4.14.2	Y
	15	4.15.1	Y
		4.15.2	Y
		4.15.3	Y
	16	4.16.1	Y
		4.16.2	Y
7		4.16.3	Y
		4.16.4	Y
		4.16.5	Y
	17	5.17.1	Y
		5.17.2	Y
	18	5.18.1	Y
8		5.18.2	Y
		5.18.3	Y
	19	5.19.1	Y
		5.19.2	Y
		5.19.3	Y
		5.19.4	Y
9		5.19.5	Y
			Y



Level	Window	Receive 2 hours solar access
1	1.01	Y
	1.02	Y
2	2.01	Y
	2.02	Y
3	3.01	Y
	3.02	Y
4	4.01	Y
	4.02	Y
5	5.01	Y
	5.02	Y
6	6.01	Y
	6.02	Y
7	7.01	Y
	7.02	Y



Views

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

The residential flat building directly opposite the site at 365A Edgecliff Road has views of the harbour which do 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 365A Edgecliff Road is elevated, the proposal is unlikely to affect views from this property.

Views across the site from 240 New South Head Road to the west are generally retained, with a moderate impact on view sharing for levels 3 and 4. **Figure 19** shows an example of existing views and views with the concept building envelope on level 3.

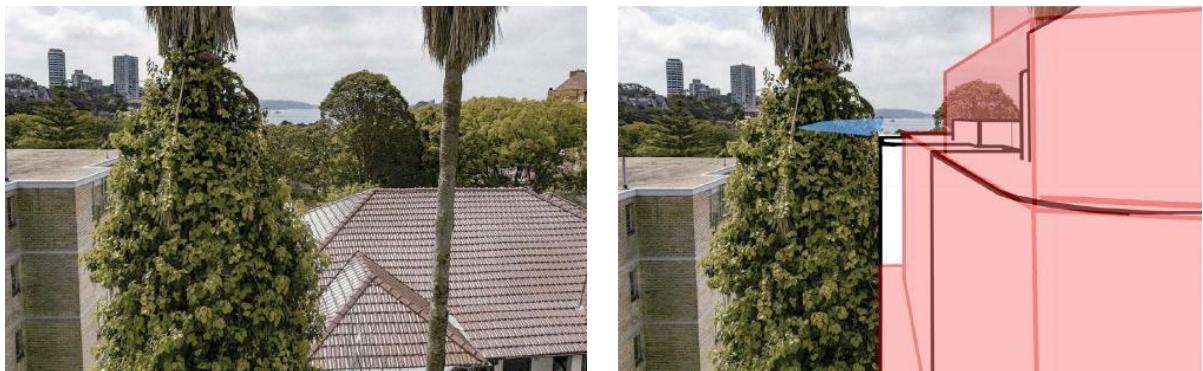


Figure 19: Existing View from Upper Level Balcony at 240 New South Head Road (Level 3) and Proposed view from Upper Level Balcony at 240 New South Head Road (Level 3) (Source: Antoniades Architects)

A full view analysis is provided as part of the supporting documents. The view analysis shows the planning proposal and indicative built form will be likely to generally maintain views for residents of nearby residential developments. Further view analysis may be required to address matters raised in submissions if the planning proposal proceeds to public exhibition.

Acoustic and Visual Privacy

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

A future development will be required to meet the 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, 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 identified in the indicative built form provides increased setbacks and separation distances from adjoining developments, with a planter buffer to provide further separation.

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

6.3.3. 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 applicant has identified that 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;
- 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;
- Additional employment during the construction process; and
- Appropriate and efficient use of urban infill land.

The planning proposal achieves the objectives for the R3 Medium Density zone in that it will facilitate new apartments to contribute to the variety of housing choices available. The subject site is close to public transport and retail services. The 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. Compliance with the Panel's recommendations to minimise car parking, achieve an apartment mix (with more affordable housing) and include site specific DCP provisions will further ensure these social benefits are achieved. Accordingly, the planning proposal addresses the social and economic effects of amending the Woollahra LEP 2014.

6.3.4. 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 Station. Accordingly, it is appropriate to minimise the car parking on the site as recommended by the Panel. This increases the transport sustainability of the proposal.

Additionally there are shopping facilities, restaurants, entertainment, and other services within walking distance at both Edgecliff Centre and Double Bay Centre.

Consultation will be undertaken with public utility companies, service providers and emergency services during the public exhibition.

6.3.5. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

This section will be completed following consultation with public authorities identified in the gateway determination. Public authorities, including but not limited to, will be notified:

- Roads & Maritime Services (RMS / Transport for NSW)

Any other authorities identified by the DPE will be consulted during the public exhibition of the planning proposal.

7. Mapping

The planning proposal seeks to amend the following Woollahra LEP 2014 maps:

- Height of Building Map (Sheet HOB_003)
- Floor Space Ratio Map (Sheet FSR_003)

An extract of the existing and proposed maps are shown in **Figures 20 – 23**.

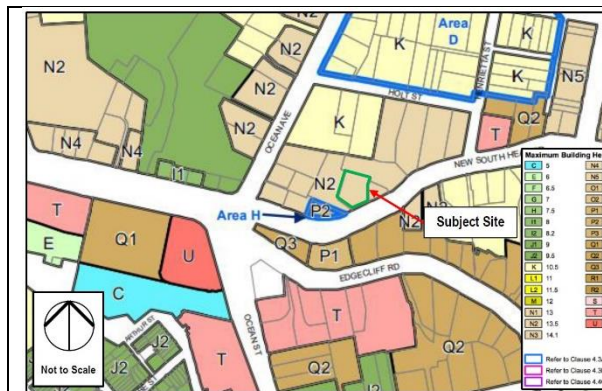


Figure 20: Extract from existing Woollahra LEP 2014 Height of Building Map (Sheet HOB_003)



Figure 21: Extract from proposed Woollahra LEP 2014 Height of Building Map (Sheet HOB_003)



Figure 22: Extract from existing Woollahra LEP 2014 Floor Space Ratio Map (Sheet FSR_003)



Figure 23: Extract from proposed Woollahra LEP 2014 Floor Space Ratio Map (Sheet FSR_003)

8. Community consultation

The public exhibition will be undertaken in accordance with the requirements of the Act and the *Environmental Planning and Assessment Regulation 2000*, also having regard to other relevant plans and guidelines including the *Woollahra Community Participation Plan 2019*, *Local Environmental Plans – a guide to preparing local environmental plans* and any conditions of the Gateway Determination.

The planning proposal will be exhibited for a minimum of 28 days.

Public notification of the exhibition will comprise:

- weekly notice in the local newspaper (the Wentworth Courier) for the duration of the exhibition period, when a hardcopy version of that newspaper is being published.
- a notice on Council's website.
- a letter to land owners in the vicinity of the site
- notice to local community, resident and business groups, such as the Double Bay Residents Association and the Vaucluse Residents' Association

During the exhibition period the following material will be available on Council's website and in the customer service area at Woollahra Council offices:

- the planning proposal, in the form approved by the gateway determination.
- the gateway determination.
- information relied upon by the planning proposal (such as the view analysis and relevant Council reports).
- Woollahra LEP 2014.
- Section 9.1 Directions.

9. Project timeline

As Council is not authorised to exercise the functions of the Minister for Planning under section 3.36 of the *Environmental Planning and Assessment Act 1979*, the proposed timeline for completion is as follows:

Plan-making step	Estimated completion
Council resolved not to proceed with the planning proposal	23 November 2020
Rezoning review (RR-2021-69) lodged with DPIE	23 December 2020
Sydney Eastern City Planning Panel determined the planning proposal be submitted for Gateway determination	22 July 2021
Council agreed to be Planning Proposal Authority	23 August 2021
Council informed DPE that Council agreed to be Planning Proposal Authority	6 September 2021
Planning proposal submitted to DPIE for Gateway determination	18 October 2021
Gateway determination	15 December 2021
Completion of technical assessment	TBC
Government agency consultation	April 2022
Public exhibition period	13 April – 27 May 2022
Submissions assessment	June 2022
Council assessment of planning proposal post exhibition	June/July 2022
Council decision to make the LEP amendment	July 2022
Council to forward the planning proposal to the DPIE requesting that a draft LEP is prepared	August 2022
Notification of the approved LEP	September 2022

Schedules

Schedule 1 – Consistency with State Environmental Planning Policies

State environmental planning policy	Comment on consistency
SEPP (Biodiversity and Conservation) 2021	Applicable and consistent. The planning proposal does not contain a provision that is contrary to the operation of this policy.
SEPP (Building Sustainability Index: BASIX) 2004	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Exempt and Complying Development Codes) 2008	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Housing) 2021	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Industry and Employment) 2021	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 65 – Design Quality of Residential Apartment Development	<p>Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p> <p>The Applicant has provided an urban design report by GMU that includes urban design principles and discusses the concept design by Antoniades Architects in relation to the SEPP 65 principles and other relevant planning considerations.</p> <p>It is anticipated that detailed site controls will be incorporated into a site specific DCP, such as setbacks, deep soil area and envelope controls for protection of existing trees, provision of new large trees, fair view sharing and ensuring high quality residential amenity, consistent with SEPP 65 and the Apartment Design Guide.</p>
SEPP (Planning Systems) 2021	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.

State environmental planning policy	Comment on consistency
SEPP (Precincts - Central River City) 2021	Not applicable
SEPP (Precincts - Eastern Harbour City) 2021	Applicable and consistent. There are currently no identified state significant precincts located in the Woollahra LGA.
SEPP (Precincts - Regional) 2021	Not applicable
SEPP (Precincts - Western Parkland City) 2021	Not applicable.
SEPP (Primary Production) 2021	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Resilience and Hazards) 2021	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Resources and Energy) 2021	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Transport and Infrastructure) 2021	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy

Schedule 2 – Compliance with section 9.1 directions

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
1	Planning systems	
1.1	Implementation of Regional Plans	Applicable and consistent. The planning proposal is consistent with the relevant objectives in the <i>Greater Sydney Region Plan: A Metropolis of Three Cities</i> (2018) and the relevant priorities and actions of the <i>Eastern City District Plan</i> (2018) as discussed herein.
1.2	Development of Aboriginal Land Council land	Not applicable. This planning proposal does not affect Aboriginal Land Council Land.
1.3	Approval and referral requirements	Applicable and consistent. The planning proposal does not require any additional approval or referral requirements.
1.4	Site specific provisions	Applicable. A site specific provision is included by amending Clause 4.3A of the Woollahra LEP 2014 to include a secondary height control for a designated area adjacent to New South Head Road. The secondary height control requires development on the subject site to not exceed RL45.90AHD. The site specific control is considered necessary to ensure development on the subject site fits within the built form context, which is 3 to 5 storeys when viewed from New South Head Road. Given the significant slope of the subject site, a building to the full 22m at the New South Head Road frontage could be up to 7 or 8 storeys and therefore out of context. The secondary height control will ensure there is an appropriate planning outcome.
1.5 – 1.17	Implementation Plans	Not applicable. These plans do not apply to the Woollahra LGA.
2	Design and place	
3	Biodiversity and conservation	
3.1	Conservation zones	Applicable and consistent. The planning proposal will not affect the conservation standards of any environmentally sensitive land.
3.2	Heritage conservation	Applicable and consistent. The planning proposal will not change existing heritage provisions.

**Planning proposal –
Compliance with section 9.1 directions**

Direction		Applicable/comment
3.3	Sydney drinking water catchments	Not applicable. This direction does not apply to the Woollahra LGA.
3.4	Application of C2 and C3 zones and environmental overlays in Far North Coast LEPs	Not applicable. These LEPs do not apply to the Woollahra LGA.
3.5	Recreation vehicle areas	Not applicable. The planning proposal does not apply to sensitive land or land with significant conservation values, and does not relate to land to being developed for a recreation vehicle area.
4	Resilience and hazards	
4.1	Flooding	Applicable and consistent. The planning proposal will not rezone flood liable land or affect the application of controls that ensure that development on flood liable land will not result in risk to life or damage to property.
4.2	Coastal management	Not applicable. The planning proposal does not affect provisions relating to land in a coastal zone.
4.3	Planning for bushfire protection	Not applicable. The planning proposal does not affect bushfire prone land.
4.4	Remediation of contaminated land	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the objective of this direction.
4.5	Acid sulfate soils	Applicable and consistent. Existing acid sulfate soils provisions will not be altered by the planning proposal.
4.6	Mine subsidence and unstable land	Not applicable. The planning proposal does not apply to land within a proclaimed Mine Subsidence District or to land identified as unstable.
5	Transport and infrastructure	
5.1	Integrating land use and transport	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the aims, objectives and principles of: <ul style="list-style-type: none"> Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and The Right Place for Business and Services – Planning Policy (DUAP 2001).

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
5.2	Reserving land for public purposes	Applicable and consistent.
5.3	Development near regulated airport and defence airfields	Applicable and consistent. The planning proposal does not contain a provision which is contrary to this direction.
5.4	Shooting ranges	Not applicable. The planning proposal does not apply to land adjacent to or adjoining an existing shooting range.
6	Housing	
6.1	Residential zones	Applicable and consistent. The planning proposal does not contain a provision which is contrary to this direction
6.2	Caravan parks and manufactured home estates	Not applicable. The planning proposal will not affect any caravan parks or manufactured housing estates.
7	Industry and employment	
7.1	Business and industrial zones	Not applicable. The planning proposal will not affect any business zone.
7.2	Reduction in non-hosted short-term rental accommodation period	Not applicable. These strategies do not apply to the Woollahra LGA.
7.3	Commercial and retail development along the Pacific Highway, North Coast	Not applicable. This direction does not apply to the Woollahra LGA.
8	Resources and energy	
8.1	Mining, petroleum production and extractive industries	Not applicable. This planning proposal will not affect any of the nominated activities.
9	Primary production	
9.1	Rural zones	Not applicable. This planning proposal will not affect any rural zones.
9.2	Rural lands	Not applicable. This planning proposal will not affect any rural lands.
9.3	Oyster aquaculture	Not applicable. This planning proposal will not affect any Priority Oyster Aquaculture Areas.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
9.4	Farmland of state and regional significance on the NSW Far North Coast	Not applicable. This direction does not apply to the Woollahra LGA.