

## Planning Proposal

83 & 83A Yarranabbe Road,  
Darling Point

Submitted to Woollahra Municipal Council  
On Behalf of Yarranabbe Developments Pty Ltd

## Report Revision History

Revision	Date Issued	Prepared by	Reviewed by	Verified by
07 Draft	18/09/14	<b>H Palmer</b> <i>Senior Project Planner</i>	<b>S Francis</b> <i>Executive Director</i>	<b>S Francis</b> <i>Executive Director</i>
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This document is preliminary unless approved by a Director of City Plan Strategy & Development

### CERTIFICATION

This report has been authorised by City Plan Strategy & Development, with input from a number of other expert consultants, on behalf of the Client. The accuracy of the information contained herein is to the best of our knowledge not false or misleading. The comments have been based upon information and facts that were correct at the time of writing this report.

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A	Urban Design Statement	Tzannes Associates

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## Section A - Overview

### 1. Executive Summary

This Planning Proposal (PP) has been prepared by City Plan Strategy and Development and Tzannes Associates for and on behalf of Yarranabbe Developments Pty Ltd.

This PP explains the intended effect of, and justification for, the proposed amendment to Woollahra Local Environmental Plan 1995. The amendment is a site specific 'principle' LEP for **Nos. 83 and 83A Yarranabbe Road, Darling Point** (the site). It has been prepared in accordance with Section 55 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."

Through the Urban Design Statement prepared by Tzannes Associates which accompanies this proposal at **Appendix A**, this PP identifies the existing conditions on the site and neighbouring properties. This analysis demonstrates that whilst the existing urban form features high quality living spaces, it is also characterised by limited solar access outcomes, district views which are obstructed by the building forms and landscaping, a streetscape which is dominated by hardstand parking areas and inconsistent foreshore building line setbacks. These items are considered to inhibit residents' opportunities for the enjoyment of solar access, views and amenity in this immediate locality and are therefore constraints on the site.

The redevelopment of the site in accordance with the current development standards has the potential to result in a 3 level dual occupancy development with the existing and compliant 12 metre foreshore setback and a Residential Flat Building (RFB) development behind comprising 3 units and a street presentation of 3 levels. Such a development is demonstrated in **Part 1.3** of the Urban Design Statement and provides a poor relationship between the buildings within the site, as well as in relation to the neighbouring buildings, poor levels of solar access and restriction of views. Therefore, a compliant design for the site results in negative urban design and amenity outcomes for the site and neighbouring properties.

Given this outcome, this PP is submitted to amend the relevant development standards for the purpose of enabling a development outcome which will enable the redevelopment of the site in a form that is underpinned by best practices in planning and urban design and which delivers an appropriate built form outcome measured by both community and occupier benefits as detailed in **Part 1.4** of the Urban Design Statement.

The resulting PP building envelope reflects the following built form outcomes and principles:

1. Yield – Increases the site's dwelling density from 2 dwellings to 5. A single residential flat building is in keeping with the neighbouring context.
2. Building, environmental and economic efficiency – Consolidates two sites and two buildings into one. Ameliorates the access issues associated with providing vehicular access to the harbour front lot which is currently serviced by a suspended concrete driveway. Provides environmental and economic efficiencies by sharing construction, structure, services, façade and infrastructure.
3. Views - Maintains or improves existing precinct and neighbouring views toward the harbour, particularly the iconic views of the Harbour Bridge and Sydney Opera house. The Planning Proposal massing allows the envelope to be limited to a height of 6.5m at Yarranabbe Road with a setback of 6m from this property boundary rather than the permissible 9.5m height with no defined setback. This maintains or improves views to the Southern neighbours. The planning proposal mass is set back 18m from the harbour foreshore line as opposed to the 12m of a compliant envelope. This increases harbour views from 85 Yarranabbe Road and 77-81 Yarranabbe Road.

4. Solar Access – Maintains or improves required solar access to adjacent neighbours and provides significant improvements compared to a compliant scheme. In particular the Planning Proposal envelope maintains winter solstice solar access to the North East kitchen windows of 77-81 Yarranabbe Road. This is achieved by subtracting a large volume on the North West allowing winter solar access to the said windows. Winter Solstice sun access is also improved to 85 Yarranabbe road in comparison to the existing conditions and a compliant envelope. The envelope provides opportunity for good solar access to all units of the future building development.
5. Street front presentation – Provides an envelope that minimises car parking and car parking utilities on Yarranabbe Road. The Planning Proposal Envelope provides the opportunity for a residential unit and an attractive and inviting building entrance at Yarranabbe Road.
6. Logical and Efficient Massing – Provides an envelope which allows the development of 5 residential flats in a stepped mass. This mass contributes to the desired precinct character which emphasises the stepping of development on the hillside. the development of 5 residential flats in a stepped mass. This mass contributes to the desired precinct character which emphasises the stepping of development on the hillside. Provides a mass with efficient floor plates accessing improved solar, view and ventilation amenity. The Planning Proposal Envelope ameliorates the negative massing consequences of a highly irregular topography not suited to the 9.5m height limitation from existing ground level.
7. Opportunity for Architectural excellence – Provides a site specific envelope responding to the desired future character of the precinct. The envelope provides the opportunity for a unique and tailored architectural response shaped by performative responses to urban and environmental conditions.

More specifically, these built form outcomes and principles are made available through increasing the existing foreshore setback from 12 metres to 18 metres. The FSBL mirrors the 18 metre setback of No. 101 Yarranabbe Road, and therefore creates a symmetrical FSBL "bookend" with the central FSBL of 7 metres set by Nos. 85 and 87-97 Yarranabbe Road as shown in **Part 1.3.2** of the Urban Design Statement.

The increased foreshore setback is advantageous in terms of offering direct public benefits to both neighbours being Nos. 77 – 81 and 85 Yarranabbe Road. The views from the terrace/balcony and kitchen windows areas of Levels 1, 2 and 3 of Nos. 77-81 Yarranabbe Road will be expanded to the north-east. These improved views are also made possible by increasing the existing 1.7 metre side setback to 3 metres along the western boundary and removing the existing vegetation in this area. In addition to the improved views, Nos. 77-81 Yarranabbe Road also benefits from increased solar access to its garden, terrace, balconies and windows as a result of this PP.

The proposal also allows for the removal of the rooftop car parking structure of No. 83A Yarranabbe Road, which is to be replaced with a lower two storey building form in this location. The result of which is to improve view lines from Level 4 of Nos. 77-81 Yarranabbe Road towards the north-east as well as the view lines from 'Santina' at No. 85 Yarranabbe Road towards the north-west. The rear lower four units in 'Santina' will also receive greater solar access due to the increased FSBL and reduced building form proposed.

The outcome of such a building form offers a better outcome in terms of the built form, amenity, solar and view impacts when compared to both the compliant built form and the existing two buildings, as demonstrated in **Part 1.5** of the Urban Design Statement. This is also the case compared to the proposal considered in the recent Development Application (DA 485/2012) and NSW Land and Environment Court appeal decision (*Yarranabbe Developments Pty Limited v Woollahra Council* [2014] NSWLEC 1007) on the subject site, as discussed in **Section 2** of this PP.

With regard to the Woollahra Local Environmental Plan (WLEP) 1995, this PP seeks to include additional clauses to achieve the following for the subject site:

- amend the maximum number of dwellings on the site from 3 to 5 pursuant to Clause 10B Site area and frontage standards; and
- amend the floor space ratio (FSR) from **0.875:1** to **1.55:1** pursuant to Clause 11 Floor space ratios;
- amend the building height control from **9.5 metres** to accommodate a maximum 5 level residential flat building (RFB) development, with a maximum building height in accordance with the proposed Building Height Plan (**Section 7**) pursuant to Clause 12 Height of Buildings; and
- alter the foreshore building line for RFBs for this site only from 30 metres to 18 metres pursuant to Clause 22 Foreshore building lines.

It is noted that the Draft WLEP 2013 revises the above development standards and provides a maximum building height of 10.5 metres, FSR of 0.9:1 and maintains the foreshore building line of 30 metres for a RFB. The Draft WLEP 2013 deletes the clause in relation to site area and frontage standards. The Draft WLEP 2013 also applies the standard definition with respect to calculating FSR.

Should the Draft LEP be gazetted prior to the determination of this PP then based on the draft plan as of now, the proposed amendments in relation to this site would be as follows:

- amend the building height control from **10.5 metres** to accommodate a maximum 5 level residential flat building (RFB) development, with a maximum building height in accordance with the proposed Building Height Plan (**Section 7**) pursuant to Clause 4.3 Height of Buildings;
- amend the floor space ratio (FSR) from **0.9:1** to **1.2:1** pursuant to Clause 4.4 Floor space ratio; and
- alter the foreshore building line for RFBs for this site only from 30 metres to 18 metres pursuant to Clause 6.3 Foreshore building lines.

Notwithstanding the above, it is anticipated that this PP will merge with the Draft LEP due to their coincidental preparation.

This PP seeks to provide the above planning controls which are responsive to the site and surrounds and provide a best practice design outcome. The detailed design of the development of this site will be directed by the PP building envelope set by this application, and will be the subject of a future detailed Development Application to Council which addresses the potential environmental impacts in accordance with s79C of the *EP&A Act* 1979.

Given the planning constraints of the site identified above, this PP is therefore an appropriate planning mechanism to direct the future amalgamation and development of the site to achieve a best practice urban design and built form outcome.

## 2. Background

### 2.1 History of the Previous Development Application

A Development Application (DA) 485/2012 was lodged with Woollahra Municipal Council on 14 November 2012 for the demolition of the two adjacent dwelling houses at 83 and 83A Yarranabbe Road, Darling Point and construction of a 6 level residential flat building containing 6 dwellings and underground parking, swimming pool, gym and associated site landscaping. The statistics for this DA (as amended) were for a 6 storey development with a maximum height of 17.6 metres from existing ground level, 6 dwellings, floor space ratio of 1.79:1 and a foreshore building line of 13 metres.

The DA was refused by delegated authority on 25 June 2013.

The applicant appealed this decision with the NSW Land and Environment Court (LEC). The appeal is cited as *Yarranabbe Developments Pty Limited v Woollahra Council* [2014] NSWLEC 1007. The issues of the case included whether the variation to the council's planning controls in terms of site frontage width, foreshore building line, side boundary setback, bulk, height and scale of the development are appropriate, whether the landscaping proposal is adequate to compensate for the trees to be removed from the site and whether the development is contrary to the terms of a covenant that applies to the land. The appeal was dismissed by the LEC on 14 January 2014.

Should this PP be considered in light of the building form considered in the LEC appeal, you will note that this proposal offers a substantially reduced built form including reducing the number of storeys, number of dwellings and FSR. The public benefits are also improved in terms of the greater foreshore setback, the extent of solar access to the neighbouring properties, access to views, and the potential to achieve architectural design excellence through the development controls.



### 3. The Site

#### 3.1 Location and Description

The site is located within the harbour side, eastern suburb of Sydney, approximately 2.8 kilometres directly east of the Sydney central business district ("CBD").

The suburb of Darling Point is bound by Sydney Harbour to the north, Double Bay to the east, Edgecliff to the south and Rushcutters Bay to the west. Refer to **Figure 1** below for a location map.

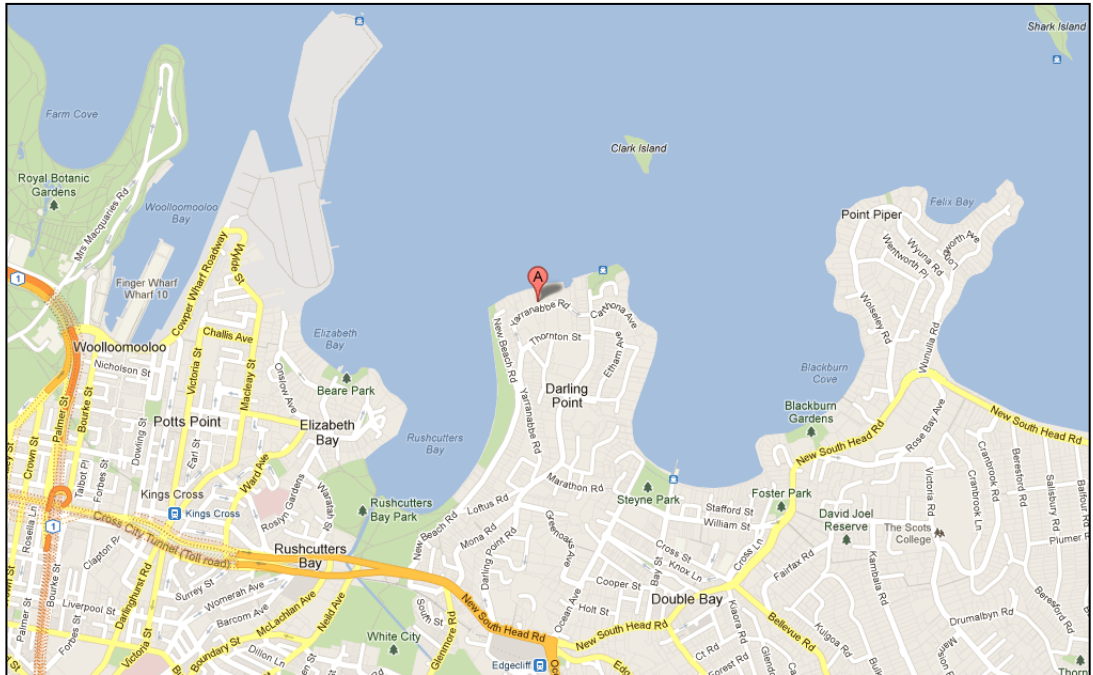


Figure 1: Location Plan. The site is identified by the "A" marker (Source: Google Maps)

The site is located at Nos. 83 and 83A Yarranabbe Road, Darling Point and the lots are legally described as Lot 12 in Deposited Plan 598514 and Lot 11 in Deposited Plan 598514, respectively. The site is situated on the northern side of Yarranabbe Road and has an irregular rectangular shape with a combined site area of 1,453.6m<sup>2</sup>. The aerial view of the site in **Figure 2** below identifies the two existing dwelling houses.



Figure 2: Aerial view. The boundaries of the combined site are identified in red. No. 83 Yarranabbe Road fronts the street and contains a four level dwelling with 5 bedrooms and a 2 car garage. No. 83A Yarranabbe Road is a foreshore property in the form of a battle axe allotment containing a two level dwelling and features a swimming pool (Source: Six Maps).

The topography of the southern part of the site consists of a steep 'cliff like' slope with a large cross fall from east to west. The remainder of the site to the northern sea wall is flat. The existing dwelling's form at No. 83 Yarranabbe Road has resulted in heavy site excavation and modification to create two distinct benches on the steep slope off Yarranabbe Road, as represented in **Figure 3** below.

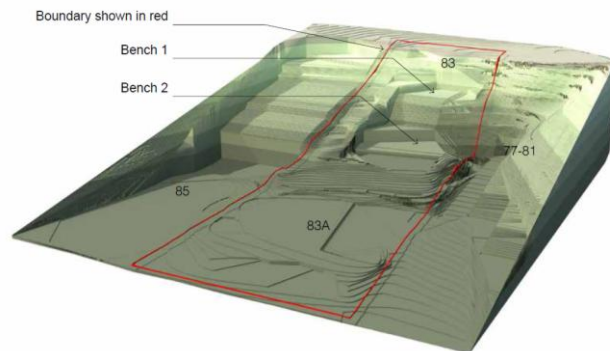


Figure 3: Topographical Map of the subject site demonstrating the existing ground level as a result of the excavation and modification to accommodate the existing dwellings (site boundary identified in red as viewed from the Harbour looking south) (Source: Urban Design Statement)

The existing conditions of the site are also demonstrated in the following sequence of photos.



Figure 4: Photos of the site as viewed from the Harbour. The dwelling house at No. 83A Yarranabbe Road comprises a two level dwelling comprising 4 bedrooms and a swimming pool. The rooftop parking is accessed by a raised driveway along the eastern boundary of the site. The portion of the site which accommodates the dwelling at No. 83A is relatively flat.



Figure 5: Photos taken from the rooftop car park of No. 83A Yarranabbe Road looking towards the dwelling at No. 83 Yarranabbe Road. There is a building separation of approximately 15 metres between these dwellings which comprises general landscaping with low standards of amenity at ground level.



Figure 6: Photo taken from below the raised driveway which services the dwelling house at No. 83A Yarranabbe Road. As a result of the steep cliff like slope of the southern portion of the site, substantial benching has occurred to accommodate the dwelling at No. 83 Yarranabbe Road. The overhead driveway access degrades the quality of the landscape below. The steep slope and rock forms are also demonstrated on the adjoining site to the north, 'Santina' No. 85 Yarranabbe Road (right side of the photo).



Figure 7: Photos of the site as viewed from Yarranabbe Road. No. 83 Yarranabbe Road consists of a double garage and boundary fencing with a nil boundary setback for the majority of the width of the site. The raised driveway access to No. 83A Yarranabbe Road along the eastern boundary is also shown.

**Figures 5 to 7** above also demonstrate the raised driveway ramp and roof top parking arrangement to access the battle axe allotment at the foreshore, being No. 83A Yarranabbe Road. This vehicular and pedestrian access arrangement is a significant structure which is visually dominating.

Overall, the existing built forms on the site are represented in the following 3D diagram.

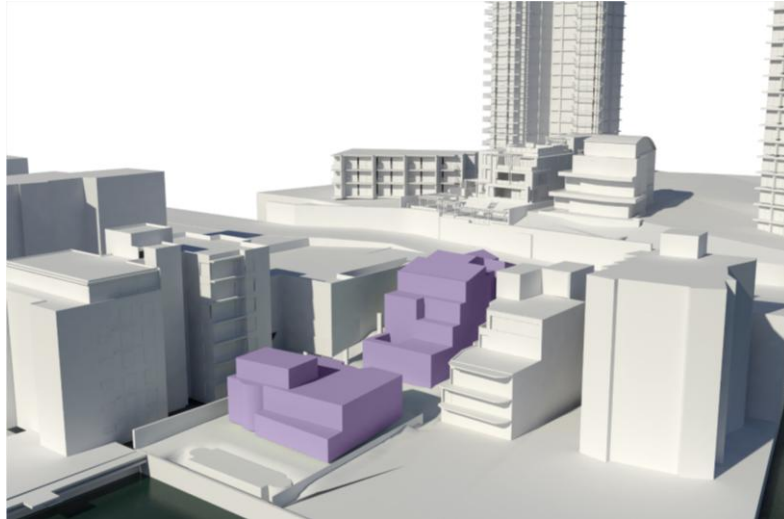


Figure 8: 3D Diagram representing the existing conditions of the site and surrounds, including the two (2) existing dwellings on the site (Source: Urban Design Statement)

The site has a north-south orientation and is generally rectangular in shape. Access to daylight from the eastern orientation is restricted by the seven storey apartment building at No. 85 Yarranabbe Road and access to sunlight from the western orientation for the southern portion of the subject site is restricted by the six (6) level apartment building at Nos. 77-81 Yarranabbe Road. The overshadowing which results from the adjoining developments is enhanced due to the deep and narrow shape of the site, as demonstrated in **Figure 9** below. Also refer to the detailed shadow analysis provided in the accompanying Urban Design Statement.

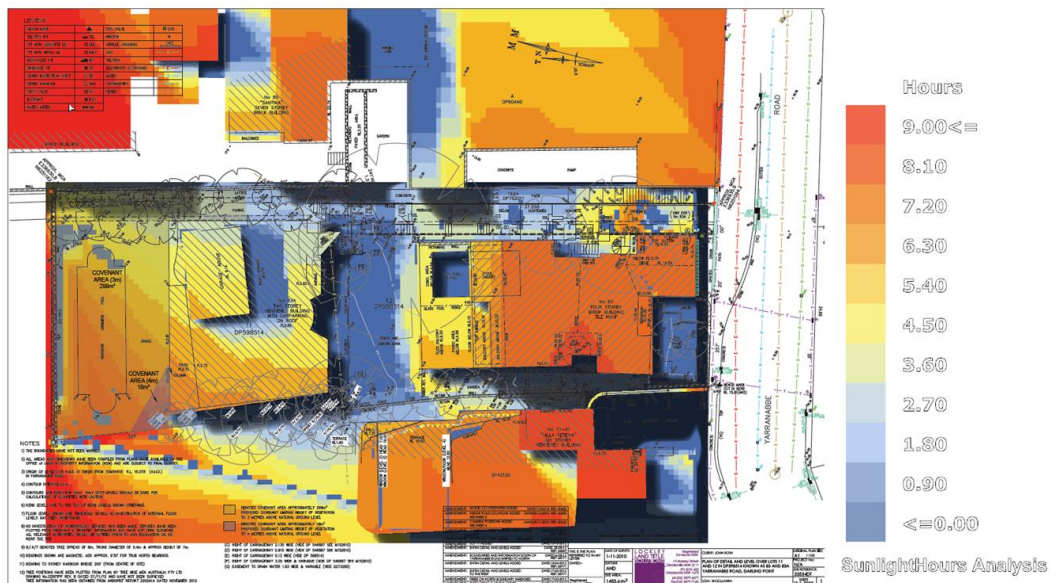
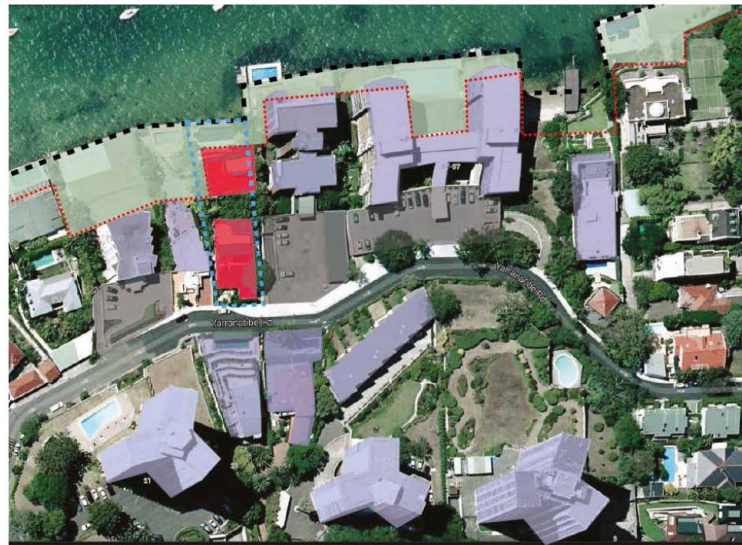


Figure 9: Extract of the Solar Access Analysis demonstrating the extent of solar access to the site and adjoining sites at mid-winter. Solar access to the site is restricted in the morning by Nos. 85 Yarranabbe Road. Solar access to the site is restricted in the afternoon by Nos. 77-81 Yarranabbe Road. The central portion of the site between the existing dwellings receives limited solar access (Source: Urban Design Statement)

### 3.2 Context of the Surrounding Built Form

The immediate locality is characterised by a mix of residential building typologies as demonstrated in **Figures 10 and 11** below. The two (2) existing dwelling houses on the site are surrounded by apartment buildings ranging from 6 to 22 storeys in height.



- |   |  |   |
|---|--|---|
| <span style="color: red;">■</span> Detached Dwelling            | <span style="color: lightgreen;">■</span> Existing Setback | <span style="color: red;">- - - - -</span> Existing Foreshore Setback |
| <span style="color: purple;">■</span> Residential Flat Building | <span style="color: green;">■</span> Public Open Space     | <span style="color: black;">- - - - -</span> High Tide Mark           |
|   | <span style="color: grey;">■</span> Open Carpark           | <span style="color: blue;">- - - - -</span> Site Boundary             |

Figure 10: Analysis of the context of the immediate locality. The subject site is bound by residential flat buildings (identified in purple). The locality is dedicated to residential building forms, many of which feature extensive hardstand parking areas. The setback of the buildings is varied, however there is a predominance of foreshore building lines which range from 7 metres to 12 metres. The dominant foreshore building line of 7 metres is established by the RFB at 'Santina' at No. 85 Yarranabbe Road, and Nos. 87-97 Yarranabbe Road to the east of the subject site (Source: Urban Design Statement)



Figure 11: Photo taken from the Harbour demonstrating the number of storeys above ground level of the RFBs in the immediate vicinity of the subject site.

The street setback of the neighbouring properties to the northern side of Yarranabbe Road comprises a dominance of open car parking areas (highlighted in grey in **Figure 10** above and shown in the photos in **Figures 12 to 14** below).



Figure 12: View of the adjoining residential building to the east, 'Santina,' No. 85 Yarranabbe Road showing the vehicular access and parking area which dominates the street setback and adjoins the boundary of the subject site (left). The combination of the car park on the adjoining property and the car ramp on the subject property degrades the quality of the public domain in this part of Yarranabbe Road (Source: CPSD)



Figure 13: View of the apartment building to the east, Nos. 87-97 Yarranabbe Road, showing the vehicular access and parking area which dominates the street setback of the apartment building and the pedestrian experience on this part of Yarranabbe Road (Source: CPSD)



Figure 14: Photos of Nos. 73-75 Yarranabbe Road (left) and Nos. 77-81 Yarranabbe Road (right). These apartment buildings feature vehicular access points off Yarranabbe Road with car lifts within the building forms to access the car parking areas on the levels below. The building forms are orientated to the Harbour views to the north (Source: CPSD)

The southern side of Yarranabbe Road is fronted by a 4 to 5 metre high masonry wall with a basement parking entrance, as shown in **Figure 15** below.



Figure 15: Photo looking along Yarranabbe Road showing that the southern side of the road is fronted by a 4 to 5 metre high masonry wall with a basement parking entrance (Source: Urban Design Statement)

As a result of the dominance of the parking areas and garage entrances along Yarranabbe Road, the built form has effectively 'turned its back' on the street and does not provide an inviting relationship with the public domain.

These parking structures also result in a poor urban design outcome when considered from within the sites. For example, the car parking structure for the 'Santina' apartment building (No. 85 Yarranabbe Road) results in a 'cavernous' effect for the lower level apartments located on the southern side of the building. Refer to **Figures 6 and 7** above and **Figures 16 and 17** below. This impact is shared by both No. 83 and 83A Yarranabbe Road and will continue to be so with the retention of two allotments on the site.





Figure 16: Photo taken from the eastern boundary of the subject site looking east towards 'Santina' at No. 85 Yarranabbe Road. This photo shows the rear portion of the apartment building with the raised parking structure shown at the top right of the photo which appears as a dominant building form and restricts solar access and amenity (Source: Tzannes Associates)



Figure 17: Photo taken from beneath the raised driveway ramp of the subject site looking towards 'Santina.' This area consists of substantial structural features including the raised driveway and parking structures of the subject site and Santina, as well as the substantial 'rockery' retaining structure (right) (Source: Tzannes Associates)

Refer to Part 1.2 of the accompanying Urban Design Statement which provides further details with regard to the context of the site and precinct, the types of residential building forms in the immediate vicinity and demonstrates the character of the site from the perspective of the streetscape and the foreshore. The Statement also provides an analysis of the site with respect to orientation, solar and wind impacts to the subject site and the adjoining sites. A detailed analysis of views taken from neighbouring sites across the subject site is also provided. This view analysis is taken from 13-15, 17 and 17A Thornton Street, 77-81 and 85 Yarranabbe Road. Refer to **Appendix A** for further details.

In summary, the existing built form of the site and neighbouring properties result in the following:

- i) Poor solar access to the site in the morning in midwinter due to overshadowing caused by the 'Santina' development (adjoining eastern development).
- ii) Poor solar access to the site in the afternoon in mid winter due to overshadowing of part of the site caused by No. 77-81 Yarranabbe Road (adjoining western development).
- iii) Poor solar access to No. 77-81 Yarranabbe Road in the morning in midwinter due to the existing two storey dwelling at No. 83A Yarranabbe Road.
- iv) Direct views and overlooking to and from the site.
- v) Restricted views from neighbouring dwellings across the site towards the Harbour, City and Harbour Bridge due to the two storey foreshore dwelling and rooftop garage structure on the site, in particular given this dwelling has a setback of 12 metres with narrow side setbacks (refer to view analysis in the Urban Design Statement).
- vi) The appearance of dominant hard stand areas due to large driveway and car park areas which are generally built to the boundaries.
- vii) Varied setbacks to the foreshore which are inconsistent ranging from 7 metres to 30 metres.
- viii) Poor use and amenity of land at the centre of the subject site.

The items identified above inhibit the opportunities for the enjoyment of solar access, view and amenity in this immediate locality, and are considered to be constraints on the site.

The Darling Point precinct has been the subject of substantial historical development, and in terms of the issue of abandonment, the current development standards have not been consistently applied as demonstrated in the following table.

**Table 1:** Analysis of the Floor Space Ratio, Building Height and Foreshore Building Line of the surrounding buildings

Property	FSR	Complies with FSR	Complies with Building Height	Complies with FSBL
73 Yarranabbe Rd	1:1 as approved in DA138/68 on 18.09.1968 for 15 flats	No (1)	No	Yes
77-81 Yarranabbe Rd	0.875:1 as approved in DA88/317 on 1.06.1989 for 4 flats	Complies (1)	No	Yes
85 Yarranabbe Rd	Unknown but in the order of 2:1 (20+ units)	No (1)	No	No
87-97 Yarranabbe Rd	Unknown but in the order of 2:1 (70+ units)	No (1)	No	No
17A (21) Thornton St	1.14:1 as approved in DA260/1995/C on 15.02.1999	No (2)	No	N/A
13-15 Thornton St	1.134:1 as approved in Building Application 158/66 approved on 1.03.1995 for a total of 44 dwellings within a RFB and Town House arrangement.	No (1)	No	N/A
101 Yarranabbe Rd	1.32:1 as approved in DA668/2001/4 approved on 19.06.2003	No (2)	Yes	No

*Note 1: The definition of GFA was calculated pursuant to relevant planning instrument at the time of consent, being the Woollahra LEP No. 27.*

*Note 2: The definition of GFA was calculated pursuant to the WLEP 1995.*

The table above identifies that none of the apartment buildings in the immediate locality comply with the relevant current or proposed draft development controls.

## Section B - Planning Proposal

### 4. Part 1 - Objectives and the Intended Outcomes

#### 4.1 Objectives of the Planning Proposal

As identified in **Section A** and the accompanying Urban Design Statement, this Planning Proposal seeks to identify a best practice urban design and built form outcome for the redevelopment of this site and establish a built form PP building envelope with mutual community and occupier benefits.

The objectives of the PP therefore are:

- i) To satisfy State Government objectives in the Metropolitan Plan for Sydney 2036 and Draft Sub-regional Strategy as well as relevant Section 117 directions to focus and encourage additional housing in appropriate locations which benefit from infrastructure and connectivity to public transport;
- ii) To satisfy State Government priorities in the NSW State Plan to support jobs, integrate transport and land use, and enhance quality of life;
- iii) Implement development controls which provide a framework for a 5 level RFB development which balances the creation of dwellings offering a high level of liveability for its occupants, with the protection of the views, solar access and amenity of the neighbouring properties;
- iv) Implement development controls which provide a framework for a future detailed Development Application to be lodged with Council which addresses the potential environmental impacts on the site and surrounds pursuant to the *EP&A Act 1979*; and
- v) Implement development controls and therefore overcome the need to address the current development controls on this site by way of SEPP No. 1 Development Standards (or Clause 4.6) where such variations are considered of merit but of such extent that the development controls are better suited to being amended via a Planning Proposal.

#### 4.2 Intended Development Outcome

- i) Encourage the development of a site specific building envelope which is driven by urban design principles in the context of the site and surrounds. These principles will be translated into an architectural design which fosters design excellence.
- ii) To provide an appropriate built form response for residential development in an appropriate location.
- iii) Maintain or improve existing neighbouring views across the site to the Harbour, City and Harbour Bridge. In particular, the terrace/balcony and kitchen windows areas of Levels 1, 2 and 3 of Nos. 77-81 Yarranabbe Road benefit from improved views towards the north-east. Due to the removal of the rooftop car parking structure of No. 83A Yarranabbe Road, which is to be replaced with a two storey building form and with a greater foreshore setback of 18 metres, the view lines from Level 4 of Nos. 77-81 Yarranabbe Road will be improved towards the north-east. 'Santina' at No. 85 Yarranabbe Road also benefits from improved iconic views towards the north-west as a result of increasing the existing setback to the foreshore.
- iv) Maintain or improve daylight access to neighbouring buildings, in particular for the garden and for Levels 1, 2 and 3 of Nos. 77-81 Yarranabbe Road and Levels 1 to 4 at the rear of 'Santina' at No. 85 Yarranabbe Road, which all benefit from increased solar access.

- v) Through the consolidation of two buildings into one increase the foreshore setback line from 12 metres to 18 metres. The FSBL mirrors the 18 metre setback of No. 101 Yarranabbe Road, and therefore creates a symmetrical FSBL "bookend" with the central FSBL of 7 metres set by Nos. 85 and 87-97 Yarranabbe Road.
- vi) Provide a logical massing transition along the foreshore from No. 85 Yarranabbe Road to Nos. 77-81 Yarranabbe.
- vii) Provide a stepped building mass which reinforces the perceived slope of the precinct.
- viii) Provide efficient floor plates with good views and solar amenity.
- ix) Increase dwelling density above the existing two dwellings.

### **Certainty as to future built form**

In summary, the proposed WLEP 1995 development controls as set out in this PP include:

- i) A maximum dwelling yield of 5 dwellings on the combined site in the form of a RFB.
- ii) A maximum FSR of 1.55:1.
- iii) A maximum building height of 5 levels with the maximum RLs nominated in the building height plan (**Section 3.6**).
- iv) An 18 metre foreshore building line.

The desired development outcome for a residential development which meets the development controls listed above and offers mutual community and occupier benefits will be achieved via this PP and a subsequent detailed DA to Council which addresses the potential environmental impacts in accordance with s79C of the *EP&A Act 1979*.

This PP guides the future DA outcome on this site and it is the applicant's intention to build within the PP envelope identified in **Part 1.4** of the accompanying Urban Design Statement. The applicant is willing to submit a DA to this effect at the appropriate time.

## 5. Part 2 - Explanation of the provisions

This PP is submitted on behalf of Yarranabbe Developments Pty Ltd and seeks the following modifications to the provisions of the Woollahra Local Environmental Plan (WLEP) 1995:

- Clause 10B Site area and frontage standards be amended to include the following additional clause:
  - (3) Despite subclause (2), the maximum number of dwellings permitted to be erected or proposed to be erected on 83 and 83A Yarranabbe Road, Darling Point is 5.*
- Clause 11 Floor Space Ratios be amended to include the following additional clause:
  - (3D) Despite subclause (1), the floor space ratio of any building or buildings erected or proposed to be erected on 83 and 83A Yarranabbe Road, Darling Point may exceed the floor space ratio provided on the density map in respect of the property if:*
    - (a) the floor space ratio of the building or buildings does not exceed 1.55:1, and*
    - (b) the Council consents to the building or buildings having the floor space ratio.*
- Clause 12 Height of Buildings be amended to include the following additional clause:
  - (3) Despite subclause (1), the height of building or buildings erected or proposed to be erected on 83 and 83A Yarranabbe Road, Darling Point may exceed the height of buildings provided on the height map in respect of the property if:*
    - (a) the height of the building or buildings does not exceed the maximum building height RLs as per the building height map for 83 and 83A Yarranabbe Road, and*
    - (b) the Council consents to the building or buildings having the height.*
- Clause 22 Foreshore building line be amended to include the following additional clause:
  - (3A) Despite subclause (3), the foreshore building line of a residential flat building to be erected on 83 and 83A Yarranabbe Road, Darling Point is permitted to be 18 metres.*

It is noted that the Draft WLEP 2013 revises the above development standards and provides a maximum building height of 10.5 metres, FSR of 0.9:1 and maintains the foreshore building line of 30 metres for a RFB. The Draft WLEP 2013 deleted the clause in relation to site area and frontage standards.

Should the Draft LEP be in place prior to the determination of this PP then based on the draft plan as of now, the proposed amendments to this site would be as follows:

Clause 4.3 Height of Buildings - amend the building height control from **10.5** metres to accommodate a maximum 5 level residential flat building (RFB) development, with a maximum building height in accordance with the proposed Building Height Plan (**Section 7**).

- Clause 4.4 Floor space ratio - amend the floor space ratio (FSR) from **0.9:1** to **1.2:1**.
- Clause 6.3 Foreshore building lines - alter the foreshore building line for RFBs for this site only from 30 metres to 18 metres.

Notwithstanding the above, it is anticipated that this PP will merge with the Draft LEP due to their coincidental preparation.

## 6. Part 3 - Justification

### 6.1 Need for a Planning Proposal

The redevelopment of the site was initially sought to be undertaken via a Development Application to Council (DA485/2012). However this DA was refused as discussed in **Section 2.1** above. An alternative approvals pathway is for the lodgement of a DA for a compliant building form. However as identified in **Part 1.3** of the accompanying Urban Design Statement, the outcome of a compliant design results in negative urban design and amenity outcomes for the site and neighbouring properties.

The detailed analysis of the site and planning framework undertaken throughout **Section A** and the accompanying Urban Design Statement in **Appendix A** and has informed several significant reasons which support the modification of the WLEP 1995.

Therefore, this Planning Proposal seeks to identify a best practice urban design and built form outcome for the redevelopment of this site, fully embodied in the accompanying Urban Design Statement prepared by Tzannes Associates (**Appendix A**). This analysis identifies that the redevelopment of the site based on the following criteria achieves a built form with mutual community and occupier benefits:

1. Yield – Increases the site's dwelling density from 2 dwellings to 5. A single residential flat building is in keeping with the neighbouring context.
2. Building, environmental and economic efficiency – Consolidates two sites and two buildings into one. Ameliorates the access issues associated with providing vehicular access to the harbour front lot which is currently serviced by a suspended concrete driveway. Provides environmental and economic efficiencies by sharing construction, structure, services, façade and infrastructure.
3. Views - Maintains or improves existing precinct and neighbouring views toward the harbour, particularly the iconic views of the Harbour Bridge and Sydney Opera house. The Planning Proposal massing allows the envelope to be limited to a height of 6.5m at Yarranabbe Road with a setback of 6m from this property boundary rather than the permissible 9.5m height with no defined setback. This maintains or improves views to the Southern neighbours. The planning proposal mass is set back 18m from the harbour foreshore line as opposed to the 12m of a compliant envelope. This increases harbour views from 85 Yarranabbe Road and 77-81 Yarranabbe Road.
4. Solar Access – Maintains or improves required solar access to adjacent neighbours and provides significant improvements compared to a compliant scheme. In particular the Planning Proposal envelope maintains winter solstice solar access to the North East kitchen windows of 77-81 Yarranabbe Road. This is achieved by subtracting a large volume on the North West allowing winter solar access to the said windows. Winter Solstice sun access is also improved to 85 Yarranabbe road in comparison to the existing conditions and a compliant envelope. The envelope provides opportunity for good solar access to all units of the future building development.
5. Street front presentation – Provides an envelope that minimises car parking and car parking utilities on Yarranabbe Road. The Planning Proposal Envelope provides the opportunity for a residential unit and an attractive and inviting building entrance at Yarranabbe Road.
6. Logical and Efficient Massing – Provides an envelope which allows the development of 5 residential flats in a stepped mass. This mass contributes to the desired precinct character which emphasises the stepping of development on the hillside. the development of 5 residential flats in a stepped mass. This mass contributes to the desired precinct character which emphasises the stepping of development on the hillside. Provides a mass with efficient floor

plates accessing improved solar, view and ventilation amenity. The Planning Proposal Envelope ameliorates the negative massing consequences of a highly irregular topography not suited to the 9.5m height limitation from existing ground level.

7. Opportunity for Architectural excellence – Provides a site specific envelope responding to the desired future character of the precinct. The envelope provides the opportunity for a unique and tailored architectural response shaped by performative responses to urban and environmental conditions.

The corollary being that the existing (and proposed) controls for the site having regard to the existing constraints and development thereon (as expressed in **Section 3.2**) provide for a poor planning and urban design outcome to the detriment of the site, its neighbours, the public domain and the foreshore presentation.

More specifically, these built form outcomes and principles are made available through increasing the existing foreshore setback from 12 metres to 18 metres. The FSBL mirrors the 18 metre setback of No. 101 Yarranabbe Road, and therefore creates a symmetrical FSBL "bookend" with the central FSBL of 7 metres set by Nos. 85 and 87-97 Yarranabbe Road as shown in **Part 1.3.2** of the Urban Design Statement.

The increased foreshore setback is advantageous in terms of offering direct public benefits to both neighbours being Nos. 77 – 81 and 85 Yarranabbe Road. The views from the terrace/balcony and kitchen windows areas of Levels 1, 2 and 3 of Nos. 77-81 Yarranabbe Road will be expanded to the north-east. These improved views are also made possible by increasing the existing 1.7 metre side setback to 3 metres along the western boundary and removing the existing vegetation in this area. In addition to the improved views, Nos. 77-81 Yarranabbe Road also benefits from increased solar access to its garden, terrace, balconies and windows as a result of this PP.

The proposal also allows for the removal of the rooftop car parking structure of No. 83A Yarranabbe Road, which is to be replaced with a lower two storey building form in this location. The result of which is to improve view lines from Level 4 of Nos. 77-81 Yarranabbe Road towards the north-east as well as the view lines from 'Santina' at No. 85 Yarranabbe Road towards the north-west. The rear lower four units in "Santina" will also receive greater solar access due to the increased FSBL and reduced building form proposed.

In this respect, the PP building envelope informs the relevant proposed LEP development standards in relation to the number of dwellings permitted based on the width of the site frontage area, floor space ratio, building height and the foreshore building line for a RFB, which are sought to be achieved through this PP.

### **6.1.2 Is the PP a result of any strategic study or report?**

This PP is the result of ongoing consultation with Council to ascertain the preferred planning outcome for this site. Council was initially approached in November 2012 to discuss the indicative future development options for the amalgamated site. Following the outcome of these discussions about alternate avenues for planning approval for the development this PP and supporting documentation have been produced. Discussions with Council in relation to the preparation of this PP began in May 2014.

This PP has been submitted to amend the WLEP 1995 to accommodate a suitable built form and urban design outcome for the site and is supported by the Urban Design Statement provided at **Appendix A**.

This process is considered to be an ongoing analysis and strategic study which has involved the proponent, Council and several neighbouring residents and which has informed the preferred outcome for this proposal.



### 6.1.3 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

As discussed in **Section A**, the existing built form of the site and neighbouring properties results in poor solar access, district views which are obstructed by the building forms and landscaping, a streetscape which is dominated by hardstand parking areas and inconsistent foreshore building line setbacks. These items are considered to inhibit the residents' opportunities for the enjoyment of solar access, views and amenity in this immediate locality and are considered to be constraints on the site.

Should the site be developed in a form which satisfies the current development standards the resulting built form has the potential to comprise a three level dual occupancy development with a 12 metre foreshore setback and a RFB development behind comprising 3 units and a street presentation of 3 levels (refer to **Part 1.3** of the Urban Design Statement). Such a development is considered to provide a poor relationship between the buildings within the site as well as in relation to the neighbouring buildings, poor levels of solar access and views. Therefore, a compliant design results in negative urban design and amenity outcomes for the site and neighbouring properties.

In order to achieve the objectives and intended outcomes as detailed in **Section 4** above, a PP is therefore the best avenue. This PP seeks to implement a best practice urban design and built form outcome for the redevelopment of this site which achieves a building envelope control with mutual community and occupier benefits.

## 6.2 Relationship to Strategic Planning Framework

### 6.2.1 Is the planning proposal consistent with the objectives and actions contained within the applicable region or sub regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The State Government's Draft East Subregional Strategy sets directions and actions for the implementation of the Sydney Metropolitan Strategy – City of Cities: A Plan for Sydney's Future (Metro Strategy) at a more detailed local level. Subregional planning provides a framework for coordinating planning, development, infrastructure, transport, an open space network and environmental actions across local and state government agencies.

This section outlines whether the PP is consistent with the intended outcomes and actions of the Metro Strategy and Draft Subregional Strategy. The following table identifies the actions that are directly relevant to the PP and discuss whether the PP is consistent with those actions.

**Table 2:** Consistency with Draft East Sub-regional Strategy

Action	Response
<b>Economy and Employment</b>	The PP creates the opportunity for employment during the construction process, and provides housing stock which is accessible to nearby employment areas. The PP will support the local economy and employment and will contribute to the growth of the locality and neighbouring suburbs to achieve the anticipated capacity for 300 additional jobs.
<b>Centres and Corridors</b>	The PP supports the Double Bay / Edgecliff Town Centre and enhances the development of a vibrant community. The proposal supports the actions of the Centres and Corridors Key Directions.
<b>Housing</b>	The proposal strengthens the role of the Woollahra LGA in achieving the target of 2,900 additional dwellings and is consistent with the actions to enable urban renewal for additional housing stock in suitable locations.
<b>Transport</b>	Whilst the proposal has no direct impact on public transport infrastructure, the site is located in a residential area in close proximity to bus, train and ferry services, and supports the opportunity for people to walk and cycle.

	Ultimately, an increased density of the subject site will support the availability of public transport infrastructure to a greater number of residents.
<b>Environment, Heritage and Resources</b>	An increase in the residential density of the subject site will not result in an adverse impact to environment or heritage. Thus, the proposal would remain consistent with this land use policy.
<b>Parks, Public Places and Culture</b>	Whilst the proposal has no direct impact on parks, public places and culture, the site supports the retention of and development of these public spaces.

The PP is considered consistent with the Draft Subregional Strategy. It is considered that the renewal of the site will contribute to providing housing choice in a suitable location and will improve the quality of the built and natural environment.

### 6.2.2 Is the planning proposal consistent with the council's local strategy or other local strategy plan?

*Woollahra 2025 - our community, our place, our plan* is the Community Strategic Plan that has been developed by Council in consultation with the Woollahra community. The Plan seeks to identify and deliver key sustainability outcomes to meet the needs of the present without compromising the ability for future generations to meet their social, economic, environmental and civic leadership needs.

The Plan identifies that the LGA is subject to an aging population and opportunities for diverse housing stock is of benefit to the community, especially in locations where existing communities and services are available. The proposal will assist with delivering this theme, and is therefore consistent with the Community Strategic Plan.

### 6.2.3 Is the planning proposal consistent with applicable state environmental planning policies?

**Table 3:** Consistency with state environmental planning policies (SEPPs)

SEPP Title	Consistency	Comment
1. Development Standards Consistent	<b>Yes</b>	With the pending implementation of the Comprehensive LEP, the Standard Instrument Clause 4.6 will supersede the SEPP.  The proposal seeks to allow for a maximum building height which accommodates a stepped 5 level RFB. The proposed maximum RLs on the site are detailed on the proposed Building Height Map provided at <b>Section 7</b> . This building height allowance enables the orderly development of the site without triggering the necessity of a variation under SEPP 1 (or Clause 4.6).
4. Development Without Consent and Miscellaneous Exempt and Complying Development	<b>Yes</b>	The PP will not contain provisions that will contradict or would hinder the application of this SEPP.
6. Number of Storeys in a Building	<b>Yes</b>	The proposed building height plan ( <b>Section 7</b> ) provides maximum RLs for the top of the building at the relevant point across the site.

14.Coastal Wetlands	N/A	Not applicable
15.Rural Landsharing Communities	N/A	Not applicable
19.Bushland in Urban Areas	N/A	Not applicable
21.Caravan Parks	N/A	Not applicable
22.Shops and Commercial Premises	N/A	Not applicable
26.Littoral Rainforests	N/A	Not applicable
29.Western Sydney Recreation Area	N/A	Not applicable
30.Intensive Agriculture	N/A	Not applicable
32.Urban Consolidation (Redevelopment of Urban Land)	<b>Yes</b>	The PP aims to be consistent with the SEPP having regard to the residential uses that are currently permissible and appropriate for the site.
33.Hazardous and Offensive Development Complex	N/A	Not applicable
36.Manufactured Home Estates	N/A	Not applicable
39.Spit Island Bird Habitat	N/A	Not applicable
41.Casino Entertainment	N/A	Not applicable
44.Koala Habitat Protection	N/A	Not applicable
47.Moore Park Showground	N/A	Not applicable
50.Canal Estate Development	N/A	Not applicable
52.Farm Dams, Drought Relief and Other Works	N/A	Not applicable
53.Metropolitan Residential Development	N/A	Not applicable
55.Remediation of Land	<b>Yes</b>	The PP will not contain provisions that will contradict or would hinder the application of this SEPP. The PP continues the historic residential use of the site.
59.Central Western	N/A	Not applicable

Sydney Economic and Employment Area		
60.Exempt and Complying Development	N/A	Not applicable
62.Sustainable Aquaculture	N/A	Not applicable
64.Advertising and Signage	N/A	Not applicable
65.Design Quality of Residential Flat Development	<b>Yes</b>	<p>The PP will achieve consistency with the SEPP through application of design excellence provisions. The Architectural Design Analysis investigates the implications for realising the design quality principles in the SEPP and demonstrates an appropriate built form on the site.</p> <p>The proposed maximum FSR of 1.55:1 is representative of the PP building envelope. The detailed design of the residential floor plates will achieve a high level of amenity for the future occupants within this PP building envelope.</p>
70.Affordable Housing (Revised Schemes)	N/A	This PP does not include the provision of affordable housing within the future development.
71.Coastal Protection	N/A	Not applicable
SEPP (Building Sustainability Index: BASIX) 2004	<b>Yes</b>	The PP will not contain provisions that will contradict or would hinder application of this SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	N/A	Not applicable
SEPP (Major Projects) 2005	N/A	Not applicable
SEPP (Sydney Region Growth Centres) 2006	N/A	Not applicable
SEPP (Infrastructure) 2007	<b>Yes</b>	The PP will not contain provisions that will contradict or would hinder application of this SEPP.
SEPP (Kosciuszko National Park-Alpine Resorts) 2007	N/A	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	Not applicable
SEPP (Temporary Structures and Places	N/A	Not applicable

of Public Entertainment) 2007		
SEPP (Exempt and Complying Development Codes) 2008	<b>Yes</b>	The PP will not contain provisions that will contradict or would hinder application of this SEPP.
SEPP (Rural Lands) 2008	N/A	Not applicable
SEPP (Western Sydney Parklands) 2009	N/A	Not applicable
SEPP (Affordable Rental Housing) 2009	<b>Yes</b>	The PP will not contain provisions that will contradict or would hinder application of this SEPP.

The Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 is applicable to this site. The site adjoins the W8 Scenic Waters Passive Use zone, the objectives of which are as follows:

*“(a) to give preference to unimpeded public access along the intertidal zone, to the visual continuity and significance of the landform and to the ecological value of waters and foreshores,*

*(b) to allow low-lying private water-dependent development close to shore only where it can be demonstrated that the preferences referred to in paragraph (a) are not damaged or impaired in any way, that any proposed structure conforms closely to the shore, that development maximises open and unobstructed waterways and maintains and enhances views to and from waters in this zone,*

*(c) to restrict development for permanent boat storage and private landing facilities in unsuitable locations,*

*(d) to allow water-dependent development only where it can be demonstrated that it meets a demonstrated demand and harmonises with the planned character of the locality,*

*(e) to ensure that the scale and size of development are appropriate to the locality and protect and improve the natural assets and natural and cultural scenic quality of the surrounding area, particularly when viewed from waters in this zone or areas of public access.”*

This proposal is consistent with the objectives for the Scenic Waters Passive Use W8 zone, and will not have any adverse effect upon any other private or commercial water activities in the Harbour. The protection of the existing sea wall and private jetty, the ecological value of the foreshore and waterways, and the protection of the scenic quality of the area, both to and from the site will be addressed in a future detailed DA on the site. Overall, the PP will not contain provisions that will contradict or would hinder application of this SREP.

With regard to Part 2: Planning Principles of the SREP, Clause 12 sets out the objective of providing a set of clear planning principles for land within the Sydney Harbour Catchment. With regard to this proposal, the principles are to be considered and, where possible, achieved in the preparation of environmental planning instruments under Part 3 of the Act.

With regard to Part 2: Planning Principles of the SREP, Clause 13: Sydney Harbour Catchment, the relevant principle in this case is (f) *"development that is visible from the waterways or foreshores is to maintain, protect and enhance the unique visual qualities of the Sydney Harbour."* This Planning Principle has been considered in detail throughout the preparation of this proposal and the accompanying Urban Design Statement. The resulting Planning Proposal Envelope and Built Form Principles encourage the future development

on this site to be of high architectural quality which is complemented by landscaping and from a design perspective enhances the visual qualities of the Sydney Harbour.

All relevant Planning Principles will also be addressed in a future detailed DA on the site.

There are no other deemed State Environmental Planning Policies (former Regional Environmental Plans (REPs)) applicable to the PP.

#### 6.2.4 Is the planning proposal consistent with the applicable Ministerial directions (s.117 directions)?

It is considered that the PP is consistent with the relevant Directions issued under Section 117(2) of the Act by the Minister to Councils, as demonstrated in the assessment of the following:

**Table 4: Consistency with S117 Ministerial Directions**

Direction Title	Consistency	Comment
<b>Employment and Resources</b>		
1.1 Business and Industrial Zones	N/A	Not applicable
1.2 Rural Zones	N/A	Not applicable
1.3 Mining, Petroleum Production and Extractive Industries	N/A	Not applicable
1.4 Oyster Aquaculture	N/A	Not applicable
1.5 Rural Lands	N/A	Not applicable
<b>Environment and Heritage</b>		
2.1 Environment Protection Zones	N/A	Not applicable
2.2 Coastal Protection	N/A	Not applicable
2.3 Heritage Conservation	N/A	Not applicable
2.4 Recreation Vehicle Areas	N/A	Not applicable
<b>Housing, Infrastructure and Urban Development</b>		
3.1 Residential zones	<b>Yes</b>	The PP encourages a variety and choice of housing types to provide for existing and future housing needs, whilst making efficient use of existing infrastructure and services. The PP demonstrates appropriate built form whilst minimising the impact of residential development on the environment.
3.2 Caravan Parks and Manufactured Home Estates	N/A	Not applicable

3.3 Home Occupations	N/A	Not applicable
3.4 Integrating land use and Transport	<b>Yes</b>	The PP will enable residential development in an area which is appropriately services by public transport and encourages walking and cycling.
3.5 Development Near Licensed Aerodromes	N/A	Not applicable
3.6 Shooting Ranges	N/A	Not applicable
<b>Hazard and Risk</b>		
4.1 Acid Sulphate Soils	Yes	The site is identified in the WLEP 1995 as subject to Class 2 Acid Sulfate Soils and is subject to Clause 25D. This proposal and the future detailed development application are capable of satisfying Clause 25D(2) of the WLEP 1995.
4.2 Mine Subsidence and Unstable Land	N/A	Not applicable
4.3 Flood Prone Land	N/A	The site is not located within flood prone land. Accordingly, Direction 4.3 is not applicable.
4.4 Planning for Bushfire Protection	N/A	The site is not located within a Bushfire prone area. Accordingly, Direction 4.4 is not applicable.
<b>Regional Planning</b>		
5.1 Implementation of Regional Strategies	N/A	Not applicable
5.2 Sydney Drinking Water Catchments	N/A	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	Not applicable
5.5 Development in the vicinity of Ellalong, Paxton & Millfield (Cessnock LGA) (Revoked)	N/A	Not applicable
5.6 Sydney to Canberra Corridor (revoked, see amended Direction 5.1)	N/A	Not applicable
5.7 Central Coast (revoked, see amended Direction 5.1)	N/A	Not applicable

5.8 Second Sydney Airport: Badgerys Creek	N/A	Not applicable
5.9 North West Rail Link Corridor Strategy	N/A	Not applicable
<b>Local Plan Making</b>		
6.1 Approval and Referral Requirements	<b>Yes</b>	The PP will be consistent with this Ministerial Direction.
6.2 Reserving Land for Public Purposes	<b>Yes</b>	The PP will be consistent with this Ministerial Direction.
6.3 Site Specific Provisions	<b>Yes</b>	The PP will be consistent with this Ministerial Direction.
<b>Metropolitan Planning</b>		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	<b>Yes</b>	Refer to <b>Table 2 Section 6.2</b> of the PP for detail.



## 6.3 Environmental, Social and Economic Impact

### 6.3.1 Is there any likelihood that critical habitat or threatened species will be adversely affected as a result of the proposal?

The site is located within an existing urban environment and does not apply to land that has been identified as containing critical habitat or threatened species, population or ecological communities, or their habitats.

### 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 PP enables the potential for a 5 level residential flat building development, the details of which will be supported by a detailed DA to Council which addresses the potential environmental impacts in accordance with s79C of the *EP&A Act 1979*.

During the preparation and assessment process of the future DA, any potential environmental impacts will be investigated and addressed by the relevant expert consultant with their recommendations implemented to ensure that the environmental impacts will be appropriately ameliorated.

### 6.3.3 Has the planning proposal adequately addressed any social and economic effects?

This PP seeks to enable the amalgamation and redevelopment of the site for a 5 level residential flat building development. The site is historically utilised for residential purposes, and this PP seeks to retain this use of the site. Through the consideration of this PP and the Urban Design Statement provided at **Appendix A**, the potential social effects of the development of this site have been identified, including impacts on the neighbouring residents and community with regard to loss of district views, loss of solar access, impact on privacy and impact on the streetscape. In response to these potential social effects, this application proposes a PP building envelope which addresses and ameliorates these concerns, the details of which will be supported by a detailed DA to Council which addresses the potential environmental impacts in accordance with s79C of the *EP&A Act 1979*.

This PP is site specific and does not impact on the ongoing use and quality of the neighbouring properties and public domain. Should any economic effects arise, these will be appropriately managed through the development assessment process.

## 6.4 State and Commonwealth Interests

### 6.4.1 Is there adequate public infrastructure for the planning proposal?

The site is connected to water, sewer, electricity and telephone services and the existing public infrastructure is capable of accommodating this PP.

The site is well serviced by public transport being within the vicinity of bus and train services. The site can also be accessed by cyclists.

The site is directly accessible by the existing road network and this PP enables improved vehicular access by replacing the two individual driveway points and to provide a single vehicular access point.

Waste management and recycling services are available through Woollahra Municipal Council.

The site is well serviced by appropriate medical services and educational facilities. The area is generally well-serviced with Police, ambulance Fire and other emergency services.

This PP does not obstruct the existing public infrastructure of the site and its surrounds.



**6.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

With regard to the preparation of this application, the appropriate State and Commonwealth public authorities have not yet been identified, and the Gateway Determination has yet to be issued by the Minister for Planning and Environment.

## 7. Part 4 - Mapping

The proposal seeks to apply a site specific mapping change to the WLEP 1995 with regard to the following:

- Amend the WLEP 1995 Height Map to defer the subject site and reference the proposed Height of Building Schedule as follows.

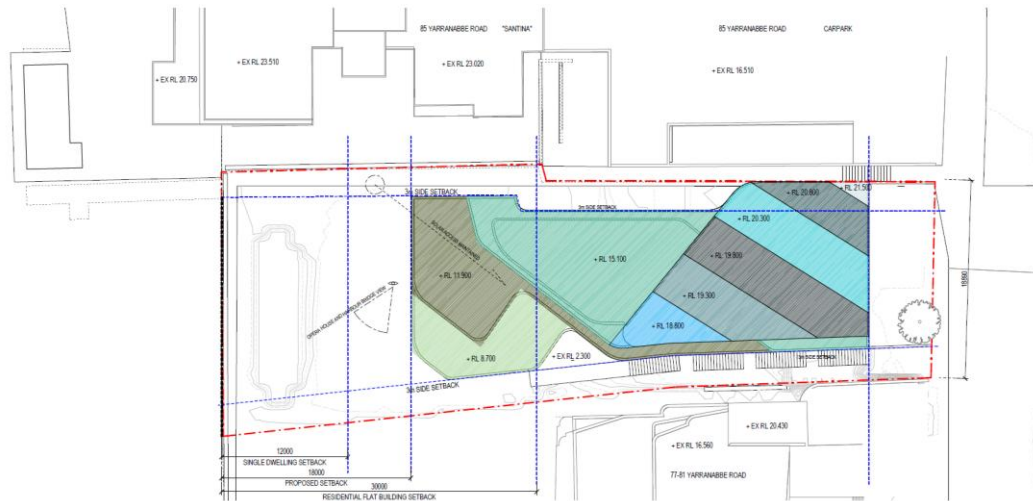


Figure 18: Proposed Planning Proposal Height and Setback Map identifying the proposed amendment to the building height pursuant to the WLEP 1995. This map demonstrates the proposed height as maximum RLs.

Note: The form of the site specific LEP map above was specifically discussed with Council's officers, with the direction that the most relevant form of height control is to set maximum RLs on the site. This preference is reflected in the proposed height map above. Refer to **Part 1.6** of the accompanying Urban Design Statement for further analysis of the proposed map.

It is however possible to simplify this height map and include objectives to this control or detail a specific Development Control Plan (DCP) for the site to ensure that the development outcome is consistent with the proposed urban design outcome. We would be pleased to discuss the preferred option with Council and the Department of Planning and Environment.

## 8. Part 5 - Consultation

### 8.1 Consultation with Woollahra Municipal Council

Ongoing consultation has been undertaken with Woollahra Municipal Council during the preparation and submission of this Planning Proposal. These discussions have been held with Council's senior officers including Chris Bluett and Allan Cocker.

These discussions included the potential for the lodgement of a DA for the development of this site for a compliant building form. The outcome of a compliant building form is discussed in detail in **Part 1.3** of the accompanying Urban Design Statement, being the construction of an attached dual occupancy development with a 12 metre setback to the foreshore and a RFB development behind containing 3 units which presents as a 3 level building form when viewed from the road. The shortfalls of such a compliant design are outlined in **Part 1.3** of the accompanying Urban Design Statement, which identifies that overall a compliant building form results in a poor amenity outcome for the site and neighbouring properties. Therefore, the approvals pathway of a DA comprising a compliant built form is not being pursued by the applicant.

Overall, Council have verbally expressed that the future redevelopment of the site is expected to result in an improved built form outcome which protects the views, solar access and amenity of the neighbouring properties. These expectations are taken into consideration in the accompanying Urban Design Statement and this PP.

### 8.2 Outcome of Previous Consultation with the Public

As an outcome of the DA and LEC appeal process, the neighbouring properties and general public provided written submissions which identified their concerns with regard to the redevelopment of the site. In addition to these submissions, the DA and LEC appeal process included site visits to apartments within several neighbouring properties.

The primary concerns which were raised by the neighbouring residents relate to the retention of views as well as opportunities to enhance views to the Harbour, City and Harbour Bridge. Concern was also raised with regard to the setbacks of the built form, increased overshadowing and acoustic and visual privacy impacts. A key consideration included the potential overshadowing of the angled kitchen window openings on the eastern facade of Nos. 77-81 Yarranabbe Road and the perception of a sense of space from these windows. This outlook was considered to be lost should the existing landscaped gap between Nos. 83 and 83A Yarranabbe Road be replaced with a building form and obstruct the view from the neighbouring kitchen window across the side boundary. Particular attention was also made with respect to the potential to remove the mature trees and screen landscaping on the site and the provision of replacement landscaping throughout which would enable improved views to the Harbour, City and Harbour Bridge from neighbouring properties.

The issues identified in the consultation process with the neighbouring residents and general public has informed the Urban Design Statement which accompanies this PP. This PP demonstrates how the proposed PP building envelope as well as the subsequent detailed design of the building the subject of a future DA can ameliorate these concerns and offer mutual community and occupier benefits. Refer to **Section 6** for further details.

### 8.3 Community Consultation during the PP Process

This PP is considered to be of a type that falls within the definition of a 'low impact Planning Proposal.<sup>1</sup>' Therefore, it is likely to be on exhibition for a minimum period of 14 days. The community will be notified of the commencement of the exhibition period via a notice in a

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<sup>1</sup> Low impact planning proposal means a planning proposal that in the opinion of the person making the Gateway determination is consistent with the pattern of surrounding land use zones and/or land uses, is consistent with the strategic planning framework, presents no issues with regard to infrastructure servicing, is not a principle LEP, and does not reclassify public land.

local newspaper and via a notice on Woollahra Municipal Council's website. The written notice will:

- Give a brief description of the objectives or intended outcomes of the PP;
- Indicate the land affected by the PP;
- State where and when the PP can be inspected;
- Give the name and address of the RPA for the receipt of any submissions; and
- Indicate the last date for submissions.

During the exhibition period, the following material will be made available for inspection:

- The PP, in the form approved for community consultation by the Secretary of Planning and Environment;
- The Gateway determination; and
- Any studies relied upon by the PP.

## 9. Part 6 - Project Timeline

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 are indicative only and may be amended at Gateway to provide the necessary level of confidence that the PP will be finalised within a reasonable time:

**Table 4:** Indicative project timeline

Step	Indicative timeframe
Anticipated commencement date	Date of Gateway determination
Anticipated timeframe for the completion of required technical information	Not applicable. Technical analyses have already been commissioned to support the PP.
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	As specified in Gateway determination. Anticipated timeframe is to run concurrently with public exhibition period.
Commencement and completion dates for public exhibition period	Dates are dependent on date of Gateway determination. Anticipated timeframe for public exhibition is 14 days.
Dates for public hearing (if required)	Not applicable at this stage
Timeframe for consideration of submissions	To be determined by Council
Timeframe for the consideration of proposal post exhibition	To be determined by Council
Date of submission to the Department to finalise the LEP	Not known
Anticipated date RPA will make the plan (if delegated)	Not known
Anticipated date RPA will forward to the department for notification	Not known

## 10. Conclusion

This Planning Proposal has been prepared by City Plan Strategy and Development and Tzannes Associates for and on behalf of Yarranabbe Developments Pty Ltd. This Planning Proposal seeks to modify the development standards in relation to site area and frontage standards, floor space ratio, building height and the foreshore building line pursuant to the Woollahra Local Environmental Plan (WLEP) 1995 for Nos. 83 & 83A Yarranabbe Road, Darling Point.

This Planning Proposal has identified best practice in planning and urban design disciplines to develop a built form outcome for the redevelopment of this site, which is embodied in the accompanying Urban Design Statement prepared by Tzannes Associates (**Appendix A**). In summary, these best practice principles relate to an appropriate density for the site, building, environmental and economic efficiency, maintenance of views and solar access. These principles also deliver an attractive street front presentation, logical and efficient massing of the building envelope and the opportunity for architectural excellence which responds to the context of the site. The outcome of which is in the form of a PP building envelope which seeks to establish mutual community and occupier benefits.

These benefits are specifically afforded to the neighbouring properties which benefit from improved views and solar access which, in the case of Nos. 77-81 Yarranabbe Road, is made available through increasing the existing foreshore setback from 12 metres to 18 metres, increasing the existing side boundary setback. Therefore, solar access and views of the harbour from the terrace/balcony and kitchen windows areas of Levels 1, 2 and 3 of Nos. 77-81 Yarranabbe Road to the north-east are enhanced.

From the perspective of 'Santina' at No. 85 Yarranabbe Road, solar access and iconic views to the north west are also improved through the removal of the dwelling and rooftop car parking structure of No. 83A Yarranabbe Road, the increased foreshore building line and the removal of existing vegetation.


This PP building envelope informs the relevant WLEP 1995 development standards which are sought to be modified through this PP. These amendments are specific to the subject site and include increasing the maximum number of dwellings from 3 to 5 pursuant to Clause 10B, increasing the floor space ratio from 0.875 to 1.55:1 pursuant to Clause 11, allowing for maximum building heights pursuant to the Proposed Height Plan (**Section 7**) and altering the foreshore building line for residential flat buildings to 18 metres for this site only.

It is anticipated that this PP will merge with the Draft LEP due to their coincidental preparation and include increasing the floor space ratio from 0.9 to 1.2:1 pursuant to Clause 4.4, allowing for maximum building heights pursuant to the Proposed Height Plan (**Section 7**) pursuant to Clause 4.3 and altering the foreshore building line for residential flat buildings to 18 metres pursuant to Clause 6.3.

The detailed design of the development of this site will be directed by the building envelope set by the PP, and will be the subject of a future detailed Development Application to Council which addresses the potential environmental impacts in accordance with s79C of the *EP&A Act 1979*.

The Planning Proposal:

- Is consistent with the objectives of the Residential 2(b) zoning pursuant to the current Woollahra Local Environmental Plan 1995;
- Resolves the amalgamation of these sites to provide a single redevelopment with a cohesive built form;
- Is a suitable development in the context of this residential locality;
- Establishes suitable building heights across the site which creates the opportunity for a responsive stepped building form;

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- Is consistent with the Metro Strategy and Draft East Sub-regional Strategy objectives which are to locate increased residential density and diverse housing stock within existing urban areas which are serviced by public transport;
  - Is consistent with the Ministerial Directions; and
  - Establishes mutual benefits to the community and the future occupants of the site.