

# Urban Planning Committee Agenda



**Agenda:** *Urban Planning Committee*

**Date:** *Monday 24 July 2017*

**Time:** *6.00pm*

**Outline of Meeting Protocol & Procedure:**

- The Chairperson will call the Meeting to order and ask the Committee/Staff to present apologies or late correspondence.
- The Chairperson will commence the Order of Business as shown in the Index to the Agenda.
- At the beginning of each item the Chairperson will ask whether a member(s) of the public wish to address the Committee.
- If person(s) wish to address the Committee, they are allowed four (4) minutes in which to do so. Please direct comments to the issues at hand.
- If there are persons representing both sides of a matter (eg applicant/objector), the person(s) against the recommendation speak first.
- At the conclusion of the allotted four (4) minutes, the speaker resumes his/her seat and takes no further part in the debate unless specifically called to do so by the Chairperson.
- If there is more than one (1) person wishing to address the Committee from the same side of the debate, the Chairperson will request that where possible a spokesperson be nominated to represent the parties.
- The Chairperson has the discretion whether to continue to accept speakers from the floor.
- After considering any submissions the Committee will debate the matter (if necessary), and arrive at a recommendation (R items which proceed to Full Council) or a resolution (D items for which the Committee has delegated authority).

**Recommendation only to the Full Council:**

- Such matters as are specified in Section 377 of the Local Government Act and within the ambit of the Committee considerations.
- Broad strategic matters, such as:-
  - Town Planning Objectives; and
  - major planning initiatives.
- Matters not within the specified functions of the Committee.
- Matters requiring supplementary votes to Budget.
- Urban Design Plans and Guidelines.
- Planning Proposals and Local Environment Plans.
- Residential and Commercial Development Control Plans.
- Rezoning applications.
- Heritage Conservation Controls.
- Commercial Centres Beautification Plans of Management.
- Matters requiring the expenditure of moneys and in respect of which no Council vote has been made.
- Matters reserved by individual Councillors in accordance with any Council policy on "safeguards" and substantive changes.

**Delegated Authority:**

- To require such investigations, reports or actions as considered necessary in respect of matters contained within the Business Agendas (and as may be limited by specific Council resolutions).
- Confirmation of the Minutes of its Meetings.
- Any other matter falling within the responsibility of the Urban Planning Committee and not restricted by the Local Government Act or required to be a Recommendation to Full Council as listed above.
- Statutory reviews of Council's Delivery Program and Operational Plan.

**Committee Membership:** 4 Councillors

**Quorum:** The quorum for a Committee meeting is 3 Councillors.

# Woollahra Municipal Council

## Notice of Meeting

19 July 2017

To: Her Worship the Mayor, Councillor Toni Zeltzer ex-officio  
Councillors Katherine O'Regan (Chair)  
Ted Bennett (Deputy Chair)  
Luise Elsing  
Matthew Robertson

Dear Councillors

### Urban Planning Committee – 24 July 2017

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Urban Planning Committee** meeting to be held in the **Thornton Room (Committee Room)**, 536 New South Head Road, Double Bay, on **Monday 24 July 2017 at 6.00pm.**

Gary James  
General Manager

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## Meeting Agenda

<b>Item</b>	<b>Subject</b>	<b>Page</b>
1.	Leave of Absence and Apologies	
2.	Late Correspondence	
3.	Declarations of Interest	

### **Items to be Decided by this Committee using its Delegated Authority**

D1	Confirmation of Minutes of Meeting held on 10 July 2017 - 17/129767 .....	7
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### **Items to be Submitted to the Council for Decision with Recommendations from this Committee**

R1	Public Exhibition of the Planning Proposal for 374 and 376-382 New South Head Road, Double Bay - (SC2880) - 17/119224 .....	9
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**Item No:** D1 Delegated to Committee  
**Subject:** **CONFIRMATION OF MINUTES OF MEETING HELD ON 10 JULY 2017**  
**Author:** Sue O'Connor, Secretarial Support - Governance  
**File No:** 17/129767  
**Reason for Report:** The Minutes of the Urban Planning Committee of 10 July 2017 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

**Recommendation:**

That the Minutes of the Urban Planning Committee Meeting of 10 July 2017 be taken as read and confirmed.

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**Item No:** R1 Recommendation to Council  
**Subject:** **PUBLIC EXHIBITION OF THE PLANNING PROPOSAL FOR 374 AND 376-382 NEW SOUTH HEAD ROAD, DOUBLE BAY - (SC2880)**  
**Author:** Anne White, Team Leader - Strategic Planning  
**Approver:** Chris Bluett, Manager - Strategic Planning  
**File No:** 17/119224  
**Reason for Report:** To report on the public exhibition of the planning proposal for 374 and 376-382 New South Head Road, Double Bay.  
To obtain Council's approval to defer further consideration of the planning proposal until the review of planning controls in the Double Bay Centre has reached the community engagement stage.

**Recommendation:**

That consideration of the planning proposal for 374 and 376-382 New South Head Road, Double Bay is deferred until the review of planning controls in the Double Bay Centre has reached the community engagement stage.

**1. The Site**

In June 2015 a request for a planning proposal (hereafter called the original planning proposal) relating to land at 374 and 376-382 New South Head Road, Double Bay (the site) was submitted to Council on behalf of the owner Fivex Pty Ltd. The land comprises Lot B in DP 162458 and Lot 11 in DP 608859. The site is located in Double Bay at the western corner of New South Head Road and Knox Street, as shown below in Figure 1: *Local area map*. An aerial of the site is shown in Figure 2.

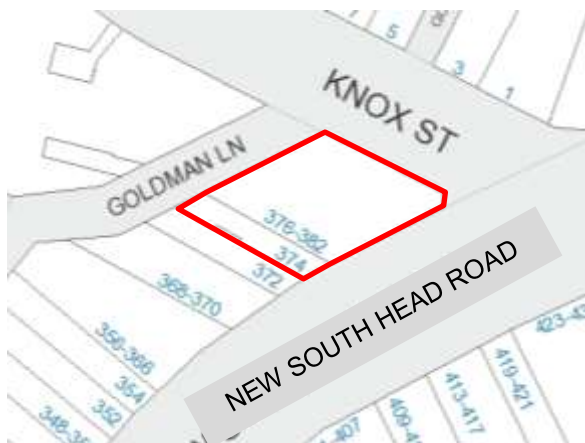


Figure 1: Local area map



Figure 2: Aerial

Commercial buildings currently occupy both properties which have no off-street parking. No. 374 New South Head Road is the eastern half of a pair of one storey Inter-War shops (see Figure 3). The property has frontages to New South Head Road and Goldman Lane and is currently occupied by the pizzeria "Crust". An electricity substation is located on the property at the Goldman Lane frontage.

Nos. 376-382 New South Head Road contain a four storey retail and commercial building which is bounded on three sides by Knox Street, New South Head Road and Goldman Lane. Each frontage is activated at the ground floor by shops or a business use. There is a roof terrace that houses mechanical plant and equipment as well as lift access.



Figure 3: View of the site from New South Head Road looking north



Figure 4: View from New South Head Road looking north east.



Figure 5: View from Knox Street looking south east.

## 2. Original planning proposal

The original planning proposal was to amend the height and floor space ratio (FSR) controls applying to the site under Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014) by:

- Increasing the maximum FSR from 2.5:1 to 5:1 on 374 New South Head Road
- Increasing the maximum FSR from 3:1 to 5:1 on 376-382 New South Head Road

- Increasing the maximum building height from 14.7m (4 storeys) to 26m (7 storeys) over the site.

On 2 November 2015 the Urban Planning Committee (UPC) considered a report on the original planning proposal. The staff recommendation did not support the planning proposal because it:

- sought height and floor space ratio controls that are inconsistent with the strategic review of controls in the Double Bay Centre being carried out by the Council,
- was inconsistent with the desired future character of the Double Bay Centre that is defined by objectives and development standards in Woollahra LEP 2014 and Chapter D5 Double Bay Centre of the Woollahra Development Control Plan 2015,
- would facilitate development that would have unacceptable shadowing impacts to the south side of New South Head Road,
- results in a building envelope which is inconsistent with building separation distances for 5 to 8 storey apartment development identified in the Apartment Design Guide (Department of Planning and Environment 2015) which supports State Environmental Planning Policy 65 – Apartment Design Quality (SEPP 65).

At the Council meeting of 16 November 2015 Council resolved:

*That a decision on the planning proposal for 374 and 376-382 New South Head Road, Double Bay be DEFERRED until March 2016, in order to allow sufficient time for the Hill PDA report to be considered fully by Council and for further discussion to take place between Council Officers and the Applicant.*

### **3. Double Bay Economic Feasibility Study (prepared by Hill PDA) and the Double Bay Commercial Centre Building Envelope Review**

On 7 September 2015 the UPC considered a report on the Double Bay Economic Feasibility Study (the Study) prepared by Hill PDA. Hill PDA recommended that Council consider a review of the planning controls to permit an FSR of between 3:1 and 3.5:1. The appropriate FSR, within this range, would be dependent on urban design testing and other environmental considerations.

On 28 September 2015 Council resolved in part:

- B. THAT a further report be presented to the Urban Planning Committee, no later than the end of March 2016, containing the review of the planning controls to the Double Bay Centre, which is based on the recommendations and policy options presented to the Urban Planning Committee by Hill PDA Consulting on 7 September 2015.*

Based on Hill PDA's recommendations, Council's planning and urban design staff have been assessing the appropriateness of increasing the FSR controls in Double Bay to between 3:1 and 3.5:1. This has involved a fine-grain urban design review of the whole centre. The review has modelled building envelopes on a block by block basis to assess the built form implications, as some areas, locations or sites may be more suitable for increased FSRs.

On 26 April 2016 the UPC considered a report on a communication and engagement strategy for the Study. At the Council meeting of 9 May 2016 Council resolved:

- A. *That a community engagement program in the form of a public forum open to all be held on a date to be determined post the receipt of comments under C below at which staff can address the public and receive feedback from the public on the Double Bay Economic Feasibility Study and its proposals.*
- B. *That proposed urban development options for the Double Bay Commercial Centre be the principal subject of the community engagement program, which will include a community impact statement and the options be presented to a future meeting of the Urban Planning Committee in the form of 3D simulation models.*
- C. *That the residents of Double Bay be given the opportunity to comment on the Hill PDA recommendations and policy options by the end of June 2016, including the opportunity to put forward expert material and alternative recommendations. The staff report to be provided to Council shall include a review of any such comment, material and alternative recommendations.*
- D. *That Council endorse the urban development options, for the purpose of community engagement, prior to commencing the community engagement program.*

In response to part C of this resolution, the study was placed on public exhibition from 25 May 2016 to 30 June 2016. On 8 August the UPC considered a report on the public exhibition and at the Council meeting of 22 August 2016 Council resolved in part:

- B. *THAT Council continue with the process it has adopted in relation to the review of the planning controls for the Double Bay commercial centre. The review is to be focussed on increasing the vitality and life of the centre and on increasing housing opportunities and housing choice within the centre without compromising village character and urban amenity.*
- C. *THAT a fine grained urban design analysis and urban design options be undertaken to achieve increased housing opportunities and housing choice within the centre and continue to be informed by the Hill PDA report. Particular emphasis is to be placed on mixed housing that will enable a younger demographic to enter the Double Bay market.*
- D. *THAT urban design options, illustrated by 3D visualisation tools, be presented to the Double Bay Working Party for review and consideration prior to referral to the Urban Planning Committee.*

#### **4. Revised planning proposal**

On 1 March 2016 the proponent submitted a revised planning proposal request for the site (hereafter called the revised planning proposal). On 15 March 2016 staff wrote to the proponent and advised that in light of Council's resolution from 16 November 2015, the assessment of any planning proposal for the site should be deferred until the review of the planning controls in the Double Bay Centre has been completed. On the likelihood that the proponent wished to proceed with a planning proposal, staff requested that further documentation be submitted to support the revised planning proposal. The final documentation for the revised planning proposal was submitted on 27 April 2016. The revised planning proposal seeks to amend the height and FSR controls applying to the site under Woollahra LEP 2014 by:

- Increasing the maximum FSR from 2.5:1 to 4.5:1 on 374 New South Head Road
- Increasing the maximum FSR from 3:1 to 4.5:1 on 376-382 New South Head Road
- Increasing the maximum building height from 14.7m (4 storeys) to 23.5m (6 storeys) over the site.

On 23 May 2016 the UPC considered a report on the revised planning proposal where staff, again, recommended deferring consideration until the review of planning controls in the Double Bay Centre was complete. At the Council meeting of 14 June 2016 Council resolved:

*That consideration of the revised planning proposal for 374 and 376-382 New South Head Road, Double Bay as reported to the Urban Planning Committee of 23 May 2016 be deferred until the review of planning controls in the Double Bay Centre is complete.*

Then on 26 September 2016 Council adopted the following Notice of Motion:

*That the Council refer the revised Planning Proposal for 374 and 376-382 New South Head Road, Double Bay to the next Urban Planning Committee.*

On 10 October 2016 the UPC considered a report on the revised planning proposal where staff, recommended deferring consideration until the review of planning controls in Double Bay was complete. However, at the Council meeting on 31 October 2016 Council resolved:

- A. *THAT the revised planning proposal for land at 374 and 376-382 New South Head Road, Double Bay, submitted by Eeles Trelease Pty Ltd Architects in association with Tony Moody, Consultant Planner and Hill Thallis Architecture + Urban Planning Pty Ltd on behalf of the owner Fivex Pty Ltd, as contained in the report to the Urban Planning Committee on 10 October 2016, be submitted to the Minister for Planning requesting a gateway determination to allow public exhibition.*
- B. *THAT when requesting a gateway determination for the planning proposal, the Council seek delegation of the plan-making steps under section 59 of the Environmental Planning and Assessment Act 1979.C.*
- C. *THAT the applicant meet all costs associated with the preparation and completion of the planning proposal, as set out in the Council's fees and charges.*

In accordance with this resolution, the revised planning proposal (**Annexure 1**) was submitted to the Department of Planning and Environment (DPE). The DPE issued a gateway determination on 13 April 2017 (**Annexure 2**) on behalf of the Greater Sydney Commission, subject to conditions. Of particular significance, condition 3 states:

*Prior to finalisation, the planning proposal is to be updated to demonstrate consistency with any available findings of Council's Double Bay Commercial Centre Building Envelope Review, in conjunction with clarifying the proposals consistency with the Hill PDA Double Bay Economic Study.*

This gateway determination condition has been addressed in section 8 of this report.



## 5. Development application history

### • 376-382 New South Head Road (5 storeys)

On 7 July 2014 Council approved alterations and additions to the existing building at 376-382 New South Head Road (part of the subject site) under development application 568/2013. The consent is for a change of use of level 4 from commercial to residential and an additional fifth level for residential use. Thirteen dwellings would be provided in the form of studio/1 bedroom dwellings.

The approved building has a maximum height of 19.4m and an FSR of 4.2:1 (using the definition of gross floor area in the *Woollahra Local Environmental Plan 1995*).

The development exceeds the current Woollahra LEP 2014 height control by 4.7m and maximum FSR by 1.2:1.

### • 374-382 New South Head Road (6 storeys)

On 31 March 2017 a proposal was lodged under development application 125/2017 across both 374 and 376-382 New South Head Road.

The application seeks the demolition of 374 New South Head Road, and then the integration of this site with 376-382 New South Head Road. The application seeks the extension of retail, commercial and residential across the adjoining site at 374 New South Head Road. The application also seeks six levels across both sites. Eleven dwellings would be provided in the form of three studios, seven 1 bedroom units and one 2 bedroom unit.

This application seeks a height of 23.38m and an FSR of 4.5:1. The development exceeds the current Woollahra LEP 2014 height control by 8.68m and maximum FSR on 376-382 New South Head Road by 1.5:1 and by 2:1 on 374 New South Head Road.

It is noted that the architectural drawings for this development application are consistent with the indicative development concept which was submitted with the revised planning proposal.

At the time of writing this report, this development application was being assessed by Council's development control staff.

Despite the development application history, there needs to be a separation in assessing the merits of this planning proposal from the assessment previously given to DA 568/2013 and the current assessment of DA 125/2017.



Figure 6: Map of 376-382 New South Head Road



Figure 7: Map of 374-382 New South Head Road

## 6. Public exhibition

The revised planning proposal was exhibited from 10 May 2017 to 9 June 2017, consistent with the *Environmental Planning and Assessment Act 1979* (the Act), *Environmental Planning and Assessment Regulation 2000* (the Regulation), and the conditions set out in the gateway determination. Details of the exhibition were notified in the Wentworth Courier editions of 10 May, 17 May, 24 May, 31 May and 7 June 2017.

The exhibition took place at Woollahra Council Chambers in Double Bay, in the Customer Service area during business hours.

We wrote to 317 property owners about the proposal and notified the following organisations and state agencies: Double Bay Chamber of Commerce, Double Bay Residents' Association, Sydney Water and Roads and Maritime Services.

A copy of the planning proposal and associated documentation were placed on Council's website for the duration of the exhibition period. During the exhibition, the website page was visited by 112 external customers.

## 7. Submissions

Seventeen submissions were received (see **Annexure 3**). In summary these are:

- A submission from Roads and Maritime Services (RMS) raised no objections.
- Five submissions supporting the planning proposal were received from landowners who own property in the Double Bay Centre.
- Eleven submissions objecting to the planning proposal were received. Of these:
  - seven were from Double Bay residents at 26 Glendon Road, 16 Court Road, 50 Carlotta Road, 327B Edgecliff Road, 10/50 Bellevue Road and 10 Pine Hill Avenue,
  - one was on behalf of seven residential property owners at 2-22 Knox Street, Double Bay (the Cosmopolitan Centre)
  - two were from unknown locations,
  - one was from the Double Bay Residents' Association

A summary of the matters raised in the submissions and staff responses are provided in the table below. The matters raised in the submissions have been grouped into the following issues:

1. Maintain current controls until a strategic review is carried out.
2. Loss of "village" atmosphere, inconsistency with the centres character and other amenity impacts.
3. Impact on 2-22 Knox Street and inconsistency with SEPP 65.
4. Traffic, parking and waste management.
5. Support for the planning proposal.

### 1. Maintain current controls until a strategic review is carried out

#### *Issues raised in submissions*

- Approving this proposal will set a precedence for 6-7 storey buildings in the Centre.
- Planning controls should not be the subject of site-specific amendments but should occur in a planned and coordinated way.
- There is insufficient strategic justification, and the amendments are not merit based.
- In May 2016 Council resolved to hold a community engagement program to facilitate feedback. Amendments should not be made until the community engagement program takes place.

**Staff response**

Consistent with previous resolutions, Council staff are in the process of investigating revised planning controls within the Double Bay commercial centre. Rather than a generic amendment, this review involves a fine-grained urban design review of the whole centre on a block by block basis. This has included 3D modelling which allows the detailed assessment of the bulk and scale impacts including the shadow impacts to both the public and private domain.

Council staff agree that the planning control changes should be considered in the context of the review of the whole of the Double Bay commercial centre, rather than a site-specific amendment. Furthermore, any proposed changes to the planning controls should involve consultation in the form of a community engagement program consistent with the Council resolution of 9 May 2016.

**2. Loss of “village” atmosphere, inconsistency with the centres character and other amenity impacts.**

**Issues raised in submissions**

- The proposed increase of FSR by 50-80% and height by 60% is excessive.
- The proposed FSR exceeds those proposed by Hill PDA.
- The existing controls maintain the current village atmosphere which should be retained.
- The proposed height and bulk are inconsistent with the desired future character and “low rise Double Bay”.
- The proposal will overshadow the pavement (and the façade of the buildings) on the southern side of New South Head Road.
- Views across the Centre (particularly harbour views) will be lost to homes on the amphitheatre surrounding the Centre.

**Staff response**

**Proposed Height**

Consistent with previous resolutions, Council staff are in the process of investigating revised planning controls within the Double Bay Centre. Rather than a generic amendment, this review involves a fine-grained urban design analysis of the Centre on a block by block basis to permit an FSR of between 3:1 and 3.5:1.

To facilitate an FSR of 3.5:1 it is anticipated that this review will need to consider increased height limits in some locations. However, if this additional height is proposed, it will be considered in conjunction with other built form controls such as building separation and setbacks. The proposed built form controls (including maximum building height, FSR, setbacks and articulation) will be crafted taking into account:

- *Overshadowing: particularly of the public domain.*
- *Amenity: based on capacity to provide solar access and ventilation as required by SEPP 65 and the Apartment Design Guide.*
- *Street proportions: the relationship of building height to street width.*
- *Vistas: views through lanes, arcades and along streets.*
- *Form of public spaces: whether envelopes will create friendly, sunlit spaces which are pleasant to be in.*
- *View sharing: how views from the surrounding area may be affected.*



***Proposed FSR***

The Hill PDA Study recommended that Council consider increasing FSR controls from 2.5:1 (and 3:1 for corner sites) to between 3:1 and 3.5:1 if Council wants to encourage redevelopment with the view of increasing housing opportunities and housing choice within the Centre. This is a potential increase in permissible floor space by up to 40%.

Based on Hill PDA's recommendations, Council's planning and urban design staff have been assessing the appropriateness of increasing the FSR controls in the Double Bay Centre to between 3:1 and 3.5:1. The requested FSR of 4.5:1 is an increase of 50% on the maximum FSR for 376-382 New South Head Road and an increase of 80% on the maximum FSR for 374 New South Head Road. Furthermore, the requested FSR is 27% higher than the maximum FSR identified by Hill PDA to facilitate viable redevelopment.

Council staff recommend that the revised planning proposal is deferred and considered as part of the community engagement program. This will enable the applicant and other land owners to have input into the process of reviewing the planning controls in a unified approach.

**3. Impact on 2-22 Knox Street (Cosmopolitan Centre) and inconsistency with SEPP 65**

***Issues raised in submissions***

- An increase of 2 floors to the existing building will impact on views, sunlight and privacy.
- Minimum standards in SEPP 65 *Apartment Design Guidelines are not being met* including:
  - Acoustic privacy,
  - Visual separation and
  - Bulk resulting in a loss of amenity.
- Proposal offers no reasonable solution to privacy, setbacks or view sharing. Any additional height should be justified with increased setbacks, screening and basement amenities.

***Staff response***

*State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development* (SEPP 65) seeks to improve the design quality of residential apartment development in New South Wales. SEPP 65 is supported by the Apartment Design Guide (ADG) which provides greater detail on how residential development proposals can meet these principles through good design and planning practice.

Part 2 of the ADG explains the application of building envelopes and primary controls including height, floor space ratio, building depth, separation and setbacks. It provides tools to support the strategic planning process when preparing planning controls. On the issue of setbacks, Part 2F *Building separation* of the ADG outlines minimum distances between apartments to improve amenity and provide acoustic and visual privacy. The ADG states:

*Separation between buildings contributes to the urban form of an area and the amenity within apartments and open space areas.*

*Within apartments, building separation assists with visual and acoustic privacy, outlook, natural ventilation and daylight access. (p.36)*

These distances vary depending on building height as outlined below.

Minimum separation distances for buildings are:	<b>between habitable rooms/balconies</b>	between habitable and non-habitable rooms	between non-habitable rooms
<i>Up to four storeys (approximately 12m):</i>	<b>12m</b>	9m	6m
<i>Five to eight storeys (approximately 25m):</i>	<b>18m</b>	12m	9m
<i>Nine storeys and above (over 25m):</i>	<b>24m</b>	18m	12m

Objectives for building height standards in Woollahra LEP 2014 are also relevant in considering these submissions and setting appropriate height controls in the Centre.

Clause 4.3 *Height of Buildings* of Woollahra LEP 2014 includes one objective regarding privacy:

- (d) *to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,*

***Proponent's comments***

The proponent states that:

- the scheme does not achieve the full 18m of building separation from the development to the north (No 2-22 Knox Street),
- visual privacy is maintained by the physical separation of 12m between main living areas and bedrooms,
- the issue of SEPP 65 would be further addressed at the development application stage,
- visual privacy will be addressed through the use of fixed privacy screens.

***Staff response***

It is relevant to consider the ADG during the assessment of the planning proposal as apartments may be provided in a future development. Building separation is a relevant consideration as the planning proposal would increase the maximum building height for the site from 14.7m (4 storeys) to 23.5m (6 storeys). The ADG identifies that in five to eight storey apartment buildings, consideration should be given to a minimum separation distance of 18m between habitable rooms/balconies.

The Cosmopolitan Centre is located to the north west of the site (see Figure 8 below). The upper levels of the Centre are residential dwellings with windows facing towards the site. The dwellings are between 10m and 14.5m from the western boundary of the site on Goldman Lane. In response to the issues raised in the submissions, on 6 July 2017 at 11am Council staff attended Units 7F and 5H in the Cosmopolitan Centre. Both units are located in the east end of the building, adjoining Goldman Lane.

The proponent's concept includes apartments on levels 5 to 6. The apartments on level 5 and 6 are shown with balconies on Goldman Lane. Figure 9 below shows the concept with balconies within approximately 10.5m of the Cosmopolitan Centre and windows from primary living areas within approximately 12m of the Cosmopolitan Centre. The separation distances are well below the 18m building separation identified in the Apartment Design Guide.

Whilst staff are recommending that the consideration of the revised planning proposal be deferred, it is worth noting that the impacts on these units could be ameliorated by amending the building envelope and setting the fifth and sixth storey back from the Cosmopolitan Centre. This could be achieved via amendments to the DCP to establish setbacks on levels 5 and 6 to provide consistency with the building separation distances in the ADG.

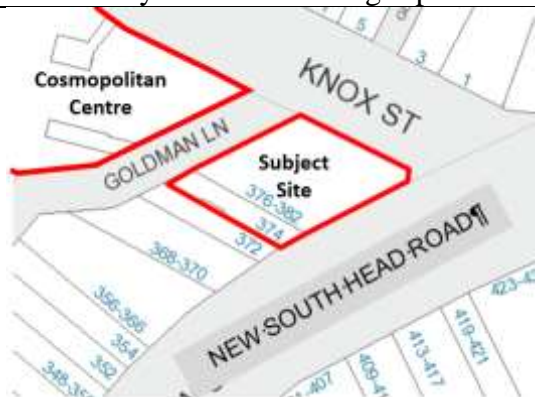


Figure 8: Map showing the location of the subject site and adjoining Cosmopolitan Centre

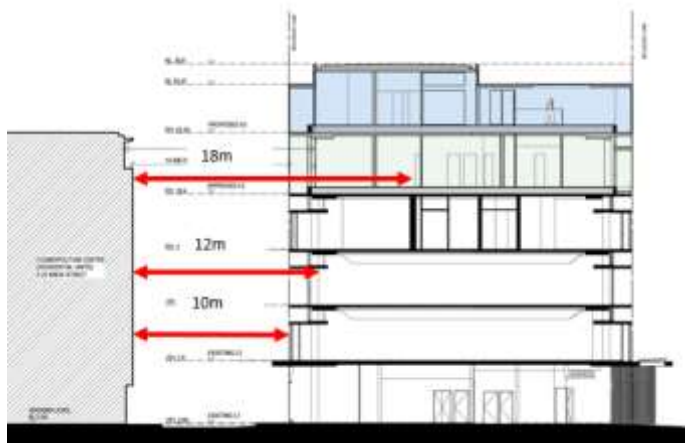


Figure 9: Section of proponent's concept indicating separation distances

#### 4. Traffic, parking and waste management

##### *Issues raised in submissions*

- Without parking, the proposal will cause further traffic and parking problems.
- There is already insufficient parking and congestion in and around the Centre
- There is no provision to address additional waste generated from the development.

##### *Staff response*

##### *Traffic and parking*

Traffic and parking is a matter that would be considered as part of the detailed design, and then assessed as part of a development application. The Woollahra Development Control Plan 2015 (E1 Parking and Access) sets the maximum number of parking spaces to be provided for residential development, and the minimum number of parking spaces to be provided for non-residential development. Where on-site parking less than the required rate is proposed, a traffic and parking report must address and justify those inconsistencies.

Council's traffic engineers have considered the potential traffic generation of the site under the requested FSR and height standards and compared with the current controls and the current buildings on the site. The engineers identify that:

- A reduced parking demand for both the residential and the non-residential additions will be expected as the site is:
  - conveniently served by regular bus services;
  - in the vicinity of existing car sharing services; and
  - in the vicinity of retail and other services which reduces the need of vehicular trips.
- On-street parking in the vicinity is protected by resident permit parking schemes. It is Council's practice that where residential density is increased on a site, owners of the additional dwellings are not eligible for on-street parking permits, regardless of the amount of car parking provided on-site. This reduces the incentive for residents who do not have on-site car parking to own a vehicle.

***Waste management***

Waste management is a matter that would be considered as part of the detailed design, and then assessed as part of a development application. The Woollahra Development Control Plan 2015 (E5 Waste Management) requires that residential flat buildings are designed to appropriately manage waste and recycling and are compatible with collection services.

**5. Support for the planning proposal**

The four submissions supported the planning proposal for the following reasons:

- Updated planning regulations are needed to encourage redevelopment and rejuvenation.
- Current regulations make redevelopment unfeasible/unattractive.
- The buildings on New South Head Road are old and in need of improvement.
- Amendments should apply to minimum land holdings to encourage consolidation.
- Double Bay needs more dwellings to support a growing population.
- The proposed FSR will facilitate growth and enable businesses to survive.
- The proposed height will improve the visual presence of the Centre.

***Staff response***

The comments in support of the planning proposal are noted.

Woollahra Council is committed to rejuvenating Double Bay, and staff agree that there are areas in the Centre that would benefit from redevelopment. Well designed, new development in Double Bay has the capacity to contribute to making Double Bay a more vibrant and attractive place.

In response to the recommendations in the Hill PDA Study, a review of building envelopes for the Double Bay Centre is being undertaken by staff. This review involves a fine-grained urban design analysis of the centre on a block by block basis to permit an FSR of between 3:1 and 3.5:1. This FSR range was identified as the “tipping point” at which redevelopment becomes more financially attractive thereby making residential growth possible. However, economic viability is only one of a number of planning considerations that needs to be incorporated into the review.

Council staff recommend that the planning control amendments are considered as a “whole”, rather than a site-specific amendment.

**8. Gateway determination**

Condition 3 of the gateway determination of 13 April 2017 states the following:

*Prior to finalisation, the planning proposal is to be updated to demonstrate consistency with any available findings of Council’s Double Bay Commercial Centre Building Envelope Review, in conjunction with clarifying the proposals consistency with the Hill PDA Double Bay Economic Study.*

In response to the Hill PDA Study, Council staff have commenced a fine grained urban design review of the built form implications of permitting an FSR of between 3:1 and 3.5:1. This review is being carried out on a block by block approach using 3D visualisation models. Initial options were presented in an informal briefing to the Urban Planning Committee Councillors on 29 March 2016. This briefing did not result in a recommendation of endorsement. Further refinements of the building envelopes were then presented to the Double Bay Working party on 6 September 2016. As a consequence of feedback received, Council staff are in the process of substantially refining the potential options.

The Double Bay Commercial Centre Building Envelope Review, as mentioned in condition 3 of the gateway determination, has not reached any point of acceptance or certainty which might support the purpose of the planning proposal. The review has not been formally reported to a committee meeting of Council, and the review is not publicly available. The consistency required by condition 3 cannot be demonstrated at this time. Accordingly, we are unable to satisfy condition 3 of the gateway determination.

We recommend deferring the further consideration of the planning proposal until the Building Envelope Review is publicly available and the community engagement process has commenced.

## **9. Options for proceeding**

There are three options for progressing the planning proposal:

1. Finalise the planning proposal as exhibited.
2. Defer consideration of the planning proposal until the review of planning controls in the Double Bay Centre is complete.
3. Notify the proponent that the planning proposal is not supported.

### ***Option 1: Finalise the planning proposal as exhibited.***

To streamline the plan making process, the Minister can delegate some plan making powers to Council for routine matters. In this case, the Council has been provided with written authorisation to exercise the functions of the Greater Sydney Commission to make a local environmental plan under section 59 of the Act.

Should Council resolve to finalise the planning proposal as exhibited, staff will request that the Parliamentary Counsel (PC) prepare a draft local environmental plan. Once the draft LEP has been prepared, PC will issue an opinion that it can be made.

This is not our recommended approach.

### ***Option 2: Defer consideration of the planning proposal until the review of planning controls in the Double Bay Centre has reached the community engagement stage as required by Council's decision on 9 May 2016.***

This is our preferred approach.

Consistent with the issues raised in the submissions of objection, we recommended that further consideration of the revised planning proposal is deferred until:

- The outcome of the planning control review has been endorsed by Council for the purpose of community engagement.

- The planning proposal has been updated in response to condition 3 of the gateway determination to demonstrate consistency with the findings of Council's Double Bay Commercial Centre Envelope review, in conjunction with clarifying the proposals consistency with the Hill PDA Double Bay Economic Study.
- The community engagement process, as resolved by Council on 9 May 2016 has commenced.

***Option 3: Notify the proponent that the planning proposal is not supported.***

The council may decide not to proceed with the planning proposal. We are not recommending this option. However, in the event that Council decides not to finalise the planning proposal, it should resolve to write to the Minister requesting him or his delegate not to proceed under section 58(4) of the Act.

**10. Conclusion**

The planning proposal was prepared and exhibited in the manner required by the Act, the Regulation and the conditions set out in the gateway determination. Seventeen submissions were received. Five submissions supported the planning proposal, and twelve submissions objected.

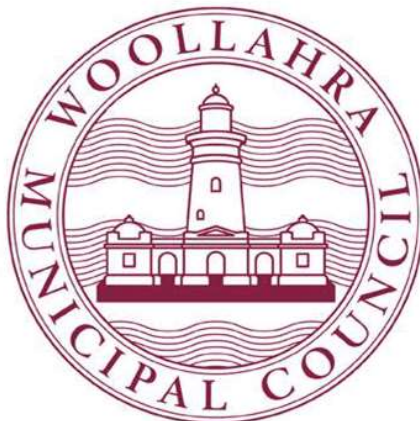
Council staff are in the process of investigating revised planning controls within the Double Bay commercial centre. Rather than a generic amendment, this review involves a fine-grained urban design review of the whole centre on a block by block basis. The submissions which support a review of the planning regulations to encourage redevelopment and rejuvenation are noted. However, Council staff agree with the submissions recommending that the planning control changes should be considered in the context of the review of the whole of the Double Bay commercial centre, rather than a site-specific amendment. Furthermore, any proposed changes to the planning controls should involve consultation in the form of a community engagement program consistent with the Council resolution of 9 May 2016.

Council staff recommend that further consideration of the planning proposal is deferred until the community engagement process has commenced.

**Annexures**

1. Annexure 1 - Planning proposal cover report as exhibited (attachments removed) [↓](#)
2. Annexure 2 - Gateway Determination [↓](#)
3. Annexure 3 - Submissions [↓](#)

## **Annexure 1**



# **PLANNING PROPOSAL**

**374 and 376-382 New South Head Road, Double Bay**

TRIM: 17/57904

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## Part 1 – Introduction

This planning proposal has been prepared by Woollahra Municipal Council based on documents submitted by Mecone Pty Ltd (Mecone) on behalf of Fivex Pty Ltd. The proposal is to increase the maximum building height and floor space ratio for the site at 374 and 376-382 New South Head Road, Double Bay (the site). The proposal will facilitate an additional level to the approved building on the site and will create a 6 storey development.

This planning proposal pertains to the land described as follows:

- 374 New South Head Road, Double Bay (Lot 11 DP608859); and
- 376-382 New South Head Road, Double Bay (Lot B DP162458).

It is proposed to amend the Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014) to allow for:

- An increase in height of buildings from 14.7m to 23.5m (6 storeys); and
- An increase in the maximum floor space ratio from 2.5:1 (374 New South Head Road) and 3:1 (376-382 New South Head Road) to 4.5:1.

This planning proposal has been prepared in accordance with:

- Section 55 of the *Environmental Planning and Assessment Act 1979 (the Act)*; and
- NSW Department of Planning and Environment's *A Guide to Preparing Planning Proposals* (August 2016).

This planning proposal includes the following information:

- A description of the site in its local and regional context;
- A statement of the objectives or intended outcomes of the proposed instrument;
- An explanation of the provisions that are to be included in the proposed instrument; and
- The justification for those objectives, outcomes and provisions and the process for implementation, including:
  - Compliance with relevant directions under s117 of the Act;
  - The relationship to the strategic planning framework;
  - Environmental, social and economic impacts;
  - Any relevant State and Commonwealth interests; and
  - Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

### 1.1 Background

#### **Existing Development Consent**

On 7 July 2014 Council approved alterations and additions to the existing building at 376-382 New South Head Road under DA 568/2013 for:

*Mixed Residential/Commercial Alterations and additions to the existing building including a change of use of level 4 from commercial to residential and a new levels 5 and 6 for residential use (15 x studio/1 bedroom units)*

This consent allows for a single additional storey on top of the existing 4-storey building (for a total of 5 storeys).

It is highlighted that the existing building currently exceeds the height of buildings control by 4% (0.6m) and the floor space ratio control by 4% (80sqm). The approved 5th storey will

further breach the height control by 32% (4.7m) and the floor space ratio control by 47.3% (951sqm).

**Note:** the subject planning proposal relates to the land at 376-382 New South Head Road plus the adjoining land at 374 New South Head Road. 374 New South Head Road does not form part of the abovementioned development consent.

### **Planning proposal history**

A planning proposal for the site was originally submitted by Eeles Trelease to Council on 10 June 2015 for a building height of seven (7) storeys. On 16 November 2015 Council resolved the following:

*That a decision on the planning proposal for 374 and 376-382 New South Head Road, Double Bay be DEFERRED until March 2016, in order to allow sufficient time for the Hill PDA report [Economic Feasibility Study] to be considered fully by Council and for further discussion to take place between Council Officers and the Applicant.*

A revised planning proposal featuring a building height of six (6) storeys was submitted to Council on 1 March 2016. Council officers advised (via email) that assessment of any proposal for the site should be deferred until the review of the planning controls has been completed. In addition, Council requested the following:

- That the planning proposal be treated as a new concept, rather than an amendment to the previous one; and
- That the planning proposal be revised to address the Department of Planning and Environment's (DPE) 'A Guide to Preparing Planning Proposals'.

On 10 October 2016 Council resolved the following:

*THAT the revised planning proposal for land at 374 and 376-382 New South Head Road, Double Bay, submitted by Eeles Trelease Pty Ltd Architects in association with Tony Moody, Consultant Planner and Hill Thalys Architecture + Urban Planning Pty Ltd on behalf of the owner Fivex Pty Ltd, as contained in the report to the Urban Planning Committee on 10 October 2016, be submitted to the Minister for Planning requesting a gateway determination to allow public exhibition.*

This planning proposal has been prepared in response to Council's resolution on 10 October 2016 and in response to Council officer's advice to revise the planning proposal.

Mecone was engaged by the proponent to compile a new planning proposal document for the '6 storey' concept, in accordance with Council's resolution and *A Guide to Preparing Planning Proposals*.

### **1.2 Description of this planning proposal**

Section 55(2) of the *Act* outlines the required contents of a planning proposal. DP&E has produced *A Guide to Preparing Planning Proposals* (August 2016), which divides these requirements into six parts. These parts are addressed in the next chapters as follows:

- Chapter 5 addresses Part 1 – a statement of the objectives and intended outcomes;
- Chapter 6 addresses Part 2 – an explanation of the provisions to be included in the proposed instrument;
- Chapter 7 addresses Part 3 – justification of the objectives, outcomes and the process for implementation;
- Chapter 8 addresses Part 4 – maps to identify the modifications required to the proposed instrument and the area to which it applies;

- Chapter 9 addresses Part 5 – details of the community consultation to be undertaken; and
- Chapter 10 addresses Part 6 – draft timeline for the planning proposal.

## Part 2 – Existing sites and surrounding context

### 2.1 The sites

#### Site Location and Description

The site is located at 374 and 376-382 New South Head Road, Double Bay as shown in Figure 1 below.



Figure 1 – Aerial view of site  
Source: SIX Maps

Table 1 provides the legal description and a brief summary of the site and its surrounding context.

Item	Detail
Legal description	Lot 11 DP608859 Lot B DP162458
Total site area	669.8sqm
Shape	The site is roughly parallelogram in shape.
Frontage	Approx. 28m frontage to New South Head Road Approx. 25m to Knox Street Approx. 30m to Goldman Lane

Item	Detail
Site topography	The site is generally flat.
Existing buildings/ structures	<p>No. 374 New South Head Road comprises the eastern half of single storey shops, currently occupied by the pizzeria "Crust". At the rear of No. 374 is a substation kiosk accessed off Goldman Lane.</p> <p>Nos. 376-382 New South Head Road contain a 4-storey retail and commercial building on the corner of Knox Street and New South Head Road, wrapping around in to Goldman Lane. The building is exemplary of good corner treatment and has received multiple awards for architectural excellence and sustainability.</p> <p>The existing building exceeds the height of buildings control by 4% (0.6m) and the floor space ratio control by 4% (80sqm). While this building currently features 4 storeys, Council has approved (DA568/2013) a 5th storey which would breach the height control by 32% (4.7m) and the floor space ratio control by 47.3% (951sqm).</p> <p>The approved 5th storey has not yet been constructed but the development consent is active.</p>
Surrounding uses	<p>To the north across Goldman Lane at 22 Knox Street is a 6-storey mixed use development known as The Stamford Cosmopolitan Centre, with retail on the ground level and residential uses above.</p> <p>To the south across New South Head Road is a strip of 2-3 storey commercial buildings and The Sheaf.</p> <p>To the east across Knox Street is a strip of 2 storey shops.</p> <p>Immediately to the west is a 1 storey shop, with 1, 2 and 3-storey shops beyond this.</p>
Access and parking	<p>Pedestrian access to the site is via all three street frontages.</p> <p>There is no on-site vehicular parking at the site or vehicular access into the site.</p>
Transportation	<p>The site is well serviced by high-frequency bus services along New South Head Road, including:</p> <ul style="list-style-type: none"> <li>Route 323 (Dover Heights to Edgecliff)</li> <li>Route 324 (Watsons Bay to City – Walsh Bay)</li> <li>Route 325 (Watsons Bay to City – Walsh Bay)</li> <li>Route 326 (Edgecliff to Bondi Junction)</li> </ul> <p>The site is located less than 700m walking distance from Edgecliff railway station and Edgecliff bus interchange.</p> <p>The site is approx. 550m from Double Bay Wharf.</p>

Table 1 - Site Description



Figures 2-5 are photos of the site from each street frontage.



Figure 2 – View of site from New South Head Road looking north  
Source: Google



Figure 3 – View of site from New South Head Road looking north-west  
Source: Google



Figure 4 – View of site from Goldman Lane looking southeast  
Source: Google



Figure 5 – View of site from intersection of Knox Street and Goldman Lane looking south  
Source: Google

## 2.2 Existing context

The site is located within the suburb of Double Bay, which is a part of the Woollahra local government area (Woollahra LGA). The site is in the Double Bay Commercial Centre (the Centre) at the western corner of New South Head Road and Knox Street, refer to figure 6 below.



Figure 6 – Local context  
Source: Woollahra Council

The Centre features a range of amenities, including retail shops and cafes/restaurants. Notable nearby services and facilities include:

- Kiaora Lands Development which includes a large supermarket, retail shops and cafes/restaurants (80m to the south);
- Steyne Park (280m to the west);
- Guilfoyle Avenue Park (130m to the northwest);
- Double Bay Wharf (430m to the north);
- Double Bay Public School (280m to the northwest);
- Cranbrook School (900m to the northeast); and
- Blackburn Gardens and Redleaf Beach (670m to the northwest).

Buildings in the Town Centre generally range from two to seven storeys with taller (10+ storeys) buildings on the surrounding slopes of Edgecliff and Bellevue Hill. A large proportion of existing buildings within the Town Centre are underdeveloped and do not achieve the maximum height and floor space ratio requirements in the LEP. The locality is generally



undergoing a transition with larger scale developments being introduced as outlined below (also refer to figures 7-12 below):

- The Stamford Cosmopolitan Centre (2-22 Knox Street): includes a 6 storey mixed use development with ground floor retail and residential above. Council approved a floor space ratio of 2.49:1 and a maximum height of 20.7m for the development;
- Kiaora Lands Development (1-9 Patterson Street and 451 New South Head Road): is a 3-4 storey mixed use development which incorporates a supermarket, retail shops and residential accommodation. The proposal incorporated the Woollahra Council Library which fronts New South Head Road and is part 4/part 5 storeys. Council approved a maximum height of 24.24m for the development;
- Hunters Lodge (16-18 Cross Street): is a 6 storey mixed use development which was approved 25 July 2016 (reference DA571/2014). The DA allowed an FSR of up to 4.54:1 while there was an FSR control of 2.5:1 under the Woollahra LEP 1995;
- 20-26 Cross Street: is a 6 storey mixed use development which was approved 12 September 2016 (reference DA390/2016). The DA allowed an FSR of up to 3.5:1 while there was an FSR control of 2.5:1 under the Woollahra LEP 2014 and a height up to 21.1m which was in excess of the 14.7m height of buildings control in the Woollahra LEP 2014;
- The Gallery (45 – 51 Cross Street): is a 6 storey mixed use development with ground floor retail, offices to the first floor and residential above; and
- Intercontinental Hotel (33 Cross Street): is a 7 storey mixed use development with retail tenancies on the ground floor and hotel or motel accommodation above. Council approved a floor space ratio of 4.74:1 and a maximum height of 26.95m.



Figure 7 – The Stamford Cosmopolitan Centre (2-22 Knox Street)  
Source: Google maps





Figure 8 – Hunters Lodge (16-18 Cross Street)  
Source: Bates Smart



Figure 9 – 20-26 Cross Street  
Source: JRPA



Figure 10 – The Gallery (45-51 Cross Street)  
Source: Google maps



Figure 11 – Intercontinental Hotel (33 Cross Street)  
Source: Google maps



*Figure 12 – Woollahra Council library (451 New South Head Road)  
Source: Google maps*



**Regional**

The site sits approximately 4km east of Sydney's CBD. The site is located within the global economic corridor and is within close proximity to the urban renewal corridor linking Sydney's CBD and Bondi Junction. *Figure 13* below illustrates the regional context of the site.



*Figure 13 – Regional context map*  
 Source: *A Plan for Growing Sydney*, modified by Mecone

**Part 3 – Existing planning controls**

**Woollahra Local Environmental Plan 2014**

The site is subject to the Woollahra LEP 2014. Table 2 below provides an overview of the key Woollahra LEP 2014 standards that relate to the site and figures 14 and 15 illustrate the existing LEP maps.

Item	374 New South Head Road	376-382 New South Head Road
Zoning	B2 Local Centre	B2 Local Centre
Maximum building height	14.7m	14.7m
Maximum floor space ratio	2.5:1	2.5:1, with 3:1 allowed under Clause 4.4A <i>Exceptions to floor space ratio (Area1—Double Bay)</i> .  Clause 4.4A states that development at the site can achieve up to 3:1 FSR if the consent authority is satisfied that the development will be compatible with the desired future character of the zone in terms of building bulk and scale.

Table 2: Woollahra LEP 2014

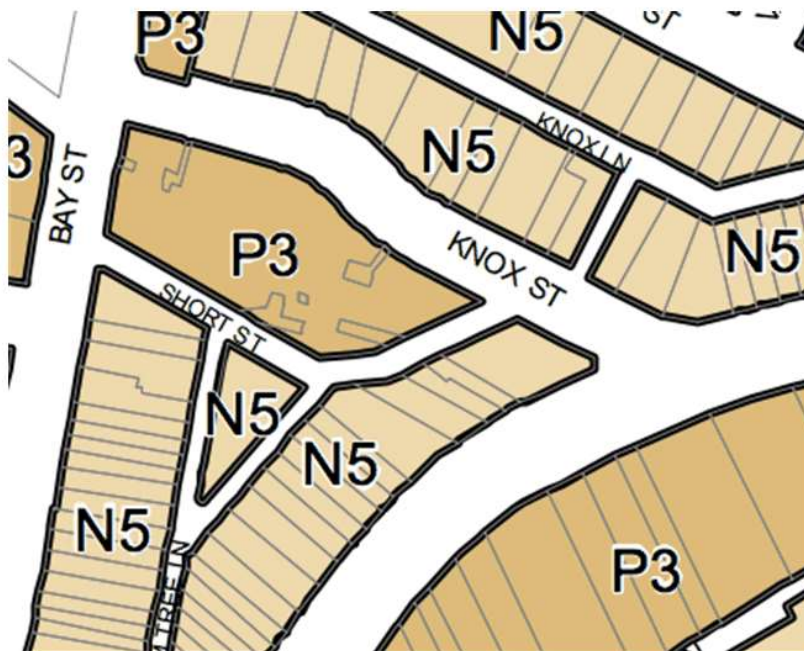


Figure 14 - Height of Buildings Map (Sheet HOB\_03)  
 Source: Woollahra LEP 2014

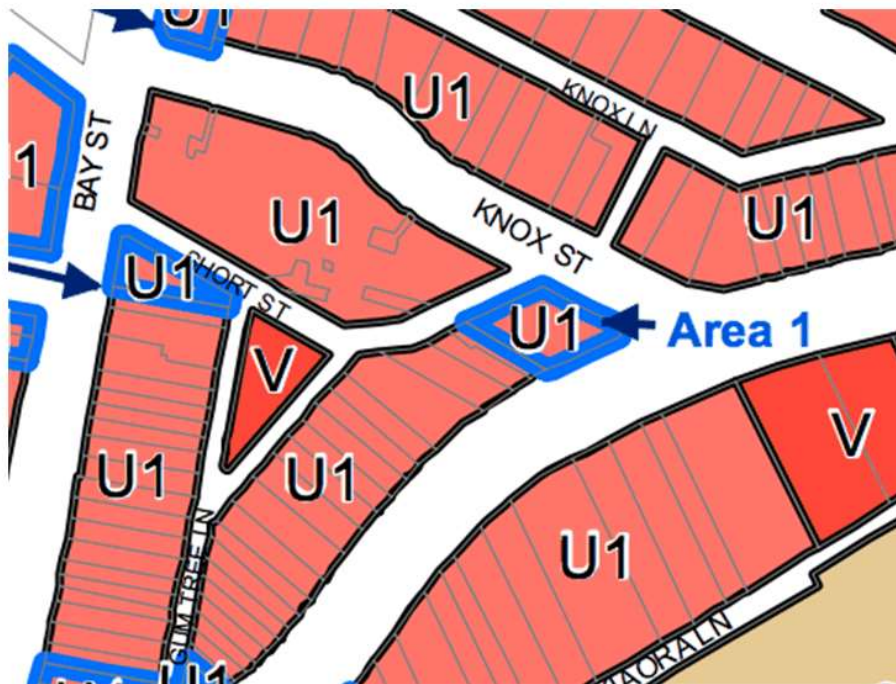


Figure 15 - Floor Space Ratio Map (Sheet FSR\_03)  
Source: Woollahra LEP 2014

#### Part 4 – Objectives of planning proposal

The objectives and intended outcomes of the proposal are:

- To amend the Woollahra LEP 2014 to enable the redevelopment of 374 and 376-382 New South Head Road, Double Bay for a 6 storey development with consent. The concept submitted with the planning proposal has 4 levels of commercial and 2 levels of residential accommodation. It is noted that the concept would provide for an additional residential level to the approved mixed use development at 376-382 New South Head Road (from five to six storeys) and for the associated redevelopment of the adjoining site at 374 New South Head Road (up to 6 storeys);
- To facilitate the intensification of a prime site on the corner of New South Head Road and Knox Street and within the Centre;
- To enhance the site's prominent corner location by creating a gateway to the Centre and provide for a built form that is compatible with the existing and future surrounding context.



## Part 5 – Explanation of provisions

This planning proposal seeks to achieve the intended outcomes by proposing the following amendments to the Woollahra LEP 2014 in relation to the subject site:

- An increase in height of buildings from 14.7m to 23.5m (6 storeys); and
- An increase in the maximum floor space ratio from 2.5:1 (374 New South Head Road) and 3:1 (376-382 New South Head Road) to 4.5:1.

These changes will be achieved through an amendment to the Height of Buildings Map (Sheet 3) and an amendment to the Clause 4.4A Exceptions to floor space ratio (Area 1 – Double Bay) and associated Floor Space Ratio Map (Sheet 3).

In relation to the floor space ratio provision, the proposal seeks to insert 'Area 1A' in Clause 4.4A and on the floor space ratio map which allows for a floor space ratio of 4.5:1. It is highlighted that currently 'Area 1' only relates to the sites 376-382 New South Head Road and the proposal seeks to insert 'Area 1A' which is to relate to the entire subject site (including 374 New South Head Road).

The specific proposed amendments to the Woollahra LEP 2014 clause is provided below (amendments in red).

### **4.4A Exceptions to floor space ratio (Areas 1 and 1A – Double Bay)**

- (1) The objective of this clause is to encourage the development of prominent corner buildings in Double Bay.
- (2) This clause applies to land identified as "Area 1" and "Area 1A" on the Floor Space Ratio Map.
- (3) Despite clause 4.4, development consent may be granted to development on land to which this clause applies that results in a floor space ratio that does not exceed 3:1 (Area 1) or 4.5:1 (Area 1A) if the consent authority is satisfied that the development will be compatible with the desired future character of the zone in terms of building bulk and scale.

The proposed changes to Woollahra LEP 2014 maps are shown in Part 7 Mapping, and in Attachment 4.

## Part 6 – Justification

### 6.1 – Need for planning proposal

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

The planning proposal responds to the changing nature of the Centre which is undergoing a transition with larger scale mixed developments being introduced which are up to 6 storeys in height. The Kiaora Lands Development, The Stamford Cosmopolitan Centre, Hunters Lodge, 20-26 Cross Street and The Gallery are key examples of where larger scale buildings have been introduced in the Centre. It is noted that a large proportion of existing buildings in the Centre are currently underdeveloped and do not achieve the maximum height and floor space ratio controls with the Woollahra LEP 2014.

A Plan for Growing Sydney identifies the site within the Central Subregion and one of the key priorities for the subregion is to accelerate housing supply, choice and affordability and build great places to live. Councils are to identify suitable locations for both housing intensification particularly around established centres and along key public transport corridors. The planning proposal seeks to support this priority by providing additional

16

housing choice within the Centre, a highly accessible location close to public transport services including bus services along New South Head Road, Edgecliff train station, Edgecliff bus interchange and Double Bay ferry.

The draft district plans were recently released by the Greater Sydney Commission and identify priorities and actions for each district. The subject site falls within the Central District. The Draft Central District Plan (District Plan) encourages the '30 minute city' by enhancing access to a broader range of jobs and services within 30 minutes of housing. Furthermore, the draft Plan provides 5-year housing targets for each Local Government Area (LGA) and promotes housing diversity. The planning proposal will be consistent with the District Plan in that it will provide additional housing less than 30 minutes from jobs and services located in the Centre. The planning proposal will also provide housing to assist in achieving the Woollahra LGA housing targets and will provide a diversity of housing without impacting on the commercial floor space.

The planning proposal also responds to the recent Double Bay Economic Feasibility Study prepared by Hill PDA, which was commissioned by Council to investigate opportunities for increased residential development within Double Bay Centre. The study recommends increased densities for the Centre (up to 3.5:1) to facilitate new residential development. The planning proposal exceeds the recommended minimum density, thus ensuring the economic feasibility of redevelopment of the site for residential purposes.

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

The planning proposal is the most appropriate means of achieving the intended outcomes. The intended outcomes require an increase in the maximum building height and floor space ratio for the site. As such, a planning proposal to amend the allowable building height and floor space ratio for the site under Woollahra LEP 2014 is needed to achieve these outcomes.

**6.2 – Relationship to strategic planning framework**

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

Yes. The planning proposal is consistent with the objectives of *A Plan for Growing Sydney* (2014) and the initiatives of the *Draft Central District Plan* (2016). These plans are discussed in detail in **Attachment 1**.

**Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?**

The planning proposal is consistent with the objectives and actions contained within the following local strategies:

**Woollahra 2025 – Our community, our place, our plan**

Woollahra 2025 is Council's Community Strategic Plan that presents a long term vision for Woollahra. Goal 4 of the Plan is to create well planned neighbourhoods. The following relevant actions are contained under Goal 4:

- Action 4.1: Encourage and ensure high quality planning and urban design outcomes.
- Action 4.2: Promote sustainable design in future private and public development.



- Action 4.3: Protect local heritage and residential amenity, including protection of significant architecture and the natural environment.
- Action 4.4: Encourage diversity in housing choice to suit a changing population.
- Action 4.5: Support and enhance the form and function of the local village atmosphere.

The planning proposal is consistent with these actions given the building envelope of the proposal will define the corner and is consistent with surrounding development which will ensure a good urban design outcome is achieved. The bulk and scale of the development is considered suitable for the site and will not significantly impact upon the Golden Sheaf which is heritage listed. The residential component will encourage diversity in housing choice to suit the changing population in the locality. Furthermore, the proposed building envelope will support the form and function of a local village atmosphere with ground floor retail.

#### ***Double Bay Place Plan 2014***

The Double Bay Place Plan (the Plan) sets out a series of strategies, priorities and actions aimed at achieving a new vision and place story for the Centre. It introduces a place-making approach to the management, future planning and development of the Centre to ensure that the vision and place story are achieved.

Strategy 3.1 of the Plan seeks to make the Centre a place for people to live, work and play by encouraging retail, commercial and residential mixed use developments. The proposed mixed use development will provide commercial and residential uses thereby creating a development in which people can live and work.

Strategy 3.2 of the Plan is to provide increased housing and opportunities for people to live in the Centre. Action 3.2.1 contains four parts:

- Commissioning an economic study to examine the opportunities for an additional residential population accommodated in the Centre in smaller apartments with car share.
- Reporting the outcome of that study to Council.
- Amendment of Council's planning controls in Woollahra LEP 2014 and Woollahra Development Control Plan 2015 as required to encourage new moderate scale housing.
- Working with and providing assistance to landowners to implement the revised planning controls.

Stages one and two of this action are complete. On 28 December 2015 Council resolved to receive and note the Double Bay Economic Feasibility Study prepared by Hill PDA, conduct a review of planning controls in the Double Bay Centre and prepare a community engagement strategy.

The Hill PDA report recommends that Council consider a review of the planning controls to permit a minimum FSR of 3:1 and 3.5:1 in the Centre to ensure future development is viable. This range, the report concludes, would allow for viable development. The planning proposal meets the report's suggested density baseline and provides for additional density in a suitable location.

The subject planning proposal thus responds directly to Step 3 of Action 3.2.1 by providing an amendment to Woollahra LEP 2014 to encourage new moderate scale housing. It is noted that the proposal is consistent with the bulk and scale of sites that have been redeveloped for medium density.

Priority 3.6.1 of the Plan seeks to create distinctive gateways and one of the actions under the priority is to review the planning controls for corner sites to better define and activate street corners. The existing building has an excellent corner treatment which addresses both street frontages and has received multiple awards for architectural excellence and sustainability. The proposed building envelope will define the street corner and will activate both New South Head Road and Knox Street.

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

Yes. The planning proposal is consistent with all relevant Environmental Planning Policies (SEPPs). The following outlines the intent of the relevant SEPPs and consistency of the planning proposal (Refer to **Attachment 2**).

**SEPP 65 – Design Quality of Residential Flat Building**

The concept scheme for the site by Eeles Trelease has been prepared with regards to the nine design principles in SEPP 65 and with the relevant design criteria in the Apartment Design Guide (ADG). It is anticipated that any future Development Application for the site for residential apartments would be capable of achieving general consistency with SEPP 65 and ADG.

As demonstrated in figure 10 below, it is clear that at least 70% of apartments achieve the required 2 hours of direct sunlight to private open space and living areas between 9am and 3pm at mid-winter. Given the building's orientation, the majority of apartments will benefit from both morning and afternoon sunlight. Furthermore, at least 60% of units will achieve natural cross ventilation which is consistent with the ADG requirement, refer to *figure 16* below.

The scheme does not achieve the full 18m of building separation from the development to the north (No 2-22 Knox Street), with only 12m provided. However, visual privacy will be maintained through the use of fixed privacy screens and this would be addressed in further detail during the development application stage.

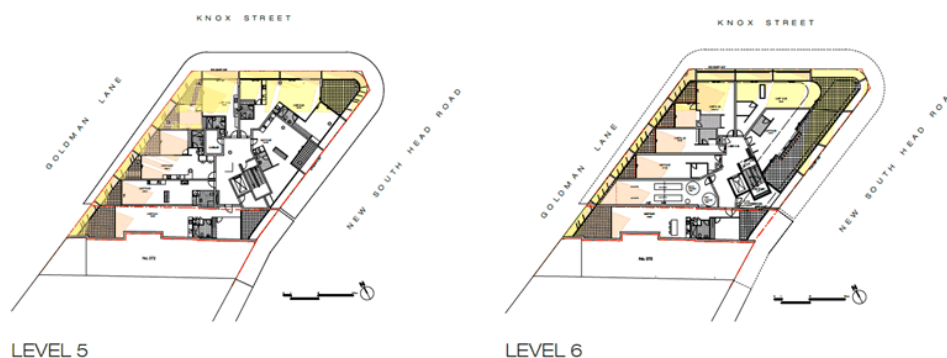


Figure 16 - Solar access diagrams  
Source: Eeles Trelease

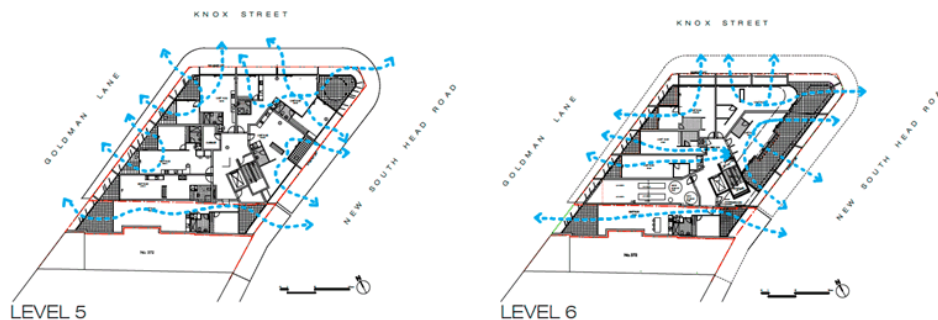


Figure 17 - Cross ventilation diagrams  
Source: Eeles Trelease

**Q6. Is the planning proposal consistent with applicable Ministerial Directions (section 117 directions)?**

Yes. The planning proposal is consistent with all relevant section 117 Directions (Refer to Attachment 3).

**6.3 – Environmental, social and economic impact**

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

There are no critical habitat or threatened species, populations or ecological communities, or their habitats on or around the site that will be affected by this planning proposal.

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

The planning proposal will not result in any unreasonable adverse environmental impacts, as discussed below.

**Built Form and Scale**

It is highlighted that development consent 568/2013 was granted on 7 July 2014 by Council for nos. 376-382 New South Head Road (excludes 374 New South Head Road) which included a height of 19.4m and floor space ratio of 3.8:1. The approved height and floor space ratio already exceeds the LEP provisions by 32% (4.7m) and 47.3% (951sqm), respectively. It is noted that this planning proposal is essentially creating an additional level to the approved building while the 6 storey built form will be extended to no. 374 New South Head Road. It is also noted that the overall building height has been reduced from 7 to 6 storeys from when the planning proposal was originally submitted to Council.

The Town Centre is undergoing a transition with larger scale mixed use developments being introduced up to 7 storeys in height. Some key examples of recent large scale mixed use developments are outlined below:

- The Stamford Cosmopolitan Centre (2-22 Knox Street): includes a 6 storey (20.7m) mixed use development;

- Kiaora Lands Development (1-9 Patterson Street): is a 3-6 storey (24.24m) mixed use development which incorporates a supermarket, retail shops and residential accommodation;
- Hunters Lodge (16-18 Cross Street): is a 6 storey mixed use development which allowed an FSR of up to 4.54:1 while there was an FSR control of 2.5:1 under Woollahra LEP 1995;
- 20-26 Cross Street: is a 6 storey mixed use development which allowed an FSR of up to 3.5:1 while there was an FSR control of 2.5:1 under Woollahra LEP 2014 and a height up to 21.1m which was in excess of the 14.7m height of buildings control in Woollahra LEP 2014;
- The Gallery (45 – 51 Cross Street): is a 6 storey mixed use development with ground floor retail, offices to the first floor and residential above; and
- Intercontinental Hotel (33 Cross Street): is a 7 storey (26.95m) mixed use development with retail tenancies to the ground floor and residential above.

The planning proposal is supported by a detailed Urban Design Report prepared by Eeles Trelease Architects and an Urban Design Opinion prepared by Phillip Thalys of Hills Thalys Architects (refer to **Appendix 1**). The design approach for the site recognises and maximises the importance of the site's prominent corner location by providing a high quality, sympathetic addition to the existing building.

Figures 18 and 19 below places the proposed built form within the context of LEP-permissible heights in the area. As seen, the proposed built form is modest in scale and very compatible with the existing and potential future character of the area. The built form define the corner while the upper level along New South Head Road will incorporate an open style terrace to reduce the bulk and scale along this elevation.

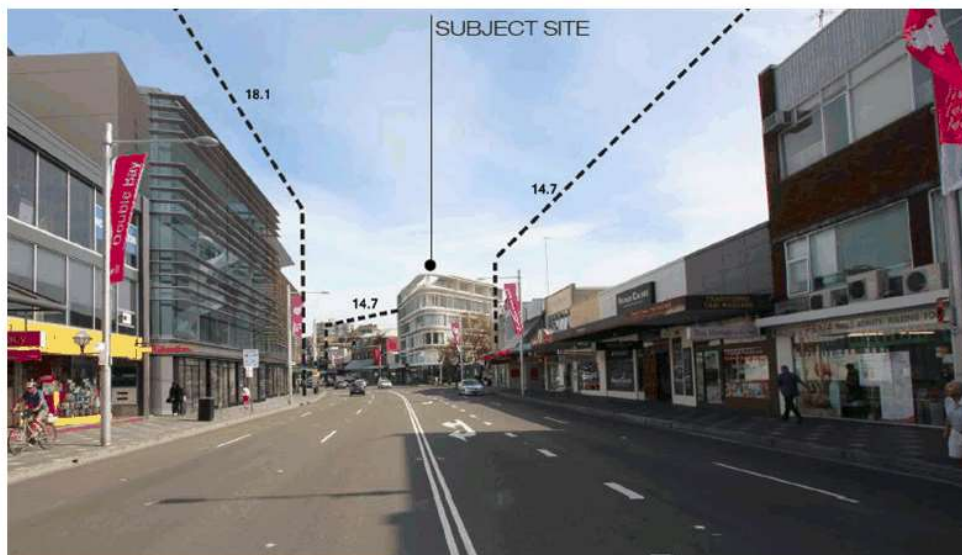


Figure 18 - Built form context - looking west along New South Head Road  
Source: Eeles Trelease





Figure 19 - Built form context - looking south along Knox Street  
Source: Eeles Trelease

The key conclusions from the Urban Design Opinion prepared by Phillip Thalys are outlined below:

- The architecture (of the concept design) is very compatible with the existing structure, being the work of the same architects (Eeles Trelease);
- The scale of the building envelope will make the building more prominent in Knox Street and New South Head Road, and will be comparable in height to the large Sir Stamford development adjoining the site to the west and smaller than the nearby InterContinental Hotel; and
- The built form would not impede any views from conservation areas or heritage items.

The Urban Design Opinion Report shows that the subject site can be redeveloped within the proposed building envelope and have no unacceptable impacts. The report also provides potential massing and solar impact analysis for the adjoining commercial sites, indicating how the proposal might fit in with future development.

#### **Overshadowing**

As shown in the Urban Design Opinion Report (refer to **Appendix 1**), the built envelope established by the planning proposal supports an additional height that minimises overshadowing to neighbouring properties and public domain.

Figures 20 and 21 below provide a comparison of overshadowing impacts between the approved 5-storey scheme and the 6-storey scheme envisioned by the planning proposal.

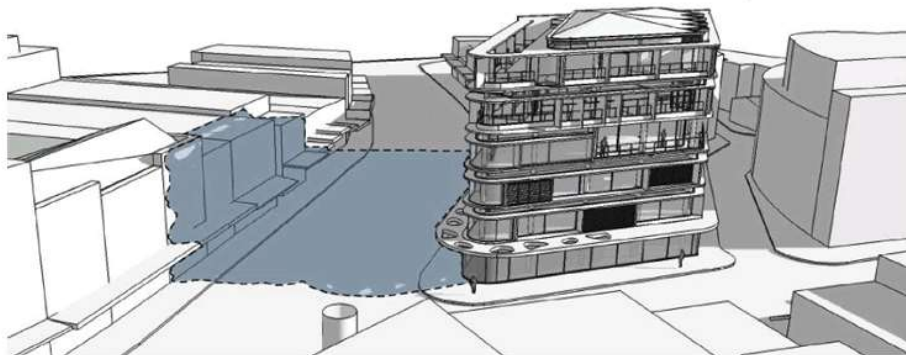


Figure 20 - Overshadowing 3pm on 21 June - planning proposal  
Source: Eeles Trelease

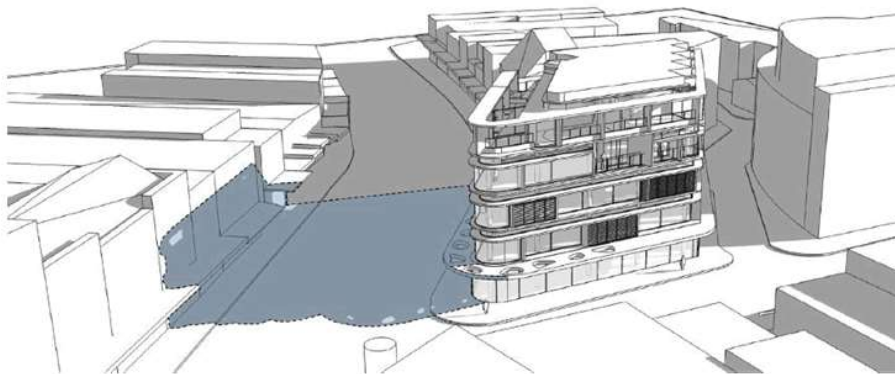


Figure 21 - Overshadowing 3pm on 21 June - Approved DA 563/2015  
Source: Eeles Trelease

Due to the orientation of the site, the additional overshadowing created by the proposed additional height will primarily fall across New South Head Road.

Compared to the approved 5 storey scheme, the planning proposal's overshadowing impact to the south side of New South Head Road commences approximately 60 minutes earlier and contributes an additional 7% of overshadowing. It is considered that this additional overshadowing is minor and would not have any unreasonable adverse impacts on pedestrian amenity.

At all times, daylight access is maintained to surrounding properties for a minimum of two hours between 9am and 3pm at mid-winter.

### **Parking and Traffic**

The planning proposal is expected to result in negligible traffic and parking impacts. It is noted that the existing building on the site features no on-site parking, and no on-site parking is provided under the planning proposal. It is anticipated that future residents at the site will utilise the various convenient public transport options in the area, including bus, ferry and rail.

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

The planning proposal will result in positive social and economic effects as outlined below:

#### **Social Effects**

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

- Providing residential accommodation and commercial uses in close proximity to transport, employment in Sydney's CBD and services within the Centre meeting the overall objectives of A Plan for Growing Sydney;
- The building envelope is considered to be suitable for the site and will not create any additional significant overshadowing to the adjoining neighbours;
- The additional residential floor space will create further housing opportunities for the locality; and
- The increase in commercial floor space to the locality will potentially create further employment opportunities.

#### **Economic Effects**

The planning proposal will provide positive short-term and long-term economic impacts, including:

- Additional output and jobs during the construction process;
- Additional retail expenditure from future residents;
- Contributing to new dwellings to the housing supply in Woollahra LGA. This accords with State and local government objectives and promotes economic activity, infrastructure viability and business investment opportunities; and
- Efficient use of urban infill land, easing pressure on less suitable locations to accommodate residential need.

## **6.4 – State and Commonwealth interests**

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

The Centre is well serviced by existing public transport, infrastructure and services. Further investigations will be undertaken as part of the preparation of the Development Application to determine whether any upgrade of existing facilities is necessary.

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

At this stage, the views of appropriate State and Commonwealth public authorities have not been obtained. This will occur following the gateway determination.



### Part 7 – Mapping

This chapter provides information on the maps that support the proposed changes.

Item	Current Controls		Proposed Controls
Height	14.7m		14.7m with 23.5m allowed under Area J in Clause 4.3A
FSR	2.5:1 (374 New South Head Road)	2.5:1, with 3:1 allowed under Clause 4.4A (376-382 New South Head Road)	FSR: 2.5:1, with 4.5:1 allowed under Area 1A in Clause 4.4A

Table 3: Proposed Mapping Changes

The following maps that relate specifically to Woollahra LEP 2014 have been drafted:

- Height of Building Map; and
- Floor Space Ratio Map.

The proposed maps, extracts of which are shown below in Figures 22-23 are provided in full form at **Appendix 1**.

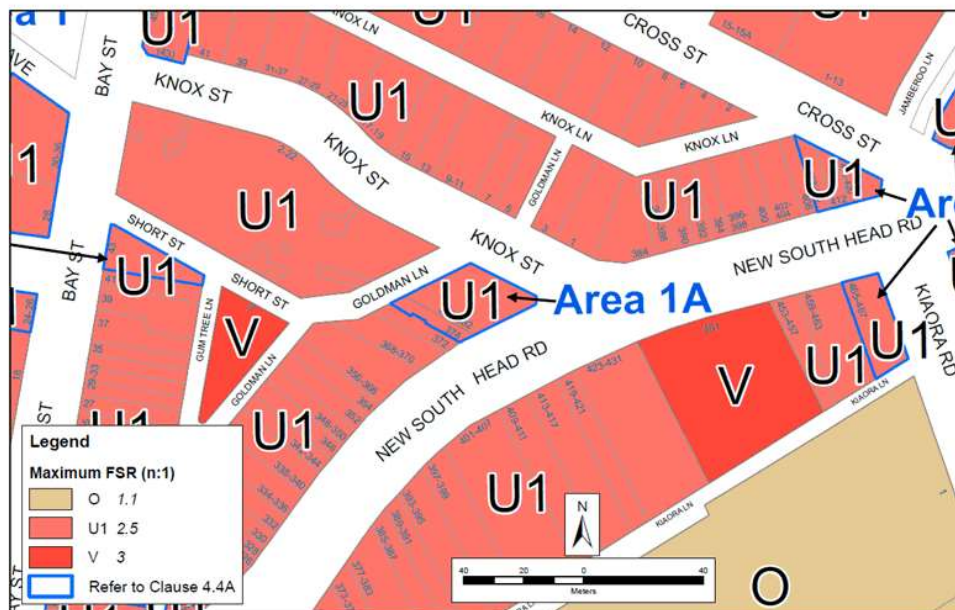


Figure 22 - Amended Floor Space Ratio Map  
Source: Woollahra Council



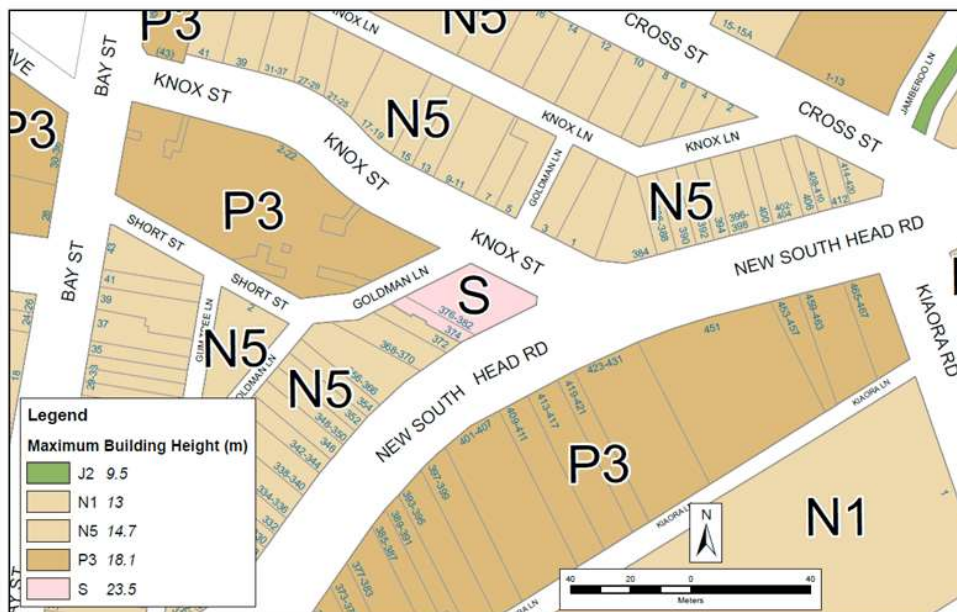


Figure 23 - Proposed Height of Building Map  
Source: Woollahra Council

## Part 8 – Community consultation

Community consultation would take place following a Gateway determination, in accordance with Section 56 and 57 of the *Environmental Planning and Assessment Act 1979*. It is anticipated that public exhibition would include:

- Notification on the Woollahra Council website;
- Advertisement in local newspapers that are circulated within the local government area;
- Notification in writing to adjoining landowners and neighbours, and any other relevant stakeholders;
- A four-week exhibition period; and
- Consultation with local community groups such as the Double Bay Chamber of Commerce and the Double Bay 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 urban design study).

### Part 9 – Project timeline

This project timeline has been provided to assist with monitoring the progress of the planning proposal through the plan making process and assist with resourcing to reduce potential delays.

Milestone	Date	Comments
Anticipated commencement date (date of Gateway determination)	March/April 2017	
Anticipated timeframe for the completion of required technical information	Completed prior to lodgement	Updates to be made if necessary
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	April 2017	Other relevant agencies to be consulted as necessary or required by the Gateway determination
Commencement and completion dates for public exhibition period	May 2017	
Dates for public hearing (if required)	-	A public hearing is not anticipated to be required
Timeframe for consideration of submissions	June – July 2017	
Timeframe for consideration of a proposal post exhibition	As above	
Date of submission to the department to finalise the LEP	August 2017	
Anticipated date for publishing of the plan	September 2017	
Anticipated date RPA will forward to the department for notification	As above	

Table 4: Project timeline

## Attachments

### Attachment 1

#### Consistency with A Plan for Growing Sydney and the Draft Central District Plan

The planning proposal is consistent with the objectives and actions contained within the following plans and strategies:

#### NSW State Plan

NSW 2021 is a plan to make NSW number one. It is a 10-year plan based on strategies to rebuild the economy, return quality services, renovate infrastructure, strengthen local government and communities and restore accountability to government. The plan sets a number of goals, targets and actions to achieve the NSW 2021. Of the 32 goals outlined this proposal contributes to Goal 5 and 20 as shown in *table 1* below.

Goal	Target	Action	Consistency
5. Place downward pressure on the cost of living.	Improve housing affordability and availability.	This includes ensuring that targets for housing and growth are reflected in local plan making instruments.	The proposal will contribute to housing targets by incorporating additional residential dwellings. The proposed increase of FSR and height to the site will enable a greater number of dwellings in the LGA. This proposal will increase housing availability to put downward pressure on the cost of living and improve housing affordability, in a location well serviced by transport.
20. Build liveable centres.	Increase the percentage of the population living within 30 minutes by public transport of a city or major centre in metropolitan Sydney.	This includes outlining clear local housing and employment targets and working closely with Councils to deliver local land use zones that support the delivery of housing and employment targets in the metropolitan strategies.	The proposal will provide additional housing and employment opportunities within the Double Bay Commercial Centre (the Centre) which supports the government targets. Additional housing and employment would be highly accessible to public transport services including bus services along New South Head Road, Double Bay ferry, Edgecliff train station and Edgecliff bus interchange.

*Table 1: Consistency with NSW State Plan 2021*

#### A Plan for Growing Sydney

*A Plan for Growing Sydney* is Sydney's metropolitan strategy outlining the State government's strategy to guide Sydney's future growth for the next 20 years. *Table 2* below provides an overview of the consistency of the proposal with the relevant directions and actions contained in the metropolitan strategy.

Goal/Direction	Action	Consistency
<b>Goal 2: A city of housing choice, with homes that meet our needs and lifestyles</b>		
2.1 Accelerate housing supply across Sydney	2.1.1 Accelerate housing supply and local housing choices	The Government is working to achieve its target of an additional 664,000 new dwellings by 2031. The planning proposal is consistent with increasing housing supply and addressing housing affordability and choice.  The most suitable areas for housing capacity are those areas best connected to public transport and employment. The site is located within the Centre which has a range of employment opportunities and is well connected with public transport services.
2.3 Improve housing choice to suit different needs and lifestyles		The planning proposal will provide further residential floor space to the site and therefore additional housing can potentially be provided to improve housing choice to suit different needs and lifestyles.
<b>Goal 3: Great Places to Live</b>		
3.3 Create healthy built environments		The planning proposal is consistent with creating a healthy built environment. The proposal provides for additional residential density in close proximity to a range of services. This promotes healthy activity such as walking to the shops or school, cycling to the train station as part of the daily commute, or meeting friends at a local park or café.
<b>Goal 4: A Sustainable and Resilient City</b>		
4.3 Manage the impacts of development on the environment		The planning proposal is consistent with managing the impacts of the environment, as it will provide for modestly increased densities in an urban location while having any unreasonable adverse impacts on the environment.

Table 2: A Plan for Growing Sydney 2014

**Central Subregion**

The subject site falls within the Central Subregion under A Plan for Growing Sydney, refer to *figure 1* below. The site is also located within the Global Economic Corridor and in proximity to the Urban Renewal Corridor located between Sydney CBD and Bondi Junction.

One of the key priorities for the subregion is to accelerate housing supply, choice and affordability and build great places to live. Councils are to identify suitable locations for both housing intensification particularly around established centres and along key public transport

corridors. The planning proposal seeks to support this priority by providing additional floor space which may be used for additional housing within the existing Centre which is highly accessible to a range of public transport services and jobs.

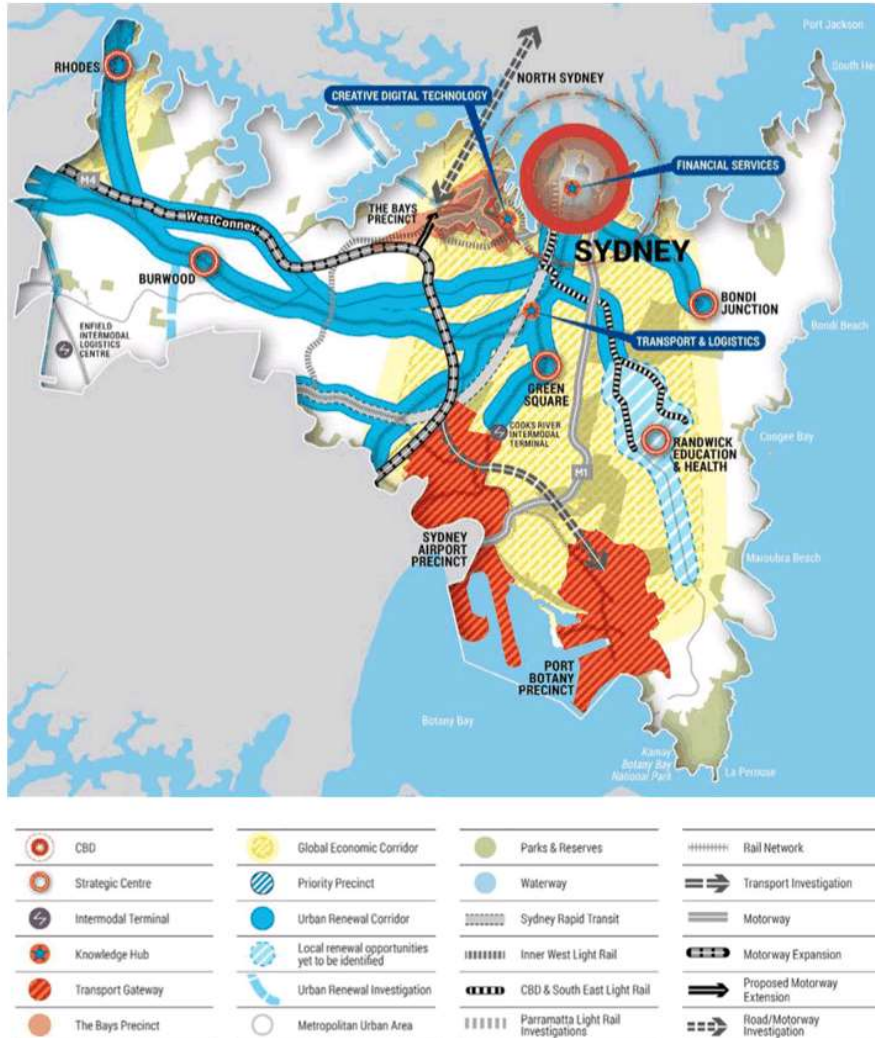


Figure 1 – Central Subregion  
Source: A Plan for Growing Sydney

**Draft Towards our Greater Sydney 2056**

In November 2016, the Greater Sydney Commission released a draft amendment to *A Plan for Growing Sydney* titled draft *Towards our Greater Sydney* (TGS). The document outlines a draft amendment to *A Plan for Growing Sydney* which aligns with the draft District Plans.

The draft TGS introduces the concept of three cities—Eastern City, Central City and Western City (refer to Figure 2 below). The Eastern City is focused on the existing Sydney City and economic corridors from Macquarie Park in the north through Sydney Airport and Port Botany south to Kogarah, the Central City focuses on Greater Parramatta and the Olympic Peninsula at its core and the Western City will focus on the Western Sydney Airport.



The draft TGS identifies three priorities including 'A Productive Sydney', 'A Liveable Sydney' and 'A Sustainable Sydney' which are consistent with the priorities in the draft District Plans.

One of the key priorities in the draft TGS is to create a '30 minute city' which is similar to the draft District Plan. The '30 minute city' seeks to increase the range of jobs, services and other opportunities that people can get to within 30 minutes to improve the overall quality of life and give businesses better access to a broad labour pool. Another priority of the draft TGS is to create an equitable and polycentric city where residents have equal access to employment education, services, shops and recreational areas. Furthermore, similar to the draft District Plan the draft TGS encourages a city of housing choice and diversity by:

- supporting a range of housing choices at different price points to suit people through all stages of life;
- increasing housing supply that broadens choice and diversity;
- locate more jobs close to where people live; and
- in existing areas, prioritise new housing in places where daily needs can be met within walking distance or by public transport.

The planning proposal will provide additional floor space which may be used for housing and employment which will contribute to the '30 minute city'. The proposal will increase employment opportunities in the Centre. It will also provide additional housing in the Centre within 30 minutes of Sydney's CBD in The Centre and close to surrounding parks and Redleaf Beach. The residential accommodation will be within walking distance to daily needs in the Centre and a range of public transport services. The planning proposal will also provide a range of residential accommodation at various price points which will suit people through all stages of life.

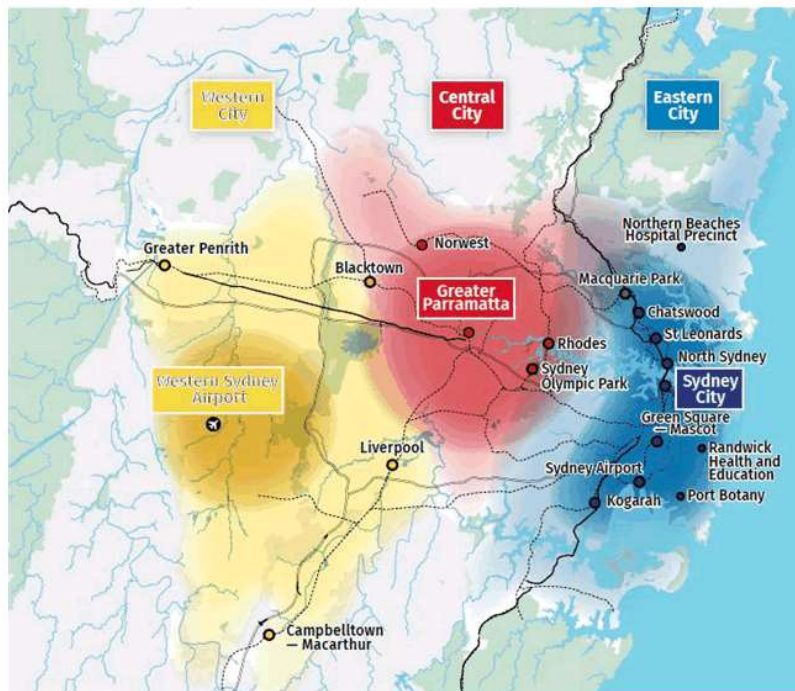


Figure 2 – Location of Three Cities  
Source: Greater Sydney Commission, November 2016

**Draft Central District Plan 2016**

Concurrently with the release of the draft Towards our Greater Sydney, the *Draft Central District Plan* was released. The subject site is located within the Central District.

There are three priorities for the Central District: Productivity, Liveability and Sustainability. Each of these priorities has a series of related sub-priorities and actions. *Table 3* below outlines the planning proposal's consistency with relevant priorities, sub-priorities and actions.

Priority	Sub-priority/action	Consistency
<b>A Productive City</b>		
Productivity Priority 1: Creating opportunities for the growth of commercial floor space		The planning proposal will provide additional commercial space to the Centre on the ground and first floors of 374 New South Head Road. The additional commercial floor space will support the economic viability of the Centre and increase the opportunities for the commercial space to diversify.
Productivity Priority 2: Support the growth of innovation and creative industries		-
Productivity Priority 3: Manage growth and change in strategic and district centres and, as relevant, local centre		The site falls within Double Bay Town Centre under the <i>draft Central District Plan</i> . The proposal will extend the existing commercial area to ground and first floor of 374 New South Head Road. The additional commercial floor space will assist Government in achieving job targets.  The commercial use will be within close proximity to public transport services which will promote the use of these services. The proposal will provide further causal surveillance while the residential and commercial uses will be separated to improve safety of each component.
Productivity Priority 4: Prioritise the provision of retail floor space in centres		The planning proposal will create additional commercial floor space in the Centre. The increase in commercial floor space will allow different commercial types.
Productivity Priority 5: Protect and support employment and urban services land	3.6 Improving 30-minute access to jobs and services	The planning proposal will contribute to the vision of a '30-minute city' by locating additional density in an existing urban area well serviced by public transport and within close proximity to major employment hubs, including the Strategic Centre of Sydney City.

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Priority	Sub-priority/action	Consistency
<b>A Liveable City</b>		
Liveability Priority 1: Deliver Central District's five-year housing targets	4.3 Improving housing choice  4.3.3 Deliver Central District's five-year housing supply target	The <i>draft District Plan</i> provides 5 year housing targets for each Local Government Area (LGA) and the target for Woollahra LGA is an additional 300 dwellings by 2021. The planning proposal is consistent with improving housing choice, as it will allow for increased residential densities in an area with good transport connectivity and services.
	4.3.4 Establish the Central District's 20-year strategic target  Action L2: Identify the opportunities to create the capacity to deliver 20-year strategic housing supply targets	The <i>draft District Plan</i> also suggests that 20 year strategic dwelling targets will be established in the final District Plans and the DP&E will work with Council to identify investigation areas for additional housing capacity to form part of a housing strategy.  The draft District Plan identifies three ways in which additional capacity can be accommodated and one of these is through introducing medium density infill development. The planning proposal seeks to provide additional housing in the existing Centre which has access to jobs, services and high frequency public transport services.
	4.3.5 Create housing capacity in the Central District  Action L3: Councils to increase housing capacity across the District	The <i>draft District Plan</i> suggests that the Central District is to increase its housing target by 157,500 dwellings from 2016 to 2036. The <i>draft District Plan</i> further suggests that Woollahra Council is to investigate local opportunities to address demand and diversity in and around local centres and infill areas and other areas with high accessibility. The planning proposal is consistent with this action as it will provide additional housing around the existing Town Centre to contribute to the housing targets.
Liveability Priority 2: Deliver housing diversity	4.4 Improve housing diversity and affordability  4.4.1 Plan for housing diversity  Action L4: Encourage housing diversity	The planning proposal is consistent with this action in that it will provide housing for different needs and lifestyles including singles, couples and families and housing at differing price points.



Priority	Sub-priority/action	Consistency
Liveability Priority 3: Implement the Affordable Rental Housing Target		<p><i>A Plan for Growing Sydney</i> requires affordable housing to be provided in Government- led urban renewal projects and on Government-owned sites to meet the shortfall in affordable housing. Furthermore, <i>A Plan for Growing Sydney</i> requires local Councils to include affordable housing in their local housing strategies to respond to local demand.</p> <p>The subject site does not fall within a Government led urban renewal project or on a Government owned site. It is noted that affordable housing is not required in any of Woollahra's local housing policies. Furthermore, the proposal will only result in a minor increase in residential units.</p>
Liveability Priority 4: Increase social housing provision		-
Liveability Priority 5: Facilitate the delivery of safe and healthy places		The proposal will provide further causal surveillance which will minimise potential crime in the locality.
4.6 Create great places		The planning proposal is consistent with creating great places as it will facilitate a sympathetic addition to an existing award-winning building at a prominent location, which will simultaneously recognise and respect the existing valued characteristics of the area while maximising improvements that come with growth and change.
	4.6.1 Provide design-led planning Action L11: Provide design-led planning to support high quality urban design	The planning proposal is consistent with design-led planning as it capitalises on the strengths of the site's prominent corner location and existing architecture.
Liveability Priority 6: Facilitate enhanced walking and cycling connections		The proposal will promote walking given there are a range of facilities and public transport services within walking distance.

Priority	Sub-priority/action	Consistency
	4.7 Foster cohesive communities	The planning proposal is consistent with fostering cohesive communities in that it does not impact adversely upon any identified environmental heritage items or areas, including Aboriginal European and natural.
Liveability Priority 7: Conserve heritage and unique local characteristics		-
Liveability Priority 8: Foster the creative arts and culture		-
Liveability Priority 9: Share resources and spaces		-
Liveability Priority 10: Support innovative school planning and delivery		-
Liveability Priority 11: Provide socially and culturally appropriate infrastructure and services		-
Liveability Priority 12: Support planning for health infrastructure		-
Liveability Priority 13: Support planning for emergency services		-
Liveability Priority 14: Support planning for cemeteries and crematoria		-
<b>A Sustainable City</b>		
Sustainability Priority 1: Maintain and improve water quality and waterway health		-

Priority	Sub-priority/action	Consistency
Sustainability Priority 2: Protect and conserve the values of Sydney Harbour		-
Sustainability Priority 3: Enhance access to Sydney Harbour foreshore and waterways		-
Sustainability Priority 4: Avoid and minimise impacts on biodiversity		-
Sustainability Priority 5: Align strategic planning to the vision for the Green Grid		-
Sustainability Priority 6: Maximise benefits to the public from the innovative use of golf courses		-
Sustainability Priority 7: Protect, enhance and extend the urban canopy		-
Sustainability Priority 8: Improve protection of ridgelines and scenic areas		-
Sustainability Priority 9: Support opportunities for District waste management		Issues surrounding waste management would be addressed in further detail in the development application.
Sustainability Priority 10: Mitigate the urban heat island effect		The proposal essentially relates to the additional level on top of the approved building envelope and will not impact upon the urban heat island effect.

Priority	Sub-priority/action	Consistency
Sustainability Priority 11: Integrate land use and transport planning to consider emergency evacuation needs		-
Sustainability Priority 12: Assist local communities develop a coordinated understanding of natural hazards and responses that reduce risk		-
	4.3 Manage the impacts of development on the environment	The planning proposal is consistent with managing the impacts of the environment, as it will provide for modestly increased densities in an urban location without having any unreasonable adverse impacts on the environment.

Table 3: Draft Central District Plan

**Assessment Criteria**

a) Does the proposal have strategic merit? Is it:

- Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or  
The planning proposal is consistent with the relevant directions and actions in A Plan for Growing Sydney. One of the overarching priority in A Plan for Growing Sydney is to accelerate housing supply, choice and affordability and to build great places to live. The most suitable locations for housing intensification are those around established centres, along key public transport corridors and with a range of employment opportunities. The planning proposal is an excellent opportunity to facilitate additional housing in the established Centre which has access employment and public transport services. The draft Towards our Greater Sydney (TGS) is an outline document for the draft amendments to A Plan for Growing Sydney. The planning proposal is consistent with the 'productivity' and 'liveability' priorities outlined in the draft TGS. One of the key priorities in the draft TGS is to create a '30 minute city' and to increase the range of jobs, services and other opportunities that people can get to within 30 minutes. The planning proposal will contribute to the '30 minute city' by locating additional housing and employment in an existing centre which is well serviced by public transport and close to employment opportunities in Sydney's CBD, recreational facilities and services. The proposal will improve the quality life of future residents and give businesses better access to a broader labour pool.  
The planning proposal is also consistent with the priorities set out in the draft Central District Plan. The additional residential accommodation will assist the LGA in achieving the 5 year housing targets. One of the key actions in the draft District Plan is to deliver housing diversity and choice. The planning proposal seeks to provide a range of housing at different price points and to suit couples, singles and families. The residential accommodation will be located in an established Town Centre where daily needs can be met within walking distance.
- Consistent with a relevant local council strategy that has been endorsed by the Department; or  
The Planning Proposal is consistent with the Double Bay Economic Feasibility Study prepared by Hill PDA. The study recommends increased densities for the Centre (up to 3.5:1) to facilitate new residential development. The Planning Proposal exceeds the recommended minimum density, thus ensuring the economic feasibility of redevelopment of the site for residential purposes. While this local report has not been endorsed by the Department, the proposal is still consistent with the report.
- Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.  
The draft TGS suggests that since the release of A Plan of Growing Sydney the housing projections to 2036 have increased by 105,000 dwellings owing to revised population projections. The Planning Proposal will assist in providing further dwellings which will contribute to the housing targets. Furthermore, the Planning Proposal is consistent with State Government Policies in that it will provide further housing and employment within an existing centre that is highly accessible to public transport and services.

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

- the natural environment (including known significant environmental values, resources or hazards); and  
The site has been used as mixed use premises over many years and is located in a highly urbanised area. Accordingly, no significant environmental values will be impacted by the proposal.
- the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and  
The existing building is mixed use and incorporates commercial uses and residential accommodation. The Planning Proposal will maintain the existing land use however it will increase the commercial and residential components. The existing and proposed uses will be consistent with the surrounding land uses.
- the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision. The site is in close proximity to a number of bus services along New South Head Road which provides links to Sydney CBD, Watsons Bay, Walsh Bay and Bondi Junction. Furthermore, the site is within walking distance (700m) to Edgecliff train station and Edgecliff bus interchange. The site is afforded by high frequency and superior public transport which will support the intensification of the site. The proposal will leverage existing utilities and other services.

**Attachment 2**

**Consistency with state environmental planning policies**

SEPP	Consistent	Comments
SEPP No. 1- Development Standards	Applicable	The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No. 14 – Coastal Wetlands	Not Applicable	-
SEPP No. 19 – Bushland in Urban Areas	Consistent	The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 21 – Caravan Parks	Not Applicable	-
SEPP No. 26 – Littoral Rainforests	Not Applicable	-
SEPP No. 30 – Intensive Agriculture	Not Applicable	-
SEPP No. 32 – Urban Consolidation (Redevelopment of Urban Land)	Consistent	The proposal is an example of infill development and provides for multiple uses on site. The proposal meets the aims and objectives of this SEPP.
SEPP No. 33 – Hazardous and Offensive Development	Consistent	The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No. 36 – Manufactured Home Estates	Not Applicable	-
SEPP No. 44 – Koala Habitat Protection	Not Applicable	-
SEPP No. 47 – Moore Park Showground	Not Applicable	-
SEPP no. 50 – Canal Estate Development	Not Applicable	-
SEPP No. 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	Not Applicable	-
SEPP No. 55 – Remediation of Land	Consistent	No change of land use zoning is proposed for the site. The site has been used for commercial and residential uses

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SEPP	Consistent	Comments
		for some time. It is high unlikely the land would be subject to a level of contamination that would preclude its use for residential accommodation.
SEPP No. 62 – Sustainable Aquaculture	Not Applicable	-
SEPP No. 64 – Advertising and Signage	Applicable	Not relevant to the planning proposal.
SEPP No. 65 – Design Quality of Residential Flat Development	Consistent	<p>The concept design has been prepared in consideration of SEPP 65 and demonstrates consistency with the 9 Design Principles. Refer to <b>Appendix 1</b> for the Urban Design Report by Eeles Trelease, which provides an assessment of the design against key design criteria contained in the Apartment Design Guide (ADG), including natural cross ventilation and solar access.</p> <p>Any future Development Application for the site would be subject to a detailed assessment under SEPP 65 and associated ADG.</p> <p>Refer to additional discussion in Part 6.3 above.</p>
SEPP No. 70 – Affordable Housing (Revised Schemes)	Consistent	The proposal would not affect the schemes within this SEPP, nor does it propose any new scheme for affordable housing that would need to be included in this SEPP. The planning proposal is consistent with the objectives of this SEPP.
SEPP No. 71 – Coastal Protection	Not Applicable	-
SEPP (Affordable Rental Housing) 2009	Consistent	This proposal does not inhibit any operations of this SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	Consistent	This proposal does not inhibit any operations of this SEPP. Any future Development Application for residential uses at the site would be accompanied by a BASIX certificate.
SEPP (Exempt and	Consistent	This proposal does not inhibit any

SEPP	Consistent	Comments
Complying Development Codes 2008		operations of this SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	Consistent	This proposal does not inhibit any operations of this SEPP.
SEPP (Infrastructure) 2007	Consistent	The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not Applicable	-
SEPP (Kurnell Peninsula) 1989	Not Applicable	-
SEPP (Major Development) 2005	Consistent	The proposal does not inhibit the operations of the former Part 3A provisions or the replacement measures.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not Applicable	-
SEPP Penrith Lakes Scheme	Not Applicable	-
SEPP (Rural Lands) 2008	Not Applicable	-
SEPP (Transitional Provisions) 2011	Not Applicable	-
SEPP (State and Regional Development) 2011	Not Applicable	-
SEPP (State Significant Precincts) 2005	Not Applicable	-
SEPP (Sydney Drinking Water Catchment) 2011	Not Applicable	-
SEPP (Sydney Region Growth Centres) 2006	Not Applicable	-
SEPP (Three Ports) 2013	Not Applicable	-
SEPP (Urban Renewal) 2010	Not Applicable	-

42

<b>SEPP</b>	<b>Consistent</b>	<b>Comments</b>
SEPP (Western Sydney Employment Area) 2009	Not Applicable	-
SEPP (Western Sydney Parklands) 2009	Not Applicable	-
SREP No. 8 – Central Coast Plateau Areas	Not Applicable	-
SREP No. 9 – Extractive Industry (No 2 – 1995)	Not Applicable	-
SREP No. 16 – Walsh Bay	Not Applicable	-
SREP No. 20 – Hawkesbury – Nepean River (No 2 – 1997)	Not Applicable	-
SREP No. 24 – Homebush Bay Area	Not Applicable	-
SREP No. 26 – City West	Not Applicable	-
SREP No. 30 – St Marys	Not Applicable	-
SREP No. 33 – Cooks Cove	Not Applicable	-
SREP (Sydney Harbour Catchment) 2005	Consistent	The planning proposal does not contain a provision which is contrary to the operation of this policy.

**Attachment 3**  
**Compliance with section 117 directions**

Clause	Direction	Consistent	Comments
<b>1 Employment and Resources</b>			
1.1	Business and Industrial Zones	Consistent	The proposal is consistent with this direction in that it maintains existing B2 lands. The proposal does not propose a land use change, and it does not reduce the potential floor space area for employment uses. In fact, the proposal increases potential floor space available for employment purposes.
1.2-1.5	Directions 1.2-1.5	Not Applicable	These directions are not relevant to the Sydney metropolitan area.
<b>2 Environment and Heritage</b>			
2.1	Environment Protection Zones	Not Applicable	-
2.2	Coastal Protection	Not Applicable	-
2.3	Heritage Conservation	Consistent	The Golden Sheaf which is opposite the subject site across New South Head Road is listed as a local heritage item (referenced 208) under the WLEP 2014. The proposed building envelope will be appropriate for the site and will not significantly impact upon the heritage significance of the heritage item.
2.4	Recreation Vehicle Areas	Not Applicable	-
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not Applicable	-

Clause	Direction	Consistent	Comments
<b>3 Housing, Infrastructure and Urban Development</b>			
3.1	Residential Zones	Consistent	The proposal allows for a range of residential unit types, consistent with the existing trends and market demands.
3.2	Caravan Parks and Manufactured Home Estates	Not Applicable	-
3.3	Home Occupations	Not Applicable	-
3.4	Integrating Land Use and Transport	Consistent	The proposal is consistent with this direction in that it increases density (for potential residential and commercial uses) in a location that is close to a range of public transport options, including bus, ferry and rail. The site is located within proximity to services in the Centre and employment opportunities in Sydney's CBD.
3.5	Development Near Licensed Aerodromes	Not Applicable	-
3.6	Shooting Ranges	Not Applicable	-
<b>4 Hazard and Risk</b>			
4.1	Acid Sulfate Soils	Consistent	The proposal is consistent with this direction in that it is 'of minor significance'. Refer to additional discussion below this table.
4.2	Mine Subsidence and Unstable Land	Not Applicable	-
4.3	Flood Prone Land	Consistent	Refer to further discussion below.
4.4	Planning for Bushfire Protection	Not Applicable	-
<b>5 Regional Planning</b>			
5.1-5.9	Strategies 5.1-5.9	Not Applicable	These strategies do not apply to the Woollahra LGA.

Clause	Direction	Consistent	Comments
5.10	Implementation of Regional Plans	Not Applicable	No regional (or district) plan applies to the Woollahra LGA.
<b>6 Local Plan Making</b>			
6.1	Approval and Referral Requirements	Consistent	The proposal does not include consultation, referral or concurrence provisions, nor does it identify development as designated development.
6.2	Reserving Land for Public Purposes	Consistent	The proposal does not contain any land that has been reserved for a public purpose, and no requests have been made to reserve such land.
6.3	Site Specific Provisions	Consistent	The proposal is for a site-specific increase in maximum height of building and floor space ratio in accordance with existing clauses in Woollahra LEP 2014. It does not impose any unnecessarily restrictive site-specific planning controls.
<b>7 Metropolitan Planning</b>			
7.1	Implementation of A Plan for Growing Sydney	Consistent	The proposal is consistent with the planning principles, directions and priorities for subregions, strategic centres and transport gateways in <i>A Plan for Growing Sydney</i> and associated draft <i>Towards Greater Sydney 2056</i> and draft <i>Central District Plan</i> .
7.2	Implementation of Greater Macarthur Land Release Investigation	Not Applicable	-
7.3	Parramatta Road Corridor Urban Transformation Strategy	Not applicable.	-



**Further comment on Direction 4.1 Acid Sulfate Soils**

This direction states:

*(6) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director General prior to undertaking community consultation in satisfaction of section 57 of the Act.*

*[...]*

*(8) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are: (a) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or (b) of minor significance.*

The planning proposal constitutes as an intensification of land use on land identified as having a probability of containing acid sulfate soils [Class 2 Acid Sulfate Soils as identified on the Acid Sulfate Soils Map within Woollahra LEP 2014 (Sheet ASS\_0030)]. This inconsistency is considered justifiable as the planning proposal is of minor significance. The site is relatively small (669.8sqm), and the planning proposal is essentially for an additional two levels above the existing building and does not propose any basement levels. This degree of intensification is considered insignificant from an Acid Sulfate Soil perspective. Further, the intent of the planning proposal is to provide for an addition to the existing building, which would involve any excavation and accordingly, no potential Acid Sulfate Soils impacts.

**Further comment on Direction 4.3 Flood Prone Land**

This direction states:

*(4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).*

*(5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.*

*(6) A planning proposal must not contain provisions that apply to the flood planning areas which:*

*(a) permit development in floodway areas,*

*(b) permit development that will result in significant flood impacts to other properties,*

*(c) permit a significant increase in the development of that land,*

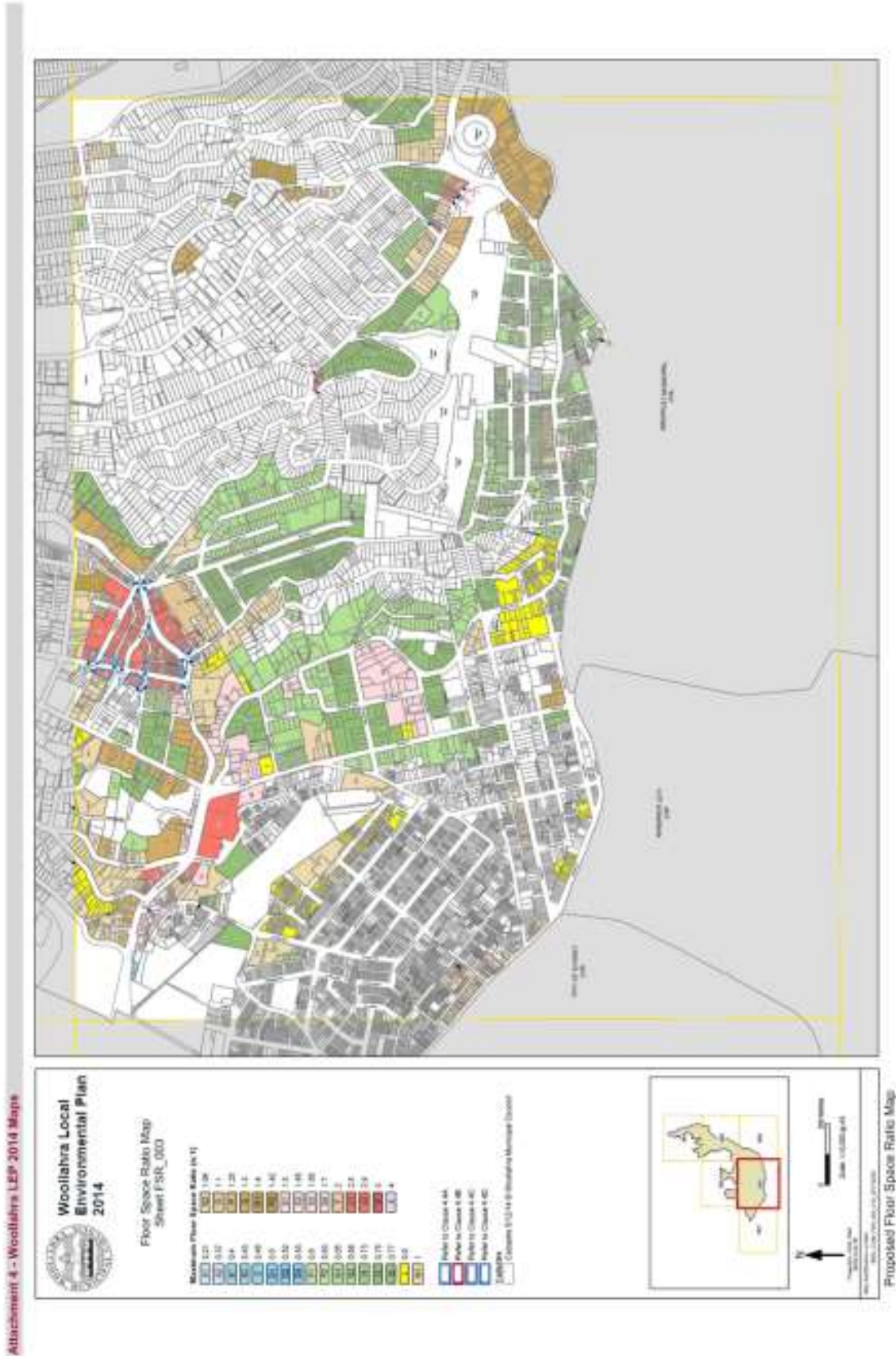
*(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or*

*(e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.*

*(7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).*

*(8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas ) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).*

The subject site is identified as flood prone under the Woollahra LEP 2014. It is highlighted that the planning proposal does not seek to rezone the site and its B2 Local Centre will be retained. The planning proposal will increase the FSR provision however it is only essentially an additional level to the approved building while the 6 storey building envelope will be extended to no. 374 New South Head Road. The floor levels of the proposed retail use to no. 374 New South Head will be consistent with the existing to no. 376-382 New South Head Road. Furthermore, it is noted that the commercial floors will remain the same as existing while the residential component will be located to the top two storeys. Therefore in this regard it is anticipated that the planning proposal will have a low flood risk. Further flooding advice will be provided at DA stage.





### Supplementary material

**Annexure 1** – Planning proposal submitted by Mecone December 2016

**Annexure 2** – Report to the Urban Planning Committee of 2 November 2015

**Annexure 3** – Council resolution of 2 November 2015

**Annexure 4** – Report to the Urban Planning Committee of 23 May 2016

**Annexure 5** – Council resolution of 23 May 2016

**Annexure 6** – Report to the Urban Planning Committee of 10 October 2016

**Annexure 7** – Council resolution of 10 October 2016





Planning &  
Environment

## Annexure 2

### Gateway Determination

*Planning proposal (Department Ref: PP\_2017\_WOOLL\_003\_00): to amend Woollahra Local Environmental Plan 2014 for the planning proposal to increase the maximum height and floor space ratio controls currently applying to 374 and 376-382 New South Head Road, Double Bay.*

I, the Director, Sydney Region East at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Woollahra Local Environmental Plan 2014 to increase the maximum height and floor space ratio controls currently applying to 374 and 376-382 New South Head Road, Double Bay, should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
  - (a) the planning proposal is considered to be routine and must be made publicly available for a minimum of 28 days; and
  - (b) the relevant planning 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 5.5.2 of *'A Guide to Preparing Local Environmental Plans'* (Department of Planning and Environment 2016).
2. No consultation is required with public authorities under section 56(2)(d) of the Act.
3. Prior to finalisation, the planning proposal is to be updated to demonstrate consistency with any available findings of Council's Double Bay Commercial Centre Building Envelope Review, in conjunction with clarifying the proposal's consistency with the Hill PDA Double Bay Economic Feasibility Study.
4. A public hearing is not required to be held into the matter by any person or body under section 56(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).
5. The timeframe for completing the Local Environmental Plan is to be **9 months** from the week following the date of the Gateway determination.

Dated 13 April 2017

A handwritten signature in black ink, appearing to read 'Sandy Chappel'.

**Sandy Chappel**  
Director, Sydney Region East  
Planning Services  
Department of Planning and Environment

**Delegate of the Greater Sydney Commission**

PP\_2107\_WOOLL\_003\_00 (17/04506)



## Annexure 3

**From:** [tony.gregory](#)  
**To:** [Records](#)  
**Date:** Wednesday, 10 May 2017 4:40:59 PM

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Attn Mr Brendon Metcalfe

Re: SC2879, Alterations to 374/376-382.

Dear Mr Metcalfe, It appears that yet again it is the old story of developers trying to get permission to have current rules and regulations changed to their benefit. Why does the Council accept their proposals. The codes Council introduced were designed to ensure areas that have a particular atmosphere should be preserved. If this one gets through there will be more to follow and their persistent trying will continue until Double bay loses its village atmosphere. Just say no to extra height and other requests and ask Council to insist the current rules are not subject to individual alteration.

Thank you, sincerely, Tony Gregory, ■ Glendon Rd, Double bay

**TRI-ANTA PTY LTD**

ABN: 58 001 775 588

ACN: 001 775 588

17 May 2017

The General Manager  
Woollahra Council  
PO Box 61  
Double Bay 1360

Email: [records@woollahra.nsw.gov.au](mailto:records@woollahra.nsw.gov.au)

PLANNING PROPOSAL SC2879  
374 and 376-382 New South Head Road, Double Bay

Tri-Anta Pty Ltd is a property owner in Double Bay for over 30 years. We are committed to the upgrade of the area and are active in the community and working parties with Council.

I write to provide my full support to the above-mentioned planning proposal.

Woollahra Council has recognised that the planning regulations over the Double Bay precinct are outdated and need to be updated to encourage both residential and commercial development in the area. The existing buildings along New South Head Road are generally over 40 years old now and do not support the high-end look that residents and Council want, or provide the necessary infrastructure for the population.

Updating planning regulations is absolutely vital to attract developers to the Double Bay precinct. Current regulations make redevelopment unfeasible, and without redevelopment the area will never increase residential dwelling numbers or improve the 'look' of the buildings and precinct.

On any day, newspapers report on the 'housing crisis' that we are currently in and the lack of supply of dwellings. Double Bay desperately needs more residential dwellings to support the growing population.

Changing the regulations as discussed in this proposal will make development in the precinct more attractive to developers and this is fundamental to the upgrade of Double Bay.

Should you require any further information please do not hesitate to contact me.

Yours faithfully



Byron Rose  
Director

PO BOX 1077  
DOUBLE BAY NSW 1360

**ROSE & JONES**

Suites 10-11, 19-27 Cross St  
Double Bay NSW 2028  
PO Box 1077  
Double Bay NSW 1360



The General Manager  
Woollahra Council  
PO Box 61  
Double Bay 1360

Email: records@woollahra.nsw.gov.au

PLANNING PROPOSAL SC2879

374 and 376-382 New South Head Road, Double Bay

Dear Sir/Madam,

Rose & Jones Property Pty Ltd operates a business in Double Bay. I write to support the planning proposal SC2879.

The regulations proposed will encourage much-needed redevelopment in the area. Double Bay needs more residential and commercial space but current regulations make this unattractive to developers. Amended regulations are vital to the revitalisation of Double Bay.

Existing buildings on New South Head Road need redevelopment and these amendments will facilitate that.

Please contact me if you wish to discuss

Yours faithfully



Byron Rose  
Rose & Jones Property Pty Ltd



**From:** [Benjamin Harkham](#)  
**To:** [Records](#)  
**Subject:** SC2879 Submissions  
**Date:** Wednesday, 24 May 2017 2:24:42 PM

---

General Manager

Woollahra Council

536 New South Head Road

Double Bay NSW 2028

Attention: Mr Brendan Metcalfe

Strategic Planner

Dear Brendan,

RE: Planning proposal for 374 & 376-382 New South Head Road, Double Bay

Reference: SC2879 Submissions

I am writing to you as a local landowner (338-340 Old South Head Road) to express my support for the planning proposal for the following reasons:

- The Double Bay Town Centre has been struggling commercially for a number of years and while they Kiaora Lane redevelopment has been successful, it has not had a decisive positive impact. The area needs to grow to enable businesses serving the community to survive.
- The FSR increase enables such growth and hopefully it can be extended to other sites as well.
- The height increase will improve the visual presence of the Town Centre. Taller buildings will act as a beacon, as a kind of advertisement for the area. The Town Center is surrounded by multi-storey residential buildings and it would be appropriate if the commercial area would have taller buildings. In a similar manner (on a scale, of course) to Chatswood, for example.

Thanking you,

Benjamin Harkham

(Benima Pty Ltd)

**From:** [Sandra McLeod](#)  
**To:** [Records](#)  
**Subject:** Planning Proposal re 374 and 367-382 New South Head Road, Double Bay  
**Date:** Monday, 5 June 2017 3:04:41 PM

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The General Manager,  
Woollahra Council

Dear Sir,

How can the Council yet again consider a planning proposal that does not comply with its own guidelines?

The proposed development of the above site increases the floor space ratio by 50 -80% - taking into account the two different sites and the height is 60% over the Woollahra LEP 2014.

If the Council continues to pass these "exceptions to the rule" developments, it is telling residents that there is effectively no rule, because there is absolutely no justification to allow these developments except to allow the developers to pocket massive profits as has been demonstrated with the Roche site in Cross Street.

The council promised community consultation in May 2016 - why hasn't this taken place? Surely this is the first step to be planning now, instead of considering this proposal.

Yours sincerely  
Sandra McLeod  
■ Court Road, Double Bay

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**From:** [ETerrill](#)  
**To:** [Records](#)  
**Subject:** Proposed building at Knox and NSH Rd  
**Date:** Tuesday, 6 June 2017 9:00:49 AM

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Dear Manager,

The Cue building proposal on the corner of Knox Street and New South Head Rd (374 and 376-382 NSH Rd) is a massive breach of the existing controls. A height request for **6 storeys and potentially 7 storeys, should not even be entertained by Council under its own guidelines.**

This would set yet another precedent of 6-7 storey buildings all through the Double Bay centre.

Moreover, with no associated parking, it would cause even further traffic problems in the village.

Today we see a greatly revitalised DB centre which attracts more people than the parking will accommodate.

This has resulted in unpleasant driver behaviour, parking rage, blocked thoroughfares, and danger to pedestrians. Locals do not need to have further congestion just to put money into developer pockets.

Let the residents decide if there is even a single community merit in this proposal.

E Terrill

Double Bay

Sent from my iPhone



**From:** [Richard Stenlake](#)  
**To:** [Records](#)  
**Cc:** [REDACTED]  
**Subject:** Opposition to planned developments  
**Date:** Tuesday, 6 June 2017 10:03:59 AM

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Dear Sirs

I will be sort and sweet but I wish to oppose the proposed development of 374 and 376-382 NSH Rd., Double Bay on many fronts but majorly because 6/7 floors is way beyond the rules for building in this area.

Why do we have these restrictions that seem to be ignored by every new development that is planned for the area.

Double Bay is beautiful because of these restrictions and is why it is again having a resurgence of popularity.

The village atmosphere must be retained to keep the ambience that is here now and has been for many years.

I have been a resident of Double Bay for over 70 years and have seen many changes occur during that period. I do not like these buildings that have been allowed to breach the regulations that are in place. I want Double Bay to remain as it is and develop like Noosa not Surfers Paradise.

Yours Sincerely

Richard Stenlake

Sent from my iPad

The General Manager,  
Woollahra Municipal Council,  
PO Box 61, Double Bay NSW 1360

7 June 2017

Dear Sir,

**Planning proposal to increase the maximum height and floor space ratio controls currently applying to 374 and 376-382 New South Head Road, Double Bay**

I write on behalf of owners in an apartment building at 2-22 Knox Street Double Bay known as the Cosmopolitan Centre which is directly opposite the subject site 374, 376-382 New South Head Road across Goldman Lane.

Whilst understanding the intention to increase development opportunities in Double Bay to allow greater density, population and commercial activity, the resultant impact of this particular development is devastating to our property.

The current proposal follows a previous failed proposal for a 3 storey increase which was rejected by Council. This previous rejection was thoroughly justified. An increase of even 2 floors to the existing building, as now proposed, is still dramatic uplift which seriously affects views, sunlight and privacy to our property which we have enjoyed in our homes for over 7 years. Whilst these issues represent a personal and financial loss to us, it appears that the proposal is also not well substantiated on planning grounds.

The minimum standards laid down by the SEPP 65 Apartment Design Guidelines are not being met by the subject proposal because separation distance between the two buildings is less than the minimum recommendation. Acoustic privacy, visual separation and bulk will be compromised and lead to a loss of amenity to the residents of our building. The impact on traffic is also unfounded because there is no additional car parking provided despite a 40% increase in commercial/residential floor space. There also appears to be no provision to address the additional waste that will be generated by the development.

The proposal to increase the floor space of the existing building may be consistent with the NSW Government and Woollahra Council's long term





6 June 2017

Roads and Maritime Services Ref: SYD17/00637  
Council Ref: SC2879 Submissions

General Manager  
Woollahra Municipal Council  
PO Box 61  
DOUBLE BAY NSW 1360

Attention: Brendan Metcalfe,

Dear Mr Metcalfe,

**PLANNING PROPOSAL TO INCREASE FLOOR SPACE RATIO AND BUILDING HEIGHT FOR NOS. 374 AND 376-382 NEW SOUTH HEAD ROAD, DOUBLE BAY**

Reference is made to Council's correspondence received 10 May 2017 regarding the subject Planning Proposal which was forwarded to Roads and Maritime Services ('Roads and Maritime') seeking comment following Gateway determination.

Roads and Maritime understands that the proposal seeks to amend the *Woollahra Local Environmental Plan 2014* ('LEP') to enable a six-storey mixed residential, office and retail development on the abovementioned site. The proposal seeks to amend the maximum floor space ratio ('FSR') from 2.5:1 on No. 374 New South Head Road and 3:1 on No. 376 382 New South Head Road to 4.5:1 across the site. In addition, approval is sought to increase the maximum building height from 14.7m to 23.5m over the site.

The site currently contains a four storey mixed use development with no existing on-site vehicular parking on the site or vehicular access into the site. The subject planning proposal is expected to result in the submission of a development application to construct an additional two floors on the existing building to accommodate approximately fifteen (15) additional apartments (potential). No new vehicular access is to be proposed.

Roads and Maritime have reviewed the exhibited material and raise no objection to the abovementioned amendments to the planning controls associated with the Planning Proposal.

**Roads and Maritime Services**

27-31 Argyle Street, Parramatta NSW 2150 |  
PO Box 973 Parramatta NSW 2150 |

[www.rms.nsw.gov.au](http://www.rms.nsw.gov.au) | 13 22 13

If you require clarification on the above matters, please contact Kylie-Anne Pont, Strategic Land Use Planner, on [REDACTED] or e-mail at [REDACTED]

Yours sincerely



**Greg Flynn**  
Program Manager – Land Use

**From:** [Philippe du Boisee](#)  
**To:** [Records](#)  
**Subject:** Planning proposal for 374&376-382 New South Head Road, Double Bay.  
**Date:** Tuesday, 6 June 2017 6:09:12 PM

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We object to these 2 developments because they are a massive breach of the existing Controls with a proposed height for 6 storeys and potentially 7 storeys.

Also to have no on-site parking for the proposed extra 11 apartments, will generate a substantial parking demand.

Parking in Double Bay is now at saturation point with residents living close to the centre unable to find parking for their own cars or those of their visitors.

P. J. & M.L DU BOISEE

■ Carlotta Road,  
Double Bay.



## MPJ HOLDINGS PTY LIMITED

ABN 47 068 903 598

6 June 2017

Mr Brendan Metcalfe  
Woollahra Municipal Council  
PO Box 61  
DOUBLE BAY NSW 1360

**Re: Fivex Pty Ltd – Proposed Changes Planning Controls  
374 & 376-382 New South Head Road, Double Bay**

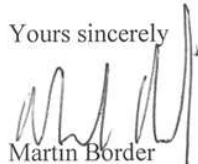
Dear Mr Metcalfe

My company has been an active investor in Double Bay for well over 25 years and owns numerous properties in the commercial precinct.

Sadly, due to the lack of quality development, Double Bay's once thriving character has been lost.

We have reviewed the proposal by Fivex and encourage Council to support this change to the Planning Controls which we believe will serve as a catalyst for the much needed rejuvenation of Double Bay.

Yours sincerely



Martin Border

Managing Director

(MPJ-DB) (NSHRd) Fivex Support Letter (Jun 17)

Property Developers & Managers

PO Box 461, Double Bay, Sydney NSW 1360, Australia

• Office [REDACTED] • Mobile [REDACTED] • Email: [REDACTED]

**From:** [Robert Barry](#)  
**To:** [Records](#)  
**Subject:** 374 and 376-382 New South Head Road  
**Date:** Wednesday, 7 June 2017 5:30:24 PM

---

Dear Sir,

It is very disappointing that the residents of Woollahra are unable to rely on Council to uphold the Development Control Plans for Double Bay.

This was evident with two recent development proposals in Cross Street which were in breach of the current DCP for Double Bay, opposed by Council's management, opposed by the residents of Double Bay and yet the Councillors were persuaded by the developers arguments and approved both developments.

The development at 374 and 376-383 New South Head Road proposes a height of 23.5m some 60% in excess over the height permitted under the Woollahra LEP 2014.

The community at large made it very clear in opposing the Ashington development at 33 Cross Street that the valley floor where Double Bay sits should be low rise and have a height restriction of some 4 to 5 storeys.

This was the view of the NSW Government architect at the time and was unanimously supported by management and the Councillors.

What has changed?

I am totally opposed to the height and bulk of the new development and ask Council to reaffirm its support for a low rise Double Bay. Double Bay's uniqueness should be preserved not only for the benefit of the residents of Woollahra but for the people of Sydney now and for generations to come.

Yours faithfully,

Robert Barry

█ Edgecliff Road Woollahra

**From:** [Sabrina Barry](#)  
**To:** [Records](#)  
**Subject:** 374 and 376-382 New South Head Road, Double Bay  
**Date:** Thursday, 8 June 2017 3:08:24 PM

---

Dear Sir/Madam,


I am writing to register my very strong objection to the Planning Proposal in relation to the above addresses.

The proposed development exceeds the height controls of the Woollahra LEP 2014 by 60% and the LEP maximum floor space ratio by 80% (374 New South Head Road) and by 50% (376-382 New South Head Road). It is alarming that these proposed developments, which are so excessively in breach of the LEP and DCP which were introduced by Council after extensive studies and consultations with the community, are being given consideration. The Council has a responsibility to ensure developers adhere to the building controls and to community wishes for the valley floor of Double Bay to be low rise and to retain its village atmosphere. The approval of this development would set a very unfortunate precedent for future development in the Double Bay centre.

The community has fought long and hard to retain the unique village character of Double Bay and this would be threatened if this development application is approved.

Yours faithfully,

Sabrina Barry

 *Edgecliff Road*  
*Woollahra 2025*

Fiona McCrossin  
█/50 Bellevue Road  
Bellevue Hill, 2023  
08/06/2017

**Refer: SC2879 Submissions**

Thank you for due consideration of the following.

The planning proposal in relation to 374 and 376-382 New South Head Road, Double Bay, seeks to amend Woollahra LEP 2014 by:

- a) Increasing the maximum floor space ratio from 2.5:1 and 3.1: 1 to 4.5: 1 (respectively); and
- b) Increase the maximum building height from 14.7m to 23.5m

in order to enable a 6 storey development.

I oppose this proposal for reasons which include, *inter alia*:

- a) The 2014 LEP ("the LEP") was produced via due democratic process. The Double Bay and wider community would have been involved in the development of the LEP. As in any democratic process subject to stakeholder input there would have been compromises made by all parties to enable its finalisation. The LEP, therefore, already presents a "compromise" position for many.
- b) The aims of the current LEP can be accessed at:  
<http://www.legislation.nsw.gov.au/#/view/EPI/2015/20>

**"Aims of Plan**

- (1) This Plan aims to make local environmental planning provisions for land in Woollahra in accordance with the relevant standard environmental planning instrument under section 33A of the Act.

- (2) *The particular aims of this Plan are as follows:*

- (a) to ensure that growth occurs in a planned and co-ordinated way,*
- (b) to promote the management, development, conservation and economic use of property,*
- (c) to provide for an appropriate balance and distribution of land for commercial, retail, residential and tourist development and for recreation, open space, entertainment and community facilities,*
- (d) to provide greater population densities in and around centres that are well serviced by public transport,*
- (e) to facilitate opportunities, in suitable locations, for diversity in dwelling density and type,*
- (f) to conserve built and natural environmental heritage,*
- (g) to protect amenity and the natural environment,*
- (h) to minimise and manage stormwater and flooding impacts,*
- (i) to protect and promote public access to and along the foreshores,*
- (j) to promote a high standard of design in the private and public domain,*
- (k) to minimise and manage traffic and parking impacts,*
- (l) to ensure development achieves the desired future character of the area,*
- (m) to minimise excavation and manage impacts."*

The LEP has specific aims and procedures - permitted or prohibited development; land use tables; exempt and complying development; principal development standards; miscellaneous provisions; etc. All owners and potential owners, including those who have bought properties as "development sites" would be fully cognisant of the LEP's aims and procedures. To seek amendment(s) to the LEP, in 2017, is a flagrant disregard of the due democratic processes that produced it.

- c) The 2014 LEP would have been subjected to scrutiny that enabled Double Bay to maintain its unique "low rise" "village" atmosphere. The proposed amendments to the LEP will not maintain this vision for Double Bay.
- d) The proposed changes to the LEP floor space ratio will create significant negative impacts on Double Bay. There will be increased requirements for access; parking etc. There will be "flow on effects" in relation to density of traffic in other areas of Woollahra. As a resident of Bellevue Hill working in Surry Hills I have already seen the impacts of increased traffic in the region. Increased development in Bondi and Bondi Junction have already impacted on traffic density in Bellevue Hill and Double Bay. There is increased traffic in Bellevue Road, Old South Head Road, New South Head Road, Edgecliff Road, Manning Road and other smaller streets in the region. Amendments to the LEP will increase these impacts. The LEP aims of minimising and managing traffic and parking impacts will be compromised.
- e) The proposed changes to the LEP permissible height (an increase of over 50% to that allowed in the legislated LEP) will create significant negative impacts on Double Bay e.g. visual; access to light; aesthetics etc. They will certainly place its "desired future character" at risk.
- f) Decisions that do not comply with the 2014 LEP will not ensure that "growth occurs in a planned and co-ordinated way". It could be argued that Double Bay is one of the few remaining areas in central Sydney which has been able to maintain its low rise, village atmosphere. It is therefore essential that any growth complies with best practice planning.
- g) The proposed changes to the LEP are highly probable to set a precedent. Although it may be stated in Council's determination that the determination will not set a precedent, this will be hard for Council to prove without litigation – and therefore costs to Woollahra ratepayers. If the changes to the LEP are supported by Council, Councillors should not expect Woollahra ratepayers to pay for future litigation.
- h) It is highly probable that future DAs in the Woollahra LGA will use any permitted amendments to the LEP on the NSH Road sites to argue for developments that allow the same or similar amendments on other sites - both in Double Bay and other suburbs in Woollahra. This will lead to cumulative impacts. Councillors must therefore assess all possible cumulative impacts – over space and time - of any of the proposed amendments to the LEP.
- i) Having followed, and made submissions to, a number of recent DAs/ public consultation processes in the Woollahra LGA in which I live (e.g. DA571/2014/1: ADDRESS 16-18 Cross Street DOUBLE BAY ('Hunters Lodge'); DA390/2015/1: ADDRESS 20-26 Cross Street DOUBLE BAY) I am increasingly concerned that Council is not acting in the public interest. For example, Councillors were provided with advice from employees of Woollahra Municipal Council in relation to DA571/2014/1 and DA390/2015/1ci. Government employees provided clear direction to Councillors on the legality of the development applications. Yet the DAs were passed. Non-compliance with the law included building height (greater than 4 storeys);

and floor to space ratio. Councillors must be cognisant of the fact that Double Bay is being targeted for development at an unprecedented rate. Developers have been using a variety of arguments to seek developments that do not comply with planning law. They are now seeking to change the law. This interference in due legislative process must be resisted by Councillors. A small group of developers should not be dictating changes to the EP&A Act.

j) I now refer you to my submission to the Double Bay Economic Feasibility Study. Many of the issues raised in my submission apply to the planning proposal in relation to 374 and 376-382 New South Head Road, Double Bay. I request that they are considered again.

*I. A conclusion that is not supported by the study. "In conclusion, the composition of the projected population could be influenced through the creation of more affordable and diverse housing supply to encourage and support a diversity of age profiles. Council could potentially facilitate and attract specific age groups by providing services and amenities tailored to the desired population." (p. 34). This conclusion is not supported by the data in the study. Again a "affordability will remain an issue and the investor market will likely continue to be dominant" (p. 34).*

*Again a "affordability will remain an issue and the investor market will likely continue to be dominant" (p. 34).*

*K. Who then stands to benefit from changes in the planning laws? Developers and investors stand to benefit. The report actually predicts that "affordability will remain an issue and the investor market will likely continue to be dominant" (p. 34). This says it all. As stated in "J" above, this does not serve the public interest – either for provision of affordable housing or in other contexts.*

*L. Therefore, just what are the merits of changing the planning laws? There is no evidence that there is any merit in changing the planning laws. In fact, the proposed changes to planning laws will impact negatively on the region. The ambience of the region is what has traditionally, and increasingly, brought people to Double Bay - to escape overdevelopment and seek a low-rise, open, boulevard atmosphere.*

*Any proposals to change planning laws are not about providing affordable housing for the young or, indeed, most other people who are renting in the area e.g. young parents with children; sole parents with children. The cost of the proposed housing will be out of reach for most people. And therefore, any action by Council to change the law based on the assumption of affordability, is erroneous.*

Yours sincerely,

Fiona McCrossin  
BSc. Dip. Ed. Postgrad. Dip. Env. Studies



Woollahra Municipal Council  
Customer Service Department

The General Manager,  
Woollahra Municipal Council,  
PO Box 61, Double Bay NSW 1360

13 JUN 2017  
Received

█, Pine Hill Avenue,  
Double Bay,  
NSW 2028  
Tel █

9 June 2017

Dear Sir,

**Planning proposal to increase the maximum height and floor space ratio controls currently applying to 374 and 376-382 New South Head Road, Double Bay**

I have inspected the documents on Council's website relating to the above Planning Proposal. I urge Council not to proceed with the said proposal for the following reasons.

- It is poor practice to alter our LEP produced following community consultation and debate with one-off changes for an individual site. It is the antithesis of aim (a) of the Plan which is "to ensure that growth occurs in a *planned and co-ordinated way*". It is a disregard of the democratic process that produced the LEP.
- In particular, following the receipt of the Double Bay Economic Feasibility Study (Hill PDA) Council in its resolution "A" of 9 May 2016 – a study which tentatively suggested increases in FSR and height much more modest than sought by this Proposal – Council promised residents that a "*community engagement program in the form of a public forum open to all be held*" at which public feedback could be received on the Study and its proposals. That public forum has never been held and it would be scandalous if increases in FSR and height were to be made for this site when the public forum was required to be held for much more modest increases in controls.
- The proposed increase in height represents a 60% increase over the current height limit is grossly excessive and will have a disastrous impact on the amenity of close neighbours such as 2-22 Knox Street, the views of those of us such as myself have who look across Double Bay to harbor views and on the public. I rely on the more detailed submission in this area of the Double Bay Residents Association Inc of 5 June 2017.
- The proposed massive increase sought in the FSR control is completely unacceptable. I note it far exceeds what was tentatively suggested by Hill PDA in the Double Bay Economic Feasibility Study. Again I rely on the DBRA submissions of 5 June 2017 on this issue.

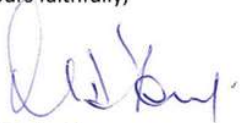
These unprecedented increases in height and bulk are being sought by a developer who has made clear by a concurrent DA that it has no intention to provide a single on-site parking space to cater for the inevitable parking demand from an extra 11 apartments. The current parking situation in my street is dire. Residents cannot find parking spaces for their own cars in this street as each morning there is a flood of drivers presumably employed in Double Bay who seek day long parking for their vehicles.

I entirely adopt what has been said by DBRA under their heading "Conclusion – the loss of the bayside village character of Double Bay". A petition from 410 residents of Double Bay and 77 residents of

surrounding suburbs last year has shown that residents do not want the increases suggested by Hill PDA. Still less do they want the much more extreme height and bulk in this Proposal. They supported the current controls.

I assume Council will give me notice of the officer's report on this proposal as well as ample notice of the matter being listed before the UPC so that I can address its members.

Yours faithfully,



Malcolm Young

**From:** [Jonathan McKenzie](#)  
**To:** [Records](#)  
**Subject:** Re SC2879 Submissions  
**Date:** Friday, 30 June 2017 9:19:34 AM  
**Attachments:** [image001.png](#)

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To the General Manager

Please accept this late submission on the current Planning Proposal in relation to 374 and 376-382 New South Head Rd, Double Bay.

As owner of the property located opposite at 377 New South Head Rd, we fully support the proposed;

- increase in FSR to 4.5:1 across the entire site and
- Increase in the allowable building height to 23.5m across the entire site.

Such relaxation of these development controls (where land area permits) along New South Head road will encourage quality development and increase vibrancy and economic activity in the Double Bay Village. The increased limit should apply to minimum land holdings to encourage consolidation of small properties that are uneconomic to redevelop and have sat deteriorating for too long.

Regards

Jonathan McKenzie  
General Manager : Property



Cinemas | Event | BCC | GU Film House | CineStar | Moonlight  
Hotels & Resorts | Rydges | QT | Atura | Art Series | Thredbo  
State Theatre | Edge Digital | Edge Serviced Offices

478 George Street, Sydney NSW 2000  
GPO Box 1609, Sydney NSW 2001

## Double Bay Residents' Association Inc

P.O. Box 1684, Double Bay NSW 1360

Tel: [REDACTED] Email: [REDACTED]

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The General Manager,  
Woollahra Municipal Council,  
PO Box 61, Double Bay NSW 1360

5 June 2017

Dear Sir,

**Planning proposal to increase the maximum height and floor space ratio controls currently applying to 374 and 376-382 New South Head Road, Double Bay**

We have examined the above Planning Proposal as advertised on Council's website. Having considered it, it is the unanimous view of this Association that the proposal should not proceed (or alternatively should not be supported by Council) for the reasons set out below.

**Process**

It is poor planning to set or reset controls for things such as height of buildings or floor space ratios on an ad hoc individual site basis, ending up with a patchwork of often conflicting heights and bulk controls in an area such as the Double Bay Centre that should be planned in a coherent unified way. This is an echo of the bad old days of the infamous "spot" rezonings via Interim Development Orders in the 1960's/1970's that were supposed to be done away with by the Environmental Planning and Assessment Act of 1979.

In this case however the proposal becomes outrageous in the light of the following Council resolution of 9 May 2016:

- " A. That a community engagement program in the form of a public forum open to all be held on a date to be determined post the receipt of comments under C below at which staff can address the public and receive feedback from the public on the Double Bay Economic Feasibility Study and its proposals.
- B. That proposed urban development options for the Double Bay Commercial Centre be the principal subject of the community engagement program, which will include a community impact statement and the options be presented to a future meeting of the Urban Planning Committee in the form of 3D simulation models.
- C. That the residents of Double Bay be given the opportunity to comment on the Hill PDA recommendations and policy options by the end of June 2016, including the opportunity to put forward expert material and alternative recommendations. The staff report to be provided to Council shall include a review of any such comment, material and alternative recommendations.
- D. That Council endorse the urban development options, for the purpose of community engagement, prior to commencing the community engagement program."

In due course (pursuant to C above) the residents of Double Bay indicated their massive opposition to the Hill PDA recommendations. 410 residents of Double Bay and 77 residents of surrounding suburbs petitioned the Council in opposition to the increases in floor space ratio and height in the Hill PDA recommendations. Together with the DBRA written submission of 30 June 2016 expert reports were put forward by this Association challenging the valuation and planning assumptions in that report. **The "community engagement program in the form of a public forum" in resolution A has never been held!**

**It would be monstrous to proceed with a planning proposal for a floor space ratio and height far exceeding what was proposed by Hill PDA when that public community forum into their proposals (which of course include the subject site) has never been held.**

#### **Excessive height and FSR**

The proposed height at 23.5m represents a **60%** excess over the height permitted under the Woollahra LEP 2014. It is a percentage increase which is so great as to totally undermine the integrity of the LEP height controls for the Centre and, we repeat, would undermine them before the community engagement program resolved on by Council has taken place. It is also vastly greater than the increases in heights implicit in the Hill PDA recommendations.

Seven storeys could be easily built within the proposed height limit of 23.5m.

It is a height which very substantially exceeds not only the mainly two storey development of neighbouring commercial properties along New South Head Road, but would also tower well over the height of 2-22 Knox Street (20.7m as alleged by the proponent's Planning Proposal). Relevant to this excessive height issue is the closeness of the units on the adjoining Cosmopolitan Centre site. As the proposal concedes at p19 the proposal breaches SEPP 65 and the Apartment Design Guide which require 18m of building separation whereas this is only 12m apart. Built into the proposal is therefore an inherent oppressiveness and loss of privacy impact on 2-22 Knox Street.

Similarly as we pointed out in our submission of 23 April 2017 on the current DA for this site, it is implicit in this excessive height that the building will not only place the far pavement of New South Head Road in shadow but that those shadows will extend up the façade of those buildings on the south side of the street.

A further result of the extreme height is that views across the Centre, particularly harbor views, will be lost to those with homes on the amphitheatre surrounding the Centre.

Combined with the proposed FSR there will necessarily be a towering and unfenestrated end or west wall to development on the site, giving a most unfortunate and "unvillage" like look to the motorist or pedestrian coming along New South Head Road from west to east.

As for floor space ratio the subject property currently has a maximum floor space ratio of 2.5:1 as to the property 374 New South Head Road and a similar FSR limit for no 376-382 save that under cl 4.4A (3) of the LEP the latter may be raised to 3:1 "if the consent authority is satisfied that the development will be compatible with the desired future character of the zone in terms of building bulk and scale".

The applicant seeks to increase the maximum FSR for both properties to 4.5:1 which is an **80%** increase for 374 New South Head Road over the current LEP maximum and a **50%** increase for 376/382 New South Head Road.

Again the scale of these changes is such that if made they would undermine the integrity of the entire FSR controls for the Centre under the LEP.

It is worth bearing in mind that the Hill PDA report only suggested increases in the FSR maxima to 2.8:1/3.5:1, the latter figure presumably referring to qualifying corner sites under cl 4.4A (3) with the balance of sites limited to the 2.8:1. What the Applicant seeks therefore is grossly in excess of the increased maximum FSR's suggested by Hill PDA. Again we remind Council of the massive unpopularity

with local Double Bay residents of those more modest Hill PDA recommendations – witness the 410 +77 signatory petition last year.

The simple truth is that the Applicant should be satisfied with the 5 storey consent it was granted in 2014 against the opposition of this Association. As is conceded at the top of p3 of the Planning Proposal that consent already exceeds the LEP's height control by 32% and the FSR control by 47.3%.

It goes without saying that the proposed height and FSR are massively inconsistent with the fine grained building envelope controls in the Woollahra DCP 2015 which followed careful community consultation.

**Parking**

All this unprecedented height and bulk is being sought by a developer who by its current DA has made clear that it intends to provide no on-site parking at all despite it being obvious that the proposed extra 11 apartments, their owners and visitors, will generate a substantial parking demand. As we have pointed out in other similar recent cases the situation with parking in and around the Centre is now at saturation point with residents living close to the Centre unable to find parking on street for their own cars or those of their visitors.

**Conclusion – the loss of the bayside village character of Double Bay**

It really comes to this. The local residents by their petition and hundreds of letters have shown that they do not want height and FSR limits raised to the more modest extent suggested by Hill PDA. They want a Double Bay that retains a low-rise village character with sun filled streets and pavement dining. This proposal is far more extreme than anything suggested by Hill PDA. The Council should observe its commitment to the community engagement programme including the promised public forum before any changes are made to the controls, let alone the extreme increases in height and bulk sought by this proposal.

We would ask for notification to be given to us of any staff report to the Urban Planning Committee on the above proposal as well as ample notice of any meeting to consider it.

Yours faithfully,



Mark Silcocks – President



Malcolm Young – Vice President





**Political Donations – matters to be considered by Councillors at Meetings**

