

# **PLANNING PROPOSAL**

**80-84 and 90 New South Head Road, Edgecliff**



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## Part 1 – Introduction

### 1.1 Request for planning proposal

Council received a request from Hamptons Property Services on 17 December 2014 to prepare a planning proposal for 80-84 and 90 New South Head Road, Edgecliff which is legally described as Lots 4 and 5 in DP 171284, Lot 1 DP 181565 and Lot A in DP 420786 (the site).

The request on behalf of the owners of the site, Matthew Lepouris Pty Ltd & WFM Motors Pty Ltd, was to increase the height and floor space ratio (FSR) controls that apply to the site. The proponent's documentation to support their request is attached at **Annexure 1**.

The proponent's documentation included an architectural rendering of a building for this site under the proposed controls. The building shown is a three to seven storey mixed use development comprising:

- residential dwellings on levels 1-7
- commercial uses at ground floor
- one level of parking on the lower ground floor.

The concept includes three commercial tenancies on the ground floor to provide an active frontage to New South Head Road. The existing façade of 90 New South Head Road is retained, with a new three storey element setback 12m from No.100 New South Head Road. The Mona Road frontage is residential only and is the main entry point for 39 dwellings. The unit mix is:

- 12 studios
- 18 one bedroom, and
- nine two bedroom dwellings.

Photographs of the existing site and renderings are shown below in Figures 1 to 4. The existing built form on Mona Road is shown in Figure 5.

The photographs and renderings demonstrate that the building would be in context with the buildings in the nearby area, particularly along New South Head Road and will be lower than the adjoining building at 100 New South Head Road.



Figure 1: Existing perspective of the south-west corner (source PTI Architects)



Figure 2: Architectural rendering of the south-west corner (source PTI Architects)





Figure 3: Existing perspective of the western façade (source PTI Architects)



Figure 4: Architectural rendering of the western façade (source PTI Architects)





Figure 5: Existing built form as viewed from Mona Road (left to right: No.11 , No.9 Mona Road and 80-84 New South Head Road)

## 1.2 Council report and decision

Staff assessed the proponent's documentation and reported to the Council's Urban Planning Committee on 9 June 2015 (**Annexure 2**) on the merit of preparing a planning proposal. After considering the report the Urban Planning Committee recommended, in part:

- A. *That the planning proposal prepared by Hamptons Property Services for 80-84 and 90 New South Head Road, Edgecliff, as contained in Annexure 1 of the report to the Urban Planning Committee meeting of 9 June 2015 be submitted to the Minister for Planning requesting a gateway determination to allow public exhibition.*
- B. *That prior to submission, the planning proposal is amended by:*
  - i. *rounding the floor space from 2.87:1 to 2.9:1,*
  - ii. *rounding the maximum building height from 23.47m to 23.5m, and*
  - iii. *applying Council's planning proposal template.*
- C. *That when requesting a gateway determination for the planning proposal at point A above, the Council seek delegation of the plan-making steps under section 59 of the Environmental Planning and Assessment Act 1979.*

Council adopted this recommendation on 22 June 2015 (**Annexure 3**).

### 1.3 Description of this planning proposal

Following Council's decision of 22 June 2015, this planning proposal was prepared. The planning proposal is to change the height and FSR controls in Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014) by:

- increasing the maximum FSR from 1.5:1 to 2.9:1
- increasing the maximum building height from 14.5m on 80-84 New South Head Road and 20.5m on 90 New South Head Road to 23.5m over the entire site.

This planning proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the two documents prepared by the NSW Department of Planning and Infrastructure titled *A Guide to Preparing Planning Proposals* (October 2012) and *A Guide to Preparing Local Environmental Plans* (April 2013).

## Part 2 – Site and context description

### 2.1 The site

The site is located at the south east corner of New South Head Road and Mona Road as shown below in Figure 6. The Sydney Central Business District (CBD) is approximately 2.3km to the west of the site and the Edgecliff Commercial Core is approximately 180m to the east of the site. The Edgecliff Commercial Core is zoned B2 Local Centre and includes a bus and rail interchange.



Figure 6: Local area map (refer to Figure 7 for site details)



The site forms part of the New South Head Road Corridor which is zoned B4 Mixed Use under Woollahra LEP 2014. With a total area of 1064.2m<sup>2</sup>, the site comprises two properties, 80-84 New South Head Road over three lots and 90 New South Head Road which is a single lot. Figures 7 and 8 show the existing subdivision pattern. The site adjoins heritage items at 9, 11 and 15A Mona Road.

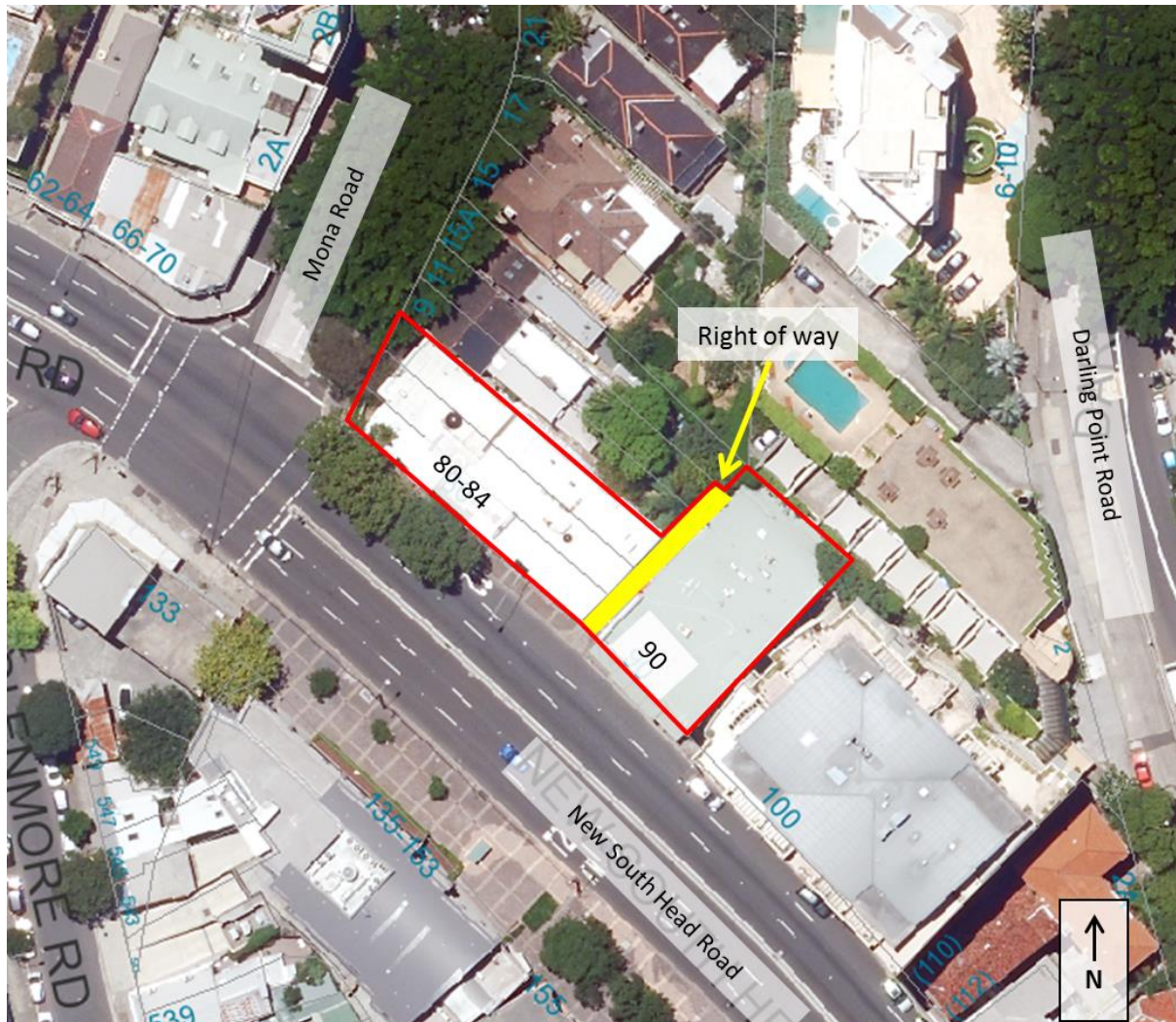


Figure 7: Site aerial

Nos.80-84 are occupied by a three storey commercial building which has a predominantly glazed façade, see Figure 1 on page 3 above. The building has frontages to Mona Road and New South Head Road and basement parking for five cars. Uses currently include offices and a recreational facility (indoor). The land slopes slightly, rising from west to east along New South Head Road by approximately 1.5m and up Mona Road from New South Head Road by less than a metre.

No.90 is occupied by a three storey Inter-war commercial building with a sub-basement level which does not include car parking. Constructed in 1928, the building has been renovated and altered numerous times but the façade remains largely original. The building is setback approximately 3m from the north western boundary. A 1.5m wide right-of-way runs along this boundary from New South Head Road allowing pedestrian access to the rear of Nos. 9, 11 and 15A Mona Road and 80-84 New South Head Road. The space created by the setback

and right of way is used for servicing, deliveries and as a parking space for one vehicle as shown in Figure 9.

The topography of No.90 rises 9.5m from New South Head Road to the rear of the lot. The right-of way would need to be extinguished if a development encompassing 80-84 and 90 New South Head Road was proposed.

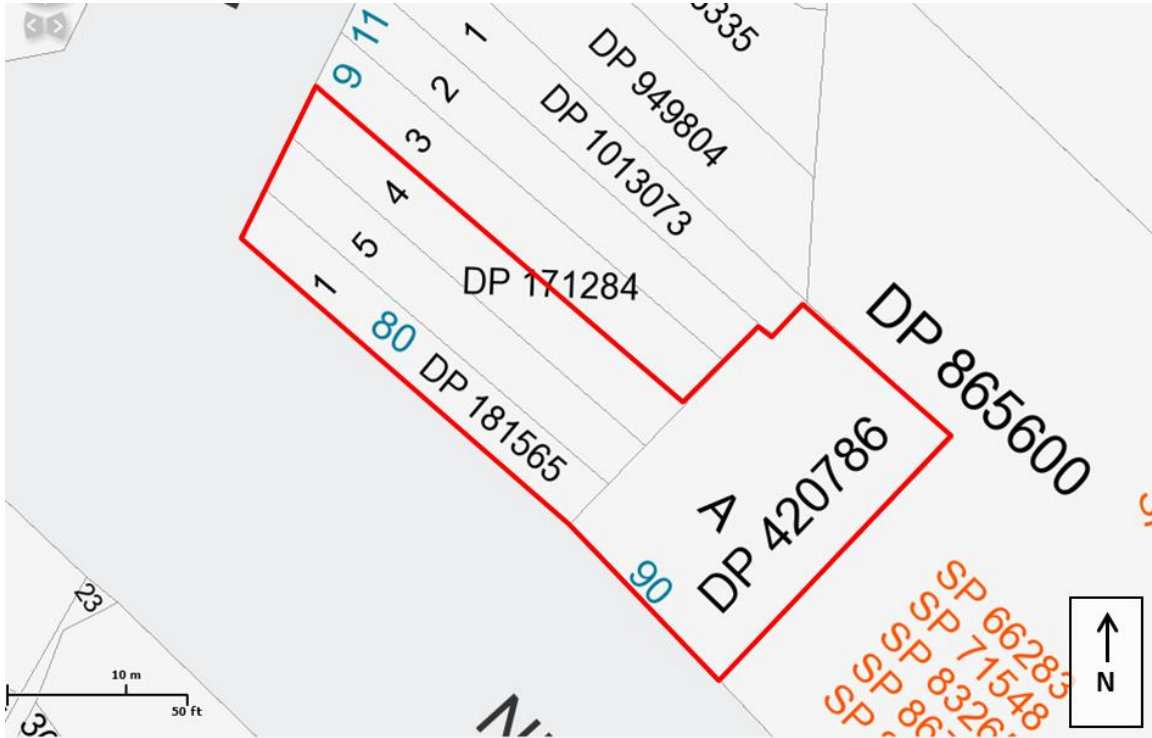


Figure 8: Site map



Figure 9: Right of way and setback over No.90 New South Head Road



## 2.2 Existing context

The surrounding built form varies considerably as shown in Figure 10. It includes:

- a) A 10 storey mixed use commercial and residential development adjoining the site to the south-east at 100 New South Head Road
- b) A range of two and three storey residential terraces in Mona Road adjoining the site to the north west
- c) A seven storey residential flat building at 6-10 Darling Point Road, Darling Point, adjacent to the building at 100 New South Head Road
- d) A nine storey residential flat building at 29-33 Mona Road
- e) An eight storey mixed use retail and residential flat building located at 2B Mona Road
- f) A five storey mixed use building at 58-60 New South Head Road
- g) A four to five storey commercial building at 34-44 New South Head Road
- h) A 12 storey mixed use building at 85-97 New South Head Road
- i) Four storey Inter-war residential flat buildings at 99, 101, 109 and 113 New South Head Road
- j) A four to five storey commercial building at 135-153 New South Head Road
- k) A four to seven storey mixed use building at 161 New South Head Road.



Figure 10: Oblique aerial identifying the number of storeys of surrounding buildings



## 2.3 Proximity to centres, public transport and recreation facilities

The site is within 180m of the Edgecliff Commercial Core, which includes commercial and retail tenancies together with medical centres and other facilities. The Edgecliff Commercial Core includes a timed customer car park and rail/bus interchange and taxi rank. The Edgecliff Railway Station provides train services on the Eastern Suburbs and Illawarra Railway Line, which carries passengers between Central, the CBD and Bondi Junction. The interchange services eight local and regional bus routes many of which are to the CBD.

The site is approximately 700m from the Double Bay Commercial Core which includes retail and commercial tenancies, banks, restaurants, pubs, bars and other local services. Five bus routes run along New South Head Road to the CBD, being route Nos. 323, 324, 325, 326 and L24 from Double Bay.

The site is in walking distance of recreation facilities such as Rushcutters Bay Park, Trumper Park, Sydney Harbour and its beaches.

Given the site's proximity to services and public transport and being located in the B4 Mixed Use Zone, increased density will positively contribute to the Woollahra LGA and provide the opportunity for residents to work closer to home and reduce vehicle trips.

Providing opportunities for medium density residential development on the subject site is consistent with the well-established best planning practice of increasing development potential near transport nodes and shopping centres to promote sustainable and public transport oriented development.

## Part 3 Existing planning controls

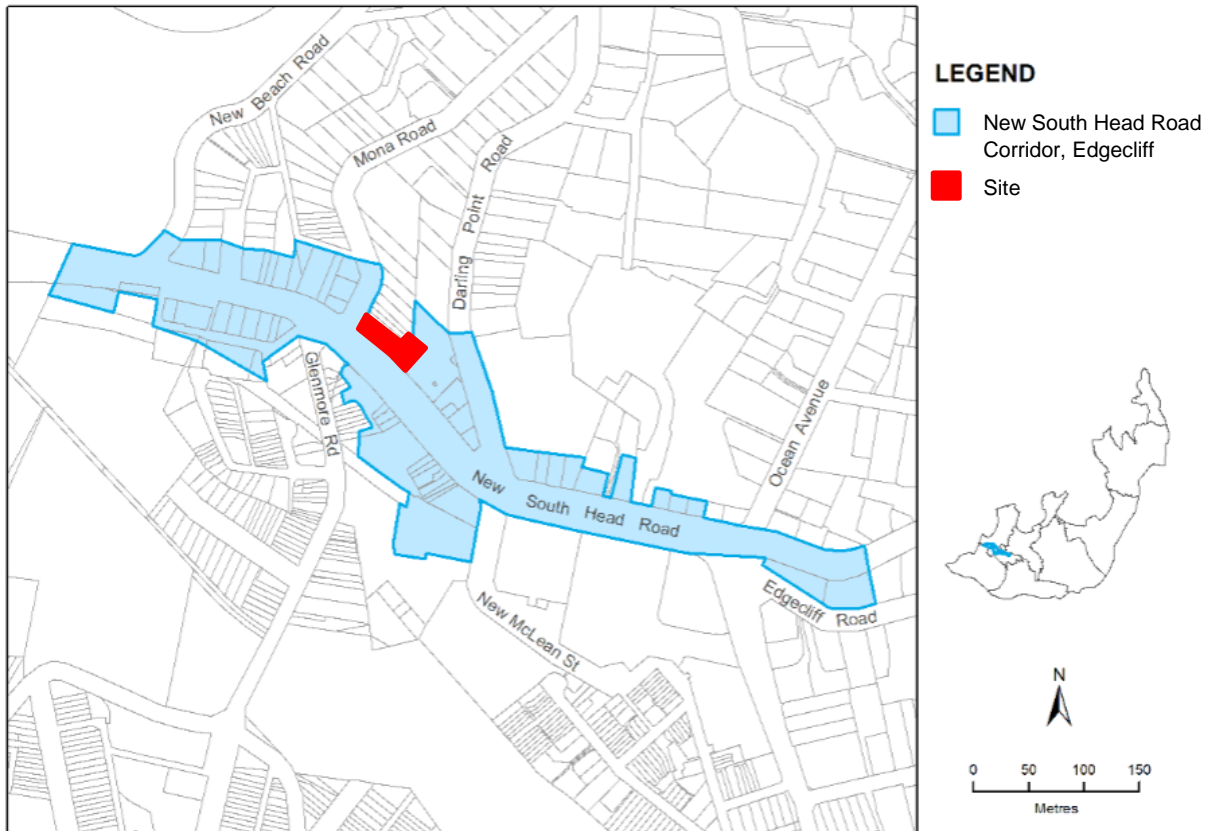
The table below identifies the existing zoning, maximum building height and floor space ratio controls that apply to the site under Woollahra LEP 2014.

	<b>Zone</b>	<b>Maximum building height (m)</b>	<b>Floor space ratio</b>
<b>80-84 New South Head Road</b>	B4 Mixed Use	14.5 (4 storeys)	1.5:1
<b>90 New South Head Road</b>	B4 Mixed Use	20.5 (6 storeys)	1.5:1

The B4 Mixed Use zone encourages a wide range of land uses, including commercial, residential, tourist and visitor and community uses. In this zone, residential development above active ground floor uses can be important in sustaining the area and providing housing close to public transport.

Under the Woollahra Development Control Plan 2015, Chapter D2 Mixed Use Centres applies to the site. The planning proposal will not alter the Woollahra Development Control Plan 2015 and chapter D2 will continue to apply.

Map 1 below shows the location of the site within the New South Head Road Corridor, Edgecliff (the Corridor).



Map 1: The New South Head Road Corridor, Edgecliff

The desired future character of the Corridor is outlined in section D2.2.2 of the DCP. The desired future character includes that:

- the corridor is a highly urbanised environment and main entry point to the Municipality
- development fronting New South Head Road will generally be four to six storeys
- a range of residential and commercial land uses are permissible, including restaurants and cafes which should contribute to a more vibrant centre, particularly at night.

## Part 4 – Objective of planning proposal

In summary, the objective of the planning proposal is to increase the height and FSR controls applying to the site to allow a building up to seven storeys to be constructed on the site.

## Part 5 – Explanation of provisions

This planning proposal is to amend Woollahra LEP 2014 to increase the FSR and height on 80-84 and 90 New South Head Road, Edgecliff. The proposed planning control changes are:

- increasing the maximum FSR from 1.5:1 to 2.9:1
- increasing the maximum building height from 14.5m on 80-84 New South Head Road and 20.5m on 90 New South Head Road to 23.5m over the entire site.

## Part 6 – Justification

The planning proposal has strategic merit and the key reasons to amend Woollahra LEP 2014 are that:

- The site is:
  - in walking distance of the Double Bay Commercial Centre and the Edgecliff Commercial Core
  - in walking distance of the Edgecliff bus and rail interchange
  - directly serviced by buses providing access to services and employment in the CBD, Double Bay and Bondi Junction
  - in walking distance of recreational facilities such as parks and harbour
  - zoned for mixed use development, providing opportunity for services and shops within the development.
- the proposal will increase the gross floor area permitted on the site, which may be used to provide residential dwellings in accordance with the NSW Government's documents A Plan for Growing Sydney (2014) and the Draft East Subregional Strategy (2007). Should additional residential dwellings be provided on the site, it would assist Council to meet its dwelling target of an additional 2900 dwellings by 2031 under the Draft East Subregional Strategy.
- the proposal will maintain the heritage significance of the area.
- the envelope created by the proposed maximum building height and the setbacks in Chapter D2 Mixed Use Centres of the Woollahra Development Control Plan 2015 will allow a building to be constructed on the site that can provide suitable amenity to surrounding buildings.

### 6.1 – Need for planning proposal

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

Yes. In 2010, Woollahra Council responded to NSW Government requirements to change the planning controls to increase dwelling capacity across the Woollahra Local Government Area (LGA). Council identified 24 'opportunity sites' to assist in meeting housing targets set by the NSW Government in the Sydney Metropolitan Strategy and the Draft East Subregional Strategy.

These sites have been focused around existing centres, including Bellevue Hill, Edgecliff, Vacluse, Double Bay, Rose Bay, Paddington and Woollahra. Within the Edgecliff Town Centre in particular, the following sites have been identified for redevelopment:

Site Name	Address	Net Yield
Edgecliff Centre	203-233 & 235-285 New South Head Road	400 dwellings
Eastern Gateway	240-246 New South Head Road (Thane Building)	19 dwelling
Western Gateway	73-79 New South Head Road	35 dwellings
Western Gateway	2-14 New South Head Road	10 dwellings



The rationale for selecting these sites included the following criteria:

- Increasing density within 400m of Edgecliff Commercial Core is consistent with the well-established best planning practice of increasing development potential in centres to promote more sustainable and public transport oriented development
- Urban design analysis (including overshadowing and view analysis) undertaken by consultants engaged by Council demonstrates that increased height and floor space ratio can be reasonably accommodated
- Current uses detract from the amenity of the gateway to Woollahra
- Redevelopment would develop presence as a gateway to Woollahra

The planning proposal seeks to increase height and floor space ratio controls in a location that meets these criteria and is therefore consistent with the rationale applied in Council's opportunity site process.

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

Yes. This planning proposal is the best means of achieving the objective. A planning proposal is needed to change the maximum FSR and height on the site to facilitate residential development.

Floor space ratio and height controls are development standards in Woollahra LEP 2014. Changes to these standards are made through a planning proposal and a draft local environmental plan.

The Council at its meeting of 22 June 2015 has endorsed this approach as has the Department of Planning and Environment who issued a gateway determination to proceed to public exhibition on 15 September 2015. Accordingly, a planning proposal is the most appropriate way of achieving the intended outcome.

## 6.2 – Relationship to strategic planning framework

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

Yes. The planning proposal is consistent with the objectives of A Plan for Growing Sydney and the initiatives of the Draft East Subregional Strategy (2007). These plans are discussed in detail below.

<b>A Plan for Growing Sydney (December 2014)</b>	
This plan contains: <ul style="list-style-type: none"> <li>▪ A vision for Sydney</li> <li>▪ 4 goals, 3 planning principles and 22 directions</li> <li>▪ Priorities for Sydney's 6 subregions. The site is located with the Central Sub-region.</li> </ul>	
<b>Goal</b>	<b>Comment on consistency</b>
1. A competitive economy with world-class services and transport	The planning proposal will help meet this goal by providing additional FSR which may be used for commercial or residential development.
2. A city of housing choice, with homes that meet our needs and lifestyles	The planning proposal will help meet this goal by providing additional capacity for housing, which is near established rail and bus transportation, and within walking distance to the jobs and services provided in the established Edgecliff Commercial Core.
3. A great place to live with communities that are strong, healthy and well connected	The planning proposal will help meet this goal by providing capacity for residential development in an existing mixed use centre which will encourage walking and reduce vehicle trips.
4. A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources	The planning proposal is consistent with this goal as the site is not located on land with conservation value and does not form part of any green corridor.

<b>Planning principles</b>	<b>Comment on consistency</b>
Principle 1: Increasing housing choice around all centres through urban renewal in established areas	The planning proposal is consistent with this principle as it provides potential for additional residential development in an existing mixed use centre.
Principle 2: Stronger economic development in strategic centres and transport gateways	The planning proposal is consistent with this principle as it increases the development potential of the site which is in a mixed use centre. The site is well located to take advantage of the Edgecliff bus and rail interchange to access jobs and services in other nearby strategic centres such as the CBD, Bondi Junction and the Randwick Health and Education Precinct.
Principle 3: Connecting centres with a networked transport system	<p>The planning proposal is consistent with this principle as it will not impede the provision of efficient public transport links to commercial centres.</p> <p>The proposed additional FSR can be used to increase commercial or residential development. New workers or residents can use the existing public transport system to access this centre and others nearby.</p>
<p><b>Directions</b></p> <p>A set of 22 directions is listed for the four goals of A Plan for Growing Sydney. Each direction has been considered, but many are not related to this planning proposal. The relevant planning directions are addressed below.</p>	
<b>Direction</b>	<b>Comment on consistency</b>
Direction 1.6: Expand the Global Economic Corridor	The site is located within the Global Economic Corridor. The proposed additional FSR is consistent with the NSW Government's plan to increase density in commercial centres with good or existing planned public transport to ease pressure on congested road networks.
Direction 2.1 Accelerate housing supply across Sydney	The planning proposal is consistent with this direction as it increases the development potential of the site, enabling redevelopment which may provide additional housing.



Direction	Comment on consistency
<p>Direction 2.2 Accelerate urban renewal across Sydney – Providing homes close to jobs</p>	<p>The site is in an Urban Renewal Corridor identified in A Plan For Growing Sydney which extends from the CBD to Bondi Junction.</p> <p>The planning proposal is consistent with this direction as the site is located in a centre and is in walking distance to the Edgecliff Commercial Core and the Double Bay Commercial Centre. Jobs and services are available in each of these centres.</p>
<p>Direction 2.3: Improve housing choice to suit different needs and lifestyles</p> <p>Direction 3.1: Revitalise existing suburbs</p>	<p>The planning proposal is consistent with these directions as it proposes to increase the development potential of the site enabling redevelopment. Should additional residential apartments be constructed on the site they would increase housing choice in an established urban area.</p>
<p>Direction 3.3: Create healthy built environments</p>	<p>The planning proposal is consistent with this direction as the site is in walking distance to shops, recreational spaces and public transport. This promotes healthy activities such as walking or cycling to these locations as part of daily activities.</p>
<p>Direction 4.1 Protect our natural environment and biodiversity</p>	<p>The planning proposal is consistent with this direction as the subject site is located in an existing urban environment and does not apply to sensitive land or land with significant conservation values.</p>

Central Sub-region priorities	Comment on consistency
<p>The priorities for the Central Sub-region are:</p> <ul style="list-style-type: none"> <li>▪ A competitive economy</li> <li>▪ Accelerate housing supply, choice and affordability and build great places to live</li> <li>▪ Protect the natural environment and promote its sustainability and resilience</li> </ul>	<p>A Plan for Growing Sydney states that land near the Eastern Suburbs Railway Line is suitable for housing intensification.</p> <p>The plan identifies an Urban Renewal Corridor which extends from the CBD to Bondi Junction which covers this site.</p> <p>The planning proposal is therefore consistent with the priorities of the subregion as it:</p> <ul style="list-style-type: none"> <li>• will increase the development potential of the site allowing urban renewal.</li> <li>• facilitate additional commercial development or medium to high density residential accommodation.</li> <li>• is in proximity to existing transportation infrastructure, services and recreation.</li> <li>• does not apply to land with any significant conservation value.</li> </ul>

<b>Draft East Subregional Strategy</b>	
<p>The Sydney Metropolitan Strategy City of Cities: A Plan for Sydney's Future (2005) set targets of 20,000 additional dwellings and 12,500 new jobs for the eastern region up to 2031.</p> <p>The Draft East Subregional Strategy took the Metropolitan Strategy and applied it to the Woollahra LGA. Two key elements of the Subregional Strategy are the provision of additional dwellings and increasing opportunities for new jobs. The Subregional Strategy set targets for the Woollahra LGA of 2,900 additional dwellings and 300 new jobs.</p>	
<b>Strategy C – Housing</b>	
<b>Objective and action</b>	<b>Comment on consistency</b>
<p>Objective C1</p> <p>Ensure adequate supply of land and sites for residential development.</p>	<p>The planning proposal will provide increased potential for residential dwellings and assist Council to meet the housing target of 2,900 additional dwellings.</p>

Objective and action	Comment on consistency
<p>Action C1.3</p> <p>Plan for increased housing capacity targets in existing areas</p> <p>Objective C2</p> <p>Plan for a housing mix near jobs, transport and services</p>	<p>The planning proposal will increase potential for residential dwellings in an existing mixed use zone.</p> <p>The planning proposal applies to a site in a mixed use zone which can provide housing and jobs together and is near employment generating uses, local services and public transport.</p>
<p>Initiative C2.1 of the Subregional Strategy is to focus residential development within centres and corridors with access to public transport and local services.</p> <p>Initiative C2.1.1 states that east councils are to ensure the location of new dwellings maintain the subregion's performance against the target for the State Plan Priority E5. The target is to provide at least 80 per cent of new dwellings in locations within 30 minutes by public transport of a Strategic Centre.</p>	<p>The site is:</p> <ul style="list-style-type: none"> <li>• in walking distance of the Edgecliff Commercial Core</li> <li>• in walking distance of the Edgecliff bus and rail interchange</li> <li>• directly serviced by buses providing access to services and employment in the CBD, Double Bay and Bondi Junction</li> <li>• in walking distance of recreational facilities such as parks and beaches</li> <li>• zoned for mixed use development, providing opportunity for services and shops within the development.</li> </ul> <p>The Subregional Strategy further states that increasing residential densities within the walking radius of smaller local centres can make these places more vibrant and provide much needed housing choice for the ageing and changing population.</p> <p>The site is less than 30 minutes by public transport from the major centres of Sydney CBD and Bondi Junction.</p> <p>Additionally, the Randwick Health and Education Precinct is within 40 minutes by public transport.</p>



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

Yes. The planning proposal is consistent with Woollahra 2025, which is Council's 15 year strategic plan for the LGA. Woollahra's future planning is based on the principle of sustainability. That is, meeting the needs of the present, without compromising the ability of future generations to meet their own social, economic, environmental and civic leadership needs.

A key theme of Woollahra 2025 is to provide quality places and spaces to meet the different needs of people living in the area and houses within easy distance of shopping areas, business precincts and local facilities.

The planning proposal will increase the FSR on the site, providing potential for dwellings in a mixed use centre with further services, facilities and transport available in the Edgecliff Commercial Core and in the Double Bay Centre. The planning proposal is therefore consistent with Council's local strategic plan.

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

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

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

Yes. The planning proposal is consistent with applicable section 117 directions (refer to **Attachment 2**).

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

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

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

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

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

The proposed 23.5m height limit in this planning proposal will provide a building envelope that is an appropriate contextual fit with existing development in the Edgecliff B4 Mixed Use Zone. The planning proposal creates the opportunity to improve the western entry to the Edgecliff Commercial Core and the streetscape appearance by providing an active frontage to New South Head Road.

View impact assessments have been conducted by the land owner's planning consultant from the private and public domain. Particular attention has been given to the building at 100 New South Head Road which adjoins the site to the west and has windows and balconies facing the site.

As the subject site is located on the northern side of New South Head Road, shadow modelling has shown little impact on sunlight to surrounding buildings.

The size of the site and scale of the building envelope allow for a well-designed building that can maintain the privacy of adjoining buildings.

These issues are further discussed below.

### **View impact assessments**

A key issue associated with the planning proposal is the potential to affect views from neighbouring buildings. To assist with the assessment of view impact, the proponent included analysis of views from the public and private domain which are included in Annexure 1.

#### *Views from the private domain*

The analysis of private views was conducted in accordance with the view sharing principles set out in *Tenacity v Warringah Council (1004) NSWLEC 140*. The analysis identifies that the proposed increase in maximum building height and associated concept plans would affect views from No.100 New South Head Road which adjoins the site to the east. Within No.100, the views from lots 2, 3, 7, 8, 13 and 14 of Strata Plan 54114 were assessed.

The views to the west consist of:

- a partial view of the Harbour Bridge, and
- an oblique view of the CBD.

The proponent's view analysis concludes that the proposed planning control changes will result in acceptable view sharing.

However, the proponent's view analysis states that Lot 2 and Lot 3 of Strata Plan 54114 are used for commercial purposes and therefore are 'not affected having regard to the principles of Tenacity'. The proponent's documentation did not include evidence of commercial use of these lots.

Council's records indicate that lots 2 and 3 are currently rated for residential purposes and no development applications or complying development certificates have been lodged for a commercial use. Therefore, the effect of the proposed planning control changes on lots 2 and 3 should have been included in the proponent's view assessment.

Despite lots 2 and 3 being omitted from the proponent's view assessment it is possible to conclude that there would be a view impact for those lots as a consequence of development on No.90 New South Head Road under the existing controls and therefore under the proposed controls. A 20.5m maximum building height currently applies to 90 New South

Head Road. A building constructed to 20.5m could interrupt the outlook from lots 2, 3, 7 and 8 of Strata Plan 54114 as shown in Figure 11.

It is reasonable to expect development to occur to the existing maximum building height, particularly in a mixed-use commercial centre such as Edgecliff. In this context, despite the absence of information in the proponent's view analysis for lots 2 and 3, it is considered that there is sufficient detail to allow public comment.

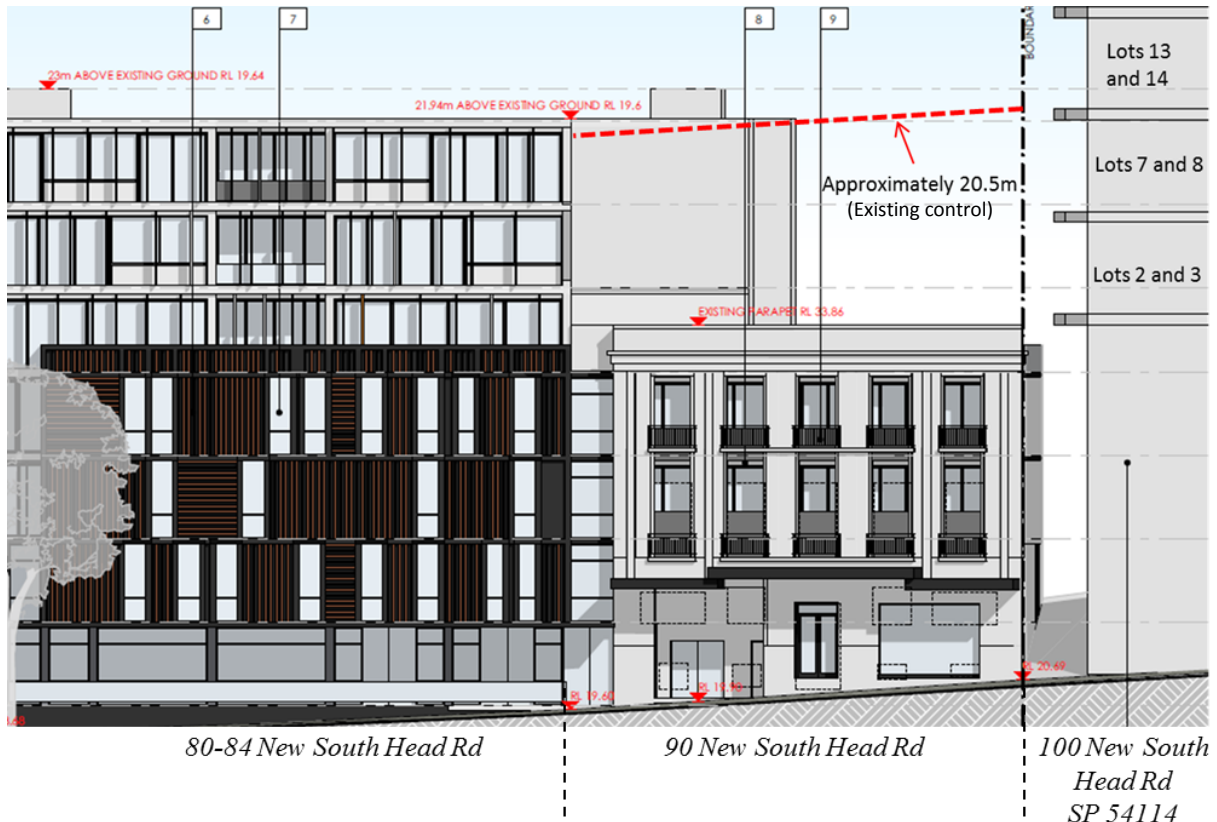


Figure 11: Comparison of concept plans, existing height limit and location of lots in SP 54114

#### Views from the public domain

The analysis of views from the public domain was conducted under the principle set out in *Rose Bay Marina Pty Ltd v Woollahra Council and anor* [2013] NSWLEC 1046 (*Rose Bay*). Council has reviewed the analysis and is satisfied that it provides sufficient information for public exhibition.

The view is to the west along the New South Head Road Corridor and includes a partial view of the Harbour Bridge, which is considered to be an iconic view under *Tenacity v Warringah Council* (1004) NSWLEC 140. Existing buildings in Potts Point and along New South Head Road obscure the majority of the Harbour Bridge as shown in Figure 12.



Figure 12: View from the south-east corner of New South Head Road and New Mclean Street (zoomed view).

In summary, the proposal would result in approximately half of the upper span of the Harbour Bridge being obscured from pedestrian views when crossing from New Mclean Street towards the CBD at the intersection of New South Head Road as shown below in Figure 13. The Harbour Bridge is visible again once pedestrians have crossed New Mclean Street as shown in Figure 14.



Figure 13: Photomontage of a building constructed under the proposed planning controls.





Figure 14: Photomontage from the western corner of New Mclean Street and New South Head Road (zoomed view)

View impacts from the public domain are considered to be acceptable, as the view of the Harbour Bridge is:

- only partially obscured
- is only affected from a small portion of the public domain
- an oblique view
- a distant view
- is returned at the western corner of New Mclean Street and New South Head Road.

### Shadow assessment

Project Tourism International Architecture Pty Ltd undertook shadow modelling of the proponent's concept which is included in Annexure 1. The majority of additional shadowing will be to the roadway on New South Head Road.

Of the surrounding buildings, additional shadowing will occur during:

- part of the morning to Nos.133 and 135-153 New South Road which contain commercial uses and
- part of the afternoon to No.100 New South Head Road which is a mixed use development.

The shadowing impacts are considered to be minor due to the site's location on the north side of New South Head Road.

## Privacy

Any redevelopment on the site must be designed in accordance with *State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development* (SEPP 65) and its companion document the Apartment Design Guide, ensuring that distances and treatments of windows and balconies will protect the acoustic and visual privacy of surrounding residences.

Clause 6A *Development control plans cannot be inconsistent with Apartment Design Guide* of SEPP 65 sets out the relationship between certain provisions contained in Parts 3 and 4 of the Apartment and Design Guide and provisions in a development control plan. Clause 6A makes the objectives, design criteria and guidelines for visual privacy in Part 3 of the Apartment Design Guide prevail over Woollahra Development Control Plan 2015 (Woollahra DCP 2015).

However, the provisions of the Woollahra DCP 2015 which require adequate acoustic privacy to be provided to occupants of neighbouring residential properties continue to apply. For example, apartments must be designed to ensure adequate acoustic separation and privacy to new dwellings and mechanical or air conditioning equipment must not create offensive noise.

The proposed planning controls create a building envelope that can maintain the privacy of existing nearby dwellings by having regard to controls or guidance on privacy in SEPP 65, the Apartment Design Guide and the Woollahra DCP 2015. Privacy would be addressed as part of a future development application on the site.

## Heritage significance

The site does not contain a heritage item and is not within a heritage conservation area. However, Nos. 9, 11 and 15 Mona Road which adjoin the site are listed as local heritage items and are part of the Mona Road Heritage Conservation Area under Woollahra LEP 2014.

A statement of heritage impact was submitted with the planning proposal and has been reviewed by Council. In principle, increased height and FSR across the site could be achieved without major adverse impacts on the adjoining heritage items and heritage conservation area.

Should the planning proposal proceed, further comment on the impact of the development on the heritage items and heritage conservation area would be provided at the development application stage.

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

For the reasons discussed above, the planning proposal will have positive social and economic effects. In summary, these include:

- Increased development potential in a mixed use centre near transport nodes which will promote sustainable and public transport oriented development.
- An increase in maximum FSR and height on the subject site will provide opportunities for additional dwellings which will assist with meeting the housing targets of the Draft East Subregional Strategy.

- Additional dwellings in this locality will increase the population and provide economic support to local businesses.
- The creation of job opportunities:
  - while a future building is being constructed,
  - on the commercial ground floor of a future mixed use development.
- Additional residential apartments will increase housing supply and potentially increase affordability.
- Greater housing choice in a development that includes a mix of apartment sizes.

Accordingly, for the reasons stated elsewhere in this report and summarised above, the planning proposal will have positive social and economic benefits, with a multiplier effect that will benefit the broader community. The proposal has addressed social and economic impacts and it is in the public interest.

## 6.4 – State and Commonwealth interests

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

Yes. The site is connected to water, sewer, electricity and telephone services. The site is in proximity to regular and frequent public transport services which have capacity to accommodate increased demand.

There is no significant infrastructure demand that will result from the planning proposal. The existing services that are available to the subject site are suitable for the proposal and appropriate for the requirements of a medium density residential use.

Notwithstanding, we will consult with public utility and service providers during the public exhibition.

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

Transport for NSW, Roads and Maritime Services and the Office of Environment and Heritage will be consulted during the public exhibition of the planning proposal.

## Part 7 – Mapping

An extract of the current FSR controls are shown in Figure 14 and current height controls in Figure 15. An extract of the proposed FSR controls is shown in Figure 16 and proposed height controls in Figure 17. The proposed Woollahra LEP 2014 maps are provided at Attachment 3.

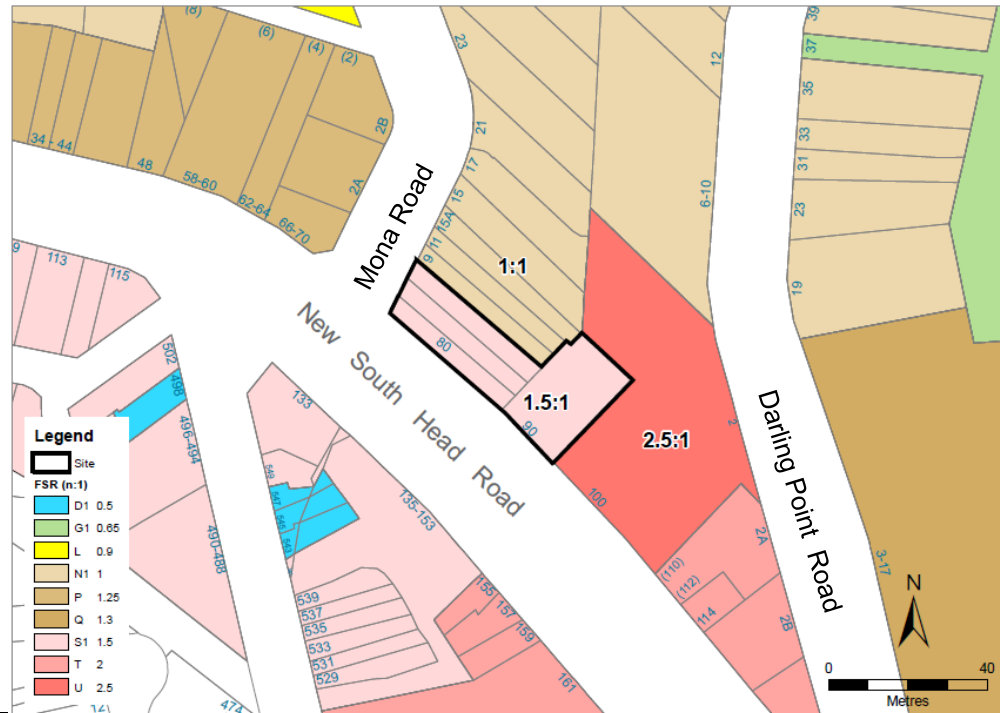


Figure 14: Current FSR Map



Figure 15: Current Height Map

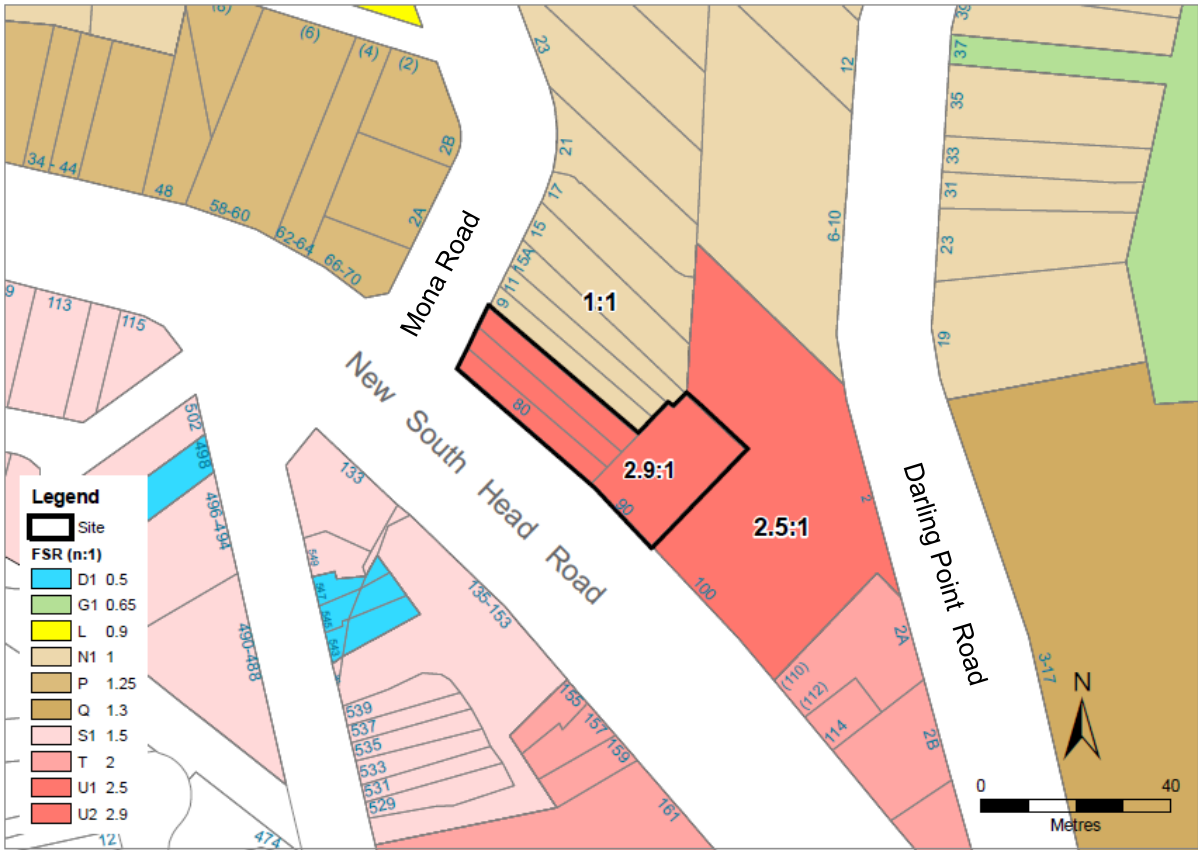


Figure 16: Proposed FSR Map

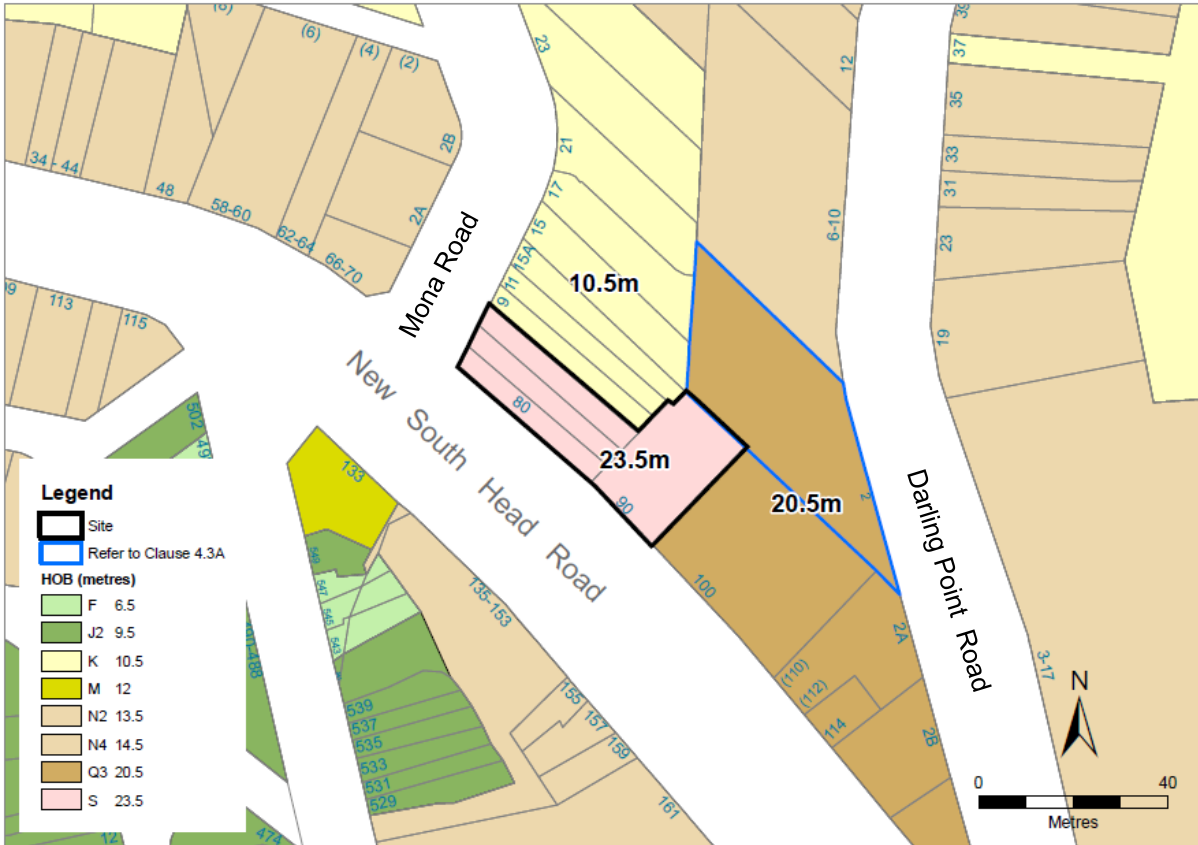


Figure 17: Proposed Height Map



## Part 8 – Community consultation

The public exhibition will be undertaken in accordance with the requirements of the Act and the *Environmental Planning and Assessment Regulation 2000*.

We recommend that the planning proposal is exhibited for a minimum of 28 days.

Public notification of the exhibition will comprise:

- a weekly notice in the local newspaper (the Wentworth Courier) for the duration of the exhibition period.
- a notice on Council's website.
- a letter to land owners in the vicinity of the site.
- a letter to the land owner.

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

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

## Part 9 – Project timeline

As Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979*, the proposed timeline for completion is as follows:

Plan-making step	Estimated completion
Urban Planning Committee recommends proceeding	June 2015
Council resolution to proceed	June 2015
Gateway determination	September 2015
Completion of technical assessment	None anticipated
Government agency consultation	July/August 2016
Public exhibition period	July/August 2016
Submissions assessment	August 2016
Council assessment of planning proposal post exhibition	September 2016
Council decision to make the LEP amendment	September/October 2016
Council to liaise with Parliamentary Counsel to prepare LEP amendment	October 2016
Forwarding of LEP amendment to Department of Planning and Environment for notification	November 2016
Notification of the approved LEP	November/December 2016

## Attachments

### Attachment 1

#### Consistency with state environmental planning policies

State environmental planning policy	Comment on consistency
SEPP No 1 – Development Standards	Not applicable
SEPP N0.14 – Coastal Wetlands	Not applicable
SEPP No 19 – Bushland in Urban Areas	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 21 – Caravan Parks	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 26 – Littoral Rainforests	Not applicable
SEPP No 30 – Intensive Agriculture	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 33 – Hazardous and Offensive Development	Applicable 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	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable

<b>State environmental planning policy</b>	<b>Comment on consistency</b>
SEPP No 55 – Remediation of Land	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p> <p>The planning proposal will facilitate development which is permissible under the existing zoning of the site. Future development applications will be required to undertake appropriate investigations and, if necessary, remediation will occur.</p>
SEPP No 62 – Sustainable Aquaculture	Not applicable
SEPP No 64 – Advertising and Signage	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p>
SEPP No 65 – Design Quality of Residential Apartment Development	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p>
SEPP No 70 – Affordable Housing (Revised Schemes)	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p>
SEPP No 71 – Coastal Protection	Not applicable
SEPP (Affordable Rental Housing) 2009	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p>
SEPP (Building Sustainability Index: BASIX) 2004	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p>
SEPP (Exempt and Complying Development Codes) 2008	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p>

<b>State environmental planning policy</b>	<b>Comment on consistency</b>
SEPP (Housing for Seniors or People with a Disability) 2004	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Infrastructure)	Applicable 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	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Miscellaneous Consent Provisions) 2007	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Penrith Lakes Scheme) 1989	Not applicable
SEPP (Rural Lands) 2008	Not applicable
SEPP (Transitional Provisions) 2011	Not applicable
SEPP (State and Regional Development) 2011	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Sydney Drinking Water Catchment) 2011	Not Applicable



<b>State environmental planning policy</b>	<b>Comment on consistency</b>
SEPP (Sydney Region Growth Centres) 2006	Not applicable
SEPP (Three Ports) 2013	Not applicable
SEPP (Urban Renewal) 2010	Not applicable
SEPP (Western Sydney Employment Area) 2009	Not applicable
SEPP (Western Sydney Parklands) 2009	Not applicable

<b>Sydney Regional Environmental Plans – now deemed State Environmental Planning Policies</b>	<b>Comment on consistency</b>
SREP No 8 (Central Coast Plateau Areas)	Not applicable
SREP No 9 - Extractive Industry (No 2 - 1995)	Not applicable
SREP No 16 – Walsh Bay	Not applicable
SREP No 20 - Hawkesbury- Nepean River (No 2 - 1997)	Not applicable
SREP No 24 - Homebush Bay Area	Not applicable
SREP No 26 – City West	Not applicable
SREP No 30 - St Marys	Not applicable
SREP No 33 - Cooks Cove	Not applicable
SREP (Sydney Harbour Catchment) 2005	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.

**Attachment 2**  
**Compliance with section 117 directions**

**Planning proposal – 80-84 and 90 New South Head Road, Edgecliff**  
**Compliance with section 117 directions**

Direction	Applicable/comment
<b>1</b>	<b>Employment and resources</b>
1	<p>Business and industrial zones</p> <p>The planning proposal is consistent with this direction for the following reasons:</p> <ul style="list-style-type: none"> <li>• It is consistent with the objectives of the direction as it: <ul style="list-style-type: none"> <li>– allows for employment growth in a suitable location.</li> <li>– retains the existing B4 Mixed Use zoning.</li> <li>– will increase the available FSR from 1.5:1 to 2.9:1, increasing the development potential of the site for commercial use.</li> <li>– does not apply to land in a strategic centre.</li> </ul> </li> <li>• It does not reduce the total potential floor space for employment uses and public services.</li> </ul> <p>Notwithstanding, the proponent has included concept plans for the site for a development comprised of residential apartments over ground floor commercial space.</p> <p>While the proponent’s concept plan will result in loss of commercial office space, there is currently an oversupply of existing commercial floor space in Double Bay and the Edgecliff Commercial Corridor.</p> <p>The Eastern Suburbs Economic Profile (2013) identified that Double Bay Centre had a very high commercial vacancy rate, with approximately 11,000m<sup>2</sup> of existing floor space unoccupied.</p> <p>Similarly, Council research has shown that in early 2014, Edgecliff Commercial Corridor had over 3,100m<sup>2</sup> of vacant office space. A 2015 review by the proponent identified that the current vacancy rate in the same area was approximately 2,634m<sup>2</sup>.</p> <p>On the subject site, the building at 80-84 is not fully tenanted and has not been for some time. This is largely due to the limited number of parking spaces, coupled with limited on-street parking. This attribute makes 80-84, in particular, difficult to lease for commercial purposes.</p> <p>The proposed changes to the planning controls for the site, and providing increased residential accommodation in a mixed use centre are considered acceptable.</p>
1.2-1.5	Directions 1.2-1.5 Not applicable. These directions are not relevant to the Sydney metropolitan area.

**Planning proposal – 80-84 and 90 New South Head Road, Edgecliff  
Compliance with section 117 directions**

<b>Direction</b>		<b>Applicable/comment</b>
<b>2</b>	<b>Environment and heritage</b>	
2.1	Environment protection zones	Not applicable. The planning proposal does not apply to land within an environmental protection zone or land identified for environmental protection.
2.2	Coastal protection	Not applicable. The planning proposal does not apply to land within the coastal zone.
2.3	Heritage conservation	<p>The site does not contain a heritage item and is not within a heritage conservation area. However, Nos. 9, 11 and 15 Mona Road which adjoin the site are listed as local heritage items and are in the Mona Road Heritage Conservation Area under Woollahra LEP 2014.</p> <p>A statement of heritage impact was submitted with the planning proposal and has been reviewed by Council.</p> <p>In principle, increased height and FSR across the site could be achieved without major adverse impacts on the adjoining heritage items and heritage conservation area.</p>
2.4	Recreation vehicle areas	Not applicable. The planning proposal does not apply to sensitive land or land with significant conservation values. It will not allow land to be developed for a recreation vehicle area.
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable. The planning proposal does not apply to land in the Far North Coast.
<b>3</b>	<b>Housing, infrastructure and urban development</b>	
3.1	Residential zones	<p>The planning proposal will create an opportunity to broaden the range of housing available in Edgecliff and the Woollahra LGA, through a mixed use development incorporating apartments above commercial uses.</p> <p>The subject site is well placed to efficiently use existing infrastructure and services as it is near public transport facilities that will support connections to employment and services, both within the vicinity of the site and further afield.</p> <p>As the planning proposal applies to land in an established urban area it will not consume land at the urban fringe.</p> <p>Should the planning proposal result in an amendment to Woollahra LEP 2014, the proposed controls will facilitate development that is consistent with the principles of SEPP 65 and the Apartment Design Guide.</p> <p>The proposed development will have minimal impact on</p>

**Planning proposal – 80-84 and 90 New South Head Road, Edgecliff  
Compliance with section 117 directions**

<b>Direction</b>		<b>Applicable/comment</b>
		the natural environment as the site and surrounding land are already developed. The proposal is therefore consistent with this direction.
3.2	Caravan parks and manufactured home estates	Consistent. The planning proposal does not relate to caravan parks or manufactured home estates.
3.3	Home occupations	Not applicable. The planning proposal does not affect home occupations in dwelling houses.
3.4	Integrating land use and transport	<p>Consistent. The planning proposal is consistent with the aims, objectives and principles of <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001) as:</p> <ul style="list-style-type: none"> <li>• the site is located approximately 230 metres from Edgecliff bus and rail interchange which offers frequent public transport connections within the Woollahra LGA and beyond. The proximity of these transport services will encourage public transport use and discourage private transport use.</li> <li>• The existing rail line has the capacity to accommodate the projected population growth within the subregion and, as such, the provision for additional residential accommodation would not burden the existing infrastructure</li> <li>• This proposal will provide for a density of development which is commensurate with the site's location within a town centre</li> </ul>
3.5	Development near licensed aerodromes	Not applicable. The planning proposal does not apply to land near a licensed aerodrome.
3.6	Shooting ranges	Not applicable. The planning proposal does not apply to land adjacent to or adjoining an existing shooting range.
<b>4</b>	<b>Hazard and risk</b>	
4.1	Acid sulfate soils	Consistent. The planning proposal applies to land identified as Class 5 on Council's Acid Sulfate Soils Planning Map. This is the lowest risk category. Existing acid sulfate soils provisions will not be altered by the planning proposal and will apply to any future development which might intensify the use of the land.
4.2	Mine subsidence and unstable land	Not applicable. The planning proposal does not apply to land within a proclaimed Mine Subsidence District or to land identified as unstable.



**Planning proposal – 80-84 and 90 New South Head Road, Edgecliff  
Compliance with section 117 directions**

<b>Direction</b>		<b>Applicable/comment</b>
4.3	Flood prone land	Not applicable. The planning proposal does not apply to land within a flood prone area.
4.4	Planning for bushfire protection	Not applicable. The planning proposal does not apply to land mapped as bushfire prone land.
<b>5</b>	<b>Regional planning</b>	
5.1 - 5.9	Strategies 5.1-5.9	Not applicable. These strategies do not apply to the Woollahra LGA.
5.10	Implementation of Regional Plans	Not applicable. No regional (or district) plan applies to the Woollahra LGA.
<b>6</b>	<b>Local plan making</b>	
6.1	Approval and referral requirements	Consistent. The proposal does not include provisions that require development applications to be referred externally and is not related to designated development.
6.2	Reserving land for public purposes	Consistent. The planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3	Site specific provisions	Consistent. The planning proposal does not propose a rezoning or include additional land uses for the land.
<b>7</b>	<b>Metropolitan Planning</b>	
7.1	Implementation of A Plan for Growing Sydney (Dec 2014)	Consistent. The planning proposal will facilitate additional residential development in proximity to public transport, shops, services and employment.



# Amendment to Woollahra Local Environmental Plan 2014


## Site Identification Map

Part of map tile:


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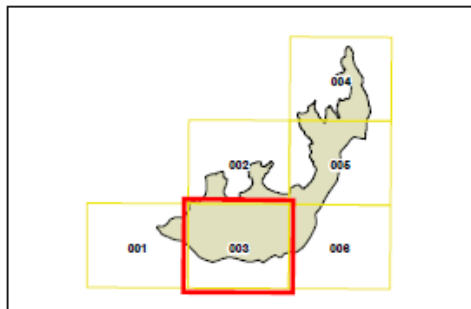
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### Proposed

 Subject Land

### Cadastral

 Cadastre 15/11/14 © Woollahra Municipal Council



Projection: GDA 1994  
MGA Zone 56

Scale: 1:10,000 @ A3

Map identification number:  
8500\_COM\_AMD\_003\_010\_20150707







**Woollahra Local Environmental Plan 2014**

**Floor Space Ratio Map Sheet FSR\_003**

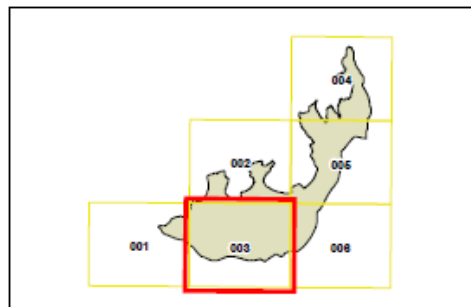
**Maximum Floor Space Ratio (n:1)**

A1	0.21	N1	1
A2	0.37	N2	1.04
B1	0.4	O	1.1
B2	0.43	P	1.25
C	0.46	Q	1.3
D1	0.5	R1	1.4
D2	0.52	R2	1.42
D3	0.53	S1	1.5
F1	0.6	S2	1.55
F2	0.63	S3	1.68
G1	0.65	S4	1.7
G2	0.68	T	2
H	0.73	U1	2.5
I1	0.75	U2	2.9
I2	0.77	V	3
L	0.9	X	4

- Refer to Clause 4.4A
- Refer to Clause 4.4B
- Refer to Clause 4.4C
- Refer to Clause 4.4D

**Cadastre**

Cadastre 5/12/14 © Woollahra Municipal Council



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0 200 Metres

Scale: 1:10,000 @ A3

Projection: GDA 1994  
MGA Zone 56

Map identification number:  
8500\_COM\_FSR\_003\_010\_20150707







**Woollahra Local Environmental Plan 2014**

**Height of Buildings Map Sheet HOB\_003**

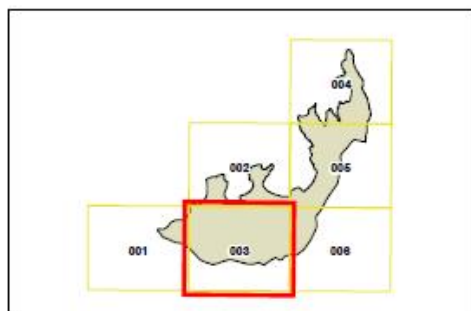
**Maximum Building Height (m)**

C	5	N4	14.5
E	6	N5	14.7
F	6.5	O1	15
G	7	O2	16.5
H	7.5	P1	17.5
I1	8	P2	18
I2	8.2	P3	18.1
J1	9	Q1	19
J2	9.5	Q2	19.5
K	10.5	Q3	20.5
L1	11	R1	21.5
L2	11.5	R2	22.5
M	12	S	23.5
N1	13	T	26
N2	13.5	U	34
N3	14.1		

- Refer to Clause 4.3A
- Refer to Clause 4.3B
- Refer to Clause 4.4C

**Cadastral**

- Cadastral 5/12/14 © Woollahra Municipal Council

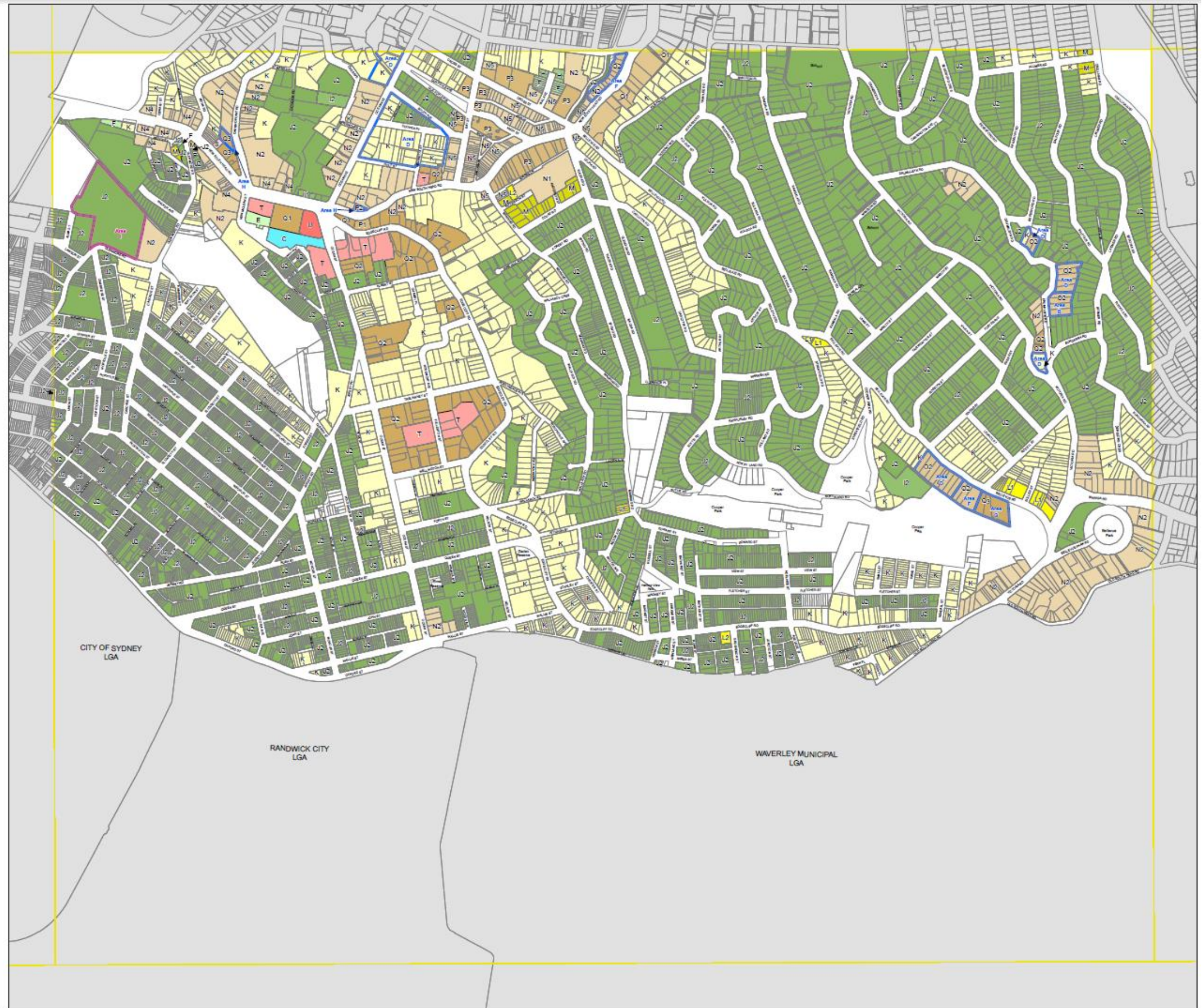


0 200 Metres

Scale: 1:10,000 @ A3

Projection: GDA 1994  
MGA Zone 56

Map identification number:  
8500\_COM\_HOB\_003\_010\_20150707





## **Supplementary material**

**Annexure 1 – Planning proposal request prepared by Hamptons Property Services**

**Annexure 2 – Urban Planning Committee report (9 June 2015 )**

**Annexure 3 – Council resolution (22 June 2015)**