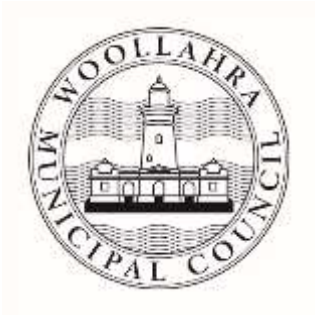


Urban Planning Committee Agenda



Agenda: *Urban Planning Committee*

Date: *Monday 26 September 2016*

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: 7 Councillors

Quorum: The quorum for a Committee meeting is 4 Councillors.

Woollahra Municipal Council

Notice of Meeting

21 September 2016

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

Dear Councillors

Urban Planning Committee – 26 September 2016

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 26 September 2016 at 6.00pm.**

Gary James
General Manager

Meeting Agenda

Item	Subject	Page
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 22 August 2016 - 16/131476	7
D2	Double Bay Working Party - report on the minutes of the Double Bay Working Party meeting held on 6 September 2016 - 16/128236	9
D3	Oxford Street Working Party - minutes of the Oxford Street Working Party meeting held on 30 August 2016 - 16/128264	17

Items to be Submitted to the Council for Decision with Recommendations from this Committee

R1	Public exhibition of the planning proposal for 80-84 and 90 New South Head Road - 16/120211	25
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Item No: D1 Delegated to Committee
Subject: **CONFIRMATION OF MINUTES OF MEETING HELD ON 22 AUGUST 2016**
Author: Sue O'Connor, Secretarial Support - Governance
File No: 16/131476
Reason for Report: The Minutes of the Urban Planning Committee of 22 August 2016 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 22 August 2016 be taken as read and confirmed.

Item No: D2 Delegated to Committee
Subject: **DOUBLE BAY WORKING PARTY - REPORT ON THE MINUTES OF THE DOUBLE BAY WORKING PARTY MEETING HELD ON 6 SEPTEMBER 2016**
Author: Peter Kauter, Manager Placemaking
Approver: Allan Coker, Director - Planning & Development
File No: 16/128236
Reason for Report: To report on the activities of the Double Bay Working Party

Recommendation:

THAT the minutes of the Double Bay Working Party meeting held on 06/09/2016 as contained in Annexure 1 of this report be received and noted.

1. Background:

Council at its meeting on 11/11/2013 resolved to establish a working party comprising selected Councillors and key stakeholders to oversee the preparation and implementation of the Double Bay Place Plan.

The Working Party held its inaugural meeting on 20/05/2014.

Under the Double Bay Working Party's (DBWP's) Terms of Reference its stated purpose is:

The purpose of the working party is to oversee the preparation and implementation of a strategic action plan for the Double Bay commercial centre. The strategic action plan is to set out further strategies and actions for the revitalisation of the Double Bay commercial centre and will include a process for further testing and implementing the planning strategies arising from the Delivering a Sustainable Future City Program. The Working Party shall not operate in a regulatory or authoritative capacity.

The above statement of purpose is consistent with Council's resolution of 11 November 2013 in relation to the establishment and purpose of the working party.

Under *Delegated Authority* the Terms of Reference provide:

The Working Party is an advisory committee only and has no delegated authority. The Working Party will report to the Urban Planning Committee as required.

Accordingly the minutes of the DBWP meeting held on 06/09/2016 are being reported to the Urban Planning Committee for its consideration.

2. Conclusion:

The key points arising from the DBWP meeting held on 19/04/2016 were:

- **3D modelling** - 3D modelling was presented to the Working Party meeting on urban design options to increase housing opportunities and housing choice in the commercial centre. This was required by an earlier Council resolution. The feedback from the Working Party Members will be included in a future report to the Urban Planning Committee on community consultation for the findings of the Economic Feasibility Study by Hill PDA
- **NSH Road multi-directional/scramble crossing** – a measure aimed at creating a higher degree of safety and connectivity between all parts of the commercial centre. A Notice of Motion, separate to the Working Party’s discussion, was foreshadowed
- **Closure of Knox Street** – this was aimed at increasing activity on the northern part of the commercial centre
- **Double Bay Good Food Week**- feedback from Deirdre O’Loughlin on DBGFW 2016 and arrangements for DBGFW 2017

Arrangements for the next meeting of the Working Party are to be confirmed.

Annexures

1. Minutes of the Double Bay Working Party meeting held on 6th September 2016 [↓](#)

**WOOLLAHRA COUNCIL
DOUBLE BAY WORKING PARTY**

MEETING MINUTES

Date: Tuesday 6 September 2016
Time: 6.00pm
Location: Thornton Room, Woollahra Council

Present	Councillors	Toni Zeltzer – Mayor (Chair) James Kulemans Luise Elsing Anthony Marano
	Business	Cara Inia (Double Bay Chamber of Commerce) Ms Deirdre O’Loughlin (Double Bay Networking Group)
	Residents	Alexandra Joel (Double Bay Residents Association) Ms Christine McDiven
	Property Owners	Mr Leslie Berger Mr Byron Rose
	Woollahra Council staff	Allan Coker – Director Planning and Development Chris Bluett – Manager-Strategic Planning Tom Jones – Urban Design Planner Brendan Metcalfe – Strategic Planner Peter Kauter – Manager-Placemaking
	Guests	Mark Silcocks (President – Double Bay Residents Association)

Item	Subject	Discussion	Action
1	Apologies	Gabrielle Upton MP (Member for Vaucluse) Katherine O’Regan Alison McKenzie Chris McDiven Ed Blakely	Nil
2	Adoption of minutes of meeting on 10 November 2015	Adopted without change:	Nil
3	Economic Feasibility Study – 3D modelling	Strategic Planning staff did a presentation of 3D modelling in response to item D of Council’s resolution 22/08/2016: <i>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</i>	The feedback from the Working Party on the 3D modelling is to form part of the assessment of the community consultation process for the review of

Item	Subject	Discussion	Action
		<p><i>Urban Planning Committee.</i></p> <p>The presentation included 3D modelling of 7 potential areas for an uplift of density:</p> <ol style="list-style-type: none"> 1. Knox St, north side 2. Cross St, south side 3. Cross St, north side – eastern end 4. NSH Rd, north side – Knox St to Cross St 5. NSH Rd, north side – Knox St to Goldman Ln 6. NSH Rd, south side 7. Post Office <p>The presentation included a background on The Future Cities workshop strategies, The Double Bay Place Plan priorities and actions and how the building envelope review is an outcome of the overarching vision to Make Double Bay:</p> <ul style="list-style-type: none"> - a great place to live, work and play - a vibrant harbourside village - providing more affordable housing for young people, and - a place with high quality buildings and public domain. <p>The areas of uplift represent less than ½ of the area of the commercial centre and potentially will result in 412 additional dwellings & 802 new residents as well as replacing existing poor building stock.</p> <p>Feedback from the Working Party Members was as follows:</p> <ul style="list-style-type: none"> • Aggregating the uplift in the commercial centre reduced impact on surrounding residential properties • Need to consider sunlight impacts but impossible to avoid height increases – increased height can create a positive sense of enclosure in the commercial centre • Sunlight essential for outdoor seating areas, e.g. Knox St as opposed to the general pedestrian experience • Modelling is well put together – it can be misleading because of timing, i.e. it will not happen at once but over a long period of time, & it does not show articulation. It would be beneficial if modelling showed building articulation, i.e. what buildings might really look like – go a step further with rendering of the 3D modelling. • Support height & envelope controls but not FSR as this will create a conflict of use & not necessarily achieve the Hill PDA assumption 	<p>planning controls that apply to the Double Bay commercial centre. The feedback to be included in a future report to the Urban Planning Committee on a review of the planning controls.</p>

Item	Subject	Discussion	Action
		<p>that there will be residential on the upper levels; the trend is to move away from FSR controls in favour of a building envelope control approach</p> <ul style="list-style-type: none"> • The object should be to increase residential capacity, not commercial – impact on land economics of uses • Modelling envelopes need to be carefully considered – better rendering will result in a better debate • The community should be given controls (i.e. height, FSR, etc.) to look at not individual buildings – community wants alternatives not impressions • Wentworth Courier Article (on Public Domain Strategy) shows images of people in sunlit public spaces • Cross St carpark is not included – how does its redevelopment meet Council's intentions? Cross St is not a main street. • As a long term objective extra height on the library site should be a consideration • Resident's apprehension with recent approval/proposals that do not fit with modelling • The whole village needs to be shown not just small segments • Include Masonic Hall with Post Office – retail may not work on ground level • Residents never accepted the rationale behind the Hill PDA report and never want to exceed 4 storeys – they want an alternative of lesser height • 6 storeys is too high – it will cause canyoning to residents and changes to amenity, i.e. loss of views, sunlight and a sense of being built in. 	
4	NSH Rd multi-directional/'scramble' pedestrian crossing	<p>Cr J Keulemans advised that he & Cr O'Regan will put a Notice of Motion to the next Council Meeting on this issue.</p> <p>The intention is to improve safety for persons crossing NSH Rd and to improve the connectivity between the north & south sides of NSH Rd.</p> <p>The view was expressed that RMS would not let it happen. It was noted that a crossing could be in keeping with an action under the DB Place Plan to liaise with RMS about an urban design plan for NSH Rd which reduces traffic speed, makes it safer to cross & increased opportunities for footway activation.</p>	<p>Noted.</p> <p>The views of the Working Party form part of any action arising from the Notice of Motion.</p>

Item	Subject	Discussion	Action
		<p>The question of a bridge connection was raised but visual impacts & suitable locations/connections would be problematic.</p> <p>There was the potential to replace 3 existing crossings, formalise the commercial centre of Double Bay and increase traffic volumes through reducing speed.</p>	
5	Closure of Knox Street	<p>This was in response to a recent newspaper article <i>Robbing Peter to pay Paul</i> about the negative impact of Kiaora Place development on businesses on the northern side of NSH Rd.</p> <p>The Working Party did not support the closure of Knox St in isolation. There were other impacts such as access to & from the Cosmopolitan carpark that would need to be thought through.</p>	<p>Noted.</p> <p>No further action at this stage.</p>
5	Double Bay Good Food Week (DBGFW)	<p>Deirdre O'Loughlin, O'Loughlin Communications provided feedback on DBGFW that took place in May this year.</p> <ul style="list-style-type: none"> • The need for a print media campaign for future DBGFWs • Woolworths, as major sponsor, would want street banners in Kiaora Lane • Woolworths were 50-50 proposition to again sponsor the event at this stage • 25 restaurants participated • Positive response to the DBGFW website • Signage required in restaurants • Lower price point for dining walks (\$95 was too high) • Intercontinental support & the launch was very successful • \$35 lunch too high a price point – consider lowering to \$25 for next year • Add 1 new free event – cheese & whisky tasting at the Cosmopolitan Centre • DB Chamber of Commerce very supportive with events in Kiaora Lane, Guilfoyle Park, attracting families & children; eat/drink/move • Additional funding for a print media campaign is necessary <p>The Working Party was pleased with the inaugural DBGFW and thanked Deirdre for her feedback & comments. It was also very supportive of Deirdre's plans for DBGFW 2017.</p>	<p>Deirdre O'Loughlin be thanked for putting together the DBGFW and would support her request to conduct DBGFW 2017.</p>

Item	Subject	Discussion	Action
6	Supplementary capital works program	Digital city guides – Tom O’Hanlon has now signed a service agreement on Council’s behalf with Envent to develop a mobile way-finding application for Double Bay (& Oxford Street). An inception/scoping meeting has been organised between staff and Envent to now progress development of the application..	Noted.
<p>There being no further business the meeting concluded at about 8pm</p> <p>The next meeting of the Working Party TBC</p>			

draft

Item No: D3 Delegated to Committee
Subject: **OXFORD STREET WORKING PARTY - MINUTES OF THE OXFORD STREET WORKING PARTY MEETING HELD ON 30 AUGUST 2016**
Author: Peter Kauter, Manager Placemaking
Approver: Allan Coker, Director - Planning & Development
File No: 16/128264
Reason for Report: To report on the activities of the Oxford Street Working Party

Recommendation:

- A. That the minutes of the Oxford Street Working Party meeting held on 30 August 2016, as contained in the Annexure to this report, be received and noted.
- B. That the Council express its appreciation to Robby Ingham for his considerable contribution to the Paddington Business Partnership and for his efforts, enthusiasm and passion towards Oxford Street and Paddington's commercial wellbeing.

1. Background:

The Oxford Street Working Party (OSWP) was formed following a Council resolution of 22 April 2013. Membership of the OSWP was established following expressions of interest by Councillors.

The most recent meeting of the OSWP was on 30 August 2016. The minutes of that meeting are annexed.

Under the OSWP's current Terms of Reference (revision 24 November 2014) its stated purposes are:

To serve as an advisory body to Council to assist with the revitalisation and reinvention of Oxford Street, Paddington.

To provide a mechanism for consultation with key stakeholders

To advise on strategies and projects for implementation arising from the Oxford Street, Paddington Placemaking Roadmap Report dated 20/5/14 prepared by Village Well in accordance with Council's resolution of 11/8/14

The Working Party shall not operate in a regulatory or authoritative capacity.

In relation to delegated authority the Draft Terms of Reference provide as follows:

The working Party is an advisory committee only and has no delegated authority. The Working Party will report to the Urban Planning Committee as required.

Accordingly the minutes of the OSWP meeting held on 30 August 2016 are being reported to the Urban Planning Committee for its consideration.

2. Conclusion:

Key points arising from the meeting were:

- **Public art** proposals for Perry Lane (presentation by Ashley Woodcroft) and the corner of Young and Oxford Streets
- **Five Ways Fusion** – presentation by Charles Duthie on the upcoming Five Ways Fusion gathering
- **Head On Photo Festival** – Presentation by Moshe Rosenzveig, Director, on the Festival and arrangements for next year. In particular the intention to increase the Festival’s presence in Paddington and Oxford Street
- **Paddington Business Partnership** – revamp of the Visit Paddington web-site and plans for the William Street Festival. Also Robby Ingham’s advising that he would be stepping down as President at the Partnership’s next AGM
- **Street banners/real estate signs** – responses to representations from the Working Party from, respectively, Ausgrid and the Rob Stokes, Minister for Planning

Arrangements for the next meeting of the Working Party are to be confirmed.

Annexures

1. Minutes - Oxford Street Working Party held on 30th August 2016 [↓](#)

<u>Oxford Street Working Party</u> <u>Meeting Minutes</u>			
Meeting held – Tuesday 30/08/2016 (No. 3/2016)			
Present:			
Councillors: Peter Cavanagh (Chair), Luise Elsing & Anthony Marano			
Property owners: Kathy Samios & Theo Onosforou			
Staff: Peter Kauter – Manager-Placemaking (Woollahra Council) and Anitra Morgarna (City of Sydney)			
Guests: Rebecca Hearty & Gregory Ford (owners, 264 Oxford Street, corner Perry Lane), Ashley Woodcroft (resident, Underwood Street), Charles Duthie (Sydney Standard) & Moshe Rosenzivieg (Director – Head On Photo Festival)			
Meeting opened: 6.00pm in the Thornton Room, Woollahra Council Chambers			
Item No.	Subject	Discussion	Action
1.	Confirmation of previous minutes		
		Confirmation of minutes from previous meeting held on 12/04/2016	Adopted without change
2.	Apologies		
	Toni Zeltzer (Mayor – Woollahra Council) John Mant (City of Sydney) Matthew Robertson Katherine O’Regan Professor Ross Harley (UNSW Art + Design) Professor Ed Blakely Robert Fendall (Owner 198 Oxford Street, corner Young Street) [Kate Murray (City of Sydney) was a staff apology]		
3.	Late correspondence		
	Nil		
4	Public Art – Perry Lane	Presentation by Ashley Woodcroft with the property owners Rebecca Hearty & Gregory Ford. Ashley did a power point presentation on the “Perry Lane Art Project”. The presentation included: <ul style="list-style-type: none"> • a vision – <i>to bring energy and interest to Paddington and encourage growth in visitors, diners and shoppers by showcasing innovative (wall) art in Perry Lane</i> • background – including a description of Perry Lane, its role in the Head On Photo Festival 	Staff to work through processes, including funding & approvals, with Ashley, Rebecca & Robert with a view to making this happen.

		<ul style="list-style-type: none"> • Activate Oxford Street – how the project fits • Overview of proposal – commission an artist; initially 2 art works in defined spaces (one a ‘featured artwork’ 4m x 3m, the other smaller complimentary visible from Oxford Street; artworks renewed with different artists every 3-12 months • Benefits – for local businesses & residents, artists, Council & visitors • Keys to success – identifying the right artists; promoting new work; and, documenting the artworks • Promotion & communication – informal launch with media & celebrity; WMC web site; invite media when a new artwork is created; and, social media • Budget for artists, photography, updating web site and for any restoration work • Images/photos of the lane, wall & existing art, wall elevation showing location of artworks <p>The Working Party was very supportive of the project & interested to know what was needed to make it happen. There was discussion about funding including materials, design work, artist’s fees, etc. Ashley mentioned funding/costs of between \$1-2K and \$5K each 6-9 months for new art works. The possible use of UNSW Art + Design resources & artists volunteering their services was discussed. Approvals – the Working Party favoured use of heritage area DA exemption provisions particularly given the enclosed nature of the lane.</p>	
5.	Public art – corner Oxford & Young Streets	<p>The owner of this property (198 Oxford Street), Robert Fendall, approached staff for a solution to the Young Street wall being a target for graffiti. He is going to soon repaint the exterior & is contemplating public art as an ‘inclusive working project’ & innovative means of stopping graffiti while also enhancing the appearance of the building and the street.</p> <p>While supportive of the principle the Working Party asked for more information on the size and content of the artwork given the high exposure of the wall to Oxford Street.</p> <p>(Robert couldn’t attend the meeting as he was overseas.)</p>	Staff to seek additional information for Working Party members – it could be distributed electronically to save time.
6.	Five Ways Fusion	<p>Charles Duthie, Sydney Standard, explained that the next Five Ways Fusion would be a pedestrian event including VIP food & wine tastings, beauty promotions, dog show for kids, soap box, etc. Activities on the footpath would occupy areas currently leased by shops for dining/street trading. It is now set for Saturday 29 October & would include Halloween content. Promotion was vital to the success of last year’s Fusion & there will be another newspaper & social media campaign. WMC has approved \$1,000 funding. Street banners would also again be considered.</p> <p>Charles also said he was working on an Eastern Suburbs directory initially expanding to Double Bay, Bondi Beach & Bondi Junction with further expansion intended. He mentioned a Christmas event with the Paddington Markets on 9 December.</p> <p>His preference is to approach Council for funding for individual events rather than for up-front funding. Additionally funding comes from sponsorships, i.e. Ray White, Paddo Pets.</p>	<p>The Working Party noted & was pleased to hear of Charles’ initiatives & efforts in promoting Five Ways & Oxford Street & the expansion of his business directory.</p> <p>In addition to the already approved funding the Working Party would like Council to extend whatever reasonable in-kind support it could to the Five Ways Fusion.</p>

7.	Head On Photo Festival	<p>Moshe Rosenzweig, Director of the Festival, did a PowerPoint presentation explaining the background of the Festival & showing the styles of exhibitions that the Festival undertakes. It has been spread over a wide geographic area & he is now looking at concentrating the exhibitions with a greater presence in Paddington. The Festival gets wide media coverage, (e.g. TV, radio print as well as electronic/social media – Head On website) including overseas (New York Times).</p> <p>Presently the City of Sydney provides financial support & space (i.e. Town Hall & Reservoir Gardens in Paddington & numerous venues in other parts of the city). The next Festival will take place in May 2017.</p> <p>Moshe said he wanted to extend across Oxford Street & build on the success of the use of Perry Lane, facilitated by Woollahra Council & the PBP, as a 'photo swap' & other festival related activities. He would like to engage shop keepers to display photos in shop fronts. He has Juniper Hall also provides exhibition space.</p> <p>Suggestions for additional exhibition spaces were UNSW Art + Design, the Markets and the greenspace outside Victoria Barracks.</p> <p>The Working Party was highly impressed with the Festival organisation & the potential to attract greater interest in & around Oxford Street. We have provided a letter of support for City of Sydney funding & we could provide further support through again making Perry Lane available, a funding grant, street banners & engagement with shop keepers through PBP contacts.</p> <p>There was particular interest in the level of funding Woollahra could/should provide. It was made clear that the Working Party has an advisory role & could not approve/commit Council to any level of funding – that this would be a matter for consideration by the appropriate committee & approval by Council in response to a specific request.</p> <p>The Working Party's views would be reported to Council in the usual manner. After some discussion the Working Party formed the view that about \$10K would be a reasonable contribution.</p>	<p>The Working Party thanked Moshe for his presentation.</p> <p>It also supports assistance being provided through whatever reasonable means are available, including consideration of funding in the order of about \$10K.</p>
8.	Paddington Business Partnership	<p>Robby Ingham informed the Working Party that after the next PBP AGM there would be a new President as he would be standing down.</p> <p>The Visit Paddington website update & overhaul is due for completion by the end September. Main features will be:</p> <ul style="list-style-type: none"> • Interactivity • Events page – post, current & upcoming • Membership registration facility <p>Increased electronic media activity over the last 12 months:</p> <ul style="list-style-type: none"> • Instagram up 326% • Facebook up 40% • Twitter up 60% 	<p>Noted</p> <p>The considerable contribution of Robby to the PBP be acknowledged and Robby be thanked for his efforts, enthusiasm and passion towards Oxford Street and Paddington's commercial wellbeing.</p>

		<p>William Street Festival will be on 15 October. Expected to attract 12,000 people. Merivale's first time involvement. 50 businesses participating, 32 out of the 37 in William Street. There will be a fashion show in Victoria Street followed by the showing of a 'yet-to-be-revealed' movie on the mobile screen.</p>	<p>Any additional support for the installation of parking meters on Oxford Street along Victoria Barracks and in Greens Road should be sent through Peter Kauter to co-ordinate a response to the City of Sydney.</p>
9.	City of Sydney	<p>Public Toilet</p> <ul style="list-style-type: none"> <input type="checkbox"/> The landscaping works has been done to the proposed site on the corner of Oxford Street and William Streets. <input type="checkbox"/> The toilet has not yet been installed due to complications with availability of toilet modules. Hopefully this will be resolved sometime in 2017. <input type="checkbox"/> As part of the Library upgrade, in Paddington Town Hall, there is now a new public bathroom available. <p>Request for parking meters</p> <ul style="list-style-type: none"> <input type="checkbox"/> Recently the City changed some parking restrictions from 1P to 4P, new signs are due to be changed during September, <input type="checkbox"/> In relation to addressing potential need for parking meters the City's Parking Committee have requested studies into usage of parking resources in the area, <input type="checkbox"/> As per the email to Peter Kauter on 2 Dec, the City requires additional information and support from the business community before the City will go out to community consultation on this issue, <input type="checkbox"/> During the next few weeks the City will be carrying out Occupancy and Compliance Surveys to assess the spaces in question, how much the spaces are used or left empty and the effectiveness of compliance with existing restrictions. <p>Street Banners at Paddington Reservoir Gardens</p> <ul style="list-style-type: none"> <input type="checkbox"/> The City made 2 banners to match those being displayed by Woollahra Council <input type="checkbox"/> City has booked the banner poles for 3 weeks from 1 August to 22 Aug <input type="checkbox"/> We are looking at the next opportunity to display the banners <p>Transport Study</p> <p>A Transport Study for Oxford Street was recently carried out for the City by AECOM. It included consideration of Waverly Council's Light Rail study proposing light rail for the Bondi Beach to Bondi Junction corridor. The City is in the process of analysing the report and approach to the recommendations. Ongoing discussions are taking place with TfNSW and RMS. It is hoped there will be some clarity for the beginning of the New Year.</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p>
10.	UNSW Art + Design	<p>Professor Harley was unable to attend the meeting & there were no additional matters raised by UNSW Art + Design.</p>	<p>Noted</p>

11.	Matters Arising from the previous minutes	<p>Real estate signs – letter from Alex Greenwich, MP, dated 02/05/2016 with letter/response from Rob Stokes, Minister for Planning, dated 18/04/2016 enclosed.</p> <p>Alex Greenwich’s letter states: <i>Unfortunately the minister does not address council’s request for review of the code in order to better protect heritage streetscapes such as Oxford Street.</i></p> <p>The Minister’s letter notes the potential impact of real estate signs on the heritage values and visual amenity of areas such as Oxford Street. He agrees that Oxford Street is unique & the visual amenity is important to the local character of the retail hub and the success of local businesses. The letter contains information about the content of the codes & options should signs exceed standards. The Minister has asked the Department to consider <i>your feedback in its ongoing monitoring and review of the Policy to ensure the outcomes are consistent with the overall policy intent.</i></p> <p>Street banners – we formally applied to Ausgrid in Feb ’16 including a structural engineer’s report. Ausgrid replied on 15/03/2016 to the effect that they are doing an internal review & can’t give approval in the meantime. The review time frame was not indicated.</p>	<p>Noted. NFA at this stage.</p> <p>Noted. NFA at this stage.</p>
12.	General business		
12.1	Ariel Bookstore closure	The closing of the Ariel Bookstore on the corner of Oxford & West Streets was raised. It was not known what prompted the closure but it was noted that the building had been sold & Ariel continued to trade for some time afterwards.	Noted.
12.2	Large capital investment	<p>Dismay/disillusionment was expressed by some Working Party Members over the fact of large capital investment in Oxford Street by Woollahra Council in the context of the recent publicity about the Cross Street cinema complex for Double Bay</p> <p>Opportunities for a Cross Street style development in Oxford Street were limited as Council does not own similar assets in Oxford Street.</p>	Noted.
12.3	Exhibitions	<p>Little Things Art Prize at Saint Cloche Gallery, Paddington 31 August – 18 September. Presentation Day 11 September 2-5pm.</p> <p>Australia Seriously? at Juniper Hall 20 August – 17 September</p>	

There being no further business the meeting closed at approximately 8pm.

NEXT MEETING

The next meeting – TBC.

Item No: R1 Recommendation to Council
Subject: **PUBLIC EXHIBITION OF THE PLANNING PROPOSAL FOR 80-84 AND 90 NEW SOUTH HEAD ROAD**
Author: Brendan Metcalfe, Strategic Planner
Approvers: Anne White, Acting Team Leader - Strategic Planning
Chris Bluett, Manager - Strategic Planning
Allan Coker, Director - Planning & Development
File No: 16/120211
Reason for Report: To report on the public exhibition of the planning proposal for 80-84 and 90 New South Head Road, Edgecliff.
To obtain Council's approval to proceed with the finalisation of the planning proposal.

Recommendation:

- A. THAT Council proceed with the planning proposal for 80-84 and 90 New South Head Road, Edgecliff to Woollahra Local Environmental Plan 2014 as exhibited subject to removing the 20.5m height control from 90 New South Head Road and applying a Reduced Level of 38.4 referenced to Australian Height Datum which reduces the maximum building height by up to 7.27m.
- B. THAT Council exercise its delegation authorised by the Director, Metropolitan (CBD) Planning Services, Department of Planning and Environment, on 15 September 2015, to carry out the functions of the Greater Sydney Commission under section 59 of the *Environmental Planning and Assessment Act 1979*.

1. Summary

On 22 June 2015 Council resolved to prepare and exhibit a planning proposal (**Annexure 1**) for 80-84 and 90 New South Head Road, Edgecliff (the site) which is comprised of Lots 4 and 5 in DP 171284, Lot 1 DP 181565 and Lot A in DP 420786. The resolution followed a report to the Urban Planning Committee on 9 June 2015 (**Annexure 2**).

The planning proposal was prepared and submitted to the Department of Planning and Environment (DPE) who issued a gateway determination on 15 September 2015 (**Annexure 3**).

The planning proposal is to change the height and floor space ratio (FSR) controls in Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014) by:

- increasing the maximum FSR from 1.5:1 to 2.9:1 over the site, and
- 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 site.

The planning proposal was on exhibition for 38 days. Fifteen submissions were received during the exhibition period. The submissions raised a number of key issues:

1. Impact on significance of heritage items at 9-17 Mona Road.
2. Traffic, transport and parking matters.
3. Impact of the planning proposal on a right-of-way to 9, 11 and 15A Mona Road.
4. Overbearing bulk and scale and sense of enclosure over the Mona Road properties.
5. The impact of the planning proposal on privacy on 9, 11 and 15 Mona Road.
6. The impact of the planning proposal on views from 100 New South Head Road and 15 Mona Road.

7. Construction impacts.
8. Support for the planning proposal.

An assessment of the submissions is contained in Part 4 below.

In light of the submissions received during the public exhibition no change is proposed to the exhibited FSR control. However, we recommend that the maximum building height controls for the site are revised by reducing the proposed height over No.90 New South Head Road and applying a Reduced Level, instead of a maximum building height in metres. The Department of Planning and Environment (DPE) has given in principle support for this approach.

To finalise the planning proposal we recommend council exercise its delegation and make the following amendments to Woollahra Local Environmental Plan 2014:

- Increase the maximum floor space ratio from 1.5:1 to 2.9:1 over the site,
- Increase the height from 14.5m to 23.5m on 80-84 New South Head Road, and
- Remove the 20.5m height control from 90 New South Head Road and apply an RL of 38.4 referenced to Australian Height Datum (AHD).

A comparison of the existing, exhibited and recommended height controls is shown in Figure 1 below.

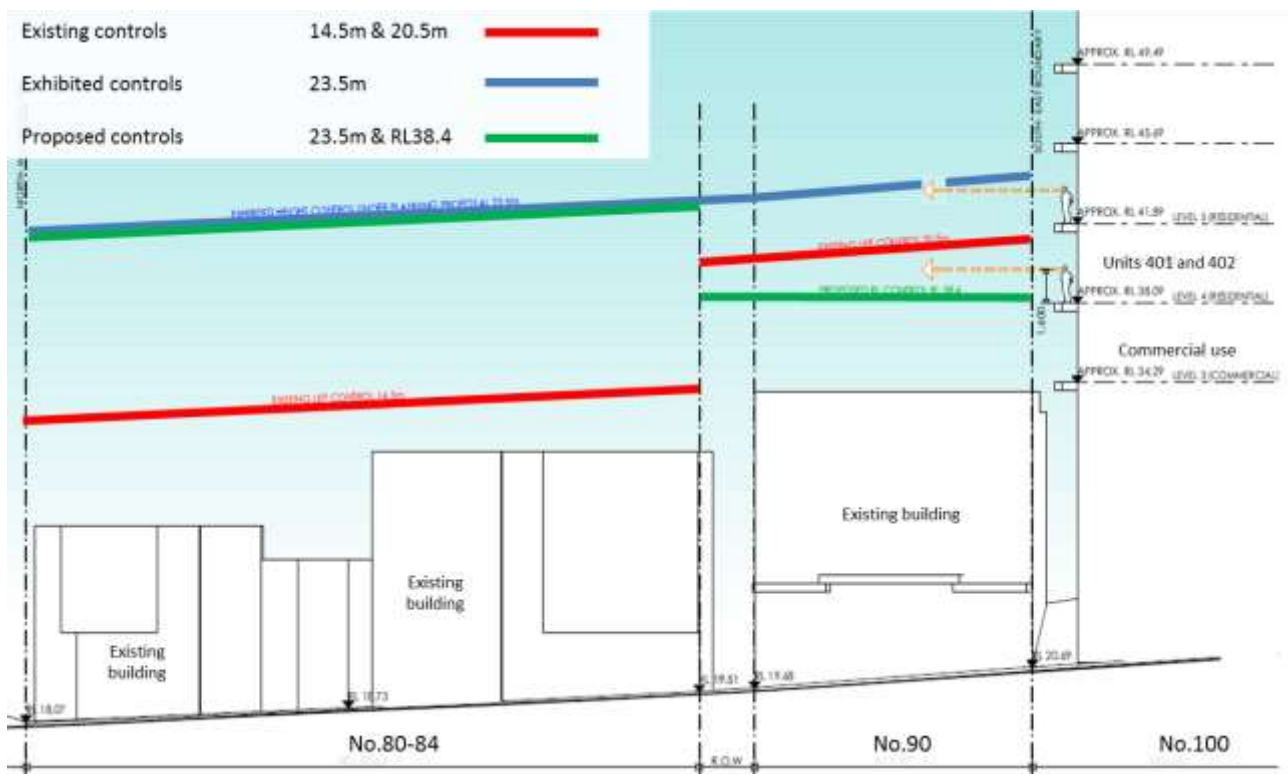


Figure 1: Comparison of height controls

2. The site

The site is located at the south east corner of New South Head Road and Mona Road as shown in Figure 2. The Sydney Central Business District is approximately 2.3km to the west of the site and the Edgecliff Commercial Core is approximately 180m to the east of the site.



Figure 2: Local area map

The site forms part of the New South Head Road Commercial Corridor which is zoned B4 Mixed Use and B2 Local Centre under Woollahra LEP 2014. No change is proposed to the zone.

The site does not have any heritage significance nor is it within a heritage conservation area. However, Nos. 9, 11 and 15A Mona Road adjoin the site to the north. Under Woollahra LEP 2014 these properties are listed as local heritage items. The Mona Road Heritage Conservation Area includes Nos.15-27 Mona Road to the north of the site (see Figure 3).

A right-of-way across No.90 New South Head Road provides pedestrian access to Nos. 9, 11 and 15A Mona Road. An aerial of the site is shown in Figure 3.

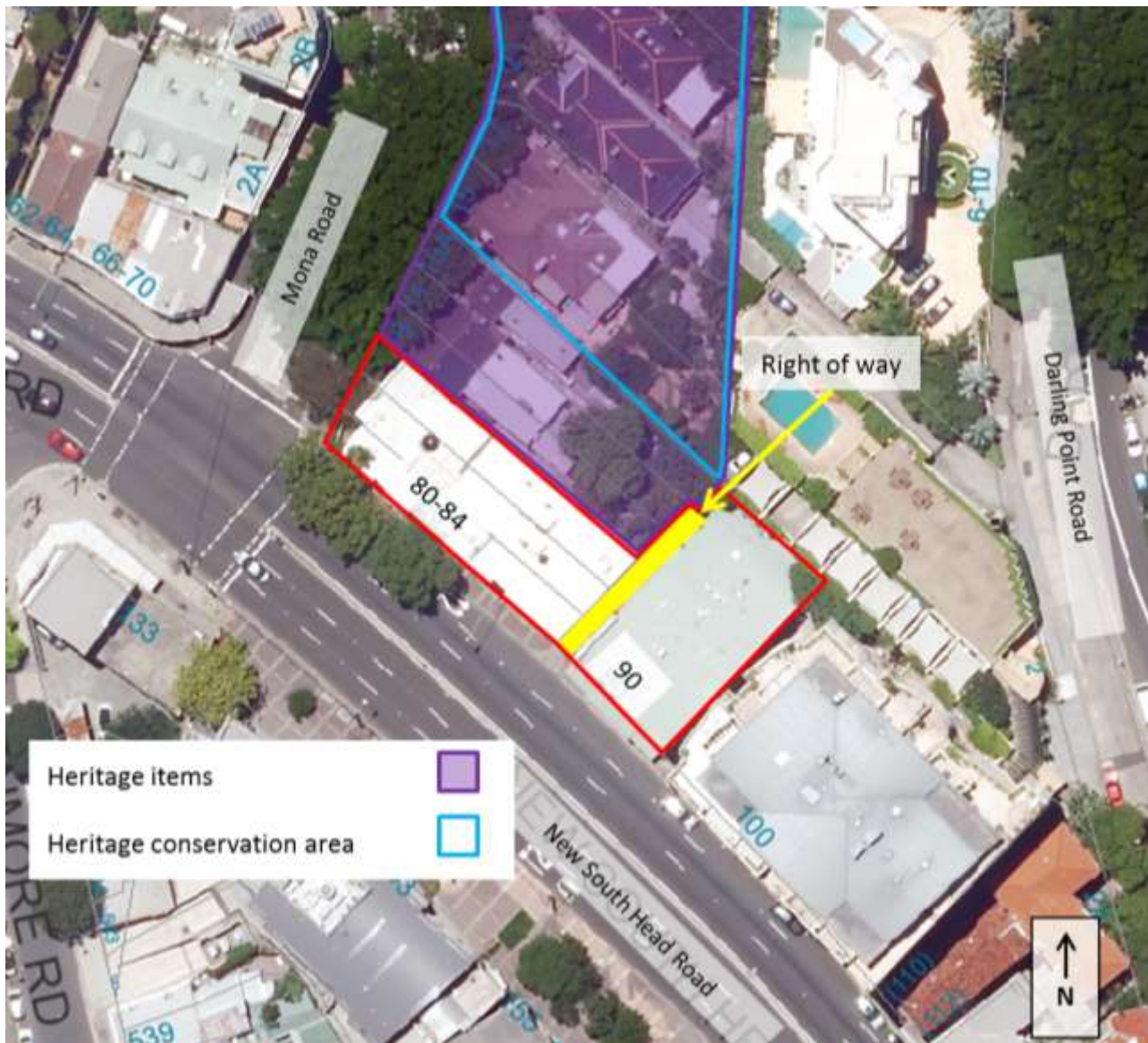


Figure 3: Aerial site map

3. Public exhibition

The planning proposal was exhibited from Wednesday 6 July until Friday 12 August 2016 consistent with the *Environmental Planning and Assessment Act 1979* (the Act), the *Environmental Planning and Assessment Regulation 2000* (the Regulation) and the conditions set out in the gateway determination.

The exhibition took place at Woollahra Council Chambers in Double Bay, in the Customer Service area during business hours. A copy of the planning proposal was also placed on Council's website for the duration of the exhibition period.

Details of the exhibition were notified in the *Wentworth Courier* editions of 6, 13, 20 and 27 July and 3 and 10 August 2016. The exhibition was extended beyond the minimum 28 days required by the gateway determination to allow more time to make submissions, as part of the exhibition period was over the school holidays.

In accordance with the gateway determination, notification of the planning proposal was sent to over 366 landowners and to seven State Government agencies: the NSW Office of Environment and Heritage, Roads and Maritime Services, Transport for NSW, NSW Department of Housing, Sydney Buses, Department of Water and Energy and the Department of Lands. Notice was also sent to four utility companies: Sydney Water, Telstra, Energy Australia and AGL.

During the exhibition period the information page on Council's website was visited by 321 external customers.

4. Submissions

Fifteen submissions were received. Of these:

- Four were from the government agencies of Roads and Maritime Services (RMS), Heritage Division of the Office of Environment and Heritage, and Transport for NSW and one was from Sydney Water.
- Nine submissions objecting to the proposal were received. Of these:
 - one was from a solicitor on behalf of the owner of Nos. 2, 9, 11, 15A, 15 and 17 Mona Road, Darling Point,
 - five were individual submissions from the owners of 2, 9, 11, 15A and 15 Mona Road, Darling Point,
 - one was on behalf of Strata Plan 54114 at No.100 New South Head Road, Edgecliff,
 - one was from an apartment in Strata Plan 54114 at No.100 New South Head Road, and
 - one was from an unknown location.
- A submission from Rathdrum Properties, owners of 135-153 New South Head Road, Edgecliff did not object to the planning proposal, despite potential for increased overshadowing.
- A submission from Howe Architects supported the planning proposal.

The location of the submissions from property owners in the vicinity of the site is shown in Figure 4.

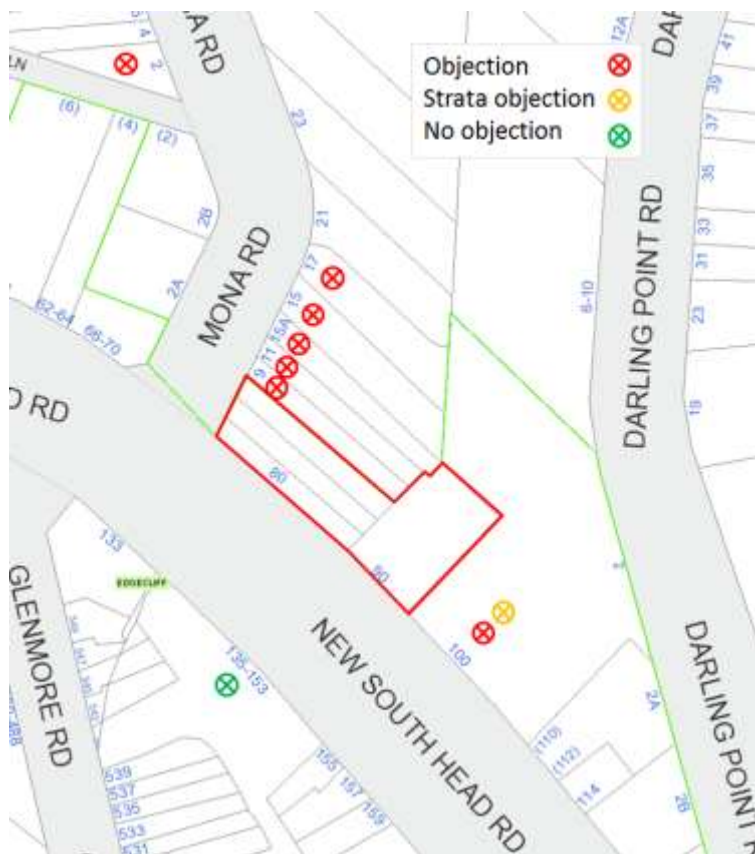


Figure 4: Submissions map

A summary of the submissions and staff responses is provided in the table below. A copy of all submissions is provided at **Annexure 4**. The submissions have been grouped into the following issues:

1. Impact on significance of heritage items at 9-17 Mona Road.
2. Traffic, transport and parking matters.
3. Impact of the planning proposal on a right-of-way to 9, 11 and 15A Mona Road.
4. Overbearing bulk and scale and sense of enclosure over Mona Road properties.
5. The impact of the planning proposal on privacy on 9, 11 and 15 Mona Road.
6. The impact of the planning proposal on views from 100 New South Head Road and 15 Mona Road.
7. Construction impacts
8. Other comments on the planning proposal
9. Support for the planning proposal.

1. Impact on significance of heritage items at 9-17 Mona Road
<p>The submission from the Heritage Division of the Office of Environment and Heritage noted that:</p> <ul style="list-style-type: none"> • Any proposed building on this site should respond to the aesthetic significance of the adjoining heritage items. • Impacts should be mitigated by the use of appropriate building materials and colour palette in addition to the building design and detail. • The concept shown with the planning proposal does not respond to the aesthetic significance adequately.

Submissions objecting to the planning proposal were received from Comino Prassas solicitors on behalf of Nos. 2, 9, 11, 15A, 15 and 17 Mona Road, Darling Point and individually from the owners of 2, 9, 15A and 15 Mona Road. The submissions raised the following issues:

- The increase in height and density is likely to result in a development that is inconsistent with the objectives of heritage conservation. Any amendment to the controls should ensure an effective transition in height is provided to respect the heritage status of the properties at 9-17 Mona Road.
- The proposed building envelope does not respect the curtilage of nearby heritage items and will detract from their significance.
- Options for altering heritage listed properties are constrained, but these properties will be compromised by a building constructed under the proposed controls.

Staff response

Heritage Division submission

The site does not have any heritage significance nor is it within a heritage conservation area. However, Nos. 9, 11 and 15A Mona Road adjoin the site. Under Woollahra LEP 2014 these properties are listed as local heritage items. The Mona Road Heritage Conservation Area includes Nos.15-27 Mona Road to the north of the site.

The concerns raised in the Heritage Division submission relate primarily to architectural articulation, materiality and detailing. These concerns do not relate to the planning proposal considerations of height and FSR and are more appropriately dealt with at the development application (DA) stage.

Council's heritage planners advise that in principle, increased height and FSR across the site could be achieved without major adverse impacts on the adjacent heritage items. 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 DA stage. This would include comment on the materials, colour palette and building form and detail.

Objectors submissions

The objectives of clause 5.10 *Heritage conservation* are:

- a) to conserve the environmental heritage of Woollahra,
- b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- c) to conserve archaeological sites,
- d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

The planning proposal is consistent with these objectives as it:

- does not apply to land containing a heritage item or land in a heritage conservation area,
- does not affect the fabric of, or public views to the heritage items located at 9-15 Mona Road,
- does not affect a known archaeological site, and
- does not affect a known place of aboriginal significance.

Council's heritage planners advise that in principle, a development can be achieved on the site without major adverse impacts on the setting of the adjoining heritage items. Consistency with these objectives would be assessed in detail if a DA is submitted under the proposed controls.

2. Traffic, transport and parking matters

RMS and Transport for NSW

The RMS submission stated that Council needs to be satisfied that suitable access arrangements can be provided before finalising the planning proposal. Specifically:

- How to avoid vehicles queuing onto New South Head Road.
- Treatment to allow vehicles to safely enter and exit the site.
- Treatment of apartments to mitigate noise from New South Head Road.

The Transport for NSW submission identified that impacts on bus operation, pedestrians and cyclists should be addressed as part of any future DA.

Objectors submissions

Submissions objecting to the planning proposal were received from: Comino Prassas solicitors on behalf of Nos. 2, 9, 11, 15A, 15 and 17 Mona Road and individually from the owners of 2, 9, 11, 15A and 15 Mona Road. The submissions raised the following issues:

- It is prudent to ensure that the subject site can adequately cater for the needs of a development on the site under the proposed controls.
- Insufficient consideration has been given to commercial loading, unloading and waste disposal. Relying on the loading zones in Mona Road is incompatible with the residential uses on the eastern side of the street.
- Providing additional resident parking permits is ineffective as there are no on-street parking spaces available.
- If on-site parking is not provided existing residents will face increased competition for on-street parking.
- Adding an extra 30 cars to find parking on Mona Road is an ill-considered decision.

Staff response

RMS and Transport for NSW submissions

Council's traffic engineers provided a response stating that the issues identified by the RMS can be addressed at the DA stage. For example:

- To avoid vehicles queuing into New South Head Road a left-in/left-out only configuration can be created by introducing a concrete median to the middle of Mona Road.
- To allow vehicles to pass when entering and exiting the site the driveway can be conditioned to be 5.5m wide for the first 6m.

The noise from New South Head Road can be addressed using engineering solutions such as double glazing.

The comments from Transport for NSW are noted and would be addressed as part of any DA for the site, regardless of any planning control changes.

Objectors submissions

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

- There is capacity within the existing road network to accommodate the redevelopment of the site under the proposed controls.

- The size of the site will allow on-site basement parking to be provided at the rates specified in chapter E1 Parking and Access of Woollahra Development Control Plan 2015. It is noted that subject to reasonable justification being provided, a reduced parking provision may be acceptable for the residential component.
- The loading and unloading facilities required for the site will depend on the gross floor area of and type of commercial uses proposed and should be addressed at the DA stage.
- 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.

As the planning proposal does not endorse a particular development concept on the site, it is not possible to confirm whether additional vehicles will be parked on Mona Road.

The issues raised in submissions do not warrant change to the planning proposal. Further consideration of traffic and parking would need to be undertaken in response to a specific DA.

3. Impact of the planning proposal on a right-of-way to 9, 11 and 15A Mona Road

Submissions objecting to the planning proposal were received from Comino Prassas solicitors on behalf of Nos. 2, 9, 11, 15A, 15 and 17 Mona Road, Darling Point and individually from the owners of 2, 9, 11 and 15A Mona Road. The submissions raised the following issues:

- A right-of-way exists between Nos.80-84 and 90 New South Head Road. The right of way benefits Nos. 9, 11 and 15A Mona Road and provides pedestrian access to the rear of these properties. Extinguishing the right-of-way would require agreement from the owners of 9-15A Mona Road.
- A concept scheme for the site should have regard to the right-of-way and retaining secondary access to the benefited properties.

Staff response

The planning proposal does not remove the right-of-way or assume it would be extinguished, and is not a matter which prevents Council amending the planning controls for the site.

The location and function of the right-of-way is a matter for the relevant parties to separately address prior to the lodgement of a DA.

4. Overbearing bulk and scale and sense of enclosure over Mona Road properties

Submissions objecting to the planning proposal were received from Comino Prassas solicitors on behalf of Nos. 2, 9, 11, 15A, 15 and 17 Mona Road and individually from the owners of 2, 11 and 15A Mona Road. The submissions raised the following issues:

- The proposed amendments would result in a building with overbearing bulk and scale when compared with the existing heritage listed 2-3 storey terrace houses at Nos. 9, 11, 15A, 15 and 17 Mona Road.
- The proposed 23.5m height limit will dwarf the existing terrace houses at 9-15 Mona Road which have an LEP height limit of 10.5m.
- The concept scheme will create a sense of enclosure to the property at No.9 Mona Road.

Staff response

The properties on Mona Road are located adjacent to the Edgecliff Commercial Corridor where larger scale development is anticipated. The built form surrounding the site varies considerably and has been taken into account in determining a suitable height for the subject site.

The recommended height limits of 23.5m on No.80-84 and RL 38.4 on No.90 New South Head Road 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 and takes into consideration the amenity of adjoining residences.

However, in response to submissions, staff recommend reducing the height limit that applies to No.90 New South Head Road from:

- up to 10.27m from the exhibited control of 23.5 and
- up to 7.27m from the current control of 20.5m.

This change reduces potential building bulk at the rear of Nos. 9, 11 and 15A Mona Road which directly adjoin the site. The properties at 15 and 17 Mona Road do not directly adjoin the site.

The proposed FSR and height controls will provide an opportunity to design a building, including setbacks, which respond to the site and address the relationship with adjoining properties.

The specific setbacks will be considered at the DA stage, and will need to address matters in State Environmental Planning Policy No.65 Apartment Design Quality (SEPP 65) and specifically the Apartment Design Code, which identifies dimensions for building separation based on the type of rooms (habitable rooms, balconies and non-habitable) and the number of storeys in the building (setbacks increase with the building height).

Any DA would also be required to address the setback controls in Chapter D2 Mixed Use Centres of the Woollahra Development Control Plan 2015. Chapter D2 requires:

- a 2.4m building setback for the first floor and above on the northern boundary, and
- a 2.4m articulation area for all levels at the rear above the first floor. The articulation area would be occupied by a combination of external and internal elements.

Compliance with the setback and articulation controls would provide separation between 80-84 New South Head Road and No.9 Mona Road and reduce the perceived building bulk on this boundary.

5. The impact of the planning proposal on privacy on 9, 11 and 15 Mona Road

Submissions from the owners of No.9, 11 and 15 Mona Road objected on the basis that a building constructed under the proposed controls will impact acoustic and visual privacy.

Staff response

The redevelopment of the subject site under the proposed controls can be undertaken in a manner that provides reasonable visual and acoustic privacy to the surrounding dwellings.

Acoustic privacy is a matter that would be considered as part of a DA assessment. The Woollahra Development Control Plan 2015 (chapter B3 General Development Controls) requires that new dwellings should be designed to ensure acoustic separation to the occupants of all dwellings.

Redevelopment of the site will also be required to have regard to SEPP 65 and the Apartment Design Guide, which address acoustic and visual privacy and building separation.

Any future DA for the site can minimise overlooking impacts through separation and building design.

6. The impact of the planning proposal on views from 100 New South Head Road and 15 Mona Road.

Submissions objecting to the planning proposal due to loss of views were received from the owner of apartment 401 at No.100 New South Head Road, (2 Darling Point Road) Darling Point, the chairman of the Strata Plan 54114 at 100 New South Head Road, (2 Darling Point Road) Darling Point, Comino Prassas solicitors on behalf of No.100 New South Head Road and the owner of 15 Mona Road.

Introduction

To assist visualising these changes, the proponent has produced a development concept. The planning proposal and subsequent LEP amendment will not endorse or approve the development concept. Assessment of view impacts at the planning proposal stage can only be done to a degree. Council has undertaken a preliminary view sharing assessment of the planning proposal. A thorough assessment of view impacts is carried out at the DA stage. Council has undertaken a preliminary view sharing assessment of the planning proposal. The proponent has completed their own view sharing assessment which is included in their response to submissions (**Annexure 5**).

Background on view sharing

The concept of 'view sharing' concerns the equitable distribution of views between properties. However, this concept can be difficult to apply to particular cases. There will be circumstances when the concept of 'view sharing' can be reasonably applied and others where it will be more difficult.

For this reason Council uses the principles of view sharing as set out by the Land and Environment Court in *Tenacity Consulting v Warringah Council [2004] NSWLEC 140* in assessing view impact. As set out in the Tenacity case there is a four step process to assess the impact of development on views:

Step 1. What views will be affected? Water views are valued more highly than land views. Iconic views (e.g. Opera House, Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

Step 2. From what part of the property are views obtained? For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

Step 3. What is the extent of the impact? The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

Step 4. What is the reasonableness of the proposal that is causing the impact? A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

Based on the submissions received and the applicant's view modelling derived from the development concept, staff have followed this assessment process to conclude whether acceptable view sharing will be achieved under the proposed controls.

Apartment 401/100 New South Head Road, Edgecliff

Issues raised in submissions

- The planning proposal will block views of the city skyline, New South Head Road and train line.
- The primary living areas and two bedrooms have a westerly aspect which will be affected by the increased maximum building height.



Figure 5: Direction of view from apartment 401/ 100 New South Head Road

Staff response

No. 100 New South Head Road is a 9 storey mixed use commercial/residential building. Commercial uses occupy the first 3 storeys of the building, with residential apartments on the fourth storey and above. Apartment 401 is located on the fourth storey. At the owner's invitation, Council officers visited the apartment on 30 August 2016 to examine the potential view impacts of the planning proposal.

The view from the balcony of apartment 401 has been modelled to show the:

- existing view,
- existing planning controls, and
- proposed planning controls.

These are shown below in Figures 6 to 8.



Figure 6: View from the balcony of Apartment 401 (composite image).



Figure 7: Existing height control of 20.5m over No.90 New South Head Road as modelled by the proponent.

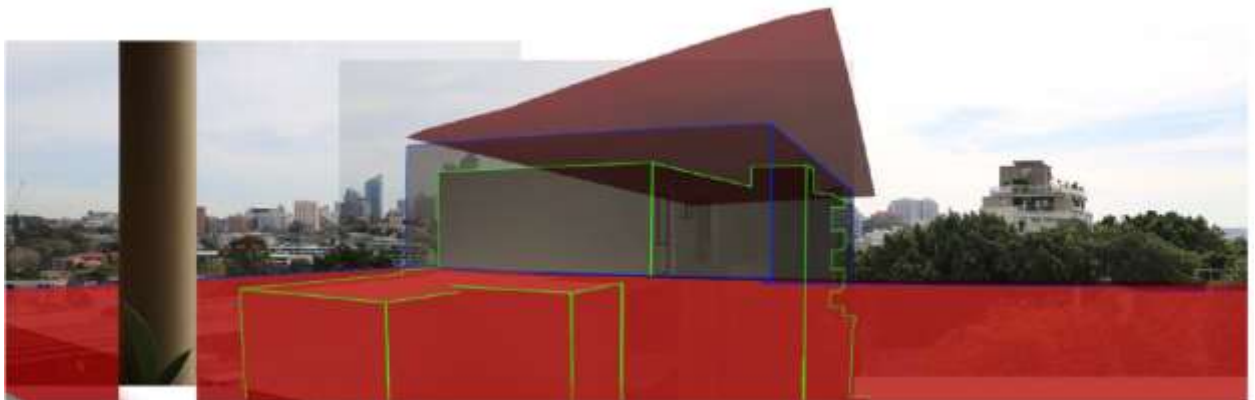


Figure 8: Proposed planning controls over the site and indicative built form (green line) as modelled by the proponent.

In summary, there are existing views (Figure 6) to the Sydney Central Business District (CBD) which includes a view of the Sydney Tower which is an iconic view. These views are from primary living areas, but are over the side boundary. Views over a side boundary are more difficult to protect than views from the front and rear. This difficulty is increased as 100 New South Head Road is in a commercial centre where side setbacks are minimal.

The current maximum building height control for No.90 New South Head Road is 20.5m. Based on the proponent's survey of the site the equivalent maximum AHD RLs on No.90 at the boundary with No.100 New South Head Road are:

- RL 41.19 at the New South Head Road frontage.
- RL 45.67 in the north east corner.

A building constructed under the current control (Figure 7) over No.90 would result in the view of almost all buildings in the CBD being obstructed from apartment 401.

Under the exhibited height and FSR controls, the potential for view loss would be increased.

To allow for view sharing, we propose to reduce the maximum building height currently permitted on No.90 New South Head Road by applying a control of RL 38.4. This reduces the maximum building height control by up to 7.27m from the existing control.

On No.80-84 New South Head Road, the exhibited maximum building height of 23.5m is not proposed to change. The view impacts from the proposed RLs are modelled in Figure 8.

The proposed planning control changes allow for view sharing towards the CBD by setting a maximum building height control that allows views over No.90 New South Head Road from apartment 401. Although the maximum building height is proposed to increase on 80-84 New South Head Road, if the site is redeveloped there is greater opportunity for view sharing due to the decreased maximum building height on No.90. In this regard, the planning control changes allow for satisfactory view sharing.

Apartment 402/100 New South Head Road, Edgecliff

Issues raised in submissions

- The planning proposal will block views of the city skyline, New South Head Road and train line.



Figure 9: Direction of view from apartment 402/ 100 New South Head Road

Staff response

Council officers visited the apartment on 30 August 2016 to examine the potential view impacts of the planning proposal. The view from the balcony of apartment 402 has been modelled to show the:

- existing view
- existing planning controls and
- proposed planning control.

These are shown below in Figures 10 to 12.



Figure 10: View from the balcony of Apartment 402 (composite image).



Figure 11: Existing height control of 20.5m over No.90 New South Head Road as modelled by the proponent.

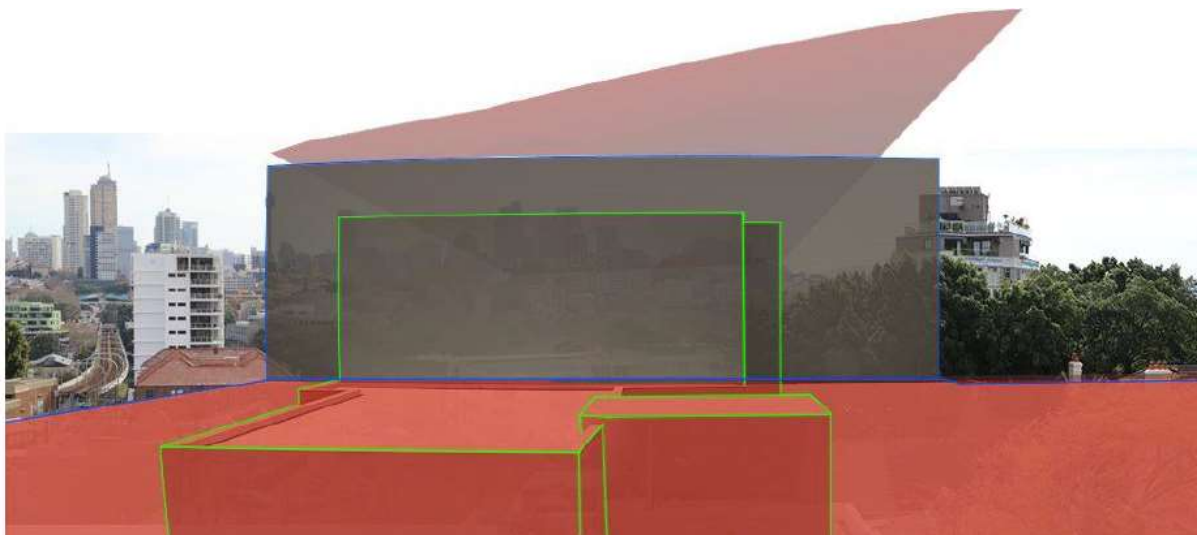


Figure 12: Proposed planning controls and indicative built form (green line) as modelled by the proponent.

In summary, there are existing views to the Sydney CBD which includes a view of the Sydney Tower and also a partial view of the Sydney Harbour Bridge, both of which are considered iconic views.

These views are from primary living areas, but are over the side boundary. Views over a side boundary are more difficult to protect than views from the front and rear. This difficulty is increased as 100 New South Head Road is in a commercial centre where side setbacks are minimal.

The current maximum building height for No.90 New South Head Road is 20.5m is equivalent to RL 41.19 and 45.67 as discussed above. A building constructed under the current control over No.90 would result in the view of almost all buildings in the CBD being obstructed from apartment 402. Part of Sydney Tower would be visible, but the Harbour Bridge would not. Under the exhibited planning controls, the potential for view loss would be increased.

To allow for view sharing, we propose to reduce the maximum building height currently permitted on No.90 New South Head Road by applying a control of RL 38.4. This reduces the maximum building height control by up to 7.27m.

On No.80-84 New South Head Road, the exhibited maximum building height of 23.5m is not proposed to change. The view impacts from the proposed height controls are modelled in Figure 12.

These changes will allow a building to be constructed on the site which retains the view of the Sydney Tower and of the Harbour Bridge. In this regard, the planning control changes allow for satisfactory view sharing.

15 Mona Road, Darling Point

Issues raised in submissions

The proposed height increases will adversely impact the view from the main bedroom.

Staff response

Number 15 Mona Road is located to the north of the site on the east side of Mona Road. The submission included the following photograph:



Figure 13: View from bedroom window of 15 Mona Road

The view is to the south and provides a partial district view towards Paddington. The spire of the Paddington Town Hall (1) and the chimney from the former boiler room of the Royal Women's Hospital (2) are visible.

The view is gained from the main bedroom over the side boundary and across Nos. 9, 11 and 15A Mona Road and No.80-84 New South Head Road.

Under the existing control of 14.5m on No.80-84 New South Head Road a building constructed to that height would block views to Paddington.

Although the maximum building height on No.80-84 New South Head Road is increased to 23.5m, there is no increased potential for view loss under the planning proposal.

In this regard, the proposed planning control changes are acceptable.

7. Construction impacts

Submissions objecting to the planning proposal were received from Comino Prassas solicitors on behalf of Nos. 2, 9, 11, 15A, 15 and 17 Mona Road, Darling Point and the owners of 2, 11 and 15A Mona Road. The submissions state construction traffic will adversely impact residents.

Staff response

This matter is not relevant to the planning proposal, but would be addressed at the DA stage. If a DA is approved, prior to the issuing of a construction certificate the applicant would be required to provide a construction management plan which would include strategies and actions to mitigate the impacts of traffic associated with construction.

8. Other comments

Mr Wright

Mr Wright requested that:

- development on the site does not harm or remove street trees.
- consideration is given to variety of building form and mass along New South Head Road.

Sydney Water

Sydney Water raised no objections to the planning proposal.

Rathdrum Properties

Rathdrum Properties' submission noted that while there is potential for increased overshadowing of their property at 135-153 New South Head Road which is to the south of the site on the opposite side of New South Head Road, they accept that the area is undergoing a transformation to higher density uses and residential conversion, so they will not register a formal objection.

Staff response

Mr Wright

The planning proposal does not affect the management of the street trees. Tree management would be part of the assessment of any DA for the site. As amended, the planning proposal will allow for variety in the built scale and form along New South Head Road.

Sydney Water

The comment is noted.

Rathdrum Properties

The comments are noted.

9. Support for the planning proposal

The submission from Howe Architects supported the planning proposal for the following reasons:

- Poor quality of the existing building stock.
- Lack of existing pedestrian amenity.
- Sound planning principles and practice should encourage increased densities in locations where urban revitalisation can be achieved without compromising the amenity of existing residential areas.
- The planning proposal will not result in any unreasonable environmental effects including loss of sunlight or views.
- The planning proposal will not result in a sense of enclosure to residential buildings to the north if adequate setbacks are applied.
- This part of New South Head Road has the potential to be a gateway to the Woollahra Municipality.
- The current planning controls are economically unviable to enable contemporary buildings to revitalise the streetscape and public domain.
- The planning proposal is consistent with the objectives of the B4 Mixed Use zone, the applicable objectives in clause 4.3 *Building height* and clause 4.4 *Floor space ratio* of Woollahra LEP 2014.
- The planning controls for commercially zoned land on north side of New South Head Road and south side between Glenmore Road and Mahoney Lane, Edgecliff should be reviewed. An FSR of between 2.5:1 and 3:1 and maximum height of 16.5m should be applied.

Staff response

The comments are noted.

A review of building envelopes for the Edgecliff Commercial Corridor, including the areas identified by the submission is being undertaken by consultants recently commissioned by Council. This will include a review of existing height and floor space ratio standards. Any recommended amendments to these controls will be based on detailed research including:

- The strategic planning context - consistency with metropolitan and local planning strategies.
- Urban design considerations – including building mass, streetscape, view impacts, shadow impacts, privacy issues, open space provision and quality of the public domain.
- Environmental considerations – including noise, water quality, acid sulphate soils and land contamination.
- Social and cultural considerations – estimated population increases, heritage impact, availability of community facilities and services.
- Infrastructure considerations – public domain impacts and any recommended upgrades to existing infrastructure.
- Ecologically sustainable development, including energy efficiency, water demand and supply, transport mobility and household cost affordability.
- Economic feasibility – including development yields, development viability, retail and commercial analysis, and housing affordability.

- Traffic and transport.

Once completed, the review will be reported to Council. Subject to Council's consideration and decision, any changes to planning controls will be made available for public comment.

5. Hamptons Property Service response to submissions

The proponent's planning firm Hamptons Property Services have reviewed the submissions received during the public exhibition and provided a response to objectors issues (**Annexure 5**). We have noted the comments in the response. However, comments relating to how a specific development can address objectors concerns have been disregarded as the planning proposal does not commit the current or future owner of the land to a particular DA.

6. Proposed amendments to the planning proposal

Given the potential impact on views from apartments in No.100 New South Head Road, we recommend that the height controls are revised.

For No.90 New South Head Road, we recommend applying a maximum RL of 38.4 instead of a height in metres above existing ground level. A reduced level is a height referenced from a common assumed datum. We propose to use Australian Height Datum or AHD. In 1971 the value of 0.000 AHD was established using the mean sea level of 30 tidal gauges along the eastern coast of Australia during 1966-1968.

Maximum building heights are expressed in metres above existing ground level result in a sloping height plane that follows the site topography. Setting a maximum height using an RL provides a more consistent height across the site, as a RL will establish a flat plane as the maximum height. This is shown in Figure 14 below.

Applying an RL over No.90 New South Head Road allows greater view sharing from dwellings in No.100 New South Head Road.

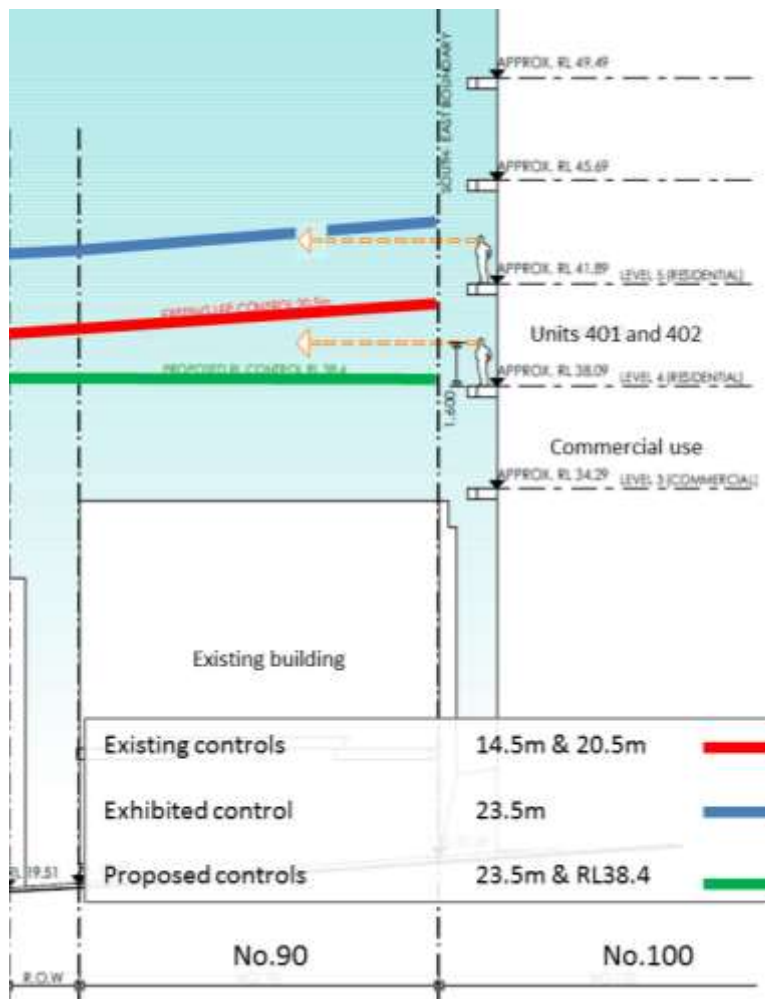


Figure 14: Comparison of maximum building height expressed as an RL and a height in metres.

The Standard Instrument—Principal Local Environmental Plan allows for the use of RLs and the DPE has agreed that, in principle, an RL could be applied to this site.

To finalise the planning proposal we recommend council exercise its delegation and make the following amendments to Woollahra Local Environmental Plan 2014:

- Increase the maximum floor space ratio from 1.5:1 to 2.9:1 over the site,
- Increase the maximum building height from 14.5m to 23.5m on 80-84 New South Head Road, and,
- Remove the 20.5m height control from 90 New South Head Road and apply an RL of 38.4 AHD.

7. Making the draft LEP under delegated authority

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, 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.

Alternatively, if Council decides not to finalise the planning proposal, it should resolve to write to the Minister requesting him or his delegate not proceed with it under section 58(4) of the Act.

8. Conclusion

The planning proposal was prepared and exhibited in the manner required by the Act, the Regulation and gateway determination. The planning proposal to amend the floor space ratio and height controls is consistent with the aims of Woollahra LEP 2014 to facilitate opportunities, in suitable locations, for diversity in dwelling density and type, and to provide greater population densities in and around centres that are well serviced by public transport. It is also consistent with the objectives of clauses 4.3 *Height of buildings* and 4.4 *Floor space ratio*.

The planning proposal should be finalised as:

- 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 the 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).
- 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.

The matters raised in the submissions have been assessed and it is considered that the potential for view loss warrants amendment to the planning proposal being a reduced maximum building height on No.90 New South Head Road. Having incorporated the amendment it is concluded that:

- In principle, increased height and FSR across the site as set out in the amended planning proposal could be achieved without major adverse impacts on the adjacent heritage items. Should the planning proposal proceed, further comment on the impact of the development on the heritage items and conservation area would be provided at the DA stage.
- The issues identified by the RMS regarding vehicle access have been considered and suitable traffic management conditions can be established. Further consideration of traffic and parking would need to be undertaken in response to a specific DA.
- The planning proposal does not remove the right-of-way over No.90 New South Head Road or assume it would be extinguished. Resolving whether access to Nos.9-15A Mona Road would be retained is a matter for the proponent and the relevant parties to address prior to submitting a DA.
- The proposed FSR and height controls will provide an opportunity to design a building that includes setbacks which respond to the site and address the relationship with adjoining properties.

- The proposed building envelope allows for view sharing from properties in No.100 New South Head Road.
- The redevelopment of the subject site under the proposed controls can be undertaken in a manner that provides reasonable visual and acoustic privacy to the surrounding dwellings.

We recommend that Council resolves to finalise the planning proposal and amend Woollahra LEP 2014 by making the following changes to the planning controls that apply to the site:

- Increase the maximum floor space ratio from 1.5:1 to 2.9:1 over the site.
- Increase the maximum building height from 14.5m to 23.5m on 80-84 New South Head Road, and
- Remove the 20.5m height control from 90 New South Head Road and apply an RL of 38.4 AHD.

Annexures

1. Planning proposal for 80-84 and 90 New South Head Road, Edgecliff as exhibited [↓](#)
2. Urban Planning Committee report 9 June 2015 [↓](#)
3. Gateway Determination [↓](#)
4. Submissions received during the public exhibition [↓](#)
5. Proponent's response to submissions [↓](#)



PLANNING PROPOSAL

80-84 and 90 New South Head Road, Edgecliff

TRIM: 16/85544

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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)

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Figure 5: Existing built form as viewed from Monaroad (left to right: No.11 , No.9 Monaroad 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.

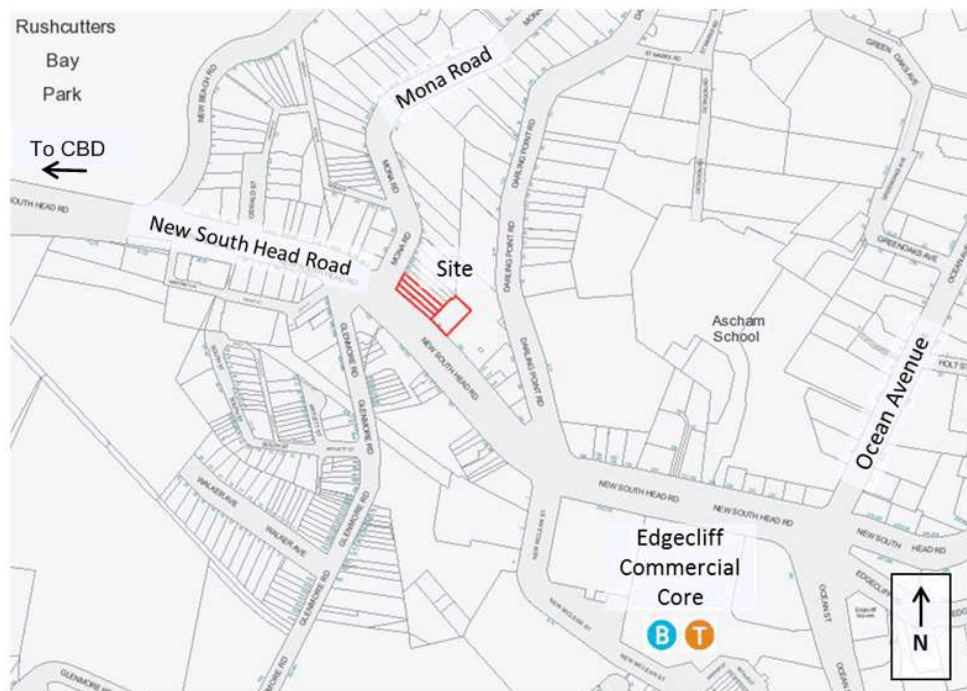


Figure 6: Local area map (refer to Figure 7 for site details)

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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 1064.2m², 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.

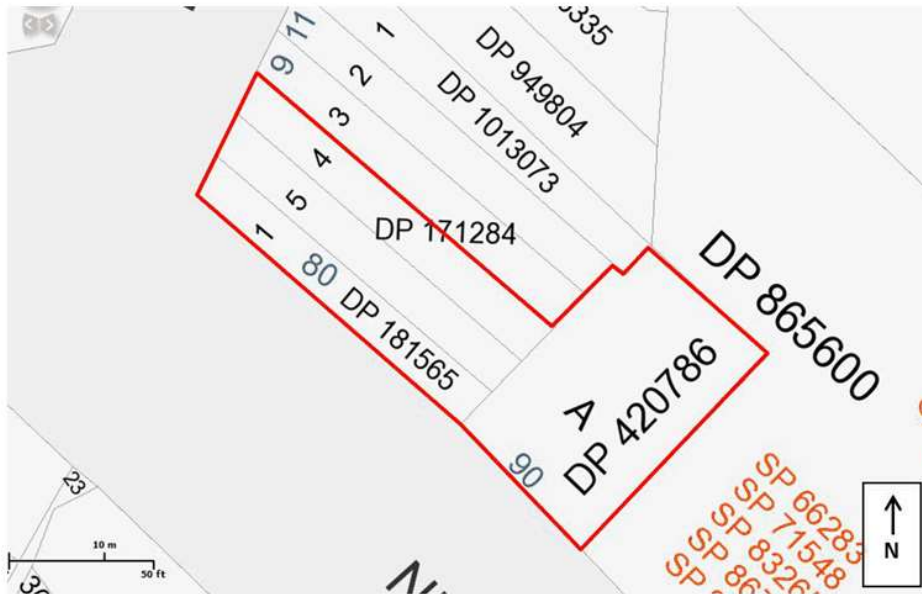


Figure 8: Site map



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

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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

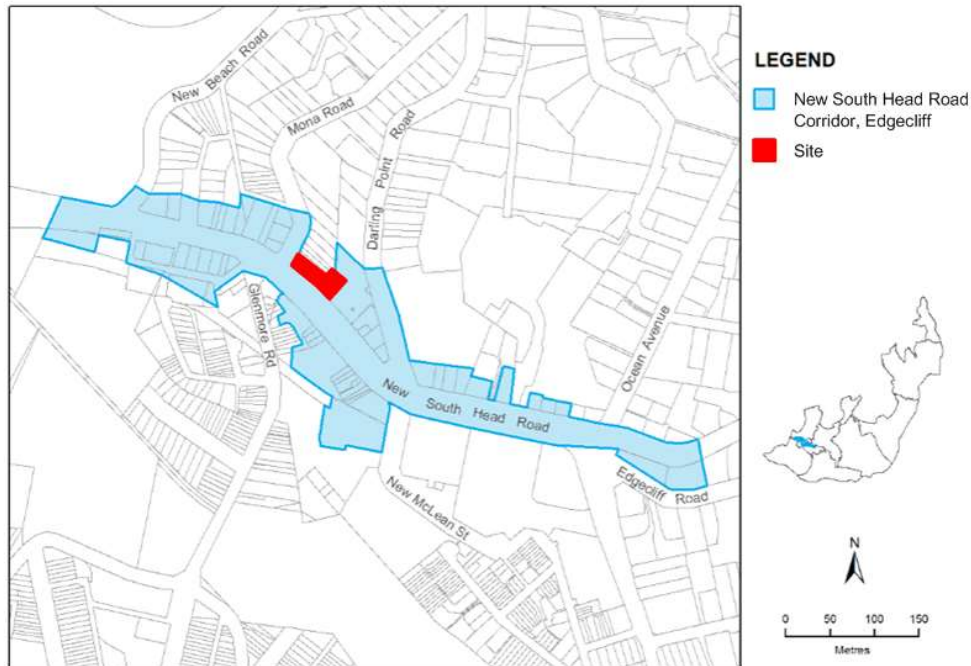
The table below identifies the existing zoning, maximum building height and floor space ratio controls that apply to the site under Woollahra LEP 2014.

	Zone	Maximum building height (m)	Floor space ratio
80-84 New South Head Road	B4 Mixed Use	14.5 (4 storeys)	1.5:1
90 New South Head Road	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, Vaucluse, 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

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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.

A Plan for Growing Sydney (December 2014)	
This plan contains:	
<ul style="list-style-type: none"> ▪ A vision for Sydney ▪ 4 goals, 3 planning principles and 22 directions ▪ Priorities for Sydney's 6 subregions. The site is located with the Central Sub-region. 	
Goal	Comment on consistency
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.

Planning principles	Comment on consistency
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>Directions</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>	
Direction	Comment on consistency
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 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"> ▪ A competitive economy ▪ Accelerate housing supply, choice and affordability and build great places to live ▪ Protect the natural environment and promote its sustainability and resilience 	<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"> • will increase the development potential of the site allowing urban renewal. • facilitate additional commercial development or medium to high density residential accommodation. • is in proximity to existing transportation infrastructure, services and recreation. • does not apply to land with any significant conservation value.

Draft East Subregional Strategy	
<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>	
Strategy C – Housing	
Objective and action	Comment on consistency
<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"> • in walking distance of 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 beaches • zoned for mixed use development, providing opportunity for services and shops within the development. <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.

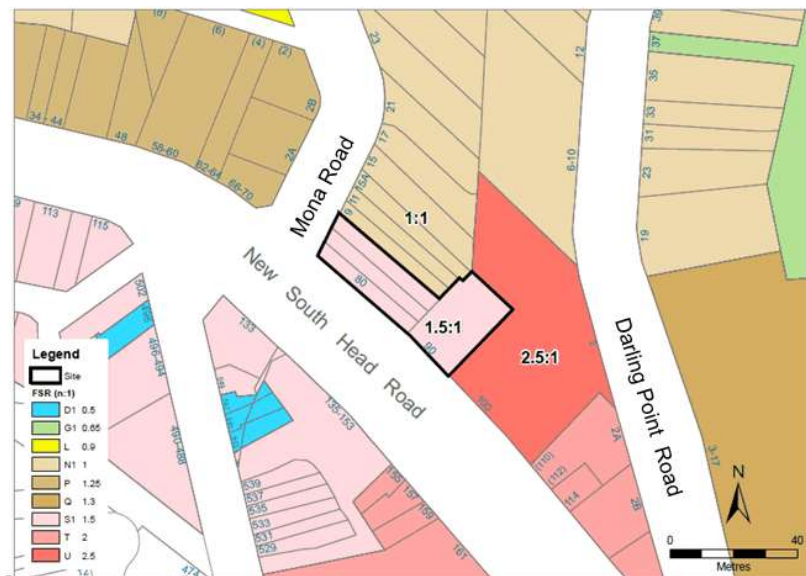


Figure 14: Current FSR Map

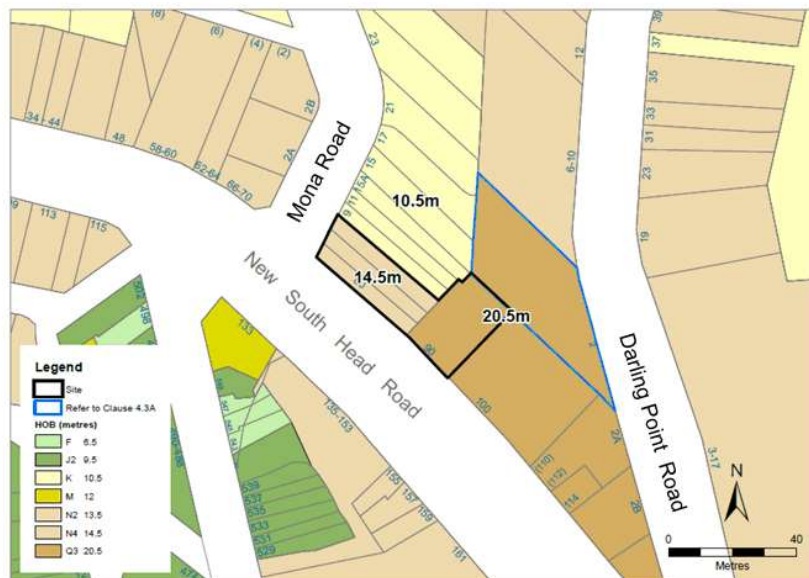


Figure 15: Current Height Map

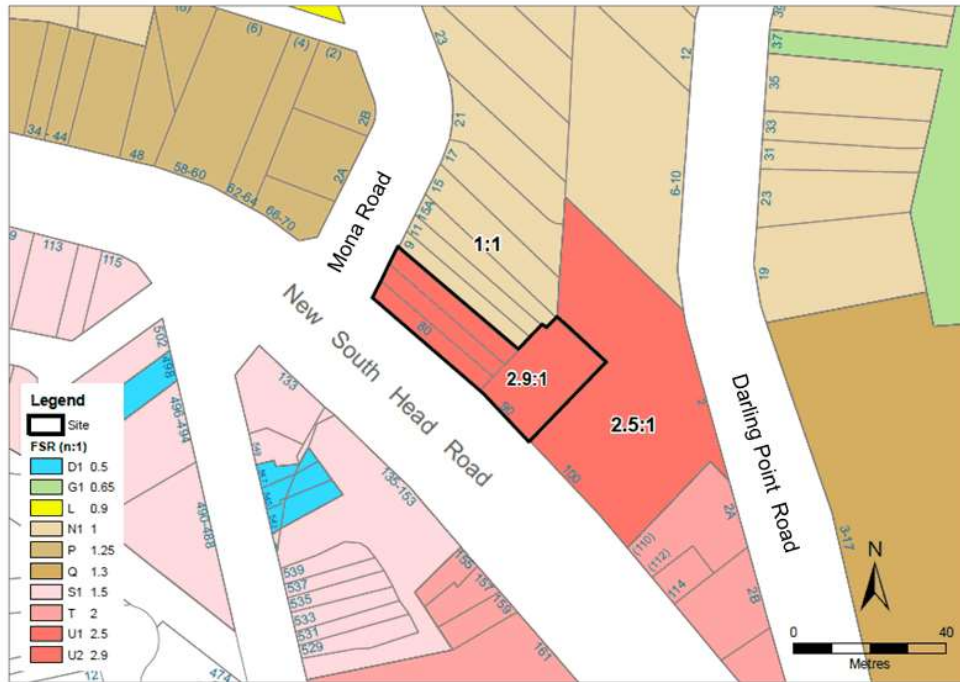


Figure 16: Proposed FSR Map



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

State environmental planning policy	Comment on consistency
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>

State environmental planning policy	Comment on consistency
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

State environmental planning policy	Comment on consistency
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

Sydney Regional Environmental Plans – now deemed State Environmental Planning Policies	Comment on consistency
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	
1	Employment and resources	
1	Business and industrial zones	<p>The planning proposal is consistent with this direction for the following reasons:</p> <ul style="list-style-type: none"> • It is consistent with the objectives of the direction as it: <ul style="list-style-type: none"> - allows for employment growth in a suitable location. - retains the existing B4 Mixed Use zoning. - will increase the available FSR from 1.5:1 to 2.9:1, increasing the development potential of the site for commercial use. - does not apply to land in a strategic centre. • It does not reduce the total potential floor space for employment uses and public services. <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 11,000m² of existing floor space unoccupied.</p> <p>Similarly, Council research has shown that in early 2014, Edgecliff Commercial Corridor had over 3,100m² of vacant office space. A 2015 review by the proponent identified that the current vacancy rate in the same area was approximately 2,634m².</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		
Direction	Applicable/comment	
2	Environment and heritage	
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.
3	Housing, infrastructure and urban development	
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>

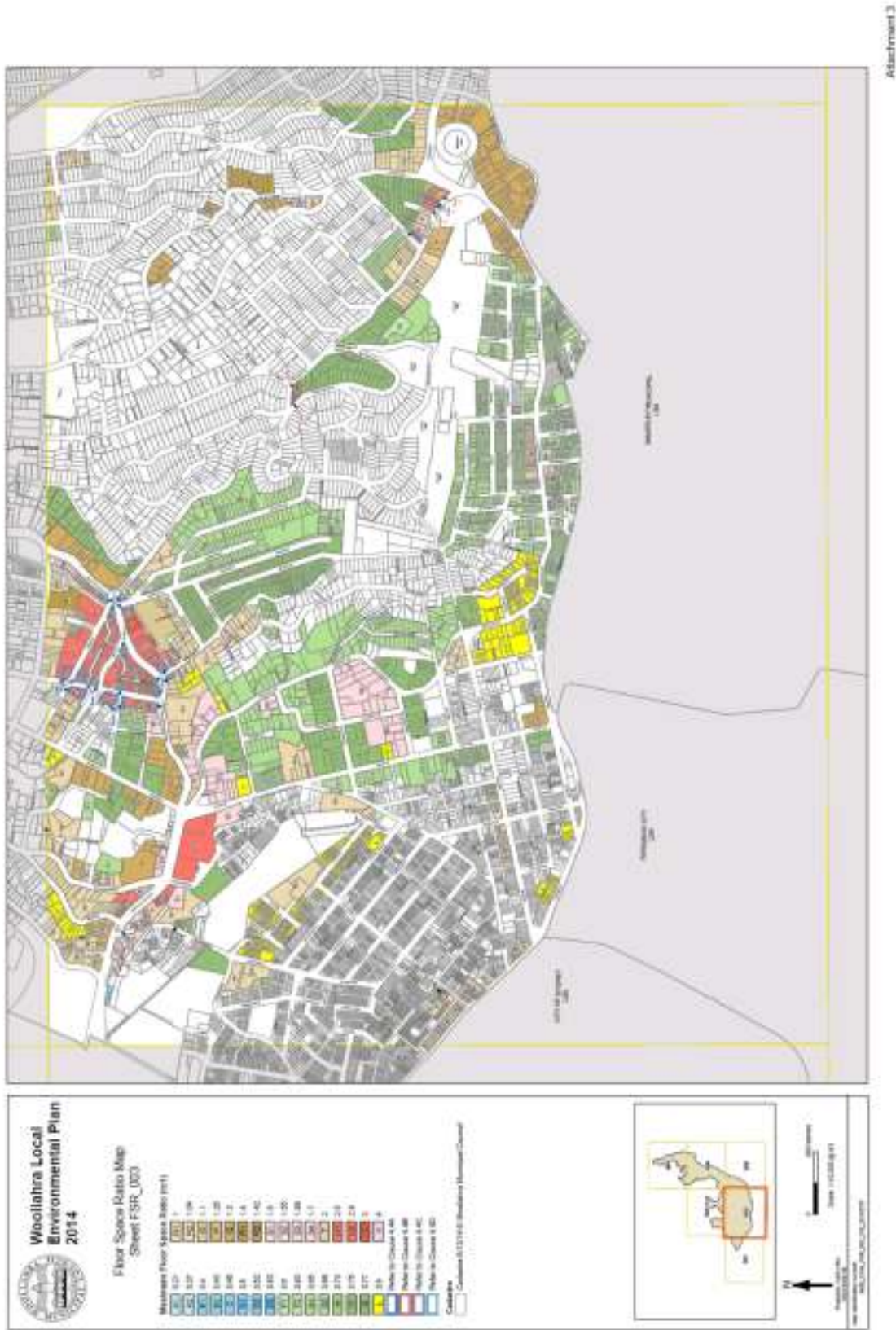
Attachment 2

Planning proposal – 80-84 and 90 New South Head Road, Edgecliff Compliance with section 117 directions		
Direction		Applicable/comment
		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"> 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. 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 This proposal will provide for a density of development which is commensurate with the site's location within a town centre
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.
4	Hazard and risk	
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		
Direction	Applicable/comment	
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.
5	Regional planning	
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.
6	Local plan making	
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.
7	Metropolitan Planning	
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.

Attachment 2





Attachment 3



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)

Annexure 2

Woollahra Municipal Council
Urban Planning Committee Agenda

9 June 2015

Item No: R1 Recommendation to Council
Subject: **PLANNING PROPOSAL FOR 80-84 AND 90 NEW SOUTH HEAD ROAD, EDGECLIFF (SC2708)**
Author: Brendan Metcalfe, Strategic Planner
File No: 15/63203
Reason for Report: To report on the planning proposal prepared by Hamptons Property Services for 80-84 and 90 New South Head Road, Edgecliff.
To obtain Council's approval to prepare a planning proposal and forward it to the Department of Planning and Environment for a gateway determination.

Recommendation:

- 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*.
- D That the applicant meets all costs associated with the preparation and completion of the planning proposal as set out in the Council's fees and charges.

1. Summary

In May 2015 a planning proposal (**Annexure 1**) was submitted to Council by Hamptons Property Services. The planning proposal would facilitate a seven storey mixed use development on 80-84 and 90 New South Head Road, Edgecliff (the site) which is comprised of Lots 4 and 5 in DP 171284, Lot 1 DP 181565 and Lot A in DP 420786.

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

- increasing the maximum FSR from 1.5:1 to 2.87:1
- increasing the maximum height controls from 14.5m on 80-84 New South Head Road and 20.5m on 90 New South Head Road to 23.47m over the entire site.

Overall, we support this planning proposal for the purpose of obtaining a gateway determination from the Minister for Planning and Environment. However, we recommend rounding the FSR and height controls for the site. This is consistent with both Council's standard practice for development standards and the preferred approach of the Department of Planning and Environment (DPE).

The purpose of this report is to obtain Council's approval of the amended planning proposal prior to submitting it to the DPE for a gateway determination. The gateway determination will specify if the planning proposal may proceed, if any amendments are required and specify any conditions that must be satisfied prior to placing it on public exhibition.

2 The site

The site is located at the corner of New South Head Road and Mona Road as shown below in Figure 1: Local area map. 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 1: Local area map (refer to Figure 2 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 1064.2m², 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. Figure 2: Site aerial shows the existing subdivision pattern. The site adjoins heritage items at 9, 11 and 15A Mona Road.

Nos.80-84 are occupied by a three storey commercial building which has a predominantly glazed facade. 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 which allows 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.

The topography of No.90 rises 9.5m from New South Head Road to the rear of the lot. The planning proposal as submitted acknowledges that the right-of way would need to be extinguished in a development that encompassed 80-84 and 90 New South Head Road.



Figure 2: Site aerial



Figure 3: Right of way and setback over No.90 New South Head Road

3 Existing context

The surrounding built form varies considerably as shown in Figure 4: Oblique aerial identifying the number of storeys of surrounding buildings. It includes:

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



Figure 4: Oblique aerial identifying the number of storeys of surrounding buildings

4 The applicant's 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 seven storey mixed use commercial/residential building on the site. The existing B4 Mixed Use Zoning would remain unchanged.

The planning proposal included:

- Architectural renderings
- Concept plans including shadow modelling
- View Analyses for the public and private domain
- Statement of Heritage Impact
- A Traffic Impact Assessment.

4.1 Proposed controls

A summary of the controls under Woollahra LEP 2014 and the applicant's proposal is shown below:

	FSR	Height
Woollahra LEP 2014	1.5:1	80-84 New South Head Road – 14.5m 90 New South Head Road – 20.5m
Planning proposal	2.87:1	23.47m

4.2 Concept plans

The planning proposal 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 studio
- 18 one bedroom
- nine two bedroom dwellings.

Photographs of the existing site and renderings are shown below in Figures 5 to 8. The existing built form on Mona Road is shown in Figure 9.



Figure 5: Existing perspective of the south-west corner (source PTI Architects)



Figure 6: Architectural rendering of the south-west corner (source PTI Architects)



Figure 7: Existing perspective of the western façade (source PTI Architects)



Figure 8: Architectural rendering of the western façade (source PTI Architects)



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

5. Review of the planning proposal

Section 55 of the *Environmental Planning and Assessment Act 1979* (the Act) sets out what information a planning proposal is to include when submitted for a gateway determination. The DPE has prepared *A guide to preparing planning proposals* (the guidelines) dated October 2012 to help applicants meet the requirements of the Act.

We have reviewed the planning proposal in accordance with section 55 of the Act and the guidelines. The review identified where:

- amendments are to be made to the planning proposal, and
- additional information is to be included in the planning proposal.

5.1 Strategic merit

We identify that the planning proposal has strategic merit and provide in principle support. The proposal will facilitate increased residential density in a location that is:

- in walking distance of 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 beaches

- zoned for mixed use development, providing opportunity for services and shops within the development.

Additionally the proposal:

- will assist Council to meet its dwelling target of an additional 2900 dwellings by 2031 under the draft East Subregional Strategy
- is consistent with A Plan For Growing Sydney which promotes urban renewal to increase housing supply
- will improve activation at street level
- will improve passive and active surveillance of the public domain throughout the day with commercial uses on the ground floor and residential uses above.

5.2 Built form

Based on the applicant's indicative concept plans, view analysis, heritage impact statement and shadow diagrams, the proposed planning controls are appropriate in the location. This opinion is not intended to represent a view or position regarding the merits of a future development application for the site.

View sharing, heritage and shadowing are discussed below.

5.2.1 View sharing

The applicant's planning proposal included analysis of views from the public domain in section 6.5 and views from the private domain in Appendix 5.

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 to place the planning proposal on exhibition.

The view is to the west along the New South Head Road Corridor and includes a partial view of the Harbour Bridge. Existing buildings in Potts Point and along New South Head Road obscure the view of the Harbour Bridge as shown in Figure 10.



Figure 10: View from the south-east corner of New South Head Road and New Mclean Street.

In summary, the proposal would result in approximately half of the upper span of the Harbour Bridge being obscured for pedestrians that are crossing New Mclean Street towards the CBD at the intersection of New South Head Road. The Harbour Bridge is visible again once pedestrians have crossed New Mclean Street.

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 are a partial view of the Harbour Bridge and an oblique view of the CBD. The applicant's view analysis concludes that the proposed planning control changes will result in acceptable view sharing.

However, the applicant'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 planning proposal 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 applicant's view assessment.

Despite lots 2 and 3 being omitted from the applicant'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 applicant's view analysis for lots 2 and 3, it is considered that the planning proposal and concept plans can be exhibited to allow public comment.

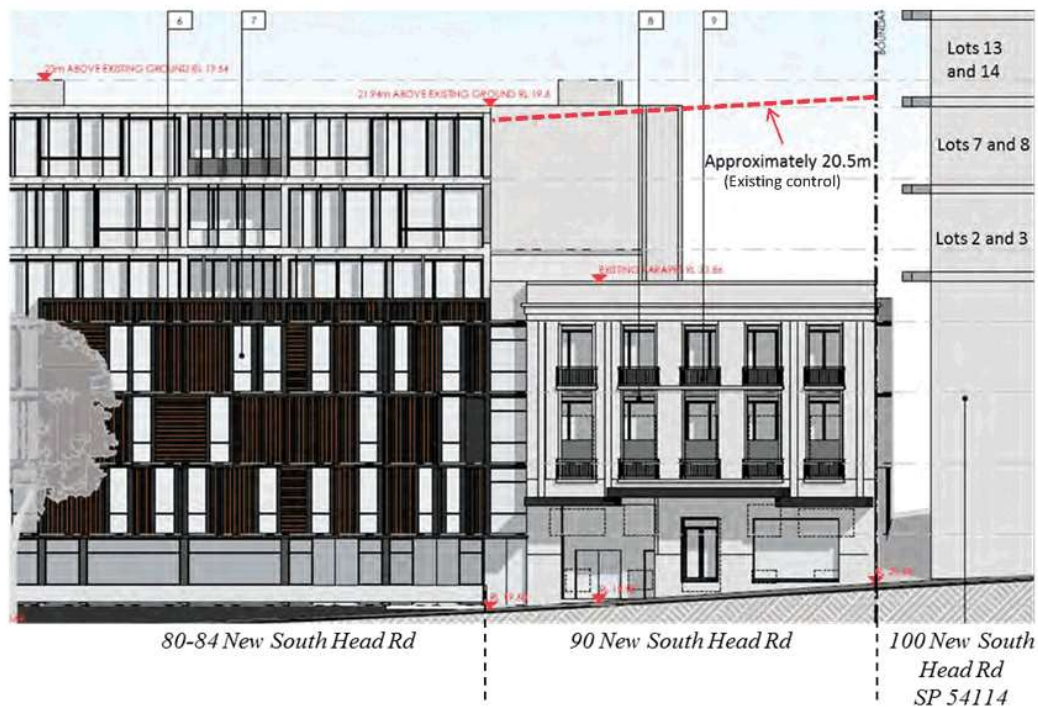


Figure 11: Comparison of concept plans, existing height limit and location of lots in SP 54114

The view analyses will form part of the planning proposal and will be placed on exhibition. They provide information for the community to assess the potential impacts on their properties and make a submission to Council for our further consideration.

5.2.2 Heritage

The site does not have any heritage significance nor is it within a heritage conservation area. However, Nos. 9, 11 and 15 Mona Road adjoin the site. Under Woollahra LEP 2014 these properties are listed as local heritage items and are in the Mona Road Heritage Conservation Area.

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 heritage items adjacent.

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

5.2.3 Shadowing

The planning proposal includes shadow diagrams in Appendix 2. The majority of additional shadowing will be on the roadway of 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 and part of the afternoon to No.100 New South Head Road.

The shadowing impacts are considered to be minor due to the site's location on the north side of New South Head Road. The shadow diagrams will form part of the planning proposal and will be placed on exhibition.

5.3 Amendment to proposed height and FSR controls

For the purpose of exhibition, an increase to the maximum building height and FSR for the site is supported, but not in the format suggested by the applicant.

Height control

The applicant's proposal is to a height of 23.47m across the site. Under Woollahra LEP 2014 heights have been rounded to the nearest 0.1m and the same approach should apply to this planning proposal. Therefore a height of 23.5m is proposed to apply across the site.

FSR control

The applicant's proposal is to apply an FSR of 2.87:1 across the site. Usually Council rounds heights to the 0.1. Therefore an FSR of 2.9:1 is proposed to apply to the site.

These changes to the height and FSR controls are a practical approach to addressing the development standards for the site. The amended FSR will slightly increase the development potential of the site by approximately 30m².

6 Additional information to be submitted with the planning proposal

Section 55(2) of the Act outlines the components a planning proposal must contain. The planning proposal submitted by Hamptons Property Services has generally been prepared in accordance with the Act. However, Council will need to prepare the relevant maps which identify the proposed planning controls for the site.

7 Options for proceeding

There are two options for responding to the planning proposal:

- prepare a planning proposal and submit it to the DPE, or
- notify the applicant that the planning proposal is not supported.

Option 1: Prepare a planning proposal subject to the amendments to height and FSR and submit it to the DPE requesting a gateway determination. This is our preferred approach.

A gateway determination would be requested under section 58(2) of the Act. The Minister, or delegate, will then issue a gateway determination specifying whether the planning proposal is to proceed and, if so, in what circumstances. The gateway determination will confirm the information and consultation required before the planning proposal can be publicly exhibited.

Under section 59 of the Act, if a planning proposal is solely of local significance Council can seek the delegation of the plan-making steps. This planning proposal is considered to have local significance only. We consider the Council should request the delegation of the plan-making steps. This delegation will be to the position of General Manager. It is sub-delegated to the position of Director, Planning and Development as provided in Council's resolution of 29 November 2012. Delegation of a planning proposal removes duplication and streamlines the plan-making process.

Option 2: Notify the applicant that the planning proposal is not supported.

In the event that Council does not support the planning proposal or does not indicate its support within 90 days, the applicant can ask the DPE for a pre-gateway review. Under this review mechanism, the Joint Regional Planning Panel will undertake an independent review of the planning proposal. This is not our recommended approach for this planning proposal.

8. Identification of income

When a planning proposal is not initiated by Council, under section 11 of the *Environmental Planning and Assessment Regulation 2000* we can request payment of all costs and expenses incurred in relation to the planning proposal. The Delivery Program 2013-2017 and Operation Plan 2014/15 sets out the fees and charges for preparing a planning proposal. We recommend that the applicant is responsible for all costs associated with the planning proposal as required by the adopted fees and charges.

9. Conclusion

In principle this planning proposal has merit and, subject to amendments, we recommend that Council forwards the planning proposal for 80-84 and 90 New South Head Road, to the Minister for Planning requesting a gateway determination so that it can be placed on public exhibition for a minimum of 28 days for comment.

As this matter is of local significance only, we recommend seeking delegation of the plan-making steps under section 59 of the Act.

If the gateway determination recommends that the planning proposal proceeds, it should be exhibited in accordance with the Act and any conditions imposed by the gateway determination. Submissions to the exhibition will be reported to the Urban Planning Committee for Council's further consideration.

Brendan Metcalfe
Strategic Planner

Anne White
Acting Team Leader - Strategic Planning

Chris Bluett
Manager - Strategic Planning

Annexures

1. Planning Proposal for 80-84 and 90 New South Head Road, Edgecliff (*circulated under separate cover*)



Gateway Determination

Planning proposal (Department Ref: PP_2015_WOOLL_003_00): to amend Woollahra Local Environmental Plan 2014 to increase the maximum building height and floor space ratio at 80-84 and 90 New South Head Road, Edgecliff.

I, the Director, Metropolitan (CBD) at the Department Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* that an amendment to Woollahra Local Environmental Plan 2014 to increase the maximum building height and floor space ratio at 80-84 and 90 New South Head Road, Edgecliff, should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)* 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 LEPs (former Department of Planning & Infrastructure 2013)*.
2. Consultation is required under section 56(2)(d) of the EP&A Act with:
 - Transport for NSW;
 - Roads and Maritime Services; and
 - Office of Environment and Heritage.

Public authorities are to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).

PP_2015_WOOLL_003_00



4. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 15th day of September 2015.


**Director, Metropolitan (CBD)
Planning Services
Department Planning and Environment
Delegate of the Minister for Planning**

PP_2015_WOOLL_003_00



Mr Gary James
General Manager
Woollahra Municipal Council
536 New South Head Road
Double Bay NSW 2028

Our ref: 16/08154

Attention: Brendan Metcalfe

Dear Mr James

Planning Proposal PP_2015_WOOLL_003_00 – Alteration of Gateway Determination

I refer to Council's email of 7 June 2016 seeking an extension of time to complete planning proposal PP_2015_WOOLL_003_00 to amend the maximum building height and FSR at 80-84 and 90 New South Head Road, Edgecliff.

I have determined as the delegate of the Greater Sydney Commission, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 15 September 2015 for PP_2015_WOOLL_003_00. The Alteration of the Gateway Determination is enclosed.

If you have any questions in relation to this matter, I have arranged for Ms Charlene Nelson of the Department's Sydney Region East section to assist you. Ms Nelson can be contacted on (02) 9228 6570.

Yours sincerely


Karen Armstrong
Director, Sydney Region East
Planning Services

Encl:
Alteration to Gateway Determination



Planning &
Environment

Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2015_WOOLL_003_00)

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(7) of the *Environmental Planning and Assessment Act 1979* (the Act) to alter the Gateway determination dated 15 September 2015 for the proposed amendment to the Woollahra Local Environmental Plan 2014 as follows:

1. Delete:

"condition 4"

and replace with:

a new condition 4 "The timeframe for completing the LEP is by 7 March 2017"

Dated 17th day of JUNE 2016

A handwritten signature in cursive script that reads "Karen Armstrong".

Karen Armstrong
Director, Sydney Region East
Planning Services
Department of Planning and
Environment

**Delegate of the Greater Sydney
Commission**

PP_2015_WOOLL_003_00

From: [HAWELL, MANWELLA](#)
To: [Kira Green](#)
Subject: RE: Planning Proposal 80-84 and 90 New South Head Road, Edgecliff
Date: Friday, 8 July 2016 12:27:20 PM
Attachments: [image001.png](#)

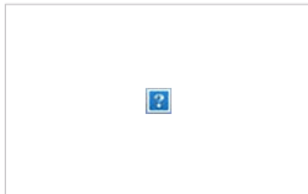
Hi Kira,

Thank you for referring the Planning Proposal listed above to Sydney Water. I have reviewed the application and can provide the following comments:

- Sydney Water has no objection to the Planning Proposal.
- Water services are available from the 150mm main on New South Head Road and 205mm main on Mona Road.
- Wastewater services are available from the 225mm mains in New South Head Road and Mona Road.
- Amplifications and extensions to these mains may be required depending on the size and scale of development.
- Detailed requirements will be provided at the Section 73 application phase.

If you have any further questions please do not hesitate to contact me.

Many thanks,
Manwella



Manwella Hawell | Student Town Planner

City Shaping | Sydney Water
Level 7, 1 Smith St Parramatta NSW 2150
PO Box 399 Parramatta NSW 2124

T [REDACTED]
E [REDACTED]
sydneywater.com.au



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From: [Michael Wright](#)
To: [Records](#)
Cc: [Michael & Margaret Wright](#)
Subject: 80-84 and 90 New South Head Road Edgecliff
Date: Sunday, 10 July 2016 7:14:25 PM

Dear Sir/ Madam

I am writing in response to the public exhibition of the proposed development at 80-84 and 90 New South Head Road Edgecliff.

My first concern is for the **protection of all street trees** on both New South Head Road and Mona Road. Under no circumstances should any of these trees be harmed and certainly **not removed**. Sufficient setbacks to protect the extensive root systems is essential.

My second concern relates to maintaining some variety of building form along the frontage of New South Head Road. A 3m difference in height between 80-84 and 90 New South Head Road is **insufficient** to maintain the **variation of building form and mass** along this main road. Some consideration should be given to the appearance of these proposed buildings within the overall urban setting and the composition of buildings, as an entrance to Edgecliff.

I ask the Council to consider these issues when responding to this application.

Thank you for the opportunity to comment on this proposal.

Yours sincerely

Michael Wright

 Rathdrum Properties Pty Ltd

13 July 2016

General Manager
Woollahra Council
PO Box 61
Double Bay, NSW 1360.
records@woollahra.nsw.gov.au

Dear Sir/Madam

Planning proposal:80-84 and 90 New South Head Road, Edgecliff Ref SC2702

In relation to the above application, whilst we acknowledge that the development will have a significant overshadowing effect on our building but also recognize and accept that the area is undergoing a transformation to higher density uses and substantial residential conversion, so we will not register a formal objection.

Yours sincerely



Richard O'Connor
Property and Development Manager

Rathdrum Properties Pty Limited | ABN 38 425 241 787 | PO Box 238, Edgecliff NSW 2027
Level 3, 135-153 New South Head Road, Edgecliff NSW 2027 | T 02 8469 5505 | F 02 9669 3627

Woollahra Council NSH Rd Development

P & J Madziar

[REDACTED]
Sydney NSW 2000

Email: [REDACTED]

Telephone: [REDACTED]

4 August 2016

To:

Email: records@woollahracouncil.nsw.gov.au

Re: SC2701 Submissions

80-84 & 90 New South Head Road, Edgecliff

As the owners of 9 Mona Road, Darling Point we are the first terrace immediately adjoining 80-84 New South Head Road and directly behind our property is 90 New South Head Road. We would consider that our property is most impacted by this proposed development.

You would be aware that our property frontage is subject to a Heritage Order and I understand that the adjoining terrace at 11 Mona Road have been advised in a recent development application that they are not allowed to alter the rear 2nd storey of their property as this is also considered heritage. This would mean that both the front and rear of our terrace is heritage listed and as such externally cannot be altered.

On our title is a rear "right of way" which over the years we have had to fight developers as to the importance and legality to our property of this access. This was the case when Nati Stoliar in collusion with the Woollahra Council (I have this documented) tried to take possession of this rear access to redevelop 90 New South Head Road and it appears again we have to fight for what is rightfully on our title with the owners of 80-84 NS Hd Road & 90 NSH Rd to enable them to build directly to our boundary at the rear of our property to gain the most profit from the development, thus totally encasing our property.

We strongly object to a 7 storey apartment block being built directly on our boundaries – both side and rear with all units (balconies & windows) facing onto our property. By increasing the maximum FSR to 2.9:1 and the building height to 23.5m over the entire site you would be allowing the developer to build 12 x studios, 18 x 1 bedroom and 9 x 2 bedroom units (approx. 50 residents) directly invading our property and privacy and our right to use our garden. Not forgetting the noise from these units with windows and balconies facing onto our garden.

This development allows for 15 car parking spaces with the ingress and egress onto the Cnr of Mona Rd and NSH Rd, already a busy intersection at all hours – 7 days a week. All the heritage listed terraces on the lower part of

Woollahra Council NSH Rd Development

Mona Road have none or limited parking and adding and extra 30 cars to find parking on Mona Road is an ill considered decision. Residential parking requirements along with a restaurant and serviced apartments opposite on Mona Rd create an intolerable situation regarding street parking. Resident parking stickers are like selling raffle tickets in an already sold out raffle – one would have to say it is a very good income stream for Woollahra Council with no guarantees attached to the purchases of the tickets – the only beneficiary being the seller.

The area currently is a listed heritage area and by allowing this development to tower over and adjacent to our terrace is abhorrent in design and in the spirit of conservation of the area.

Our other concern is that light and sunlight from the east would be excluded and airflow into our property by overbuilding on the southern and eastern boundaries of our terrace would be stifling when also taking into consideration the huge trees on the nature strip on Mona Road which cause afternoon shadowing and the blocking of light onto our property. In this regard we have asked the Council on numerous occasions to trim back these trees but to no avail. It is not pleasant living in a dark terrace with large trees overhanging it.

I do hope Council gives us due consideration and not approve this development which is contrary to the Heritage Orders that are imposed on ourselves.

Paul & June Madziar

MAE V. LANGFORD
M.B., B.S., F.R.A.C.G.P.

401 / 2 DARLING POINT ROAD
DARLING POINT N.S.W. 2027

Council Reference: 15/128168 52702
(Submissions)
Brendan Metcalfe.

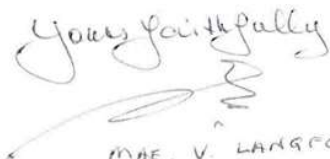
5 Aug. 2016

Dear Sir,

Re: Planning Proposal 80-84 and 90 New Sth. Hd. Rd.
I oppose the planned proposal for 80-84 and 90 New South Head Rd.
I live in lot 2 Strata plan 54114 (unit 401) and
have done so for over 16 years. It is a dwelling and
NOT an office. It is a 3 bedroom unit but, with the exception
of one bedroom and the guest toilet, is entirely west facing,
and overlooks 80-84 and 90 New South Head Road, Edgecliff.
All light, air circulation and warmth comes from this aspect,
especially in the lounge-dining area which is closest to
New South Head Road, and so any building which is constructed
to the proposed height, which would bear the brunt of
any loss of amenities. The balcony is also west facing.

I am in my 87th year and spend most of my life
in my apartment and daily enjoy watching the city
skyline and movement on New South Head Road as well
as peak hour trains. I also gain pleasure from sunsets,
cloud movements etc. and gauge rain by looking at the
surface of New South Head Rd. Should the proposed building
go ahead all this would be permanently and inevitably lost!

I conclude by stating I oppose the proposed building
plans as it would greatly reduce the light and warmth
I now enjoy (and have since I moved into my unit) and
would greatly reduce my quality of life and that of any
occupants who succeed ~~me~~ me.

Yours faithfully

MAE V. LANGFORD

John Scholz
Chairman
Strata Plan 54114

10 August 2016

General Manager
Woollahra Council
File No: 15/63203
Reference: SC2702
Re: Planning proposal for 80-84 and 90 New South Head Road

Dear Sir,

I am writing to in regards the proposal of the development at 80-84 and 90 New South Head Road.

Specifically, two of our owners will be impacted by loss of view in regards to this proposed development. There are also inaccuracies in the proposed planning proposal submitted by Hampton Property Services.

First to address these inaccuracies please refer to the attached side view of the development. Lots 2 and 3 are residential and in Strata plan 54114, however they are one floor higher than indicated in the proposal. These two lots will be primarily affected by view loss and potential depreciation in value. The next floor up (lots 7 and 8) will be partially affected in that they will looking out onto a roof which will in effect block their downward view on to New South Head Road and the Cross City Tunnel.

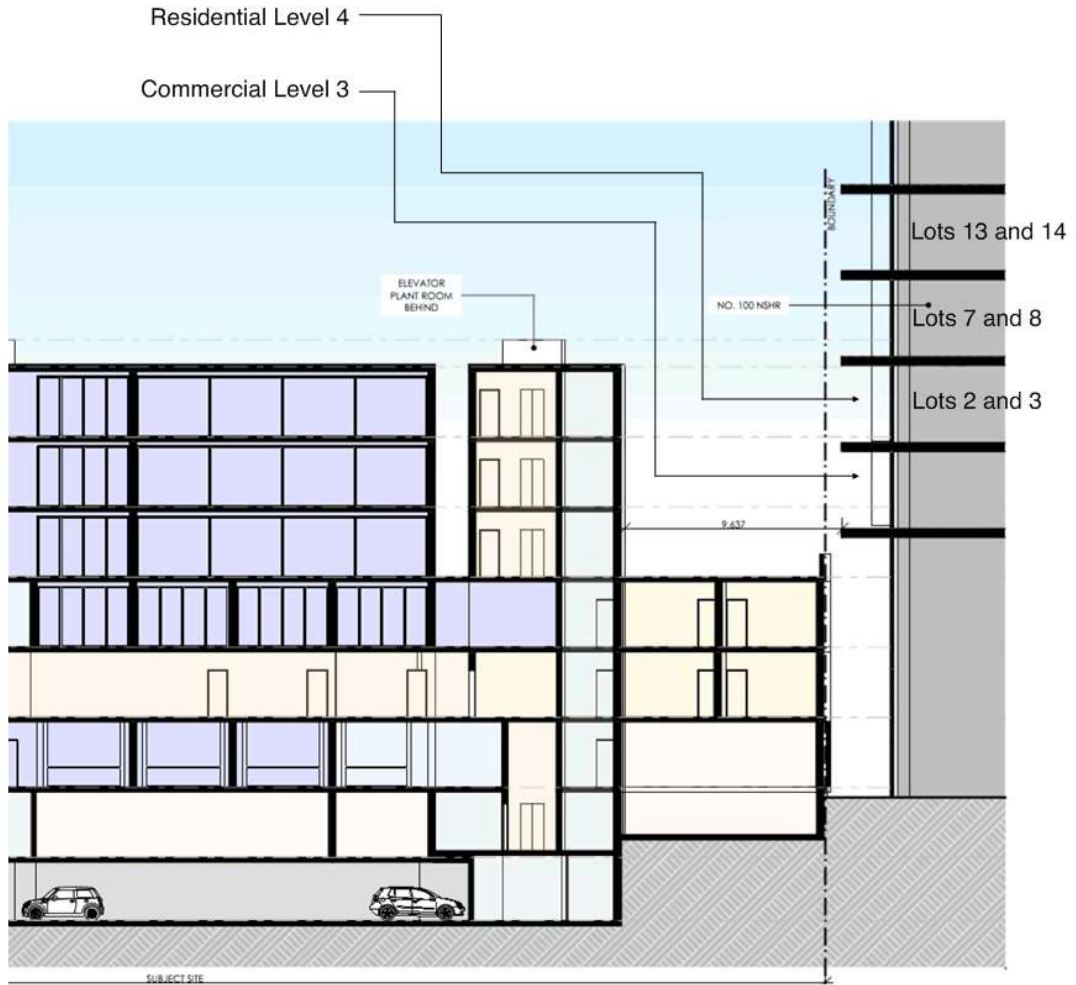
The report submitted by goes through in detail the loss of view and refers to 4 principles in the assessment approach in regards to these lots.

- Principle 1 - The reports acknowledges that an iconic view will be lost, specifically the Sydney Tower but I would also endeavour to point out that the Sydney CBD is in itself an iconic view.
- Principle 2 - The report identifies lot 7 (actually lot 2) as having an oblique view. As shown in the attached photos the oblique angle is quite small. There will be a total loss of view that occurs from sitting in the lounge room, sitting in the TV room with an 80% loss of view from standing on the balcony.
- Principle 3 - There can be no doubt that the loss of view is not confined to certain parts of the apartment but to the whole apartment. The view loss can easily be described as devastating, not minor as indicated in the report.
- Principle 4 - The planning controls are not compliant with existing controls as both the FSR and height fall outside the current guidelines.

There can be no doubt that this development would severely impact the current owners of lots 2 and 3 on the significant views they now enjoy. This development would also impact on both the value and the marketability of their property. My personal view is that this design is also not in keeping with the stately aspect of both 90 and 100 New South Head Road that harmonise nicely together. It will look like an oddity rather than blend in with the streetscape approaching Edgecliff.

We object strongly to this development going ahead in its current form.

Regards



View from sitting on sofa. This view will be entirely blocked.



View from standing on balcony. This view will be entirely blocked.



View from TV room. This view will be entirely blocked.

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: reference number SC2702 - Objection notice
Date: Friday, 12 August 2016 12:01:15 PM
Attachments:

The General Manager
Woollahra Council

Hello,

**RE: OBJECTION TO PLANNING PROPOSAL FOR
NOS.80-84 AND 90 NEW SOUTH HEAD ROAD, EDGECLIFF**

We are the owners of 11 Mona Road Darling Point and we wish to express objection to the Planning Proposal at Nos.80-84 and 90 New South Head Road.

The proposal is to amend Woollahra Local Environmental Plan 2014 to increase the maximum FSR from 1.5:1 to 2.9:1 and increase 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 height increase is intended to facilitate a seven storey development.

The proposed amendments to the development standards will have a tangible adverse impact on our respective clients' properties. There are a number of key issues which can be summarized as follows:

- Impact on Right of Way & Evacuation impacts;
- Traffic and Parking;
- Overbearing Bulk and Scale;
- Sense of enclosure and Privacy;
- Storm water and drainage;
- Excavation impacts & Construction impacts;

We have also identified that the proposal is likely to result in a loss of iconic views from No. 92 New South Head Road and while we do not specifically represent these property owners, this is an important factor that should be considered in the assessment of the Planning Proposal. These matters will now be discussed.

1.0 Impact on Right of Way & Evacuation Impacts

A right of way is located between Nos.80-84 and 90 New South Head Road. This right of way benefits Nos.9, 11 and 15A Mona Road by providing pedestrian access to the rear of these properties. The right of way is also utilised for garden maintenance, tradesmen access, delivery and removal of household items, garbage and debris removal and provides fire egress as well as fire and emergency service access to the rear of Nos.9-15A Mona Road (see Photograph 1 on the following page).



Photograph 1: The Right of Way Access from New South Head Road

The proposal acknowledges the right of way and indicates that the redevelopment of the site would require the easement to be extinguished. This would require the agreement of the owners of Nos.9-15A Mona Road and it would appear the applicants for the Planning Proposal have simply assumed this would be forthcoming. The incorporation of the right of way into the concept development indicates a disregard for the adjoining property owners.

Removal of the right of way would eliminate the secondary access to Nos.9-15A Mona Road. In the case of No.15A Mona Road, the right of way is particularly significant. This site has an approval for self-contained apartments and requires the right of way access to provide fire egress and fire and emergency services access.

Any concept scheme for the subject site should be required to have regard to the right of way and the retention of secondary access to the adjoining properties. Simply indicating the right of way would be extinguished is not an appropriate approach and further consideration should be given to this aspect.

In case of a fire or emergency the closure over the right of way adds risk to the safety of our family.

2.0 Traffic and Parking

The proposed amendment to the planning controls and resultant redevelopment would generate additional traffic movements and increase car parking demand. It is noted that car parking and traffic generation would be considered as part of any future development application however, a prudent planning approach would be to ensure that the subject site can adequately cater for the needs of the development at the strategic planning stage.

The applicant's Traffic and Parking Report indicates that the residential component of the concept scheme would generate demand for 33 car parking spaces while the retail/commercial component would generate between 9-12. The traffic report goes on to argue that the commercial/retail parking should be reduced to zero by relying on off-set credits. The concept proposal provides only 10 car parking spaces which is less than a quarter of the requirements under the Woollahra DCP 2015.

Insufficient consideration has also been given to commercial loading/unloading and waste disposal. The Traffic and Parking Report proposes relying on a loading zone on Mona Road which would be incompatible with the residential uses on the eastern side of the street.

There are "no standing" restrictions along the eastern side of Mona Rd in front of 9, 11, 15A and 15 and 17. This part of Mona Rd is used as a traffic lane by cars turning left up New South Head Road. It would not be possible to provide for a loading zone without backing up traffic all the way up Mona Rd. The loading zone would also be dangerously close to the intersection of New South Rd.

Despite being a development application consideration, the high level traffic and parking implications of the proposal should be considered carefully at the strategic planning stage.

3.0 Overbearing Bulk and Scale

The proposed amendments to the height and floor space ratio development standards would result in a building with overbearing bulk and scale when compared to the existing, heritage listed, 2-3 storey terrace houses at Nos. 9, 11, 15A and 15 and 17. The proposed 23.5m height limit will dwarf the existing terraces which have an LEP height limit of 10.5m (see Figure 1).



Figure 1: The Incompatibility of the Proposal with Existing Development

Despite the 10.5m height limit, the heritage status of these properties suggests they are likely to remain on site. The strategic planning process should carefully consider the likely interface between the site that is subject of the planning proposal and Nos. 9-17 Mona Road in light of these issues.

The proposed design is out of character with the area and current heritage listed building that surround the proposed development (Lot size and shape, Topography, Streetscape, Front setbacks, Side and rear setbacks, Architectural style, Landscaping, Building form, Height, Building materials, car parking)

4.0 Sense of Enclosure

In addition to the incompatibility of the proposed building heights with the adjoining neighbours, a further issue is the sense of enclosure that the proposed controls would create.

The concept scheme indicates a seven storey building constructed at the boundary of No.9 Mona Road which addresses the entire side boundary length of this site which, in addition to a sense of enclosure, may also generate privacy impacts. Any building form on this site should be effectively restricted by the development standards to ensure it relates favourably to adjoining properties by providing a transition in building height.

The plans shown all have balconies that directly look onto Nos. 9, 11, 15A and 15 and 17 Mona Road properties impacting on privacy.

5.0 Storm Water & Drainage

There is currently a major problem with storm water and drainage in this area (see picture attached IMG 0560 and IMG 0561 after 5 full days on sunshine). There is a constant flow of water.

6.0 Excavation impacts & Construction impacts

The excavation and construction process will have an impact on all those living near this proposed development through the noise and debris caused. While this proposed process takes place there will be ongoing elevated risk to many of the items listed above

Kind regards,

Chris & Lucy Foster
11 Mona Road
[REDACTED]

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heritagemailbox@environment.nsw.gov.au
www.heritage.nsw.gov.au

File No: SF16/29210
Ref No: DOC16/334740

General Manager
Woollahra Council
PO Box 61
Double Bay NSW 1360

By email: records@woollahra.nsw.gov.au;

Dear General Manager

RE: Planning proposal for 80-84 and 90 New South Head Road, Edgecliff

I refer to your email dated 06 July 2016 regarding the abovementioned planning proposal requesting comments from the Heritage Council. The planning proposal seeks to amend Woollahra Local Environmental Plan 2014 to make the following changes to the planning controls that apply to the land:

- increase the maximum FSR from 1.5:1 to 2.9:1
- increase 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.

The proposed development adjoins heritage items at 9, 11 and 15A Mona Road that are listed on the Schedule 5 of the Woollahra LEP 2014. Other local heritage items, mainly residences, are also in the vicinity of the subject site. The subject site is close to the Mona Road Heritage Conservation Area (north of the site) and the Paddington Heritage Conservation Area (across New South Head Road). Neither the study area nor any items within it are listed on the State Heritage Register, hence the Heritage Council of NSW is not a consent authority in this instance. It is recommended that Woollahra Council, as a consent authority, give consideration to any adverse impacts on the heritage significance of the local heritage items in the vicinity of the subject site.

Any proposed building on this site should respond to the aesthetic significance of the adjoining heritage items. It is considered that the indicative design of the building shown in the planning proposal does not respond adequately. Such impacts should also be mitigated by the use of appropriate building materials and colour palette in addition to the building design and detailing.

If you have any questions regarding the above matter please contact Vibha Bhattarai Upadhyay, Heritage Assessment Officer, at the Heritage Division, Office of Environment and Heritage on [REDACTED].

Yours sincerely

A handwritten signature in black ink, appearing to read "Rajeev Maini".

Rajeev Maini
Acting Manager, Conservation
Heritage Division
Office of Environment & Heritage
As Delegate of the NSW Heritage Council
12 August 2016

Helping the community conserve our heritage

The General Manager
Woollahra Municipal Council
533 New South Head Road
Double Bay
NSW 2028

12th August 2016

Attention: Strategic Planning

RE: SC2702 : Planning Proposal 80-84 New South Head Road
Edgecliff

Dear Sir/Madam,

We confirm our strong support for the above proposal.

Existing building stock on New South Head Road between Rushcutters Bay and the Edgecliff Centre is, except for a few notable exceptions, of poor quality, provides little contribution to the streetscape or public domain, and results in this section of New South Road being visually unattractive, dominated by vehicular traffic, and lacking pedestrian amenity or vitality.

Sound urban planning principles and practice should encourage increased density where urban revitalisation can be achieved without compromising the amenity of existing residential areas, the public domain, or detrimentally affecting the viability of existing businesses which are compatible with the zoning and desired future character of the area.

Increasing density enables revitalisation of older building stock by the private sector to become financially viable and provides opportunities for increased vitality within the public domain through the activation of ground and first floor street frontages, improved pedestrian amenities, landscaping and other streetscape improvements.

Located on the north side of New South Head Road, the proposal will not result in unreasonable detrimental environmental effects, include loss of sunlight or views, to residential buildings in the vicinity, and subject to adequate building setbacks, would not result in a sense of enclosure to residential buildings to the north.

This section of New South Head Road is an important gateway to the Woollahra Municipality, and a key route to the eastern beaches of Sydney Harbour and other significant tourist destinations.

Current density and maximum heights for buildings in this part of New South Head Road as contained in the Woollahra LEP2014 are, in most cases, inadequate to encourage or enable replacement of existing older building stock with new contemporary buildings which would create the desired revitalisation of the streetscape and public domain due to this being unfeasible on economic grounds.

The objectives of the B4 zoning contained in the Woollahra LEP2014 applicable for these properties are;

To provide a mixture of compatible land uses.

- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

howe
architects

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P +61 2 93281198 F +61 2 93282459 E admin@howearchitects.com
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- *To provide active ground floor uses to create vibrant centres.*
- *To provide for development of a scale and type that is compatible with the amenity of the surrounding residential area.*
- *To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.*

and it is our considered opinion that the proposal meets these objectives.

The objectives of floor space ratio contained in the Woollahra LEP2014 applicable for these properties are;

- *to ensure that buildings are compatible with the desired future character of the area in terms of bulk and scale.*

and it is our considered opinion that the proposal meets these objectives.

The objectives of floor space ratio contained in the Woollahra LEP2014 applicable for these properties are;

- (a) *to establish building heights that are consistent with the desired future character of the neighbourhood,*
- (b) *to establish a transition in scale between zones to protect local amenity,*
- (c) *to minimise the loss of solar access to existing buildings and open space,*
- (d) *to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,*
- (e) *to protect the amenity of the public domain by providing public views of the harbour and surrounding areas.*

and it is our considered opinion that the proposal meets these objectives.

The two properties fall within the requirements of Chapter D3 of the Woollahra Development Control Plan 2015 (WDCP2015), General Controls for Neighbourhood and Mixed Use Centres (Edgecliff Corridor).

Clause D3.3 of the WDCP2015 provides the following objectives with respect to Street Character applicable to the proposal;

- O1 *To ensure development contributes to active and desirable pedestrian environments.*
- O2 *To create an active interface between ground level retail or commercial properties and the street.*
- O3 *To ensure development contributes to cohesive streetscapes.*
- O4 *To ensure development responds to predominant streetscape qualities and contributes to the desired future character of the centre.*

subject to meeting other WDCP2015 objectives and applicable controls it is our considered opinion that the proposal would improve the pedestrian environment and vitality at street level, consequently meeting these objectives.

Clause D3.4 of the WDCP2015 provides the following objectives with respect to Building Form applicable to the proposal;

- O1 *To achieve a built form of a scale and character in keeping with the desired future character of each centre.*
- O2 *To relate new development to existing building lines and grades along the street frontage.*
- O3 *To protect solar access to adjoining residential zoned land in winter.*
- O4 *To protect significant views and vistas.*

and it is our considered opinion that the proposal meets these objectives.

BHA/OFFICE/WORD/CORRO/OUTWARD/160812_SUBMISSION_PLANNING PROPOSAL 80 NSH ROAD EDGECLIFF

While this letter serves to confirm our strong support for the current proposal, we also believe our comments and observations are applicable for properties on the north side of New South Head Road between Rushcutters Park and Ocean Avenue, and for properties on the south side of New South Head Road between Glenmore Road and Mahoney Lane.

Therefore we request and encourage Council to revisit both the maximum heights and floor space ratios contained in the WLEP2014 for these properties also.

It is our considered opinion, based upon the likely environmental impacts of increased building height, bulk and scale, including impacts on view and solar access, that buildings facing New South Head Road in these areas should have a floor space ratio (GFA) of between 2.5-3.0:1, and a maximum height of 16.5 metres (O2).

This would result in enabling redevelopment of older building stock in these areas to;

- be financially viable,
- to be compatible with the appropriate bulk and scale of previous urban renewal and redevelopment between New McLean Street and Glenmore Road,
- achieve the objectives of both the WLEP2014 and WDCP2015,
- minimise adverse environmental impacts on residential areas or the public domain,

and to provide the necessary vitality, improved streetscape and public domain amenities that this part of New South Head Road is currently sadly lacking.

We trust Council will see merit in both this planning proposal and amending current planning instruments to encourage and achieve the necessary urban renewal of this important gateway.

Yours sincerely,



Chris Howe
Director
Chartered Architect NSW 6758
Registered Architect NZ 2973
AIA, NZIA, ATA, AUSES, USGBC

From: [NICHOLSON Rachel A](#)
To: [Records](#)
Subject: Exhibition of a planning proposal for 80-84 and 90 New South Head Road, Edgecliff - 15/128123 SC2702
Date: Friday, 12 August 2016 3:40:49 PM
Attachments: [IGA_12_8_2016_15_29_33_159.pdf](#)

Attention: Brendan Metcalfe

Good afternoon

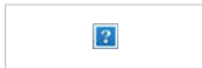
Please find attached Roads and Maritime's comments on the subject planning proposal.

If you have any questions please give me a call on the details below.

Kind regards
Rachel

Rachel Nicholson
Land Use Planner
Network Management | Journey Management
[REDACTED]

Roads and Maritime Services
Level 5 27 Argyle Street Parramatta NSW 2150



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Transport
Roads & Maritime
Services

12 August 2016

Roads and Maritime Reference: SYD16/00884 (A14070337)
Council Reference: 15/128123 SC2702

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

Attention: Brendan Metcalfe

Dear Sir/Madam,

**PLANNING PROPOSAL TO AMEND WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014
80-84 AND 90 NEW SOUTH HEAD ROAD, EDGECLIFF**

Reference is made to Council's letter dated 5 July 2016, concerning the abovementioned planning proposal which was referred to Roads and Maritime Services (Roads and Maritime) for comment in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979* and Gateway determination.

Roads and Maritime has reviewed the submitted information and notes the planning proposal seeks to increase the maximum Floor Space Ratio for the subject site from 1.5:1 to 2.9:1, and increase the maximum building height from existing 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. It is noted there is no proposed change to the existing B4 Mixed Use zoning.

Roads and Maritime has reviewed the planning proposal and supporting traffic study and raises concerns with the proposed access arrangements for the subject site. In this regard, Roads and Maritime provides detailed comments at **Attachment A** in relation to the access arrangements for Council's consideration, to be addressed prior to forwarding the planning proposal to the Department of Planning and Environment for consideration and gazettal of the LEP amendments.

If you have any questions in relation to these matters, please contact the nominated Land Use Planner, Rachel Nicholson [REDACTED]

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Greg Flynn', written over a circular stamp or seal.

Greg Flynn
Manager Strategic Land Use
Network and Safety Section

Roads and Maritime Services

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

www.rms.nsw.gov.au | 13 22 13

Attachment A – Detailed comments

Access Requirements

1. Any future redevelopment of the subject site would be required to obtain vehicular access to the proposed development via Mona Road (as proposed), as direct vehicular access to New South Head Road would not be permitted for the redevelopment.

Roads and Maritime would not support the traffic signal system proposed at the vehicle crossover on Mona Road, as described in the traffic study accompanying the planning proposal. Roads and Maritime would have significant road safety concerns with any traffic control device at the access visible from the public road network. A traffic light system at the driveway access would imitate traffic controls signals and may be interpreted to be giving instruction to motorists on the approaches to the intersection of Mona Road and New South Head Road, particularly given the close proximity of the driveway to the signalised intersection.

The driveway should instead be designed to provide a minimum of 5.5 metres width for the first 6 metres to accommodate simultaneous entry/exit movements of vehicles at the driveway and mitigate the risk of potential vehicle conflicts at the crossover on Mona Road.

2. Regardless of the amount of parking provided on the site for any future DA, Roads and Maritime has concerns with regard to the potential for a vehicle turning right into the site access to cause queueing back into the signalised intersection of Mona Road and New South Head Road (particularly at peak hour times) given the very limited distance between the driveway and the traffic signals. Roads and Maritime would strongly recommend the driveway to be restricted to left-in and left-out movements only. Subject to Council's agreement, this would need to be physically enforced by means of a raised concrete median being installed on Mona Road from the stop line at the traffic signals, extending to an appropriate distance past the access driveway to prevent right turns. Given that this arrangement may inhibit right turns at the existing access on the opposite side of Mona Road, Council would need to be satisfied that appropriate consultation is carried out with the (potentially) affected landowner/s opposite the subject site.

Should the above option not be feasible/not be supported by Council, it would need to be demonstrated that the Mona Road departure side of the intersection can cater for northbound vehicles departing the intersection to easily pass a stationary right turning vehicle (waiting to turn into the site), with a service vehicle parked in the on-street loading zone on the western side of Mona Road. In this regard, swept path plans should be submitted to show that vehicles can pass at this location. The Mona Road departure side of the signals may need to be widened with pavement/linemarking adjustments to allow vehicles to pass, should there not currently be adequate width.

3. Roads and Maritime requests that a strategic concept plan is prepared to demonstrate that the above concerns can be addressed, and the access arrangements can be accommodated within the existing road reserve. Should additional pavement width be required to accommodate the access requirements, land may need to be dedicated to Council on the Mona Road frontage to ensure that the access to the future development can be constructed.

Should any additional land be required, this would need to be reflected in a site specific development control plan and LEP maps for the site to show the extent of land to be dedicated (if required) and development setback requirements.

Noise Mitigation

4. The future redevelopment should be designed such that road traffic noise from New South Head Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007.

From: [Efi](#)
To: [Records](#)
Subject: OBJECTION TO PLANNING PROPOSAL FOR NOS. 80-84 AND 90 NEW SOUTH HEAD ROAD, EDGECLIFF
Date: Friday, 12 August 2016 3:51:28 PM

Attention: Mr Chris Bluett
The General Manager
Woollahra Council
536 New South Head Road
DOUBLE BAY NSW 2028

Dear Mr Bluett,

I am the owner of 15A Mona Rd, Darling Point.

I am writing to object to the Planning Proposal at Nos.80-84 and 90 New South Head Road, Edgecliff

The proposal seeks to:

- (i) almost double the maximum FSR under the Woollahra Local Environmental Plan 2014 from 1.5:1 to 2.9:1 and
- (ii) Increase the maximum building height from 14.5m on 80-84 New South Head Road to 23.5m.

This height increase is intended to facilitate a 7- storey development directly adjacent to 2 storey heritage listed terraces.

The proposal adversely impacts on my property and the properties of my neighbours in so many ways.

- (i) Impact on Right of Way.
It seeks to extinguish valuable rights of way without regard to the importance of such rights of way. The rights of way that pertain to Nos.9-15A Mona Road provide pedestrian access to the rear of our properties. The rights of way are also utilized for garden maintenance, tradesmen access, delivery and removal of household items, garbage and building debris and provides fire egress as well as fire and emergency service access to the rear of Nos.9-15A Mona Road.
- (ii) Traffic and Parking.
The concept proposal relies on a loading zone on Mona Road and provides only 10 car parking spaces which is less than a quarter of the requirements under the Woollahra DCP 2015. This would have detrimental effects to traffic flowing down Mona Rd and turning into New South Head Road. It would also mean that current Mona Rd residents that do not have onsite parking would lose access to the very limited on street parking spaces currently available on Mona Rd as new residents of the development (that are not provided with sufficient parking) vie for these limited spots.

- (iii) Overbearing Bulk and Scale.
The proposed development has an overbearing bulk and scale and creates a sense of enclosure and has privacy impacts on my property and the property of my neighbours.
- (iv) Heritage impact
The proposed development does not respect the curtilage of my property and the property of my neighbors as heritage items. It will dwarf them and detract from their level of significance.
- (v) Loss of Iconic Views
Many of the residents of No.92 New South Head Road would lose iconic views as a result of the proposed increase height and FSR.
- (vi) Excavation and Construction Impacts
The extensive excavation and construction associated with a development of this size and scale would result in significant and extended disturbance to my property, neighbouring properties and all the residents of Mona Rd.

I sincerely hope that you take these important considerations into account and amend the planning proposal to reduce the height and FSR in order to eliminate these adverse impacts on my property, my neighbouring properties and all the residents of Mona Rd. The developers of Nos. 80-84 and 90 New South Head Road, Edgecliff should be made to comply with the controls in the Woollahra Local Environmental Plan 2014.

Yours faithfully
Efi Kremetis



COMINO ♦ PRASSAS
SOLICITORS, NOTARIES & MEDIATORS



JOHN N. COMINO
Dip. Law (S.A.B.), Public Notary
Mediator (LEADR Panel)
Accredited Specialist in Property Law

STEVEN G. PRASSAS
B.A., Dip. Law (S.A.B.), Public Notary
Mediator (LEADR Panel)

Our Ref: JC: 216001

10 August 2016

The General Manager &
The Manager, Strategic Planning
Woollahra Council
536 New South Head Road
DOUBLE BAY NSW 2028

Attention: Mr Chris Bluett

EMAIL:

Dear Sir

**RE: Objection to planning proposal for Nos.80-84 and 90 New South Head Road,
Edgecliff
Reference No. 16/85544**

On behalf of the owners of Nos.2, 9, 11, 15A and 15 and 17 Mona Road Darling Point, we wish to express objection to the Planning Proposal at Nos.80-84 and 90 New South Head Road.

The proposal is to amend Woollahra Local Environmental Plan 2014 to increase the maximum FSR from 1.5:1 to 2.9:1 and increase 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 height increase is intended to facilitate a seven storey development.

The proposed amendments to the development standards will have a tangible adverse impact on our respective clients' properties. There are a number of key issues which can be summarised as follows:

- Impact on Right of Way;
- Traffic and Parking;
- Overbearing Bulk and Scale;
- Sense of enclosure;
- Heritage impact on significance of heritage items of 9, 11 and 15 Mona Road;
- Excavation impacts;
- Construction impacts;

We have also identified that the proposal is likely to result in a loss of iconic views from No. 92 New South Head Road and while we do not specifically represent these property owners,

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Bondi Junction NSW 1355
Level 5, Suite 503, 360 Oxford Street
Bondi Junction NSW 2022



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- 2 -

this is an important factor that should be considered in the assessment of the Planning Proposal. These matters will now be discussed.

1.0 Impact on Right of Way

A right of way is located between Nos.80-84 and 90 New South Head Road. This right of way benefits Nos.9, 11 and 15A Mona Road by providing pedestrian access to the rear of these properties. The right of way is also utilised for garden maintenance, tradesmen access, delivery and removal of household items, garbage and debris removal and provides fire egress as well as fire and emergency service access to the rear of Nos.9-15A Mona Road (see Photograph 1 on the following page).



Photograph 1: The Right of Way Access from New South Head Road

The proposal acknowledges the right of way and indicates that the redevelopment of the site would require the easement to be extinguished. This would require the agreement of the owners of Nos.9-15A Mona Road and it would appear the applicants for the Planning Proposal have simply assumed this would be forthcoming. The incorporation of the right of way into the concept development indicates a disregard for the adjoining property owners.

Removal of the right of way would eliminate the secondary access to Nos.9-15A Mona Road. In the case of No.15A Mona Road, the right of way is particularly significant. This site has an approval for self-contained apartments and requires the right of way access to provide fire egress and fire and emergency services access.

Any concept scheme for the subject site should be required to have regard to the right of way and the retention of secondary access to the adjoining properties. Simply indicating the right of way would be extinguished is not an appropriate approach and further consideration should be given to this aspect.

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2.0 Traffic and Parking

The proposed amendment to the planning controls and resultant redevelopment would generate additional traffic movements and increase car parking demand. It is noted that car parking and traffic generation would be considered as part of any future development application however, a prudent planning approach would be to ensure that the subject site can adequately cater for the needs of the development at the strategic planning stage.

The applicant's Traffic and Parking Report indicates that the residential component of the concept scheme would generate demand for 33 car parking spaces while the retail/commercial component would generate between 9-12. The traffic report goes on to argue that the commercial/retail parking should be reduced to zero by relying on off-set credits. The concept proposal provides only 10 car parking spaces which is less than a quarter of the requirements under the Woollahra DCP 2015.

Insufficient consideration has also been given to commercial loading/unloading and waste disposal. The Traffic and Parking Report proposes relying on a loading zone on Mona Road which would be incompatible with the residential uses on the eastern side of the street.

There are "no standing" restrictions along the eastern side of Mona Road in front of 9, 11, 15A and 15 and 17. This part of Mona Rd is used as a traffic lane by cars turning left up New South Head Road. It would not be possible to provide for a loading zone without backing up traffic all the way up Mona Road. The loading zone would also be dangerously close to the intersection of New South Road.

Despite being a development application consideration, the high level traffic and parking implications of the proposal should be considered carefully at the strategic planning stage.

3.0 Overbearing Bulk and Scale

The proposed amendments to the height and floor space ratio development standards would result in a building with overbearing bulk and scale when compared to the existing, heritage listed, 2-3 storey terrace houses at Nos. 9, 11, 15A and 15 and 17. The proposed 23.5m height limit will dwarf the existing terraces which have an LEP height limit of 10.5m (see Figure 1).

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- 4 -



Figure 1: The Incompatibility of the Proposal with Existing Development

Despite the 10.5m height limit, the heritage status of these properties suggests they are likely to remain on site. The strategic planning process should carefully consider the likely interface between the site that is subject of the planning proposal and Nos. 9-17 Mona Road in light of these issues.

4.0 Sense of Enclosure

In addition to the incompatibility of the proposed building heights with the adjoining neighbours, a further issue is the sense of enclosure that the proposed controls would create.

The concept scheme indicates a seven storey building constructed at the boundary of No.9 Mona Road which addresses the entire side boundary length of this site which, in addition to a sense of enclosure, may also generate privacy impacts. Any building form on this site should be effectively restricted by the development standards to ensure it relates favourably to adjoining properties by providing a transition in building height.

As we have recently been instructed we will be providing a further more detailed submission in the week commencing 15 August 2016, particularly in connection with privacy and overlooking considerations based on the design exhibited and other relevant aspects of the Planning Proposal; reference to council's Controls and submissions as to the impact on our client's property.

5.0 Heritage impact on significance of heritage items of 9, 11, 15a, 15 and 17 Mona Road

As indicated, the dwellings at Nos.9, 11, 15A, 15 and 17 Mona Road are listed as heritage items by the Woollahra LEP 2015. The proposed amendments to the development standards are likely to result in a building that does not respect the curtilage of the heritage items and that will detract from their level of significance. Clause 5.10 of the Woollahra LEP 2014

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contains specific provisions for the conservation of heritage items, the objectives of which are stated, inter alia:

Clause 5.10 – Heritage Conservation

Objectives

The objectives of this clause are as follows:

- (a) *to conserve the environmental heritage of Woollahra,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

The increase in height and density is likely to result in a development that is inconsistent with the objectives for heritage conservation given the likely impact on the heritage items. Any amendment to the controls should ensure an effective transition in height is provided to respect the heritage status of these properties.

6.0 Excavation impacts;

The construction of a new mixed use development at the height and density proposed will involve associated excavation works. Given the relatively shallow site depth (for the density of development proposed) any excavation would take place in close proximity to the boundary of No.9 Mona Road. While this is a development application consideration, it should be noted that excavation would be expected to comply and adequate dilapidation reporting would be required.

7.0 Construction impacts;

Given the significance of New South Head Road, the NSW Roads and Maritime Services (RMS) are likely to require construction traffic to access the site from Mona Road, which is a secondary street. The volume of construction traffic likely to be associated with a development of this size and scale would result in significant and extended disturbance to Mona Road, adversely impacting on residents.

8.0 Loss of iconic views from No. 92 New South Head Road

While there is not likely to be any view impact from Nos.2 and 9-17 Mona Rd, the residential flat building to the east at No.92 New South Head Road will be impacted. Given the height and orientation of the building at No.92, it is likely that many of the dwellings obtain iconic views to the Harbour, Harbour Bridge and CBD Skyline. The NSW Land and Environment Court has established view sharing principles in the judgement of *Tenacity v Warringah Council (2004) NSWLEC 140*. An aspect of *Tenacity* is the reasonable expectation to retain views. In this case, the residents of No.92 New South Head Road would have a reasonable expectation of retaining views based on the existing height and FSR that applies to the site. The increase to these development standards will impact these views and this is a critical aspect that should be considered at the strategic planning stage.

9.0 Conclusion

It is considered that the above-mentioned planning proposal will have an adverse impact on the nearby residential properties at Nos.2 and 9-17 Mona Road, Darling Point. For the

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reasons outlined in this submission, we would ask that the planning proposal be amended to reduce the height and FSR in order to eliminate these adverse impacts and ensure a harmonious relationship with adjoining properties.

Yours faithfully
COMINO PRASSAS



John Comino

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From: [MG](#)
To: [Records](#)
Subject: 80- 90 New South Head Rd Edgecliff.
Date: Monday, 15 August 2016 2:03:16 PM

Woollahra Council. Attention Mr Chris Bluett.

I support the objections to the proposed development of the property at 80- 90. New South Head Road Edgecliff
NSW

Miriam. Ghanam

Owner

2 Mona Road

Darling Point.

Sent from my iPhone



Mr Gary James
The General Manager
Woollahra Municipal Council
PO Box 61
Double Bay NSW 1360

Attention: Anne White, Acting Manager, Strategic Planning

Dear Mr James

**Exhibition of a Planning Proposal for 80-84 and 90 New South Head Road, Edgecliff
(SC2702 Submissions)**

Thank you for your letter dated 5 July 2016, requesting Transport for NSW (TfNSW) review and comment on the above.

TfNSW has no issues with the above Planning Proposal. However, the proposed development is located in close proximity to the New South Head Rd Corridor and Bus services 323, 324, 325, 326, 328 and L24 travel through this corridor. TfNSW requests that a Traffic and Transport Assessment be undertaken as part of any future development application to:

- Assess impacts of the proposed development on the road network and the bus operation along New South Head Road, and the safety of pedestrians and cyclists during construction and operation; and
- Propose mitigation measures for the identified impacts (if any).

If you require clarification of any issue raised, please don't hesitate to contact Para Sangar, Senior Transport Planner, Land Use Planning and Development on 8202 2672.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M Ozinga'.

15/8/16

Mark Ozinga
**Principal Manager, Land Use Planning and Development
Freight, Strategy and Planning**

Objective Reference CD16/10344

Transport for NSW
18 Lee Street, Chippendale NSW 2008 | PO Box K659, Haymarket NSW 1240
T 02 8202 2200 | F 02 8202 2209 | W transport.nsw.gov.au | ABN 18 804 239 602

From: [Louise Robert-Smith](#)
To: [Kira Green](#)
Subject: SC2702 Submissions 80-84 & 90New South Head Road, Edgecliff
Date: Monday, 15 August 2016 7:56:59 PM
Attachments: [EE3CB00F-FBEF-4867-A832-67D3AD940FD7.JPG](#)

Dear Kira

Apologies for this late submission, we were away and unable to make Friday's deadline.

As the owners of 15 Mona Road, Darling Point we would like to lodge our strenuous objection to the proposed 7 storey development at 80-84 and 90 New South Head Road, on the following grounds:

1. Height and scale

The increase in height of the existing structure from 14.5m to 23.5m would completely dominate the skyline and impact adversely on our light, view and privacy from our main bedroom. (Photo below of existing view, taken at dusk evening of 12/8/16).

2. Noise and Impact on Privacy

We are upset and dismayed that 12 studio, 18 one bed and 9 two bed units would be overlooking our garden where we entertain and have children playing. Clearly residents of the proposed development would be using their balconies which would stand immediately above our property.

3. Heritage and Property Value Impact

Our house has a heritage listing which we are very mindful of as we are constrained from any alterations that would impact on this, and yet our property will be compromised by this giant and overbearing structure.

4. Parking and Traffic Congestion

Parking is already extremely limited in Mona Road. This development only allows for 15 car spaces for potentially 50 residents. This will choke the parking and traffic on Mona Road.

We are appealing to Council to support us and our neighbours at 9,11,15A and 17 MONA Road to block or limit this proposed development in the interests of the local environment and the pleasure we have had living in this area.

Yours sincerely

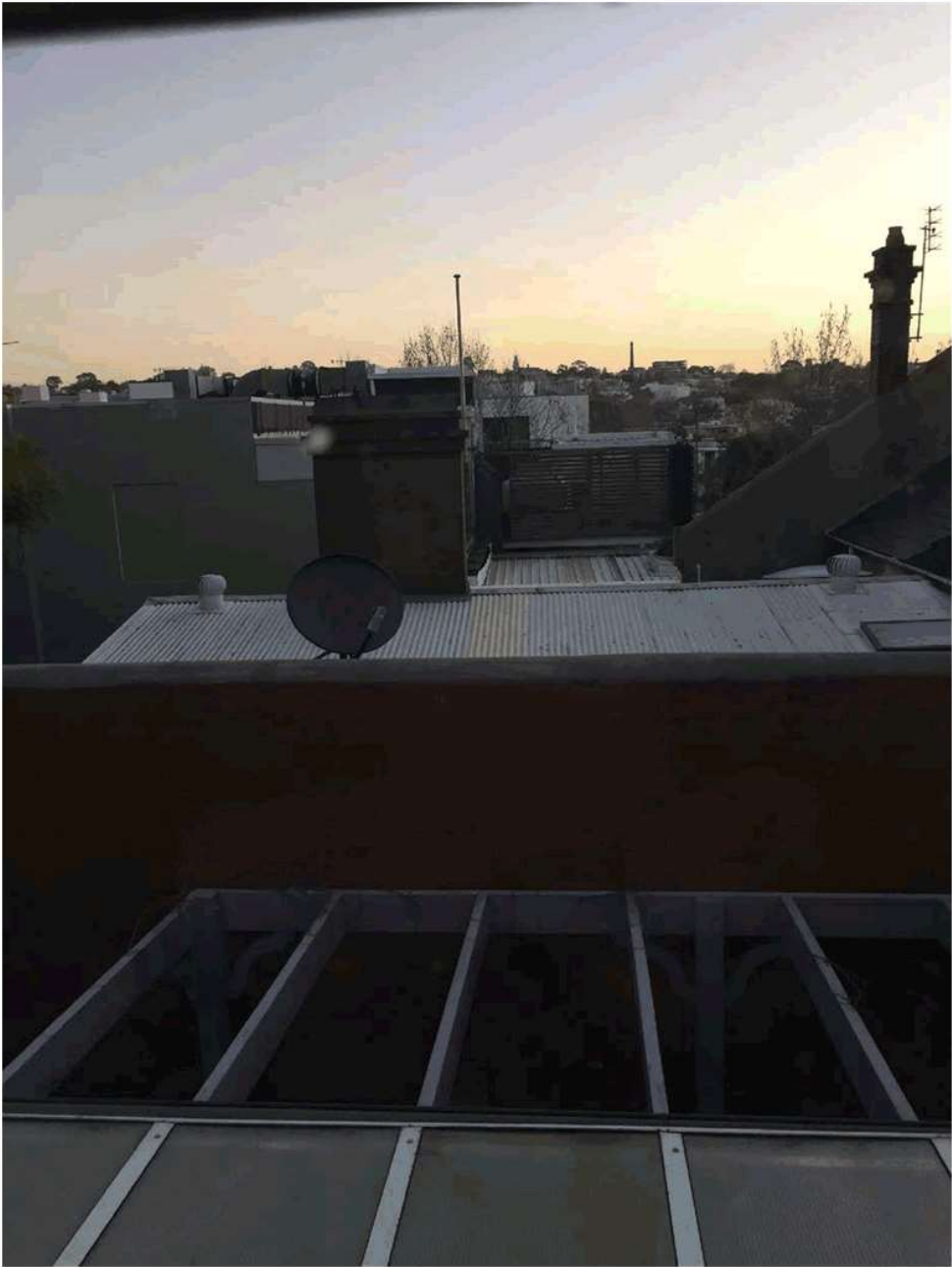
Louise and Geoffrey Robert-Smith

██████████
15 MONA Road, Darling Point 2027



Louise Robert-Smith







20 September 2016
Reference: HPS 2013.077

Woollahra Municipal Council
PO Box 61
DOUBLE BAY, NSW 1360

Attention: Mr Brendan Metcalfe - Strategic Planning

Dear Brendan,

Re: Planning Proposal for 80-84 & 90 New South Head Road, Edgecliff
Your Ref: SC2701

Response to Submissions related to View Loss

Hamptons Property Services Pty Ltd (Hamptons) has been retained by Matthew Lepouris Pty Ltd & WFM Motors Pty Ltd (the Proponent) to act in relation to the above planning proposal, for the site known as 80-84 & 90 New South Head Road, Edgecliff (the Site).

Further to our initial letter addressing the issues raised in submissions received in response to this proposal, we have prepared this further response to concerns raised in relation to view loss. This specific assessment intends to make clear the proposed changes to the site's development standards, and their potential effect on neighbouring properties in terms of views and view sharing.

The Affected Properties

We have reviewed the submissions in detail and understand that concern has been raised from the following neighbouring residential properties:

1. Lot 2 in Strata Plan 54114 – Unit 401 within the building at No.100 New South Head Road (AKA 2 Darling Point Road) (Figure 1, Photograph 1, Drawing No. 58 and 61)
2. Lot 3 in Strata Plan 54114 – Unit 402 within the building at No.100 New South Head Road (AKA 2 Darling Point Road) (Figure 1, Photograph 1, Drawing No. 58 and 61)
3. Lots 7 and 8 in Strata Plan 54114 – partially affected downward view to New South Head Road (Figure 1, Photograph 1) Drawing No. 61)
4. 15 Mona Road – impact upon bedroom window (Figure 1, Photograph 2).



Suite 404, Level 4 | 203-233 New South Head Road | Edgecliff 2027
PO Box 954 | Edgecliff 2027

☎ 02 9386 7000 ✉ kristyh@hamptonspropertyservices.com.au 🌐 www.hamptonspropertyservices.com.au

Hamptons Property Services Pty Ltd | ABN 66 141 622 433

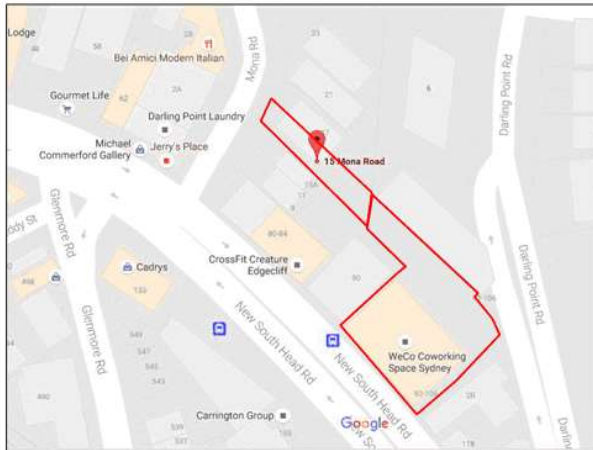


Figure 1: Location of sites potential affected

Source: <http://www.maps.google.com.au>



Photograph 1: Potentially affected apartments at 100 New South Head Rd

Source: <http://www.maps.google.com.au>



Photograph 2: Potentially affected dwelling at 15

Source: <http://www.maps.google.com.au>

It is noted that No. 92 New South Head Road also made reference to potential view loss; however, this has been explored and this concern relates to apartments in No.100, or SP 54114, detailed above.

We have assessed the view impacts for each of these concerns, individually, using the following information:

- Site survey information prepared by Hill & Blume Surveyors
- Architectural drawings as lodged with the Planning Proposal and accompanying this submission, prepared by PTI Architects
- Photographic imagery supplied by Council's staff from the potentially affected properties in No 100 New South Head Road, to the south-east of the site. The relevant positions of the photographs taken and the focal lenses are noted in each of the images.



A full set of the relevant plans and scaled imagery have been included as Annexure 1.

How Has The Assessment Been Undertaken?

The following assessment has been guided by the NSW Land and Environment Court planning principle relating to how view sharing should be assessed. This principle was established in the case of *Tenacity Consulting v Waringah Council [2004] NSWLEC 140*, which deals with private views (*Tenacity*).

In accordance with the *Tenacity* planning principle for view sharing, five private views have each been analysed in the following way:

- identification of the views to be affected
- identification of the part of the property where the views are obtained from
- assessment of the extent of the impact
- consideration of the reasonableness of any resulting impact upon views.

Each of the potentially affected properties is separately addressed below.

1. Lot 2 in Strata Plan 54114 (known as Unit 401/2 Darling Point Road)

What is the view to be affected?

The widest, uninterrupted view is of New South Head Road, the city skyline (including Centrepoint Tower), and the leafy canopy of Mona Road street trees in the east.

Photograph 3: View from the balcony of Unit 401



From what part of the property is the view available?

Images supplied by Council demonstrate this apartment has views:

- towards the north-west, that are out of windows from the main living area
- from the north-facing balcony
- from the guest bedroom window.



The view is available from a standing and sitting position.

The view is available from the side of the building, as the primary frontage is to New South Head Road. However, the orientation of the apartments is such that the floor plate aligns in a north-west/south-east direction.

What is the Extent of the Impact?

The extent of the impact, as shown on Sheet 60, is above moderate but below devastating, due to the articulated design of the building.

The iconic feature that is eroded is Centrepont Tower.

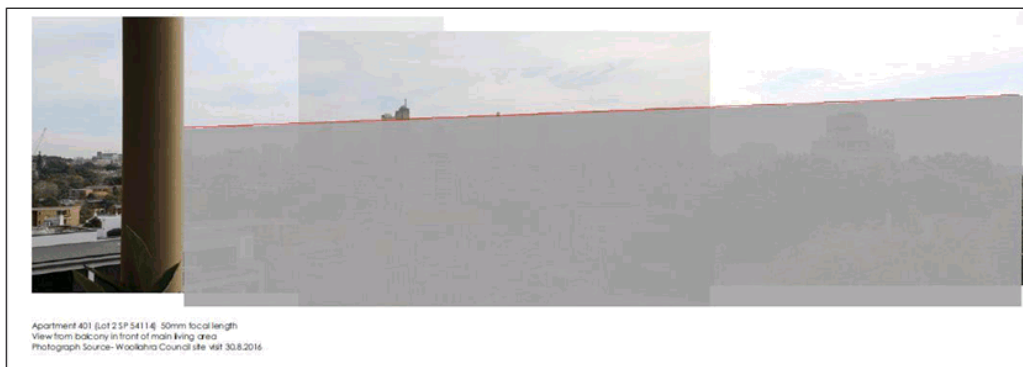
How Reasonable is the Impact?

To determine the reasonableness of the impact, one must consider the effect of the planning controls on the outcome, which attests to the matter of compliance and therefore reasonableness of the variation.

No.90 has an existing lower height (RL 33.86, Drawing No. 61) than the current maximum building height permitted under Woollahra LEP 2015 (RL 40.18, Drawing No. 62).

Drawing No. 59, an excerpt which is below (Figure 2), demonstrates the 'devastating' impact upon this property's view, if a building were to be constructed to the maximum building height currently permitted for No.90, which is 20.5m (RL 40.18).

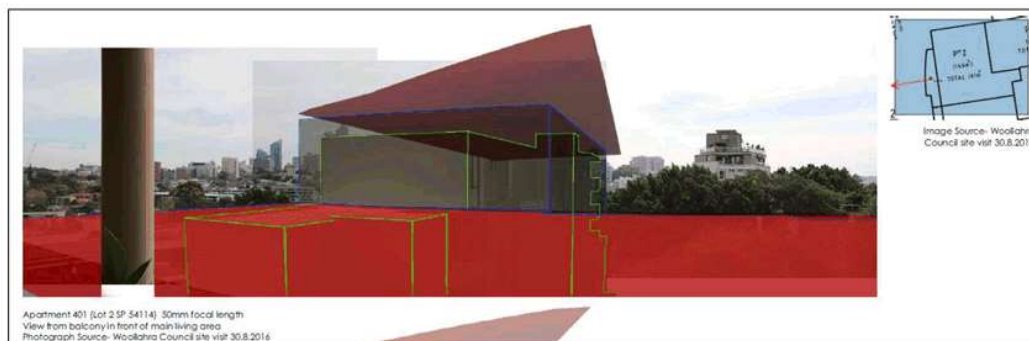
Figure 2: The extent of building height visible from Apartment 401, if the maximum building height currently permitted was implemented



The Planning Proposal locates the proposed floor space further away from the affected property, to enable view sharing and an improved outlook for windows facing north-west, compared to the current maximum controls (Figure 3). The RL of the building mass, above No. 90, is RL38.4. Any building form over No. 80-84, which is approximately 22m from the boundary with No. 100, must comply with the maximum building height as exhibited 23.5 metres. The following image shows the likely massing of any new building, under the proposed development standard, as viewed from the balcony of Unit 401.



Figure 3: Proposed building envelope, as viewed from Apartment 401



Redevelopment of the subject site to the maximum permitted control would have a devastating effect on the views enjoyed from Unit 401, compared with the existing views available.

Although the proposed height removes part of the existing view, the limitation of mass proposed on No. 90 allows the City skyline to be retained in the view corridor to the east and west. This would not be afforded by the existing maximum control.

As stated above, if the current maximum control were implemented, this would result in a devastating impact; the proposed control will result in an impact that is above moderate, but below devastating. This apartment is considered to be the most affected apartment within No. 100, being one of 29 apartments within the development.

Therefore, on balance, the partial loss of this view is not considered devastating when the property is considered in totality, against the number of apartments, and considering that the whole view is not eroded. Most importantly the effect of the building mass, as proposed, is less than what may occur if the current maximum height control were implemented.

On balance, the extent of impact is considered acceptable and provides a strong opportunity for view sharing to be achieved between the two sites, without adversely affecting the view in its entirety.

2. Lot 3 in Strata Plan 54114 (known as Unit 402/2 Darling Point Road)

What is the view to be affected?

Apartment 402 enjoys views in a north-westerly and westerly direction towards the Sydney City skyline (Photograph 4). This includes views of Centrepont Tower, a glimpse of the Sydney Harbour Bridge and mature tree planting along Mona Road.

The view is a whole view and may be classified as iconic, because of Centrepont Tower featuring in this view. The view of the Harbour Bridge is obscured by vegetation in the foreground and is therefore an interrupted view.



Photograph 4: Existing View from Apartment 402



From what part of the property is the view available?

The view is available from the main living area and a bedroom, as well as the main balcony.

The view is available from the side of the building. However, the orientation of the apartments is such that the floor plate aligns in a north-west/south-east direction.

The view is available from a standing and sitting position.

What is the Extent of the Impact?

The extent of the impact is moderate, due to the articulated design of the building. In addition, the building envelope maintains the view of Centrepoint Tower and the glimpse of Sydney Harbour Bridge.

How Reasonable is the Impact?

Photograph 4, above, shows the existing view, enjoyed from a standing position on the main balcony.

Figure 5 shows the effect of the existing planning control. The maximum permitted building height is 20.5m. The effect of this control is that it would result in a devastating impact on the current view.

Figure 6 shows the proposed planning control and building envelope. The maximum RL over No. 90 is 38.4 and the maximum building height over No. 80-84 is 23.5 metres as exhibited. No.80-84 is some 22m from the property boundary with No. 100.

The difference between the existing planning control being exercised and the proposed control evidently demonstrates that the height of the proposal over No. 90 is far reduced over what it may otherwise be. The outcome allows for view sharing between the subject proposal and Apartment 402 and significantly opens up the view over what may otherwise occur if the existing maximum building height control was implemented. Figure 6 demonstrates that the iconic views of Centrepoint Tower and the glimpse of the Harbour Bridge will be maintained with the option pursued.

Therefore, despite that the view is being reduced in terms of the City skyline as a whole, the impact is considered moderate, with the iconic views being retained. The limited bulk and scale proposed by virtue



of the building envelope is far reduced from what may otherwise be proposed on the site, if the full extent of the control was proposed.

Figure 5: Extent of Maximum Permitted Building Height

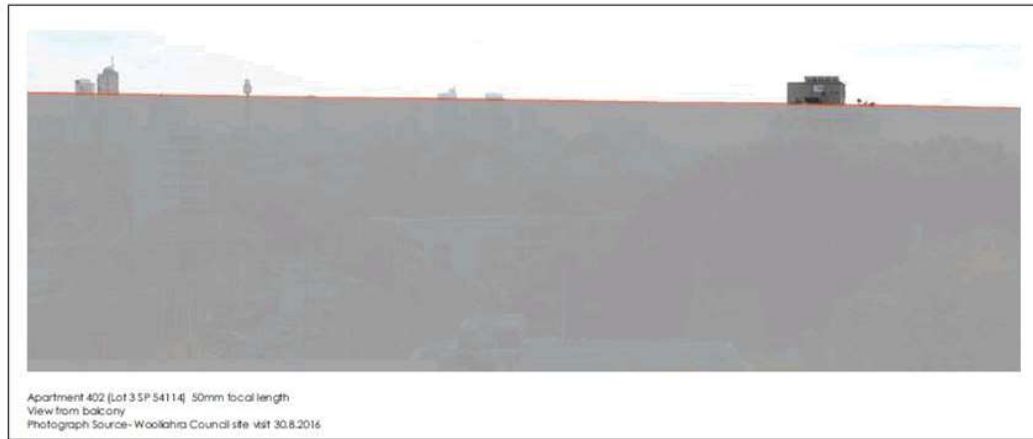
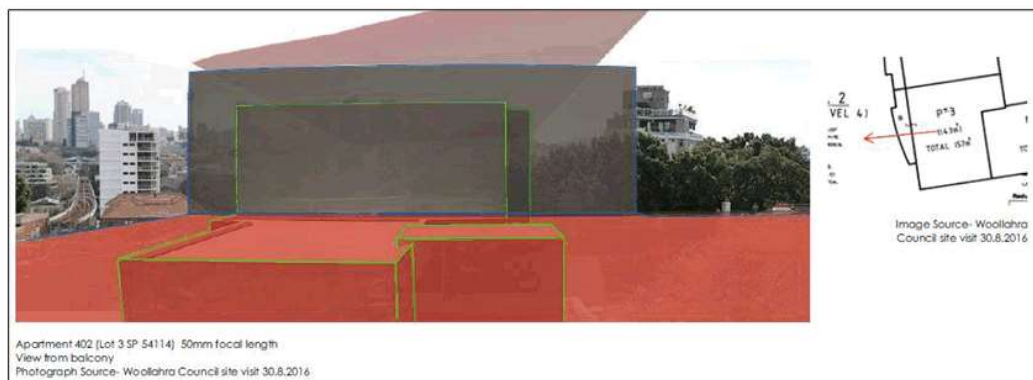


Figure 6: Proposed Building envelope as viewed from apartment 402



Further to this, the building envelope elevations (Sheet 64) demonstrate the extent to which the planning proposal has been modified to reduce the potential impact of the built form when viewed from this property, as well as improving the separation distances between the buildings.

The outcome will see a far improved result over what may otherwise be proposed and provides a solid response to view sharing between the two sites.

This is reinforced by this being 1 of 2 apartments within the building that is affected by the planning proposal out of a total of 29 apartments.



3. Lots 7 and 8 in Strata Plan 54114

What is the view to be affected?

The views enjoyed from Lots 7 and 8 are in a north-westerly and westerly direction towards the Sydney City skyline. This includes views of Centrepoint Tower and other commercial buildings within the central business district.

From what part of the property is the view available?

While we have not attended these apartments, it is assumed that the layout is the same, or similar to the floor below (Lots 2 and 3). The view would be available from a principle living room and a standing or sitting position.

What is the Extent of the Impact?

The extent of the impact is minor, due to the articulated design of the building and, as evidenced by Figure 8, below, from a standing position, the iconic views, as well as the City skyline will clearly remain visible. Most importantly, the composition of the building envelope will maintain the view of Centrepoint Tower and the glimpse of Sydney Harbour Bridge.

The following images demonstrate the existing situation, which allow for the retention of the view from the balcony of each of these apartments

Figure 7: Existing view line from Lots 7 and 8, 100 New South Head Road

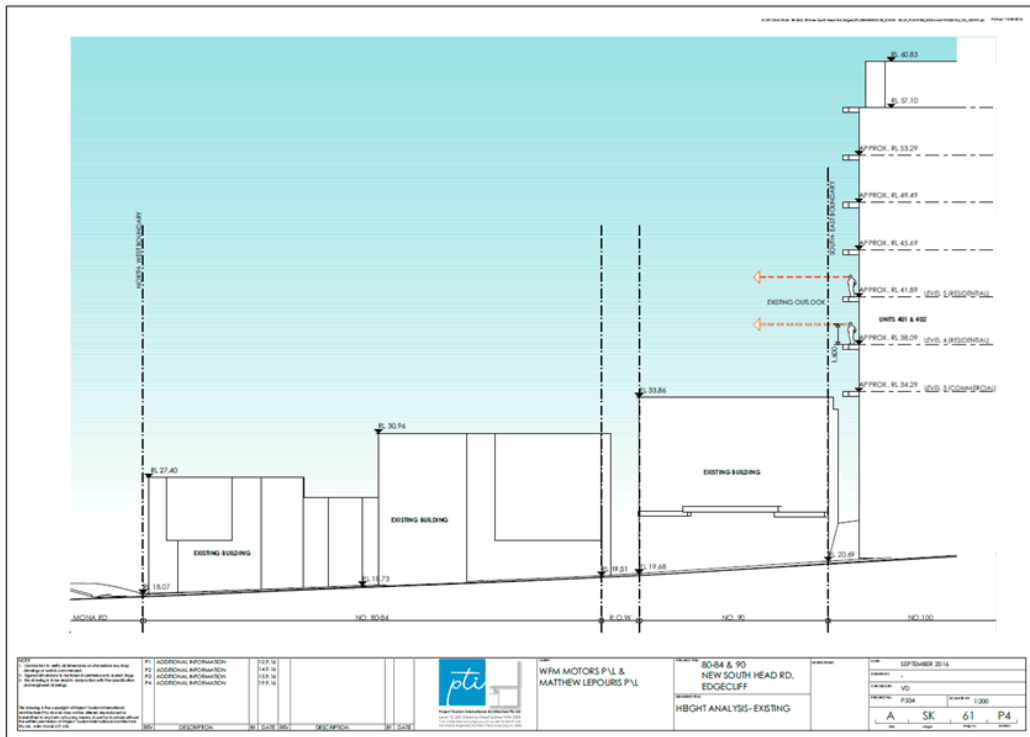


Figure 8 shows the current maximum building height permitted over No.90 and how this affects standard view-lines from Lots 7 and 8. If the existing maximum height limit was constructed to its full extent, this would greatly restrict downward views towards New South Head Road. However, these views are not determined as having relevance in terms of potential loss.

The third image demonstrates the potential impact of the proposed mass on view-lines from the balconies of Lots 7 and 8. The proposed massing arrangement, which significantly reduce the height proposed above No. 90 having regard to the initial planning proposal, and will benefit downward views, compared with the current maximum controls.

Figure 8: View Lines from Lots 7 and 8, having regard to existing maximum building height control

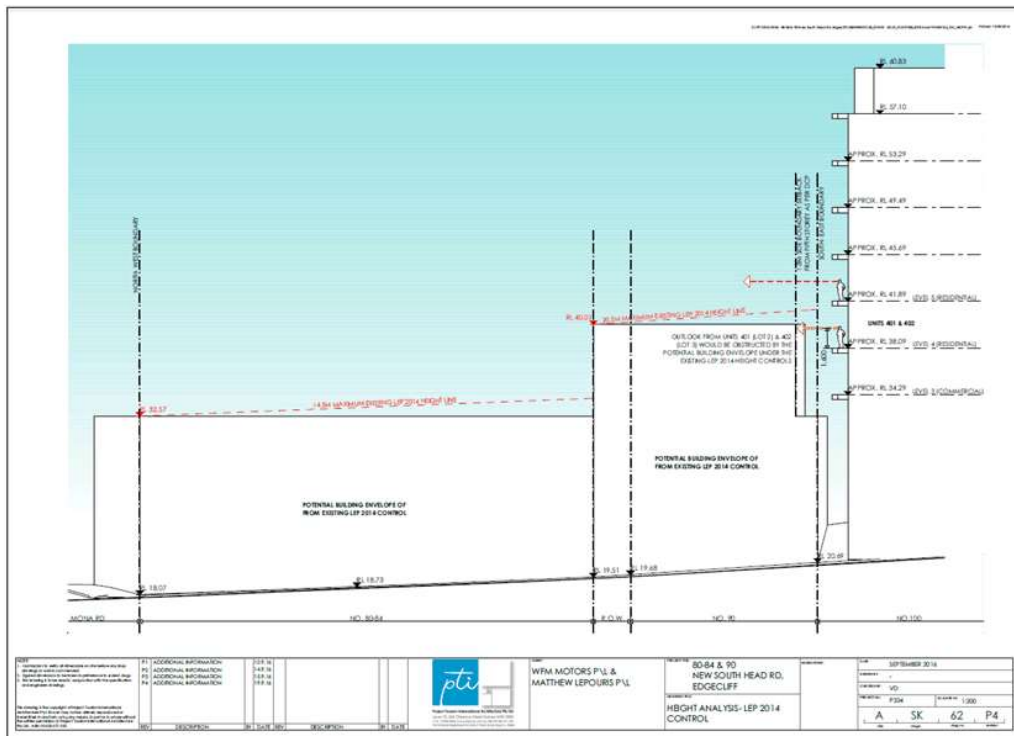
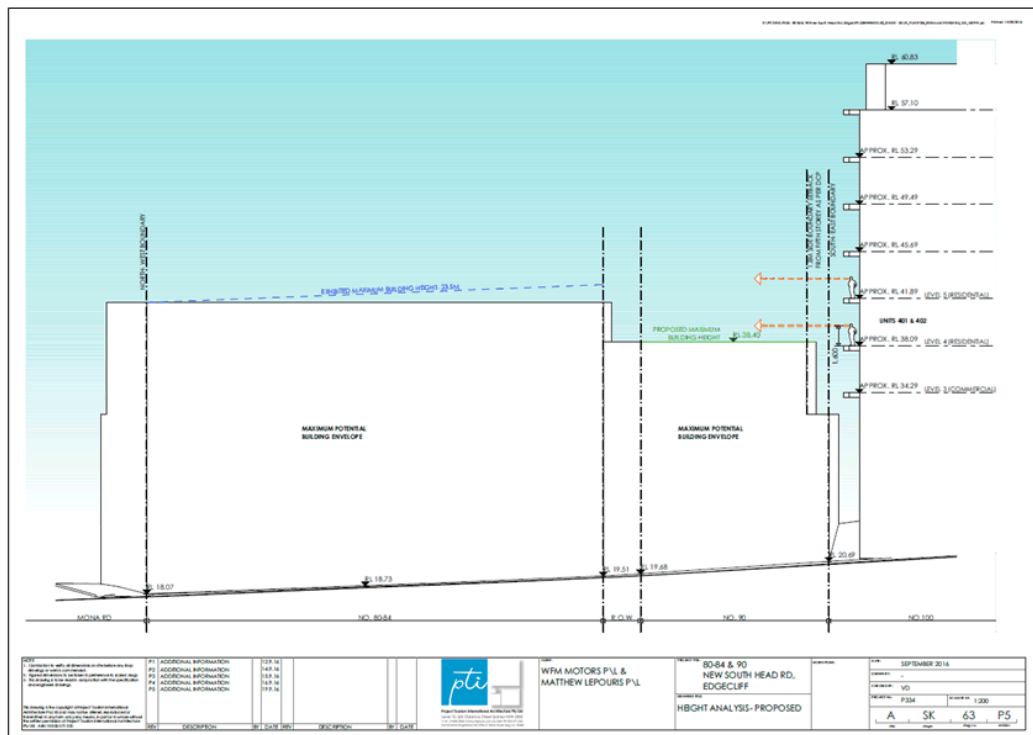


Figure 9: View Lines from Lots 7 and 8, having regard to the proposed building height control



Standing views are clearly retained from the balconies of Lots 7 and 8.

How Reasonable is the Impact?

It is considered that the impact of the proposal is reasonable and the Proponent has supplied a building envelope outcome that demonstrates the sharing of views between properties, with the standing views being retained from the principal open space area.

While the view of the skyline may be somewhat reduced from a sitting position, it is considered that, on balance, a suitable sharing of this aspect is achieved and will not compromise the amenity afforded to these apartments.

The outcome will see a far improved outcome over what may otherwise be proposed under the current maximum planning controls and results in a reasonable proportion of view sharing between the two sites.

The proposed building envelope provides a superior design resolution that results in a strong balance of views enjoyed from both sites.

In this regard, the proposal is considered reasonable over the existing permitted controls, in addition it should be acknowledged that the site is currently underdeveloped, and given the likely impacts of the existing controls, the proposed RL of 38.40 should be supported to protect the amenity of these apartments.



4. No.15 Mona Road

Images supplied by Council's site inspection do not include any photos taken from No.15 Mona Road; however, the relevant submission included its own photograph.



*Photograph 5: View from bedroom of No. 15
Mona Road*

Source: Property owner

What is the view to be affected?

The view to be affected is of the Paddington skyline, including the tower located on the old Royal Hospital for Women site.

From what part of the property is the view available?

The view is from a bedroom on the upper floor of the dwelling and is a side view.

What is the Extent of the Impact?

The extent of this impact will be devastating as the view will be removed.

How Reasonable is the Impact?

The impact is reasonable as the view is enjoyed from a side boundary, where the opportunity to maintain such a view is limited.

Further, similar to the view situation for Lots 2 and 3 at No. 100, regardless of the proposed increase of the maximum height control over No.80-84, the relevant view would be removed by a development under the current maximum height control of 14.5m.

Therefore, the view loss is not considered devastating as:

- the view is from a bedroom
- the view is from a side boundary



- the view would be obliterated by virtue of the existing planning controls, regardless of the proposed planning controls.

Overall Assessment of View Loss

The overall assessment of view loss, in terms of the amendments to the planning controls is as follows:

- the proposed planning controls provide a sound approach to view sharing that results in an improved outcome over what is otherwise provided by the existing maximum building height control
- the affected number of apartments is 2 out of a total of 29 apartments (6.8% of the total number of apartments)
- in all cases, the views are enjoyed from side boundaries;
- iconic views have been retained to the greatest extent possible, with only one property losing this view;
- general view corridors associated with the City skyline are retained by those properties affected
- the skillful design of the proposal ensures that the building location and form provides sufficient distance from the affected properties so as not to cause a devastating impact to these properties in terms of neither amenity, nor views.

The proposal is therefore considered acceptable having regard to the Tenacity principles and the Planning Proposal should be supported.

We trust that this resolves the concerns raised regarding these submissions, should you have any further queries, please do not hesitate to contact the undersigned.

Yours sincerely,

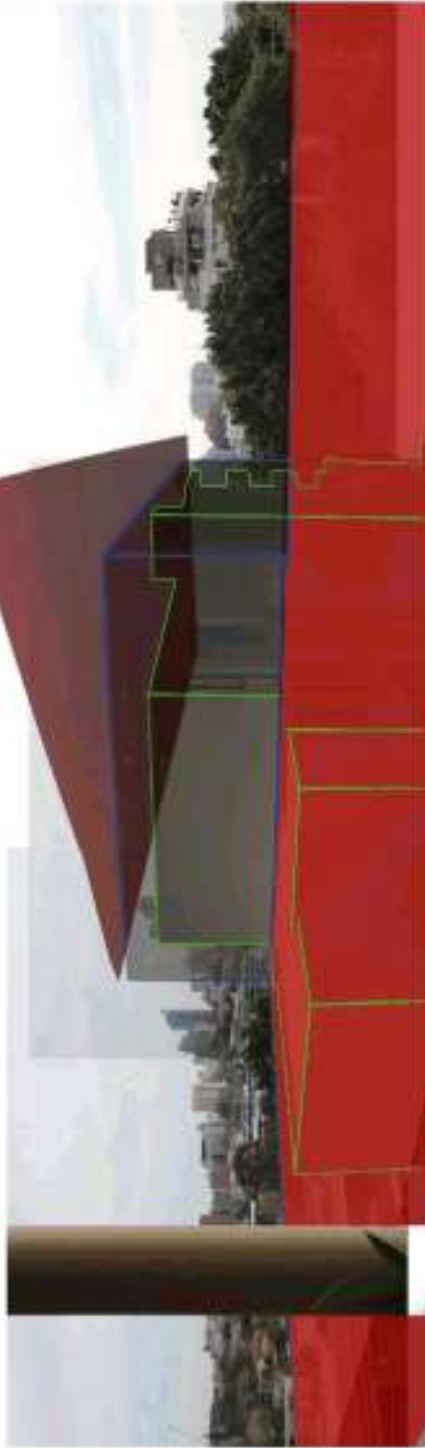


Kristy Hodgkinson
Director
0414 679 231

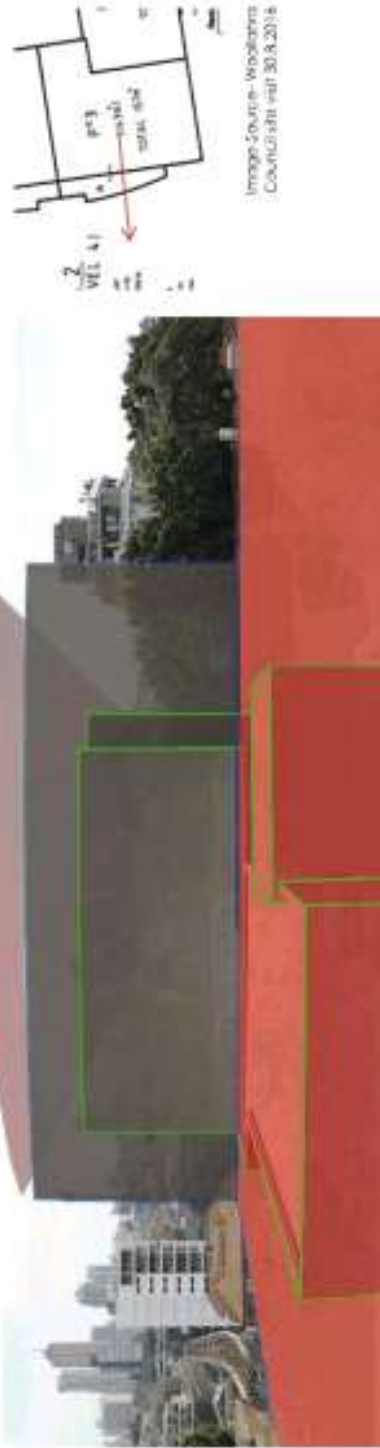


Melissa MacGregor
Senior Associate
0424 336 488

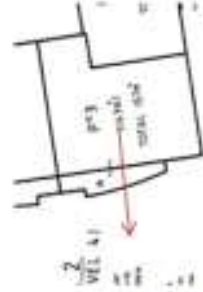




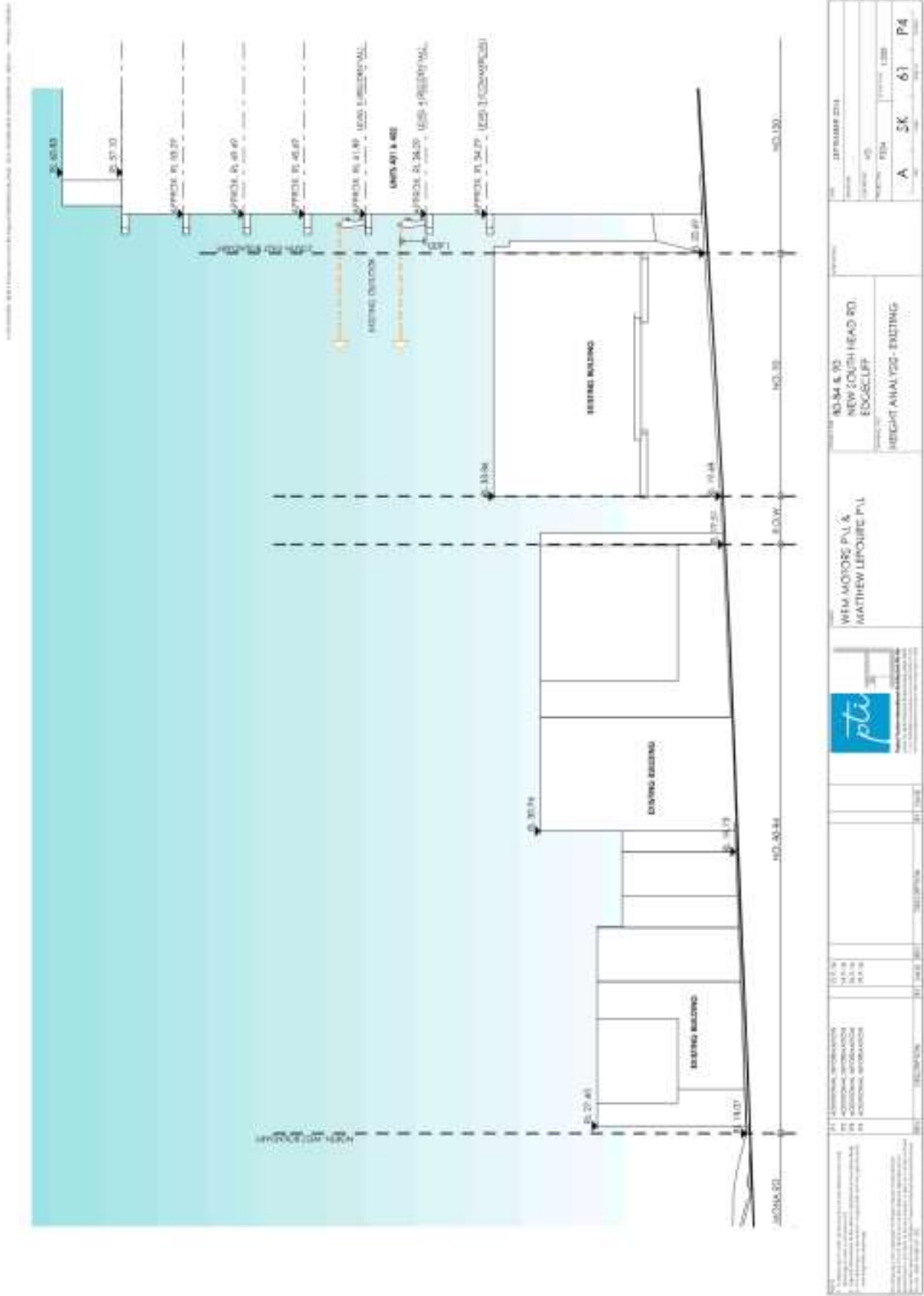
Apartment 401 (1 of 2) P 34114 | 50mm focal length
View from balcony in front of main living area
Photograph Source - Woollahra Council (http://www.woollahra.nsw.gov.au) 30.8.2014

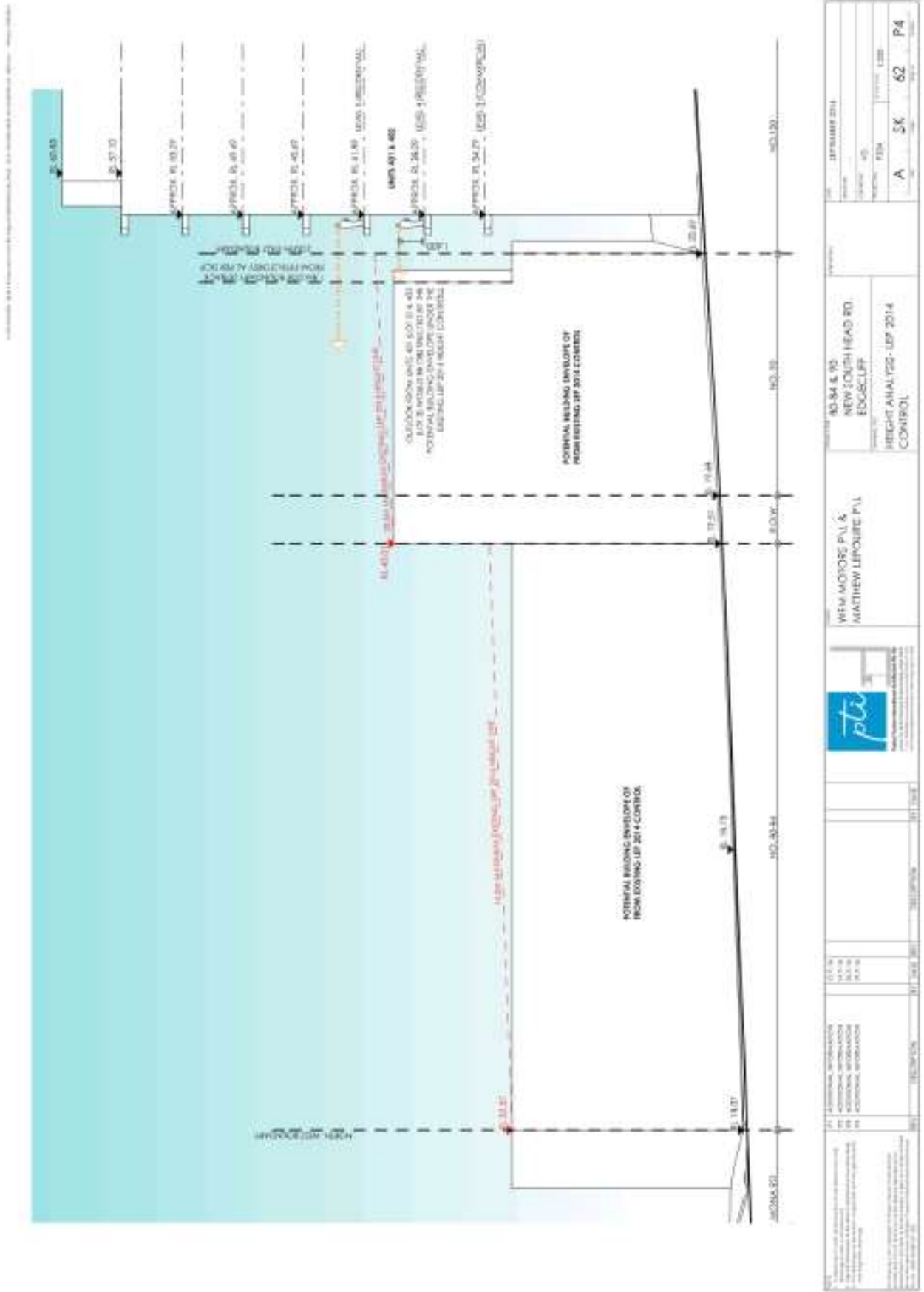


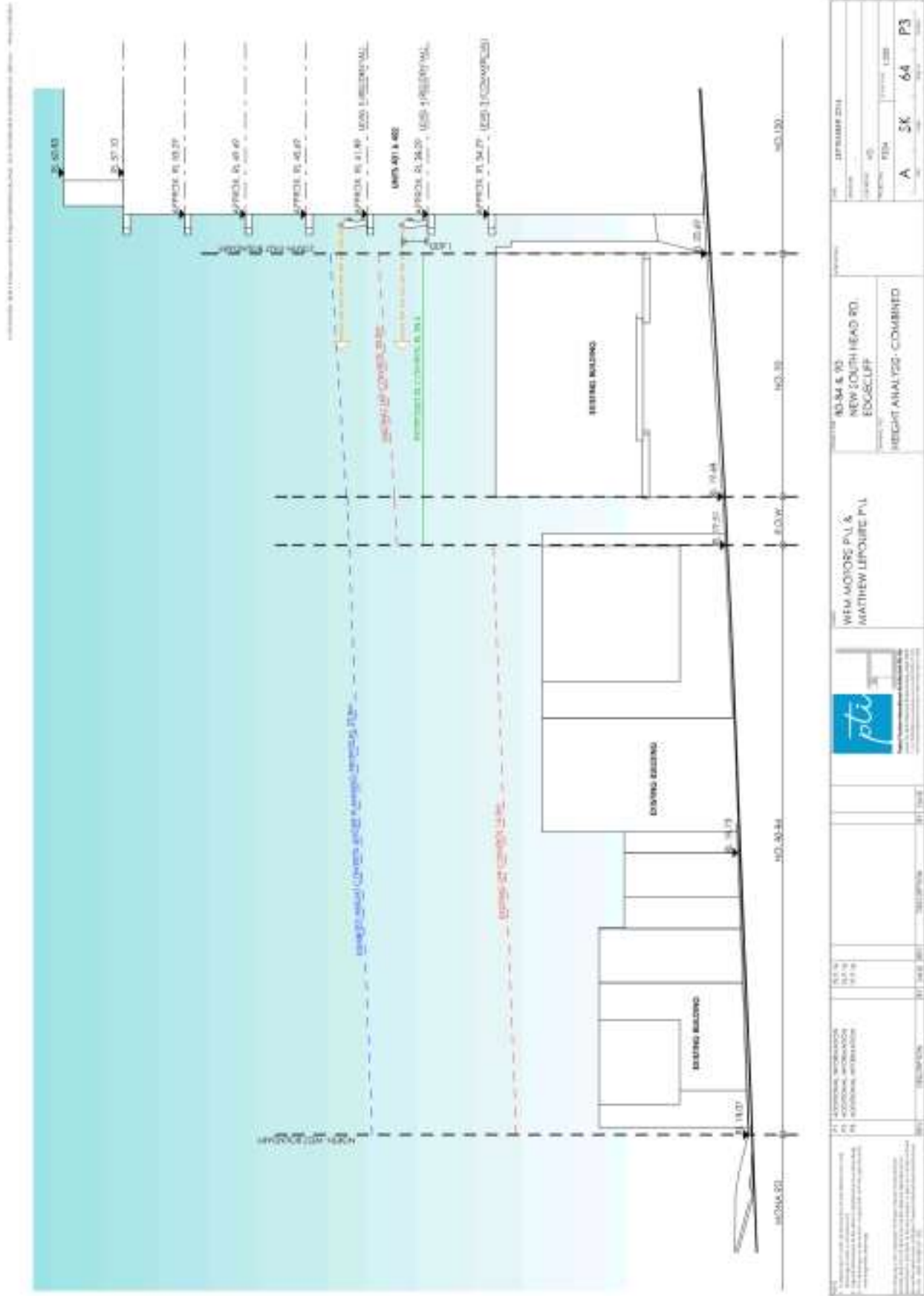
Apartment 402 (1 of 2) P 34114 | 50mm focal length
View from balcony
Photograph Source - Woollahra Council (http://www.woollahra.nsw.gov.au) 30.8.2014



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WEM MOTORS P/L & MATTHEW LENOIRE P/L 10.94 & 92 NEW SOUTH HEAD RD, EDGECLIFF VIEW ANALYSIS FROM NO.102-PROPOSED										APRIL 2014 A SK 60 P4						







Political Donations – matters to be considered by Councillors at Meetings

