



Council Ref: DA 11/2020/1:Mr M Moratelli:MMOR
Your Ref:

29 September 2020

Mr M Dardano
12 Walker Ave
EDGECLIFF NSW 2027

Email address: marco@milleprojects.com.au

Pre-DA Consultation Meeting Minutes

Application No: Pre-DA 11/2020 /1
Property: 3-17 Darling Point Road DARLING POINT 2027
Applicant: Mr M Dardano
Proposal:

Dear Mr Dardano,

Thank you for attending the Pre DA consultation meeting on 24 September 2020 where your proposal for façade upgrade and new penthouses; subdivision and seniors housing development at 3-17 Darling Point Road DARLING POINT 2027 was discussed.

Attached are the meeting minutes with a summary of the likely issues. We hope that these will be of assistance should you proceed to lodge a DA.

A DA guide and application form is available on Council's website. If you lodge a DA, please note on the form that you have had a Pre DA meeting and include the reference at the top of this letter.

The Pre DA service aims to highlight major issues relating to a proposal. However, it is only after detailed assessment of a complete application that all issues can be identified and fully considered. Please note the disclaimer at the end of the minutes.

Most DAs need to be advertised in the local newspaper and notified to owners of surrounding properties and this often results in objections, which may raise new issues. In this regard, early discussion with your neighbours, prior to lodging a DA, is strongly encouraged in order to avoid potential conflicts.

I hope this service has been of use to you. Please contact Mr M Moratelli if you require any further assistance on 9391 7165 before 11am Monday to Friday.

Yours sincerely

A handwritten signature in black ink, appearing to read 'N. Economou'.

Nick Economou
Manager – Development Control

PRE DA CONSULTATION MEETING MINUTES

REFERENCE NO.	Pre DA 11/2020
ADDRESS	3-17 Darling Point Road DARLING POINT 2027
PROPOSAL	Subdivision & seniors housing development
PRE DA OFFICER	Mr M Moratelli
INTERNAL OFFICERS	Neda Vanchali (Urban Design)
APPLICANT	Mr M Dardano
PRESENT AT MEETING	Max Moratelli – Woollahra Council George Fotis – Woollahra Council Marco Dardano – Project Manager Edward Salib – Architect Andrew Cowan – Planner
MEETING DATE	24 September 2020

1 DESCRIPTION OF PROPOSAL

The proposal involves the following works:

Part 1 – Upgrades to Existing Residential Flat Building

- Replacement of building façade;
- Creation of three penthouses on Levels 30 and 31;
- Addition of a porte cochere with a covered vehicle entry area on ground level;
- Addition of a lift for the existing carpark and new access from carpark to lobby (three options presented);
- Addition of an awning over the existing accessible ramp at the carpark.

Part 2 – Seniors Housing Development

- Two lot subdivision of the existing site resulting in one allotment of approximately 2000m² for the proposed seniors housing development and one allotment of approximately 7300m² for the existing residential flat building.
- Construction of a new seniors housing development containing 30 independent living units, carparking, storage, and internal and external communal space.

2 STATE LEGISLATION

2.1 SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate is required to be submitted with the application detailing thermal, water and energy saving measures. The certificate must be dated within three months of the lodgement of the development application.

2.1.1 State Environmental Planning Policy 65: Design Quality of Residential Flat Development

The upgrade works to the existing residential flat building, as well as the new penthouses will be considered against the provisions of SEPP 65 and the Apartment Design Guide (ADG).

Any development application must also be accompanied by a design verification statement that explains how the design quality principles of SEPP 65 have been addressed, and how the objectives of SEPP 65 have been achieved.

SEPP 65 would also be applicable to the proposed seniors housing development, as a building of 3 or more storeys containing over 4 dwellings.

2.2.1 State Environmental Planning Policy (Housing For Seniors or People with a Disability) 2004

Part 2 of the proposed development would be subject to the provisions of SEPP HSPD. Comments on the relevant sections of the SEPP are provided below:

- The documentation submitted with the Pre-DA indicates that the proposal can comply with the site access and location requirements of Clause 26, and the water and sewerage requirements of Clause 28. This will be considered further upon the lodgement of any future development application.
- Any development must consider the provisions of the *Urban Design Guidelines for Infill Development* as per Clause 31 of the SEPP HSPD.
- Any development must have consideration for the desired future character in accordance with Clause 33 of the SEPP HSPD. In the assessment against the desired future character, Council will have regard to the provisions of Section B1.2 of the Woollahra DCP, relating to the Darling Point precinct.
- A subdivision plan was not provided as part of the Pre-DA documentation, however the planning summary statement indicates that the allotment that contains the seniors housing would satisfy the relevant requirements relating to site area and frontage under Clause 40 (2 and 3).
- Documentation should be provided with any development application that demonstrates compliance with the relevant standards contained in Schedule 3, relating to accessibility and useability for self-contained dwellings.
- The submitted planning summary states that the proposal will comply with landscaped area, deep soil zones, solar access, and private open space, as required by Clause 50 (c, d, e, f). These matters would be assessed in the consideration of a development application accompanied by the detailed architectural and landscape plans.
- The proposal exceeds the standards detailed in Clause 50 (a) and (b), which relate to height and floor space ratio. As such, any development application would be considered

against the floor space ratio and height of buildings development standards contained within the Woollahra LEP 2014.

2.3.1 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The proposed building upgrade works to the existing residential flat building would likely be visible from Sydney Harbour and are therefore subject to the provisions of the SREP (Sydney Harbour Catchment).

Based on the preliminary documentation that has been reviewed, no concerns are raised in relation to the impact on views from the harbor.

3 WOOLLAHRA LEP 2014

3.1 Land Use Table

The proposed building upgrade works and seniors housing development are permissible within the R3 Zone.

3.2 Part 4.1: Minimum Subdivision Lot Size

The proposed subdivision complies with the minimum lot size for the site.

3.3 Part 4.3: Height of Buildings

Part 1 – Upgrades to Existing Residential Flat Building

The existing residential flat building substantially exceeds the 13.5m height limit for the site. The submitted documentation indicates that the proposed penthouse additions will result in a 360mm increase above the height of the existing parapet. This is a relatively minor increase in the context of the existing building, however due to the exceedance of the building height a Clause 4.6 request must accompany any future development application.

Part 2 – Seniors Housing Development

The submitted documentation states that the proposed seniors housing would attain a height of approximately 11.2m under the height definition of the SEPP HSPD. As the proposed seniors housing development exceeds the height standard contained within the SEPP HSPD (Clause 50), in this case it is appropriate to assess the development application against the height standard contained within the Woollahra LEP 2014.

As such, any future development application must clarify whether the proposed seniors housing development complies with the 13.5m height limit of the Woollahra LEP 2014, measured in accordance with the definition of building height under the Woollahra LEP 2014. Based on the submitted concept design report (Pg 18), it appears that at least the top level exceeds the 13.5m height limit.

If the proposed development exceeds the Woollahra LEP 2014 height limit, a Clause 4.6 request must be submitted.

3.4 Part 4.4: Floor Space Ratio

Part 1 – Upgrades to Existing Residential Flat Building

According to the submitted documentation, the existing residential flat building has a floor space ratio (FSR) of 1.26:1, and the proposal would increase the FSR to 1.32:1. Due to the exceedance of the FSR standard of 1.3:1, a Clause 4.6 request must accompany any future development application.

Part 2 – Seniors Housing Development

The proposed seniors housing development would have an FSR of 2:1, which exceeds the standard of 1.3:1. This is a substantial variation to the FSR standard, and a Clause 4.6 request must accompany any future development application.

Concern is raised that the proposed subdivision and construction of the seniors housing would reduce the site area of the residential flat building and further exacerbate the non-compliance with the FSR for that property. Council would not be supportive of the proposed seniors housing development and subdivision for this reason, and it is noted that Clause 4.5(9) of the Woollahra LEP 2014 contains provisions designed to prevent developments which prevent multiple developments utilising the same site area for the purposes of calculating floor space ratio.

3.5 Part 4.6: Exceptions to Development Standards

As noted above, the proposed development(s) involve non-compliances with the height limit and floor space ratio development standards contained within the Woollahra LEP 2014.

Any development application that is lodged must be accompanied by requests under Clause 4.6 to vary the relevant development standards.

3.6 Part 5.10: Heritage Conservation

Whilst the proposal is not a listed heritage item, it is noted that there are multiple heritage items located within the vicinity of the subject site, and the site was previously occupied by a significant residence (Ranelagh).

Any development application should be accompanied by a detailed assessment of the matters for consideration under Part 5.10, for the adjoining heritage items and any remnant structures on the subject site. This may form part of the Statement of Environmental Effects, or be submitted as a separate heritage impact assessment.

4 WOOLLAHRA DCP 2015

4.1 Chapter B1: Darling Point Residential Precinct

Any future development application would be considered against the desired future character provisions of the Darling Point precinct, as outlined in Section B1.2.2.

A preliminary review of Part 2 of the proposed development (the proposed seniors housing) raises the following issues:

- From the submitted documentation, it appears that the development would require the removal of a number of mature trees. This would not be consistent with the desired future character objectives O9, O10 and O11.

4.2 Chapter B3: General Development Controls

4.3 Section B3.2: Building Envelope

Part 1 – Upgrades to Existing Residential Flat Building

The works to the existing building do not alter the established building envelopes and no concern is raised in relation to Section B3.2 of the Woollahra DCP 2015.

Part 2 – Seniors Housing Development

Any development application should be accompanied by a subdivision plan with the dimensions of the proposed new allotment, and details that would allow for an assessment of the proposal against the setback controls contained within Section B3.2.

4.4 Section B3.4: Excavation

Any future development applications must detail the volume of proposed excavation in order to allow for an assessment of the proposal against Section B3.4. The site area of 2000m² for the seniors housing development as outlined in the planning summary, would allow for 2000m³ of excavation.

4.5 Section B3.5: Built Form and Context

Any future development application is subject to an assessment against the provisions of Sections B3.5.2, B3.5.3 and B3.5.4 which relate to overshadowing, view loss and acoustic and visual privacy. Issues relating to these matters may only be assessable following advertising and notification.

In cases where the provisions of the DCP conflict with those of the SEPP (*SEPP 65* or *SEPP HSPD*), the provisions contained within the SEPP would prevail.

4.6 Section B3.6: On-Site Parking

Future development applications would be subject to an assessment against the provisions of Section B3.6. As the Pre-DA documentation included concept architectural plans only, no comment is provided as to whether the proposal would satisfy Section B3.6.

4.7 Section B3.7: External Areas

The deep soil and landscaping controls within *SEPP 65* and *SEPP HSPD* override those of the Woollahra DCP 2015.

4.8 Chapter E1: Parking and Access

Part 2 – Seniors Housing Development

In accordance with Clause 50 of the *SEPP HSPD*, the consent authority must not refuse consent to a development which has provided 0.5 parking spaces per *bedroom*. It is noted that the planning summary document submitted with the Pre-DA incorrectly stated that the standard is 0.5 spaces per dwelling.

The architectural concept plans indicate that the proposed seniors housing development would comprise 66 bedrooms (24 x 2 bedroom and 6 x 3 bedroom) and therefore the consent authority cannot refuse consent on the basis of parking provision if at least 33 parking spaces are provided.

Any future development application would also be subject to an assessment by Council's Traffic Engineers against the vehicle access and accommodation provisions contained within Chapter E1.

4.9 Chapter E2: Stormwater and Flood Risk Management

Any future development application would be subject to an assessment by Council's Drainage and Stormwater Engineer against the provisions contained within Chapter E2.

4.10 Chapter E3: Tree Management

Whilst the submitted Pre-DA documents have not provided any detailed information in relation to tree removal or retention, it is noted that the footprint of the proposed seniors housing development appears to be located in the vicinity of a number of existing mature trees.

Any future development application should be accompanied by an arborist's report in accordance with the DA Guide, and will be subject to an assessment against Chapter E3 by Council's Trees and Landscape Officer.

5 REFERRAL OFFICERS COMMENTS

5.1 Urban Design

DA One- Ranelagh Apartment Renewal

Façade renewal - The subject site is situated in a highly prominent location on Darling Point Road at the intersection with New South Head Road, within close proximity to the Edgecliff Centre. The existing building is highly visible from various vantage points in the local surroundings as well as from Sydney Harbour. I note that the building characteristics do not reflect the predominant character of the Darling Point Precinct.

Overall, the proposed façade renewal concept maintains the existing façade's vertical rhythm whilst adding new materials and details. The proposed materials and finishes include full glazing of (in part) the northern façade, terracotta cladding and neutral grey-colour rendered

paint and aluminium finishes. This would create a more contemporary/modern appearance for the building.

I note that the existing façade demonstrates rich details of articulation and fenestration due to recessed openings and insets of other façade elements. This level of articulation and depth provides unique characteristics to the façade demonstrating its age.

The proposed update of the façade, including the full glazing of the northern façade and the curtain wall system, appears to reduce the depth/insets of the façade and creates a more contemporary architectural style. Whilst the proposed outlook refreshes this highly visible element of the eastern suburbs, its existing 60s architectural style has elements that speak to the heritage and interwar character of its immediate surrounding. I would recommend advice from Council's heritage officer to assess its potential compatibility with the heritage characteristics of the surroundings, particularly with regards to the flattening of the façade and the material colour choice.

Additional penthouses - The proposed additional penthouses do not result in significant changes in the building appearance or height. In my opinion, the additional overshadowing, as demonstrated in the architectural package is negligible. Therefore, I have no concern from an urban design point of view.

Carpark lift – Additional information is required to assess the potential visual impacts of the proposed lift on the streetscape.

Building Entry from street to lobby - I understand that the proposal is exploring options for (DDA) accessible connections from the street level to the main building lobby. However, considering the streetscape characteristics of Darling Point Road at this section, including canopy trees and garden setting, an option with less interference to the streetscape is encouraged from an urban design point of view.

DA Two – Ranelagh Senior Living Uplift Option

I refer to Chapters B1 and B3 as the most relevant parts of the WDCP 2015 to this urban design assessment.

B1.2.1 Precinct character statement

‘The street trees and trees in private yards provide the peninsula with a soft landscape quality’.

B1.2.2 Desired future character

Development is to retain the visual prominence of the tree canopy, particularly along the ridgeline of Darling Point Road.

Development adjoining a contributory item or heritage conservation area is to have regard to the architectural values of the building and establish a sympathetic interface.

Where new development occurs, the buildings are to provide a height, bulk, and scale compatible with those buildings that are predominantly two to four storeys in height, and have regard to the visual impact of the development from the harbour.

Streetscape character and key elements of the precinct

d) well established gardens and trees

e) remnant estate gardens

i) mature street trees especially along the ridgeline

Desired future character objectives

O1 To respect and enhance the streetscape character and key elements of the precinct.

O8 To design and site buildings to respond to the topography and minimise cut and fill.

O9 To ensure that development is subservient to the tree line along the ridge of Darling Point Road when viewed from the harbour.

O10 To retain and reinforce the setting of mature street trees and garden plantings especially along the ridgeline by retaining existing trees and providing appropriate replacement planting.

O11 To retain the landscape setting of the locality by maintaining landscaped areas around buildings and minimising hard stand areas.

The proposed height – The maximum applicable height for the subject site is 13.5m under WLEP 2014. This is equivalent to 4 storeys. The proposal provides a five-storey building. Considering the minimum floor to ceiling height under the ADG, the proposed height does not comply with the maximum height under the WLEP 2014.

Further consideration should be given to how the proposal responds to the WLEP height objectives and controls, desired future character of the area under the WDCP 2015 B1.2.2 as well as CI 33 SEPP HSPD and the principles of SEPP 65.

The proposed bulk and scale – The architectural drawings do not clearly show how the proposal's footprint and built form articulation responds to its neighbouring buildings to the north. The diagram on Page 11 of the architectural package shows that the indicative building envelope is significantly larger than its neighbouring sites.

Further consideration should be given to how the proposal responds to the WLEP FSR objectives and controls, desired future character of the area under the WDCP 2015 B1.2.2 as well as CI 33 SEPP HSPD and the principles of SEPP 65.

The proposed landscape setting - The proposed parking (shown on Page 13 of the architectural package) does not appear to provide adequate setbacks from the street boundary. The existing streetscape has an established garden setting with mature trees on the subject site. This is considered as the 'streetscape character and the key element of the precinct' under the WDCP 2015 B1.2.2.

Consideration should be given to how the proposal responds to the existing streetscape and the desired future character of the area under the WDCP 2015. This should include detailed information to how the proposal responds to the existing stone retaining wall.

Excavation – The proposal appears to result in a significant excavation on the subject site. The proposal is to give consideration to the excavation requirements of the WDCP 2015 B3.4.

3D model - I recommend that a digital 3D model is provided to facilitate a detailed assessment of the relationships between the different built form elements of the subject site. The requirements for 3D models are set out in Council’s DA Guide.

6 INFORMATION REQUIRED WITH DA

The following core and additional documents are required at the time of lodgement of a development application: -

Part 1 – Upgrades to Existing Residential Flat Building

Core Documents

- Owners consent
- Site Plan
- Statement of Environmental Effects
- Plans, Elevations and Sections (with roof plan)
- Site Waste Minimisation and Management Plan
- Survey Plan
- Disclosure statement

Additional Documents

- Heritage impact statement (or heritage matters to be addressed in SEE)
- Arborists Report for any works in the vicinity of established trees
- Landscape Plan
- Plan shadow diagrams
- Elevational shadow diagrams
- BASIX Certificate and Annotated Plans
- Stormwater Layout Plan
- Geotechnical Report if substantial excavation is proposed
- Photomontage
- Design Verification Statement
- Materials, finishes and colours schedule
- Quantity Surveyor’s Report
- Clause 4.6 requests for FSR and height

Part 2 – Seniors Housing Development

Core Documents

- Owners consent

- Site Plan
- Statement of Environmental Effects
- Plans, Elevations and Sections (with roof plan)
- Site Waste Minimisation and Management Plan
- Survey Plan
- Disclosure statement

Additional Documents

- Heritage impact statement (or heritage matters to be addressed in SEE)
- Tree Reports
- Landscape Plan
- Plan shadow diagrams
- Elevational shadow diagrams
- Construction Management Plan
- BASIX Certificate and Annotated Plans
- Stormwater Layout Plan
- Geotechnical Report
- Traffic and Parking Report
- Driveway profiles
- Subdivision Plan
- Draft Strata Plan
- BCA and Access Report
- Photomontage
- 3D and Digital Models
- Design Verification Statement
- Materials, finishes and colours schedule
- Quantity Surveyor's Report
- Clause 4.6 requests for height and FSR

All details are available in Council's DA Guide, which is available at Council's website at http://www.woollahra.nsw.gov.au/building_and_development/submit_a_da/prepare_your_application#daguide.

7 CONCLUSION

7.1 Upgrades to the existing residential flat building

Based on the information submitted with the Pre-DA, no significant concerns are raised in relation to the proposed works to the existing residential flat building, including façade upgrades and the works to the building curtilage and carpark. The proposed additional penthouses will be subject to a consideration of the Clause 4.6 requests submitted with any future DA.

7.2 Proposed Seniors Housing Development

The proposed subdivision and new seniors housing development raises significant concerns, which are detailed below:

- The proposal significantly exceeds the FSR standard, and also exacerbates the non-compliant FSR of the main apartment building.
- The proposal exceeds the height limit development standard.
- The proposal would require the removal of a number of mature trees and reduce the landscaped area of the site, which together constitute an important character element for the Darling Point precinct.
- The proposal requires significant excavation and does not minimise cut and fill, or respond to the site topography.

For the reasons above, in the form presented during the Pre-DA process, the proposed seniors housing development would not be supported by Council.

8 OTHER ISSUES

The following issues should be noted prior to the lodgement of a development application: -

- The proposal must comply with all relevant controls of the Building Code of Australia
- Section 94A Development Contributions are applied for all development applications with a cost of works in excess of \$100,000
- A 0.1% Environmental Levy (minimum of \$50 and maximum of \$2000) is applied to all development applications at the time of lodgement
- Council acknowledges the existence of covenants on properties but does not take these into account in the planning assessment of the application. It is the responsibility of the respective parties to resolve the matter prior to construction
- It is recommended that the applicant consult with the surrounding neighbours prior to the lodgement of the development application to resolve any potential issue

9 DISCLAIMER

The aim of pre DA consultation is to provide a service to people who wish to obtain the views of Council staff about the various aspects of a preliminary proposal, prior to lodging a Development Application (DA). The advice can then be addressed or at least known, prior to lodging a DA. This has the following benefits: -

- Allowing a more informed decision about whether to proceed with a DA; and
- Allowing matters and issues to be addressed especially issues of concern, prior to lodging a DA. This could then save time and money once the DA is lodged.

All efforts are made to identify issues of relevance and likely concern with the preliminary proposal. However, the comments and views in this letter are based only on the plans and

information submitted for preliminary assessment and discussion at the pre DA consultation. You are advised that: -

- The views expressed may vary once detailed plans and information are submitted and formally assessed in the development application process, or as a result of issues contained in submissions by interested parties;
- Given the complexity of issues often involved and the limited time for full assessment, no guarantee is given that every issue of relevance will be identified;
- Amending one aspect of the proposal could result in changes which would create a different set of impacts from the original plans and therefore require further assessment and advice;
- This Pre-DA advice does not bind Council officers, the elected Council members, or other bodies beyond Council in any way whatsoever.

Note: Should a development application be received by Council you need to be aware that nothing contained in these minutes can guarantee that the application will be approved by the Application Assessment Panel, Woollahra Local Planning Panel or Council even in the event that the Council staff recommend approval of the application.

We hope that this advice assists you. If you have any further enquires please contact Mr M Moratelli on 93917165 during normal business hours.

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Mr M Moratelli
Team Leader – Development Control Team Northeast