

02 March 2026

C/o Liam Spinks
Department of Planning, Housing and Infrastructure
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Dear Sir,

Application Number SSD-101842729

Proposal Detailed State Significant Development Application for a residential development with in-fill affordable housing

Location 2-6 Conway Avenue, 15-15A Fernleigh Avenue & 38-40 Carlisle Street, Rose Bay

Thank you for your email dated 12 February 2026, inviting Woollahra Council to provide advice on the abovementioned State Significant Development Application (SSDA).

It is understood that the SSDA involves a residential flat building development with in-fill affordable housing (the proposal) at 2-6 Conway Avenue, 15-15A Fernleigh Avenue & 38-40 Carlisle Street, Rose Bay (the site) comprising of:

- Demolition of existing structures on site.
- Construction of a 8-storey residential flat building comprising 70 residential apartments, including 17 affordable housing apartments.
- Two-three levels of basement for 130 residential parking spaces, including 18 visitor parking spaces, 9 accessible spaces, 7 motorbike spaces, and 77 bicycle spaces.
- Associated earthworks and landscaping.

Council understands that a fundamental policy objective of the NSW government is to deliver more housing across Sydney, in well located areas to create vibrant and walkable communities.

The proposal seeks to utilise the Infill Affordable Housing and the Low and Mid Rise (LMR) provisions of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP).

Council staff have reviewed both the Environmental Impact Statement (EIS) and the supporting appendices and advise that:

- Rose Bay is an inappropriate location for the proposed development due to the high risk of hydrogeological hazards, and the lack of assessment of the cumulative impacts of future LMR developments on groundwater flows and floodwater movements.

- It has not been adequately demonstrated that the site is within 400m 'walking distance' of the Rose Bay Town Centre. It is requested that the DPHI considers whether the provisions of Chapter 6 (LMR) apply to the site.
- It has not been adequately demonstrated that the site is within an accessible area. It is requested that the DPHI considers whether the provisions of Chapter 2 (Affordable Housing) apply to the site.
- The proposal is a much larger development than existing dwellings and recent apartment developments in the street and the diversity of the current planning controls means the development appears out of scale with the current and desired future character.
- The current bulk and scale are considered unreasonable as the proposal has not correctly calculated the proposed height or GFA. The proposal also does not comply fully with the ADG privacy or amenity criteria and has provided insufficient communal open space.
- The proposal provides excessive car parking provision, which fails to ensure sustainable transport outcomes, minimise adverse impacts to the road network, reduce excavation and support the NSW Government's aim of creating walkable communities.
- If the Department of Planning, Housing and Infrastructure (DPHI) concludes that Rose Bay is a suitable location for this development, amendments are required to ensure there is some cohesion along the streetscape and that both residents of this development and of neighbouring developments will have a high level of internal and external amenity. Recommended amendments are set out in section 29 of this submission.

Detailed advice is provided under the headings contained in the following table:

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1) Conditions

In the event the proposal is approved, it is recommended that the conditions of consent provided, without prejudice to Council's advice, at **Annexure A** are included as part of any development consent.

2) State Environmental Planning Policy (Housing) 2021 (Housing SEPP)

Chapter 6 of the Housing SEPP sets out controls which apply to low and mid rise housing. It specifies height and FSR controls on land within 400m walking distance of specified town centres, including Rose Bay Town Centre.

The EIS states that the site is located 365m walking distance of the Rose Bay Town Centre as depicted in the survey plan at Appendix AD. The survey plan depicts a walking route along Ian Lane and Conway Avenue.

The dictionary at Schedule 10 of the Housing SEPP states:

***walking distance** means the shortest distance between 2 points measured along a route that may be safely walked by a pedestrian using, as far as reasonably practicable, public footpaths and pedestrian crossings.*

The width of the footpaths to Ian Lane are insufficient to accommodate a wheelchair or pushchair and includes numerous obstructions (such as power poles, signage, driveways, tree roots and garbage bins) which require pedestrians to walk within the road (as depicted in Figure 1 below). For these reasons, the identified walking distance is not considered to be a route that may be safely walked by a pedestrian.

Figure 1: Image of Ian Street, Rose Bay
Source: Google Maps



It has not been adequately demonstrated that the site is within 400m walking distance of the Rose Bay Town Centre. It is requested that the DPHI considers whether the provisions of Chapter 6 apply to the site.

Chapter 2 of the Housing SEPP sets out bonus provisions for affordable housing within accessible areas.

The applicant has advised that the site is within an accessible area as the site is a 312.4m walking distance from a bus stop via a route along Fernleigh Avenue and New South Head Road, as depicted in the survey plan at Appendix AD.

The route along Fernleigh Avenue is also not considered to be a route that may be safely walked by a pedestrian as the width of the footpaths are insufficient to accommodate a wheelchair or pushchair, and the footpaths includes numerous obstructions (such as power poles, signage, driveways, tree roots and garbage bins) which require pedestrians to walk within the road (as depicted in Figure 2 below).

Figure 2: Image of Fernleigh Avenue, Rose Bay
Source: Google Maps



Furthermore, the footpath that connects Fernleigh Avenue to New South Head Road has a slope of approximately 10.5% and contains 67 steps over several flights of stairs (as depicted in the images at Figure 3 below).

Figure 3: Images of the footpath that connects Fernleigh Avenue to New South Head Road, Rose Bay
Source: Council Staff



It has not been adequately demonstrated that the site is within an accessible area. It is requested that the DPHI considers whether the provisions of Chapter 2 apply to the site.

Section 20(3) states that ‘development consent must not be granted to development under this division (In-fill affordable housing) unless the consent authority has considered whether the design of the residential development is compatible with—
(a) the desirable elements of the character of the local area, or
(b) for precincts undergoing transition—the desired future character of the precinct’.

The proposal, in its current form is considered inconsistent with both the existing context and the desired future character of the precinct as discussed in section 8 of this submission.

Chapter 4 of the Housing SEPP sets out controls for the design of residential apartment development. Section 147(1) states that ‘Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—
(a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,
(b) the Apartment Design Guide’

The proposal, in its current form, undermines the aims of Chapter 4 (design of residential apartment development) of the Housing SEPP as it provides an inappropriate built form, detracts from the streetscape, and does not comply fully with the Apartment Design Guide (ADG) privacy or amenity criteria.

3) Land use

Section 2.3(2) of the Woollahra Local Environmental Plan 2014 (WLEP) states that the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The proposal fails to accord with the following objectives of the R3 Medium Density Residential zone contained within the land use table of the WLEP:

- To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.
- To ensure development conserves and enhances tree canopy cover.

These issues are discussed further in the following sections of this submission.

4) Zone Interface

The site is located at a zone interface. Whilst the site is zoned R3 Medium Density Residential, the land to the north is zoned R2 Low Density Residential. A maximum height standard of 9.5m applies to development within the R2 zone (even where the LMR provisions apply) therefore development within the adjoining lower density zone is envisaged to be a maximum height of 3 storeys.

The NSW Land and Environment Court planning principle contained within *Seaside Property Developments Pty Ltd v Wyong Shire Council [2004] NSWLEC 117* addresses development at a zone interface and states:

As a matter of principle, at a zone interface as exists here, any development proposal in one zone needs to recognise and take into account the form of existing development and/or development likely to occur in an adjoining different zone. In this case residents living in the 2(b) zone must accept that a higher density and larger scale residential development can happen in the adjoining 2(c) or 2(d) zones and whilst impacts must be within reason they can nevertheless occur. Such impacts may well be greater than might be the case if adjacent development were in and complied with the requirements of the same zone. Conversely any development of this site must take into account its relationship to the 2(b) zoned lands to the east, south-east, south and south-west and the likely future character of those lands must be taken into account. Also in considering the likely future character of development on the other side of the interface it may be that the development of sites such as this may not be able to achieve the full potential otherwise indicated by applicable development standards and the like.

The SSDA proposes an 8 storey development opposite a low density residential area where a maximum height of 3 storeys is permitted. The Visual Impact Assessment (VIA) identifies that the visual impact at viewpoint 16 (at the junction of Fernleigh Avenue and Chamberlain Avenue) within the R2 zone is severe. Whilst the VIA recognises that the proposal will become a prominent element within the streetscape due to its increased height and bulk compared to the existing low-rise context. It concludes that within the context of the LMR provisions, the impact is contextually appropriate and will diminish over time as further developments are approved.

Given that the adjoining R2 zone permits a maximum height of 3 storeys under the LMR provisions it is not agreed that the proposal is contextually appropriate at the zone interface or that the impact will diminish over time.

The Planning Principle identifies that development of sites at a zone interface may not be able to achieve the full potential otherwise indicated by applicable development standards and the like. As discussed below, the proposal exceeds both the height and FSR standards. Furthermore, the proposal fails to meet the ADG setback requirements to No.1 Chamberlain Avenue within the R2 Zone, which require a 3m increase to the building setback where there is a change in zone to a lower density area.

Requiring compliance with the height and FSR standards and increasing the setback to Fernleigh Avenue to accord with the ADG setback requirements (including the additional 3m setback) should be considered.

5) Calculation of Height

The EIS states that the building height is fully compliant with the low and mid rise and infill affordable housing provisions which allow for a maximum building height of 28.6m.

The existing ground level and 28.6m height plane depicted on the architectural drawings fails to accurately represent the existing ground levels shown on the site survey. For example, the front setback of No. 2 Conway has an RL of 41.65 and this RL continues into the site. The proposed building in this location has an RL of 72.26, which means a non-compliant height of 30.7m.

The existing ground level as depicted, also appears to not depict the car parking below the existing dwellings to Fernleigh Avenue, and the numerous swimming pools within the site.

The adopted method for calculating the height is contrary to the definitions for 'building height' and 'ground level (existing)' contained within the WLEP 2014.

Extrapolating a height plane has been accepted by the NSW LEC court in cases where the existing ground level is not known (i.e. because the entire site is covered by a building). However, it has been established (*Stamford Property Services Pty Ltd v City of Sydney [2015] NSWLEC 1189* and *Gejo Pty Ltd v Canterbury-Bankstown Council [2017] NSWLEC 1712*) that this method is not intended to overrule the LEP definitions. Given that the site has been surveyed and the existing ground levels are known, the definitions in the WLEP 2014 must be used to calculate height.

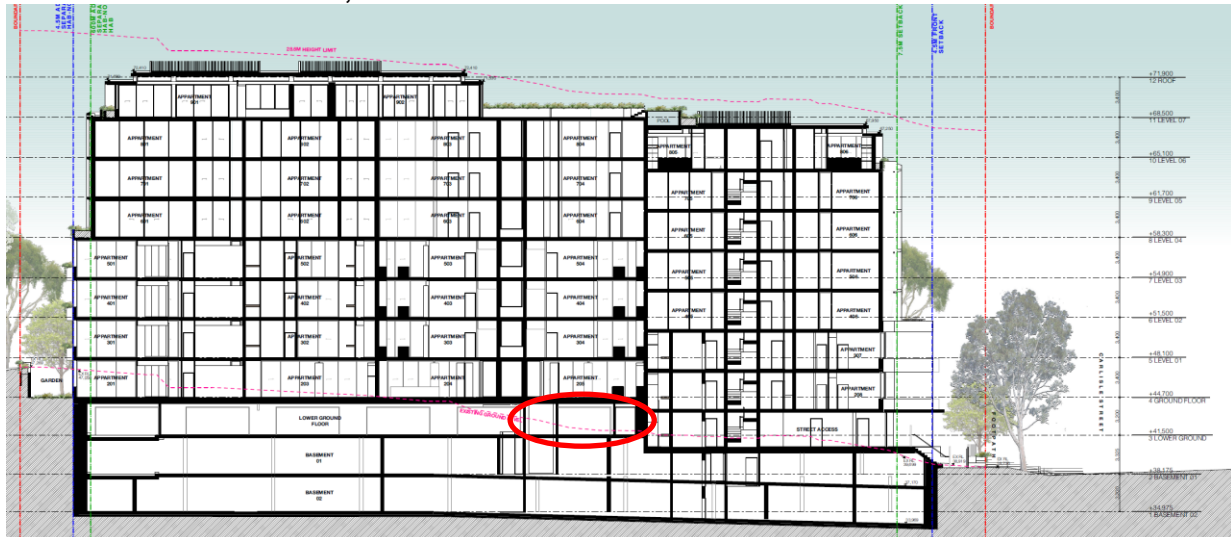
The exhibition documentation fails to provide sufficient information to enable an understanding of the extent of the height non-compliance and the associated impacts. It is requested that the SSDA is re-exhibited with sufficient information to ensure the community can comment on the proposed variation.

6) Calculation of Floor Space Ratio (FSR)

The EIS states that proposal is within the maximum permissible FSR of 2.86:1 permitted under the LMR and in-fill affordable housing provisions in the Housing SEPP.

However, the FSR is incorrectly calculated. Specifically, an area of the lower ground level is not predominantly located below ground level (existing) and the first floor level of the storey immediately above is more than 1m above ground level. This area of the lower ground floor level is therefore not defined as a basement under the WLEP 2014 definition. This area is circled in red on the section in Figure 4 below.

Figure 4: Annotated Section A-A
Source: Section MHNDUNION, Annotations Council Staff



The above ground area of the lower ground level contains bin storage, storage areas, a car wash space, mail room and horizontal circulation. All these areas are considered to constitute gross floor area. It is noted that storage, garbage and services are only excluded from GFA if they are located at basement level.

The exhibition documentation fails to provide sufficient information to enable an understanding of the extent of the FSR non-compliance and the associated impacts. It is requested that the SSDA is re-exhibited with sufficient information to ensure the community can comment on the proposed variation.

Given that the proposal is out of scale with the current and desired future character of the area it is considered that the non-compliant FSR is both unreasonable and unnecessary.

7) Earthworks

Section 6.2 (earthworks) of the WLEP aims to ensure that earthworks and associated construction dewatering for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Section 6.2 (3) sets out a number of matters that the consent authority must consider when deciding whether to grant development consent for earthworks and associated construction dewatering.

Council is urging the NSW Government to exclude the Rose Bay (New South Head Road) centre from the Low and Mid-Rise Housing Policy (LMR Policy) due to Rose Bay being at high risk of hydrogeological hazards. A copy of the letter sent to the

Minister for Planning and Public Spaces on 17 September 2025 is included at **Annexure B**.

Council is concerned about impacts of excavation, particularly the potential impact on the structural and geological integrity of buildings in the Rose Bay area which may occur due to groundwater drawdown during excavation.

The Rose Bay (New South Head Road) centre is in a low-lying basin with a very high water table. Groundwater moves from the ridge lines behind them towards flat land adjoining the harbour. The deep footings and excavated basements (and associated groundwater drawdown) of high-density development interrupt these flows and can cause substantial change in hydrogeological conditions. This reduces the stability of nearby buildings, often causing very significant damage. The low basins are also prone to flooding, compounding the risk to new and existing buildings.

In 2024, engineering consultants GHD Pty Ltd undertook an assessment of hydrogeological and geotechnical impacts associated with development in the Rose Bay Area (the Rose Bay Study). This informed changes to the Woollahra Development Control Plan 2015 (DCP). Amendment 30 to the DCP sought to address groundwater drawdown, land stability and vibration impacts relating to development. A copy of the Rose Bay Study and details of the DCP amendment can be found here: <https://yoursay.woollahra.nsw.gov.au/dcp-2015-amend30>. The DCP Amendment did not have regard to the increased density permitted under the LMR Policy as the policy was not introduced until February 2025.

The proposal includes up to four levels of excavation (two to three levels for the basement car parking and a further level for the western side of the ground floor). This is significantly greater than typical excavation in Rose Bay.

The Geotechnical Opinion and Preliminary Geotechnical Investigation are unsatisfactory for the following reasons:

- The Preliminary Geotechnical Investigation identifies a maximum excavation depth of 9m. Section A depicts a 12.5m excavation depth.
- The Geotechnical Opinion and Preliminary Geotechnical investigation fail to consider the cumulative impacts to groundwater flows and floodwater movements from future LMR developments.
- The Geographical Groundwater Assessment and Geotechnical investigation make no reference to the Woollahra DCP 2015 *Groundwater (hydrogeology) and geotechnical impact* provisions.

Council is aware that under Part 2.2 (State Significant Development), section 2,10 of State Environmental Planning Policy (Planning Systems) 2021, Development Control Plans (DCP) do not apply to state significant developments.

Notwithstanding this the DPHIs *Guide to Faster Assessments for SSD Housing Applications* states that:

Development Control Plans (DCPs) do not apply to SSD applications, however they may be a good guide to help minimise impacts and align with existing development in the area. In this respect the Department may, in some circumstances, ask applicants to consider DCP controls.

It is therefore requested that applicant is required to consider Chapter E2 of the Woollahra DCP 2015.

The issue of excavation is exacerbated as the proposal provides an excessive level of car parking for this stated accessible location.

It is Council's position that the proposal should not be approved in this location due to Rose Bay being at high risk of hydrogeological hazards.

If the application is approved, it is requested that the level of excavation is significantly reduced by providing a maximum of 61 car spaces, and Council's conditions relating to excavation are included in any development consent. The geotechnical and hydrogeological conditions have recently been updated in line with the recommendations of engineering consultants GHD Pty Ltd.

8) Context and Streetscape Character

The site is a part of the Rose Bay Precinct, located to the north and west of the Rose Bay Centre, which serves the daily and weekly shopping needs of the local community. Key elements of context and streetscape character include large street trees, and apartments and dwelling houses within a heavily landscaped setting.

Conway Avenue is characterised by a mix of one or two storey dwellings and more recent three storey apartment buildings. Buildings are predominantly of light coloured rendered or painted masonry with limited use of face brick. Buildings on the same side of the road as the site have a limited front setback (4m-5m) often with a rendered masonry or stone wall on the street and hedging behind. Older dwelling houses and apartment buildings generally feature hipped and tiled roofs, although more recent three storey apartment developments typically have flat roofs. The heritage listed Fernleigh Castle, Rose Bay is near the site.

Due to the changes to the planning controls, it is anticipated that dwelling houses along Conway Avenue will be replaced with six storey apartment buildings (within a 400m walk of the centre). Some of these developments (if in an accessible location) will choose to access the affordable housing bonus and may be up to eight storeys high. The impact of the controls means the desired future character of the street is likely to be a highly varied streetscape height, with existing and new apartment buildings ranging from three to eight storeys. Without a consistent height along the street, there is a need to create strong datum lines in all new development at 3 storeys and 6 storeys and use recessive upper levels above six storeys to help tie the different building scales together. Taller development also needs to be well designed, incorporating a high level of modulation and a varied palette of materials that will respect and enhance the streetscape character.

The proposed eight storey building height, appears out of scale with the current and desired future character. While the bulk of the building has been reduced through articulation, the following recommendations would help reduce the perceived bulk and scale when viewed from the street and contribute to a building façade that better responds to the existing three storey streetscape and the potential future varied streetscape height and character along the street:

- Remove or reduce the size of covered balconies and terraces which add to the visual bulk of the building, especially where they occur off bedrooms and secondary living areas.
- At a minimum facing Conway Street this includes:
 - Reducing the balcony depth off bedrooms and secondary living areas so that they are behind the 4.5m front setback identified in the Architectural Report. This would reduce the bulk and scale and create a more interesting and site responsive design.
 - Increase the area of deep soil in the front setback which can be utilised for landscaping and tree canopy
- Increase and utilize the amount of deep soil and landscape in setbacks (see setbacks below) to ensure the building will appear in a heavily landscaped setting, consistent with the local character.

Refer to **Annexure C** for the full comments from Council's Urban Design Consultant.

9) Building Height

The principles and design strategies in the Design Report appear to consider the site as flat rather than one that has a 3.5m cross fall. It should also be noted that the middle of the site, where the building on 2 Conway Avenue sits, has been excavated to provide a car park under the building. This means the existing ground line is lower than natural ground and therefore in the middle of the site the proposal exceeds the maximum height limit. Refer to Figure 5 for the existing ground line in consideration with the proposed development.

The following recommendations would help reduce the perceived bulk and scale when viewed from the side and rear boundary and contribute to a building façade that better responds to the desired streetscape height and character along the street and to reduce the privacy and overshadowing impacts along the southwestern boundary at the rear:

- Consider removing Level 7 (the eighth storey), as it exceeds the permissible height plane. According to the ADG, a 5–8 storey building typically reaches approximately 25 metres in height. This adjustment will help improve the overall building bulk and scale while also reducing potential overshadowing impacts.
- If Level 7 is retained, a Clause 4.6 variation is required to address the non-compliance with the maximum height control, with clear justification provided in relation to the existing ground line determination in the proposal and its impact on the overall building height.
- Reduce the typical floor to floor height from 3400mm to 3200mm (see section 11 - Built Form and Scale).
- Remove or reduce the size of covered balconies and terraces which add to the visual bulk of the building, especially where they occur off bedrooms and secondary living areas. At a minimum this includes:
 - Remove or reduce the balconies on Levels 2 to 7 facing the Conway Avenue that are accessed off bedrooms as these are not the primary private open spaces, and they increase the bulk and scale of the development. This would also help to reduce the building depth and increase cross ventilation and sunlight to habitable areas

Figure 5: Section A with existing ground Line and recommended ADG setbacks shown over
Source: Section MHNDU. Annotation Council staff



10) Setbacks

Front or street setbacks establish an alignment of buildings along the street and help define the proportion and scale of the street. They contribute to the landscape character of the street and are important in establishing the character of the public domain. Front setbacks are not specified in the ADG, which instead references the need to comply with the DCP and be consistent with the established pattern in the street.

The DCP references averaging the three most typical setbacks of the four closest residential buildings that face the same side of the street. The application does justify the proposed front setbacks of 4.5m for Ground to Level 3 along Conway Street and Carlile Street with an increased setback to 7.5m above Level 3 with reference to the established pattern in the street or to the DCP. However, the building form encroaches into these setbacks, especially along Conway Street, which undermines the intended street alignment, landscape opportunity, and public domain character that the front setback is meant to achieve. The reduced effective setback also limits the ability to provide meaningful deep soil and canopy planting at the street edge, weakening the development's contribution to the streetscape and eroding the landscaped transition between public and private realm. The building response to the front setbacks along Carlile Street are suitable.

Side and rear setbacks are important to ensure amenity for new development and neighbours. Side and rear setbacks in the proposal are generally consistent with ADG building separation requirements (4H) for habitable uses in an apartment building but there are a few inconsistencies.

As indicated in the section provided (refer Figure 5), the proposed built form along the western boundary does not appear to achieve the required stepped setback distances as the building height increases. A response to these areas of inconsistency is noted below:

- The Design Report states that habitable rooms adjacent to the western boundary are provided with appropriate screening. however, this is not reflected in the architectural drawings which do not identify or detail any screening elements along the western boundary. This inconsistency requires clarification,

and it is recommended that the architectural drawings be amended to clearly indicate the location, type, and dimensions of privacy screening measures to demonstrate compliance with the ADG visual privacy requirements.

- The argument that the development does not need to meet the ADG standards as “No 8 Conway has recently been constructed, and so it is unlikely that this site will be developed in the near future” and “the primary facade of any future development of that site would be designed to provide primary aspect to north and west directions for solar access and harbour views and non-habitable facade to the east” fails to recognise that No 8 Conway Avenue currently has a rooftop open space that would be overlooked by the development and any taller future development on this site is also likely to want to take advantage of the view and amenity possible from the roof.
- If habitable rooms and balconies that are unscreened and have clear glazing below 1.5m are desired facing the western boundary these should be set back a minimum of 6m for levels 0-4 storeys (up to 12m) and a minimum of 9m for levels 5-8 storeys (up to 25m). Given the height of the proposed building, it is recommended that if habitable rooms without screening are desired for the upper levels facing west they are redesigned with a clear and significant step-back from the western boundary to meet this requirement, reduce bulk and scale, and limit overshadowing and overlooking impacts on the adjoining property.
- It is recommended that the depth of balconies and habitable rooms at the lower levels be reduced to eliminate any encroachment into the nominated 4.5m front setback. The setback should be taken from the street boundary to the outside face of the front building wall, or any protruding balcony, deck or the like. At the upper levels, a clear and unobstructed setback of 7.5m along both streets should be maintained.

As discussed previously (under section 4) the proposal also fails to meet the ADG setback requirements to No.1 Chamberlain Avenue (located to the northeast of the site) within the R2 Zone. The ADG requires a 3m increase to the building setback due to the site’s location at a zone interface with a lower density area.

11) Built Form and Scale

Chapter 07 of the Design Report includes a detailed consideration of the built form of the proposal and identifies strategies to break down the mass and scale and create a base, middle and top to the development. It is a reasonable approach and would be appropriate in a greenfield or infill location where there is an expectation that all surrounding sites would be developed in a similar manner. However, this site has a strong existing context so increased consideration of the likely future context and a design that is more responsive to the location and slope is needed to ensure this development is compatible with its surroundings (see section 8 - Context and Setbacks).

The proposal states that the development is within the maximum permissible FSR for development on this site. However, I consider that the FSR is slightly over as storage, garbage and services are only excluded where they are within a basement and large areas of the Lower Ground Floor are more than 1m above the existing ground level and therefore should be included in the floor area calculations. The lobby area in the lower ground floor, connecting the fire staircase, should also be included in the calculation of the gross floor area of the development.

The development proposes floor to floor heights of 3400mm. This is overly generous as general floor to floor heights of 3200mm to achieve ceiling heights of 2700mm are more common. If all eight storeys can be reduced to 3,200mm per floor this would result in an overall building height reduction of approximately 1.6m bringing the roof level to RL 70.30. This would reduce the bulk and scale, overshadowing and view impacts of the proposal.

12)Landscape and Amenity

The ADG identifies that the purpose of communal open space is to provide outdoor recreation opportunities, enhance residential amenity through connection to the natural environment and provide opportunities for landscaping and valuable 'breathing space' between apartment buildings. The ADG also recommends that communal open space should be consolidated into a well-designed, easily identified and usable area and co-located with deep soil areas with access to sun in winter, shade in summer and shelter from strong winds.

Under the ADG the development is required to provide 25% of the site area as communal open space and 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter). The proposal states the "communal open space" is 70% but this includes large areas of private open space. The true "communal open space" provided by the proposal is 5.14% (159.60 sqm) and is highly fragmented and composed of:

- A 'communal garden' in the southeast corner of the site, behind the Substation and accessed from Conway Avenue and 'communal garden' on the north-east corner accessed from Carlisle Street. These are the only areas of communal open space co-located with deep soil.
- An indoor Communal indoor space is located at lower ground level near the lobby and the building entry.

The communal open space provided does not meet the ADG design criteria as it does not enhance residential amenity, provide opportunities for high quality landscaping or invite a range of activities, informal recreation and outdoor activities. One reason that the 70 apartments will not receive well landscaped, communal open space collocated with deep soil and with good access to sunshine in mid-winter, is because much of the open space at the ground level are large private open spaces (some with private swimming pools and spas) for the five ground level apartments. It is recommended that the design is reconsidered so that more of the side or rear setback, with deep soil and good access to sunshine in mid-winter, is allocated to communal open space suitable for a range of age groups.

Landscape plays an important role in the streetscape character and the amenity of the local area. Deep soil zones reduce stormwater runoff and promote healthy trees with large canopies. The ADG recommends that all sites achieve 7% deep soil but on larger sites the minimum width of the deep soil zone increases. On a site of this size (greater than 1,500sqm) the minimum width of deep soil increases from 3m to 6m and over 15% of deep soil is encouraged. The proposed development provides no deep soil areas that are 6m wide. As the front setbacks to the basement are less than 6m wide (4.5m and 3.28m wide respectively) the only deep soil areas over 3m wide are provided along the side and rear boundaries. These provide 468.40 sqm of deep soil which equates to 15% of the site. The DCP requires a minimum of 35% deep soil provision on site; however, the proposed development does not satisfy this

requirement, and it is recommended that the landscape design be reviewed and amended to demonstrate compliance with this deep soil requirement.

The Tree Canopy Guide for Low and Mid Rise Housing requires apartment development using this pathway to provide a minimum tree canopy of 15% and deep soil of 7%. The guide encourages sites over 1,500sqm to consider an enhanced deep soil of 15% and tree canopy of 20%. The proposal claims to achieve tree canopy coverage of 33% however many areas identified on the landscape calculation as 'tree canopy' are located within the building envelope, trees planted along the front and rear setbacks are mostly small trees and the trees proposed along the street do not provide canopy coverage to the site. It is recommended that deep soil zones (minimum 3m wide) are provided along the front and rear boundaries, and that taller tree species be incorporated to establish a genuine canopy within the communal open space, improving comfort and usability by providing shade for residents to sit and enjoy the area.

13)Apartment and Balcony Depth

While the design quality of most of the apartments is good, the depth of some of the single aspect apartments is of concern. The depth of a single aspect apartment directly influences the quality of natural ventilation and daylight access and the maximum recommended depth for open plan layouts (living, dining, kitchen) with a ceiling height of 2.7m is 8m. More than half (36) of the 70 units are over 8.5m from glass line to the rear of the Kitchen and many balconies are more than 2.4m deep. Deep floorplates reduce access to natural ventilation and daylight to living, dining and kitchens. Deep balconies make it difficult for living rooms to receive 2hrs of sunshine in mid winter as is clearly shown in the Sun Eye Diagrams as units 602, 702 and 802 struggle to achieve 2hrs of sunlight. If they don't achieve the 2hrs less than 70% of apartments receive 2hrs of sunlight. It is recommended that the depth of these apartments and balconies is reduced.

Several secondary balconies within the proposal are deeper than the adjacent master bedroom, which significantly restricts the ability of habitable rooms to receive adequate solar access and natural light, contrary to the ADG solar access and daylight objectives. Furthermore, the excessive depth of these balconies contributes unnecessarily to the overall bulk and scale of the building, particularly as they read as prominent projecting elements on the facade. It is recommended that the applicant reduce balconies and balcony depths to reduce the bulk and scale of the development, If deeper balconies are retained provide evidence that living rooms receive minimum solar access.

Bedroom 3 within Units 410 and 510 do not provide window openings, which fails to meet the ADG minimum natural light and ventilation requirements for habitable rooms, along with other NCC requirements. Additionally, bedroom windows in some units are directly facing one another (refer Figure 6), with a separation distance of 4.5m between opposing facades. No privacy screening details have been provided to address the resulting overlooking impacts. This breaches the ADG visual privacy requirements and reflects a poor standard of internal amenity and apartment design. It is recommended that all habitable rooms be provided with compliant window openings, that the separation distances between opposing windows be reviewed against the ADG building separation requirements, and that privacy screening details be clearly identified on the architectural drawings to demonstrate that visual privacy is adequately achieved.

Figure 6: Level 02 plan illustrating direct overlooking between Bedroom 2.
Source: Plan MHNDU. Annotation Council staff.



14) Private Open Space

Whilst generous private open space provision is generally desirable, in this case the private open space provision is provided at the expense of the desired future character of the area, the amenity of neighbouring properties and the provision of adequate communal open space.

The ADG requires a minimum POS provision of approximately 773m². The proposal provides approximately 2782m² of POS, nearly four times the minimum. The generous private open space provision significantly adds to the bulk of the buildings, impacts solar access to the subject building, breaches the ADG setback requirements, and fails to respect the lower density of surrounding development.

15) Affordable Housing

The In-fill Affordable Housing Practice Note (December 2023) states nominated affordable housing apartments are not to have a lower standard of design quality compared to the rest of the building;

It is important that amenity is maximised across a development, and that affordable dwellings are not subject to a lower standard. For example, if 70% of dwellings across a development achieve the ADG criteria for solar access (minimum 2 hours to living areas), then a similar percentage of the affordable dwellings should meet that standard.

The proposal identifies that 11/70 (15%) apartments receive no sun in mid-winter, however 9/17 (52%) of affordable apartments receive no sun in mid-winter. The proposal also notes 49/70 (70%) of apartments receive 2hrs of sunshine in midwinter, but only 8/11 (48%) of affordable apartments receive 2hrs of sunshine in midwinter. It is recommended that the apartment allocations be revised so a similar percentage of

affordable and non-affordable dwellings meet the ADG solar access standards. Beyond solar access, the design quality of some of the affordable apartments is also of concern. Units 207 and 306 have been configured such that the primary entry opens directly into a bathroom, which is not considered best practice or consistent with the principles of good apartment design, regardless of tenure type.

To ensure that the affordable housing is provided with car parking in accordance with the Housing SEPP a condition is recommended (at **Annexure A**) requiring 7 of the car parking spaces to be allocated as affordable housing car parking.

16) Visual Impact Assessments and Private Views

The Visual Impact Assessment (VIA) identifies the proposal will impact upon iconic views. These include the public views to the Opera House and partial views to the Harbour Bridge that are available from the junction of Princess Street and Gilbert Street in the Waverly Council area, as depicted in viewpoint 17.

The VIA fails to include any private viewpoints to assess the impact to properties in the Woollahra and Waverley Council areas.

Public viewpoints 17 and 18 depict the western views to the Harbour that are available across the subject site. These include iconic views to the Opera House, Harbour Bridge and city. These views are likely to be afforded to some of the surrounding properties.

The VIA should be amended to include an assessment of the proposal on private views. The height and FSR non compliances should be correctly identified to enable an assessment of the non-compliances.

It is noted that Waverley residents and Waverley Council were not included in the stakeholder engagement.

17) Overshadowing

The shadow diagrams show that the proposal will cast shadows to the north facing windows to the properties on the southern side of Conway Avenue. The EIS states that the overshadowing impacts to surrounding dwellings have been minimised to the extent possible within the built form controls which apply to the site. However, the proposal does not accurately depict the proposed height and FSR and the proposal breaches the western ADG setbacks. The loss of solar access from these non-compliances is not quantified.

18) Privacy

The proposal does not fully comply with the visual privacy requirements in 3F of the ADG. It is recommended that proposal is amended as set out in section 29.

19) Acoustic Impacts

Council's Senior Environmental Health Officer has reviewed the proposal and recommended conditions which are included in **Annexure A**.

Refer to **Annexure D** for detailed comments on acoustic impacts.

20) Contamination

No issues are raised subject to the conditions recommended in **Annexure A**.

Refer to **Annexure D** for detailed comments on contamination.

21) Heritage

Council's Heritage Officer has reviewed the proposal and concluded:

Historic heritage

The supporting documentation submitted provides insufficient consideration of the heritage value of the dwellings to be demolished, and lacks a fulsome assessment of the impact of the proposal on the nearby heritage item at 5 Fernleigh Gardens in accordance with the (former) Department of Planning and Environment 2023 document ["Guidelines for preparing a statement of heritage impact"](#).

The following further information is required for the assessment of the proposal:

1. A Demolition Report for the buildings proposed for demolition that has been prepared in accordance with Attachment 3 of Council's DA Guide,
2. A full Heritage Impact Statement prepared in accordance with Attachment 2 of Council's DA Guide that provides a fulsome assessment of the impact of the proposed development of the subject site on the visual curtilage of the nearby heritage item "Fernleigh castle", including consideration of the impact of the proposal on the views both to and from the item.

It is recommended that this information must be provided prior to the further assessment of these impacts and, if necessary, amendments to the scheme to reduce the impact of the proposed development on the heritage item.

If the consent authority sees fit to approve the application in the absence of this additional key information, the historic heritage conditions included at **Annexure A** are provided on a "without prejudice" basis.

Aboriginal cultural heritage

No concerns are raised regarding the consideration of Aboriginal Cultural Heritage, subject to the imposition of the conditions included in **Annexure A**.

Refer to **Annexure E** for detailed heritage comments.

22) Tree Impacts

Council's Tree and Landscaping Officer has reviewed the proposal and recommended conditions which are included in **Annexure A**.

Refer to **Annexure F** for detailed comments on Trees.

23) Parking Provision

Council's Traffic Engineer has advised:

The parking provision for the proposal has been assessed in accordance with State Environmental Planning Policy (Housing) 2021 and Council's *DCP 2015 Chapter E1 Parking and Access* and *Chapter B4 Housing in Accessible Areas (Draft)*.

Table 1: Car Parking Provision

Source: Council Staff

SEPP (Housing) 2021 Non-Discretionary Minimum Requirement			
Dwellings used for affordable housing			
	Quantity	SEPP Minimum Requirement per Unit	SEPP Minimum Requirement
1 bedroom	7	0.4	2.8
2 bedrooms	10	0.5	5
Dwellings not used for affordable housing			
	Quantity	SEPP Minimum Requirement per Unit¹	SEPP Minimum Requirement
1 bedroom	3	0.5	1.5
2 bedrooms	16	1	16
3 or more bedrooms	34	1.5	51.5
Total requirement			75.8 (76)
DCP Maximum Control – Housing in Accessible Areas*			
	Quantity	DCP Maximum Requirement per Unit	DCP Maximum Permitted Parking
1 bedroom	10	0.4	4
2 bedrooms	26	0.6	15.6
3 or more bedrooms	34	1	34
Visitors	70	0.1	7
Total Permitted			60.6 (61)

*The submitted documentation states the site is within 400m walking distance of Rose Bay Town Centre.

The proposal includes 130 car parking spaces, which substantially exceeds the minimum requirement of SEPP (Housing). Noting the site is stated to be within 400m to Rose Bay town centre and have convenient access to public transport services, the proposed parking provision is considered excessive and contradicts the state government's goal for an environmentally sustainable growth, and its Travel Demand Management strategy to increase the mode share of alternative transport and reduce the use of single-occupancy vehicles.

Further, whilst the SEPP is the prevailing planning instrument, due consideration should also be given to Council's DCP. At its meeting of 23 February 2026, Council resolved to approve the Draft DCP (integrated to a new Chapter B4) to strengthen provisions for housing in accessible areas (land subject to the low and mid-rise housing reforms). The Draft DCP is developed in line with SEPP's overarching strategy to suit the locality and minimise adverse impacts on the local road network to reduce emissions and alleviate congestions, which sets the below objectives:

- O1 To minimise resident and visitor parking in locations that are identified as having good accessibility to public transport.
- O2 To minimise vehicular traffic generated by development.
- O3 To provide a rate of parking that encourages the use of public transport.
- O4 To reduce the reliance on private vehicles and the corresponding traffic impact on the road network.
- O5 To manage transport demand in a sustainable manner.
- O6 To minimise risks and impacts relating to excavation, subterranean buildings and dewatering works

Accordingly, a maximum parking control is provided as shown in Table 1. Noting the parking rates in SEPP (Housing) are non-discretionary standards that prevent the consent authority from requiring more onerous standards for the matters, a reduced parking provision would still comply whilst realising the environmental and social benefits of the transport network. As such, the parking provision should be reduced to a total of 61 parking spaces, as detailed in the above table. A minimum of two (2) parking spaces should be allocated for car share use, to accommodate residents' day-to-day transport needs and increases the mobility of people using the service with a reduced private car ownership.

Bicycle and Motorbike Parking

Table 2: Bicycle and Motorbike Parking Provision

Source: Council Staff

BICYCLE			
	Quantity	DCP Minimum Requirement	DCP Minimum Required Parking
Residential Residents	70 units	1 per unit	70
Residential Visitors	70 units	1 per 10 units	7
Total required			77
MOTORBIKE			
	Quantity	DCP Minimum Requirement	DCP Minimum Required Parking
Car Spaces	62	1 per 10 car spaces	5
Total required			5

In response, the proposal includes seven (7) motorbike parking space and 77 bicycle parking spaces which complies with DCP's minimum requirements and is deemed satisfactory.

24)Traffic Generation

Council's Traffic Engineer has advised:

Traffic generation from the proposed development has been calculated in accordance with TfNSW *Guide to Transport Impact Assessment (2024) – TS 00085*.

Existing Development

Low Density Residential

- Weekday peak hour vehicle trips: 9 dwellings x 0.68-0.77 per dwelling = 6.12-6.93 trips
- Daily vehicle trips: 9 dwellings x 8.12 per dwelling = 73.08 trips

Proposed Development

High Density Residential – High Public Transport Accessibility

- Weekday peak hour vehicle trips: 70 dwellings x 0.15-0.19 per dwelling = 10.5-13.3 trips
- Daily vehicle trips: 70 dwellings x 1.52 per dwelling = 106.4 trips

High Density Residential – Low Public Transport Accessibility

- Weekday peak hour vehicle trips: 130 parking spaces x 0.134 + 4.9 = 22.3-26 trips
- Daily vehicle trips: 130 parking spaces x 1.52 per dwelling = 178.1 trips

The above calculation identifies significant increase of vehicle trips for the same scale of developments if they are located in an area with low level of public transport accessibility which results in high reliance and ownership of private vehicles. This proposal, whilst stated to be located in a high public transport accessible area, includes extensive amount of onsite parking and fails to provide any travel demand management measures to reduce use of private vehicles. It is therefore considered that the traffic modelling for low public transport accessibility should apply to the proposal.

As such, Council's Traffic & Transport Engineers raise serious concerns on the adverse traffic impact of the development as it is envisaged to exacerbate the traffic conditions on the surrounding road network, particularly on Carlisle Street and Dover Road which are already under high pressure from school traffic, noting Conway Avenue is a no-through road and all city-bound commuting traffic and day-to-day visits to nearby Rose Bay village generated by the development would require access through Carlisle Street.

Table 3: Environmental Capacity Performance Standards on Residential Streets

Source: Council Staff

Road Class	Road Type	Maximum Speed (km/hr)	Maximum Peak Hour Volume (veh/hr)
Local	Street	40	200 environmental goal
			300 maximum

Council's Traffic Counts data identify the hourly traffic volume along Carlisle Street is currently 252.3 vehicles, which have already reached the environmental capacity for a local residential street. This results in declining robustness and traffic performance is highly sensitive to any additional traffic. The proposed provision of 130 car parking spaces will further exacerbate the traffic congestion, which is associated with higher, more chaotic, and unpredictable accident rates and further reducing overall network stability. Concerns are also raised with the right-turn movements required at the intersection of Conway Avenue and Carlisle Street, which is anticipated to significantly compromise traffic performance at this location in terms of safety and efficiency.

It is therefore essential that on-site car parking provision be reduced, to mitigate the adverse impacts. It is also requested that the applicant develop, implement and maintain, to the satisfaction of Council's Engineering Services Department, intersection

control treatments with associated signage and line marking, including but not limited to:

- Give-Way control at the intersection of Conway Avenue and Carlisle Street, and
- Double barrier (BL2) line approaching the intersection.

25) Vehicular Access

Council's Traffic Engineer has advised that:

The proposed 6.6m-wide vehicular access complies with the width requirement for a Category 2 access facility, as stipulated in AS 2890.1. A centre median island with an intercom is proposed however with a setback from the site boundary for approximately 3.2 metres. Should the development be approved, a line marking should be provided, from the property boundary leading to the centre median island, to clearly delineate the ingress and egress traffic to ensure provision of a two-lane two-way driveway and regulate driving behaviours at the access point.

The gradient of the access driveway complies with the standard and is considered acceptable.

It is noted that 2m x 2.5m driveway sightline splay is provided along both sides of the driveway. Any structure within the splay area should be removed to ensure visibility between vehicles leaving the car park and pedestrians on the frontage road footpath. This should be clearly depicted on the architectural plans.

Traffic light system should be incorporated and must be installed at each level of car park, to ensure priorities are given to vehicles entering the site. Waiting bays should be provided accordingly at each level with a minimum dimension of 2.4m x 6.0m and a maximum gradient of 1 in 20.

In addition, convex mirrors should be provided for circulation roadways within the car park to assist with visibility and minimise conflicts between two directions of traffic.

These amendments are included in the recommended conditions at **Annexure A**.

26) Flood

The site is located with a Flood Planning Area on Woollahra Council's Flood Planning Area map. Clause 5.21 of the WLEP addresses flood planning and states that:

- (2) *Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*
- a) is compatible with the flood function and behaviour on the land, and*
 - b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
 - c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*

- d) *incorporates appropriate measures to manage risk to life in the event of a flood, and*
- e) *will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

- (3) *In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—*
- a) *the impact of the development on projected changes to flood behaviour as a result of climate change,*
 - b) *the intended design and scale of buildings resulting from the development,*
 - c) *whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
 - d) *the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

It is requested that the DPHI considers any agency advice received in relation to flooding, and ensures the proposal accords with Clause 5.21 of the WLEP, which is a prerequisite for the granting of development consent.

Council's Drainage Engineer has reviewed the proposal and recommended conditions included in **Annexure A**.

27) Stormwater

A preliminary assessment of the submitted stormwater concept plans has identified the following issues which should be addressed by the applicant prior to further assessment:

- The provision of raingarden shall be provided to comply with Chapter E2.2.3 of the Council's DCP. Alternatively, the required storage of the on-site stormwater detention (OSD) system shall be increased to 25m³/1000m² of site area to fully offset the OSD system. In this regard, the required storage volume shall be 77.6m³.
- In order to prevent any backwater effects, invert level of the proposed stormwater OSD system must be designed so that it is set above the HGL of the downstream drainage system where the top of kerb level at the connecting kerb inlet pit is to be used as the tailwater level. The tailwater level must be higher than the top of kerb where the point of connection is affected by mainstream or overland flooding. No submerged condition and/or the use of non-return valve will be permitted. All invert levels and finished levels of all junction pits and kerb inlet pit must be clearly depicted on the drawings.

28) Waste

The Waste Management Plan states that 'preliminary discussions have been undertaken with several private waste contractors should the development elect to use a private collection service'.

The use of a private waste collection is a poor outcome for future residents (which includes low- and moderate-income households) who will effectively be paying twice for waste collection.

29) Design Amendments

For the reasons set out in this submission, it is considered that Rose Bay is an inappropriate location for the proposed development due to the high risk of hydrogeological hazards. However, if the development progresses it is recommended that the following design amendments are incorporated:

- Consider reducing the building by a storey so that it is within the maximum building height. This would also address some of the setback and privacy and overshadowing issues identified below.
- If this does not occur submit a Clause 4.6 variation request to address the non-compliance with the maximum height control, with clear written justification provided in relation to the existing ground line and its impact on the overall building height and building impacts.
- Remove or reduce the size of covered balconies and terraces, which increase the visual bulk of the building especially where they occur off bedrooms and secondary living areas including:
 - Reducing the depth of balconies at the lower levels that encroach into the nominated front setback and maintaining a clear setback of 4.5m along lower levels and 7.5m at the upper levels along Conway Street.
 - Reviewing and reducing all balconies that are deeper than 2.5m to improve solar access to living rooms and reduce unnecessary facade bulk.
- Increase the setback to Fernleigh Avenue to accord with the ADG setback requirements which requires an additional 3m setback in addition to the standard setback requirements as the site is adjacent to a lower density R2 Zone.
- Where possible reduce the floor-to-floor height from 3,400mm to a minimum of 3,200mm across all levels. This may not be possible between Level 3 and Level 4 and Level 6 and Level 7 as the apartment layout changes.
- If habitable windows and balconies are desired facing the western boundary, increase the setback to achieve the ADG minimum separation requirements at each height threshold i.e. 6m for levels up to 4 storeys, a minimum of 9m for levels 5-8 storeys, and a minimum of 12m for levels above 25m.
- Provide window openings to all bedrooms to comply with the ADG minimum natural light and ventilation requirements for habitable rooms and introduce privacy screening details for opposing bedroom windows to address the 4.5m visual privacy breach identified within the building.
- Ensure that the total floor area of the building is within the maximum FSR.

- Reduce the depth of single aspect apartments so the maximum depth of open plan living, dining and kitchen within these apartments is not more than 8m.
- Reconsider the allocation of oversized private open spaces (including private pools and spas) at the ground level and reallocate a portion of the side or rear setback as genuine communal open space, co-located with deep soil and with decent medium to large tree canopy.
- Redesign to ensure the communal open space provided is consolidated, suitable for a range of age groups, linked to deep soil and has access to 2hrs of sunshine in mid-winter.
- Increase the amount of deep soil and tree canopy in the front setback to ensure the building will appear in a heavily landscaped setting, consistent with the local character.
- Review and amend the deep soil provision to work towards compliance with the DCP minimum requirement of 35%, ensuring deep soil zones are a minimum of 3m wide (but preferably 6m) along the front and rear boundaries and are co-located with taller tree species to establish a genuine canopy for shade and amenity.
- Reconsider the allocation of affordable dwellings or redesign the building so that a similar percentage of affordable dwellings and non-affordable dwellings meet the solar access standards.

Figure 7: Summary of key recommendations for street elevation shown over Photomontage 01

Source: Photomontage MHNDU. Annotations Council staff



Figure 8: Summary of key recommendations for western boundary shown over Photomontage 02
Source: Photomontage MHNDU. Annotations Council Staff



- To reduce excavation, minimise potential hydrogeological hazards, and support sustainable transport outcomes, a maximum of 61 car parking spaces should be provided, and 2 spaces should be allocated for car share use.
- Intersection control treatments with associated signage and line marking, developed in consultation with Council’s Engineering Services Department, including but not limited to:
 - Give-Way control at the intersection of Conway Avenue and Carlisle Street,
 - Double barrier (BL2) line approaching the intersection.

30) Request for Further Information

The following additional information is requested to enable an assessment of the proposal:

- The maximum height is not accurately calculated. The existing ground level and 28.6m height plane depicted on the architectural drawings fails to accurately represent the existing ground levels shown on the site survey. If the proposal is not amended to comply with the height standard, the exhibition documentation should be amended to accurately depict the proposed non-compliant height and the SSDA should be re-exhibited.
- The FSR is not accurately calculated. The above ground area of the lower ground level contains bin storage, storage areas, a car wash space, mail room and horizontal circulation. All these areas are considered to constitute gross floor area. If the proposal is not amended to comply with FSR standard, the exhibition documentation should be amended to accurately depict the proposed FSR and the SSDA should be re-exhibited.
- A Demolition Report, for the buildings proposed for demolition, that has been prepared in accordance with Attachment 3 of Council’s DA Guide.
- A full Heritage Impact Statement, prepared in accordance with Attachment 2 of Council’s DA Guide, that provides a fulsome assessment of the impact of the proposed development of the subject site on the visual curtilage of the nearby heritage item “Fernleigh castle”, including consideration of the impact of the proposal on the views both to and from the item.

- The Geographical Groundwater Assessment and Geotechnical investigation must consider the cumulative impacts to groundwater flows and floodwater movements from future LMR developments and make reference to the Woollahra DCP 2015 Groundwater (hydrogeology) and geotechnical impact provisions.
- Amended stormwater concept plans, which address the concerns raised in this submission.
- An amended external finishes schedule which identifies the proposed materials to the Fernleigh Avenue frontage.
- The canopy coverage plan (in the landscape plans) should be amended so it does not include canopy located within the building footprint.
- Evidence that units 602, 702, and 802 receive minimum solar access.

If you require clarification on any issue raised, please do not hesitate to contact Executive Planner **Eleanor Smith** on (02) 9391 7090 or via email at eleanor.smith@woollahra.nsw.gov.au.

Yours sincerely



Nick Economou
**Manager – Development Assessment
 Annexures**

- A. Recommended Conditions of Consent (without prejudice to Council advice)**
- B. Letter sent to the Minister for Planning and Public Spaces on 17 September 2025 – Hydrogeological Hazards Rose Bay**
- C. Urban Design comments**
- D. Environmental Health comments**
- E. Heritage comments**
- F. Tree and Landscaping comments**