



Environmental Planning Committee Meeting

Monday 4 July 2022

6.30pm

Agenda

Part One - Items D1 & R1



Compliance with social distancing requirements to limit the spread of COVID-19 virus at Council and Committee Meetings:

To limit the spread of the COVID-19 virus Woollahra Council will be holding Council and Committee meetings (i.e. Environmental Planning (EP), Finance, Community & Services (FC&S) and Strategic & Corporate (S&C), The Mayor, Councillors and staff will be participating in person however at this time, members of the public are invited to watch and/or listen to meetings live (via Council's website).

A link will be available on Council's website:

https://www.woollahra.nsw.gov.au/council/meetings_and_committees/committees/environmental_planning_committee_ep/ep_agendas_and_minutes

To register to address the Committee, please email your name, phone number and Item number to records@woollahra.nsw.gov.au by 10.00am on the day of the meeting. Instructions on how to join the meeting will be forwarded to person who have pre-registered to make a submission/address the Committee, via email on the day of the meeting via email.

Late correspondence may be submitted for consideration by the Committee. All late correspondence must be received by 10.00am on the day before the meeting. Late correspondence is to be emailed to records@woollahra.nsw.gov.au

Minutes of the Environmental Planning Committee (EP) will be posted to Council's website once finalised.

If you are experiencing any issues please call Council's Governance department on (02) 9391 7001.

An audio recording of the meeting will be uploaded to Council's website following the meeting by 5.00pm on the next business day.

Outline of Meeting Protocol & Procedure:

- The Chairperson will call the Meeting to order and ask the Committee Members and/or Staff to present apologies and/or late correspondence.
- The Chairperson will commence the Order of Business as shown in the Index to the Agenda.
- At the beginning of each item the Chairperson will invite member(s) of the public who registered to speak to address the Committee.
- Members of the public who have registered to address the Committee, will be allowed four (4) minutes in which to address the Committee. One (1) warning bell will be rung at the conclusion of three (3) minutes and two (2) warning bells rung at the conclusion of four (4) minutes. Please direct comments to the issues at hand.
- If there are persons representing both sides of a matter (e.g. applicant/objector), the person(s) against the recommendation speak first.
- At the conclusion of the allocated four (4) minutes, the speaker will take no further part in the debate unless specifically called to do so by the Chairperson.
- If there is more than one (1) person wishing to address the Committee from the same side of the debate, the Chairperson will request that where possible a spokesperson be nominated to represent the parties.
- After considering any submissions the Committee will debate the matter (if necessary), and arrive at a recommendation (R items which proceed to Full Council) or a resolution (D items for which the Committee has delegated authority).

Disclaimer:

By using conferencing technology, listening and/or speaking at Council or Committee Meeting members of the public consent to their voice and personal information (including name and address) being recorded and publicly available on Council's website. Councillors, staff and members of the public are advised that meeting are being live streamed, accessible via a link from Council's website.

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For further information please visit www.woollahra.nsw.gov.au

Recommendation **only** to the Full Council ("R" Items):

- Such matters as are specified in Section 377 of the Local Government Act and within the ambit of the Committee considerations.
- Broad strategic planning matters including those initiated at State and Federal Government level.
- Urban design studies.
- Planning proposals and local environment plans.
- Development control plans and guidelines.
- Development contribution plans.
- Heritage conservation studies, assessments and controls.
- Commercial centres' studies.
- Residential studies and strategies.
- Parks and Reserves Plans of Management (Strategies, Policies and Objectives).
 - Flood Management Strategies.
 - Recreation Policies and Strategies.
 - Sustainability Policies and Strategies.
- Transport Strategies.
- Tree Policies and Strategies.
- Matters requiring the expenditure of moneys and in respect of which no Council vote has been made.
- Matters requiring supplementary votes to Budget.
- Matters **not** within the specified functions of the Committee.
- Matters reserved by individual Councillors in accordance with any Council policy on "safeguards" and substantive changes

Environmental Planning Committee Membership: 7 Councillors

Quorum: The quorum for Committee meeting is 4 Councillors

Delegated Authority to be determined at Committee level ("D" Items):

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

Woollahra Municipal Council

Notice of Meeting

29 June 2022

To: Her Worship the Mayor, Councillor Susan Wynne ex-officio
Councillors Mary-Lou Jarvis (Chair)
Richard Shields (Deputy Chair)
Sean Carmichael
Harriet Price
Lucinda Regan
Matthew Robertson
Isabelle Shapiro

Dear Councillors,

Environmental Planning Committee – 4 July 2022

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Environmental Planning Committee** meeting to be held in the **Thornton Room (Committee Room), 536 New South Head Road, Double Bay, on Monday 4 July 2022 at 6.30pm.**

Members of the public may:

- register to address the meeting (via Zoom) by emailing your name, phone number and the item number to records@woollahra.nsw.gov.au by **10.00am on the day of the meeting**
- submit late correspondence for consideration by Councillors by emailing records@woollahra.nsw.gov.au by **10.00am on the day of the meeting.**

Members of public are invited to watch and listen to the meeting live via Council's website: https://www.woollahra.nsw.gov.au/council/meetings_and_committees/committees/environmental_planning_committee_ep/ep_agendas_and_minutes

A audio recording of the meeting will be uploaded to Council's website following the meeting by 5.00pm on the next business day. The safety of our community, Councillors and our staff is Council's number one priority and we thank you for your patience and understanding at this time.

If you have any difficulties accessing the meeting please contact (02) 9391 7001.

Regards,

Craig Swift-McNair
General Manager

Environmental Planning Committee Meeting Agenda

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2.	Acknowledgement of Country (Gadigal People and Birrabirrigal People)	
3.	Leave of Absence and Apologies	
4.	Late Correspondence	
5.	Declarations of Interest	

Items to be Decided by this Committee using its Delegated Authority

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

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R4	Replacement Tree at 23 Hampden Street, Paddington - 22/124548	355
R5	Christmas Decorations Program 2022/2023 - Recommendations for Queen Street Woollahra - 22/121664	365
R6	Resilience in planning - Advocacy to the NSW Planning Minister - 22/107547	373

Item No: D1 Delegated to Committee
Subject: **CONFIRMATION OF MINUTES OF MEETING HELD ON 6 JUNE 2022**
Author: Sue O'Connor, Governance Officer
File No: 22/124541
Purpose of the Report: The Minutes of the Environmental Planning Committee of 6 June 2022 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.
Alignment to Delivery Program: Strategy 11.3 Ensure effective and efficient governance and risk management.

Recommendation:

THAT the Minutes of the Environmental Planning Committee Meeting of 6 June 2022 be taken as read and confirmed.

Executive Summary:

This report presents the Environmental Planning Committee Minutes of 6 June 2022 for confirmation by the Committee.

The minutes are presented as **Attachment 1**.

Options:

Nil.

Community Engagement and / or Internal Consultation:

Nil.

Policy Implications:

Nil.

Financial Implications:

Nil.

Resourcing Implications:

Nil.

Conclusion:

The minutes are presented for confirmation by the Committee.

Attachments

1. Unconfirmed Minutes - Environmental Planning Committee 6 June 2022 [↓](#) 



Environmental Planning Committee Meeting

Monday, 6 June 2022

6.30pm

Minutes



Environmental Planning Committee Minutes

Monday 6 June 2022

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Environmental Planning Committee

Minutes of the Meeting held in the Thornton Room, 536 New South Head Road, Double Bay on 6 June 2022 at 6.30pm.

Present: Her Worship the Mayor, Councillor Susan Wynne ex-officio

Councillors: Mary-Lou Jarvis (Chair)
Sean Carmichael
Nicola Grieve (R3-R6)
Harriet Price
Lucinda Regan
Matthew Robertson (via Zoom)
Isabelle Shapiro
Merrill Witt (R3-R6)

Staff: Micaela Hopkins (Team Leader Environment & Sustainability)
Scott Pedder (Director – Planning & Development)
Carolyn Nurmi (Governance Officer)
Kristy Welfare (Strategic Planner)
Anne White (Manager – Strategic Planning)

Note: The Committee moved into Closed Session at 8.25pm (in relation to Item R6 – Proposed enhanced excavation provisions in the Woollahra Development Control Plan 2015). The Council moved into Open Session at 8.55pm.

1. Opening

The Chair declared the Environmental Planning Committee of 6 June 2022 open and welcomed Councillors, staff and members of the public who are watching and listening to this evenings meeting.

2. Acknowledgement of Country (Gadigal People and Birrabirrigal People)

The Chair read the following Acknowledgement of Country:

I would like to acknowledge that we are here today on the land of the Gadigal and Birrabirrigal people, the traditional custodians of the land. On behalf of Woollahra Council, I acknowledge Aboriginal or Torres Strait Islander people attending today and I pay my respects to Elders past, present and emerging.

3. Acknowledgement of the Sovereign of the Day (Queen Elizabeth II)

The Chair read the following Acknowledgement of the Sovereign of the Day (Queen Elizabeth II):

I also acknowledge Queen Elizabeth II.

4. Leave of Absence and Apologies

An apology was received and accepted from Councillor Richard Shields (Deputy Chair) and leave of absence granted.

5. Late Correspondence

Late correspondence was submitted to the committee in relation to Items R1, R2 and R3.

6. Declarations of Interest

Councillor Carmichael declared a Non-Pecuniary, Non-Significant interest in Item R1 (Advice of the Woollahra Local Planning Panel – Planning Proposal – Heritage Listing of 364 Edgecliff Road, Woollahra) as Councillor Carmichael knows Anthony Boskovitz who was a former Councillor and has submitted late correspondence. Councillor Carmichael remained in the meeting, participated in debate and voted on the matter.

Councillor Shapiro declared a Non-Pecuniary, Non-Significant interest in Item R1 (Advice of the Woollahra Local Planning Panel – Planning Proposal – Heritage Listing of 364 Edgecliff Road, Woollahra) as Councillor Shapiro knows Anthony Boskovitz who was a former Councillor and has submitted late correspondence. Councillor Shapiro remained in the meeting, participated in debate and voted on the matter.

Councillor Jarvis declared a Non-Pecuniary, Non-Significant interest in Item R1 (Advice of the Woollahra Local Planning Panel – Planning Proposal – Heritage Listing of 364 Edgecliff Road, Woollahra) as Councillor Jarvis knows Anthony Boskovitz who was a former Councillor and has submitted late correspondence. Councillor Jarvis remained in the meeting, participated in debate and voted on the matter.

Woollahra Municipal Council
Environmental Planning Committee Minutes

6 June 2022

Items to be Decided by this Committee using its Delegated Authority

Item No: D1 Delegated to Committee
Subject: **CONFIRMATION OF MINUTES OF MEETING HELD ON 2 MAY 2022**
Author: Sue O'Connor, Governance Officer
File No: 22/102525
Purpose of the Report: The Minutes of the Environmental Planning Committee of 2 May 2022 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.
Alignment to Delivery Program: Strategy 11.1: Facilitate community led decision-making that is open, honest and ethical and benefits the broader community.

(Shapiro/Carmichael)

Resolved:

THAT the Minutes of the Environmental Planning Committee Meeting of 2 May 2022 be taken as read and confirmed.

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Councillor Carmichael
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro

Against the Motion

Nil

6/0

Woollahra Municipal Council
Environmental Planning Committee Minutes

6 June 2022

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

Item No: R1 Recommendation to Council
Subject: **ADVICE OF THE WOOLLAHRA LOCAL PLANNING PANEL -
PLANNING PROPOSAL - HERITAGE LISTING OF 364 EDGECLIFF
ROAD, WOOLLAHRA**

Author: Kristy Welfare, Strategic Heritage Officer
Approvers: Anne White, Manager - Strategic Planning
Scott Pedder, Director - Planning & Place

File No: 22/104004
Purpose of the Report: To provide Council with the advice of the Woollahra Local Planning Panel.
To obtain Council's approval to proceed with the planning proposal to list
364 Edgecliff Road, Woollahra as a local heritage item in Schedule 5 and
on the Heritage Map of the Woollahra Local Environmental Plan 2014.

Alignment to Delivery Program: Strategy 4.3: Protect our heritage, including significant architecture and
the natural environment.

Note: Late correspondence was tabled at the meeting by Tomasy Planning, Anthony
Boskovitz, Eden Dietrich, Madeline & Alison Barclay, Cassie & Chad Mackay, Catey
Campos and Charles Mendel – Woollahra Residents' Association.

Note: Pete Finley, Kate Denny, Denis Smith, Charles Mendel, Dr James Guinan, Scott
Robertson, Council Consultant, Anthony Boskovitz, Paul Rappoport, Architect and
Alex Smith, Architect on behalf of the owner addressed and Scott Robertson,
Council's Heritage Consultant addressed the Panel.

(Shapiro/Regan)

Recommendation:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 19 May 2022 for the planning proposal to list 364 Edgecliff Road, Woollahra as a local heritage item in Schedule 5 and on the Heritage Map of the Woollahra Local Environmental Plan 2014.
- B. THAT Council endorse the planning proposal as contained in **Attachment 5** of the report to the Environmental Planning Committee of 6 June 2022 to list *The Corner House (house, including interiors), garage, and garden sandstone fence base* at 364 Edgecliff Road, Woollahra (Lot 1, DP 224367) as a local heritage item in Schedule 5 and on the Heritage Map of the *Woollahra Local Environmental Plan 2014* and resolve to forward this to the Department of Planning and Environment with a request for Gateway Determination to allow public exhibition.
- C. THAT Council request the Minister for Planning and Public Spaces (or delegate) authorise Council as the local plan-making authority in relation to the planning proposal, to make the local environment plan under section 3.36 of the *Environmental Planning and Assessment Act 1979*.

Note: *In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.*

For the Motion
Councillor Carmichael
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
6/0

Against the Motion
Nil

Woollahra Municipal Council
Environmental Planning Committee Minutes

6 June 2022

Item No: R2 Recommendation to Council
Subject: **POST EXHIBITION REPORT - HERITAGE LISTING OF 133 NEW SOUTH HEAD ROAD AND 549 GLENMORE ROAD, EDGECLIFF**
Author: Kristy Welfare, Strategic Heritage Officer
Approvers: Anne White, Manager - Strategic Planning
Scott Pedder, Director - Planning & Place
File No: 22/69794
Purpose of the Report: To report on the public exhibition of the planning proposal to list 133 New South Head Road and 549 Glenmore Road as local heritage items.
Alignment to Delivery Program: Strategy 4.3: Protect our heritage, including significant architecture and the natural environment.

Note: Late correspondence was tabled at the meeting by Stela Razzaque, Department of Planning & Environment and Bob Cadry.

Note: The Committee added part C to the Recommendation.

(Robertson/Regan)

Recommendation:

- A. THAT Council finalise the planning proposal at **Attachment 1** of the report to the Environmental Planning Committee meeting of 6 June 2022 which seeks to list the Cadry's building (including interiors) at 133 New South Head Road and the early Victorian sandstone cottage (including interiors) at 549 Glenmore Road, Edgecliff as local heritage items in Schedule 5 and on the Heritage Map of the Woollahra Local Environmental Plan 2014.
- B. THAT Council requests the Planning Secretary to make the local environmental plan under section 3.36(1) of the *Environmental Planning and Assessment Act 1979*.
- C. THAT Council note that we are already active on the investigation of heritage significance for the cottages at 534 - 547 Glenmore Road, Edgecliff (Lot 34, 35 & 36 in DP: 255233) in our Heritage Gap Analysis Study.

Note: *In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.*

For the Motion

Councillor Carmichael
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro

Against the Motion

Nil

6/0

Woollahra Municipal Council
Environmental Planning Committee Minutes

6 June 2022

Item No: R3 Recommendation to Council
Subject: **RESPONDING TO A COUNCIL RESOLUTION TO FACILITATE A HERITAGE ADVISORY COMMITTEE**
Author: Kristy Wellfare, Strategic Heritage Officer
Approvers: Anne White, Manager - Strategic Planning
Scott Pedder, Director - Planning & Place
Craig Swift-McNair, General Manager
File No: 22/53588
Purpose of the Report: To respond to a decision of Council from 27 September 2021 regarding the creation of a Heritage Advisory Committee
Alignment to Delivery Program: Strategy 4.3: Protect our heritage, including significant architecture and the natural environment.

Note: Late correspondence was tabled at the meeting by Councillor Merrill Witt .

Note: The Committee added part D to the recommendation.

(Shapiro/Regan)

Recommendation:

THAT Council:

- A. Note the report on the establishment of a Heritage Advisory Committee.
- B. Not proceed with the establishment of a Heritage Advisory Committee at this time.
- C. Request staff to further investigate the establishment of a Heritage Grants Scheme (the Scheme) and to report back to the Environmental Planning Committee as soon as practicable on how the Scheme would operate and how it might be funded.
- D. Requests that once all staff are appointed, Council staff convene a Strategic Planning Working Party to focus on heritage matters, and receive feedback from staff and Councillors.

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Against the Motion

Councillor Carmichael
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro

Nil

6/0

Woollahra Municipal Council
Environmental Planning Committee Minutes

6 June 2022

Item No: R4 Recommendation to Council
Subject: **NOTICES OF MOTION RELATING TO ELECTRIC VEHICLES AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE POLICY**
Author: Micaela Hopkins, Team Leader Environment & Sustainability
Approver: Tom O'Hanlon, Director - Infrastructure & Sustainability
File No: 22/96657
Purpose of the Report: To provide a report addressing two Notices of Motion relating to electric vehicles and present the draft Electric Vehicle Charging Infrastructure Policy to Council.
Alignment to Delivery Program: Strategy 8.1: Reduce greenhouse gas emissions and ecological footprint

Note: The Committee amended part A, amended part B and added new part E to the Recommendation.

(Robertson/Carmichael)

Recommendation:

- A. THAT Council receive and note the report on the Notices of Motion relating to electric vehicles, noting that Council has installed public electric vehicle charging stations at Norwich Road Rose Bay, Kiaora Place Double Bay, Goodhope Street Paddington, and R Redleaf Carpark Double Bay, with an additional charging station to be installed at Old South Head Road Vaucluse near Christison Park.
- B. THAT Council endorse the Draft Electric Vehicle Charging Infrastructure Policy presented as Attachment 1 for the purpose of public exhibition for a period of 28 days, subject to adding the following site consideration:
- Areas close to commercial and community activity will be given preference.
- C. THAT Council note that a regional electric vehicle charging strategy will be prepared by the 3 Council Regional Environment Program.
- D. THAT Council note the ARENA (Australian Renewable Energy Agency) project trialling installation of EV chargers on existing light poles.
- E. THAT Council request staff to urgently submit a funding request under the NSW Government *Drive Electric NSW EV Fast Charging Grants*.

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Councillor Carmichael
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro

Against the Motion

Nil

6/0

Woollahra Municipal Council
Environmental Planning Committee Minutes

6 June 2022

Item No: R5 Recommendation to Council
Subject: **SUBMISSION TO EXCLUDE SENIORS HOUSING PROVISIONS UNDER THE HOUSING SEPP FROM APPLYING TO HERITAGE CONSERVATION AREAS**
Author: Jacquelyne Della Bosca, Executive Planner
Approvers: Anne White, Manager - Strategic Planning
Scott Pedder, Director - Planning & Place
File No: 22/81127
Purpose of the Report: To obtain Council's endorsement of the submission requesting the Minister to permanently exclude the seniors housing provisions under the Housing SEPP from applying to heritage conservation areas in the Woollahra LGA.
Alignment to Delivery Program: Strategy 4.3: Protect our heritage, including significant architecture and the natural environment.

(Shapiro/Carmichael)

Recommendation:

- A. THAT Council notes the report on seniors housing and heritage conservation areas.
- B. THAT Council endorses the draft submission at **Attachment 1** requesting that the Minister permanently excludes the seniors housing provisions under the *State Environmental Planning Policy (Housing) 2021* from applying to heritage conservation areas in the Woollahra LGA.

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Councillor Carmichael
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro

Against the Motion

Nil

6/0

Woollahra Municipal Council
Environmental Planning Committee Minutes

6 June 2022

Item No: R6 Recommendation to Council
Subject: **PROPOSED ENHANCED EXCAVATION PROVISIONS IN THE WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015**
Author: Lyle Tamlyn, Strategic Planner
Approvers: Anne White, Manager - Strategic Planning
Scott Pedder, Director - Planning & Place
File No: 22/101944
Purpose of the Report: To obtain Council's approval to exhibit a draft development control plan to amend the Woollahra Development Control Plan 2015 to enhance the objectives and controls relating to excavation.
Alignment to Delivery Program: Strategy 4.1: Encourage and ensure high quality planning and urban design outcomes.

Note: The Committee amended part B of the Recommendation.

(Shapiro/Carmichael)

Recommendation:

- A. THAT the report on the review of the excavation provisions in Section 3.4 Excavation of Chapter B3 General Development Controls of the *Woollahra Development Control Plan 2015* be received and noted.
- B. THAT Council resolves to exhibit *Draft Woollahra Development Control Plan 2015 (Amendment No.20)* as contained at **Attachment 1** of the report to the *Environmental Planning Committee* of 6 June 2022 subject to the following amendments.
- i. 1.3 Objectives of the Draft plan:
 - a. amend to refer "to set a maximum acceptable volume of excavation".
 - ii. Part 2.3 Amendments to B3.4 Excavation, that C9 is amended to refer to "surrounding structures" not "neighbouring structures",
 - iii. Part 2.3 Amendments to B3.4 Excavation, that O1 is amended to include the word "and" after sub-clause (f).

Note: *In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.*

For the Motion

Councillor Carmichael
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro

Against the Motion

Nil

6/0

Woollahra Municipal Council
Environmental Planning Committee Minutes

6 June 2022

There being no further business the meeting concluded at 9.25pm

We certify that the pages numbered 1 to 10 inclusive are the Minutes of the Environmental Planning Committee Meeting held on 6 June 2022 and confirmed by the Environmental Planning Committee on 4 July 2022 as correct.

Chairperson

Secretary of Committee

Unconfirmed

Item No: R1 Recommendation to Council

Subject: **PLANNING PROPOSAL - 136-148 NEW SOUTH HEAD ROAD, EDGECLIFF AND REPORTING THE ADVICE OF THE WOOLLAHRA LOCAL PLANNING PANEL**

Author: Louise Menday, Consultant Strategic Planner

Approvers: Anne White, Manager - Strategic Planning
Scott Pedder, Director - Planning & Place

File No: 22/72243

Purpose of the Report: To provide Council with the advice of the Woollahra Local Planning Panel on a planning proposal for 136-148 New South Head Road, Edgecliff.
To recommend that Council refuses the planning proposal for 136-148 New South Head Road.

Alignment to Delivery Program: Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

Recommendation:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 22 April 2022 regarding the planning proposal for 136-148 New South Head Road, Edgecliff.
- B. THAT consistent with the advice from the Woollahra Local Planning Panel, Council resolves to refuse the planning proposal for 136-148 New South Head Road, Edgecliff which seeks to amend the Woollahra Local Environmental Plan 2014 in the following manner:
- (i) Increase the maximum height of buildings development standard from 14.5m to 46m
 - (ii) Increase the maximum floor space ratio development standard from 1.5:1 to 5:1.
- C. THAT the applicant be notified that Council has refused the planning proposal in accordance with Clause 9 of the *Environmental Planning and Assessment Regulation 2021*.
- D. THAT 136-148 New South Head Road, Edgecliff be incorporated into the post exhibition version of the *Draft Edgecliff Commercial Centre Planning and Urban Design Strategy* as a potential uplift site.

Executive Summary:

Council received an owner initiated planning proposal for 136-148 New South Head Road, Edgecliff to amend the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) to:

- Increase the maximum height of buildings development standard from 14.5m to 46m
- Increase the maximum floor space ratio development standard from 1.5:1 to 5:1.

A detailed assessment of the planning proposal was undertaken by Council staff and in summary, staff considered that the planning proposal had strategic and site-specific merit. This assessment was presented to the Woollahra Local Planning Panel (Woollahra LPP) on 22 April 2022.

The advice from the Woollahra LPP was that the planning proposal does not have *sufficient* strategic or site specific merit to proceed as a stand-alone planning proposal, and that it should be incorporated into the *Draft Edgecliff Commercial Centre Planning and Urban Design Strategy* (the Draft ECC Strategy).

Council staff accept the advice from the Woollahra LPP that it would be premature to progress the planning proposal prior to the finalisation of the Draft ECC Strategy. Having considered this advice, staff recommend that Council resolves to refuse the planning proposal as contained in **Attachment 1** of the report to the Environmental Planning Committee of 4 July 2022, and resolves to notify the applicant in accordance with Clause 9 of the *Environmental Planning and Assessment Regulation 2021* (the Regulations).

Discussion:

The site and surrounding context

The subject site is known as 136-148 New South Head Road, Edgecliff, has an area of approximately 1746m² and comprises the following lots (see **Figure 1** below) Lot 1 DP 663495 (No. 136), Lot 1 DP 1092694 (No. 138-140), Lot 2 DP 983678 (No 138-140), Lot A DP 443992 (No 142-144), Lot B DP 443992 (No 146-148).

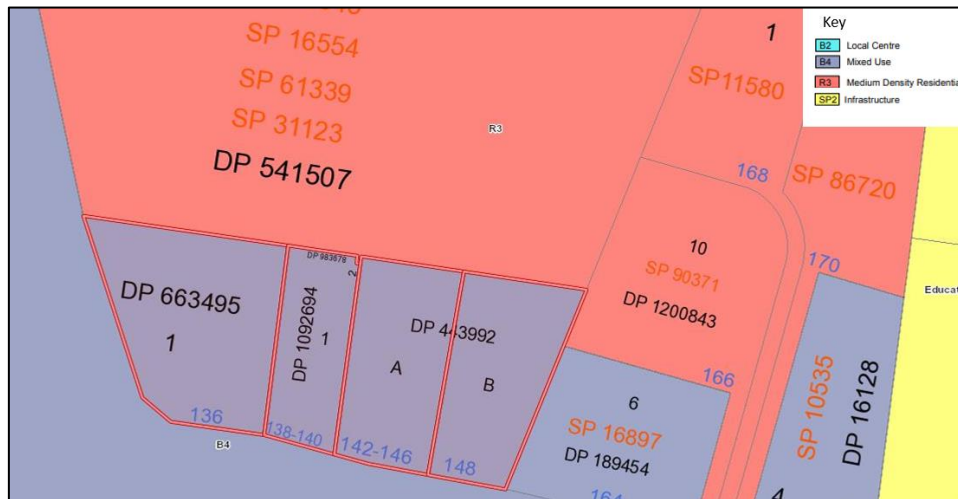


Figure 1: Cadastral map (sites highlighted in red)



Figure 2: Aerial view of the subject site (site highlighted in red)

The site is located on the north-eastern corner of New South Head Road and Darling Point Road (see **Figure 2**). The site comprises the following buildings (see **Figure 3**):

- 136 New South Head Road – A two storey rendered brick building, used for commercial and residential purposes, with an at grade car park to the rear. This property is listed as local heritage item No. 238 under the Woollahra LEP 2014 (see **Figure 5**).
- 138-140 New South Head Road – A three to four storey rendered brick apartment building. Due to the slope from north to south across this property, the building presents as four storeys to New South Head Road.

- 142-148 New South Head Road – A two storey former residential building currently used for commercial and medical suites.

Vehicular access is provided via an existing driveway off Darling Point Road, about 25m from the intersection with New South Head Road. The driveway currently provides access to off-street parking for 136 New South Head Road only.

The site is zoned B4 Mixed Use under the Woollahra LEP 2014 (see **Figure 4** below) and the corner of 136 New South Head Road is identified as land to be reserved for road widening under *Clause 5.1 Relevant acquisition authority* of the Woollahra LEP 2014¹.



Figure 3: 3D view of 136-148 New South Head Road (site highlighted in red) viewed from the west

Development surrounding the site comprises a mix of commercial, retail, residential and educational buildings varying in age, and height from 1 storey to 14 storeys. An exception to this built form is the 31 storey apartment building ‘Ranelagh’, located immediately to the north and zoned R3 Medium Density Residential under the Woollahra LEP 2014. The Ranelagh building sits in a large landscaped area and has a substantial parking garage on its boundary with the subject site. The Ranelagh Building is identified as intrusive development in the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015).

Immediately east of the subject site are five lower scale buildings with limited access from New South Head Road, with access via a shared right-of way.

The site is opposite the Edgecliff Station and bus interchange which establishes the Edgecliff Commercial Centre (ECC) as a local transport, employment, retail and service hub.

¹ On 25 October 2021, Council resolved to submit a planning proposal to the Department of Planning and Environment seeking to remove twelve parcels of land along New South Head Road and Glenmore Road in Edgecliff from the Land Reservation Acquisition Map in the Woollahra LEP 2014. These parcels have been reserved for road widening. As this matter is being progressed separately, it is not the subject of this planning proposal.

Figure 5 illustrates the location of the heritage items on, and surrounding the subject site and the proximity of the Paddington Heritage Conservation Area (HCA), which is located to the south west of the subject site separated by New South Head Road and the Edgecliff Centre. Trumper Park and Trumper Oval, within the HCA, provide open space including informal and formal recreation areas, and mature trees.

Eastpoint residential tower is at the corner of New South Head Road and Ocean Street. Located at the top of the ridge line this 14 storey building presents as a significant landmark in the area.

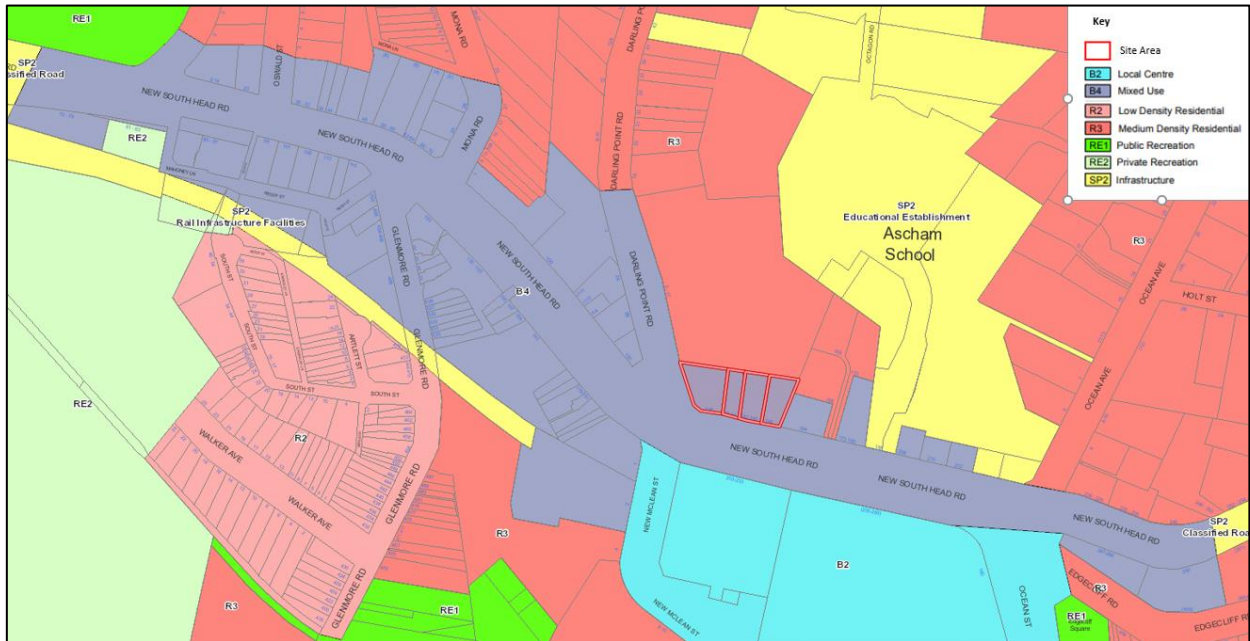


Figure 4: Extract from the Woollahra LEP 2014 (site highlighted in red)

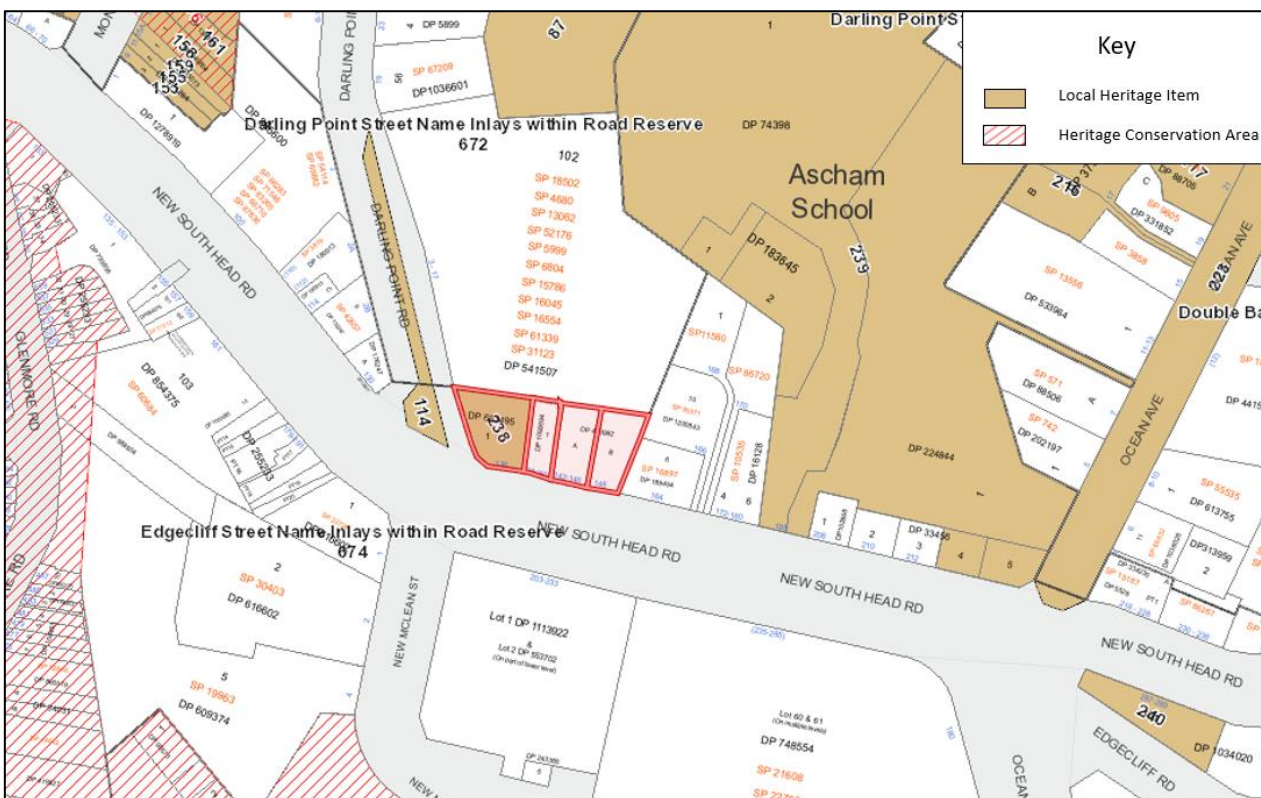


Figure 5: Extract from the Woollahra LEP 2014 Heritage Map (site highlighted in red)

Draft Edgecliff Commercial Centre Planning and Urban Design Strategy

The subject site is within the Edgecliff Commercial Centre (ECC) and within the area covered by the Draft ECC Strategy. The Draft ECC strategy sets a new vision for the ECC and makes recommendations on key built form outcomes including land uses, heritage conservation, maximum building heights, active street frontages, affordable housing, design excellence, community infrastructure and transport. The Draft ECC Strategy identifies a number of properties along New South Head Road with potential uplift (additional height and FSR) (see **Figure 6** below).

Whilst the site falls within the ECC it was not identified for uplift in the Draft ECC Strategy. This was because at the time of preparation, the subject site was in multiple ownerships and vehicle access was not available to all four properties. However, since the Draft ECC Strategy was prepared, the subject site has been brought into a single ownership and vehicle access can be obtained to the whole site from Darling Point Road.

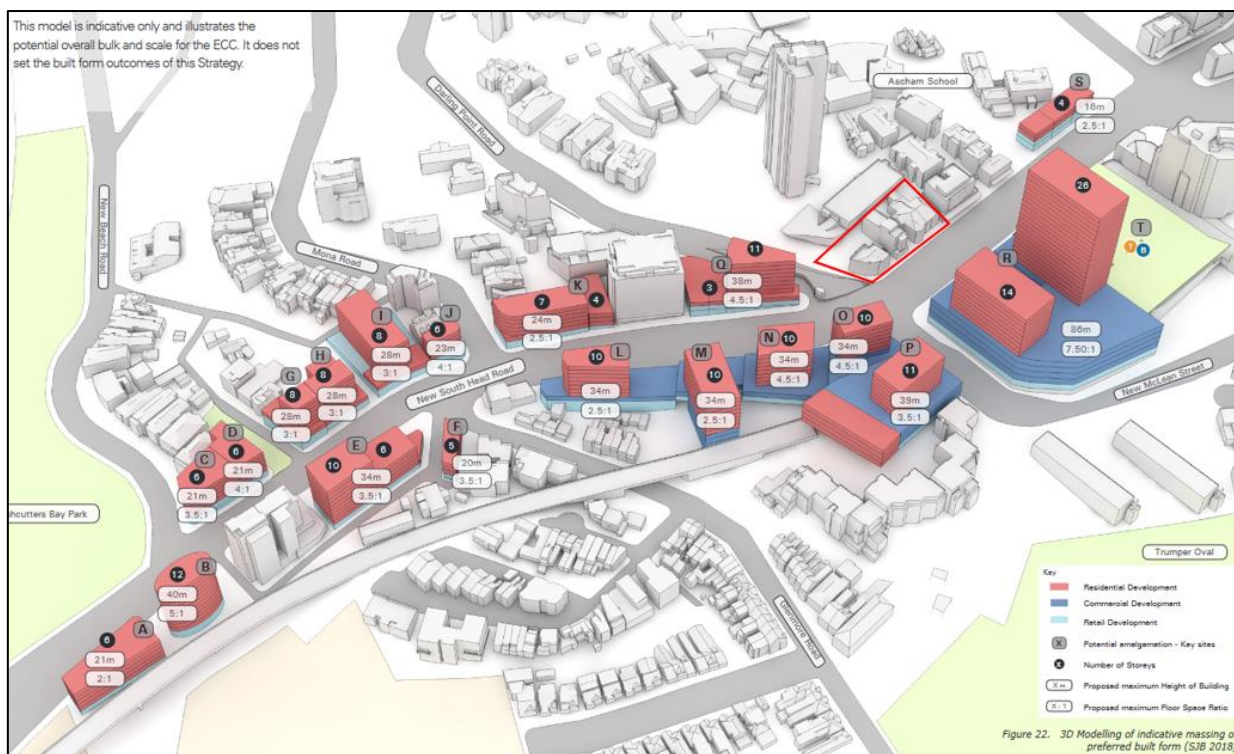


Figure 6: Extract from the 3D model contained in the ECC Strategy (site in red).

Council exhibited the Draft ECC Strategy from 31 May – 30 September 2021. Given issues raised in submissions, Council staff are refining the Draft ECC Strategy and intend to provide a post-exhibition report to Council later this year.

While it is expected uplift sites will be identified in the final ECC Strategy, at the time of writing this report, there is no certainty about which sites will be included and what building height and floor space controls will be recommended.

Background

In March 2021, Council staff held a pre-application meeting with the applicant team and discussed concept plans for a 66m building (18 storeys) with a proposed FSR of 6:1. In a letter dated 12 April 2021, Council staff provided minutes of the pre-application meeting, and documented issues for the applicant to address prior to submitting a formal request to Council. The letter included an indication that 18 storeys was excessive and that a 12 storey building might be more appropriate.

On 13 October 2021, Edgecliff Central Pty Ltd lodged a request for a planning proposal for 136-148 New South Head Road, Edgecliff (the subject site) (see **Attachment 4**). The objective of the planning proposal is to increase the development potential of the subject site to facilitate a 12 storey mixed use building by amending the Woollahra LEP 2014 as follows:

- Increase the maximum height of buildings development standard from 14.5m to 46m
- Increase the maximum floor space ratio development standard from 1.5:1 to 5:1.

All the documents provided with the applicant's request for a planning proposal (see **Attachment 5**) are available on Council's website at the following link:

https://www.woollahra.nsw.gov.au/building_and_development/development_rules/previous_and_proposed_exhibitions/planning-proposal-request-for-136-148-new-south-head-road,-edgecliff

The applicant submitted the overall building envelope with an indicative development concept to illustrate the built form that could be constructed in accordance with the proposed controls (see **Figures 7-9** below).



Figure 7: 3D view of the proposed building envelope on the subject site (with the development concept contained within it), viewed from the south west

The indicative concept illustrated in **Figure 8** below indicates a street wall height of 15m (four storeys) along the New South Head Road frontage. The concept illustrates the upper eight storeys of the building are set back above the four storey podium and articulated into a series of ellipses.

Non-residential uses are concentrated in the four storey podium with residential dwellings on levels 5-12 above with a roof top garden. The indicative development concept of a 12 storey mixed use development comprises:

- Total Gross Floor Area of 8723m²
- Forty-one mixed sized apartments
- Three levels of basement parking with capacity for 77 car spaces.

The indicative development concept shows the conservation of the heritage item at 136 New South Head Road by retaining the existing building and partially cantilevering the new building over the top (see **Figure 9** below).



Figure 8: Artist's impression of indicative development concept viewed looking north from New South Head Road (Source: Planning Proposal Concept Report, Group GSA 2021)



Figure 9: Artist's impression of indicative development concept – Darling Point Road looking south (Source: Planning Proposal Concept Report, Group GSA 2021)

Council staff assessed the planning proposal with reference to the NSW Department of Planning and Environment's (DPE) *Local Environmental Plan Making Guideline (December 2021)*. The full staff assessment is provided at **Attachment 2**.

In summary, staff considered that the planning proposal has strategic merit in the context of the region, district and local planning objectives and will help achieve Council's desired outcomes for land surrounding the ECC. The planning proposal also demonstrates site-specific merit. The built form likely to result from the amended controls will align with the scale of surrounding developments, and position new residential and commercial floor space in an appropriate location. It will also facilitate an appropriate height transition to surrounding lower density uses, ensuring that the wider built environment is respected.

The staff comment on height was made in the context of the indicative uplift identified in the draft ECC Strategy. The exhibited draft ECC Strategy indicates the following four properties in the vicinity of the site

Table 1: Indicative uplift identified in the draft ECC Strategy, for sites surrounding the subject site

Address	Location	Existing height control	Indicative uplift
203-233 New South Head Rd	Opposite on New South Head Rd	7-8 storeys (6m/26m)	14 to 26 storeys (86m)
2 New Mclean St	Opposite on New McLean St	4 storeys (14.5m)	11storeys (39m)
1 New Mclean St	Opposite corner of New South Head Rd & New McLean St	4 storeys (14.5m)	10 storeys (34m)
130 New South Head Rd	Opposite on northwest corner of New South Head Rd & Darling Point Rd	6 storeys (20.5m)	11 storeys (38m)

Accordingly, staff prepared a planning proposal which was referred to the Woollahra LPP (see **Attachment 1**). The planning proposal satisfied the requirements of section 3.33 of the *Environmental Planning and Assessment Act 1979* (the Act) as it includes:

- A statement of the objectives or intended outcome of the amendment to Woollahra LEP 2014.
- An explanation of the provisions that are to be included in the amendment to Woollahra LEP 2014
- Justification for the objectives, outcomes and provisions and a process for implementation.
- Details of the community consultation that is to be undertaken.

Advice of the Woollahra Local Planning Panel

Local Planning Panels (LPPs) are panels of independent experts that determine development applications on behalf of Council and provide advice on other planning matters, including planning proposals. Under the Act, LPPs are mandatory for all Sydney councils and are put in place so the process of assessment and determination of development as applications with a high corruption risk, sensitivity or strategy importance is transparent and accountable.

The planning proposal was referred to the Woollahra LPP on 22 April 2022 (see **Attachment 3**) where they provided the following advice to Council:

- A. *THAT the Woollahra Local Planning Panel advises Council that the planning proposal for 136-148 New South Head Road, Edgecliff does not have sufficient strategic or site specific merit to proceed as a stand-alone planning proposal, and that it should be incorporated into the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy.*
- B. *THAT should Council resolve that the planning proposal for 136-148 New South Head Road, Edgecliff should proceed to a Gateway determination, the Woollahra Local Planning Panel advises Council that:*

- I. *It does not support the site specific amendments to increase the Height of Buildings to 46m and the Floor Space Ratio to 5:1 without further urban design and traffic analysis including:*
 - a. *whether the 46m height standard is beyond what is required to accommodate a 12 storey building; and*
 - b. *defining in a draft Development Control Plan a building envelope that does not exceed a Floor Space Ratio of 5:1 and is in the form of a podium with tower.*
 - c. *the cumulative traffic and transport implications of the proposal and measures that are to be undertaken to mitigate impacts e.g. reduced car parking provision.*

- II. *The planning proposal should provide for a site specific clause to be included in the Woollahra Local Environmental Plan 2014 which would increase the maximum height of buildings and the maximum Floor Space Ratio, but only if certain matters are satisfied. These matters should include, but not be limited to:*
 - a. *Site amalgamation.*
 - b. *Retention and conservation of the Heritage Item in a manner which retains the scale of the building and ensures that the item is not overwhelmed by the proposed new building.*
 - c. *Specifying a minimum quantum of non-residential Floor Space Ratio*
 - d. *Provision of Affordable Housing consistent with Council's adopted policy.*
 - e. *Design Excellence and commitments to sustainability beyond those required by BASIX.*

- III. *Any planning agreement proposed by the applicant is to be prepared in accordance with the adopted Woollahra Voluntary Planning Agreement Policy 2020.*

- IV. *Should a Gateway determination be received, the planning proposal, site-specific draft development control plan and any draft Planning Agreement be publicly exhibited concurrently.*

It is noted that the Woollahra LPP provided the following **reasons for its decision**:

The Panel has considered the planning proposal, and advises Council that it is premature to proceed at this stage to Gateway prior to the adoption of the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy (ECC Strategy). In particular, there remain a number of unresolved strategic issues in relation to the capacity of the surrounding road network and the status of the road reservation planning proposal, the provision of community infrastructure upgrades, and the overall bulk and form of the Centre. The benefit of providing 35 net new dwellings does not provide sufficient justification to proceed, prior to the ECC Strategy being adopted.

The Panel advises Council that the planning proposal does not have sufficient site specific merit to proceed as a standalone planning proposal, particularly as it proposes to significantly increase the Height and Floor Space Ratio development standards with no mechanisms within the LEP to ensure the delivery of the benefits proposed in the concept design. These matters include but are not limited to:

- *Site amalgamation.*
- *Retention and conservation of the Heritage Item in a manner which retains the scale of the building and ensures that the item is not overwhelmed by the proposed new building.*
- *Specifying a minimum quantum of non-residential Floor Space Ratio.*
- *Provision of Affordable Housing consistent with Council's adopted policy.*
- *Design Excellence and commitments to sustainability beyond those required by BASIX.*

Rezoning Review

On 31 May 2022, the applicant submitted a rezoning review request (RR-2022-12) to the DPE through the NSW Planning Portal.

The rezoning review process allows an applicant to request an independent planning panel evaluate whether a proposal should progress to a Gateway determination. The applicant can request a rezoning review after the lodgement of the planning proposal and Council has either:

- notified the proponent in writing that it does not support the proposal, or
- failed to indicate its support for the planning proposal within 90 or 115 calendar days (depending on the planning proposal category).

Given the planning proposal was lodged in September 2021, the first criteria was met. Having liaised with staff at the DPE it is understood that the rezoning review request has been placed on hold until Council makes a decision on the planning proposal. Should Council resolve to refuse the planning proposal, the Sydney Eastern City Planning Panel will review the submission and make a recommendation to the Minister on whether the proposal should be submitted for Gateway determination and subsequently be placed on public exhibition.

Options:

Council staff accept the advice from the Woollahra LPP that it would be premature to progress the planning proposal prior to the finalisation of the Draft ECC Strategy. Having regards to the advice from the Woollahra LPP, Council staff recommend that Council resolves to refuse the planning proposal. Consistent with Clause 9 of the *Regulations*, the applicant would be notified that Council has not supported the planning proposal

However, Council staff recommend that the site is incorporated into the post exhibition version of the Draft ECC Strategy which will be reported to a future meeting of Council. A resolution of the issues identified in the Woollahra LPP's advice can be pursued through progress of the Draft ECC Strategy. This would include further urban design and traffic analysis including:

- a. whether the 46m height standard is beyond what is required to accommodate a 12 storey buildings; and
- b. defining a building envelope that does not exceed a Floor Space Ratio of 5:1 and is in the form of a podium with tower.
- c. the cumulative traffic and transport implications of the proposal and measures that are to be undertaken to mitigate impacts e.g. reduced car parking provision.

Alternate recommendation

Alternatively, Council could resolve to proceed with the planning proposal (at **Attachment 1**), and resolve that the planning proposal (with updates to make reference to the Council decision) will be referred to the DPE seeking a Gateway determination. This will allow the planning proposal to be placed on public exhibition.

Should Council resolve to proceed, Council staff would draft an addendum that would address the advice from the Woollahra LPP and would propose a site specific clause to be included in the Woollahra LEP 2014 which would include exceptions to the mapped development standards (being height of buildings and floor space ratio). I.e. the mapped development standards could only be achieved via a development application where the following are also achieved:

- Site amalgamation (with one development over the entire site).
- Retention and conservation of the Heritage Item in a manner which retains the scale of the building and ensures that the item is not overwhelmed by the proposed new building.
- Specifying a minimum quantum of non-residential Floor Space Ratio.
- Provision of Affordable Housing consistent with Council's adopted policy (as a percentage of the additional residential floor space).

- Design Excellence (to be achieved through a competitive design process).
- Commitments to sustainability beyond those required by BASIX (including registration with the Green Buildings Council of Australia and Green Star Buildings Rating).

In addition to these matters raised by the Woollahra LPP, Council staff also recommend including the following additional exceptions:

- A specified mix of apartment sizes.
- Provision of, or contribution towards, community infrastructure.

Staff also suggest that the applicant be required to submit further urban design and traffic analysis to address:

- whether the 46m height standard is beyond what is required to accommodate a 12 storey buildings; and
- defining a building envelope that does not exceed a Floor Space Ratio of 5:1 and is in the form of a podium with tower.
- the cumulative traffic and transport implications of the proposal and measures that are to be undertaken to mitigate impacts e.g. reduced car parking provision.

It was acknowledged in the report to the Woollahra LPP that should the planning proposal proceed, a site specific DCP would be prepared to incorporate detailed guidelines for built form and design. The Draft DCP would include guidance on a *building envelope that does not exceed a Floor Space Ratio of 5:1 and is in the form of a podium with tower* as advised by the Woollahra LPP. The DCP could also include guidance on parking and traffic related matters, public domain and urban design, and detail on conservation of the heritage item. A Draft DCP would be reported to a future meeting of Council, should the planning proposal proceed.

Should Council resolve to proceed with the planning proposal, Council could adopt the following alternative recommendation:

- A. *THAT Council note the advice provided by the Woollahra Local Planning Panel on 22 April 2022 regarding the planning proposal for 136-148 New South Head Road, Edgecliff.*
- B. *THAT Council endorse the planning proposal as contained in **Attachment 1** of the report to the Environmental Planning Committee of 4 July 2022 to amend the Woollahra Local Environment Plan 2014 to:*
 - (i) *Increase the maximum height of buildings development standard from 14.5m to 46m*
 - (ii) *Increase the maximum floor space ratio development standard from 1.5:1 to 5:1.*
- C. *THAT Council staff prepare an addendum to the planning proposal to identify that any increase in the maximum height of buildings and maximum floor space ratio development standards be permitted by way of an exception to the mapped development standards and subject to satisfactory consistency with the provisions of a specific clause in the Woollahra Local Environment Plan 2014 which includes:*
 - (i) *Site amalgamation (with one development over the entire site).*
 - (ii) *Retention and conservation of the Heritage Item in a manner which retains the scale of the building and ensures that the item is not overwhelmed by the proposed new building.*
 - (iii) *Specifying a minimum quantum of non-residential Floor Space Ratio.*
 - (iv) *Provision of Affordable Housing consistent with Council's adopted policy (as a percentage of the additional residential floor space).*
 - (v) *Design Excellence (to be achieved through a competitive design process).*
 - (vi) *Commitments to sustainability beyond those required by BASIX (including registration with the Green Buildings Council of Australia and Green Star Buildings Rating).*
 - (vii) *A specified mix of apartment sizes.*
 - (viii) *Provision of, or contribution towards, community infrastructure.*

- D. *THAT the applicant be requested to submit a further urban design and traffic analysis to address:*
- (i) Whether the 46m height standard is beyond what is required to accommodate a 12 storey buildings; and*
 - (ii) Defining a building envelope that does not exceed a Floor Space Ratio of 5:1 and is in the form of a podium with tower.*
 - (iii) The cumulative traffic and transport implications of the proposal and measures that are to be undertaken to mitigate impacts e.g. reduced car parking provision.*
- E. *THAT when the revised urban design and traffic analysis is received, Council forwards the planning proposal to the Department of Planning and Environment with a request for a Gateway Determination to allow public exhibition.*
- F. *THAT Council request the Minister for Planning and Public Spaces (or delegate) authorise Council as the local plan-making authority in relation to the planning proposal, to make the local environment plan under section 3.36 of the Environmental Planning and Assessment Act 1979.*
- G. *THAT prior to exhibition, Council adopt a site specific Draft Development Control Plan that provides detail on the design of any development on the site, including, but not limited to:*
- (i) Conservation of the heritage item*
 - (ii) Car parking*
 - (iii) Vehicle access and egress*
 - (iv) Defining a building envelope in the form of a podium with tower.*
 - (v) Building envelope that is commensurate with the maximum height and floor space*
- H. *THAT any planning agreement proposed by the applicant be prepared in accordance with the adopted Woollahra Voluntary Planning Agreement Policy 2020.*
- I. *THAT should a Gateway Determination be received, the planning proposal, site-specific draft development control plan and any draft planning agreement must be publicly exhibited concurrently*

Public Benefit

The Woollahra Voluntary Planning Agreement Policy 2020 (Woollahra VPA Policy) incorporates section 7.4(1) of the EP&A Act and states

that a planning agreement is a voluntary agreement or other arrangement under this Division between a planning authority and a person (the developer) (a) who has sought a change to an environmental planning instrument.

By virtue of this planning proposal the applicant is seeking to change an environmental planning instrument (Woollahra LEP 2014) and is currently seeking to enter into a negotiation with Council regarding a VPA. This negotiation is being managed by Council's Director Infrastructure and Sustainability for reasons of probity (as per the Woollahra VPA Policy).

Should Council or the Sydney Eastern City Planning Panel support the planning proposal, a contribution towards improved community infrastructure is appropriate to ensure a public benefit is achieved in tandem with the proposed development.

Community Engagement and / or Internal Consultation:

No community engagement has been undertaken to date, other than a notification to the applicant consultant team of the Woollahra LPP meeting.

Should Council resolve to support the planning proposal, public exhibition of the planning proposal would be undertaken in accordance with the requirements of the Act, the Regulations and the Gateway determination issued by the DPE as delegate for the Minister. To streamline the plan-making process, the Minister can delegate some plan-making powers to Council for routine matters. Part F of the alternate recommendation above requests authorisation to exercise the functions of the Minister to make an LEP under section 3.36 of the Act.

After public exhibition, the planning proposal and submissions received would be reported to a meeting of Council.

Policy Implications:

Should Council or the Sydney Eastern City Planning Panel support the planning proposal, and should the planning proposal progress to finalisation, there will be policy implications by changing planning provisions in the Woollahra LEP 2014 and Woollahra DCP 2015.

Financial Implications:

The applicant has paid planning proposal lodgment fees in accordance with Council's adopted Fees and Charges.

Resourcing Implications:

Should Council or the Sydney Eastern City Planning Panel support the planning proposal, staff resource implications will be associated with progressing a planning proposal which will include managing the public exhibition and preparing a post exhibition report to a meeting of Council.






Conclusion:

This report provides the advice of the Woollahra LPP on the owner initiated planning proposal to amend the planning controls for 136-148 New South Head Road, Edgecliff.

The Woollahra LPP provided advice to Council that the planning proposal does not have *sufficient* strategic or site-specific merit to proceed as a stand-alone planning proposal, and that it should be incorporated into the Draft ECC Strategy.

Council staff recommend that Council refuse the planning proposal at **Attachment 1** and proceeds to notify the applicant under Clause 9 of the Regulations.

Attachments

1. Planning Proposal - 136-148 New South Head Road, Edgecliff (prepared by staff) [↓](#) 
2. Staff Assessment - Owner initiated planning proposal for 136-148 New South Head Road, Edgecliff [↓](#) 
3. Report to the Woollahra LPP meeting of 22 April 2022 (excluding attachments) [↓](#) 
4. Applicant's Planning Proposal Report - 136-148 New South Head Road, Edgecliff [↓](#) 
5. Document list (submitted with the planning proposal) [↓](#) 



136-148 New South Head Road, Edgecliff



Version Date:	12 April 2022
Division/Department:	Planning and Place/Strategic Planning
Responsible Officer:	Consultant Strategic Planner
HPE CM Record Number:	22/48068

Acknowledgement of Country

We acknowledge the Gadigal and Birrabirragal people as the traditional custodians of the land in our local area.

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Supporting documents (circulated separately)

Supporting studies and reports

The applicant submitted the following documents with the request for a planning proposal:

- Response to pre-application comments by Ingham Planning Pty Ltd September 2021
- Planning Proposal Report by Ingham Planning Pty Ltd September 2021
- Urban Design Report by Group GSA (Issue 10) 7 September 2021
- Planning Proposal Concept Report by Group GSA (Issue 7) 7 September 2021
- Site Survey Plan by Norton Survey Partners 19 June 2020
- Traffic & Parking Assessment by Colston Budd Rogers Kafes Pty Ltd May 2021
- Heritage Assessment by Urbis dated 17 July 2021 & Statement 18 August 2021
- Wind Impact Assessment (Revision 1) by ARUP 23 June 2021
- Acoustic Assessment by Acoustic Logic (Revision 0) 15 June 2021
- Contamination Investigation by Douglas Partners 17 March 2021
- Geotechnical Investigation by Douglas Partners 17 March 2021
- ESD Concept Advice by Efficient Living 13 August 2021
- Economic Benefits Assessment by Hill PDA 25 August 2021
- Preliminary Arboricultural Report (Revision B) by tree iQ 2 July 2021
- View Assessment
 - Planning Proposal 1B View Study August 2021
 - 164 New South Head Road View Study
 - Covering letter 164 New South Head Road View Study February 2022

Correspondence with the applicant

- Pre-application Consultation Minutes - 12 April 2021

Council reports

- Assessment Report (prepared by Woollahra Council Staff) March 2022

1. Introduction

1.1. Background

On 19 March 2021, Council staff discussed concept plans for a 66m building with a 6:1 floor space ratio (FSR) at a pre-application meeting. Council staff provided minutes of the meeting on 12 April 2022, and documented issues for the applicant to address prior to submitting a formal request to Council. Council's letter suggested that 18 storeys was excessive and that a 12 storey building may be more appropriate.

The staff comment on height was made in the context of the draft ECC Strategy. The exhibited draft ECC Strategy indicates the following for properties near the site:

- 7 to 14 storeys: 203 – 233 New South Head Road NSHR, Edgecliff Centre opposite
- 4 to 11 storeys: 2 New McLean Street opposite on New McLean Street
- 4 to 10 storeys: 1 New McLean Street opposite corner of NSHR and New McLean Street
- 6 to 11 storeys: 130 NSHR, opposite corner of NSHR and Darling Point Road.

On 13 October 2021, the applicant submitted the request for a planning proposal seeking a lower height and FSR of 46m (12 storeys) and 5:1 respectively and an indicative development concept for a 12 storey mixed use building. The following documents are provided in support of the applicant's request for a planning proposal:

- Response to pre-application comments by Ingham Planning Pty Ltd September 2021
- Planning Proposal Report by Ingham Planning Pty Ltd September 2021
- Urban Design Report by Group GSA (Issue 10) 7 September 2021
- Planning Proposal Concept Report by Group GSA (Issue 7) 7 September 2021
- Site Survey Plan by Norton Survey Partners 19 June 2020
- Traffic & Parking Assessment by Colston Budd Rogers Kafes Pty Ltd May 2021
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- Contamination Investigation by Douglas Partners 17 March 2021
- Geotechnical Investigation by Douglas Partners 17 March 2021
- ESD Concept Advice by Efficient Living 13 August 2021
- Economic Benefits Assessment by Hill PDA 25 August 2021
- Preliminary Arboricultural Report(Revision b) prepared by tree iQ 2 July 2021

1.2. Description of the planning proposal

The planning proposal is made in relation to 136-148 New South Head Road, Edgecliff and seeks the following amendments to Woollahra LEP 2014:

- Increase in the maximum height of building from 14.5 metres to 46 metres
- Increase in the maximum FSR from 1.5:1 to 5:1

This planning proposal has been prepared in accordance with section 3.33 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979) and the Department of Planning and Environment's *Local Environmental Plan Making Guideline* (December 2021).

1.3. Indicative development concept

The indicative development concept is for a 12 storey mixed use building comprising:

- Total GFA of 8723m² with the following distribution: 5872m² residential, 2851m² non-residential – includes 339m² heritage building, 2253m² office, 155m² retail
- Forty-one apartments with the following mix: 9 x 1 bedroom, 18 x 2 bedroom, 12 x 3 bedroom, 1 x 4 bedroom, and 1 x 5 bedroom
- Three levels of basement parking accessed off Darling Point Road, with capacity for 77 car spaces and 8 motorcycle spaces with the following allocation: 53 car spaces and 6 motorcycle spaces residential, 24 car spaces and 2 motorcycle spaces non-residential.

Council's Strategic Heritage Officer identified that the planning proposal is generally acceptable as it reflects Council's advice to reduce the height (from 18 to 12 storeys) and provide a partial cantilever over the heritage item at 136 New South Head Road. The new building would be set back to allow views of the heritage item and not detract from its significance (**Figures 1 and 2**).

The street wall height of the indicative development concept is 15m (4 storeys) along the New South Head Road frontage, which is a similar height to the building to the east. The upper 8 storeys of the tower are set back above the 4-storey podium and articulated into a series of ellipses to break down the volume of the tower. Non-residential use is concentrated in the 4-storey podium with residential on levels 5-12. The concept also includes a rooftop garden.



Figure 1: Indicative development concept for a 12 storey mixed use building (Source: Planning Proposal Concept Report, Group GSA 2021)

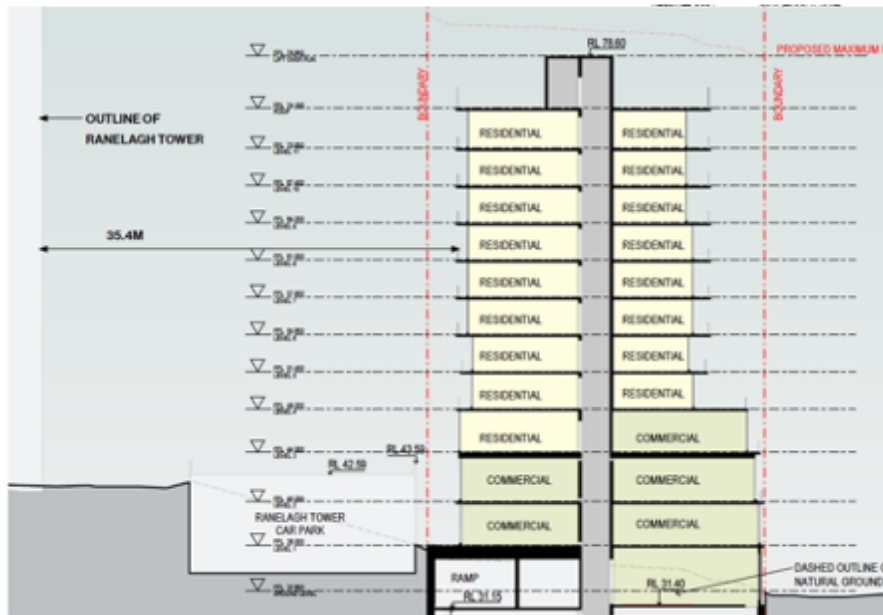
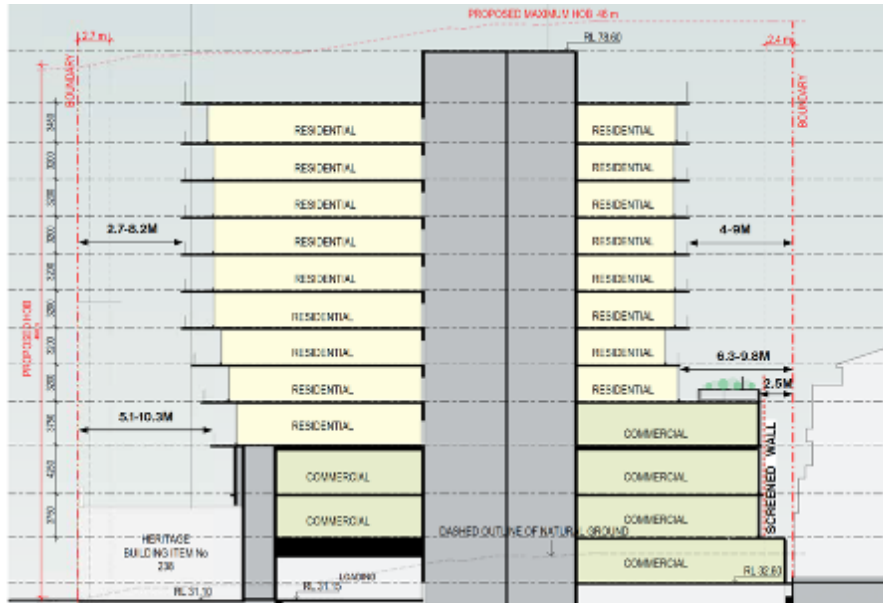


Figure 2: Indicative development concept cross section east-west (top) and north-south (Source: Source: Planning Proposal Concept Report, Group GSA 2021)

2. Subject site and context

2.1. The subject site

The subject site is known as 136-148 New South Head Road, Edgecliff, has an area of approximately 1746m² and comprises the following lots:

- Lot 1 DP663495 (No. 136)
- Lot 1 DP1092694 (No. 138-140)
- Lot 2 DP983678 (No 138-140)
- Lot A DP443992 (No 142-144)
- Lot B DP443992 (No 146-148)

Lot 2 in DP 983678 is a very small residual lot that forms part of 138-140 New South Head Road. This lot is not owned by Council or the applicant, however the applicant is seeking to purchase the property from a deceased estate. It is understood that it will be subject to the same controls as the remainder of the site.

The site is located at the north-eastern corner of the New South Head Road and Darling Point Road intersection (refer to **Figures 3 and 4**). The landform of the ECC rises from west to east along New South Head, with the subject site being at a relatively high point.



Figure 3: Aerial image of site (Source: Council Maps)



Figure 4: 3D view of site at 136-148 New South Head Road, Edgecliff (Source: Council Maps)

The subject site has a variable fall of approximately 3m east to west, and also north to south. The New South Head Road frontage is approximately 55m and the secondary frontage to Darling Point Road is approximately 27m. There is pedestrian access via multiple entrances from New South Head Road to the buildings and rear yards of the properties. Vehicle access is provided by an existing driveway off Darling Point Road about 25m from its intersection with New South Head Road. The driveway currently provides access to off-street parking for 136 New South Head Road only, but will be the single access to the combined site under the planning proposal.

The subject site is zoned B4 Mixed Use under the Woollahra LEP 2014. The building at 136 New South Head Road is listed as a local heritage item under Schedule 5 of the Woollahra LEP 2014 (refer **Figure 5**). The corner of 136 New South Head Road is identified as land to be reserved for road widening under *Clause 5.1 Relevant acquisition authority* of the Woollahra LEP 2014.

The site comprises various buildings as follows (and shown in **Figure 6**):

- 136 New South Head Road: Two storey rendered brick heritage building, used for commercial and residential purposes, and an at grade car park to the rear
- 138-140: Three to four storey rendered brick apartment building. Due to the slope from north to south across this property, the building presents as four storeys to New South Head Road. The street frontage is a service area (entry, bins etc.) that presents as a front wall
- 142-148: Two storey former residential building used for commercial and medical suites.

There are three Brush Box trees on the Council verge on the New South Head Road frontage of the subject site. The trees are evenly spaced across the frontage, vary in height between 10 and 12 metres, and are in good health.

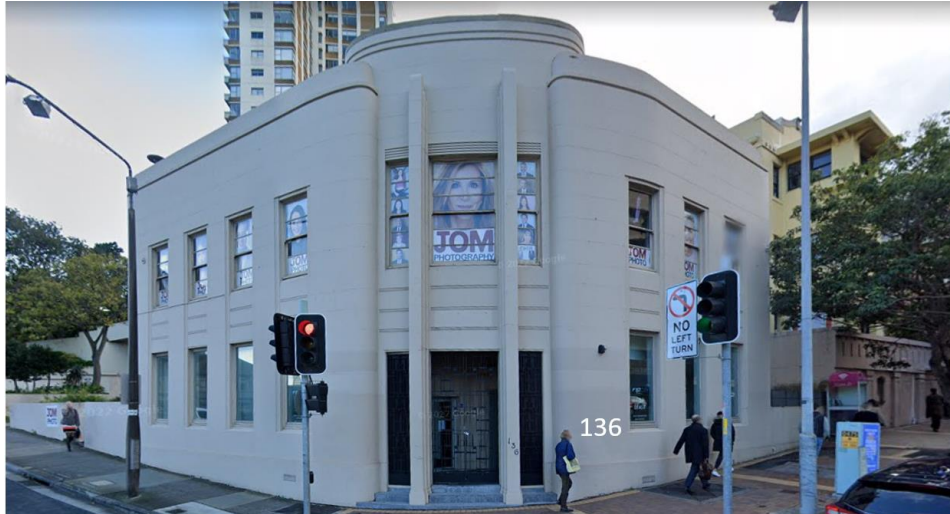


Figure 5: View of 136 New South Head Road - existing heritage item (Source: Google)

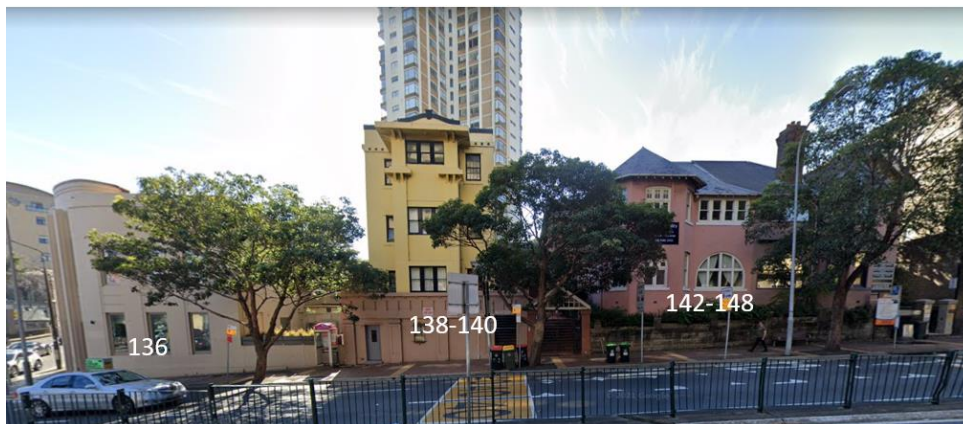


Figure 6: View of 142-148 New South Head Road (Source: Google)

2.2. Surrounding development

Development surrounding the site comprises a mix of commercial, retail, residential and educational buildings varying in age, and height from 1 storey to 14 storeys. An exception to this built form is the 31 storey apartment building 'Ranelagh', located immediately to the north and zoned R3 Medium Density Residential under the Woollahra LEP 2014. The Ranelagh building sits in a large landscaped area and has a substantial parking garage on its boundary with the subject site. The Ranelagh Building is identified as intrusive development in the Woollahra Development Control Plan 2015 (Woollahra DCP 2015).

Ascham School is located to the north and northeast of 'Ranelagh', but does not have a boundary with the subject site. Ascham consists of numerous school buildings and substantial open spaces, that include the following local heritage items:

- 'Fiona' including interiors and former entrance gates; and
- 'Glenrock' including interiors and inner and outer gates;

- 'Dower House' including interiors, sand-stone works, remaining open space and oval adjacent to 'Fiona', and 4 Moreton Bay Figs.

Immediately east of the subject site are five lower scale buildings with limited access from New South Head Road, with access instead via a shared right-of way. These buildings comprise

- 164 New South Head Road – An Interwar, five storey mixed use building with top floor residential uses and ground floor shops. This building is constructed to the street boundary.
- 166, 168 and 170 New South Head Road - All brick residential flat buildings in small gardens/yards, three, four and four storeys respectively.
- 172-180 New South Head Road – White Interwar four storey mixed use building with ground floor shops fronting New South Head Road.

Immediately to the west of the subject site is a heritage listed retaining wall on Darling Point Road. Further to the west are numbers 100 -130 New South Head Road, with a range of building heights and styles. 100 New South Head Road is a taller building, adopting a scale similar to what could be constructed on the subject site.

The site is opposite the Edgecliff Station and bus interchange which establishes the Edgecliff Commercial Centre (ECC) as a local transport, employment, retail and service hub.

Eastpoint residential tower is at the corner of New South Head Road and Street. Located at the top of the ridge line this 14 storey building presents as a significant landmark in the area.

The Paddington Heritage Conservation (HCA) is located so the south of the subject site, separated by New South Head Road and the Edgecliff Centre. The HCA has a predominantly 19th century residential character, represented by late-Victorian terrace houses, modest workers' cottages (including single-storey timber and masonry houses) and former mansions. Trumper Park and Trumper Oval, within the HCA, provide open space including informal and formal recreation areas, and mature trees.

Photographs of surrounding development are provided in Figures 7 to 10 below.

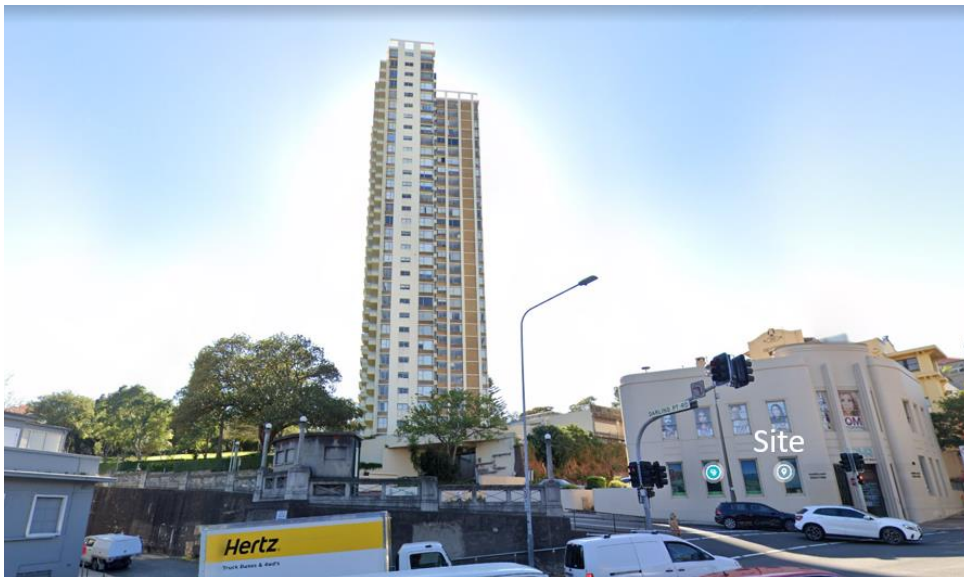


Figure 7: Ranelagh apartment building, viewed from New South Head Road.



Figure 8: Nearby apartment buildings at 100-128 New South Head Road (to the south of the subject site) on the northern side of New South Head Road



Figure 9: View of the Edgecliff Centre, opposite the subject site



Figure 10: View of the Eastpoint Food Fair at 238-285 New South Head Road, the bus and rail interchange and the Eastpoint Tower behind

2.3. Proximity to services, transport, and recreation facilities

The site is located approximately 70 metres (pedestrian route) from train services and the bus interchange at Edgecliff Station. The Nos. N91, L24, 200, 328, 324, 325, 326, 327, and 328 bus services and train services provide regular links between Bondi Junction, Vaucluse, Walsh Bay, Watsons Bay, Darling Point, Chatswood, and the Sydney CBD.

The site is located within 30 metres of the Edgecliff Centre and Eastpoint Food Fair (with supermarkets, specialty shops and services (including substantial health services)).

According to School Infrastructure NSW, the site is in the catchments of:

- Woollahra Public School
- Double Bay Public School
- Glenmore Road Public School
- Rose Bay Secondary College
- Inner Sydney High School

The site is within 200m walking distance of Trumper Park and about 370 metres of Rushcutters Bay Park.

3. Existing planning controls

The controls applying to the site under the Woollahra LEP 2014 are as follows:

Table 1: Existing planning controls - Woollahra LEP 2014 for 136-148 New South Head Road, Edgecliff

Land Use Zoning	Maximum building height	Maximum Floor space ratio	136 New South Head Road only	
			Heritage Conservation	Acquisition by public authority
B4 Mixed Use	14.5m	1.5:1	Local Item No. 238	Reserved for public purpose

4. Objectives of the planning proposal

The objectives of the Planning Proposal are:

- To put in place building envelope controls that would allow redevelopment of the site by for a 12 storey mixed use development.
- To enable a built form that is compatible with the existing and emerging context and character of the locality.

5. Explanation of provisions

5.1. Height of Buildings

It is proposed to amend the Height of Buildings Map (Sheet HOB_003) to increase the maximum height of buildings control from 14.5m to 46m.

The amendment will permit development of the subject site for a building up to 12 storeys. It is envisaged that any development on the subject site will have a 4 storey podium and an 8 storey tower set back behind. These details will be included in a site-specific development control plan.

The proposed 12 storey (46m) building height is significantly lower than the 31 storey 'Ranelagh' building behind the site, or the 14-26 storeys proposed for the opposite side of New South Head Road under the draft ECC Strategy. Future development on the subject site would instead adopt a scale that is similar to the Eastpoint residential tower or the apartment building at 100 New South Head Road. This would allow the site to facilitate an appropriate height transition between the ECC and the surrounding residential neighbourhoods.

The submitted concept scheme also demonstrates that development within the proposed height limit can be articulated to further minimise bulk and ensure that additional height sits sympathetically within the streetscape.

5.2. Floor Space Ratio

It is proposed to amend the Floor Space Ratio Map (Sheet FSR_003) to increase the maximum floor space ratio from 1.5: to 5:1.

The amendment will permit development of the subject site for a building with approximately 8723m² of gross floor area (GFA). It is envisaged the GFA will include non-residential use in the 4-storey podium and residential use above. These details will be included in a site-specific development control plan.

As discussed above, future development will adopt a scale that is compatible with the existing and proposed built context of the site. The newly amalgamated site, stretching 50 metres along New South Head Road, will also allow for development to efficiently use any additional floor space. It would promote functional commercial spaces with flexibility for various uses, consolidated vehicular access and servicing arrangements, and efficiently-planned residential floor plates. This will ensure that the site could meaningfully contribute to the supply of dwellings and commercial floor space in Edgecliff, without resulting in an unnecessarily bulky form.

5.3. Land Reservation

The applicant has also proposed to amend the Land Reservation Acquisition Map (Sheet FSR_003) to remove the partial Classified Road (B4) Reservation from 136 New South Head Road, Edgecliff.

Woollahra Council considers the land reservation redundant and is progressing a separate planning proposal (PP-2021-6740) to have it removed. As such, this matter does not form part of the subject planning proposal.

6. Justification

6.1. Need for planning proposal

6.1.1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

No. The planning proposal is not the direct outcome of a recent study or strategy. However, the planning proposal does have strategic merit regarding Region, District and Local strategic plans and strategies (as described at Point 6.4).

The development enabled by the planning proposal has the potential to help meet Woollahra's employment and housing targets. It will also assist in the revitalisation of the ECC, and the strengthening of the ECC as a key local centre.

The site is ideally located in the Woollahra LGA to take advantage of significant public transport infrastructure and existing services, and where the use of active transport should be encouraged through reduced parking provision. Whilst Council staff have concerns about some of the traffic generation calculations, these can be addressed should the planning proposal progress.

Council's Strategic Heritage Officer identified that the planning proposal is generally acceptable as it reflects Council's advice to reduce the height (from 18 to 12 storeys) and provides a partial cantilever over the heritage item at 136 New South Head Road. The proposed scale provides a more compatible setting and will not 'overwhelm' the parapeted form of the heritage item. Also, there will be no impact on nearby heritage items (due to

separation distances) and the lower height of the proposed building envelope reduces the potential for adverse visual impacts from the Paddington HCA.

The planning proposal has site-specific merit, as it meets the objectives of the relevant Woollahra LEP 2014 and Woollahra DCP 2015 controls and is acceptable in the context of existing larger buildings in the vicinity of the subject site.

6.1.2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The objective of the planning proposal is to enable the development of a building up to 12 storeys with GFA of approximately 8700m². The proposed map amendments are the simplest and most effective means of achieving the objectives and providing certainty as to the outcome of the amendments.

A site-specific DCP would support the LEP amendments and provide greater certainty regarding outcomes, particularly in relation to design and amenity. The main objective would be to provide guidance on the built form and an appropriate balance between managing impacts and providing adequate flexibility to achieve design excellence.

6.2. Relationship to strategic planning framework

6.2.1. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including exhibited draft plans or strategies)?

Yes. The planning proposal is consistent with the objectives of the *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018) and the planning priorities and actions of the *Eastern City District Plan* (2018), as summarised below.

The relevant objectives of *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018) and actions in the *Eastern City District Plan* (2018), particularly with the objective of:

Aligning growth with infrastructure, including transport, social and green infrastructure, and delivering sustainable, smart, and adaptable solutions.

This approach is incorporated in the *Woollahra Local Strategic Planning Statement* (LSPS) and the *Woollahra Local Housing Strategy* (LHS), by focusing growth in areas close to public transport and key centres, and is carried into the draft ECC Strategy. The planning proposal will also assist in meeting the Eastern District City housing targets (with approximately 35 net new dwellings).

The documentation submitted with the planning proposal suggests a contribution could be made towards affordable housing as part of a planning agreement.

The planning proposal aligns with the centre's hierarchy as it has the potential to contribute to the ECC's revitalisation and strengthening the ECC as an employment and transport hub.

Development of the subject site at a higher density will bring wider public benefits via modern employment and residential floor space, and could contribute to new or enhanced community infrastructure in the ECC (such as urban greening and outdoor space, pedestrian and cycle facilities and indoor community space).

6.2.2. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Yes. The planning proposal is consistent with the following Council strategic plans:

Woollahra 2030, Council's Community Strategic Plan

Given the subject site is within the ECC the planning proposal is consistent with the theme *quality places and spaces and:*

- *Goal 4: Well-planned neighbourhoods*
 - 4.1 Encourage and ensure high quality planning and urban design outcomes
 - 4.5 Enhance the form and function of the local business centres
- *Goal 5: Liveable places*
 - 5.1 Enhance local community, cultural and recreation facilities to become more attractive, integrated, and accessible.

The ECC is being planned to accommodate growth supported by revitalisation and upgraded community infrastructure, to create a more vibrant and liveable centre that will provide for the local population. A building within the proposed envelope could contribute to achieving the aims of the draft ECC Strategy by contributing to housing, modern employment space and a revitalised centre. This is consistent with the CSP's aim of preventing inappropriately sized development, while balancing the need for new housing and jobs, and responding to the housing targets set by the State Government.

Woollahra Local Strategic Planning Statement 2020 (LSPS)

The planning proposal is consistent with the LSPS *liveability theme and:*

- *Planning Priority 6: Place making supports and maintains the local character of our neighbourhoods and villages, whilst creating great places for people*
- *Planning Priority 8: Collaborating to achieve great place making outcomes in our local centres which are hubs for jobs, shopping, dining, entertainment, and community activities.*

The ECC is being planned to accommodate growth supported by revitalisation and upgraded community infrastructure, to create a more vibrant and liveable centre that will provide for the local population and the planning proposal would contribute to these aims.

The planning proposal has the potential to contribute approximately 35 net new dwellings towards Woollahra's housing targets, within the ECC that the LHS identifies as the focus for Woollahra's housing growth. Furthermore, the planning proposal could contribute to the provision of affordable housing by way of a VPA.

Draft Edgecliff Commercial Centre Strategy 2021 (the draft ECC strategy)

The draft ECC Strategy is being prepared to accommodate employment and housing growth in accordance with the strategic planning framework. The planning proposal would contribute to revitalisation and strengthening of the ECC as a local centre and hub.

6.2.3. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

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

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

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

6.2.5. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Yes. The planning proposal is consistent with applicable section 9.1 directions (refer to **Schedule 2**).

6.3. Environmental, social and economic impact

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

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

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

No. The planning proposal is generally consistent with the Woollahra LEP 2014 and Woollahra DCP 2015 that incorporate consideration of environmental effects. In particular the planning proposal is consistent with the objectives of relevant controls and the desired future character of the ECC, as assessed in **Schedule 3**.

6.3.3. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal is generally consistent with the Woollahra LEP 2014 and Woollahra DCP 2015. In particular, the planning proposal is consistent with the objectives of relevant controls and the desired future character of the ECC, as assessed in the site-specific merit assessment in **Schedule 3**.

The planning proposal would allow for viable development of the subject site and would contribute to the strengthening of the ECC as a key local centre that is a transport and employment hub for the Woollahra LGA.

6.4. State and Commonwealth interests

6.4.1. Is there adequate public infrastructure for the planning proposal?

Yes. The Eastern City District Plan does not identify any planned state upgrades to infrastructure in the Woollahra LGA. There are planned upgrades in the Eastern Economic

Corridor - transport, health, education, and cultural facilities - that may benefit the subject site at a regional level.

The subject site is well-served by existing rail, bus, and regional road networks and is ideally located to take advantage of the significant public transport investment in the ECC that includes Edgecliff Station and bus interchange, and buses operating along New South Head Road. There are areas of open space within walking distance to the site at Trumper Park and Rushcutters Bay. There are shopping facilities, restaurants, entertainment, and other services within walking distance at the Edgecliff Centre and Eastpoint. The site meets the criteria for encouraging public transport use, walking, and cycling.

The subject site is within an established urban area currently serviced by water, sewer electricity and telecommunications infrastructure.

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

N/A. If required by the gateway determination, consultation will be undertaken with public authorities and this section will be completed following any such consultation.

7. Mapping

The planning proposal seeks to amend the following Woollahra LEP 2014 maps:

- Height of Building Map (Sheet HOB_003)
- Floor Space Ratio Map (Sheet FSR_003)

Map extracts will be produced following consultation with the Woollahra LPP.

8. Community consultation

The public exhibition will be undertaken in accordance with the requirements of the Act and the *Environmental Planning and Assessment Regulation 2021*, also having regard to other relevant plans and guidelines including the *Woollahra Community Participation Plan 2019*, *Local Environmental Plans – a guide to preparing local environmental plans* and any conditions of the Gateway Determination.

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

Public notification of the exhibition will comprise:

- weekly notice in the local newspaper (the Wentworth Courier) for the duration of the exhibition period, when a hardcopy version of that newspaper is being published.
- a notice on Council's website.
- a letter to land owners in the vicinity of each site
- notice to local community, resident and business groups, such as the Double Bay Residents Association.

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

- the planning proposal, in the form approved by the gateway determination.
- the gateway determination.

- information relied upon by the planning proposal (such as the view analysis and relevant Council reports).
- Woollahra LEP 2014.
- Section 9.1 Directions.

9. Project timeline

As Council is authorised to exercise the functions of the Minister for Planning under section 3.36 of the *Environmental Planning and Assessment Act 1979*, the proposed timeline for completion is as follows:

Plan-making step	Estimated completion
EPC/Council Report	May 2022
Planning proposal submitted to DPIE for Gateway	June 2022
Gateway determination	August 2022
Completion of technical assessment	TBC
Government agency consultation	September 2022
Public exhibition period	September 2022
Submissions assessment	October - December 2022
Council assessment of planning proposal post exhibition	January 2023
Council decision to make the LEP amendment	February 2023
Council to liaise with Parliamentary Counsel to prepare LEP amendment	March 2023
Forwarding of LEP amendment to Greater Sydney Commission and Department of Planning and Environment for notification	June 2023
Notification of the approved LEP	September 2023

Schedules

Schedule 1 – Consistency with State Environmental Planning Policies

State environmental planning policy	Comment on consistency
SEPP (Biodiversity and Conservation) 2021	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Exempt and Complying Development Codes) 2008	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Housing) 2021	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Industry and Employment) 2021	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Planning Systems) 2021	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Precincts - Central River City) 2021	Not applicable
SEPP (Precincts - Eastern Harbour City) 2021	Applicable and consistent. There are currently no identified state significant precincts located in the Woollahra LGA.
SEPP (Precincts - Western Parkland City) 2021	Not applicable.
SEPP (Precincts - Regional) 2021	Not applicable
SEPP (Primary Production) 2021	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Resilience and Hazards) 2021	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Resources and Energy) 2021	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Transport and Infrastructure) 2021	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.

Planning Proposal – 136-148 New South Head Road, Edgecliff

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State environmental planning policy	Comment on consistency
SEPP No 65 – Design Quality of Residential Apartment Development	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Building Sustainability Index: BASIX) 2004	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.

Schedule 2 – Compliance with section 9.1 directions

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
1	Planning systems	
1.1	Implementation of Regional Plans	Applicable and consistent. The planning proposal is consistent with the relevant objectives in the <i>Greater Sydney Region Plan: A Metropolis of Three Cities</i> (2018) and the relevant priorities and actions of the <i>Eastern City District Plan</i> (2018) as discussed herein.
1.2	Development of Aboriginal Land Council land	Not applicable. This planning proposal does not affect Aboriginal Land Council Land.
1.3	Approval and referral requirements	Applicable and consistent. The planning proposal does not require any additional approval or referral requirements.
1.4	Site specific provisions	Applicable and consistent. The planning proposal does not contain any unnecessarily restrictive site specific planning controls.
1.5 – 1.17	Implementation Plans	Not applicable. These plans do not apply to the Woollahra LGA.
2	Design and place	
3	Biodiversity and conservation	
3.1	Conservation zones	Applicable and consistent. The planning proposal will not affect the conservation standards of any environmentally sensitive land.
3.2	Heritage conservation	Applicable and consistent. The planning proposal will not change existing heritage provisions. The planning proposal applies to a heritage item and Council's Strategic Heritage Officer has not raised any objections to the planning proposal on heritage grounds.
3.3	Sydney drinking water catchments	Not applicable. This direction does not apply to the Woollahra LGA.
3.4	Application of C2 and C3 zones and environmental overlays in Far North Coast LEPs	Not applicable. These LEPs do not apply to the Woollahra LGA.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
3.5	Recreation vehicle areas	Not applicable. The planning proposal does not apply to sensitive land or land with significant conservation values, and does not relate to land to being developed for a recreation vehicle area.
4	Resilience and hazards	
4.1	Flooding	Applicable and consistent. The planning proposal will not rezone flood liable land or affect the application of controls that ensure that development on flood liable land will not result in risk to life or damage to property.
4.2	Coastal management	Not applicable. The planning proposal does not affect provisions relating to land in a coastal zone.
4.3	Planning for bushfire protection	Not applicable. The planning proposal does not affect bushfire prone land.
4.4	Remediation of contaminated land	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the objective of this direction.
4.5	Acid sulfate soils	Applicable and consistent. Existing acid sulfate soils provisions will not be altered by the planning proposal.
4.6	Mine subsidence and unstable land	Not applicable. The planning proposal does not apply to land within a proclaimed Mine Subsidence District or to land identified as unstable.
5	Transport and infrastructure	
5.1	Integrating land use and transport	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the aims, objectives and principles of: <ul style="list-style-type: none"> Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and The Right Place for Business and Services – Planning Policy (DUAP 2001).
5.2	Reserving land for public purposes	Applicable and consistent. Council has already resolved to remove the partial reservation on the subject site along with others on New South Head Road Edgecliff under a separate planning proposal (PP). Council is continuing negotiations with the RMS and seeking their approval of the reservations.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
5.3	Development near regulated airport and defence airfields	Applicable and consistent. The planning proposal does not contain a provision which is contrary to this direction.
5.4	Shooting ranges	Not applicable. The planning proposal does not apply to land adjacent to or adjoining an existing shooting range.
6	Housing	
6.1	Residential zones	Not applicable. The planning proposal does not apply to land in a residential zone.
6.2	Caravan parks and manufactured home estates	Not applicable. The planning proposal will not affect any caravan parks or manufactured housing estates.
7	Industry and employment	
7.1	Business and industrial zones	Applicable and consistent. The planning proposal does not remove or alter a business zone and does not reduce the achievable employment floor space in the existing B4 Zone that applies to subject site. The intended outcome is maintenance or increase in employment floor space on the land the planning proposal applies to.
7.2	Reduction in non-hosted short-term rental accommodation period	Not applicable. These strategies do not apply to the Woollahra LGA.
7.3	Commercial and retail development along the Pacific Highway, North Coast	Not applicable. This direction does not apply to the Woollahra LGA.
8	Resources and energy	
8.1	Mining, petroleum production and extractive industries	Not applicable. This planning proposal will not affect any of the nominated activities.
9	Primary production	
9.1	Rural zones	Not applicable. This planning proposal will not affect any rural zones.
9.2	Rural lands	Not applicable. This planning proposal will not affect any rural lands.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
9.3	Oyster aquaculture	Not applicable. This planning proposal will not affect any Priority Oyster Aquaculture Areas.
9.4	Farmland of state and regional significance on the NSW Far North Coast	Not applicable. This direction does not apply to the Woollahra LGA.

Request for a Planning Proposal for 136-148 New South Head Road, Edgecliff



Assessment



Version Date:	April 2022
Division/Department:	Strategic Planning/Planning & Place
Responsible Officer:	Consultant Strategic Planner
HPE CM Record Number:	22/48755

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1. Assessment

Council staff have undertaken an assessment of the request for a planning proposal in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the relevant NSW Department of Planning, Industry and Environment guidelines.

- Greater Sydney Region Plan and Eastern City District Plan (2018)
- Housing supply, diversity and affordability
- Centres hierarchy
- Public benefit
- Woollahra 2030, Council's Community Strategic Plan
- Woollahra Local Strategic Planning Statement 2020 (LSPS)
- Woollahra Local Housing Strategy (LHS)
- Draft Edgecliff Commercial Centre Strategy (the draft ECC strategy)
- Draft ECC Strategy – strategies and guiding principles

Assessment against Woollahra LEP 2014 objectives

- B4 Zone Objectives
- Height of Buildings
- Floor Space Ratio
- Land Reservation Acquisition

Assessment against Woollahra DCP 2015 principles

- Desired future character
- Commercial centre objectives
- Heritage
- Solar access
- Views
- Traffic, access and parking
- Residential amenity
- Sustainability

Council staff assessed the request with reference to the NSW Department of Planning and Environment's (DPE) *Local Environmental Plan Making Guideline (December 2021)*.

A strategic merit assessment against relevant region, district, and local strategies, including the draft ECC Strategy¹, considers how the site can contribute to meeting Council's strategic

¹ Draft Edgecliff Commercial Centre Planning and Urban Design Strategy exhibited 31 May – 30 September 2021 - establishes a vision for the Edgecliff Commercial Centre (ECC) and provides recommendations on planning controls, urban design, public domain and transport enhancements to guide future development. Refer to Section 1.8 for detail.

obligations in the context of the NSW Government's objectives for the Eastern City District and Greater Sydney.

A site-specific merit assessment considers local aspects of the planning proposal against the draft ECC Strategy principles, and relevant Woollahra LEP 2014 and Woollahra DCP 2015 objectives and controls.

1.1. Greater Sydney Region Plan and Eastern City District Plan (2018)

The Region Plan objectives include making more effective use of existing regional infrastructure (such as public transport, roads, schools and hospitals). For Woollahra this would include the existing rail, bus and regional road networks. It would also include planned investment in the Eastern Economic Corridor - transport, health, education and cultural facilities - as the District Plan does not identify any planned state upgrades to infrastructure in the Woollahra LGA. The District Plan indicates opportunities should be taken to better align growth with infrastructure by considering the capacity of existing infrastructure and includes the following objective:

Aligning growth with infrastructure, including transport, social and green infrastructure, and delivering sustainable, smart and adaptable solutions.

This approach is incorporated in the *Woollahra Local Strategic Planning Statement* (LSPS) and the *Woollahra Local Housing Strategy* (LHS), by focussing growth in areas close to public transport and key centres, and is carried through into the draft ECC Strategy.

Council staff engaged with the Greater Sydney Commission and the then NSW Department of Infrastructure and Industry (now DPE) regarding Woollahra's identified growth to 2036. Both support the idea of focussing Woollahra's growth around Edgecliff Station, and the draft ECC Strategy is a collaborative approach to achieving Council's obligations under the Region and District plans.

Given the subject site is within the ECC, the planning proposal can be considered consistent with the Region and District Plans regarding infrastructure and collaboration, as there is a nexus from the applicant's proposal through the LSPS and LHS to those plans.

1.2. Housing supply, diversity and affordability

The Region Plan objectives include providing additional housing in areas where there is supporting infrastructure and employment, and the plan states there is unmet need for diverse and affordable housing, and housing in locations that are supported by infrastructure, businesses, services and employment. The District Plan sets targets for housing and suggests 5-10% of new residential floor space be provided as affordable rental housing².

This approach is incorporated in the LSPS and the LHS, by focussing growth in areas close to public transport and key centres where existing employment can be enhanced, and is carried through into the draft ECC Strategy.

² In October 2021, Council adopted the *Woollahra Affordable Housing Policy* which sets an aspirational target for affordable housing of 10% of new dwellings.

Woollahra's housing target was 300 net new dwellings between 2016 and 2021, and a further 500 net new dwellings between 2021 and 2026. The planning proposal has the potential to produce approximately 41 apartments (35 net gain) and thus contribute to achieving Woollahra's housing targets.

The documentation submitted with the planning proposal suggests a contribution could be made towards affordable housing as part of a planning agreement.

Given the subject site is in the ECC that incorporates Region, District and Local strategies, the planning proposal can be considered consistent with all regarding housing supply. The indicative development concept shows a range of apartment sizes and this can be confirmed in a site specific DCP.

1.3. Centres hierarchy

The Region Plan objectives include managing and expanding the network of existing centres to maximise the liveability, productivity and sustainability benefits. The Region Plan states the management of local centres should be informed by a place-based strategic planning process *including an assessment of how, broadly, the proposed hierarchy influences decision-making for commercial, retail and other uses.*

This approach is incorporated in the LSPS and the LHS, by focussing growth in key centres in areas close to public transport, and is carried through into the draft ECC Strategy. The LSPS and LHS refer to the planning review of Double Bay and Edgecliff underway to identify opportunities for increased housing, local businesses, and employment in these key local centres.

The ECC is the only local centre in the Woollahra LGA with a train station and bus interchange. Council is following the Region Plan recommended approach of place based planning in the draft ECC Strategy that identifies how the ECC could be revitalised with density and heights that are appropriate for its key local centre status.

Given the planning proposal has the potential to contribute to the ECC's revitalisation and strengthening as an employment and transport hub, it is considered to be consistent with the Region Plan centres hierarchy objectives.

1.4. Public benefit

The Region and District plans emphasise the need for the provision of appropriate infrastructure to support growth, including delivery of new or improved public open spaces and a range of community facilities and services to support the forecasted population.

The planning proposal seeks development potential beyond that envisaged when the Woollahra LEP 2014 was adopted and beyond that envisaged by the community at the time of consultation on the LEP. While development at a higher density will bring wider public benefits via enhanced employment and residential floor space, it will create a greater need for supporting local community infrastructure. In particular, it will create a need beyond that which is envisaged in the *Woollahra Contributions Plan 2021* that matches growth envisaged under the current controls in the Woollahra LEP 2014.

The infrastructure needs to support additional growth in the ECC are identified (at a high level) in the draft ECC Strategy and include outdoor recreation space, urban greening, indoor community space, improvements for pedestrians and cyclists, affordable housing and traffic management. The infrastructure needs for the ECC are informed by Council's

Community Facilities Study, draft Play Space Strategy and draft Recreation Needs Study, the ECC Public Domain Plan and Traffic Study.

The applicant is suggesting a monetary contribution towards community infrastructure rather than providing community facilities on site, and in lieu of Section 7.12 contributions.

Should the planning proposal proceed to a planning proposal, a contribution towards community infrastructure is appropriate to ensure public benefit in tandem with the new development. However, this contribution should be made in addition to the applicable Section 7.12 contributions at development application stage. The applicant's commitment needs to be included in a VPA between the applicant and Council. The terms of the draft VPA are currently being negotiated with Council staff (in accordance with Council's adopted VPA policy) and should the planning proposal proceed, a draft VPA would be exhibited concurrently with the draft planning proposal. A draft VPA will be reported to Council in a separate report.

The Woollahra Voluntary Planning Agreement Policy 2020 (Woollahra VPA Policy) will apply. The VPA Policy incorporates section 7.4(1) of the EP&A Act that provides *that a planning agreement is a voluntary agreement or other arrangement under this Division between a planning authority and a person (the developer) (a) who has sought a change to an environmental planning instrument.*

The applicant has entered negotiation with Council regarding a VPA. This negotiation is being managed by Council's Director Infrastructure and Sustainability for reasons of probity (as per the Woollahra VPA Policy) and will be reported to Council independently of reporting on the planning proposal. Council staff that assessed the request for a planning proposal and recommending this planning proposal are not involved in the VPA negotiations.

Council staff are refining the community infrastructure needs for the ECC (to be incorporated in the final ECC Strategy). These considerations will feed into the negotiations for the VPA in relation to the planning proposal, and may include contributions towards:

- Childcare, education, early childhood education or health facilities
- Facilities for youth and young adults
- Facilities for seniors and universal access
- Community facilities such as libraries, cultural and multi-use community centre
- Recreation and open space, urban greening and outdoor spaces
- Pedestrian and bike paths
- Affordable housing.

It is desirable that any draft VPA be exhibited with the draft planning proposal to ensure that uplift on the subject site is accompanied by appropriate infrastructure, and there is public transparency.

If appropriate community infrastructure can be provided with the proposal, then the planning proposal can be considered consistent with the Region and District plans regarding public benefit.

1.5. Woollahra 2030, Council's Community Strategic Plan

Woollahra 2030, Council's Community Strategic Plan (CSP), identifies the strategic direction and integrated planning framework for the Woollahra LGA and the CSP's five themes reflect community values. The applicant's proposal is considered to be consistent with the CSP. In particular, given the planning proposal is within the ECC it is consistent with the theme *quality places and spaces* and:

Goal 4: Well-planned neighbourhoods

4.1 Encourage and ensure high quality planning and urban design outcomes

4.5 Enhance the form and function of the local business centres

Goal 5: Liveable places

5.1 Enhance local community, cultural and recreation facilities to become more attractive, integrated, and accessible

The ECC is being planned to accommodate growth supported by revitalisation and upgraded community infrastructure, to create a more vibrant and liveable centre that will provide for the local population. A building within the proposed envelope could contribute to achieving the aims of the draft ECC Strategy by contributing to housing, modern employment space and a revitalised centre. This is consistent with the CSP aims of *protecting our environment from high rise and inappropriate oversized development while balancing the pressure for new housing and jobs, and responding to the housing targets set by the State Government.*

1.6. Woollahra Local Strategic Planning Statement 2020 (LSPS)

The LSPS documents a 20-year land use vision and planning priorities for the Woollahra LGA, identifies the ECC as a key local centre and transport hub, and refers to the planning review undertaken to investigate increased housing, local business and employment. A short-term action in the LSPS is to *undertake community consultation on the Edgecliff Commercial Centre Planning and Urban Design Study (due 2020)* with the aim of adopting and implementing a strategy for upgrade of the ECC. The consultation was undertaken in 2021 with the public exhibition of the draft ECC Strategy and supporting documents. The draft ECC Strategy is consistent with the vision and specific actions in the LSPS including:

Planning Priority 6: Place making supports and maintains the local character of our neighbourhoods and villages, whilst creating great places for people

Planning Priority 8: Collaborating to achieve great place making outcomes in our local centres which are hubs for jobs, shopping, dining, entertainment, and community activities.

The planning proposal is considered consistent with the LSPS as it has the potential to contribute to the revitalisation of the ECC in the context of the place based planning for the ECC.

1.7. Woollahra Local Housing Strategy (LHS)

Council approved the Woollahra LHS on 25 October 2021. The report identified that Woollahra's 2016-2021 target of 300 net new dwellings has been achieved, and another 900 dwellings are required by 2036.

The LHS identifies that Woollahra's housing targets will be primarily met in the ECC, it being the only area within the LGA that is capable of accommodating growth without State Government investment in major infrastructure and services. The LHS includes an aspirational target of 5% affordable housing and this has been incorporated in the draft ECC strategy. Further, the *Woollahra Affordable Housing Policy 2021* sets an aspirational target for affordable housing of 10% of new dwellings and the draft ECC Strategy sets a minimum 5% of new residential GFA.

The planning proposal has the potential to deliver 41 dwellings (35 net new dwellings) that would contribute to achieving Woollahra's housing targets and could reduce the need for

redevelopment of other sites in the ECC to the heights envisaged in the draft ECC Strategy. The documentation submitted with the planning proposal suggests that the applicant may make a contribution towards affordable housing as part of a planning agreement. The planning proposal is, therefore, considered consistent with the LHS.

1.8. Draft Edgecliff Commercial Centre Strategy (the draft ECC Strategy)

The subject site is within the Edgecliff Commercial Centre (ECC) and within the area covered by the *Draft Edgecliff Commercial Centre Planning and Urban Design Strategy* (draft ECC Strategy).

The draft ECC strategy sets a new vision for the ECC and makes recommendations on key built form outcomes including land uses, heritage conservation, maximum building heights, active street frontages, affordable housing, design excellence, community infrastructure and transport. The draft ECC Strategy identifies a number of properties along New South Head Road with potential uplift (additional height and FSR). Refer to **Figures 1 and 2**

Whilst the site falls within the ECC it was not identified for uplift in the draft ECC Strategy. This was because at the time of preparation, the subject site was in multiple ownership and vehicle access was not available to all four properties. However, since the draft ECC Strategy was prepared, the subject site has been brought into single ownership and vehicle access can be obtained to the whole site from Darling Point Road.

Council exhibited the draft ECC Strategy from 31 May – 30 September 2021.



Figure 1: Draft ECC Strategy area

The draft ECC strategy proposes five precincts, and the site is in the Local Commercial Core. This precinct is the focus for employment, retail, community services and apartments where:

Future development will enhance the employment role of the ECC through high-quality architecture and urban design, and design excellence. Active frontages, new public spaces, urban greening, and public art will promote liveability. New McLean Street will provide a sensitive transition and access to the Paddington HCA. Impacts on views and solar access to existing public open spaces, streets and residential areas will be minimised.

The planning proposal and indicative development concept demonstrate consistency with the aims of the exhibited draft ECC Strategy as follows:

- Height and FSR compatible with those identified on nearby uplift sites
- New non-residential space in a modern commercial setting, adjacent to Edgecliff Station would enhance the employment role of the ECC
- Being close to transport, development of the subject site will be transport oriented and the location-meets criteria to encourage active transport use
- Redevelopment would provide new and improved active frontages, including conservation and refurbishment of the heritage listed building

The planning proposal can, therefore, be considered consistent with the ECC Strategy.

It should be noted, however, that given the issues raised in submissions to the Draft ECC Strategy, Council staff are in the process of refining and amending the draft ECC Strategy. While it is expected uplift sites will be identified in the final ECC Strategy, at the time of writing this report, there is no certainty about what building height and floor space controls will be recommended for each site.

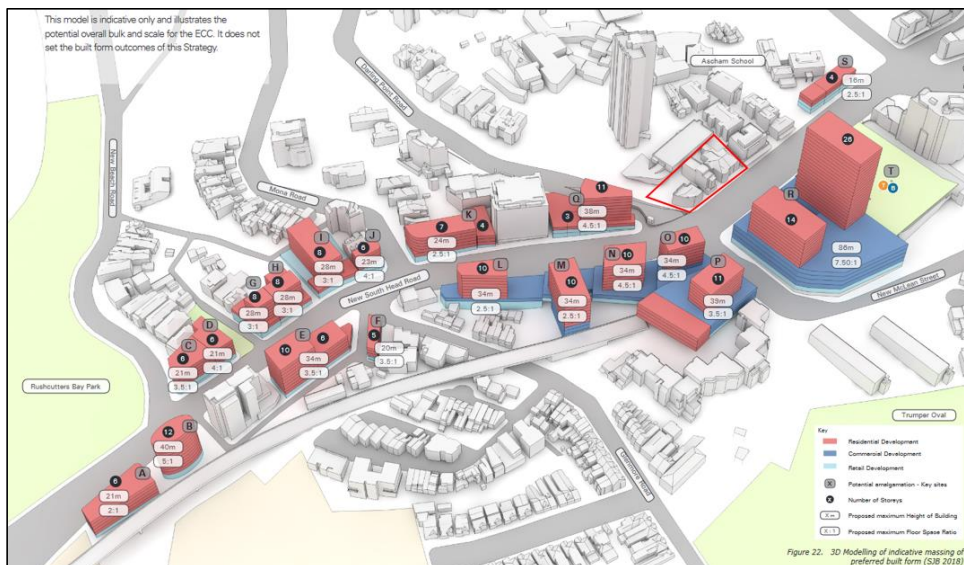


Figure 2: 3D Modelling of indicative potential built form (Source: SJB 2018) (site highlighted in red)

1.9. Draft ECC Strategy – strategies and guiding principles

Table 2 provides an assessment of the planning proposal and indicative development concept against the strategies and guiding principles of the draft ECC Strategy. While the draft ECC Strategy is not finalised, it is expected similar strategies and principles will be included in the final ECC Strategy.

Table 2: Assessment against ECC Strategy: Strategies and Guiding principles

Strategy	Response
5.1 Land Use	The proposal does not seek a change from the B4 mixed use zoning.
5.2 Building height	<p>The approach in the draft ECC Strategy is to highlight the line and slope of New South Head Road, with the taller buildings of 26 and 14 storeys at the Edgecliff Centre and 8-10 storeys transitioning down towards the lowest point at Rushcutters Bay Park. Four storey street wall heights for sites surrounding Edgecliff Station are proposed to concentrate commercial floor space in the Local Commercial Core in podium levels.</p> <p>A 12-storey building on the subject site is consistent with this approach as it would reinforce the higher buildings on the high point of New South Head Road, with a slight step down from the 14 storeys on the Edgecliff Centre, and another step down to the potential 11-storey building on the uplift site to the west (130 New South Head Road).</p>
5.3 Floor Space	<p>The proposed FSR of 5:1 is lower than the 7.5:1 indicated for the Edgecliff Centre, and slightly greater than the 4.5:1 indicated for the uplift site to the west (130 New South Head Road).</p> <p>The planning proposal is consistent with the ECC approach to focus higher density and more employment space adjacent to Edgecliff Station.</p>
5.4 Amalgamation	<p>The amalgamated site would provide a frontage to New South Head Road of around 55m, enabling the benefits of amalgamation noted in the draft ECC Strategy, such as functional floor plates and efficient parking layout. Achievable floor plates would provide flexibility for a range of non-residential uses, no land would be isolated and vehicle access to land that currently does not have vehicle access could be achieved from Darling Point Road.</p>
5.5 Built form	<p>The approach is to follow the sloping topography of the ECC and locate the tallest buildings around Edgecliff Station, with a consistent street wall (vehicle entries from side streets) and one or more levels of non-residential storeys with residential above.</p> <p>The indicative development concept for a 12-storey building on the subject site is consistent with this approach as it would reinforce the focus of taller buildings around Edgecliff Station, increases non-residential space in a 4-storey podium, and presents a consistent street wall to New South Head Road. The built form is consistent with the draft ECC Strategy <i>Built Form Principles</i> (refer to Table 3) and would make a positive contribution to the revitalisation of the ECC.</p>
5.6 Active frontages	The indicative development concept shows the provision of active frontages, with retail at the street frontage. The requirement for active frontages would be confirmed in DCP provisions for the site should the planning proposal proceed.
5.7 Design excellence	The requirement for design excellence can be included in amendments to the Woollahra LEP 2014 should the a planning proposal proceed.
5.8 Community infrastructure	<p>The applicant has entered negotiation with Council regarding a VPA. This negotiation is being managed by Council's Director Infrastructure and Sustainability for reasons of probity (as per the Woollahra VPA Policy) and will be reported to Council independently of reporting on the planning proposal. Council staff that assessed the request for a planning proposal are not involved in the VPA negotiations.</p> <p>Council staff are refining the community infrastructure needs for the ECC (to be incorporated in the final ECC Strategy). These considerations will feed into</p>

	<p>the negotiations for the VPA in relation to the planning proposal, and may include contributions towards:</p> <ul style="list-style-type: none"> • Childcare, education, early childhood education or health facilities • Facilities for youth and young adults • Facilities for seniors and universal access • Community facilities such as libraries, cultural and multi-use community centre • Recreation and open space, urban greening and outdoor spaces • Pedestrian and bike paths • Affordable housing.
5.9 Affordable housing	The documentation provided has indicated a potential contribution towards affordable housing (to be confirmed in a VPA).
5.10 Public Domain Improvements	The proposal does not conflict with any of the proposed public domain improvements identified in the draft ECC Strategy that includes a central plaza, improvements to the parks Oswald Street and Edgecliff Square Reserve, verge planting and outdoor seating areas, and improved pedestrian and cycle facilities. The proposal could contribute towards these community infrastructure improvements via a VPA.
5.11 Transport	<p>The proposal does not conflict with any of the transport improvements identified in the draft ECC Strategy. The proposal will contribute towards community infrastructure and:</p> <ul style="list-style-type: none"> • Support mixed use development • Potentially provide for less parking than is permitted by Council's DCP • Facilitate preparation of a Green Travel Plan at DA stage.

Table 3: Assessment against ECC Strategy: Built form guiding principles

Built Form – Guiding Principles	
G1 Mix of uses with active street frontages at ground level along New South Head Road	
	<p>A mix of uses and active street frontages can be achieved in development of the site under the proposed planning controls. The indicative development concept shows active frontages and two to three levels of non-residential use at the ground and lower levels.</p> <p>A minimum non-residential FSR can be applied to ensure a minimum non-residential component contributes to the ECC's employment role.</p>
G2 The character of HCAs is not negatively impacted by the bulk and scale of the built form	
	<p>New South Head Road and the properties on the southern side of it provide some separation between the site and the Paddington HCA</p> <p>Development on the site under the proposed controls could be designed to be compatible with existing buildings (as shown in a view of the requested building envelope in Figure 10).</p>
G3 Development must demonstrate design excellence.	

	Should the planning proposal proceed, relevant LEP provisions can include a requirement for design excellence
G4 Development contributes towards enhancing the public domain and active transport network.	
	Should the planning proposal proceed to a planning proposal, the site could contribute toward identified infrastructure upgrades through a VPA and Section 7.12 Contributions.
G5 Comply with State Environmental Planning Policy No 65 -- Design Quality of Residential Apartment Development and the Woollahra DCP 2015 where relevant.	
	The applicant provided an evaluation of the indicative development concept to demonstrate that future development under the proposed development controls can comply with the requirements of SEPP 65, the Apartment Design Guide, and generally with the controls of the Woollahra DCP 2015 relevant to residential amenity.
G6 Surrounding residential areas continue to receive 2 hours of direct sunlight to private open spaces on 21 June.	
G7 Existing public open spaces (including Trumper Park and Oval) and new public open spaces achieve adequate solar access between the hours of 10am and 2pm on 21 June	
	The shadow analysis submitted with the planning proposal shows the additional shadow that would result from the built form constructed under the proposed controls. This analysis indicates the shadows at hourly intervals between 9am to 3pm on 21 June. The analysis concludes that the proposed envelope will not result in any adjoining dwellings failing to meet acceptable standards of solar access. Furthermore, the shadow diagrams indicate that there will be no unreasonable overshadowing of the public domain (including Trumper Park).

2. Assessment against Woollahra LEP 2014 objectives

2.1. B4 Zone Objectives

The planning proposal is not seeking to change the B4 Mixed Use zoning and a mixed use development is permissible. The request is considered consistent with the objectives of the zone as follows:

- *To provide a mixture of compatible land uses*

A mix of uses can be provided. The indicative development concept shows functional floor plates with two to three levels of non-residential use at the ground and lower levels and residential above and shows that appropriate separation between residential and non-residential activity can be achieved.

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

The site's proximity to the Edgecliff Station, bus interchange, and Sydney CBD makes it appropriate for higher density development, particularly if a similar scale is adopted on nearby uplift sites identified in the draft ECC Strategy. The site is well-located to encourage use of public and active transport.

- *To provide active ground floor uses to create vibrant centres.*

A mix of uses and active street frontages can be provided. The indicative development concept shows active frontages and ground level design that can integrate with the public domain of the street.

- *To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.*

In the Woollahra DCP 2015, the desired future character for the Edgecliff Centre and Eastpoint complex (opposite the subject site) describes buildings of 8–10 storeys (26m to 34m) stepping down to New McLean Street (to the south) to 2 storeys. For the remainder of the New South Head Road corridor the desired future character describes buildings of 4-6 storeys. The DCP is indicating taller buildings around the station to take advantage of the public transport facilities, and focus employment and residential floor space at this location.

While the planning proposal is two storeys taller than the current LEP standard and DCP guideline for the vicinity, it could be considered consistent with the intent of the desired future character statement which is to increase employment and residential floor space to take advantage of the transport infrastructure, and focus taller buildings at the higher point of the ECC. Furthermore, the height of the Eastpoint residential tower is 14 storeys, and the 12 storey building on the subject site would provide a step down from that high point towards the lower scale in the remainder of the New South Head Road corridor.

The LSPS and LHS identify uplift and revitalisation of the ECC, in line with the relevant Region and District Plan objectives. In this context, uplift on the subject site would be consistent with the desired future character.

- *To provide for development of a scale and type that is compatible with the amenity of the surrounding residential area.*

There is a small residential area to the east of the subject site that is two, three and five storeys in height. A development to the height and scale requested could overlook this residential area. Potential impacts include visual and aural privacy, and there would be a significant stepping in height close to the boundary of that residential area. These issues would need to be considered in detail should the planning proposal proceed and measures to protect the amenity of adjacent residential areas incorporated into a site specific DCP.

The background study for the draft ECC Strategy considered the amenity of surrounding residential areas and it includes strategies and guiding principles to ensure development in the ECC would be compatible with surrounding residential areas. These protections are being reviewed and could form the basis of a site specific DCP.

2.2. Height of Buildings

The planning proposal seeks an increase in the Height of Buildings development standard from 14.5m to 46m.

Figure 3 shows the requested building envelope and indicative development concept in the context where its relationship to nearby taller buildings can be seen. Development within the requested envelope would be similar in scale to the existing Eastpoint residential tower to the east. There is a transition in scale to the Edgecliff Centre opposite and to the apartment building to the west (100 New South Head Road).

The applicant relates the request to Ranelagh (31 storeys) adjoining to the north, to suggest the requested height is appropriate within the existing context. However, Ranelagh is listed as intrusive in the Woollahra DCP 2015 and is not an appropriate benchmark for the height of new buildings. Notwithstanding, the bulk of Ranelagh does help to integrate the building bulk on the subject site, particularly when viewed from the lower scale Paddington Heritage Conservation Area to the south, as shown in **Figure 4**.

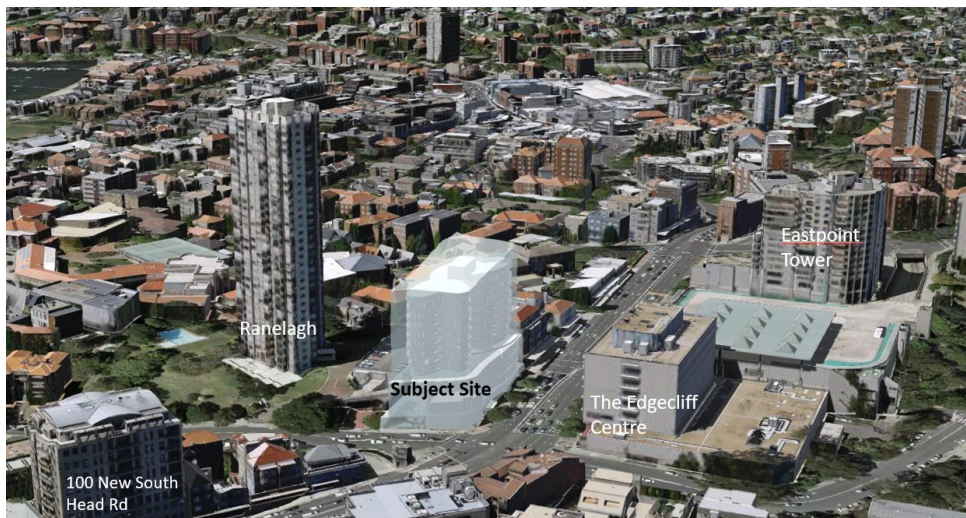


Figure 3: Model of the requested building envelope and indicative development concept in context
(Source: Woollahra Council 2022)



Figure 4: Model of the proposed building envelope and indicative development concept in context, as viewed from the Paddington HCA (Source: Woollahra Council 2022)



Figure 5: Model of the proposed building envelope in the EEC Strategy context (Source: Planning Proposal Report, Ingham Planning 2021)

Figure 5 shows the proposed building envelope within the model of the suggested building envelopes that were included in the exhibited draft ECC Strategy and shows how the proposed envelope would fit within the context of the foreshadowed uplift in the ECC.

The 46m Height of Buildings is considered consistent with the objectives of the Height of Buildings controls, as follows:

(a) *to establish building heights that are consistent with the desired future character of the neighbourhood*

As discussed above, while the planning proposal is two storeys taller than the current LEP standard and DCP guideline for the vicinity, it could be considered consistent with the intent of the desired future character statement which is to increase employment and residential floor space to take advantage of the transport infrastructure available in this location.

The planning proposal and indicative development concept presents a mixed use building and commercial and residential floor space beyond what is currently permitted. Such a building would contribute to the revitalisation of the ECC, and the taller building makes the additional commercial and residential floor space achievable.

Council's Strategic Heritage Officer commented that *the impact of height on the heritage item is addressed by reducing the overall height (from 18 storeys to 12) and reducing the overhang (as per Council advice). The reduced scale provides a more compatible setting for the heritage item as it will not 'overwhelm' its parapeted form.*

(b) *to establish a transition in scale between zones to protect local amenity*

The site adjoins the R3 Medium Density Residential Zone and a 33 storey building to the north. A transition in this situation is unlikely.

While the rest of the adjoining land is in the same zone, there would be a significant jump in height from the 3 and 4 storey buildings to the east, and no real transition is shown in the indicative development concept. The lower scale buildings are constrained by vehicular access and not identified in the draft ECC Strategy for uplift. Their scale is unlikely to change.

The built form relationship would need to be considered in detail should the planning proposal proceed, and measures to protect the amenity of adjacent residences and measures to achieve an appropriate physical relationship incorporated in a DCP.

(c) *to minimise the loss of solar access to existing buildings and open space*

The shadow analysis submitted with the planning proposal shows the additional shadow that would result from the built form constructed under the proposed controls. This analysis indicates the shadows at hourly intervals between 9am to 3pm on 21 June. The analysis concludes that the proposed envelope will not result in any adjoining dwellings failing to meet acceptable standards of solar access. Furthermore, the shadow diagrams indicate that there will be no unreasonable overshadowing of the public domain (including Trumper Park).

There is outdoor seating (not open space) at the New South Head Road frontage of the Edgecliff Centre that would lose some sun during the mid-winter period. Given this is not open space, and the area could be redeveloped, the increase in overshadowing is not considered an impediment to a taller building on the subject site.

Much of the mid-winter shadow would fall on New South Head Road, the lower levels of the Edgecliff Centre commercial building opposite the subject site and onto the

hardstand of the bus interchange to the south. While the Ranelagh tower casts a long shadow, that cast from the subject site would be wider and fill in current gaps. Given the subject site is in a commercial centre the additional shadow onto the roads and commercial buildings is not considered an impediment to a taller building on the subject site.

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

Overshadowing is discussed under point (c)

There is potential for overlooking of the lower scale residential properties to the east of the subject site, but this can be addressed through DCP measures and detailed design measures.

The view analysis submitted with the planning proposal illustrates that there may be some view impacts associated with the proposed envelope. However, these are unlikely to be unreasonable impacts. As the concept is further developed, they will be assessed under the view sharing controls in the Woollahra DCP 2015 (informed by *Tenacity Consulting v Warringah Council 2004 NSWLEC 140*). These controls seek to strike a balance between accommodating new development while providing, where practical, reasonable access to views from surrounding properties.

Furthermore, potential view sharing will be weighed against the strategic objectives of enhancing the ECC's role as a local centre and focusing development in locations close to the Edgecliff Station and bus interchange.

As shown in **Figure 9**, a building within the requested envelope would integrate with existing development and would not be visually intrusive.

2.3. Floor Space Ratio

The planning proposal seeks an increase in the FSR from 2.5:1 to 5:1. As shown in **Figure 9**, there are a number of buildings in the vicinity of the subject site that have similar bulk and scale. If additional height is considered acceptable then the additional FSR is acceptable and required to provide the employment space and dwellings to enable Woollahra to meet its Region and District planning obligations.

In light of the changing character of the ECC, the 5:1 FSR control requested is considered acceptable in the existing context, and consistent with the objectives of the FSR controls, as follows:

- (b) *for buildings in Zone B1 Neighbourhood Centre, Zone B2 Local Centre, and Zone B4 Mixed Use—to ensure that buildings are compatible with the desired future character of the area in terms of bulk and scale.*

Development within the requested envelope would be similar in scale to Eastpoint residential tower to the east and the residential tower to the west (100 New South Head Road).

As discussed above, the desired future character of the ECC is to focus larger buildings, employment space and residential adjacent to Edgecliff Station and the planning proposal is consistent with the intent of this desired future character.

Also as previously discussed, the ECC is anticipated to change in line with Council's adopted strategic planning documents (LSPS and LHS). The planning proposal

would result in a mixed use building with additional commercial and residential floor space. Such a building would contribute to the focus of housing growth in the ECC as identified in the LSPS and the LHS. A taller building would make the additional commercial and residential floor space achievable.

2.4. Land Reservation Acquisition

The Woollahra LEP 2014 identifies a land reservation at the corner of the site (refer to **Figure 10**). The relevant acquisition authority for the reservation is the Roads and Maritime Services (RMS), part of Transport for NSW. The reservation for acquisition was placed under the Woollahra LEP 1995, when the land was identified for road widening purposes as part of the 1958 Road Alignment project. This project was superseded by the Cross City Tunnel that was completed in 2005, and the Eastern Suburbs railway with its rail/bus interchange at Edgecliff Station. The RMS have no apparent plans to acquire the land or to carry out road improvement works using the reserved land.



Figure 6: Land acquisition reservation at the corner of the site (Source: Woollahra Council Maps)

On 25 October 2021 Council resolved to submit a planning proposal to the Department of Planning and Environment seeking to remove twelve parcels of land along New South Head Road and Glenmore Road in Edgecliff from the Land Reservation Acquisition Map in the Woollahra LEP 2014. These parcels have been reserved for road widening. As this matter is being progressed separately, it is not the subject of this planning proposal.

3. Assessment against Woollahra DCP 2015 principles

3.1. Desired future character

Part D: Business Centres, Chapter D2 Mixed Use Centres – Edgecliff Road Corridor and Chapter D4 Edgecliff Centre of the Woollahra DCP 2015 describe the existing character and desired future character for the ECC. Key features of the desired future character are:

- Reinforcing the ECC's role as the focus of retail and business activity and a convenient place for people to meet, work, shop and use services.
- High quality urban environment and pedestrian amenity including human scale and active frontages on New South Head Road and New McLean Street.

The planning proposal would contribute towards achieving these objectives as it would provide modern employment and residential floor space adjacent to Edgecliff Station, and through contributions towards improved quality of the urban environment.

The desired future character in the Woollahra DCP 2015 is generally incorporated in the draft ECC Strategy that aims to enhance the ECC's role as a focus of retail, business and residential activity. The point of departure from the Woollahra DCP 2015 desired future character is the heights (that are discussed previously). The draft ECC Strategy envisions taller buildings along New South Head Road generally up to 8-10 storeys with 26 and 14 storeys on the Edgecliff Centre opposite the subject site and 11 storeys on the property to the west of the site (130 New South Head Road).

Twelve storeys is consistent with the draft ECC Strategy's desired future character as it will contribute to reinforcing the ECC's role as a focus of business and retail activity and reinforce the focus of taller buildings and greater floor space adjacent to the station.

3.2. Commercial centre objectives

The desired future character is similar to that in the above point. With the exception of building heights (8-10 storey) the planning proposal could achieve consistency with the Woollahra DCP 2015 commercial centre guidelines for the ECC including active frontages, façade design, and pedestrian scale at street level.

The Woollahra DCP 2015 requires the design of the lower part of a building to relate to the pedestrian scale and activate the street generally through a setback of the building above a street wall that relates to the context and incorporates active uses such as retail and services.

Given the nature of buildings on the site there is no consistent street wall or active frontage. While the corner building abuts the street and is two storeys, the two apartment/commercial buildings have a one to two storey front wall and no active frontage. Redevelopment would provide an opportunity to introduce a better relationship of the site to the street and activate the frontage.

The indicative development concept for a 12 storey building presents a street wall height of 15m (approximately 3-4 storeys) along New South Head Road and has upper storey setbacks and articulation. This is consistent with the Woollahra DCP 2015 guidelines and the draft ECC Strategy that indicates four storey street wall heights for sites adjacent to Edgecliff Station, to allow commercial floor space to be concentrated within podium levels.

The indicative development concept indicates active frontages can be provided with several levels of non-residential space to maintain services and employment (required by the Woollahra DCP 2015 and the draft ECC strategy). These outcomes for the site can be confirmed in a site specific DCP should the request proceed to a planning proposal.

3.3. Heritage

The Woollahra LEP 2014 lists 136 New South Head Road as a local heritage item – Building and interiors, Item No. 238. The site is not in a heritage conservation area. The following listed heritage is in proximity to the site:

- ‘Concrete balustrade’, Item No. 114 (on Darling Point Road)
- Ascham School Precinct, Item No.239
- Paddington Heritage Conservation Area, Item No.C8
- ‘Edgecliff (Rushcutters Bay) Viaduct’ listed under the Heritage Act on RailCorp Section 170 Heritage Register.

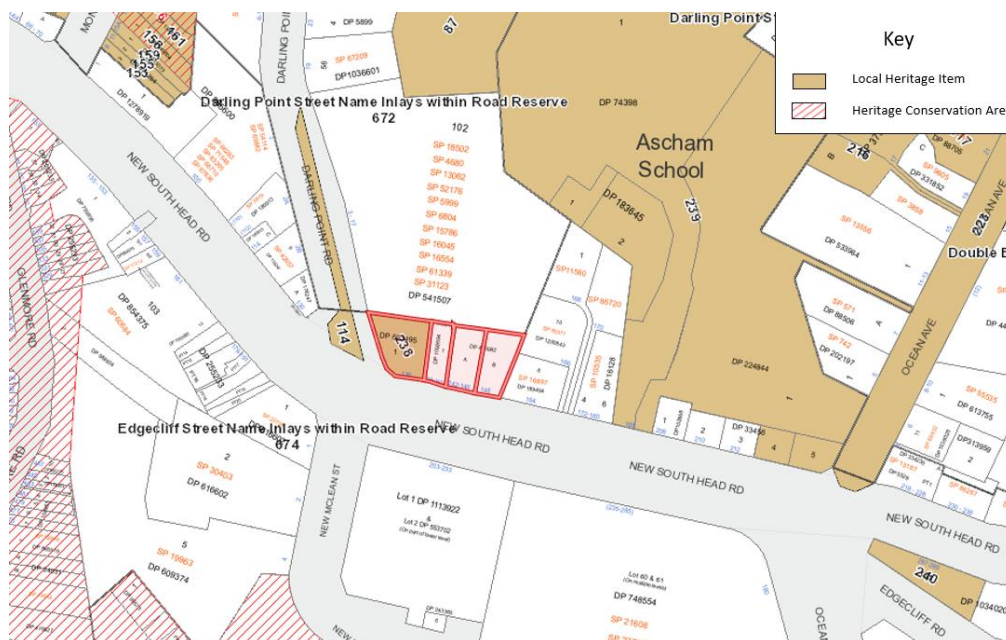


Figure 7: Extract from the Woollahra LEP 2014 Heritage Map (site highlighted in red) (Source: Woollahra Council Maps)

Council’s Strategic Heritage Officer considered all relevant information and provided the following comment:

Given the physical separation of the concrete balustrade from the subject site, and given this item’s character, it is anticipated that the impact on its significance arising from the proposal will be negligible.

The proposed development provides an improvement to the previously proposed pre-planning proposals, given its reduced height and compliance with the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy (the Edgecliff Strategy). Adverse

visual impact from the Paddington HCA is considerably reduced, with the proposal aligning with the surrounding built context anticipated by the Strategy.

There would be no adverse heritage impact arising from this development to the Edgecliff (Rushcutters Bay) Viaduct, given its listing as a major component of one of the state's largest post-war railway engineering undertakings.

The planning proposal has taken into consideration Council's advice in reducing overhanging of the new building over the heritage listed former Commonwealth Bank. The reduced scale provides a more compatible setting for the building and will not 'overwhelm' the parapeted form of the heritage item. The overhang over 136 New South Head Road is not an average of 1/3, which is consistent with the advice previously given.

In a view of redeveloping the Edgecliff corridor as a local centre, the proposed height is consistent with the surrounding heights of the new development. It employs a clearly contemporary design, a contemporary palette of materials with soft edges and is respectful of the surrounding heritage items.

The proposal also involves the demolition of two residential flat buildings at 138-140 New South Head Road and 142-148 New South Head Road, Edgecliff. Inter-War Residential flat buildings are protected under Clause B3.8.6 of the Woollahra DCP 2015, but the DCP has no statutory weight, it is only a guideline. The heritage assessment report prepared by Urbis in July 2021 has undertaken historic research on the public site, undertaken a heritage assessment in accordance with the NSW heritage criteria and assessed the heritage impact of the proposal. At DA stage, a demolition report is required to be prepared in accordance with the DA Guide.

From a review of the heritage assessment report, there seems to be much original intact fabric in both buildings, however they do not meet the threshold for individual heritage significance.

Whilst demolition of Inter-War flat buildings is not ideal due to loss of local character, it has been demonstrated that 142-146 and 148 New South Head Road do not meet the threshold for heritage listing.

The Strategic Heritage Officer recommendation is that:

The proposal is generally acceptable, provided the following documentation is provided at DA stage:

- *A Heritage Demolition Report, prepared in accordance with Council's DA Guide.*
- *An Archaeological assessment of the subject site is to be prepared to assess the significance of the existing brick and sandstone retaining walls and provide recommendations to incorporate them in any future development.*

The Strategic Heritage Officer's requirements can be included in a site specific DCP should the request proceed to a draft planning proposal.

3.4. Solar access

The Indicative Concept Report (Group GSA September 2021) provides solar analysis that indicates dwellings on the site and surrounding land will receive a minimum two hours of sun to living areas mid-winter between the hours of 9am and 3pm, which is a generally accepted standard. The shadow diagrams also show that the open spaces of Trumper Park Oval will not be overshadowed by a development to the scale requested.

The diagrams illustrate the shadows created from existing buildings and the indicative development concept. Where the additional shadow falls outside the Ranelagh tower shadow, it falls largely onto New South Head Road, lower levels of the Edgecliff Centre commercial building, or the hardstand of the bus interchange. The shadows appear not to impact on dwellings in the Paddington HCA to the south of the Edgecliff Centre. (Refer to examples in **Figure 8**)



Figure 8: Sample of existing shadows (grey) and from a new building on the site (pink)
(Source: Planning Proposal Concept Report, GroupGSA 2021)

The draft ECC Strategy requires 2 hours of sunlight to public space (including the draft ECC Strategy proposed outdoor plaza on the Edgecliff Centre) and private open spaces between 10am and 2pm.

It is noted, however, that the draft ECC Strategy's public plaza on the New South Head frontage of the Edgecliff Centre is conceptual and may change.

3.5. Views

The planning proposal would result in a built form that would be more visible in the ECC skyline, and more visible from parts of the Paddington HCA. However, Council's Strategic Heritage Officer commented *given its reduced height and consistency with the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy, adverse visual impact from the Paddington HCA is considerably reduced. And further that it is considered development on the subject site under the proposed envelope can be designed to be compatible with existing buildings in views from the HCA as the Edgecliff Centre screens much of its bulk.*

The view analysis submitted with the planning proposal illustrates that there may be some view impacts associated with the proposed envelope. However, these are unlikely to be unreasonable impacts. As the concept is further developed, they will be assessed under the view sharing controls in the Woollahra DCP 2015 (informed by Tenacity Consulting v Warringah Council 2004 NSWLEC 140). These controls seek to strike a balance between accommodating new development while providing, where practical, reasonable access to views from surrounding properties. Furthermore, potential view sharing will be weighed against the strategic objectives of enhancing the ECC's role as a local centre and focusing development in locations close to the Edgecliff Station and bus interchange.

The applicant's *Planning Proposal Urban Design Report and View Study* provides an assessment of view impacts from affected residential properties and states:

[we] believe that a sensitively designed tower form can reasonably maintain views, including iconic views. The analysis of the view impacts does not have a significant impact on determining the proposed building envelope other than the building height. However, the main consideration in relation to height has been the existing and future building height context within the commercial centre. Higher buildings will have an impact but moderating height will reduce impacts and the analysis undertaken indicates that for a 12 storey building either primary iconic views will not be affected (in the case of Ranelagh) or that some iconic CBD views will be retained for all dwellings (in the case of Eastpoint and Oceanpoint).

The following section is an outline of the applicant's analysis of view impacts for each of the main residential properties affected, using some examples provided by the applicant.

Ranelagh (refer to Figures 9 and 10)

According to the applicant's view analysis, the affected units are on numerous levels and at the southwest (Units A) and southeast (Units E) of the L-shaped building. Units most affected would be above Level 7 to around Level 15 of the 31-level building (as shown in the lower image in **Figure 10**). The analysis identifies the views affected (from dining rooms) as district or secondary views. The views affected are of land, are not iconic and are could, therefore, to be given less weight than the other views afforded to the affected units (from living rooms).

The district views from Units E would be removed, and the district views from Units A would be significantly reduced (as shown at the top image of **Figure 10**). The images below (**Figure 9**) are indicative of the district views that would be affected.



Figure 9: Indicative district views from 'Ranelagh' looking south (Source: Google Maps 2022)

The analysis indicates the affected units also have views to the northeast or northwest and identifies these as the primary views from the affected units. These views are from living rooms and include city skyline (Units A) and water views (Units E).

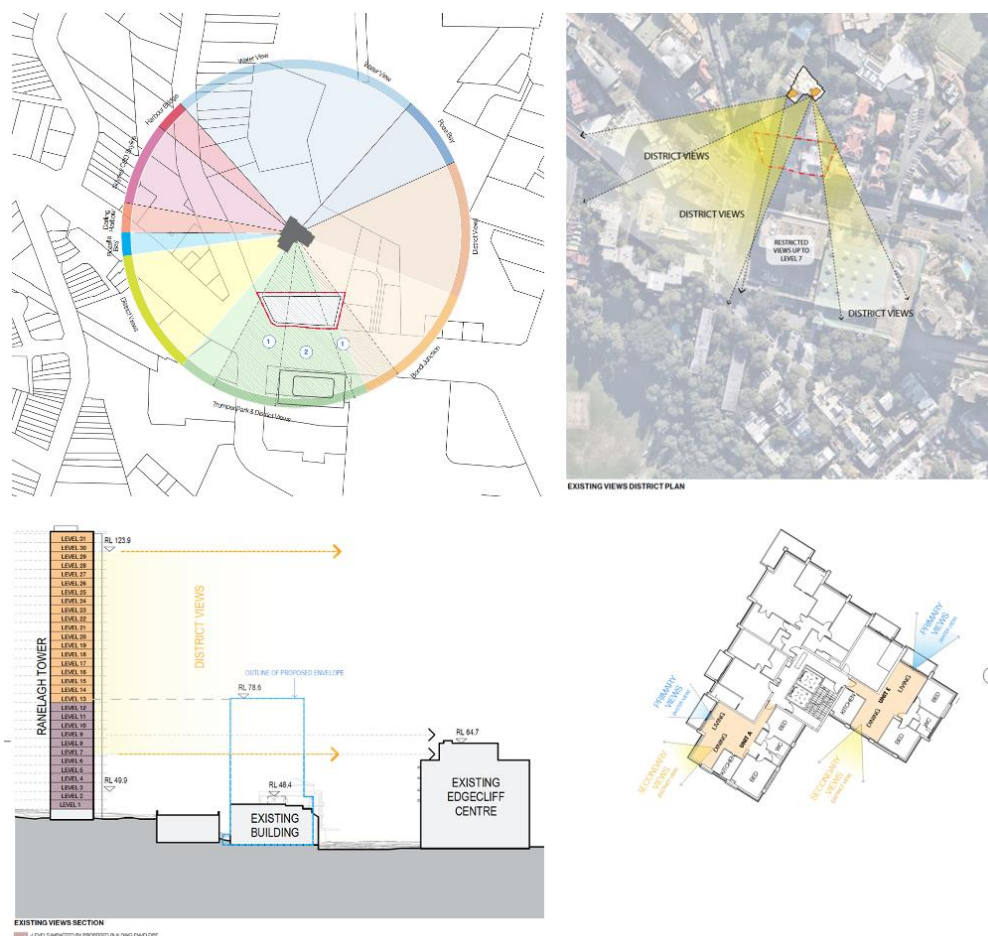


Figure 10: Ranelagh View Impact (GROUPGSA 2021)

Oceanpoint (Refer to Figure 11)

According to the applicant’s view analysis, affected units are on numerous levels and on the southwest corner of the building (Unit 3 on each level). The analysis shows that Unit 3 on each level will lose views towards the Harbour Bridge. These views have a significant land component and potentially some water component from the upper levels.

The affected units also have views to the north that will not be affected by the proposal. At the lower levels these views are of buildings, at the higher levels there appears to be some water component.

While the affected views are narrow, the view loss could trigger an assessment under *tenacity* as they involve an icon (Sydney Harbour Bridge), and some appear to have a water component (both matters that are given weight in *tenacity*). It would be a matter for assessors to determine the extent of the view loss and weigh this against the views retained.

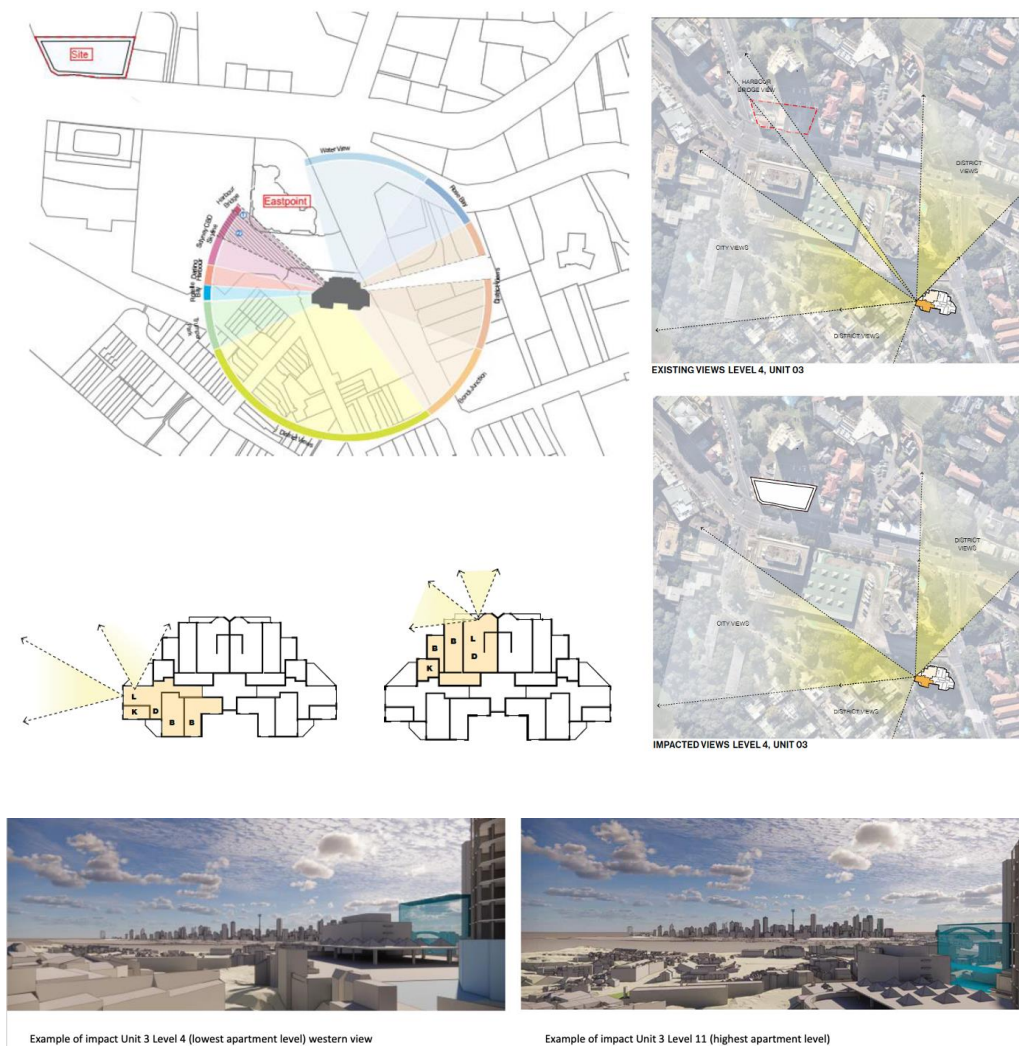


Figure 11: Oceanpoint View Impact (GROUPGSA)

Eastpoint (refer to Figure 12)

According to the applicant's view analysis, 4 of the 11 units on each of Levels 8-12 will be affected (Units 01, 02, 03 and 04), and 2 of the 6 units on each of Levels 13-19 will be affected to (Units 01 and 02).

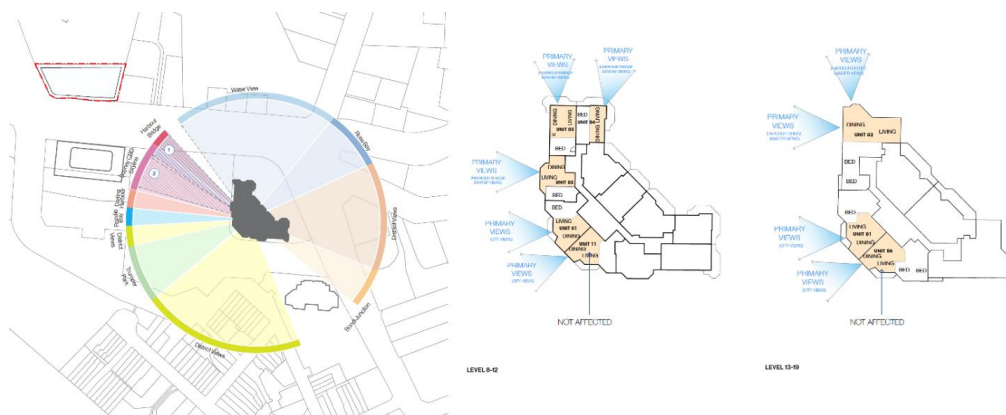
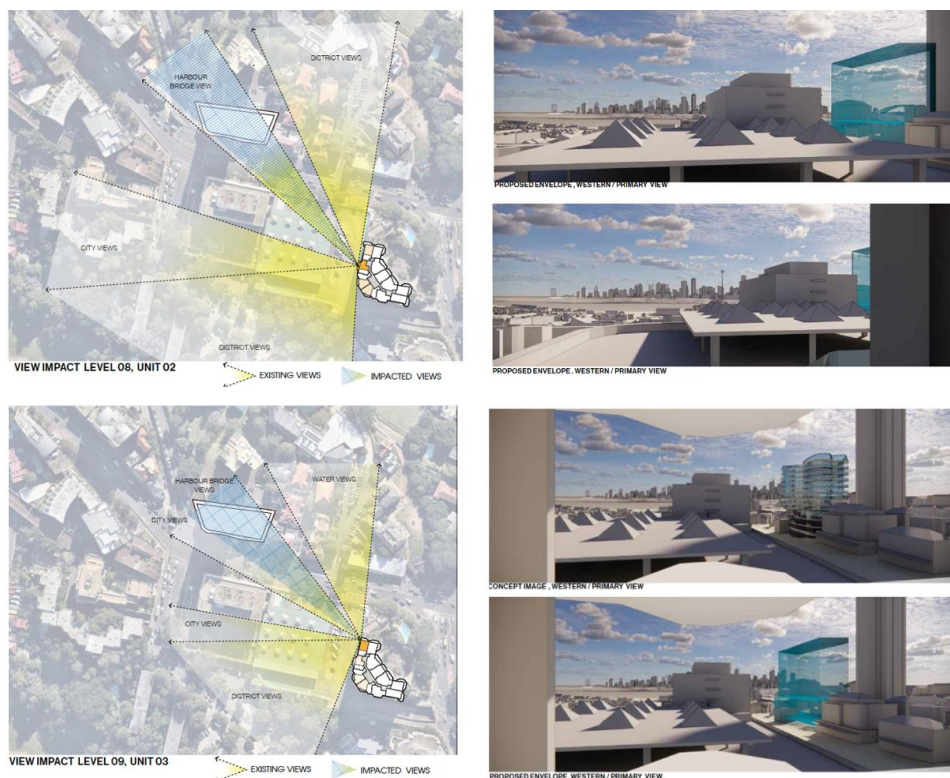


Figure 12: Eastpoint View Impact (GROUPGSA)

Level 8 is the lowest level of residential in the building. At the lowest level in the centre of the building (Unit 02) and north-western corner (Unit 03) existing buildings impact views. Under the proposal, views toward the Harbour Bridge would be affected, and city skyline views would be retained (as shown below). District views to the north and south would be retained. Similar impacts would be experienced up to Level 12 – the layout changes at Level 13. Full analysis is not provided for Unit 01, but it is assumed the impact would be less than that for Unit 02 given it is further to the south and facing slightly more south.



The impact on Units 04 (from the balcony) would be similar to the impact on Units 3, and this impact continues up to Level 12 (lower image below). The extent of the view increases as the levels increase to Level 12, so it could be argued the impact increases for those upper units.



The applicant's view analysis shows impact for Level 16 (Units 1 and 2) and Level 18 (Units 1 and 2). While there is still some impact on views towards the Harbour Bridge, Unit 2 has views north toward the harbour that would be considered primary. Unit 2 will continue to have city skyline views and district views to the south.

164 New South Head Road (refer to Figure 13)

The property to the east of the subject site has ground floor shops and three residential levels above. Unit 13 on Level 3 has a deck around 2 sides and there is a roof top court. According to the applicant's analysis Unit 13, and Units 11 and 12 on Level 2 would be affected by the proposal. For example, the image lower right shows the view impacted from the balcony adjacent the dining room of Unit 13 and the view impacted from the lounge room of Unit 11 respectively.

The affected views are over side boundaries, which are less likely to be supported for retention thought the application of *Tenacity*. Applying the principles of *Tenacity*, it is more likely to support view retention from the primary orientation of units. Further, it is possible that redevelopment beyond the subject site, to the applicable 20.5m height control, would impact on these views.



Figure 13: 164 New South Head Road View Impact (GROUPGSA 2021)

Summary of view impact

The view analysis submitted with the planning proposal illustrates that there may be some view impacts associated with the proposed envelope. However, these are unlikely to be unreasonable impacts. As the concept is further developed, they will be assessed under the view sharing controls in the Woollahra DCP 2015 (informed by Tenacity Consulting v Warringah Council 2004 NSWLEC 140). These controls seek to strike a balance between accommodating new development while providing, where practical, reasonable access to views from surrounding properties. Furthermore, potential view sharing will be weighed against the strategic objectives of enhancing the ECC’s role as a local centre and focusing development in locations close to the Edgecliff Station and bus interchange.

Views of the ECC skyline, and views from dwellings and public places, are considered in the background study³ to the draft ECC Strategy. It is stated in the Strategy that the preferred option was chosen as the towers can be located to account for view sharing and create a recognisable skyline that can be easily identified from surrounding areas, create a sense of identity and provide urban wayfinding.

While the site is not one of the nominated uplift sites in the draft ECC Strategy, the same view sharing and skyline objectives can be applied to its development under the requested planning controls, if developed within the context of the draft ECC Strategy. This could result in a redesign of the indicative development concept and a review of the heights and FSR’s for the subject site. As noted elsewhere in this report, Council is reviewing the heights and FSRs for the ECC in response to submissions received and the subject site needs to be incorporated into that review.

3.6. Traffic, access and parking

Council’s Traffic and Transport officers have commented on the applicant’s Traffic and Parking Assessment (Colston Budd Rogers & Kafes May 2021) as follows.

³ Edgecliff Commercial Centre Study, SJB Architects, September 2018

Traffic generation

The request would generate 41-53 vehicle trips per hour during peak (calculated using a GFA-based generation rate rather than a parking-space-based rate). The request would significantly increase traffic off Darling Point Road access and may cause congestion during peak hours. At the detailed design stage, Council's Traffic Engineers would request the developer design and construct a concrete centre median in Darling Point Road (upper section), at the intersection with New South Head Road, with associated signs and line markings, near the proposed development frontage, to discourage motorists from turning right in or out of the driveway access. This traffic calming measure will improve safety near the intersection and ease congestion. A left-in-left-out access to site will be required.

The required median strip and access/egress arrangements can be included in a site-specific DCP should the planning proposal proceed.

Intersection Performance

The SIDRA analysis should be revised using the correct traffic generation rate (noted above). Given the location of the driveway and its impact on Darling Point Road that intersects with New South Head Road, Transport for NSW (TfNSW) should also be referred.

Public Safety

Noting the New South Head Road corridor consists of a number of residential and commercial high rise properties, and that Edgecliff Station and Ascham School are in proximity, widening of the existing footpath should be considered to improve pedestrian amenity. Council's Traffic and Transport Engineers would like the applicant to explore, where possible, any potential widening of the footpath and the site setback capability, to provide adequate space for a highly pedestrianised area and for potential use of other transport modes (potential cycle path). This could be incorporated into a planning agreement to secure additional community infrastructure.

Parking

The request would yield a maximum requirement of 53 car parking spaces for residential uses and a minimum requirement of 43 parking spaces for non-residential uses, as per Council's DCP. The proposed provision of 77 parking spaces (53 residential and 24 retail/commercial), would result in a shortfall of 19 spaces for commercial/retail. Whilst parking provision for residential development is capped by a maximum rate, provision should not be substantially below the maximum. Concerns are raised for the increase of parking pressures on the surrounding road network.

Parking rates in relation to the request can be refined, should the planning proposal proceed. The draft ECC strategy recommends reduced rates for residential and capping at current provision for non-residential on the Edgecliff Centre, and this option (or a variation) could be explored for the site.

Strategic Planning Comment

Parking

Under the Woollahra DCP 2015, the proposal would need a **maximum** of 52 residential car parking spaces, and a **minimum** of 43 non-residential car spaces (a total of 95 car spaces if the maximum for residential is forced). The indicative concept design shows 77 car spaces.

Council staff support this planning proposal because the subject site is opposite Edgecliff Station and bus interchange and ideally located for higher density development. Given the location it could be considered acceptable to encourage public and active transport use through reduced parking on the subject site, and there is potential to review the parking requirements as the planning proposal progresses.

The draft ECC Strategy suggests capping non-residential parking at what is there now and reducing rates for studio/1 bed from 0.5 down to 0.3 in the commercial core (where the subject site is located). Further, there are precedents nearby where reduced parking has been accepted. For example, when reviewing a planning proposal for 252-254 New South Head Road, Double Bay, the Sydney Eastern District Regional Planning Panel accepted significantly reduced parking rates and suggested no parking at all would be acceptable.

Adequate parking in relation to the planning proposal can be confirmed, should the planning proposal proceed. The draft ECC Strategy recommends reduced rates for residential and capping at current provision for non-residential on the Edgecliff Centre opposite, and this option (or a variation) could be explored for the subject site.

Public Safety

Given the heritage item on No.136 it is not possible to widen the whole of the footpath on the New South Head Road frontage. However, it may be possible to increase pedestrian space through design of the ground floor. A planning agreement could also be used to dedicate footpath area to Council to improve pedestrian safety.

Traffic Generation and intersection performance

Council staff have requested the applicant amend the Traffic Assessment using the GFA-based generation rate. The amended assessment and referral to Transport for NSW (TfNSW) can be considered should the planning proposal proceed. The draft planning proposal will be referred to TfNSW should the planning proposal proceed, as their approval will be required due to the subject site's proximity to the state road.

3.7. Residential amenity

The applicant lodged an assessment of the indicative development concept that indicates that the site can be developed to meet the design requirements of the Apartment Design Guide (ADG) and can achieve the principles in State Environment Planning Policy (SEPP) 65 - Design Quality of Residential Apartment Development.

3.8. Sustainability

The applicant indicated the following targets are applicable and they would use all best endeavours to achieve these targets:

- NABERS Base Building Energy for Offices: 5.5 stars
- NABERS Energy for Apartment Buildings: 4.5 stars
- NABERS Water for Offices: 4.0 stars
- NatHERS Average star rating: 7 stars
- BASIX Energy Score: 30 points
- BASIX Water Score: 40 points

These are standard response and more is warranted given the site would be receiving significant uplift. In Council's response to the pre-application consultation, and in response to the request as lodged Council's Sustainability Officer commented:

The scale of development remains out of character with the existing buildings in the area and from a sustainability perspective, a development of this scale should be best practice. Although the report submitted by the applicant titled ESD & NABERS - Concept Advice outlines several sustainability initiatives regarding operational energy and water efficiency, there is little reference to the embodied emissions of the building from materials and construction. Accordingly in order to be best practice, we believe the application should be required to register the project with the Green Building Council of Australia and obtain a Green Star Buildings rating (<https://new.gbca.org.au/green-star/rating-system/buildings/>)

The Sustainability Officer's requirements are supported and recommended to be included as one of the requirements in the exceptions to height and FSR clause that would be included in LEP amendments should the request proceed to a planning proposal.

4. Conclusion

This report presents an assessment of a planning proposal against the strategic planning framework and relevant site-specific matters. In summary, the planning proposal has strategic merit in the context of the Region, District and Local planning objectives. Council staff consider the planning proposal has site specific merit in the context of the draft ECC Strategy, the Woollahra LEP 2014 and the Woollahra DCP 2015. Development enabled by the planning proposal has the potential to contribute to achieving Woollahra's employment and housing targets and contributing to the revitalisation of the ECC. The subject site is ideally located to take advantage of the significant public transport investment in the ECC and meets the criteria for encouraging public transport use, walking and cycling.

In terms of strategic merit, Council prepared the draft ECC Strategy to provide a clear framework to guide development in the ECC. The Greater Sydney Commission and DPE acknowledge that the draft ECC Strategy is the next step in implementing Woollahra Council's obligations within the wider strategic planning framework. While the draft ECC Strategy has not been finalised, it is expected uplift sites will be identified in the final ECC Strategy as the ECC is identified as the focus of growth in the Woollahra LGA.

In terms of site specific merit, while the planning proposal does not comply with numerical controls, it is considered to meet the objectives of those controls and is acceptable in the context of existing taller buildings in the vicinity of the subject site. The planning proposal meets the desired future character objectives of reinforcing the ECC's role as the focus of retail and business activity, and increased residential activity. The proposal has the potential to contribute to a high quality urban environment and improved pedestrian amenity through activating the street front and conserving the heritage item.

No issues have been raised in the referrals that would prevent a development within the proposed envelope. Relevant amenity matters have been addressed in the indicative development concept, and measures to protect amenity can be refined and included in a site specific DCP, including refined parking rates, physical relationship to surrounding buildings, views and shadowing

Woollahra Municipal Council

Woollahra Local Planning Panel (Public Meeting)

22 April 2022

Item No: D1
Subject: **PLANNING PROPOSAL - 136-148 NEW SOUTH HEAD ROAD, EDGECLIFF**
Authors: Louise Menday, Consultant Strategic Planner
Anne White, Manager - Strategic Planning
Lyle Tamlyn, Strategic Planner
Approver: Scott Pedder, Director - Planning & Place
File No: 22/69145
Purpose of the Report: To seek the advice of the Woollahra Local Planning Panel in relation to a planning proposal to amend the planning controls for 136 - 148 New South Head Road, Edgecliff under the Woollahra Local Environmental Plan 2014.
Alignment to Delivery Program: Strategy 4.1: Encourage and ensure high quality planning and urban design outcomes.

Recommendation:

- A. THAT the Woollahra Local Planning Panel advises Council to proceed with the planning proposal for 136-148 New South Head Road, Edgecliff to amend the *Woollahra Local Environmental Plan 2014* to:
- (i) Increase the maximum height of buildings development standard from 14.5m to 46m.
 - (ii) Increase the maximum floor space ratio development standard from 1.5:1 to 5:1.
- B. THAT the Woollahra Local Planning Panel advises Council that:
- (i) Any planning agreement proposed by the applicant be prepared in accordance with the adopted *Woollahra Voluntary Planning Agreement Policy 2020*.
 - (ii) Should a Gateway determination be received, the planning proposal, site-specific draft development control plan and any draft Planning Agreement be publicly exhibited concurrently.

Executive Summary:

This report seeks the advice of the Woollahra Local Planning Panel (Woollahra LPP) on proposed amendments to the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014).

On 13 October 2021, Edgecliff Central Pty Ltd lodged a request for a planning proposal for 136-148 New South Head Road, Edgecliff (the subject site). The objective of the planning proposal is to increase the development potential of the subject site to facilitate a 12 storey mixed use building by amending the Woollahra LEP 2014 as follows:

- Increase the maximum Height of Buildings development standard from 14.5 m to 46 m; and
- Increase the maximum floor space ratio (FSR) development standard from 1.5:1 to 5:1

The applicant submitted an indicative development concept to illustrate the built form that could be constructed in accordance with the proposed envelope.

We recommend that the Woollahra LPP provides advice to Council to proceed with the draft planning proposal at **Attachment 1**.

The site is located on the north-eastern corner of New South Head Road and Darling Point Road (see **Figure 2** below). The landform of the site rises from the west to the east along New South Head Road, with it being a relatively high point towards the top of the ridge. The New South Head Road frontage is approximately 55m and the secondary frontage to Darling Point Road is approximately 27m.



Figure 2: Aerial view of the subject site (site highlighted in red)

The site comprises the following buildings (see **Figures 3-5** below):

- 136 New South Head Road – A two storey rendered brick building, used for commercial and residential purposes, with an at grade car park to the rear. This property is listed as local heritage item No. 238 under the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014).
- 138-140 New South Head Road – A three to four storey rendered brick apartment building. Due to the slope from north to south across this property, the building presents as four storeys to New South Head Road.
- 142-148 New South Head Road – A two storey former residential building currently used for commercial and medical suites.

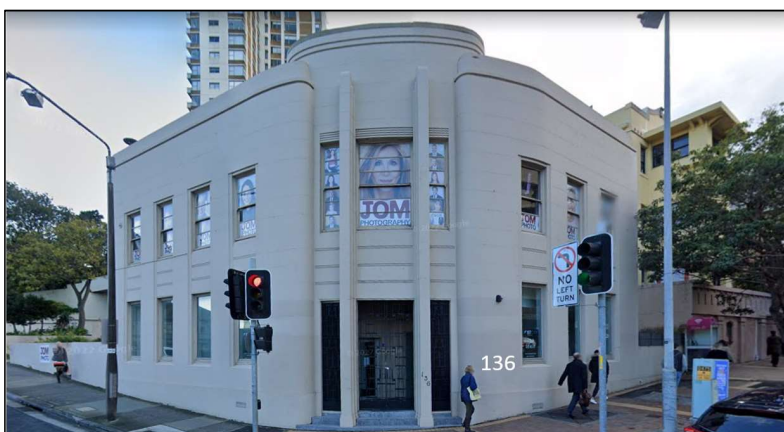


Figure 3: 136 New South Head Road, viewed from the corner of New South Head Road

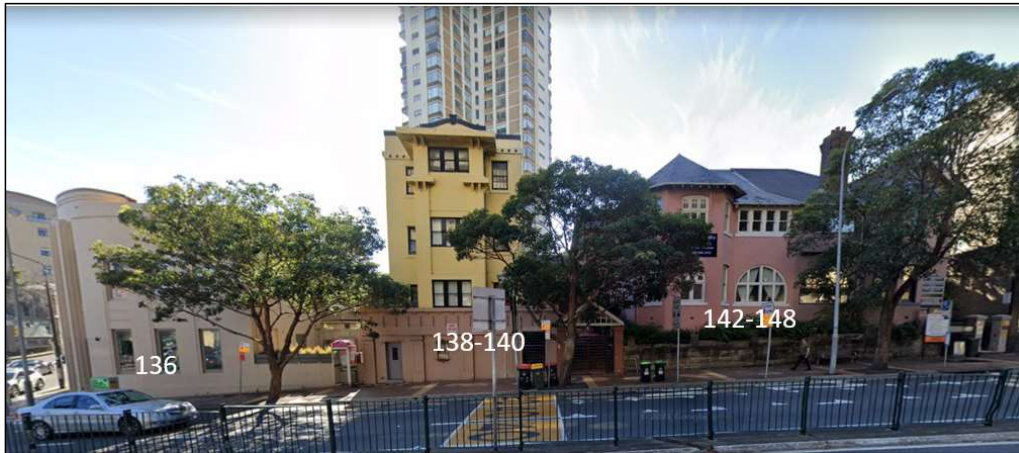


Figure 4: 136-148 New South Head Road, viewed from New South Head Road.



Figure 5: 3D view of 136-148 New South Head Road
(with the site highlighted in red) viewed from the west.

There are three Brush Box trees on the Council verge along the New South Head Road frontage. These trees are evenly spaced and vary in height between 10m and 12m

Vehicular access is provided via an existing driveway off Darling Point Road, about 25m from the intersection with New South Head Road. The driveway currently provides access to off-street parking for 136 New South Head Road only. Each building has pedestrian access points from New South Head Road.

The site is zoned B4 Mixed Use under the Woollahra LEP 2014 (see **Figure 6** below) and the corner of 136 New South Head Road is identified as land to be reserved for road widening under *Clause 5.1 Relevant acquisition authority of the Woollahra LEP 2014*¹.

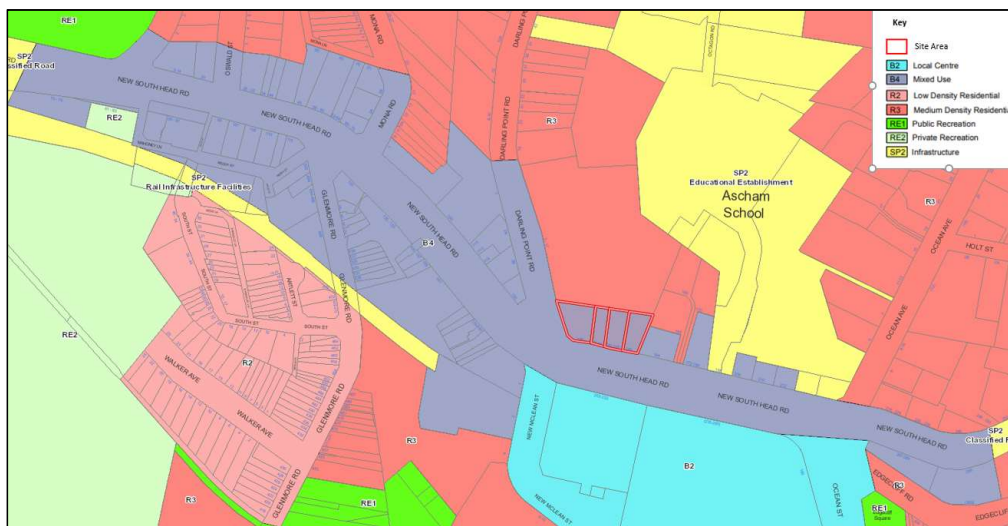


Figure 6: Extract from the Woollahra LEP 2014 (site highlighted in red)

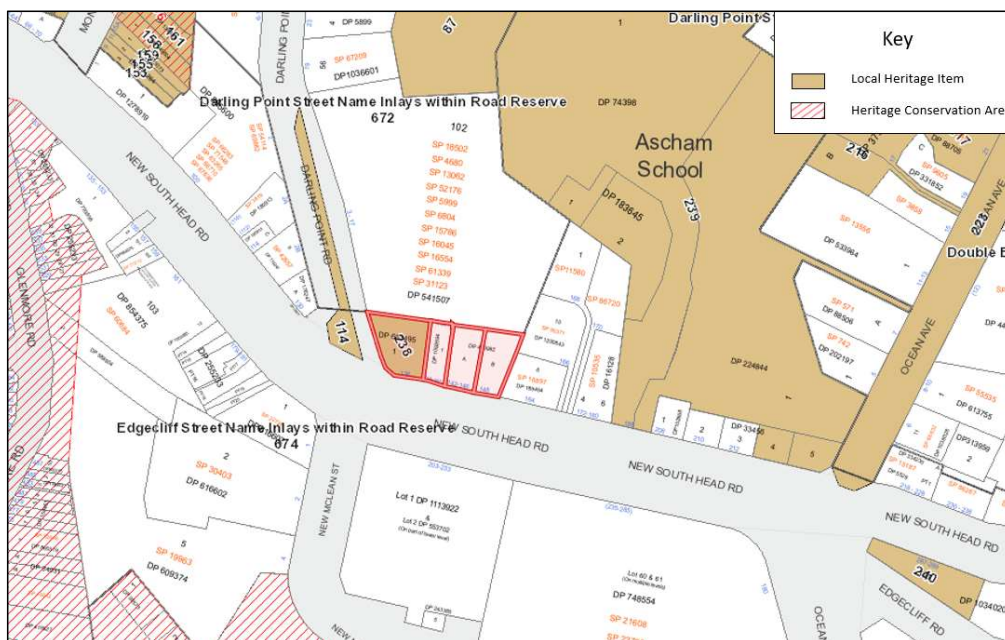


Figure 7: Extract from the Woollahra LEP 2014 Heritage Map (site highlighted in red)

¹ On 25 October 2021 Council resolved to submit a planning proposal to the Department of Planning and Environment seeking to remove twelve parcels of land along New South Head Road and Glenmore Road in Edgecliff from the Land Reservation Acquisition Map in the Woollahra LEP 2014. These parcels have been reserved for road widening. As this matter is being progressed separately, it is not the subject of this planning proposal.

The surrounding context

Development surrounding the site comprises a mix of commercial, retail, residential and educational buildings varying in age, and height from 1 storey to 14 storeys. An exception to this built form is the 31 storey apartment building 'Ranelagh', located immediately to the north and zoned R3 Medium Density Residential under the Woollahra LEP 2014. The Ranelagh building sits in a large landscaped area and has a substantial parking garage on its boundary with the subject site. The Ranelagh Building is identified as intrusive development in the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015).

Ascham School is located to the north and northeast of 'Ranelagh', but does not have a boundary with the subject site. Ascham consists of numerous school buildings and substantial open spaces, that include the following local heritage items:

- 'Fiona' including interiors and former entrance gates; and
- 'Glenrock' including interiors and inner and outer gates;
- 'Dower House' including interiors, sand-stone works, remaining open space and oval adjacent to 'Fiona', and 4 Moreton Bay Figs.

Figure 7 above illustrates the location of the heritage items on, and surrounding the subject site and the proximity of the Paddington Heritage Conservation Area, which is located to the south west of the subject site.

Immediately east of the subject site are five lower scale buildings with limited access from New South Head Road, with access via a shared right-of way. These buildings comprise

- 164 New South Head Road – An Interwar, five storey mixed use building with top floor residential uses and ground floor shops. This building is constructed to the street boundary.
- 166, 168 and 170 New South Head Road - All brick residential flat buildings in small gardens/yards, three, four and four storeys respectively.
- 172-180 New South Head Road – White Interwar four storey mixed use building with ground floor shops fronting New South Head Road.

Immediately to the west of the subject site is a heritage listed retaining wall on Darling Point Road. Further to the west are nos.100 -130 New South Head Road, with a range of building heights and styles.

The site is opposite the Edgecliff Station and bus interchange which establishes the Edgecliff Commercial Centre (ECC) as a local transport, employment, retail and service hub.

Eastpoint residential tower is at the corner of New South Head Road and Ocean Street. Located at the top of the ridge line this 14 storey building presents as a significant landmark in the area.

The Paddington Heritage Conservation Area (HCA) is located so the south of the subject site, separated by New South Head Road and the Edgecliff Centre. The HCA has a predominantly 19th century residential character, represented by late-Victorian terrace houses, modest workers' cottages (including single-storey timber and masonry houses) and former mansions. Trumper Park and Trumper Oval, within the HCA, provide open space including informal and formal recreation areas, and mature trees.

Photographs of surrounding development are provided in **Figures 8 to 11** below.

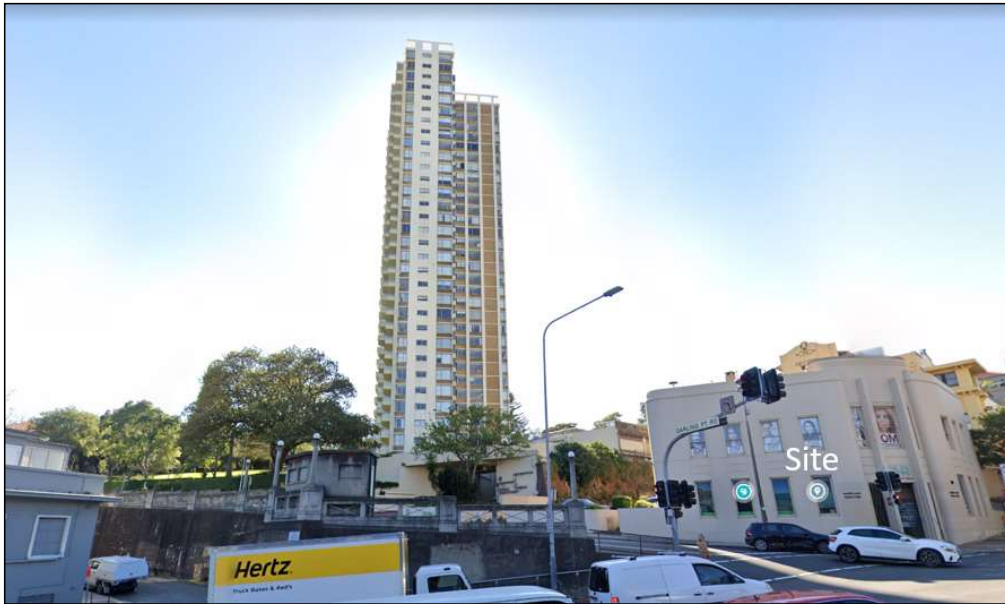


Figure 8: Ranelagh apartment building, viewed from New South Head Road.



Figure 9: Nearby apartment buildings at 100-128 New South Head Road (to the south of the subject site) on the northern side of New South Head Road



Figure 10: View of the Edgecliff Centre, opposite the subject site



Figure 11: View of the Eastpoint Food Fair at 238-285 New South Head Road, the bus and rail interchange and the Eastpoint Tower behind

Draft Edgecliff Commercial Centre Planning and Urban Design Strategy

The subject site is within the Edgecliff Commercial Centre (ECC) and within the area covered by the *Draft Edgecliff Commercial Centre Planning and Urban Design Strategy* (draft ECC Strategy).

The draft ECC strategy sets a new vision for the ECC and makes recommendations on key built form outcomes including land uses, heritage conservation, maximum building heights, active street frontages, affordable housing, design excellence, community infrastructure and transport. The

draft ECC Strategy identifies a number of properties along New South Head Road with potential uplift (additional height and FSR) (see **Figure 12** below).

Whilst the site falls within the ECC it was not identified for uplift in the draft ECC Strategy. This was because at the time of preparation, the subject site was in multiple ownerships and vehicle access was not available to all four properties. However, since the draft ECC Strategy was prepared, the subject site has been brought into a single ownership and vehicle access can be obtained to the whole site from Darling Point Road.

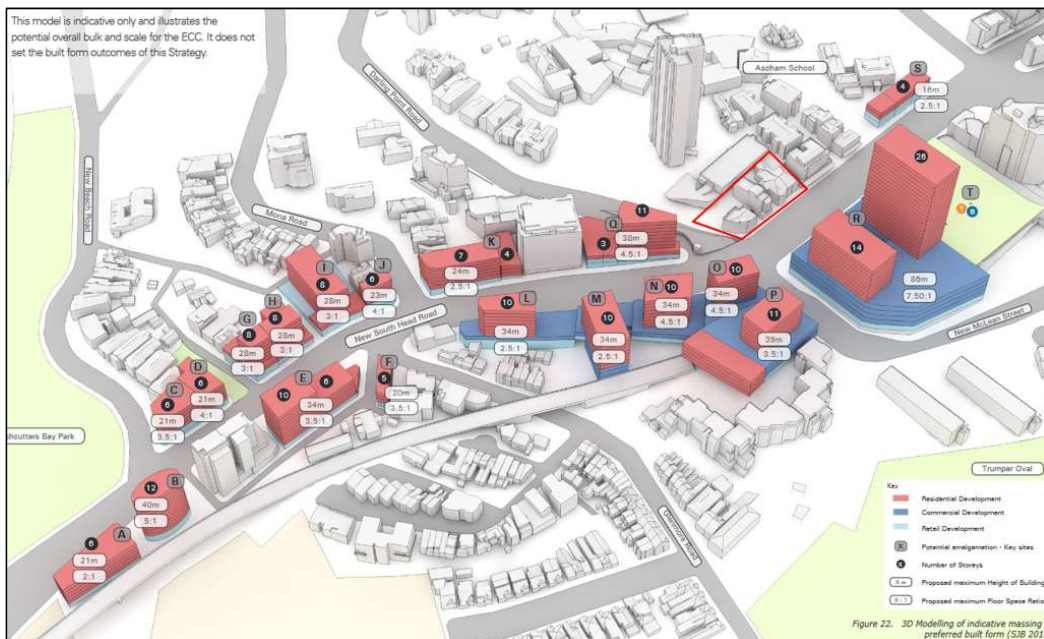


Figure 12: Extract from the 3D model contained in the ECC Strategy (site in red).

Council exhibited the draft ECC Strategy from 31 May – 30 September 2021. Given issues raised in submissions, Council staff are refining the draft ECC Strategy and intend to provide a post-exhibition report to Council later this year.

While it is expected uplift sites will be identified in the final ECC Strategy, at the time of writing this report, there is no certainty about which sites will be included and what building height and floor space controls will be recommended.

Regardless of the outcome on the draft ECC Strategy, there will be continued pressure for uplift in the ECC. This is due to:

- The ECC acts as a gateway connecting the Woollahra LGA to the Sydney CBD and more broadly to the eastern suburbs. The centre’s proximity to Edgecliff train station and bus interchange also makes it an ideal location for new homes and commercial uses.
- A number of owners in the ECC have expressed interest in redeveloping at higher density and are continuing to consider potential proposals with Council staff
- The Eastern City Regional Planning Panel recognised the strategic importance of growth around Edgecliff Station when reviewing a planning proposal for a 45 storey development on the Edgecliff Centre (opposite the subject site at 203-233 New South Head Road). The

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Regional Planning Panel considered that site has strategic merit for significant uplift subject to addressing site specific merit issues.

- Council staff engaged with the Greater Sydney Commission and the then NSW Department of Infrastructure and Industry (now DPE) regarding Woollahra's identified growth to 2036. Both agencies supported focusing growth in the ECC.

Background

In March 2021, Council staff held a pre-application meeting with the applicant team and discussed concept plans for a 66m building (18 storeys) with a proposed FSR of 6:1. In a letter dated 12 April 2021, Council staff provided minutes of the pre-application meeting, and documented issues for the applicant to address prior to submitting a formal request to Council (**Attachment 2**). Council's letter included an indication that 18 storeys was excessive and that a 12 storey building might be more appropriate.

The staff comment on height was made in the context of the indicative uplift identified in the draft ECC Strategy. The exhibited draft ECC Strategy indicates the following four properties in the vicinity of the site

Table 1: Indicative uplift identified in the draft ECC Strategy, for sites surrounding the subject site

Address	Location	Existing height control	Indicative uplift
203-233 New South Head Rd	Opposite on New South Head Rd	7-8 storeys (6m/26m)	14 storeys (86m)
2 New Mclean St	Opposite on New McLean St	4 storeys (14.5m)	11storeys (39m)
1 New Mclean St	Opposite corner of New South Head Rd & New McLean St	4 storeys (14.5m)	10 storeys (34m)
130 New South Head Rd	Opposite on northwest corner of New South Head Rd & Darling Point Rd	6 storeys (20.5m)	11 storeys (38m)

The planning proposal

On 13 October 2021, the applicant submitted the request for a planning proposal seeking a height and FSR of 46m (12 storeys) and 5:1 respectively. The documents provided with the applicant's request for a planning proposal are available on Council's website at the following link and **Attachment 4** contains a list of these documents, and some of the key consultant reports are attached to this document.

https://www.woollahra.nsw.gov.au/building_and_development/development_rules/previous_and_proposed_exhibitions/planning-proposal-request-for-136-148-new-south-head-road,-edgecliff

The objective of the planning proposal is to enable a 12 storey mixed use development on the subject site through amendments to the development standards contained in the Woollahra LEP 2014. The proposed changes are summarised below in **Table 2**.

Table 2: Existing and proposed Woollahra LEP 2014 development standards

LEP development standard	Existing	Proposed
Height of Buildings	14.5m	46m
FSR	1.5:1	5:1

The planning proposal satisfies the requirements of section 3.33 of the EP&A Act as it includes:

- A statement of the objectives or intended outcome of the amendment to Woollahra LEP 2014.
- An explanation of the provisions that are to be included in the amendment to Woollahra LEP 2014
- The justification for the objectives, outcomes and provisions and a process for implementation.
- Details of the community consultation that is to be undertaken.

The applicant submitted a 3D model of the proposed overall building envelope, refer to **Figure 13**.



Figure 13: 3D view of the proposed building envelope on the subject site, viewed from the south west

The applicant also submitted an indicative development concept (refer to **Figures 14 and 15**) to illustrate what could be constructed under the proposed planning provisions within the building envelope.

The indicative concept submitted with the application indicates a street wall height of 15m (four storeys) along the New South Head Road frontage, which is a similar height to the building to the east. The concept illustrates that the upper eight storeys of the tower are set back above the four storey podium and articulated into a series of ellipses.

Non-residential uses are concentrated in the four storey podium with residential dwellings on levels 5-12 above with a roof top garden.

The indicative development concept of a 12 storey mixed use development comprises:

- Total GFA of 8723m² distributed as follows: 5872m² residential, 2851m² non-residential – includes 339m² heritage building, 2253m² office, 155m² retail
- Forty-one apartments mixed as follows: 9 x 1 bedroom, 18 x 2 bedroom, 12 x 3 bedroom, 1 x 4 bedroom, and 1 x 5 bedroom
- Three levels of basement parking accessed off Darling Point Road, with capacity for 77 car spaces and eight motorcycle spaces.

The indicative development concept shows the conservation of the heritage item at 136 New South Head Road by retaining the existing building and partially cantilevering the new building over the top (see **Figure 15** below).



Figure 14: Artist's impression of indicative development concept viewed looking north from New South Head Road (Source: Planning Proposal Concept Report, Group GSA 2021)



Figure 15: Artist's impression of indicative development concept – Darling Point Road looking south (Source: Planning Proposal Concept Report, Group GSA 2021)

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Staff assessment

Council staff have assessed the planning proposal with reference to the NSW Department of Planning and Environment's (DPE) *Local Environmental Plan Making Guideline (December 2021)*. The full assessment is provided at **Attachment 3**. In summary, staff consider the planning proposal has strategic and site-specific merit as summarised below.

Strategic merit

A strategic merit assessment against relevant region, district, and local strategies, including the draft ECC Strategy, considers how the site can contribute to meeting Council's strategic obligations in the context of the NSW Government's objectives for the Eastern City District and Greater Sydney. Staff consider the planning proposal has strategic merit as it is consistent with:

- *District Plans*
The relevant objectives of Greater Sydney Region *Plan: A Metropolis of Three Cities* (2018) and actions in the *Eastern City District Plan* (2018), particularly with the objective of:

Aligning growth with infrastructure, including transport, social and green infrastructure, and delivering sustainable, smart, and adaptable solutions.

This approach is incorporated in the Woollahra Local Strategic Planning Statement (LSPS) and the Woollahra Local Housing Strategy (LHS), by focusing growth in areas close to public transport and key centres.

The planning proposal will assist in meeting the Eastern District City housing targets (with approximately 35 net new dwellings). The documentation submitted with the planning proposal suggests a contribution could be made towards affordable housing as part of a planning agreement.

The planning proposal aligns with the centre's hierarchy as it has the potential to contribute to the ECC's revitalisation as an employment and transport hub. This is further detailed in the applicant's Economic Benefits Assessment at **Attachment 8**.

Development of the subject site will bring wider public benefits via modern employment and residential floor space, and could contribute to new or enhanced community infrastructure in the ECC (such as urban greening and outdoor space, pedestrian and cycle facilities and indoor community space).

- *Woollahra 2030: Community Strategic Plan (CSP)*
Given the subject site is within the ECC, the planning proposal is consistent with the theme quality places and spaces and:
 - Goal 4: Well-planned neighbourhoods
 - 4.1 Encourage and ensure high quality planning and urban design outcomes
 - 4.5 Enhance the form and function of the local business centres
 - Goal 5: Liveable places
 - 5.1 Enhance local community, cultural and recreation facilities to become more attractive, integrated, and accessible.
- *Woollahra LSPS & Woollahra LHS*
The planning proposal is consistent with both the Woollahra LSPS and Woollahra LHS. In particular, the planning proposal fits with the LSPS liveability theme and:
 - *Planning Priority 6: Place making supports and maintains the local character of our neighbourhoods and villages, whilst creating great places for people*

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- *Planning Priority 8: Collaborating to achieve great place making outcomes in our local centres which are hubs for jobs, shopping, dining, entertainment, and community activities.*

The draft ECC Strategy identifies that growth supported by revitalisation and upgraded community infrastructure can create a more vibrant and liveable centre for the local population. The planning proposal will contribute to this aim and help protect other areas of Woollahra from development while balancing the pressure for new housing and jobs.

- *Woollahra LEP 2014 & Woollahra DCP 2015*
The planning proposal is generally consistent with the objectives of relevant controls of the Woollahra LEP 2014 and Woollahra DCP 2015 by being compatible with the desired future character of the ECC, as highlighted in the site-specific merit assessment below.

Site Specific merit

The site-specific merit assessment considers local aspects of the planning proposal against the draft ECC Strategy principles, and relevant Woollahra LEP 2014 and Woollahra DCP 2015 objectives. Staff consider the planning proposal has site-specific merit due to the following:

- *Height of buildings* – The proposed 12 storey (46m) building height is significantly lower than the 31 storey ‘Ranelagh’ building behind the site, or the 14-26 storeys proposed for the opposite side of New South Head Road under the draft ECC Strategy. Future development on the subject site would instead adopt a scale that is similar to the Eastpoint residential tower or the apartment building at 100 New South Head Road. This would allow the site to facilitate an appropriate height transition between the ECC and the surrounding residential neighbourhoods.

The submitted concept scheme also demonstrates that development within the proposed height limit can be articulated to further minimise bulk and ensure that additional height sits sympathetically within the streetscape. This is further outlined in the applicant’s Concept Design Report at **Attachment 5**.

- *FSR* – As discussed above, future development will adopt a scale that is compatible with the existing and proposed built context of the site. The newly amalgamated site, stretching 50 metres along New South Head Road, will also allow for development to efficiently use any additional floor space. It would promote functional commercial spaces with flexibility for various uses, consolidated vehicular access and servicing arrangements, and efficiently-planned residential floor plates. This will ensure that the site could meaningfully contribute to the supply of dwellings and commercial floor space in Edgecliff, without resulting in an unnecessarily bulky form.
- *Heritage* – Council’s Strategic Heritage Officer identified that the planning proposal is generally acceptable as it reflects Council’s advice to reduce the height (from 18 to 12 storeys) and provide a cantilever over the heritage item at 136 New South Head Road. The proposed scale

provides a more compatible setting and will not ‘overwhelm’ the parapeted form of the heritage item.

Also, there will be no impact on nearby heritage items (due to separation distances) and the lower height of the proposed building envelope reduces the potential for adverse visual impacts from the Paddington HCA. This is further detailed in the applicant’s Heritage Report at **Attachment 7**.

- *Traffic and Transport* – The site is ideally located in the Woollahra LGA to take advantage of significant public transport infrastructure and existing services, and where the use of active

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transport should be encouraged through reduced parking provision. Whilst Council staff have concerns about some of the traffic generation calculations, these can be addressed should the planning proposal progress. Further information is available in the applicant's Traffic and Parking Report at **Attachment 6**.

- *Streetscape* – Redevelopment would provide an opportunity to improve the relationship of the site to the street and introduce active street frontages. The indicative development concept illustrates a four storey street wall height which is consistent with the Woollahra DCP 2015 guidelines. This approach is also consistent with the draft ECC Strategy for sites adjacent to Edgecliff Station.
- *Residential amenity* – The shadow analysis submitted with the planning proposal shows the additional shadow that would result from the built form constructed under the proposed controls. This analysis indicates the shadows at hourly intervals between 9am to 3pm on 21 June. The analysis concludes that the proposed envelope will not result in any adjoining dwellings failing to meet acceptable standards of solar access. Furthermore, the shadow diagrams indicate that there will be no unreasonable overshadowing of the public domain (including Trumper Park).
- *Views* – The view analysis submitted with the planning proposal illustrates that there may be some view impacts associated with the proposed envelope. However, these are unlikely to be unreasonable impacts. As the concept is further developed, they will be assessed under the view sharing controls in the Woollahra DCP 2015 (informed by Tenacity Consulting v Warringah Council 2004 NSWLEC 140). These controls seek to strike a balance between accommodating new development while providing, where practical, reasonable access to views from surrounding properties. Furthermore, potential view sharing will be weighed against the strategic objectives of enhancing the ECC's role as a local centre and focusing development in locations close to the Edgecliff Station and bus interchange.

Public Benefit

The Woollahra Voluntary Planning Agreement Policy 2020 (Woollahra VPA Policy) incorporates section 7.4(1) of the EP&A Act and states

that a planning agreement is a voluntary agreement or other arrangement under this Division between a planning authority and a person (the developer) (a) who has sought a change to an environmental planning instrument.

By virtue of this planning proposal the applicant is seeking to change an environmental planning instrument (Woollahra LEP 2014) and is currently seeking to enter into a negotiation with Council regarding a VPA. This negotiation is being managed by Council's Director Infrastructure and Sustainability for reasons of probity (as per the Woollahra VPA Policy) and will be reported to Council independently of reporting on the planning proposal.

Should the planning proposal proceed, a contribution towards improved community infrastructure is appropriate to ensure a public benefit is achieved in tandem with the proposed development.

Council staff are refining the community infrastructure needs for the ECC (to be incorporated in the final ECC Strategy). These refined needs will be available to inform the negotiations for the VPA, and may include contributions towards:

- Childcare, education, early childhood education or health facilities
- Facilities for youth and young adults
- Facilities for seniors and universal access
- Community facilities such as libraries, cultural and multi-use community centre
- Recreation and open space, urban greening and outdoor spaces
- Pedestrian and bike paths

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- Affordable housing.

Should the planning proposal proceed, it is recommended that any draft VPA is exhibited concurrently with the planning proposal to ensure that uplift on the subject site is accompanied by appropriate community infrastructure.

Staff Recommendation

Council staff recommend that the Woollahra LPP advises the Council to proceed with the draft planning proposal at **Attachment 1** for the land at 136-148 New South Head Road, Edgecliff, to amend the Woollahra LEP 2014 to:

- Increase the maximum height of buildings development standard from 14.5m to 46m
- Increase the maximum floor space ratio development standard from 1.5:1 to 5:1

Options:

As a consequence of this report, the Woollahra LPP may provide advice to Council to proceed with the planning proposal as currently proposed.

Alternatively, the Woollahra LPP may provide advice not to proceed with the planning proposal or require staff to make amendments.

Community Engagement and / or Internal Consultation:

Internal consultation was undertaken and the responses are referred to in this report and the Assessment at **Attachment 3**.

If the planning proposal receives a gateway determination, surrounding landowners and the wider community will be notified via the exhibition process

Public exhibition of the planning proposal will be undertaken in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, the *Woollahra Community Participation Plan 2019* and any conditions of the Gateway determination.

Policy Implications:

Should Council resolve to progress the planning proposal (having considered the advice of the Woollahra LPP), and should it progress to finalisation, there will be policy implications as controls for the subject properties will change under the Woollahra LEP 2014 and the Woollahra DCP 2015.

Financial Implications:

The applicant has paid lodgment fee in accordance with Council's adopted Fees and Charges.

Resourcing Implications:

Staff resource implications will be associated with progressing a planning proposal which will include managing the public exhibition and preparing a post exhibition report to a meeting of Council.

Conclusion:

This report seeks the advice of the Woollahra LPP on a developer-initiated planning proposal to revise the planning controls for 136-148 New South head Road under the Woollahra LEP 2014.

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This report presents an assessment of the planning proposal against the strategic planning framework and relevant site-specific matters. It has strategic merit in the context of the region, district and local planning objectives and will help achieve Council's desired outcomes for land surrounding the ECC. The planning proposal also demonstrates site-specific merit. The built form likely to result from the amended controls will align with the scale of surrounding developments, and position new residential and commercial floor space in an appropriate location. It will also facilitate an appropriate height transition to surrounding lower density uses, ensuring that the wider built environment is respected.

Council staff consider the planning proposal has site specific merit in the context of the draft ECC Strategy, the Woollahra LEP 2014 and the Woollahra DCP 2015.

Council staff recommended that the Woollahra LPP advises Council to proceed with the draft planning proposal at **Attachment 1**.

Attachments

1. Draft Planning Proposal - April 2022
2. Pre-application consultation Minutes - 12 April 2021
3. Staff Assessment - March 2022
4. Document List (submitted with the planning proposal)
5. Concept Design Report by Group GSA - September 2021
6. Traffic and Parking Assessment by Colston Budd Rogers and Kafes - May 2021
7. Heritage Assessment by Urbis - 16 July 2021
8. Economic Benefits Assessment by Hill PDA - 25 August 2021
9. View Study by Ingham Planning and Group GSA - 8 February 2022



PLANNING PROPOSAL REPORT
Draft Amendment to
Woollahra Local Environmental Plan 2014
136-148 New South Head Road Edgecliff



Prepared By
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For
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September 2021

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Executive Summary

This Planning Proposal seeks amendment of Woollahra Local Environmental Plan (LEP) 2014 to allow the subject land to accommodate a mixed use development to a height of 46m and an FSR of 5:1. The site is in a location that has been deemed strategically appropriate for such development in Council's recently exhibited Draft Edgecliff Commercial Centre Planning and Urban Design Strategy (ECCS). The site was not specifically identified in the ECCS as having redevelopment potential due to Council assuming that amalgamation of the site was unlikely. However, as this has now been achieved, the site can be seen as a key site within the Edgecliff Centre and, as detailed in this report, is highly suitable for increased density.

The height and scale of the proposal has been the subject of detailed discussions with Woollahra Council. Council was of the view that previous schemes for 28 and 18 storey buildings were excessive having regard to the 'local centre' status of Edgecliff, the existing context and the heights recommended in the ECCS. The proposal has been amended to accord with Council's specific recommendations that the height be limited to 12 storeys and that FSR be limited to 5:1. Site specific provisions for inclusion in Council's Development Control Plan (DCP) have been prepared to ensure that the proposed building envelope is responsive to the local context and the amenity of neighbours.

As part of the part of the proposed amendment to the LEP, the proposal will also deliver significant community benefit. These include:

- Retention and refurbishment of the existing heritage building at 136 New South Head Road;
- Replacement of existing buildings that are not a positive element in the streetscape with a new landmark building that is more consistent with the B4 Mixed Use zoning of the land and the attractive vision for Edgecliff outlined in the ECCS;
- Activation of the street frontages with vibrant retail and commercial uses;
- Provision of a significant amount of non-residential floor space, to maintain and enhance the role of Edgecliff as a major employment generator;
- Increased economic activity and a greater amount of activity and vitality to the Edgecliff Centre. Construction will add \$270.8M to the economy (\$130M within Woollahra LGA) and create 852 jobs and when completed the development will add \$5.3M to the economy and an additional 103 jobs per annum;
- An offer to enter into a Voluntary Planning Agreement (VPA) that will provide significant contributions for Council to provide the new community infrastructure identified as being necessary in the ECCS (including public open space and public art) and to supplement existing facilities and services. Part of these contributions will be for affordable housing to maintain housing and social diversity in the LGA. The terms of such an offer are currently being discussed with Council.

Whilst not part of the Planning Proposal, the indicative concept plans that have been prepared demonstrate that the site can be developed with a high quality urban form that meets and exceeds the design requirements of the Apartment Design Guide (ADG). The built form is limited in height to be compatible with the heights proposed on surrounding properties identified in the ECCS and is notably 14 storeys lower than the highest building proposed – the Edgecliff Centre (26 storeys). The form is sculpted to maintain views as

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much as is reasonably possible and to ensure that there is no unreasonable overshadowing of important public spaces or adjacent properties.

We are of the view that the Planning Proposal is a logical step in the strategic planning for this site and precinct, being consistent with broader strategic plans, the draft Edgecliff Commercial Centre Strategy and providing much needed additional housing and commercial floor space. The locational attributes of the site mean that impacts on existing development can be minimised. The walkability of the site to significant transport links, employment, shopping and recreation opportunities means that the sustainability objectives of the strategic planning for Sydney (such as the '30 minute city') can be readily achieved.

It is recommended that the Planning Proposal proceed to the Department of Planning, Environment and Industry's (DPIE) Gateway determination process and be placed on public exhibition.

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Appendices

Appendix A – table addressing the matters raised by Woollahra Council in pre-lodgement discussions prepared by Ingham Planning

Appendix B - Site Survey Plan prepared by Norton Survey Partners dated 4/6/21

Appendix C – Urban Design Study (including view analysis) prepared by Group GSA dated August 2021

Appendix D – Indicative Concept Report and Plans prepared by Group GSA dated August 2021

Appendix E – Traffic and Parking Impact Assessment prepared by Colston Budd Rogers and Kafes dated December 2020, May 2021 and August 2021

Appendix F - Heritage Assessment prepared by Urbis dated 18 August 2021 and 16 July 2021

Appendix G - Aborigicultural Report prepared by TreeIQ dated 2 July 2021

Appendix H - Geotechnical Investigation prepared by Douglas Partners dated March 2021

Appendix I - Contamination Investigation prepared by Douglas Partners dated March 2021

Appendix J - Wind Impact Assessment prepared by Arup dated 23 June 2021

Appendix K - Acoustic Impact Assessment prepared by Acoustic Logic dated 15 June 2021

Appendix L – Economic Benefits Assessment prepared by Hill PDA dated 17 August 2021

Appendix M – ESD Concept Advice prepared by Efficient Living dated 13 August 2021

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1. INTRODUCTION

This Planning Proposal Report has been prepared to support a Planning Proposal for land at 136-148 New South Head Road Edgecliff. The Planning Proposal seeks amendment of Woollahra Local Environmental Plan 2014 ('the LEP'), to increase height and FSR on the site, subject to design excellence and delivery of community infrastructure.

These amendments aim to facilitate a landmark mixed use development consistent with the 'concept scheme' detailed in this report. This scheme has been designed to achieve the objectives for the Edgecliff Commercial Centre detailed in the recently exhibited Planning and Urban Design Strategy (ECCS) for the centre through the provision of 41 apartments above 3-4 levels of commercial floor space including ground level retail and retention and refurbishment of the existing heritage building on the corner of Darling Point and New South Head Roads. The concept attains a height of 12 storeys in a highly sculptural, dramatic form that will serve as the gateway to the Edgecliff Centre from the Darling Point peninsula. The proposed height and bulk responds to feedback from Woollahra Council provided through the pre-lodgement process. The manner in which the revised Planning Proposal addresses the matters raised by Council is provided at **Appendix A**.

The Planning Proposal will also result in significant monetary contributions to Council, by way of a Voluntary Planning Agreement (VPA) which is presently under negotiation. Benefits include provision of contributions for:

- affordable housing;
- public art;
- community facilities and services identified as being needed in the Edgecliff Commercial Centre Planning and Urban Design Strategy (ECCS);
- community facilities and services already identified as being need for the wider Woollahra Council area community.

This report has been prepared in accordance with the Department of Planning and Environment Guide for Preparing Planning Proposals. It considers the site and strategic planning context, traffic and transport considerations, environmental considerations, urban design considerations, economic considerations, social and cultural considerations, infrastructure considerations and other matters of relevance to the Planning Proposal.

Council's support is sought for the Planning Proposal to proceed through the gateway process and subsequent public exhibition.



Figure 1 – Photomontage of concept building viewed from New South Head Road to the east

2. THE SITE, LOCALITY AND PLANNING CONTROLS

2.1 The Site and Locality

The subject site is known at No 136-148 New South Head Road Edgecliff and is comprised of Lot 1 DP663465 (No 136), Lot 1 DP1092694 (No 138-140), Lots A and B DP443992 (No 142-148). (see **Figure 2**).

The site is located within the Edgecliff commercial centre opposite the railway station and bus interchange. Edgecliff is a substantial local centre that is within 3km of the Sydney CBD (see **Figure 3**). The Edgecliff and Darling Point area was originally part of the larger territory of the Cadigal clan of the Eora people whose country extended across the southern shores of Sydney Harbour.



Figure 2 - Site

Source - Sixmaps

The existing development on these properties is as follows:

- No 136 - a two storey 'functionalist' inter war, former bank building, constructed in 1940 (see **Figure 4**). To the north of the building is an open concrete car park (see **Figure 2**). Further details are provided in the submitted Heritage Assessment (**Appendix F**);
- No 138-140 – an older style 3 storey walk-up apartment building elevated above the streetfront (see **Figure 5**). As indicated in the submitted Heritage Assessment (**Appendix F**), this building does not have any heritage significance;
- No 142-148 – an older style 2 storey walk-up building elevated above the streetfront (see **Figure 5**). It is presently used for commercial purposes. As indicated in the

submitted Heritage Assessment (**Appendix F**), this building does not have any heritage significance.

The amalgamated site is irregular in shape and is located on the corner of Darling Point and New South Head Roads. The street frontage to Darling Point Road is around 26.9m and to New South Head Road is around 48.7m (excluding the splay corner). The site area is 1748sqm.

The land falls gently from the NE down to SE corner as can be seen in the submitted survey plan (see **Appendix B**). The site contains little vegetation and is almost totally covered by buildings or hared paved areas. There are 3 large street trees along the New South Head Road frontage (see **Appendix H**).



Source - Sixmaps

Figure 3 - Location



Figure 4 – Existing heritage listed commercial building



Source - Googlemaps

Figure 5 – Nos 138-140 (left) and 142-148 (right) New South Head Road



Source - Googlemaps

Figure 6 – mixed use development at No 156-158 (left) and No 174-180 New South Head Road (right). Ranelagh tower can also be seen in the background

To the east of the site on New South Head Road is the continuation of the Edgecliff commercial centre. No 156-158 is a mixed use development with ground floor commercial uses and 4 storeys of apartments above (see **Figure 6**). No 174-180 is a mixed use development with ground floor commercial uses and 2-3 storeys of apartments above (see **Figure 6**). Between these sites is vehicular access to the apartment buildings that are located on battleaxe lots to the NE of the site. Further to the NE is the heritage listed Ascham School precinct.

To the west of the site along New South Head Road is a heritage listed retaining wall that separates the upper and lower elements of Darling Point Road. Land further west is also part of the Edgecliff commercial centre and comprises a range of mixed use buildings up to 10 storeys (see **Figure 7**).

North of the site is the tall 'Ranelagh' residential tower (3 Darling Point Road). This site is large and comprises a 31 storey apartment building set in landscaped grounds with a 3 level, semi-basement car park on the southern boundary with the subject site (see **Figure 8**). This site is zoned R3 Medium Density Residential and the existing tower is identified as 'intrusive development' in the Woollahra Development Control Plan (DCP) 2015.

To the south, across New South Head Road, is the Edgecliff Centre, a seven storey building dating from the 1970s that is occupied by a range of commercial premises including retail at the ground, street front level and offices premises above (see **Figure 9**). To the east of this development is access to the underground Edgecliff railway station and a 2 level building which includes Eastpoint Shopping Centre and a bus interchange above (see **Figure 10**).



Source - Googlemaps

Figure 7 – heritage retaining wall at Darling Point Road and development to the west along New South Head Road



Source - Googlemaps

Figure 8 – Ranelagh tower and car park adjoining the site to the north



Source - Googlemaps

Figure 9 – The Edgecliff Centre to the south of the site

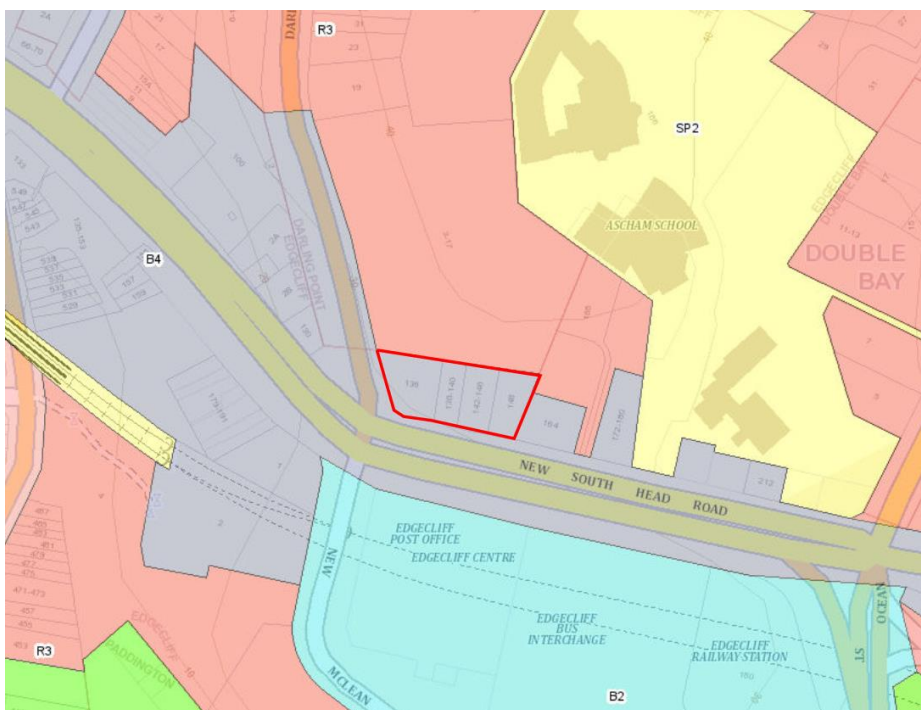


Source - Googlemaps

Figure 10 – Eastpoint Shopping Centre with railway access and bus interchange above

2.2 Woollahra LEP 2014 (the LEP) Planning Controls

Zoning and permissibility - the site is zoned B4 Mixed Use under the LEP (see Figure 11). It is not proposed to change the existing zoning as the proposed uses, being shop-top housing comprised of commercial premises and dwellings, is a permissible use. The proposal is assessed in relation to the objectives of the B4 zone and other relevant LEP provisions in Section 4.3.1(b) of this report.



Source – planning portal

Figure 11 - Zoning Woollahra LEP 2014

Building height - the maximum permitted height on the subject site is 14.5m, facilitating 4-5 storey development (see **Figure 12**).

Floor space ratio (FSR) - the maximum permitted FSR on the subject site is 1.5:1 (see **Figure 13**).

Heritage – the subject site contains a heritage item and is in the vicinity of other items (see **Figure 14**).

Land acquisition – the corner of No 136 new South Head Road is affected by a reservation for road widening (by Transport for NSW) as indicated on **Figure 15**. However any works would require demolition of the existing heritage building and therefore the land is unlikely to be acquired. In any event, the land could be redeveloped even if acquisition were to occur and the heritage building demolished as the indicative concept design does not rely on the heritage building for any structural support.



Figure 12 - Max building height Woollahra LEP 2014

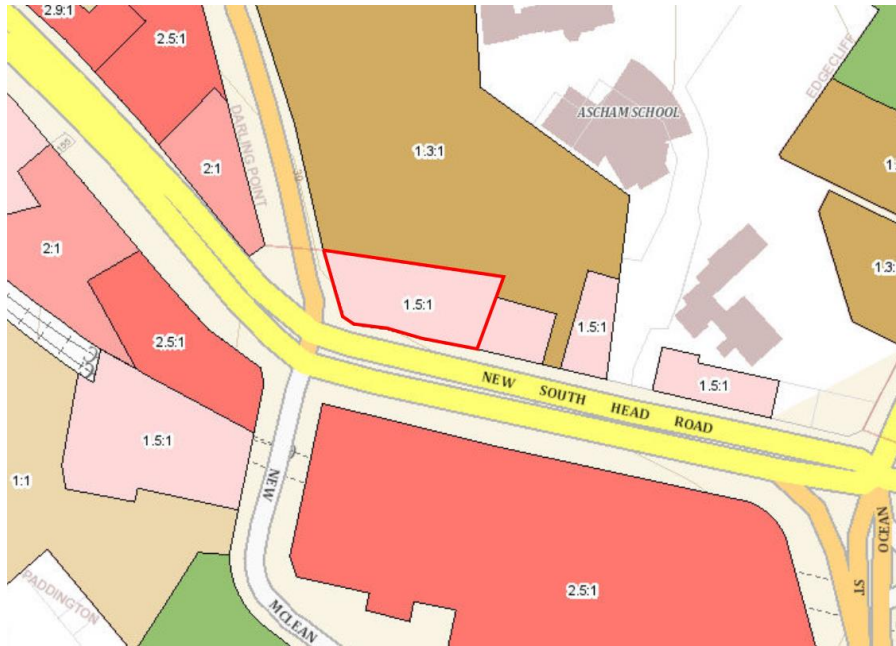


Figure 13 - Max FSR Woollahra LEP 2014

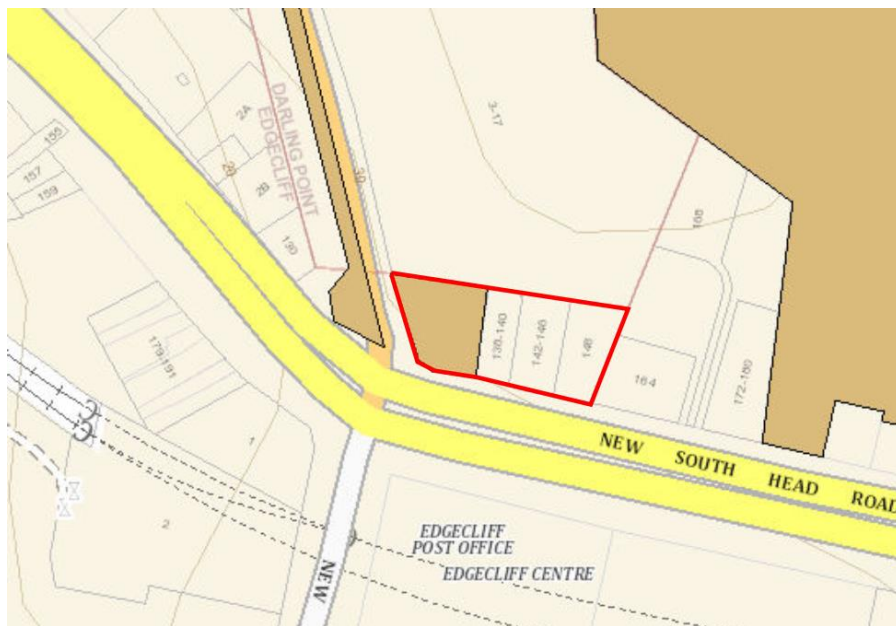


Figure 14 – Heritage items and conservation areas Woollahra LEP 2014



Source – planning portal

Figure 15 – Land reserved for acquisition Woollahra LEP 2014

2.3 Woollahra DCP 2015 (the DCP) Planning Controls

The primary controls in the DCP that are applicable to the site (and not overridden by ADG requirements) are as follows. The consistency of the Planning Proposal with the DCP will be considered in **Section 4.3.1(b)** of this report.

Chapter D2 – Mixed Use

D2.2 New South Head Road Corridor

C16 At ground level, the building may have a zero setback to side and rear boundaries.

C17 A side boundary setback of at least 1.8m applies to the fifth storey and above, if relevant (Note: This control is relevant to sites where the maximum building height is 20.5m in the LEP). Therefore in this case no side setback control applies.

C18 A rear setback of 2.4m applies to all levels of the building above ground level.

C19 A 2.4m building articulation area applies at the rear to all levels above the first floor. The articulation area is occupied by a combination of external and internal elements.

Note: This articulation area is calculated from the rear setback established in C18 above.

Chapter D3 - General Controls for Neighbourhood and Mixed Use Centres

C1 Deep soil landscaped area comprises at least 10% of the site area, with the exception of Hopetoun Avenue, where at least 15% of the site area is deep soil landscaped area.

Chapter E1 Parking and Access

Max residential parking:

- *1 bedroom or studio apartment - 0.5 space*
- *2 bedrooms - 1 space*
- *3 or more bedrooms - 1.5 space*
- *Visitors - 0.2 spaces*

Min non-residential parking:

- *Business and office premises - 2.5 spaces per 100m²*
- *Retail premises - 3.3 spaces per 100m²*
- *Office premises - 2.5 spaces per 100m²*
- *Food and drink premises - 7 spaces per 100m²*

However in Edgecliff commercial corridor a parking multiplier of 0.6 applies for non-residential parking. This effectively reduces the minimum parking requirements for the non-residential uses to 1.5, 1.98 and 4.2 spaces per 100m² for office, retail and restaurants respectively.

3. THE PLANNING PROPOSAL

3.1 The Planning Proposal – Amendment to Woollahra LEP 2014

The Planning Proposal seeks to amend the LEP to facilitate the redevelopment of the site as detailed in the indicative concept plans. This will require mechanisms for permitting additional height to 46m and additional FSR to 5:1. Whilst there are a number of ways this may be undertaken, the Implementation section of the ECCS states:

A new local provision to facilitate higher density development, with regard to the Height of Buildings and Floor Space Ratio, only if development meets certain criteria:

- Suitable site amalgamation
- Design excellence
- Delivery of community infrastructure
- Consistency with the Edgecliff Planning and Urban Design Strategy.

This seems to imply that existing controls will be retained and that additional height and FSR is only achievable subject to the noted considerations. The existing LEP clauses are constructed in a similar way – land is subject to the height control (by way of Clause 4.3) and FSR control (by way of Clause 4.4) shown on the maps. Clauses 4.3A and 4.3B allow higher buildings on certain identified sites, despite what is shown on the map. Clauses 4.4A-D allow higher FSR's or both higher FSR's and height, despite what is shown on the map. Adopting a similar approach for this Planning Proposal, the LEP could be amended to include the following new clause.

Clause 4.4E Exceptions to building height and floor space ratio (136-148 New South Head Road Edgecliff being Lot 1 DP663465, Lot 1 DP1092694 and Lots A and B DP443992)

- (1) *The objectives of this clause are as follows—*
 - (a) *to permit a greater maximum floor space ratio on the land, subject to certain criteria,*
 - (b) *to conserve and recognise the heritage significance of the existing heritage building on the site,*
 - (c) *to promote design excellence,*
 - (d) *to facilitate the provision of additional community infrastructure,*
 - (e) *to contribute to the growth of Edgecliff commercial centre with additional housing and employment opportunities,*
 - (f) *to ensure building design that has regard to amenity impacts on surrounding properties.*
- (2) *This clause applies to land identified as “Area K” on the Height of Buildings Map and “Area 6” on the Floor Space Ratio Map.*
- (3) *Despite clauses 4.3 and 4.4, development consent may be granted to development on land to which this clause applies that results in a floor space ratio that does not exceed 5:1 and a height that does not exceed 46 metres if –*
 - (a) *the existing lots are to be amalgamated into one lot;*
 - (b) *the consent authority is satisfied that the development will achieve design excellence, will contribute to the provision of additional community infrastructure and has regard to amenity impacts on surrounding properties.*

The final method of amending the LEP is ultimately up to Council in consultation with the Department of Planning Infrastructure and Environment (DPIE).

3.2 Planning Proposal Objectives

The objectives of the Planning Proposal are the same as those indicated in the draft LEP cause above, ie:

- (a) to permit a greater maximum floor space ratio on the land, subject to certain criteria,
- (b) to conserve and recognise the heritage significance of the existing heritage building on the site,
- (c) to promote design excellence,
- (d) to facilitate the provision of additional community infrastructure,
- (e) to contribute to the growth of Edgecliff commercial centre with additional housing and employment opportunities,
- (f) to ensure building design that has regard to amenity impacts on surrounding properties.

3.3 Intended outcomes

The preparation of the Planning Proposal and potential building envelope have been informed by a detailed analysis of the site's development constraints and opportunities, the recommendations of the ECCS and Council's feedback on the draft Planning Proposal. This analysis has included site context, topography, aspect, relationship to neighbouring development, traffic, access, viability, development trends and market expectations. An Urban Design Study has been undertaken by Group GSA (see **Appendix C**) to assist in developing the planning and design principles for the site.

The Planning Proposal is facilitated by the amalgamation of 4 existing properties which allows the viable redevelopment of the subject land and ensures that redevelopment does not result in the need to provide vehicular access via New South Head Road.

The proposal aims to provide for retention and enhancement of the site's employment generating capacity by protecting and refurbishing the existing heritage item (maintaining the existing commercial use) and providing a podium with 3-4 levels of commercial floor space including ground floor. The ground level of the street frontage will be activated by food and drink premises and retail uses. Above, a tower will provide high quality contemporary apartment living, attractive to both investors and owner occupiers, particularly those households seeking to downsize. Providing more apartments suitable for downsizers has a positive outcome by increasing the supply of housing available for families seeking a house and garden lifestyle.

The form of the proposed tower envelope responds to the site constraints, being setback from the existing heritage item (generally as advised by Council), to minimise overshadowing of important public domain and neighbouring dwellings and to minimise view loss. This is discussed in further in the Urban Design Report at **Appendix C**. To ensure that the final development outcome is commensurate with the building envelope considered in this report, it is proposed to include draft provisions for adoption into Council's Development Control Plan (DCP) (see details in **Section 3.6** below).

By including substantial public benefits in the Planning Proposal, in the form of contributions for additional community infrastructure including affordable housing, returns from redevelopment are reasonably shared between the developer and the community.

3.4 Public Benefits

As noted above, an important feature of the Planning Proposal is the provision of significant public benefits. Some of these will form part of a Voluntary Planning Agreement (VPA) between the proponent and Council. The terms of such an agreement are currently being negotiated with Council.

The offer will include the payment of monetary contributions for matters such as those identified in Council's Community Facilities Study and the ECCS, including community facilities, new public open space, public domain upgrades, affordable housing and public art.

The proponent has investigated the appropriateness for providing public benefits within the subject site, however due to its relatively constrained nature, it is not considered suitable for public open space or the type of public facilities identified in Council's studies. The ECCS identifies a nearby location as being suitable for public art and the contributions paid could assist in funding this.

The proposal will also result in broader public benefits by assisting to achieve the objectives for the Edgecliff commercial centre outlined in the ECCS, aimed at revitalising the centre. The provision of a landmark building in this location will significantly improve the quality of the urban spaces within the centre and its vitality by increasing commercial activity and streetfront activation. New residents and workers will also increase economic activity in the centre and the LGA generally.

3.5 Draft DCP

In order to provide greater certainty regarding the outcomes of the Planning Proposal it is proposed to provide some development controls in the form of provisions that can be incorporated into Council's DCP. The main objective of this is to provide controls further to the proposed LEP height and FSR controls, to guide built form and ensure an appropriate balance between the managing impacts of the proposal and providing adequate flexibility to provide an outstanding design solution. In this regard the Apartment Design Guide (ADG) suggests that a 'building envelope' should be 25-30% greater than that which can be achieved by the permitted floor space.

In this case, the indicative concept is based on a development that provides the permitted floor space (ie 5:1 and to a height of 46m). Whilst the applicant intends to proceed with this concept, the planning controls need to allow for a change in circumstances such as the sale of the property to a different party. Accordingly, the proposed envelope is around 25-30% greater than that created by the concept development (considered further in **Appendix Db**). It provides setbacks that take into account the primary issues for the site including responding to the existing heritage item, view impacts, overshadowing impacts and ensuring reasonable building separation and articulation.

The following draft DCP provisions could be adopted by Council in order to supplement the proposed amendments to the LEP.

136-148 New South Head Road Edgecliff

1.0 GENERAL

These controls apply to land known as 136-148 New South Head Road Edgecliff (Lot 1 DP663465, Lot 1 DP1092694 and Lots A and B DP443992)(see **Figure A**).



Figure A – Subject site

In the event of an inconsistency between this section and the remaining provisions of this DCP, the controls in this section shall prevail in relation to development on the site to the extent of the inconsistency.

The overall aims of this section are to:

- Provide guidelines for a mixed use development on the site.
- Provide built form controls that reflect the existing and desired future character of the area, the character of the site and the relationship to adjoining development.
- Respond to the retention of the existing heritage item at 136 New South Head Road and ensure that its significance is maintained.
- Ensure that an appropriate amount of non-residential floor space is provided and that active street frontages are provided where possible.
- Achieve architectural and urban design excellence.

2.0 BUILT FORM

Objectives

The built form of the new development shall:

- Provide a podium and tower configuration that reflects the existing and desired future character of the area, the character of the site and the relationship to adjoining development.
- Respond to the retention of the existing heritage item at 136 New South Head Road and ensure that its significance is maintained and enhanced.
- Provide appropriate building articulation and setbacks to adjoining properties to maintain reasonable amenity

Controls

- The building is to be accommodated within the envelope created by the controls indicated in **Figure B**. This includes controls on podium height and the extent to which the tower element can 'cantilever' over the heritage item.
- The existing heritage item should be clearly visible and form a prominent element of the design. It should retain its integrity and be more prominent in views from the east along New South Head Road.
- There should be a clear delineation between the heritage item and the addition, either by a physical separation, shadow line or material change.

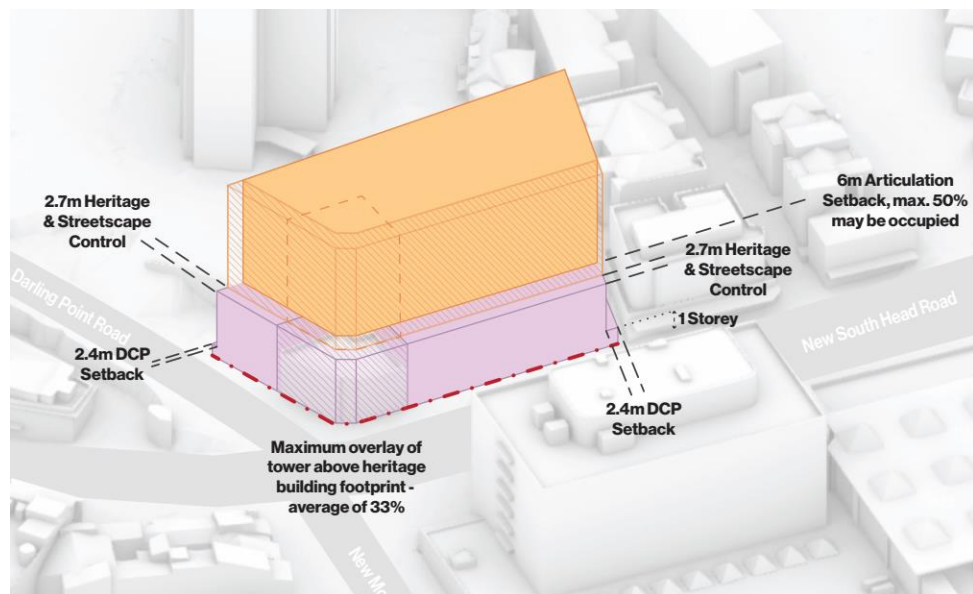


Figure B – Proposed building envelope controls

3.0 BUILDING EXTERIOR

Objectives

- Buildings are to demonstrate a high visual quality of development when viewed from the public domain and the surrounding area.
- Façade treatment and design is to be used to break down the mass and bulk of buildings.

- High quality façade materials and finishes are to be used which contribute positively to the built environment and do not detract from the significance of the heritage item on the site.

Controls

- At street level, façade designs must be sensitive to the pedestrian environment in terms of materials and finishes.
- Extensive blank walls shall be avoided. Provision of appropriate openings in the eastern blank façade of the heritage item is encouraged.
- The new works should complement but not replicate the materials and details of the existing heritage item.

4.0 ACTIVE STREET FRONTAGES

Objectives

- To ensure that uses on the ground level contribute to the activation of the public domain.
- To ensure that design and location of ground floor uses maximise surveillance of the public

Controls

- At ground level active frontages to New South Head Road and Darling Point Road are to be maximised.
- The provision of appropriate openings in the eastern blank façade of the heritage item can assist in further activating the public domain.

5.0 LAND USE

Objectives

- To provide an appropriate amount of non-residential floor space to ensure that the site contributes to employment generation within the Edgecliff commercial centre.
- To contribute to the vibrancy of the Edgecliff commercial centre by providing a suitable mix of uses and a range of dwelling types

Controls

- At a minimum ground and first floor premises (including the existing heritage item) are to comprise non-residential uses.
- A mix of dwelling sizes are to be provided.

6.0 LANDSCAPE

Objectives

- To contribute to the urban greening of the Edgecliff Commercial Centre
- To provide landscaping that will assist in creating high quality public and private recreation and gathering spaces
- Landscaped communal open space should be provided where possible to provide recreation opportunities for residents and workers

Controls

- The existing street trees on New South Head Road are to be retained and supplemented with additional planting within the public domain
- If deep soil areas cannot be provided, planter boxes with appropriate soil depth should be provided in public and private recreation and gathering spaces to add to the urban greening of the environment

7.0 TRAFFIC AND TRANSPORT

Objectives

- Development must be designed to provide adequate and safe access to the site.
- Development on the site is not to cause adverse traffic impacts on the surrounding road system.
- Ensure future vehicular access can be provided to the adjoining site.
- Minimise the number of vehicular access points to the development.

Controls

- As the site is located adjacent to a train station and bus interchange the rates in Council's DCP that relate to the Edgecliff commercial centre are the maximum that shall apply.
- All vehicles are to enter and exit a site in a forward direction via Darling Point Road.

8.0. SUSTAINABILITY

Objectives

- Achievement of design excellence shall include achievement of higher building sustainability standards.

Controls

- The following targets are applicable. The applicant shall use all best endeavours to achieve these targets:
 - NABERS Base Building Energy for Offices: 5.5 stars;
 - NABERS Energy for Apartment Buildings: 4.5 stars;
 - NABERS Water for Offices: 4.0 stars;
 - NatHERS Average star rating: 7 stars
 - BASIX Energy Score: 30 points;
 - BASIX Water Score: 40 points

4. JUSTIFICATION OF THE PLANNING PROPOSAL

4.1 Section A – Need for the Planning Proposal

4.1.1 Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?

No. However, the Edgecliff Commercial Centre Planning and Urban Design Strategy (ECCS) is currently on public exhibition and will then be subject of a report to Council. The site is within the area to which the ECCS applies. As noted above, the site was not identified in the ECCS as a redevelopment site as it was considered that amalgamation was unlikely. On this basis, Council made it clear to the proponent that the Planning Proposal should also be justified on its own merits. Accordingly, whilst this Planning Proposal report concludes that the redevelopment of this site is highly consistent with the ECCS, it is also appropriate in relation to the existing context and does not hinge on the outcome of the ECCS process.

Notwithstanding the above, in acknowledgment of the successful amalgamation achieved by the proponent, Council has provided feedback that indicates that the site has merit for redevelopment to a similar extent as other major sites in the ECCS study area. The proposal has been designed to be consistent with the ECCS as detailed in the following table.

ECCS Element		Consistency
	<p>Desired future character Local Commercial Core This precinct is the focal point for employment, retail, community services and apartments in the ECC. The Paddington HCA is located adjacent to this precinct.</p> <p>Future development will enhance the employment role of the ECC through high-quality architecture and urban design demonstrating design excellence. Active frontages, new public spaces, urban greening and public art will promote liveability.</p> <p>New McLean Street will provide a sensitive transition and access to the Paddington HCA. Impacts on views and solar access to existing public open spaces, streets and residential areas will be minimised.</p>	<p>The proposal is located within the Local Commercial Core area. The proposal includes significant non-residential space, enhancing the employment generating capacity of the site. Active frontages are proposed including refurbishment of the heritage building on the site and improving its legibility in the public domain. Publicly accessible areas can be provided as indicated on the concept plans however the site is not large enough to provide significant public space. In lieu of on-site public benefits the proposal will provide monetary contributions for public space and facilities through the VPA process.</p> <p>The site is well removed from the Paddington HCA but has been designed to be compatible with existing forms in views from this area (see Section 4.3.1(b) below). The building form has been designed to minimise impacts as discussed in detail in this report.</p>
5.1	Land Use	The proposal does not seek a change in land use and the existing B4 zoning will remain. The draft DCP provisions require that as a minimum, the ground and first floor of buildings are to be used for non-residential floor space.

ECCS Element		Consistency
5-2	Building heights	The highest proposed height in the ECCS is 26 storeys for the Edgecliff Centre directly to the south of the site. Whilst the scheme subject of the pre-application meeting with Council (at 18 storeys) was less than this, Council advised that this would not be acceptable and as a result the proposal is now for a 12 storey building with accessible roof garden. This is less than half of that proposed at the Edgecliff Centre and significantly less than the adjoining building to the north – ‘Ranelagh’ which is 31 storeys. It is marginally higher than the 11 storeys proposed in the ECCS for the land to the west on New South Head Road. Therefore, in this context the proposed height is more than appropriate. The manner in which the proposal sits within the context of existing buildings and also those proposed in the ECCS is shown on Figure 16 .
5-3	Floor Space Ratio	Whilst the scheme subject of the pre-application meeting with Council proposed an FSR of 6:1. Council advised that this would not be acceptable and as a result the proposal now has an FSR of 5:1. This is lower than the 7.5:1 indicated for the Edgecliff Centre in the ECCS and only slightly greater than the 4.5:1 indicated for the redevelopment site to the west. However this site is not within the commercial core and will may have a minimum non-residential component (as noted above).
5-4	Amalgamation	The amalgamated site provides a frontage to New south Head Road of around 50m, ensuring that the benefits of amalgamation noted in the ECC are achieved: <ul style="list-style-type: none"> • <i>highly functional retail floor spaces on the ground level</i> • <i>Provides flexibility for a range of non-residential uses such as health or offices</i> • <i>Provides highly efficient residential floor plates</i> • <i>Provides efficient parking layout</i> • <i>Limits the number of vehicle and service entrances</i> • <i>Facilitates internal loading and waste management areas</i> • <i>Avoids site isolation.</i>

ECCS Element		Consistency
5.5	Built Form	
	<p>GUIDING PRINCIPLES</p> <p>G1 Development must provide a mix of uses with active street frontages on the ground level along the length of New South Head Road.</p> <p>G2 Development must ensure that the character of the HCAs is not negatively impacted by the bulk and scale of the built form.</p> <p>G3 Development must demonstrate design excellence.</p> <p>G4 Development must contribute towards enhancing the public domain and active transport network.</p> <p>G5 Development must comply with the State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development and the Woollahra DCP 2015 where relevant.</p> <p>G6 Development must ensure that surrounding residential areas continue to receive 2 hours of direct sunlight to private open spaces on 21 June.</p> <p>G7 Development must ensure that existing public open spaces (including Trumper Park and Oval) and new public open spaces must achieve adequate solar access between the hours of 10am and 2pm on 21 June.</p>	<p>The proposal will facilitate the provision of active frontage and a mix of uses.</p> <p>The proposal does not adversely affect any heritage items or HCA's and will improve the overall quality of the existing heritage item on the site.</p> <p>As noted above the proposed LEP amendments will include a requirement for design excellence.</p> <p>The proposal will improve the public domain through the facilitating a high quality redevelopment that provides active uses to both street frontages and will make contributions towards public domain improvements.</p> <p>As detailed in Appendix D, the indicative concept demonstrates that future development can comply with the requirements of SEPP 65 and the ADG. The DCP is considered in further detail in Section 4.3.1(b) and Appendix D.</p> <p>As detailed in Appendix D, the proposed envelope will not result in any adjoining dwellings failing to meet this requirement.</p> <p>As detailed in Appendix C, the proposed envelope will not result in any adjoining existing or proposed public open space failing to meet this requirement.</p>
5.6	Active frontages	The proposal indicates the provision of active frontages and this will form part of the proposed DCP provisions for the site.
5.7	Design excellence	The suggested amendments to the LEP include a requirement for design excellence to be achieved.
5.8	Community infrastructure	The suggested amendments to the LEP include a requirement for community infrastructure /contributions in lieu to be provided.

ECCS Element		Consistency
5.9	Affordable housing	The suggested amendments to the LEP include a requirement for community infrastructure /contributions in lieu (including affordable housing) to be provided.
5.10	Public domain	The proposal does not conflict with any of the proposed public domain improvements noted in the ECCS. The proposal will contribute towards such infrastructure including public art (including for the site identified at the corner of New South Head Road and Darling Point Road.
5.11	Transport	<p>The proposal does not conflict with any of the proposed transport improvements noted in the ECCS. The proposal will contribute towards such infrastructure.</p> <p>The proposal will also:</p> <ul style="list-style-type: none"> • Support mixed use development; • Provide for less parking than is permitted by Council's DCP; • Facilitate preparation of a Green Travel Plan at DA stage.



Figure 16 – subject site within existing and proposed built form context

4.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes – there is no better way. The requested change in permitted maximum building height and FSR is not possible under the existing planning controls. With no change, the site will not be able to be redeveloped. Further, other options for the potential built form for the site have been investigated and discussed with Council. This has resulted in the reduction in built form from 28 to 18 and now to 12 storeys. These are summarised below.

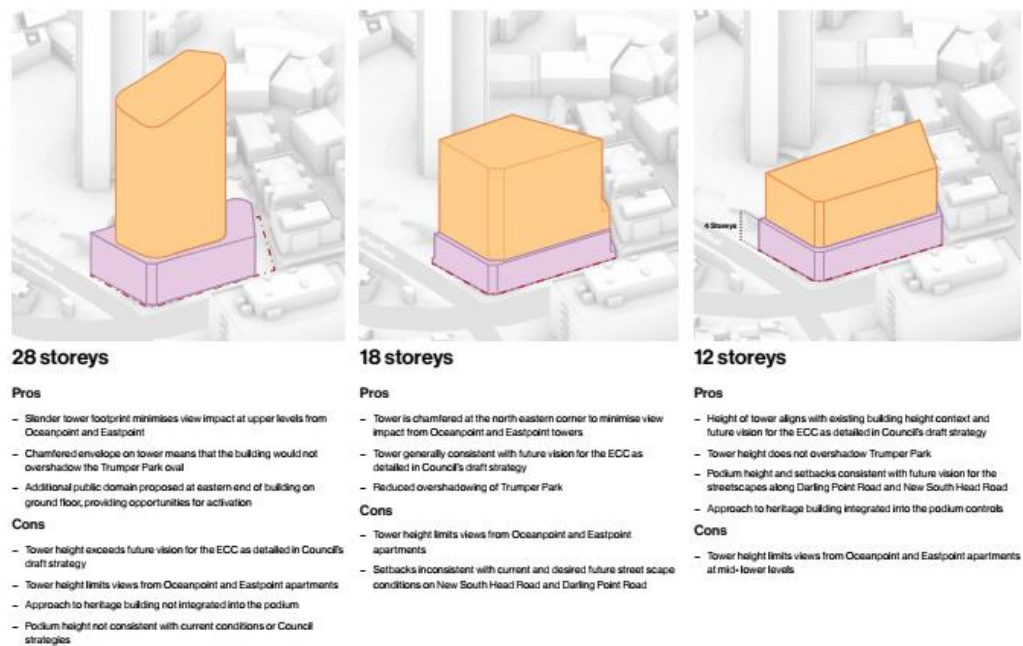


Figure 17- evolution of building envelope

Whilst it is considered that a higher building on the site would still be consistent with the strategic context and nature of the Edgecliff commercial centre, the proponent accepts Council's advice that a lower building (in accordance with that now proposed) is their preferred option.

As detailed in this assessment, the proposed changes are appropriate having regard to existing city strategies and the site specific merits of the proposal. Whilst the broader changes proposed for the Edgecliff Commercial Centre outlined in the ECCS are supportive, they are not considered essential to allowing redevelopment to occur. Council has previously considered proposed changes to height and FSR in Edgecliff prior to the preparation of the ECCS including one at 136 New South Head Road (ie the heritage land within the site) and another at 80-90 New South Head Road. The former was not supported but the latter was supported. This current proposal (which now includes a much larger parcel than the previous scheme for No 136) addresses many of the concerns raised to that previous proposal and provides for a building that is 5 storeys less and has an FSR 1.3:1 less than the rejected scheme.

In light of the above whilst the Planning Proposal does not rely on the ECCS for justification, the ECCS is certainly supportive of the proposal and provides a context where it is clear that redevelopment of the Edgecliff commercial centre with higher building and greater floor space is an appropriate and desirable outcome.

4.2 Section B - Relationship to Strategic Planning Framework

4.2.1 Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The relevant plans and strategies are discussed below.

A Metropolis of Three Cities – the Greater Sydney Region Plan (GSRP) March 2018

The proposal is considered to be consistent with the objectives of the GSRP as outlined in the following table.

Objective		Consistency
1	Infrastructure supports the three cities	The proposal is located within close proximity to public transport services including a railway station and bus interchange. There is significant community infrastructure within easy access and the proposal will provide for contributions for additional infrastructure generated by the development.
2	Infrastructure aligns with forecast growth – growth infrastructure compact	The proposal aligns with population, employment and housing demand for Woollahra LGA, facilitating additional commercial, retail and residential floor space.
3	Infrastructure adapts to meet future needs	The proposal will provide contributions that will allow new infrastructure to be provided by Council.
4	Infrastructure use is optimised	The proposal will facilitate greater use of existing infrastructure.
5	Benefits of growth realised by collaboration of governments, community and business	The Planning Proposal process is collaborative and the applicant will work with Council and State government to ensure the benefits of redevelopment are realised.
6	Services and infrastructure meet communities' changing needs	The proposal will provide contributions that will allow new infrastructure to be provided by Council.
7	Communities are healthy, resilient and socially connected	The proposal will provide contributions that will allow new infrastructure to be provided by Council which can enhance the quality of life for the local community including new public open space.

Objective		Consistency
8	Greater Sydney's communities are culturally rich with diverse neighbourhoods	The proposal provides the opportunity to live in a high density environment within a centre with excellent connectivity. It is anticipated that the majority of residents and workers will come from the existing Woollahra community which is highly diverse.
9	Greater Sydney celebrates the arts and supports creative industries and innovation	The proposal will provide contributions for public art identified by Council in the ECCS.
10	Greater housing supply	The concept plans indicate the provision of an additional 34 dwellings that will contribute to housing supply in the Woollahra LGA. Further this housing can be provided with minimal disturbance to the fabric of existing neighbourhoods as it is located that the northern perimeter of the Edgecliff Commercial Centre.
11	Housing is more diverse and affordable	The proposal will deliver a mix of housing types across the site including 1, 2 and 3+-bedroom apartments, contributing to housing diversity. The proposal also allows for contributions to allow Council to provide affordable housing.
12	Great places that bring people together	The site is not large enough to provide to a useful public space however the proposal will facilitate the creation of a high quality building that will contribute to the overall sense of place in Edgecliff. As indicated in the concept scheme report (Appendix D), the proposal will facilitate development that will create high quality spaces, in this case making the heritage building the focal point of the development.
13	Environmental heritage is identified, conserved and enhanced	The proposal includes retention and refurbishment of the existing heritage item on the site. The concept plans indicate that there is an opportunity to enhance the setting of the item and to make it a focal point of the site at this important intersection within the Edgecliff centre.
14	A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities	The proposal provides housing and significant employment opportunities on the site. Further, major centres are within 15 minutes of the site by public transport services.
15	The Eastern, GOP and Western Economic Corridors are better connected and more competitive	The site is adjacent to the Sydney CBD and the Eastern Economic Corridor. Providing additional employment and housing in such a location will reinforce the competitiveness of this corridor.

Objective		Consistency
16	Freight and logistics network is competitive and efficient	NA.
17	Regional connectivity is enhanced	NA.
18	Harbour CBD is stronger and more competitive	The site is within a 15 minute bus/train ride from Sydney CBD and so provision of workers within this catchment will support CBD growth.
19	Greater Parramatta is stronger and better connected	NA.
20	Western Sydney Airport and Badgerys Creek Aerotropolis are economic catalysts for Western Sydney	NA.
21	Internationally competitive health, education, research and innovation precincts	NA.
22	Investment and business activity in centres	The proposal will increase expenditure in the area assisting the growth of the Edgecliff centre and other nearby centres including Double Bay.
23	Industrial and urban services land is planned, retained and managed	NA
24	Economic sectors are targeted for success	The proposed employment floor space and the construction and ongoing maintenance of the building will assist in achieving economic growth
25	The coasts and waterways are protected and healthier	Subject to appropriate pollution controls measures, the proposal will not have any adverse impacts on the quality of the adjacent harbour.
26	A cool and green parkland city in the South Creek corridor	NA
27	Biodiversity is protected, urban bushland and remnant vegetation is enhanced	The proposal will result in a small amount of tree loss however overall the existing amount of planting and hence biodiversity will be enhanced by the proposal.
28	Scenic and cultural landscapes are protected	There are no important public views that will be affected by the proposal. Whilst the proposed tower will be visible, it is consistent with the existing and future context, being lower than the 31 storey tower to the north and the 26 storey tower proposed to the south. This is further discussed in Section 4.3.1(b) below.

Objective		Consistency
29	Environmental, social and economic values in rural areas are protected and enhanced	NA
30	Urban tree canopy cover is increased	The existing tree canopy provided by street trees will be retained as detailed in the submitted Arborist's Report and can be supplemented by additional planting. Being a commercial site, adequate deep soil area for canopy tree planting is not feasible however this will be supplemented by above ground planting in appropriate locations.
31	Public open space is accessible, protected and enhanced	The site is in reasonable proximity to significant open space including Trumper Park and Rushcutters Bay Park. New open space is proposed in the ECCS and the proposal will contribute to the provision of this space. The proposal will not result in unreasonable overshadowing of the proposed public plaza on the Edgecliff Centre site.
32	The Green Grid links parks, open spaces, bushland and walking and cycling paths	The proposal will contribute to infrastructure that can improve existing links.
33	A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change	The site is highly accessible and will maximise the use of public transport. Other sustainability measures are intended to be incorporated into the draft DCP provisions (as detailed in Section 3.5 above) which will assist in meeting climate change targets.
34	Energy and water flows are captured, used and re-used	This is taken into account in the draft DCP provisions as detailed in Section 3.5 above.
35	More waste is re-used and recycled to support the development of a circular economy	A Waste Management Plan will be prepared at DA stage that will suitably address waste, reuse and recycling.
36	People and places adapt to climate change and future shocks and stresses	The site will not be directly affected by climate change impacts such as sea level rise.
37	Exposure to natural and urban hazards is reduced	The site is not affected by any natural or urban hazards.
38	Heatwaves and extreme heat are managed	As noted above the proposal will increase the amount of planting on the site which will reduce heat associated with the site.
39	A collaborative approach to city planning	The applicant will work with Council and State authorities to ensure a high quality outcome for the site.

Objective		Consistency
40	Plans refined by monitoring and reporting	NA.

Future Transport Strategy 2056 – March 2018

The Future Transport Strategy 2056 (Strategy) is a 40 year strategy, supported by plans for regional NSW and for Greater Sydney. It is a high level document however one of the main objectives is to reduce private vehicle use. The proposal is consistent with this objective as:

- Parking provision is limited to less than is required by Council’s DCP which will discourage private vehicle use;
- The site is close to identified cycle routes and the ECCS includes a proposal to create a shared cycleway on New South Head Road;
- The site is within very close proximity to public transport and all necessary goods and services.

Greater Sydney Services and Infrastructure Plan– March 2018

The Greater Sydney Services and Infrastructure Plan is the 40-year plan for transport in Sydney and supports Future Transport 2056 and the GSRP. The plan establishes the specific outcomes for transport in Greater Sydney and identifies the policy, service and infrastructure initiatives to achieve these outcomes.

The Planning Proposal is consistent with this Plan as it will:

- Provide both employment uses and dwellings in the vicinity of the Edgecliff transport interchange, making metropolitan and strategic centres easily accessible within 15 minutes;
- Reduce reliance on private transport;
- Enhance the environment for pedestrians accessing transport services.

Eastern City District Plan (EDP) March 2018

The EDP is consistent with the GSPR but provides more detail. The following comments are made on issues for which there is further detail.

Planning Priority E1 - Planning for a city supported by infrastructure

The site is blessed with excellent access to major existing infrastructure. In addition to transport, services, and utilities, there is good social and recreational infrastructure within easy reach. There is extensive parkland at Rushcutters Bay and Trumper Park which is only a short walk from the site. We have also reviewed the 2019 *Woollahra Community Facilities Study* and note that in relation to the Western Catchment of Woollahra (which includes Edgecliff):

- There is a need for an integrated multi-purpose facility;
- The existing library floor space is less than standards require however its ongoing operation is uncertain. It is noted that any new library would be best provided as part of an integrated multi-purpose facility and that there are ‘new innovative

models of library service provision that could supplement Council's existing facility or potentially support temporary shortfalls in the future';

- *'there are no local community facilities provided within proximity or walking distance to the northern boundary of the catchment (ie Edgecliff). However, overall "there is limited need for additional new local-level community facilities.*

Further, the ECCS identifies more specific needs within this area. The proposal will further add to the demand for local community infrastructure. However, the Planning Proposal will result in monetary contributions that Council can use to enhance existing infrastructure and to create new public spaces and facilities in Edgecliff. Whilst the provision of suitable infrastructure on the site has been investigated, it is not large enough to provide a 'multi-purpose facility' of the size required by Council, or appropriate public open space. Quite sensibly the ECCS envisages the provision of the new major community infrastructure at the focal point of the Strategy – the Edgecliff Centre.

Planning Priority E2 - Working through collaboration

The proponent will work with Council and other key stakeholders to ensure a high quality outcome for the site. We see the site as a key site in the revitalization of Edgecliff as envisaged by Council in the ECCS. Redevelopment of key sites is essential to achieve the best possible urban outcome for the centre and the residents and workers in the area.

Planning Priority E3 - Providing services and social infrastructure to meet people's changing needs

Planning Priority E4 - Fostering healthy, creative, culturally rich and socially connected Communities

As noted above the site can contribute indirectly to providing appropriate infrastructure. Increasing the vibrancy of the Edgecliff centre will only be achieved through bringing in more workers and residents to the area. Higher density means less reliance on private transport, more diversity and more incentive to interact within the new public and private spaces that will be created.

Planning Priority E5 - Providing housing supply, choice and affordability with access to jobs, services and public transport

The site will provide a variety of housing types and contribute towards the provision of affordable housing in accordance with the District and Metro Plans. Whilst it is noted that Woollahra's housing supply targets are relatively low, it must also be acknowledged that housing completions are very low. The last major residential development constructed in the Edgecliff centre was the 20 apartment development known as 'Element' at 240-246 New South Head Road. Regardless of targets, there needs to be incentive for redevelopment so that the benefits of improved infrastructure and places for the broader community can be realized.

Planning Priority E6 - Creating and renewing great places and local centres, and respecting the District's heritage

As noted above the redevelopment of the site will be a catalyst for these outcomes. More specifically, the proposal will provide monetary contributions for the provision of new

community infrastructure. The heritage values of the site and surrounding areas will be maintained and enhance as detailed in the submitted heritage report (**Appendix F**).

E6 notes that:

Local centres are a focal point of neighbourhoods and where they include public transport and transport interchanges, they are an important part of a 30-minute city.

The proposal will be consistent with the Principles for Local Centres outlined in this section. Notably it will provide:

- *additional residential development..... within a 10-minute walk of a centre with city-shaping or city-serving public transport [which] will help to create walkable local centres.*
- *and will not: compromise a centre's primary role to provide goods and services, and the opportunity for the centre's employment function to grow and change over time.*

In this regard a significant amount of non-residential floor space is proposed, more than would be likely under the current controls and much more than presently exists on the site. This will be ensured through the introduction a minimum non-residential floor space provision in the site specific DCP provisions (see **Section 3.5** above).

The height and scale of the proposal in the context of Edgecliff being a local centre within the broader metropolitan hierarchy was an issue addressed in Council's pre-application feedback. Council was of the view that the previous scheme of 18 storey/6.3:1 FSR was excessive having regard to the 'local centre' status of Edgecliff, the existing context and the heights recommended in the ECCS. The proposal has been amended to accord with Council's specific recommendations that the height be limited to 12 storeys and the FSR limited to 5:1.

Council took a similar approach in their assessment of the Planning Proposal for the Edgecliff Centre which proposed a 45 storey/9:1 FSR development. Again, Council was critical of the scale of development proposed having regard to the local centre status of Edgecliff. Group GSA have prepared a comparison of the building height facilitated by the subject Planning Proposal for a 46m building (see **Figure 18**). This is comparable to other local centres in the Eastern City including Strathfield - 58m and Wolli Creek – 70m. Edgecliff also has a large bus interchange unlike the majority of other local centres. Other centres on the Figure are not appropriate for comparison as they either: do not have a train station (eg Drummoyne and Bondi Beach); or have an existing low scale character (Double Bay, Newtown and Marrickville). Edgecliff has numerous existing tall buildings that contribute to its character as indicated in **Figure 19** and discussed below. Further, it is much closer to the CBD than any other centre. These issues are further discussed in the submitted Urban Design Study at **Appendix C**.

As these building heights relate to maximums within each centre and these generally tend to be close to the middle of the centre/near the railway station, it would typically be the case that building heights would transition down as one moves away from the centre. There are also other issues that may be an impediment to the maximum height being achieved or that would affect the nature of the transition of heights to surrounding areas. These are discussed below.

Edgecliff is a local centre but is not a low scale village such as Double Bay or Newtown. Its character is already defined by some very large scale buildings. These include numerous developments of around 10 storeys or more and include:

- 87 New South Head Road (12 storeys);
- 92-106 New South Head Road (10 Storeys);
- the Edgecliff Centre (9 storeys),
- Eastpoint (15 storeys);
- Ocean point (10 storeys); and
- Ranelagh (31 storeys) which adjoins the subject site.

Comparison of maximum height of buildings (HOB) in metres with centre hierarchy

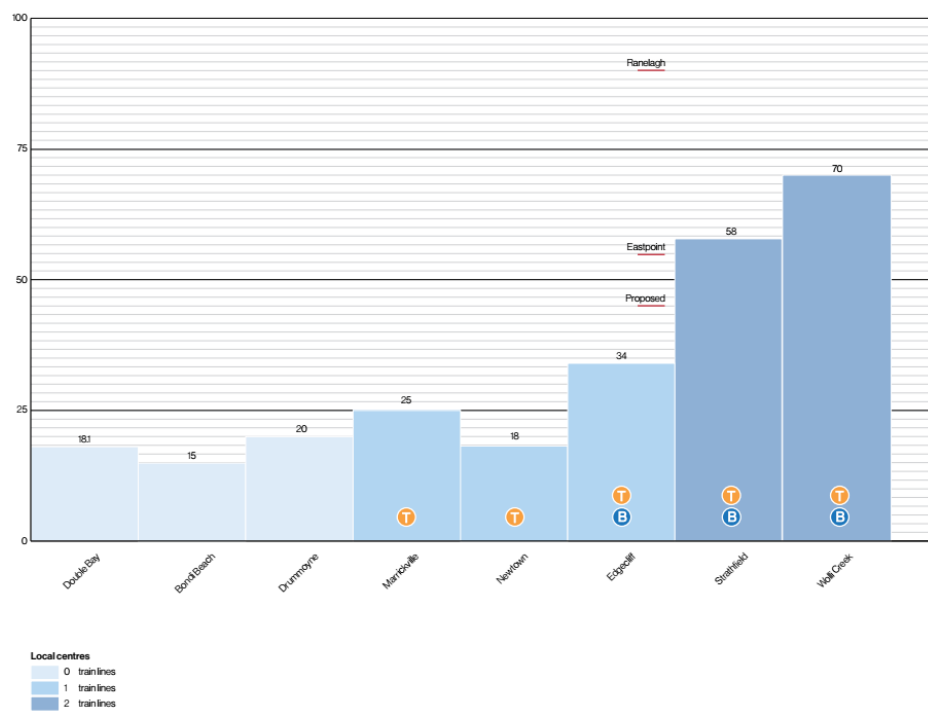


Figure 18 – comparison of proposed building height with other Local Centres

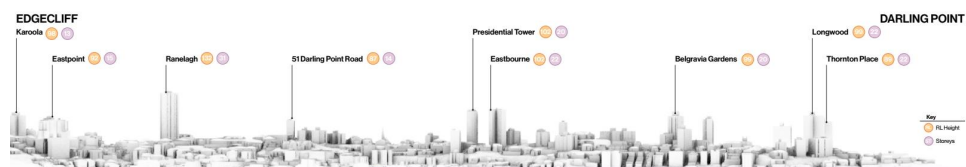


Figure 19 – existing building heights in vicinity of site and indicative building height

There are also many other tall buildings within the visual catchment of the centre or in views of the centre from other vantage points. In this context, a building of 50-60m on the site, would not be out of context. Notwithstanding, it is acknowledged that Council preference is for lower buildings.

Being located between the Edgecliff Centre (the assumed middle of the centre) and Ranelagh (an existing 31 storey building), a building of 12 storeys is considered to be well below the height that is contextually appropriate on the subject site. The indicative building form is shown within this context at **Figure 16**. As can be seen here, within this context the building is only of moderate height.

The proposed height provides a transition from the high point of the centre above the train station to the areas to the north. The indicative concept design also provides further modulation of building height. The podium/tower typology also provides transition to the existing streetwall buildings to the east and west and adjacent heritage buildings associated with Ascham school. The proposed tower setbacks also support a transition to adjacent low scale forms.

Whilst other factors such as overshadowing and view impacts can also potentially limit building heights, as discussed elsewhere, in this case the proposed height does not have unreasonable impacts.

In relation to FSR, the proposed FSR of 5:1 is appropriate having regard to:

- the maximum FSR's of similar higher order local centres such as Strathfield (5:1), Wollie Creek (5:1) and Arncliffe (4:1) which are all much further away from the CBD;
- the FSR of 8:1 for the nearby Strategic Centre of Bondi Junction;
- the FSR's of existing tall buildings in the centre;
- the FSR's proposed in the ECCS which have been considered on site by site basis, not proximity to the railway station but range from 7.5:1 to 2:1;
- the specific characteristics of the site including its relatively large size, location on the southern edge of the Darling Point area and proximity to the railway station. In this regard the indicative concept scheme demonstrates that there is an appropriate 'fit' in the height/FSR relationship as the form of the building meets the requirements of the relevant setback controls.

As can be seen in the UDS (at **Appendix C**), the intended bulk and scale of the building is appropriate to this context, providing a commercial podium and a well proportioned tower that will allow the majority of existing views to be retained and will maintain solar access for important public spaces and adjacent residential uses.

Planning Priority E7 - Growing a stronger and more competitive Harbour CBD

Planning Priority E8- Growing and investing in health and education precincts and the Innovation Corridor

Planning Priority E9 - Growing international trade gateways

Planning priority E10 – delivering integrated land use and transport planning a 30 minute city

Planning Priority E11 - Growing investment, business opportunities and jobs in strategic centres

Planning Priority E12 - Retaining and managing industrial and urban services land

Planning Priority E13- Supporting growth of targeted industry sectors

The site will strengthen the CBD by providing additional dwellings for new residents in close proximity. Whilst not a strategic centre, Edgecliff is one of Woollahra's primary commercial centres and the most suitably located to accommodate a growth in employment as required by the Strategic Plans. The site is also within easy reach of two Strategic centres, being the CBD and Bondi Junction.

Planning Priority E14 Protecting and improving the health and enjoyment of Sydney Harbour and the District's waterways

Planning Priority E15 - Protecting and enhancing bushland and biodiversity

Planning Priority E16 - Protecting and enhancing scenic and cultural landscapes

Planning Priority E17 - Increasing urban tree canopy cover and delivering Green Grid connections

Protect existing street trees and potentially provide a community green space on the rooftop of the existing heritage building

Planning Priority E18 - Delivering high quality open space

The proposal will include payment of monetary contributions towards provision of new high quality open space and improved existing open space in the area. There is no vegetation of significance on the site, and the redevelopment will improve the overall landscape quality of the area.

Planning Priority E19 - Reducing carbon emissions and managing energy, water and waste efficiently

The site is located such that there will be able to be less reliance on private transport. BASIX and site specific measures as detailed in the Sustainability Report at **Appendix M** will ensure a sustainable outcome for the redevelopment. Ensuring environmental outcomes can be achieved are embodied in site specific DCP provisions (see **Section 3.5**).

Planning Priority E20 - Adapting to the impacts of urban and natural hazards and climate change

The site is not subject to any urban or natural hazards.

Other considerations – Strategic and Site Specific Merit

The DP&E's Guide to Preparing Planning Proposals includes Assessment Criteria to be considered in the case where the relevant strategy plan does not have Sustainability Criteria. The Eastern City District Plan does not have Sustainability Criteria. These criteria

are the same as the 'strategic merit' and 'site specific' merit criteria noted as applying to the review process for Planning Proposals in the DP&E 'Guide to Preparing LEP's'. In relation to the review process this guide notes that : *"There will be a presumption against a Rezoning Review request that seeks to amend LEP controls that are less than 5 years old, unless the proposal can clearly justify that it meets the Strategic Merit Test.* In this case, the subject LEP is 7 years old but in any event, the consideration of the criteria is required by the Preparing Planning Proposals Guide and so are noted and commented upon below.

a) *Does the proposal have strategic merit? Will it:*

- *give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or*
- *give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement; or*
- *responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans.*

The proposal will give effect to the Eastern City District Plan as discussed above. It is within an area noted as appropriate for additional housing and is highly accessible by public transport, providing access to major centres within 15 minutes.

There is no endorsed local strategy however as noted above, the proposal is consistent with the changes proposed in the draft Edgecliff Commercial Centre Planning and Urban Design Strategy (ECCS), currently on public exhibition. Notwithstanding this, even in the event that Council does not proceed with these changes, based on the feedback from Councils' professional staff, it is agreed that higher density on this site is strategically appropriate having regard to the nature of Edgecliff, being a relatively high density 'local centre' in the District and Metropolitan context.

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

- *the natural environment (including known significant environmental values, resources or hazards); and*
- *the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and*
- *the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

The site is not subject to any natural hazards.

The existing use of the site is part commercial and part residential, reflecting the nature of the existing B4 Mixed Use zone. The proposal seeks to support this zoning and enhance the employment generating capacity by including a minimum non-residential floor space (ie ground and first floor levels must be non-residential) as part site specific DCP controls.

Redevelopment in Edgecliff has been stagnant for many years as there is inadequate incentive to encourage replacement of existing substantial buildings with new development. Given that the location is highly suitable for increased density (being on a railway line and close to the CBD) and highly desirable, there has been pressure for changes to the existing controls in recent times. In this regard a Planning Proposal for No 136 New South Head Road (which forms part of the subject site) was submitted but refused by Council in November 2019 (it proposed a 17 storey building on a site of around 626sqm). A Planning Proposal and DA for a 7 storey building at 80-84 New South Head Road was approved in 2017/18. A Planning Proposal for the Edgecliff Centre proposing a building of 45 storeys and an FSR of 9:1 was rejected by Council in February 2021.

In acknowledgement of this pressure and the appropriateness of Edgecliff for higher density development, Council has undertaken an investigation of the redevelopment potential for Edgecliff over the past few years, culminating in the public exhibition of the Edgecliff Commercial Centre Planning and Urban Design Strategy (ECCS). Whilst not yet adopted by Council, it indicates that Council's professional staff are of the opinion that increased densities are appropriate within the Edgecliff commercial area. Further, the feedback given by staff in the pre-application process also indicates that they view the subject site as being appropriate for increased density to the degree put forward in this Planning Proposal.

Council already has s7.11 and s7.12 Plans that provide for the payment of contributions toward community infrastructure. An exhibited draft Plan indicates that this will continue in the form of a s7.12 Plan which levies redevelopment at 1% of the construction cost. The ECCS identifies the additional infrastructure that will be needed as a result of the proposed increase in density in Edgecliff. The proposal will make contributions towards infrastructure already identified in Contributions Plans and towards new infrastructure identified in the ECCS including affordable housing and public art.

Having regard to the above, it is considered that the Planning Proposal adequately satisfies both the Strategic and Site Specific Merit Tests.

4.2.2 Is the planning proposal consistent with the council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan

Woollahra Local Strategic Planning Statement 2020 (the LSPS)

The provisions of the LSPS relevant to the proposal are addressed in the following table.

LSPS Element		Consistency
Infrastructure and collaboration		
PP1	Planning for integrated land use and transport for a healthy, connected community, and a 30-minute city	The proposal is consistent with these elements as: It provides a transport orientated development of scale with integrated land uses in a centre and adjacent to a railway station; It supports an increase in people living with easy walking access to a transport and jobs, services and facilities;
PP2	Planning for a community supported by infrastructure that fosters health, creativity, cultural activities, and social connections	
PP3	Working in collaboration with our community, government, businesses, and organisations	
Liveability		
PP4	Sustaining diverse housing choices in planned locations that enhance our lifestyles and fit in with our local character and scenic landscapes	The proposal provides for a range of dwelling types in a location identified as suitable in the ECCS. The building will be in character with the scale of existing buildings and be compatible with scenic landscapes. The proposal will result in the retention and refurbishment of the existing heritage item on the site and will not have any adverse heritage impacts as detailed in Appendix F . As indicated in the indicative concept, the site can contribute to place making within the centre and provide a high quality public domain.
PP5	Conserving our rich and diverse heritage.	
PP6	Placemaking supports and maintains the local character of our neighbourhoods and villages whilst creating great places for people	
PP7	Supporting access to a range of employment opportunities and partnerships	The proposal includes employment activities and the site is close to other employment and transport.
PP8	Collaborating to achieve great placemaking outcomes in our local centres which are hubs for jobs, shopping, dining, entertainment and-* community activities.	As indicated in the indicative concept, the site can contribute to place making within the centre and provide a high quality public domain.
PP9	Supporting and enabling innovation whilst enhancing capacity to adapt and thrive in a rapidly changing digital	The ability to deal with societal changes will be enhance through the provision of new buildings and infrastructure.
Sustainability		
PP10	Protecting and improving the health, diversity and enjoyment of our waterways and water ecosystems.	The proposal is unlikely to have any adverse impacts in this regard.
PP11	Conserving, enhancing and connecting our diverse and healthy green spaces and habitat, including bushland, tree canopy, gardens and parklands.	The proposal will facilitate an increase in green space on the site and will contribute towards additional public open space.

LSPS Element		Consistency
PP12	Protecting and enhancing our scenic and cultural landscapes.	The proposal is consistent with the nature of existing landscapes. The proposal will
PP13	Improving the sustainability of our built environment, businesses, transport and lifestyles by using resources more efficiently and reducing emissions, pollution and waste generation.	The proposal will be suitably sustainable as detail in Appendix M and in Section 3.5.
PP14	Planning for resilience so we adapt and thrive despite urban and natural hazards, stressors and shocks including climate change.	A new development is better placed to deal with changing circumstances than older buildings.

Woollahra 2030 – The Woollahra Community Strategic Plan

Woollahra 2030 was adopted by Council on 18 June 2018. It details the long-term vision for the Woollahra community and identifies the LGA's current and future environmental, social, economic and civil challenges and aspirations.

The provisions of the plan have been considered and the proposal is concluded to be consistent with the community's vision for Woollahra. The most relevant values noted below are specifically supported:

- *Retention and enhancement of the village atmosphere throughout the area, offering a good range of shops and services.*

Comment – the proposal will form part of a broader revitalisation of the Edgecliff commercial centre that will improve its character and range of shops and services.

- *Protection of local history, heritage values and buildings.*

Comment the proposal includes retention and refurbishment of the existing heritage item on the site.

- *No inappropriate high rise and oversize development.*

Comment – in the context of the site, a 12 storey building is not considered to be 'high-rise'. The adjoining Ranelagh building is 31 storeys.

- *Quality design of new developments.*

Comment – the indicative concept plans indicate that a very high level of design quality can be achieved.

- *Retention of local urban character.*

Comment – the retention of the heritage item and provision of an appropriate building form including a streetfront podium element will ensure that the local character is maintained.

- *Sustainable development.*

Comment – the draft DCP provisions include a commitment to achieving a high level of sustainability for the site.

- *Renewed and upgraded infrastructure, especially footpaths, pedestrian ramps, kerb, guttering, stormwater drainage and local roads.*

Comment – the proposal will be the subject of a Planning Agreement with Council that will include contributions towards the upgrade of public infrastructure in Edgedcliff.

- *Reduced traffic congestion*

Comment – the proposal will not unreasonably impact on traffic movement in the area as detailed in **Appendix E**.

- *Improved parking.*

Comment – the proposal will increase the availability of parking on the site and provide a balance between parking needs of residents and workers and the proximity to public transport, generally in accordance with Council's DCP requirements.

- *Good public transport.*

Comment – the proposal will make use of the excellent access to public transport.

- *Good pedestrian and bicycling access.*

Comment – the proposal will facilitate the creation of an improved pedestrian environment.

4.2.3 Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies

The only State Environmental Planning Policies (SEPPs) relevant to this planning proposal are discussed below.

SEPP	Consistency
<p>SEPP 55 – Remediation of Contaminated Land</p> <p>This SEPP aims to promote the remediation of contaminated land for the purposes of reducing risk to human health and/or the environment.</p>	<p>The site has a history of use either low intensity commercial or residential use which are not likely to result in any contamination. The proposal will result in further excavation of the site and if any contamination is present, it is likely to be removed as part of this process. This matter is addressed at Appendix I and would be further investigated as part of the DA process.</p>
<p>SEPP (BASIX) 2004</p> <p>Building Sustainability Index designed to encourage improved environmental performance and reduced energy consumption.</p>	<p>This SEPP will apply to future proposed apartments and appropriate BASIX documentation will be submitted with any future DA for redeveloping the site. As previously noted, a highly sustainable outcome is sought to be achieved.</p>

SEPP	Consistency
<p>SEPP 65 – Design Quality of Residential Flat Development</p> <p>This SEPP aims to improve the design quality of residential flat development including better built form and aesthetics and amenity and reduced energy consumption. The SEPP also aims to better satisfy housing demand and the needs of a wide range of people.</p>	<p>This SEPP will apply to the proposed residential component of the future mixed-use building. The concept plan has been prepared having regard to the SEPP 65 Apartment Design Guide (ADG) and achieves general compliance with this Guide and full compliance with the primary design standards as discussed in Appendix D.</p>
<p>State Environmental Planning Policy (Infrastructure) 2007 This SEPP is relevant as the site adjoins a classified road – New South Head Road.</p>	<p>Pursuant to this SEPP consultation with RMS would be required for the development outlined in the concept plans at DA stage. The Traffic Report provided at Appendix E indicates that the proposal would not affect the efficient operation of New South Head Road or nearby intersections.</p> <p>Also whilst the site will be subject to traffic noise from New South Head Road, appropriate design and construction can ensure the relevant amenity standards would be met (see Appendix K).</p>
<p>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 Whilst not technically relevant at this stage, this SEPP will apply when application is made to remove vegetation.</p>	<p>As noted above, whilst some vegetation will need to be removed to facilitate the proposed concept scheme there is no significant trees and there is an opportunity to greatly improve the landscape quality of the site. The existing street trees will be protected and supplemented by further planting.</p>

Regional Environmental Plans

The only relevant Regional Environmental Plan (REP) applicable to the site is Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. This REP and accompanying DCP are relevant to the proposal. However, the proposal is well removed from the foreshore and will not have any direct impacts. The proposal is of a scale that will ensure that it sits within the existing building context and as such, will not reduce the scenic quality of the area especially when viewed from the harbour. The proposal will not be inconsistent with the Planning Principles for the Sydney Harbour Catchment in Clause 13 of the REP or the relevant matters for consideration in Division 2 including the provisions relating to foreshore and waterways scenic quality and maintenance, protection and enhancement of views. As discussed in **Section 4.3.1** below, the proposal will not have view impacts that are unreasonable in the circumstances.

4.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?

This planning proposal has been assessed having regard for the Section 117 Directions issued to Councils under s9.1 of the *Environmental Planning & Assessment Act 1979* (EP&A Act), relevant to this planning proposal. The findings were as follows:

DIRECTION	CONSISTENCY Yes/No or Not Applicable
1. EMPLOYMENT AND RESOURCES	
<p>1.1 Business and Industrial Zones The objectives of this direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones and support the viability of identified strategic centres.</p>	<p>YES - The site is zoned B4 and the proposal does not seek to alter this. The proposal will facilitate the provision of greater employment floor space on the site than presently exists and includes site specific DCP provisions requiring ground and first floor of buildings to provide non-residential floor space.</p> <p>The extent of commercial floor space is not of such significance to threaten the role of nearby Strategic Centres including the CBD and Bondi Junction.</p>
1.2 Rural Zones	Not Applicable
1.3 Mining, Petroleum Production and Extractive Industries	Not Applicable
1.4 Oyster Aquaculture	Not Applicable
1.5 Rural Lands	Not Applicable
2. ENVIRONMENT AND HERITAGE	
<p>2.1 Environment Protection Zones The objective of Direction 2.1 is to protect and conserve environmentally sensitive areas.</p>	Not Applicable.
2.2 Coastal Protection	YES - The proposal can potentially improve water quality entering the harbour, improving the coastal environment.
<p>2.3 Heritage Conservation The objective of Direction 2.3 is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>	YES – the proposal will result in the retention and refurbishment of the existing heritage item on the site. Further, the proposed changes will not unreasonably impact on nearby heritage items and conservation areas.
2.4 Recreation Vehicle Areas	Not Applicable
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT	
<p>3.1 Residential Zones The objectives of Direction 3.1 are: To encourage a variety and choice of housing types to provide for existing and future housing needs; To make efficient use of existing infrastructure and services.</p>	YES – The proposal will facilitate the provision of over 30 new dwellings and the provision of contributions for ‘affordable’ housing. This increase in population will allow better use of existing infrastructure which is in close proximity to the site.

DIRECTION	CONSISTENCY Yes/No or Not Applicable
To minimise the impact of residential development on the environment and resource lands.	The site is located at the south fringe of a residential area and as such has less potential to have amenity impacts or alter the character of the area.
3.2 Caravan Parks and Manufactured Home Estates	Not Applicable
3.3 Home Occupations The objective of this direction is to encourage the carrying out of low-impact small businesses in dwellings.	YES – this will be permissible.
3.4 Integrating Land Use & Transport The objective of Direction 3.4 is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the nominated planning objectives e.g. improving access to housing, jobs and services, reducing dependence on cars and supporting efficient public transport.	YES – the proposed increase in development density will improve access to housing in a location which is within convenient walking distance of public transport services that provide access within 30 minutes of Strategic centres.
3.5 Development Near Licensed Aerodromes	Not Applicable
3.6 Shooting Ranges	Not Applicable
4 HAZARD AND RISK	
4.1 Acid Sulphate Soils	YES – the subject site has a low risk rating in relation to acid sulphate soils.
4.2 Mine Subsidence and Unstable Land	Not Applicable
4.3 Flood Prone Land	Not Applicable
4.4 Planning for Bushfire Protection	Not Applicable
5. REGIONAL PLANNING	
5.1 Implementation of Regional Strategies This only applies to South Coast Regional Strategy (excluding land in the Shoalhaven LGA) and Sydney–Canberra Corridor Regional Strategy	Not Applicable
5.2 Sydney Drinking Water Catchment	Not Applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable
5.9 North West Rail Link Corridor Strategy	Not Applicable
5.10 Implementation of Regional Plans	YES - As noted above, the proposal is consistent with the relevant strategic plans.

DIRECTION	CONSISTENCY Yes/No or Not Applicable
5.11 Development of Aboriginal Land Council land	Not Applicable
6. LOCAL PLAN MAKING	
6.1 Approval and Referral Requirements The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	YES- the proposal does not include requirements for the concurrence, consultation or referral of DA's to a Minister or Public Authority and does not identify any development as designated.
6.2 Reserving Land for Public Purposes	Not Applicable (no land is proposed to be reserved for public purposes). However, the corner of the site is reserved for road widening. The proposal does not inhibit this outcome should it be pursued.
6.3 Site Specific Provisions The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls.	YES – whilst the specific method of amending the LEP is yet to be determined, the suggested method is discussed in Section 3.1 and will allow suitable flexibility. The overall intention of the proposed changes to the LEP and DCP is to provide Council and the community with certainty about the development outcomes for the site whilst allowing reasonable flexibility in the design of future building form.
7. METROPOLITAN PLANNING	
7.1 Implementation of the Greater Sydney Region Plan – A Metropolis of 3 Cities Plan (Replaces a Plan for Growing Sydney) The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Greater Sydney Region Plan – A Metropolis of 3 Cities.	YES – the proposal is consistent with the implementation of the Metropolitan Plan as detailed in Section 4.2 of this Planning Proposal Report.

4.3 Section C – Environmental, social and economic impact

4.3.1 Environmental Considerations

4.3.1(a) Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The site and adjoining lands do not contain any areas of critical endangered ecological communities (CEEC).

4.3.1(b) Are there any other likely environmental effects because of the planning proposal and how are they proposed to be managed?

The environmental impacts of development are partly controlled by the primary planning documents that apply. The applicable State and Regional documents have been discussed above. The remaining relevant documents are Woollahra LEP and DCP. The proposed

changes to the LEP and DCP have been discussed above. The remaining relevant provisions are discussed below.

Woollahra LEP

Clause 1.2 Aims of Plan – the proposal is highly supportive of the aims of the plan, in particular the following:

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

Clause 2.3 Zone objectives and Land Use Table – the proposed uses are permissible in the B4 Mixed Use zone and the Planning Proposal is consistent with the objectives for this zone:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To provide active ground floor uses to create vibrant centres.
- To provide for development of a scale and type that is compatible with the amenity of the surrounding residential area.
- To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.

Clause 5.10 Heritage conservation – the heritage impacts of the proposal have been addressed in the Heritage Report and accompanying letter at **Appendix F**.

Clause 6.2 Earthworks – development facilitated by the proposal will likely require excavation of the site for parking (as detailed in the indicative concept scheme). The Geotechnical Report provided at **Appendix H**, indicates that there is no particular concern with the excavation of the site and that subject to appropriate construction methods, the indicative scheme would be satisfactory in regard to geotechnical issues.

Other potential environmental impacts have been discussed elsewhere in this report and its appendices.. Those that have not been addressed are discussed below.

Woollahra DCP

The most relevant provisions of the DCP are addressed below. The proposed site specific DCP controls are shown in **Section 3.6** above and addressed in **Appendix D**.

Chapter D2 – Mixed Use

D2.2 New South Head Road Corridor

C16 At ground level, the building may have a zero setback to side and rear boundaries.

Comment – the proposed site specific envelope controls limit the zero setback to ground floor level. Above this a minimum of 2.4m is required for the podium to ensure that the amenity of adjoining development is maintained.

C17 A side boundary setback of at least 1.8m applies to the fifth storey and above, if relevant (Note: This control is relevant to sites where the maximum building height is 20.5m in the LEP).

Comment – the proposed height will be greater than 20.5m. The proposed site specific envelope controls exceed these requirements.

C18 A rear setback of 2.4m applies to all levels of the building above ground level.

Comment – this control has been adopted for the podium element of the proposed envelope for the northern and eastern boundaries.

C19 A 2.4m building articulation area applies at the rear to all levels above the first floor. The articulation area is occupied by a combination of external and internal elements.

Note: This articulation area is calculated from the rear setback established in C18 above.

Comment – given the relationship to the Ranelagh car park at the northern boundary, the proposed envelope controls permit a 2.4m setback above ground level for the whole of the podium structure.

Chapter D3 - General Controls for Neighbourhood and Mixed Use Centres

C1 Deep soil landscaped area comprises at least 10% of the site area, with the exception of Hopetoun Avenue, where at least 15% of the site area is deep soil landscaped area.

Comment – the existing development on the site and the vast majority of development within the Edgecliff Mixed Use corridor has little to no landscaping. This is typical of commercial areas. In such locations, greening of the public domain is the most suitable location for the provision of deep soil planting. Additional green space is envisaged in the ECCS and the proposal will contribute to the cost of providing such spaces. Street tree planting around the site will also assist. Notwithstanding, the proposed site specific DCP provisions include landscape requirements to ensure that the site also contributes to the greening of the Edgecliff commercial area.

Chapter E1 Parking and Access

As discussed in **Appendix E**, the site is capable of accommodating parking in accordance with DCP requirements. The indicative scheme provides for less parking than is permitted, supporting sustainability objectives of reducing the need for private vehicles, particularly in areas that are well serviced by public transport.

Solar access

The indicative Concept Plans aim to demonstrate that a development designed having regard to the ADG can meet its solar access requirement of 2 hours for 70% of dwellings at midwinter. As documented in **Appendix D**, 71% of apartments in the indicative concept will achieve the required solar access.

The submitted shadow diagrams that have been prepared indicate that there is no unreasonable overshadowing of the public domain (including Trumper Park) or any residential properties (particularly No 158-160 New South Head Road). In accordance with SEPP 65 and the ADG, the potentially affected apartments in this adjoining building will retain a minimum of 2 hours solar access at midwinter (refer to assessment in **Appendix D**).

Privacy Impacts

Whilst some of the proposed setbacks to the north and east are less than those recommended by the ADG, future development can overcome any potential impacts by providing suitable privacy screens (as necessary). This is considered appropriate as:

- Screening will not overly compromise the amenity of future commercial spaces/apartments. The indicative scheme provides apartment designs that have dual aspect and as such screening on one of their elevations does not unreasonably affect amenity;
- The existing Ranelagh tower to the north is around 35m away and redevelopment of this site is unlikely given that the existing 31 storey building is well beyond the permitted controls.

View Impacts

The Draft Edgecliff Commercial Centre Planning and Urban Design Strategy (ECCS), notes in Section 3.4 that:

A number of taller apartment buildings in and around the ECC have largely uninterrupted regional views, with different apartments able to see views to the CBD skyline to the west, Harbour to the north, district views to the east, or regional views towards Centennial Park, Paddington and Darlinghurst to the south.

However, the issue of view loss does not appear to be a determining factor in considering the proposed building height and massing controls of the ECCS. This would indicate an acknowledgement by Council that views are not an 'as of right' amenity and that over time the redevelopment required in order to facilitate orderly growth of the city will have some adverse impact on views. Notwithstanding, the detailed study that is provided as a background report to the ECCS prepared by SJB includes an analysis of the view impacts of 2 options for the redevelopment of the Edgecliff Centre site. In relation to the most affected buildings, ie 'Eastpoint' (at 170 Ocean Avenue) and 'Oceanpoint' (at 180 Ocean Avenue), the preferred option has less impact than the alternative option. However, in both cases, dwellings in these building will lose part of their iconic CBD skyline views. In endorsing the ECCS for public exhibition, Council staff have acknowledged that some view

loss will result from the proposed changes to building heights and that this is acceptable having regard to the wider public benefits provided by the Strategy.

Although the subject site was not part of the analysis undertaken in the ECCS, the same overall rationale should be applied as it is located within the area to which the Strategy applies. In this case, as with the Edgecliff Centre, there will be view impacts on some surrounding buildings. However, given that the proposal will only facilitate a 12 storey building (consistent with the feedback provided by Council), these impacts are not considered to be unreasonable (given that in all cases at least some significant views will be retained) and will be offset by the 'greater good' provided by the proposal. Notwithstanding this, to give better understanding of the potential effect of the proposed changes to building height and FSR, the impacts on the 3 most potentially affected buildings (ie 'Eastpoint', 'Oceanpoint' and 'Ranelagh') have been considered in further detail.

In terms of the manner in which the view impacts are assessed, the comments by Dr Richard Lamb, who prepared a View Impact Analysis for the Edgecliff Centre Planning Proposal, are concurred with. Dr Lamb noted that in the consideration of the Land and Environment Court's *Tenacity* planning principles relating to view sharing, are of only limited applicability to a Planning Proposal, as there are no planning controls against which the 'reasonableness' of the proposal can be measured. Notwithstanding, as with Dr Lamb's report, we will provide a broad assessment of the principles of *Tenacity* (see below) based on the view diagrams contained in **Appendix C**. It is also worth noting that whilst Council rejected the Edgecliff Centre Planning Proposal, the Council assessment of view impacts only raised concern about the impacts on public views from surrounding areas and not private views. This again supports the conclusion that although there will be view impacts from redevelopment of the Edgecliff commercial centre, impacts on a limited number of private dwellings are outweighed by the significant public benefit that redevelopment can provide.

Ranelagh

1. assessment of views to be affected

The upper levels of this building have 360 degree views that include the CBD skyline, the Sydney Harbour Bridge and Opera House, the harbour generally and beyond the ridgeline of Oxford Street to the south. As one moves lower in the levels, the view becomes more restricted by various elements including topography, existing vegetation and buildings including, in close proximity 'Eastpoint', 'Oceanpoint' and the Edgecliff Centre. Also, the view is dependent on the orientation of the dwellings at each level. Only 2 of the 4-5 dwellings at each level of Ranelagh have an outlook towards the site (see **Figure 20**). All units have their primary views toward the CBD, Harbour Bridge or the harbour. The view toward the subject site are district views which at the higher levels extend beyond Oxford Street to the south, at the lower and mid-levels are generally to Oxford Street although at the lower levels, views are obstructed by the Edgecliff Centre development.

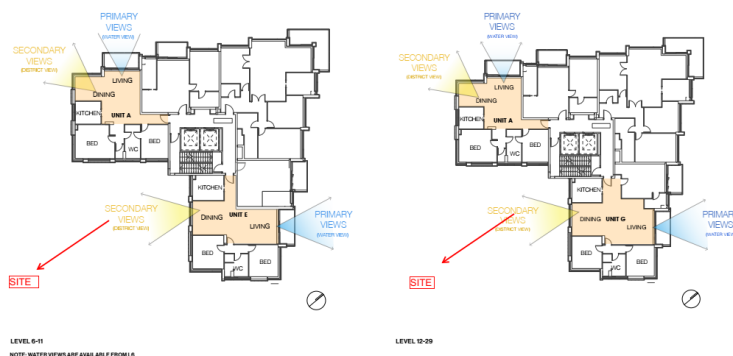


Figure 20 – relationship of Ranelagh apartments and their views to subject site.

2. consider from what part of the property the views are obtained

As indicated above and **Appendix C**, the views impacts relate very much to secondary views only as the affected units have their primary orientation and views to the north-east and north-west towards the Harbour Bridge/CBD and harbour generally. These secondary views are available from a seated and standing position.

3. assess the extent of the impact

The secondary district views are only affected below Level 13, and below Level 9, views are already impacted by the Edgecliff Centre building (see **Figure 21**). Given the retention of the primary and most important views and the retention of part of the southern view, the level of impact on the overall view available is not significant (see **Figure 22**). It should be noted that any significant redevelopment of the Edgecliff Centre site (such as proposed in the ECCS) will impact on these views to a similar degree.

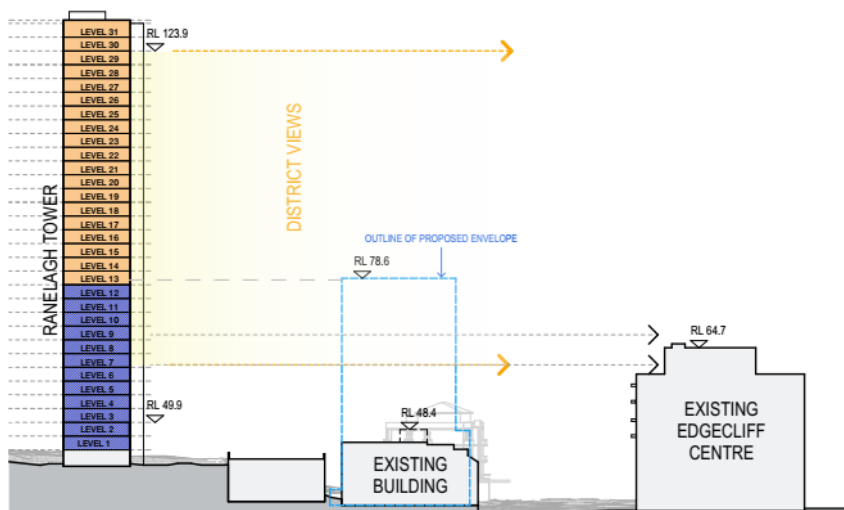


Figure 21 – Levels at which secondary district views are affected in Ranelagh

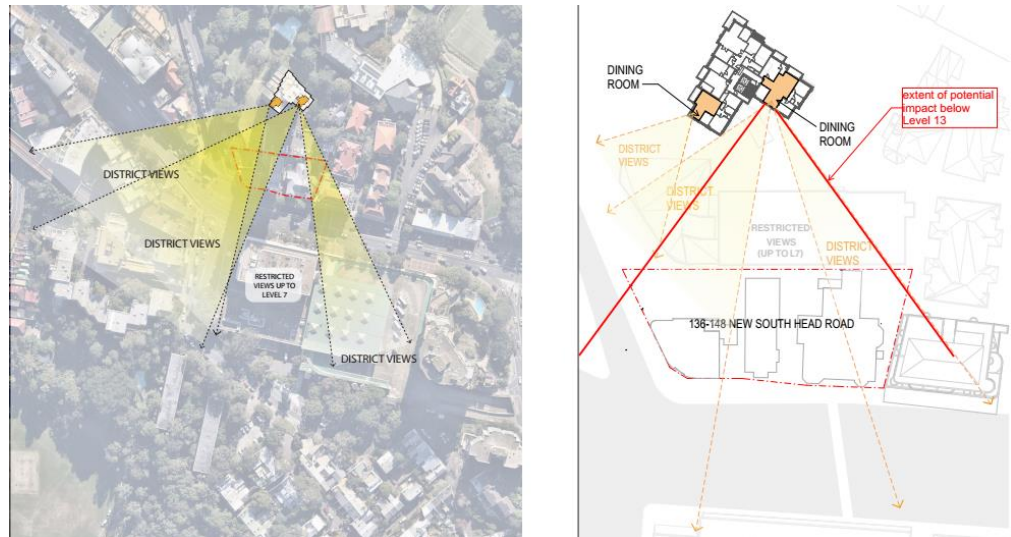


Figure 22 – extent of view affected below Level 13 of Ranelagh

4. assess the reasonableness of the proposal

As noted above there are no relevant controls as the existing controls are intended to be varied. However, the proposed building height has been shown to be ‘reasonable’ in the submitted Urban Design Report having regard to the metropolitan, district and local context and the existing and desired future character of the area (as detailed in Council’s previous ‘Opportunity Sites’ study and the current ECCS). Whilst there are some adverse impacts on a number of individual dwellings, it is considered that the overall benefits that will arise from the proposal, as discussed at length in this report, is sufficient to outweigh these impacts. Also as noted, in all cases, iconic views of the CBD skyline, Harbour Bridge and Opera House and harbour generally are unaffected by the proposal.

Also due to the angle of viewing from ‘Ranelagh’ to the subject site, any feasible redevelopment of the Edgecliff Centre site would block views to a similar extent as the proposal.

Eastpoint

1. assessment of views to be affected

The upper levels of this building have 360 degree views that include the CBD skyline, the Sydney Harbour Bridge and Opera House, the harbour generally and southward beyond the ridgeline of Oxford Street. The only elements that presently block the views are the ‘Ranelagh’ building directly to the north of the subject site and the ‘Oceanpoint’ building to the south. As one moves lower in the levels the view becomes more restricted by various elements including topography, existing vegetation and buildings. At the lowest habitable level the view is restricted by development on the northern side of New South Head Road and also the existing ‘Edgecliff Centre’ development to the west. Also the view is dependent on the orientation of the dwellings at each level. At levels 8-12 only 5 of the

11 dwellings have view toward the CBD and Harbour Bridge that are potentially affected. At levels 13-19, it is 3 of the 6 units.

2. consider from what part of the property the views are obtained

The views are generally available from seated and standing positions and in living areas and balconies and bedrooms of the apartments.

3. assess the extent of the impact

As indicated in the view diagrams at **Appendix C**, the views impacts range from insignificant (such as at Level 18 and Units 3 and 11 at Level 8), to more significant at other levels where Harbour Bridge and Opera House views are affected to varying degrees (see **Figure 23 and 24**). However, in all cases, iconic views of the CBD skyline will be retained. In some cases, harbour views to the north and north-east and views to the south will also be unaffected. The impact of the proposed building envelope only represents a small percentage of the overall view that is available in most cases.

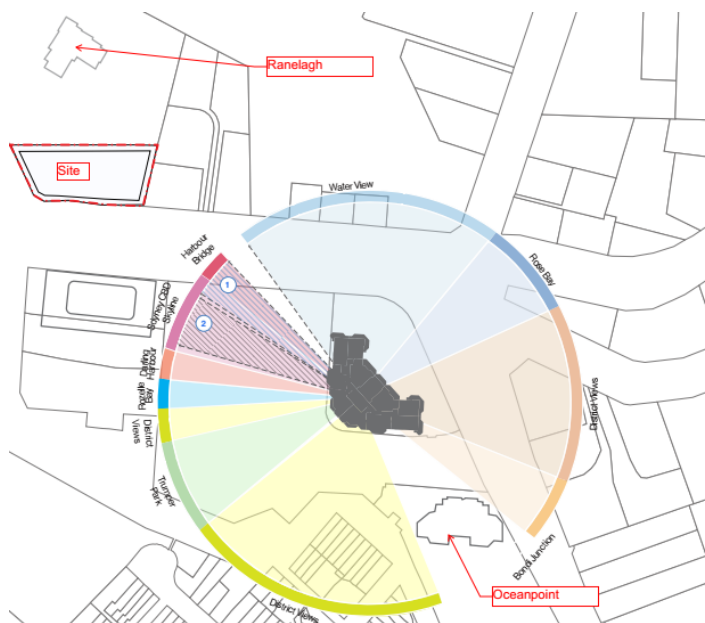


Figure 23 – extent of views available and affected in Eastpoint by existing buildings and proposed envelope

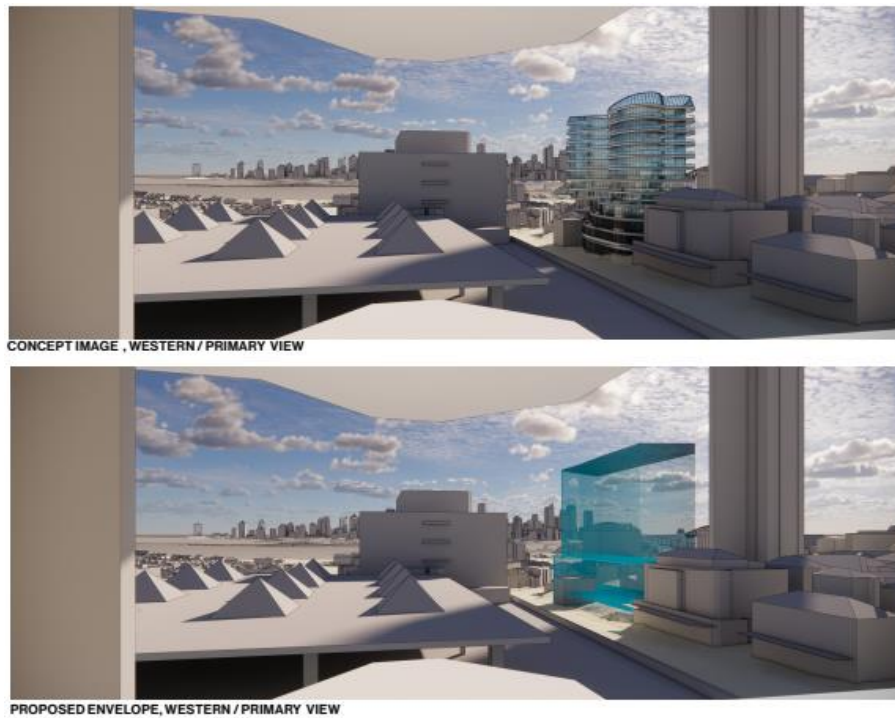


Figure 24 – example of impact (Unit 3 Level 8) indicating that majority of iconic CBD views will be retained

It should also be noted that the Planning Proposal relates to a building envelope and this has been designed to be 25-30% larger than the actual building to allow for design flexibility. As can be seen in the comparison of the building envelope with the indicative concept design in **Figure 24**, the detailed design process can result in reduced impacts.

4. assess the reasonableness of the proposal

As noted above there are no relevant controls as the existing controls are intended to be varied. However the proposed building height has been shown to be 'reasonable' in the submitted Urban Design Report having regard to the metropolitan, district and local context and the existing and desired future character of the area (as detailed in Council's previous 'Opportunity Sites' study and the current ECCS). Whilst there are some adverse impacts on a number of individual dwellings, it is considered that the overall benefits that will arise from the proposal, as discussed at length in this report, is sufficient to outweigh these impacts. Also as noted, in all cases, iconic views of the CBD skyline are unaffected by the proposal.

It is noted that unlike the ECCS, the Opportunity Site Study included the Edgecliff rail/bus interchange as part of the potential redevelopment area. It is considered that in the longer term, it would be a poor planning outcome for this site not to be redeveloped. Due to the angle of viewing from Eastpoint to the subject site, any feasible redevelopment of the interchange site (even as low as the existing Edgecliff Centre parapet) would block views over the subject site. Even if this site is not redeveloped, to retain existing views, the

3. assess the extent of the impact

As indicated in the submitted view diagrams, the views impacts range from zero for the apartments in the north-west corner of the building where views toward the site are already blocked by Eastpoint, to more significant at other locations where Harbour Bridge or Opera House views (or both) are affected to varying degrees. However in all cases, iconic views of the CBD skyline will be retained. In some cases, harbour views to the north and north-east and views to the south will also be unaffected (see **Figure 26**). The impact of the proposed building envelope only represents a small percentage of the overall view that is available in most cases.



WESTERN / PRIMARY VIEW

Figure 26 – example of impact (Unit 3 Level 4- lowest apartment level) indicating that majority of iconic CBD views will be retained

4. assess the reasonableness of the proposal

As noted above there are no relevant controls as the existing controls are intended to be varied. However the proposed building height has been shown to be ‘reasonable’ in the submitted Urban Design Report having regard to the metropolitan, district and local context and the existing and desired future character of the area (as detailed in Council’s previous ‘Opportunity Sites’ study and the current ECCS). Whilst there are some adverse impacts on a number of individual dwellings, it is considered that the overall benefits that will arise from the proposal, as discussed at length in this report, is sufficient to outweigh these impacts. Also as noted, in all cases, iconic views of the CBD skyline are unaffected by the proposal.

It is noted that unlike the ECCS, the Opportunity Site Study included the Edgecliff rail/bus interchange as part of the potential redevelopment area. It is considered that in the longer term, it would be a poor planning outcome for this site not to be redeveloped. Due to the angle of viewing from Oceanpoint to the subject site, any feasible redevelopment of the interchange site (even as low as the existing Edgecliff Centre parapet) would block views over the site.

Visual impacts (Public views)

Approaching the site from east along New South Head Road, the proposal will sit between the taller Ranelagh building and the existing Edgecliff Centre (at 7 storeys or the 26 storeys proposed in the ECCS). The proposed 12 storeys is compatible with these heights. Further,

the site is on an important corner – the gateway to the Darling Point peninsula. The proposal will visually reinforce the importance of this corner (see **Figure 27**).



Figure 27 – proposed envelope in the context of existing buildings and outline of envelopes proposed in the ECCS as viewed from the east on New South Head Road

From the west, approaching from Rushcutters Bay, the proposal will be predominantly hidden behind existing built form until one is relatively close to the site (see **Figure 28**). When it is visible, again, it will be compatible with the height of existing and potential future buildings.



Figure 28 – proposed envelope in the context of existing buildings and outline of envelopes proposed in the ECCS as viewed from the west on New South Head Road

From other area including locations such as Trumper Park or the Paddington conservation area, the building will be visible but will be consistent with the heights of existing and proposed future development (see **Figures 29 and 30**). It will contribute to the creation of a skyline within the Edgecliff commercial centre that will provide a visual marker for this important local centres.

The retention of the existing heritage building and demolition of non-descript buildings, provides the opportunity to achieve the Council aspirations of design excellence for Edgecliff, with a high quality building such as that illustrated in the concept plans. This outcome has the potential to enhance the visual quality of the area.

Further to the above, the proposed changes in height and bulk proposed in the ECCS, will result in more buildings of the scale proposed within the centre, further enhancing the compatibility of the proposed form.

To ensure that the bulk and scale of the building is commensurate with that assessed in this report, it is proposed to include draft provisions that can be included in Council's DCP to provide built form controls as detailed above.



Figure 29 – proposed envelope in the context of existing buildings and outline of envelopes proposed in the ECCS as viewed Trumper Park



Figure 30 – proposed envelope in the context of existing buildings and outline of envelopes proposed in the ECCS as near Cascade and Windsor Streets Paddington

Wind Impact

A wind impact assessment is provided at **Appendix J**. This concludes that: 'All locations are expected to meet the safety criterion. These wind conditions would be considered suitable for the intended use'.

Acoustic impact

The acoustic assessment that has been undertaken (see **Appendix K**), indicates that the relevant criteria regarding the impacts on the site from rail and road noise and from the future development on surrounding properties can be met.

Heritage

The site contains a heritage item at No 136 New South Head Road. An assessment of the heritage impacts is provided at **Appendix F**. This concludes that "Urbis considers that the proposed DCP provisions will ensure that the future development will maintain and enhance the heritage significance of the subject listed building. The indicative concept design is consistent with these principles and confirms that the overall heritage outcome for the site will be a positive one."

Further there is an assessment of the other existing buildings on the site and it is concluded that they are not of any notable significance and do not warrant retention or any other heritage measures.

Traffic and Parking

The Planning Proposal is accompanied by a Traffic and Parking Report at **Appendix F**. This report concludes that the Planning Proposal will not have any unacceptable implications in terms of road network capacity or off-street parking/loading.

Geotechnical and contamination issues

Preliminary geotechnical and contamination investigations have been undertaken and conclude that there are no issues that are likely to prevent reasonable redevelopment of the site (see **Appendices H and I** respectively).

4.3.2 Economic and Social Considerations

Has the planning proposal addressed any social and economic effects?

Economic effects

Council's recent ECCS study does not provide any detailed assessment of the economic impacts of the proposed changes to Woollahra LEP, however it is noted that the changes will reinforce the economic and civic role of the ECC. In relation to the subject site, Hill PDA have prepared a brief economic analysis (see **Appendix L**) which concludes that the proposal will generate economic activity equal to \$270.8M (\$130M of which will be in Woollahra LGA) during construction stage and \$10.4m post-construction. During construction 852 jobs (212 direct jobs) will be created and post-construction this will be 103 additional jobs per annum.

Social effects

The proposal will not result in any adverse social impacts. As discussed in **Section 4.2.2** above, the proposal is supportive of Council's Community Strategic Plan. The proposal will ultimately include an offer to enter into a VPA with Council to ensure that significant contributions for social infrastructure will be provided. This includes contributions towards affordable housing that will provide a significant social benefit in reducing mortgage and rental stress. Discussions with Council on these matters are ongoing.

4.4 State and Commonwealth Interests

4.4.1 Is there adequate public infrastructure for the planning proposal?

Transport

As noted previously the site has excellent access to public transport being on a major bus route and across the road from a rail/bus interchange. The site has access to regional road and bicycle systems providing numerous transport options for future residents and workers. No upgrade to the road network is required as a result of the proposal and the traffic impacts discussed in **Appendix E** indicate that the operation of the road network will not be unreasonably affected.

Site Services (Water, Sewer, Drainage, Electricity, Gas, Broadband)

The site is located within an existing developed area that is well catered for in terms of service infrastructure.

We understand that there is capacity within existing service systems for the proposal, subject to appropriate augmentation as necessary. Such augmentation is typically undertaken at the developer's cost and through service charges.

Education and Health Services

There are many public and private education options within close proximity of the site including the adjacent Ascham School.

Open space and recreation

The need for additional open space is typically dealt with by way of Council's Contributions Plan and the proposal will result in additional funds paid to Council for this purpose.

In addition to the above, there are a wide range of sporting and leisure opportunities a short distance away at Trumper Park and Rushcutters Bay Park.

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

Under the Gateway process the views of State and Commonwealth public authorities are not known until after the initial Gateway determination. This section of the planning

proposal will be completed following consultation with those public authorities nominated by the Gateway Determination.

4.5 Community Consultation

Under the Gateway process the level of community consultation is tailored for each planning proposal by the initial Gateway determination. The proposal has been designed to minimise environmental and amenity impacts on neighbouring properties, having regard to the context of the site which is well separated from established residential areas.

5. CONCLUSION

This Planning Proposal seeks amendment of Woollahra LEP 2014 to allow the subject land to accommodate a mixed use development to a height of 46m and an FSR of 5:1.

The proposal has been assessed pursuant to the relevant guidelines and in particular has been found to have both general strategic merit and site specific strategic merit. In this regard it:

- is located directly opposite Edgecliff railway station and bus interchange;
- is consistent with the '30 minute city' objectives of the regional and district plans as numerous major employment centres including Sydney CBD and Bondi Junction within 30 minutes by public transport;
- will maintain and enhance the employment generating potential of the site, whilst providing for a significant number of additional dwellings to meet growing demand;
- has a scale that is consistent with both the existing character of the area and the desired future character of the area as outlined in the Edgecliff Commercial Centre Strategy (ECCS). The scale and form of the building are embodied in site specific DCP provisions that will ensure that the significance of the existing heritage building on the site will be maintained and enhanced and that there is consistency with the existing urban form and streetscape;
- will provide significant monetary contributions to Council for community infrastructure including affordable rental housing to assist in easing rent stress in the locality;
- responds to the precedent for high density living in this precinct and will improve the level of activation of the commercial centre;
- is at the periphery of established residential areas which will minimise impact on existing lower density communities;
- will facilitate redevelopment of the site for a high quality mixed use building that will achieve design excellence and contribute to the creation of an exceptional local centre in Edgecliff.

This location has already been deemed strategically appropriate for such development by Council staff in Council's ECCS. The proposal is supportive of the objectives of the ECCS and will assist in creating a vibrant Edgecliff commercial centre.

The indicative concept plans that have been prepared demonstrate that the site can be developed with a high quality urban form that meets and exceeds the design requirements of the Apartment Design Guide. The development will contribute significantly to the local economy both during construction and from the influx of new residents and workers.

We are of the view that the Planning Proposal is a logical step in the strategic planning for this site and precinct. The locational attributes of the site mean that it is both highly accessible and impacts on established residential communities can be minimised. A planning agreement with Council will ensure that significant contributions will be paid to provide for any increased demand for community infrastructure and services arising from the future development of the site.

It is recommended that the Planning Proposal proceed through the Gateway determination process and be placed on public exhibition.

136-148 New South Head Road, Edgecliff Document List



The applicant submitted the following documents:

Document	Dated
Request for planning proposal application form, signed by Andrew Boyarsky	Received 9 November 2020 Signed September 2021
Response to pre-application comments prepared by Ingham Planning Pty Ltd	September 2021
Planning Proposal Report prepared by Ingham Planning Pty Ltd	September 2021
Urban Design Report prepared by Group GSA (Issue 10)	7 September 2021
Planning Proposal Concept Report prepared by Group GSA (Issue 7)	7 September 2021
Site Survey Plan prepared by Norton Survey Partners	19 June 2020
Traffic & Parking Assessment prepared by Colston Budd Rogers Kafes Pty Ltd	May 2021
Heritage Assessment prepared by Urbis dated 17 July 2021 & Statement	18 August 2021
View Study prepared by Ingham Planning and Group GSA	8 February 2022
Wind Impact Assessment (Revision 1) prepared by ARUP	23 June 2021
Acoustic Assessment prepared by Acoustic Logic (Revision 0)	15 June 2021
Contamination Investigation prepared by Douglas Partners	17 March 2021
Geotechnical Investigation prepared by Douglas Partners	17 March 2021
ESD Concept Advice prepared by Efficient Living	13 August 2021
Economic Benefits Assessment prepared by Hill PDA	25 August 2021
Preliminary Arboricultural Report (Revision b) prepared by tree iQ	2 July 2021

