

# 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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- 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 8723m<sup>2</sup> with the following distribution: 5872m<sup>2</sup> residential, 2851m<sup>2</sup> non-residential – includes 339m<sup>2</sup> heritage building, 2253m<sup>2</sup> office, 155m<sup>2</sup> 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)*

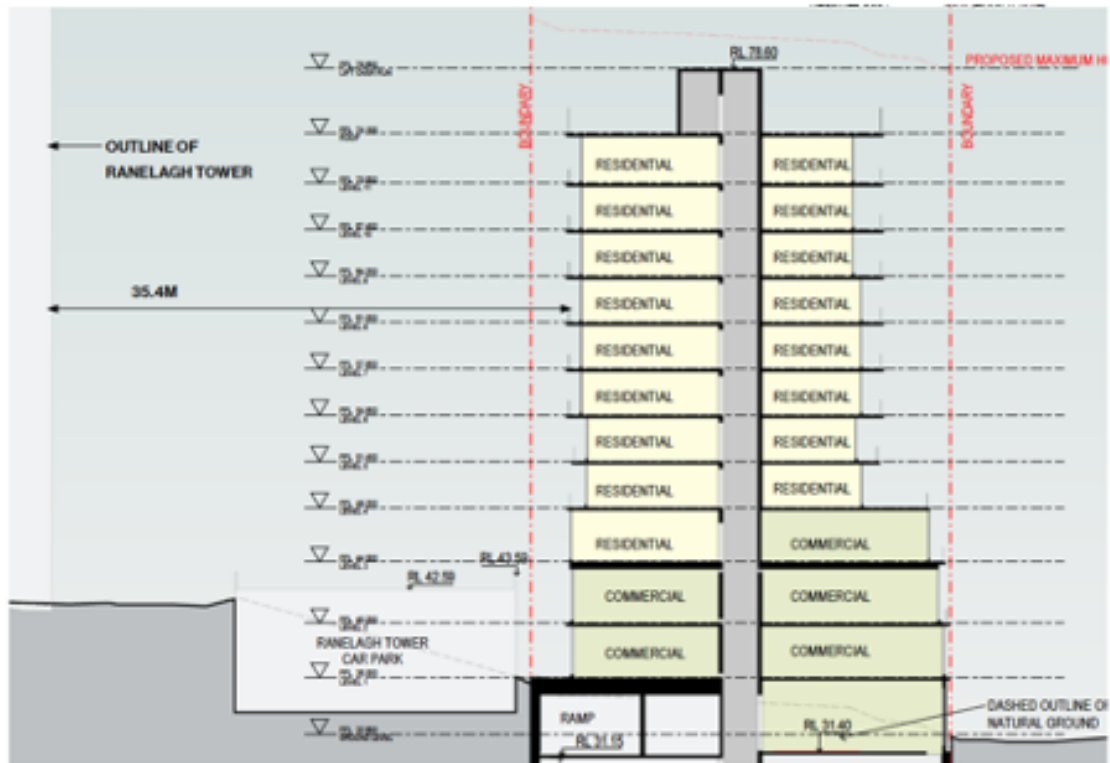
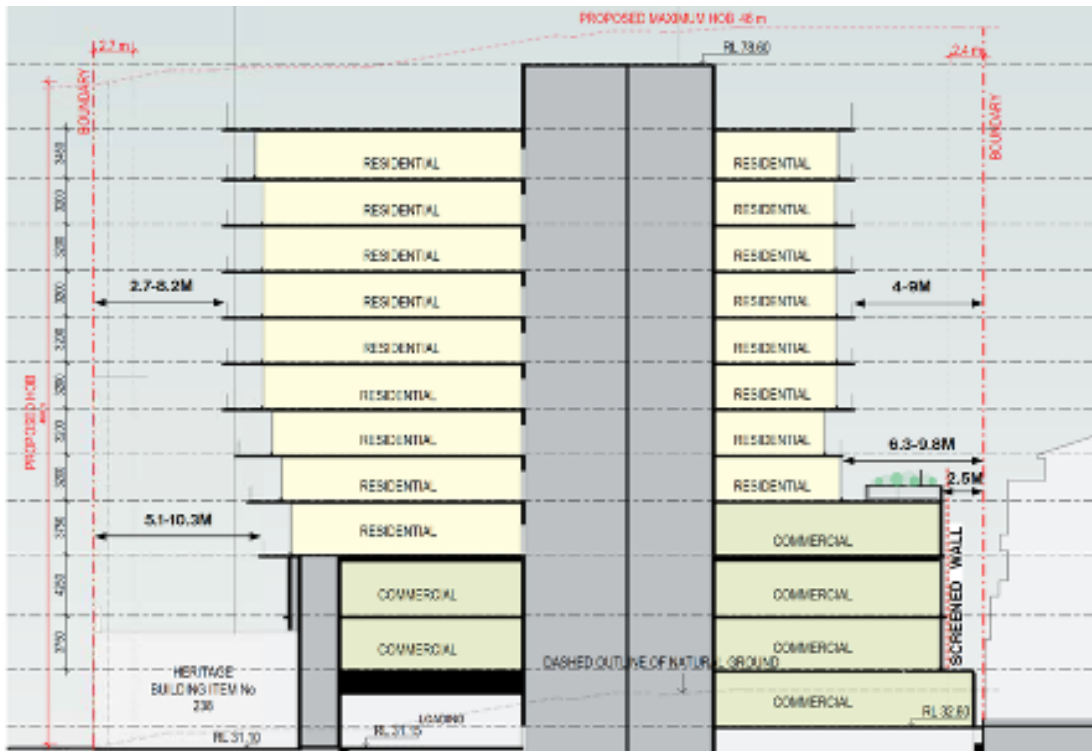


Figure 2: Indicative development concept cross section east-west (top) and north-south (Source: Source: Planning Proposal Concept Report, Group GSA 2021)



## 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 1746m<sup>2</sup> 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.

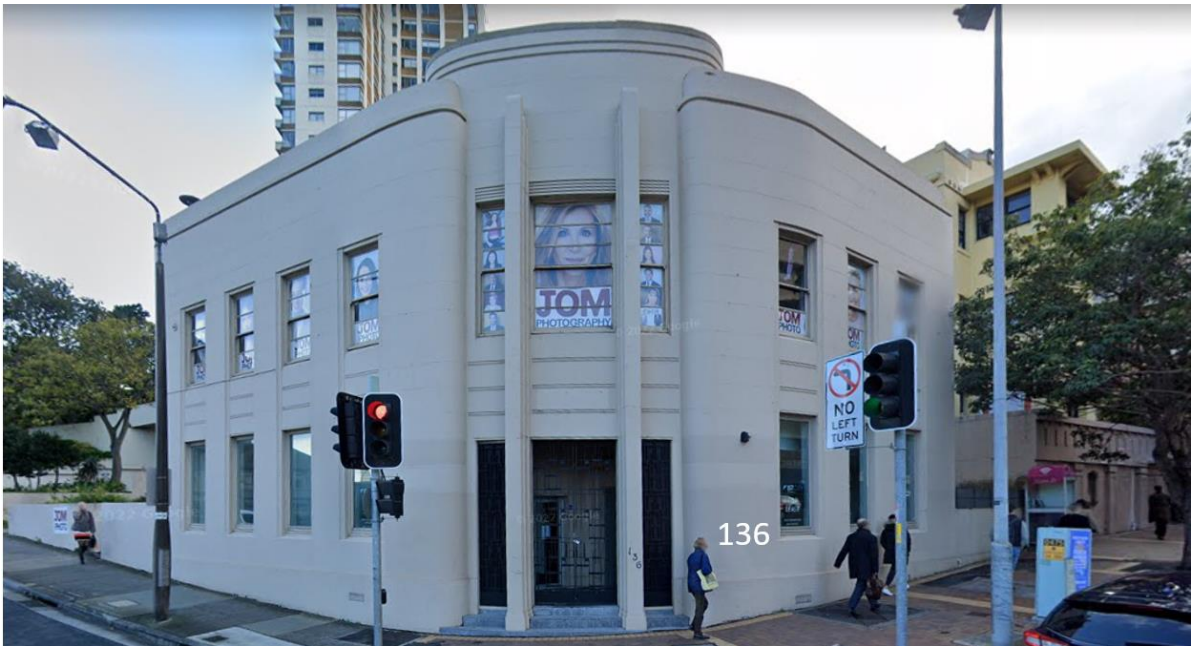


Figure 5: View of 136 New South Head Road - existing heritage item (Source: Google)

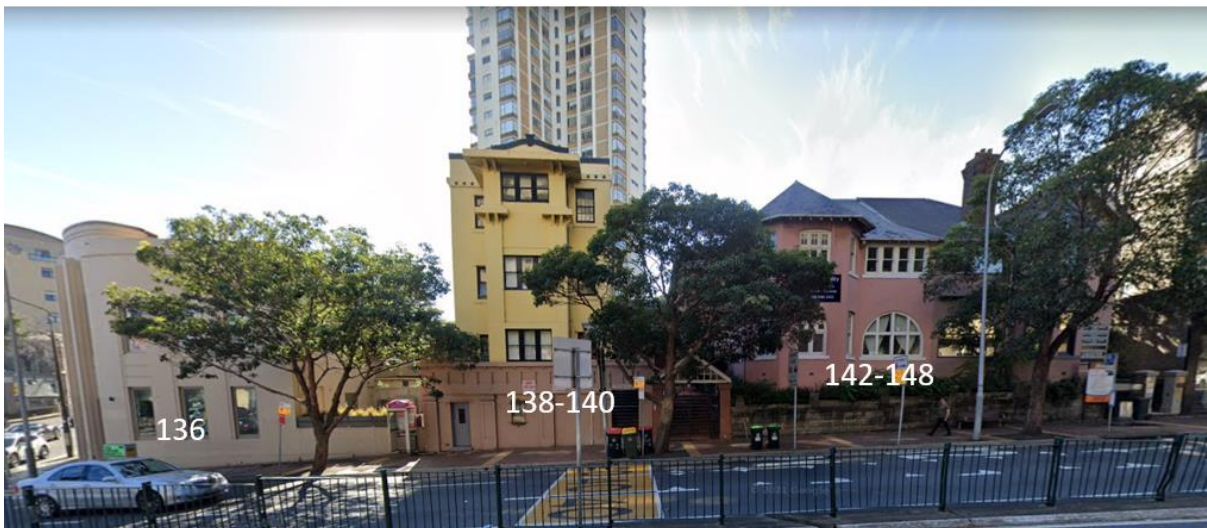


Figure 6: View of 142-148 New South Head Road (Source: Google)

## 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.

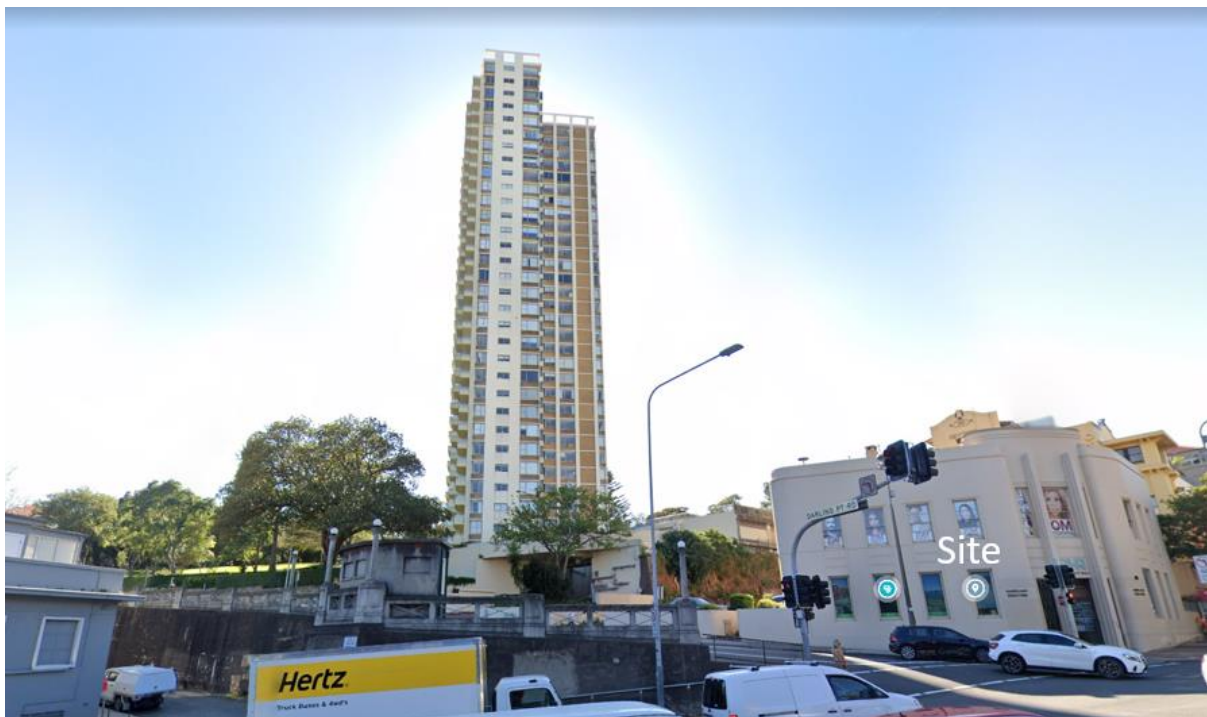
Immediately to the west of the subject site is a heritage listed retaining wall on Darling Point Road. Further to the west are numbers 100 -130 New South Head Road, with a range of building heights and styles. 100 New South Head Road is a taller building, adopting a scale similar to what could be constructed 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 8723m<sup>2</sup> 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 8700m<sup>2</sup>. 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

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
<b>1</b>	<b>Planning systems</b>	
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 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.
<b>2</b>	<b>Design and place</b>	
<b>3</b>	<b>Biodiversity and conservation</b>	
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.



<b>Planning proposal – Compliance with section 9.1 directions</b>		
<b>Direction</b>		<b>Applicable/comment</b>
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.
<b>4</b>	<b>Resilience and hazards</b>	
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.
<b>5</b>	<b>Transport and infrastructure</b>	
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"> <li>• Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</li> <li>• The Right Place for Business and Services – Planning Policy (DUAP 2001).</li> </ul>
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.

<b>Planning proposal – Compliance with section 9.1 directions</b>		
<b>Direction</b>		<b>Applicable/comment</b>
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.
<b>6</b>	<b>Housing</b>	
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.
<b>7</b>	<b>Industry and employment</b>	
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.
<b>8</b>	<b>Resources and energy</b>	
8.1	Mining, petroleum production and extractive industries	Not applicable. This planning proposal will not affect any of the nominated activities.
<b>9</b>	<b>Primary production</b>	
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**

<b>Direction</b>		<b>Applicable/comment</b>
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.