



# Woollahra Local Planning Panel (Public Meeting)

Thursday 22 February 2024  
1.00pm

## Agenda

### Woollahra Local Planning Panel (Public Meetings):

Woollahra Council will be holding Woollahra Local Planning Panel (WLPP) meetings remotely using conferencing technology. The Chair of the panel, members of the Panel and staff will be participating in meetings in person and members of the public may attend via audio-visual link.

In response to the Directive issued by the Minister for Planning & Public Spaces on 30 June 2020, the Woollahra Local Planning Panel was required to change the way applications are considered from 1 August 2020.

In this regard, the applications listed on this Agenda will be considered at a public meeting by the Panel.

Members of the public are invited to listen to Public meetings using conferencing technology. Public participation by phone will be managed in accordance with meeting procedures.

Instructions on how to join the meeting will be forwarded to person who have pre-registered to listen or make a submission to the panel.

This information will be forwarded on the day of the meeting via email.

Late correspondence may be submitted for consideration by the Panel. All late correspondence must be received by **12 noon on the day before the meeting**. Late correspondence is to be emailed to [records@woollahra.nsw.gov.au](mailto:records@woollahra.nsw.gov.au)

The Woollahra Local Planning Panel (Public Agenda), including the assessment report on the development application, will be publically available on Council's website six (6) days prior to the meeting at: [www.woollahra.nsw.gov.au/council/meetings\\_and\\_committees/agendas\\_and\\_minutes](http://www.woollahra.nsw.gov.au/council/meetings_and_committees/agendas_and_minutes)

Minutes of the Woollahra Local Planning Panel (Electronic Meeting) will be posted to Council's website once finalised.

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

A 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 (COVID-19):

- The Chair will call the Meeting to order and ask the Panel/Staff to present apologies and/or late correspondence.
- The Chair will commence the Order of Business as shown in the Index to the Agenda.
- To listen to the meeting, please register by sending your name, phone number, email address and item you are interested in to [records@woollahra.nsw.gov.au](mailto:records@woollahra.nsw.gov.au) by **12 noon on the day before the meeting**.
- To register to speak at the meeting, you should register using the appropriate 'Register to address the Panel Application Form' as available on Council's website at: [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au) by **12 noon on the day before the meeting**.
- Members of the Public who have pre-registered to listen or speak at a meeting will be sent an email with the audio-visual link prior to the meeting. Please **do not** share the audio-visual link with any third party/ies.
- Members of the Public who have pre-registered to speak will be allowed three (3) minutes in which to address the Panel, one (1) warning bell will be rung at the conclusion of two (2) minutes and two (2) warning bells rung at the conclusion of three (3) 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 three (3) minutes, the speaker takes no further part in the debate unless specifically called to do so by the Chair.
- If there is more than one (1) person wishing to address the Panel from the same side of the debate, the Chair will request that where possible a spokesperson be nominated to represent the parties.
- After considering any submissions the Panel will debate the matter (if necessary) in closed session, and arrive at a resolution.
- Minutes of the Woollahra Local Planning Panel (Public Meeting) will be posted to Council's website once finalised.

### Disclaimer:

By speaking at the Woollahra Local Planning Panel (WLPP) 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. Accordingly, please ensure your address to Council is respectful and that you use appropriate language and refrain from making any defamatory statements or discriminatory comments.

Woollahra Council does not accept any liability for statements, comments or actions taken by individuals during a Council meeting.

Any part of the meeting that is held in closed session will not be recorded.

People connecting to this meeting by conferencing technology are reminded that under the *Local Government Act 1993*, the recording of meetings by a member of the public using any electronic recording device including a mobile phone or video camera is not permitted. Any person found recording without the permission of Council may be expelled from the meeting.

The recording of each meeting will be retained on Council's website for a minimum period of 6 months. After that period has passed, recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

For further information please visit [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au)

### Woollahra Local Planning Panel Membership:

1 Chair, 2 Experts and 1 Community Representative

### Quorum:

3 Panel members

# Woollahra Municipal Council

## Notice of Meeting

14 February 2024

To: Woollahra Local Planning Panel Members  
*Chair*  
*Experts*  
*Community Representative*

Dear Panel Members,

### Woollahra Local Planning Panel (Public Meeting) – 22 February 2024

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Woollahra Local Planning Panel (Public Meeting)** meeting to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Thursday 22 February 2024 at 1.00pm.**

Members of the public may:

- Register to address the meeting by **no later than 12 noon on the day before the meeting** using the following Register to Speak Form  
[https://www.woollahra.nsw.gov.au/council/meetings\\_and\\_committees/planning\\_panels/woollahra\\_local\\_planning\\_panel\\_wlpp/wlpp\\_register\\_to\\_speak](https://www.woollahra.nsw.gov.au/council/meetings_and_committees/planning_panels/woollahra_local_planning_panel_wlpp/wlpp_register_to_speak).
- Submit late correspondence for consideration by the Panel by emailing [records@woollahra.nsw.gov.au](mailto:records@woollahra.nsw.gov.au) by **no later than 12 noon on the day before the meeting.**
- Watch and listen to the meeting live via Council's website **from 1.00pm on the day of the meeting:**  
[https://www.woollahra.nsw.gov.au/council/meetings\\_and\\_committees/planning\\_panels/woollahra\\_local\\_planning\\_panel\\_wlpp/wlpp\\_agendas\\_audio\\_recordings\\_and\\_minutes](https://www.woollahra.nsw.gov.au/council/meetings_and_committees/planning_panels/woollahra_local_planning_panel_wlpp/wlpp_agendas_audio_recordings_and_minutes)

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

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

Regards,

Craig Swift-McNair  
General Manager





**Woollahra Local Planning Panel  
(Public Meeting)  
Agenda**

<b>Item</b>	<b>Subject</b>	<b>Page</b>
1	Opening	
2	Acknowledgement of Country (Gadigal People and Birrabirragal People)	
3	Leave of Absence and Apologies	
4	Disclosures of Interest	

**Items to be Decided by the Panel**

D1	Planning Proposal - 8-10 New McLean Street, Edgecliff - 24/13179 .....7 <b>*See Recommendation Page 7</b>
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**Item No:** D1  
**Subject:** **PLANNING PROPOSAL - 8-10 NEW MCLEAN STREET, EDGECLIFF**  
**Authors:** Charmaine Tai, Strategic Planner  
Lyle Tamlyn, Acting Team Leader Strategic Planning  
**Approvers:** Anne White, Manager Strategic Planning & Place  
Scott Pedder, Director Planning & Place  
**File No:** 24/13179  
**Purpose of the Report:** To seek the advice of the Woollahra Local Planning Panel in relation to a request for a planning proposal to amend the planning controls that apply to 8-10 New McLean Street, Edgecliff under the Woollahra Local Environmental Plan 2014  
**Alignment to Delivery Program:** Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

**Recommendation:**

- A. THAT the Woollahra Local Planning Panel advises Council not to support the request for a planning proposal for 8-10 New McLean Street, Edgecliff, which seeks to amend the *Woollahra Local Environmental Plan 2014* in the following manner:
- Insert a new *Schedule 1 Additional permitted use* clause allowing the following land uses:
    - Commercial premises (including but not limited to business and office premises, food and drink premises and shop);
    - Community facilities;
    - Recreation facilities (indoor); and
    - Medical centres.
  - Amend the maximum height of building (HOB) development standard as follows:
    - Increase from 10.5m to 36.5m across the site, and
    - Establish a maximum HOB of RL110 for the tower component.
  - Amend the maximum floor space ratio (FSR) development standard from 0.75:1 to 4.5:1.
  - Insert new *Part 6 Additional local provisions* clause to establish a requirement that a site-specific development control plan is prepared prior to development consent.
- B. THAT the Woollahra Local Planning Panel advises Council that, should a Gateway determination be received:
- (i) Any planning agreement proposed by the proponent be prepared in accordance with the adopted *Woollahra Voluntary Planning Agreement Policy 2020*.
  - (ii) The planning proposal and any draft voluntary planning agreement should be exhibited concurrently.

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**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 11 August 2023, Council received a request for a planning proposal in relation to 8-10 New McLean Street, Edgecliff. The intention of the planning proposal is to facilitate redevelopment of the site for a mixed use building in the form a 25 storey tower.

The planning proposal is provided at **Attachment 1**. In summary the amendments to the Woollahra LEP 2014 seek to:

- Permit commercial premises, community facilities, indoor recreational facilities and medical centres in the form of shop top housing on R3 Medium Density Residential zoned land at 8-10 New McLean Street.
- Introduce dual height controls to permit 36.5m across the site and a RL110 for the 'L-shaped' tower element in the middle of the site.
- Increase the maximum FSR from 0.75:1 to 4.5:1.
- Require a site specific development control plan (DCP) to be prepared prior to the issue of development consent, as required by a draft Woollahra LEP 2014 clause.

The proponent submitted a concept proposal to illustrate the built form that could be achieved under the provisions in the planning proposal. A voluntary planning agreement (VPA) letter of offer accompanies the planning proposal.

Council staff have assessed the planning proposal (see **Attachment 2**) and do not consider that it demonstrates strategic and site-specific merit.

We recommend that the Woollahra LPP provides advice to Council not to proceed with the planning proposal in the manner set out in the report recommendation.

### **Discussion:**

#### Reason for report to the Woollahra Local Planning Panel

On 27 September 2018, the Minister for Planning issued a Local Planning Panel Direction – Planning Proposals:

1. *A Council to whom this direction applies is required to refer all planning proposals to be prepared after 1 June 2018 to the local planning panel for advice, unless the council's general manager determines that the planning proposal relates to:*
  - (a) *the correction of an obvious error in a local environmental plan*
  - (b) *matters that are of a consequential, transitional, machinery or other minor nature, or*
  - (c) *matters that council's general manager considers will not have any significant adverse impact on the environment or adjoining land.*
2. *When a planning proposal is referred to the panel, it must be accompanied by an assessment report prepared by council staff setting out recommendations, including whether or not the planning proposal should proceed.*
3. *A proposal is to be referred to the local planning panel before it is forwarded to the Minister under section 3.34 of the Environmental Planning and Assessment Act 1979 (the Act).*

In this case, the planning proposal is required to be referred to the Woollahra LPP because the General Manager has not made a determination in regard to items 1(a)-(c) above.

#### The site

The site is described as 8-10 New McLean Street, Edgecliff and is legally known as Strata Plan No. 20548. It is located on the southern side of New McLean Street (**Figure 1**) and falls to the south, with a high point located along New McLean Street.

The site has a frontage of approximately 121m to New McLean Street and a total area of 7,226sqm. It contains two five storey residential flat buildings (**Figure 2**), with a two storey car park accessed via New McLean Street.



The site is located in the Paddington Heritage Conservation (HCA), and adjoins the Edgecliff Commercial Centre (ECC).



**Figure 1: Aerial photograph of the site and immediate surrounds.**  
(Source: Woollahra Municipal Council)



**Figure 2: Existing five storey residential flat buildings on site viewed from south.**  
(Source: Woollahra Municipal Council)



### Surrounding development

Development surrounding the site comprises a range of mixed use development, low and medium density residential dwellings ranging from two to four storeys and open space. Refer to **Figures 3-6**.

To the north, is the rear of the Edgecliff Centre, which currently facilitates access to the carpark for the centre and delivery bays for goods loading via New McLean Street. To the south, is Trumper Park which directly adjoins the full length of the site's rear boundary. To the east, are low density terrace houses in the HCA streets of Cameron Street and Bowes Avenue. To the west, is a residential complex known as 'Wimbledon' containing approximately 60 residential units with four storey street walls along New McLean Street.



**Figure 3: Existing development immediately to the north along New McLean Street**  
(Source: Google Maps, 2023)



**Figure 4: Existing development immediately to the east of the site**  
(Source: Google Maps, 2023)



**Figure 5: Trumper Park immediately to the south of the site**  
(Woollahra Municipal Council)



**Figure 6: Existing residential development immediately west along New McLean Street**  
(Source: Google Maps, 2021)

### Transport and access

The site's vehicular access is via New McLean Street, which connects to New South Head Road, a major arterial road corridor connecting to the Sydney CBD to the west, Vaucluse to the north and Bondi Junction via Old South Head Road.

The site is accessible from the Edgecliff train station and bus interchange, located on the northern side of New McLean Street.

The nearby section of New South Head Road is proposed to have a future cycleway in the recently adopted *Woollahra Active Transport Plan 2022*.

New South Head Road and its intersection at Darling Point Road/New McLean Street are identified in the *Draft Woollahra Integrated Transport Strategy 2021* as experiencing an unacceptable level of traffic congestion during weekday peak periods.



### Draft Edgecliff Commercial Centre Planning and Urban Design Strategy

The *Draft Edgecliff Commercial Centre Planning and Urban Design Strategy* (draft ECC Strategy) provides direction for growth. **Figure 7** outlines the extent of the study area.

It envisions a mix of commercial, retail, residential uses and recommends that all new development is accompanied by community infrastructure, affordable housing and public domain improvements. The indicative massing of proposed built form are illustrated in **Figure 8**.



**Figure 7: Draft ECC Strategy study area**



**Figure 8: Indicative massing of building form for uplift sites, as per Draft ECC Strategy**

An intentional benefit of targeting development in the ECC is to focus housing and employment growth in one of our key centres, and reduce pressure for uplift on other land, particularly that bordering the ECC. This is to prevent 'density creep'. In this regard, staff note that neither the site, nor any land in the R3 Medium Density Residential zone is identified for uplift.

The uplift identified in the draft ECC Strategy has been identified to meet the Woollahra LGA's housing targets of 500 and 400, for 2021-2026 and 2026-2036 respectively. With other strategies and site-specific uplift, staff anticipate they will likely be exceeded.

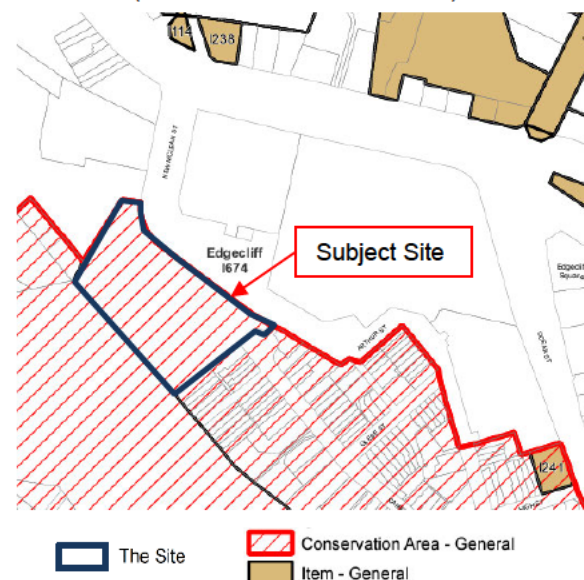
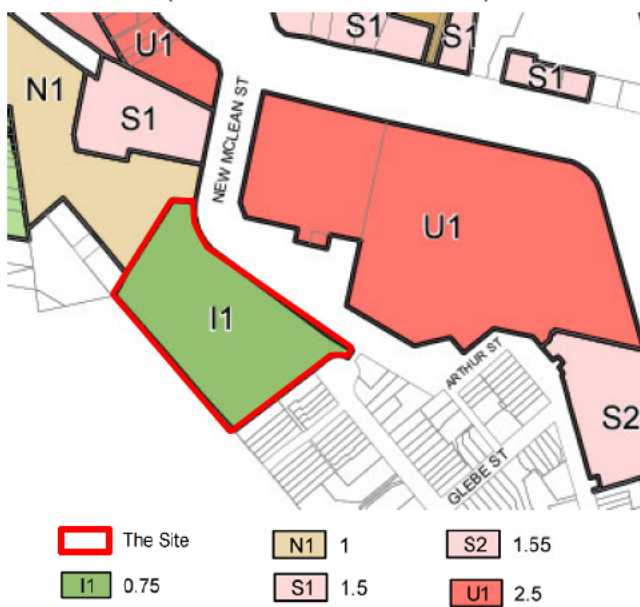
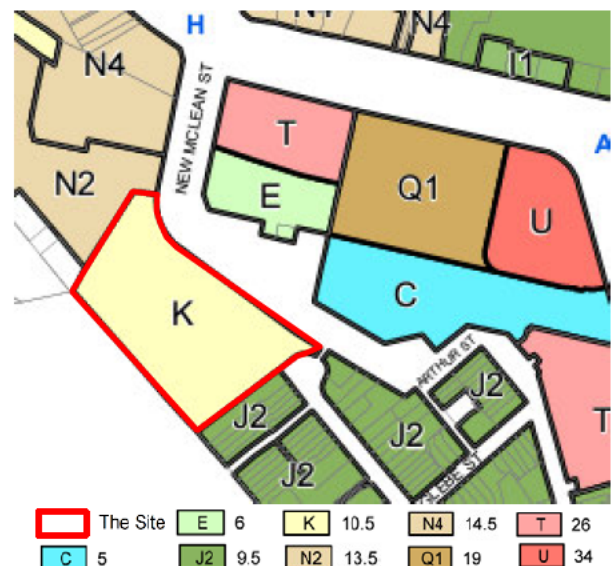
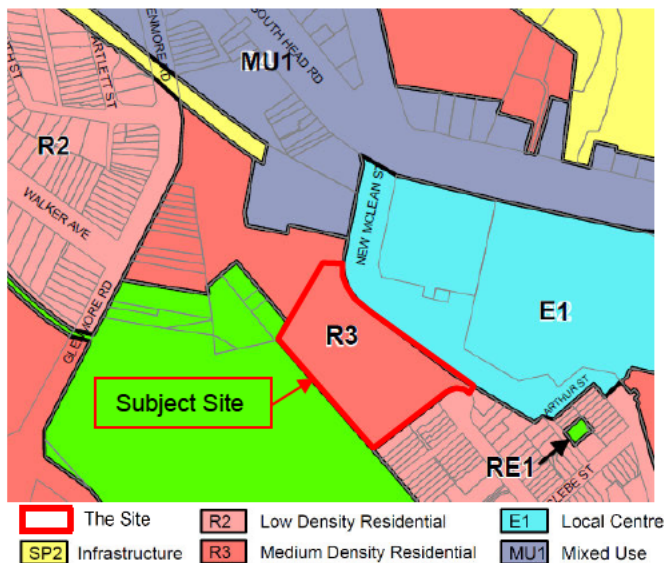


## Current planning controls

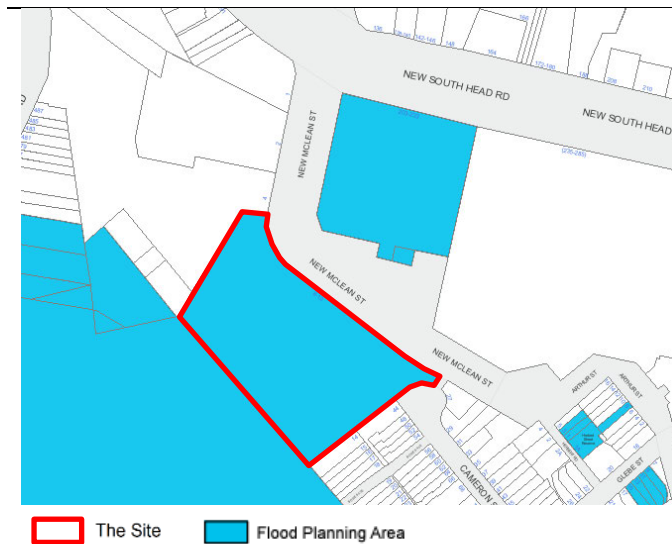
The Woollahra LEP 2014 is the principal environmental planning instrument applying to the site. **Table 1** and **Figures 9 – 13** below outline relevant provisions.

Woollahra LEP 2014 provision	8-10 New McLean Street controls
Clause 2.1 Land use zone	R3 Medium Density Residential
Clause 4.3 Height of building	10.5m
Clause 4.4 Floor space ratio	0.75:1

**Table 1: Existing provisions applicable under the Woollahra LEP 2014**







**Figure 13: Flood Planning Map extract**  
(Source: Woollahra LEP 2014)

As previously noted, the site is located in the Paddington HCA, bordering the ECC to the north. The desired future character of this area provides for retention of the unique heritage significance of Paddington, introduction of well-designed contemporary buildings, and reinforcement of a building scale that respect the historic built form of the HCA.

The *Paddington Floodplain Risk Management Study and Plan* indicates potential for flooding on the development site.

The *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) applies to the site.

### Background

Council staff met with the proponent on three occasions prior to the proponent submitting the request for a planning proposal. See detailed discussion in the Staff Assessment report (**Attachment 2**). A copy of the minutes accompanying the Staff Assessment report is provided at **Attachments 5 and 6**.

Council's letter included an indication that a 22 storey tower with rooftop plant above was excessive for the site and that the additional use of *food and drink premises* needs to be fully justified via a retail impact/demand study and assessment of the unique characteristics of the site.

### Planning proposal request

On 11 August 2023, the proponent submitted a planning proposal, seeking the following amendments to the Woollahra LEP 2014:

- Insert a new *Schedule 1 Additional permitted use* clause allowing the following land uses:
  - Commercial premises (including but not limited to business and office premises, food and drink premises and shop);
  - Community facilities;
  - Recreation facilities (indoor); and
  - Medical centres.
- Amend the maximum HOB development standard as follows:
  - Increase from 10.5m to 36.5m across the site, and
  - Establish a maximum HOB of RL110 for the tower component.

- Amend the maximum FSR development standard from 0.75:1 to 4.5:1.
- Insert new *Part 6 Additional local provisions* clause to establish a requirement that a site specific development control plan is prepared prior to development consent.

The documents provided in support of this request are available on Council's website at the link below, and **Attachment 3** contains a list of these documents.

<https://www.woollahra.nsw.gov.au/8-10-New-Mclean-Street-Edgecliff>

The planning proposal is provided at **Attachment 1**.

The objective of the planning proposal is to facilitate redevelopment of the site to enable a mixed use building which will facilitate a 25 storey tower, which in the concept design includes 3-10 storey podiums.

The proponent submits that it will establish appropriate planning provisions to address demonstrated retail and residential demand within the Edgecliff Local Centre.

The planning proposal is classified as a "complex planning proposal" based on the categories in the *Local Environmental Plan Making Guideline* (LEP Guideline).

The planning proposal satisfies 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.
- The justification for the objectives, outcomes and provisions and a process for implementation.
- Details of the community consultation that is to be undertaken.

The proposed amendments to the HOB and FSR Maps are provided in **Figures 14-15**.

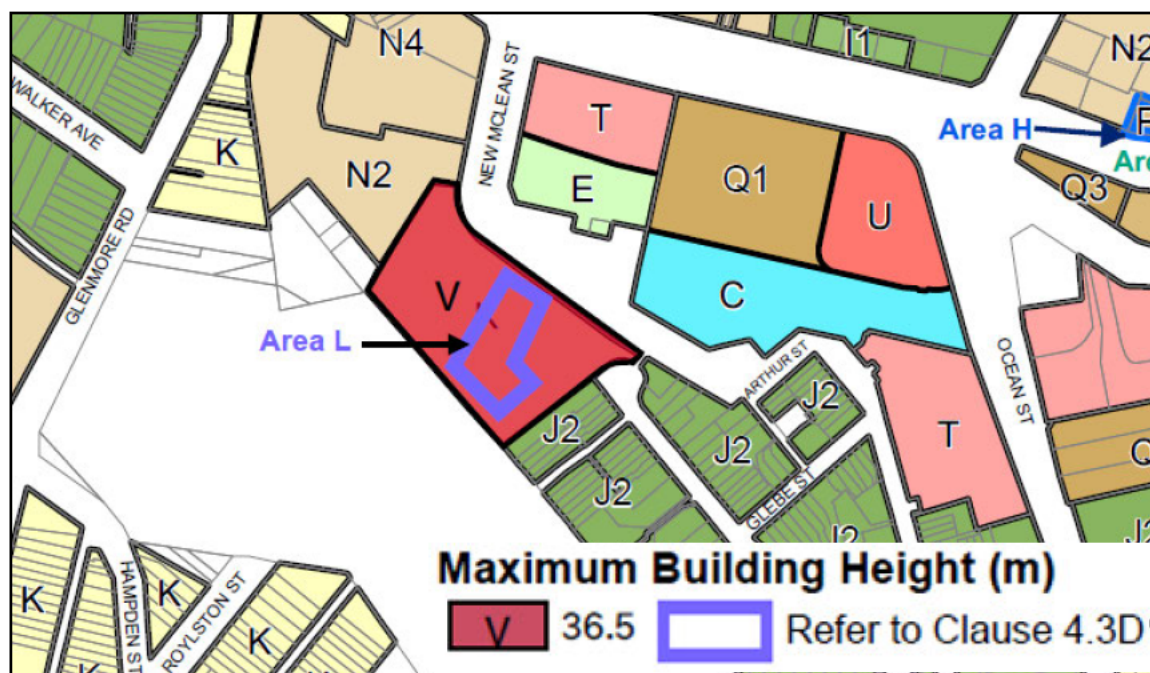


Figure 14: Proposed HOB Map (Source: Planning Ingenuity Pty Ltd)

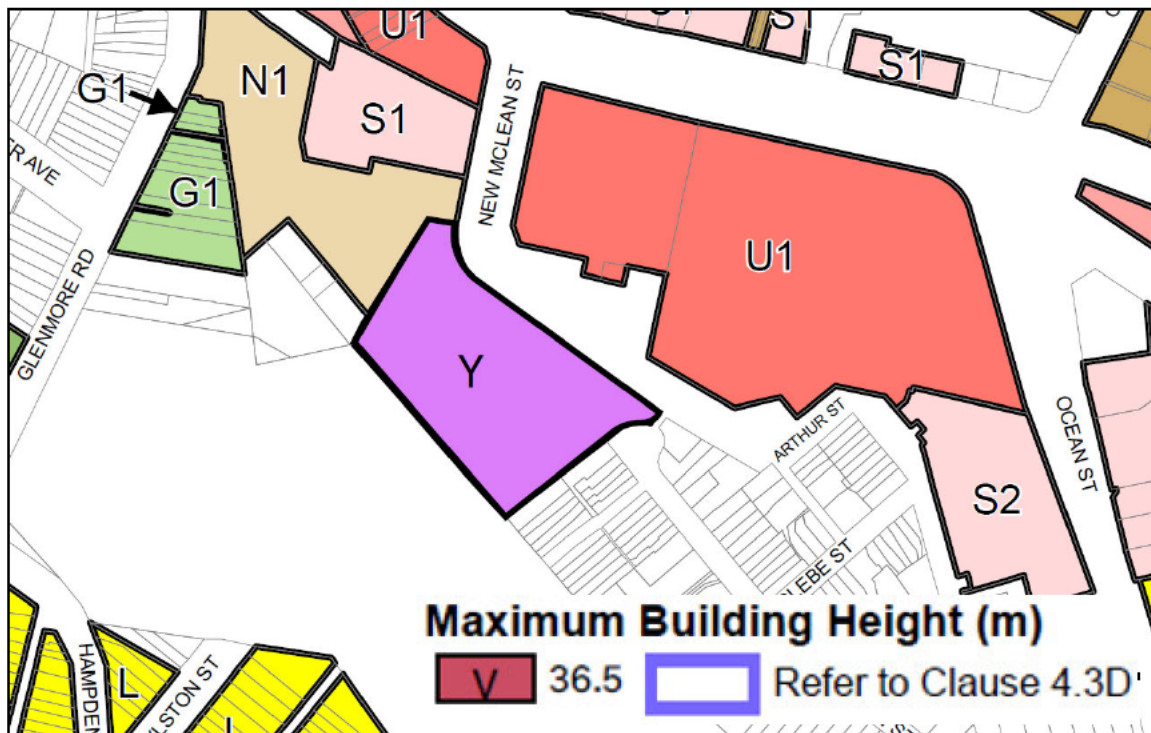


Figure 15: Proposed FSR Map (Source: Planning Ingenuity Pty Ltd)

To support the planning proposal, the proponent submitted, amongst other things:

- An indicative 3D model of the proposed building envelope in relation to the surrounding context (**Figures 16-17**).
- A concept proposal to illustrate the development proposed to be constructed under the revised planning provisions (**Figures 18-19**).

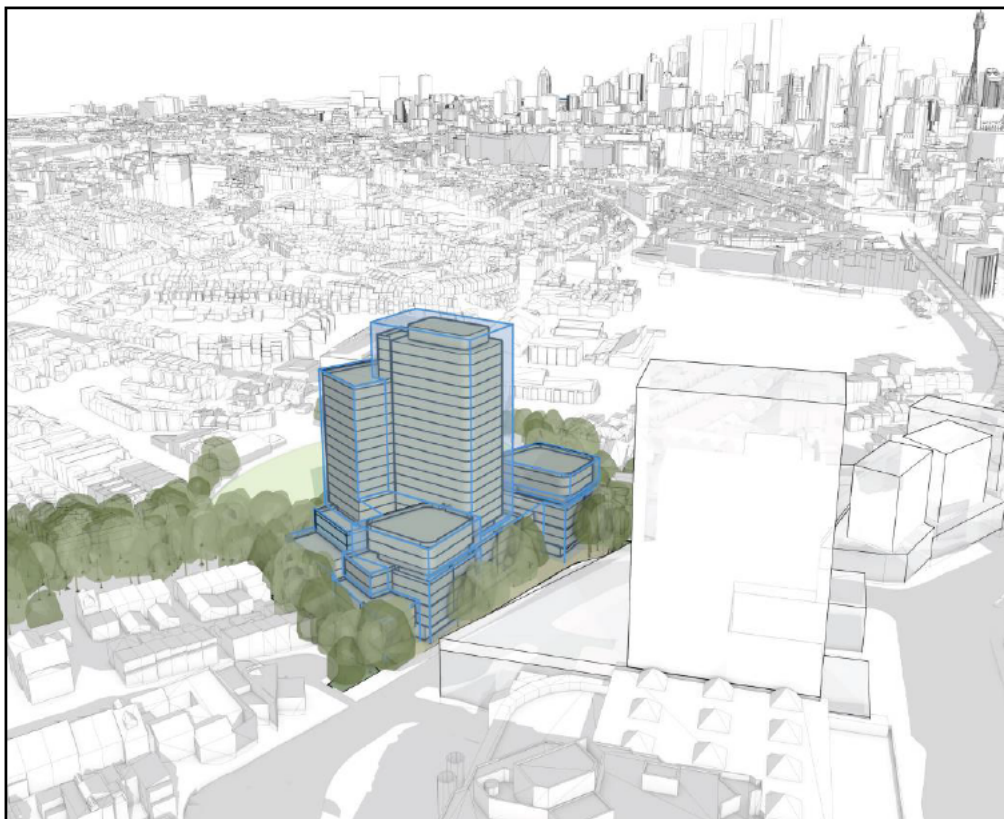
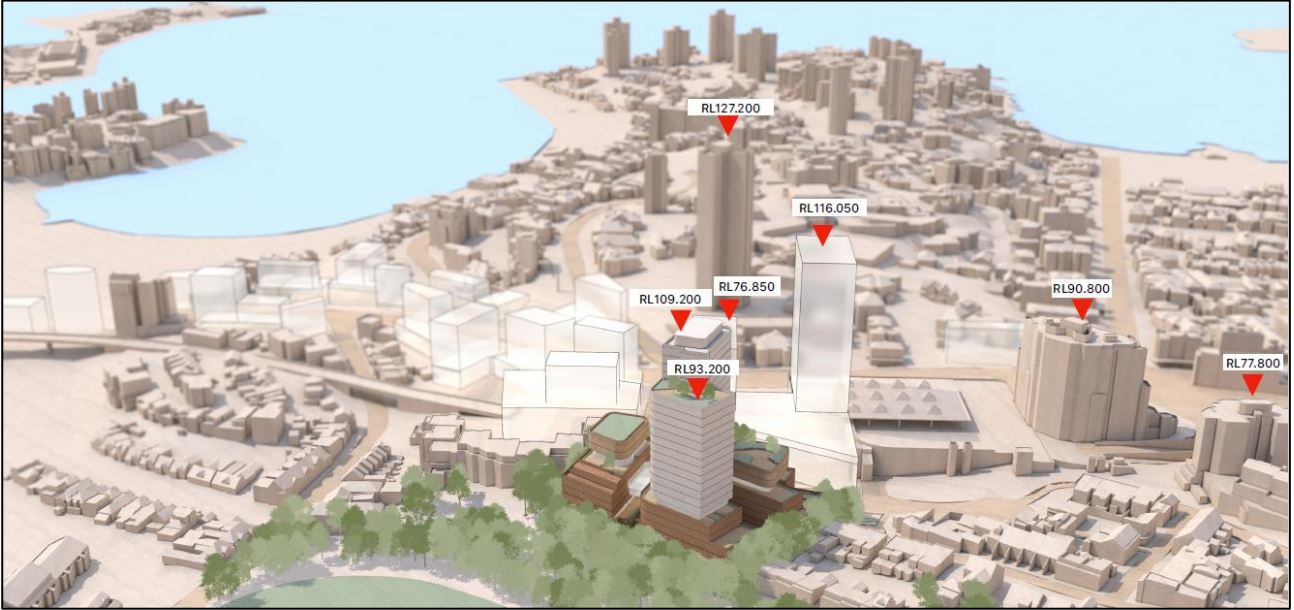


Figure 16: 3D model of the proposed building envelope in relation to the draft ECC Strategy's proposed built form and surrounding developments  
(Source: fjcstudio)





**Figure 17: 3D model of the proposed building envelope in relation to the draft ECC Strategy's proposed built form and surrounding developments**  
(Source: fjcstudio)



**Figure 18: Concept proposal viewed from New McLean Street frontage**  
(Source: fjcstudio)



**Figure 19: Concept proposal showing ground floor retails and central plaza, as viewed from New McLean Street frontage**  
(Source: fjcstudio)

Council's planning staff have also provided a broad assessment of the indicative development concept as it is a clear expression of the built form outcome intended for the site.

The concept proposes a mixed use development comprising:

- A total (gross floor area) GFA of 31,300sqm allocated as follows:
  - 28,300sqm of residential floor space
  - 2,000sqm of retail/commercial floor space
  - 1,000sqm of community space
- A total of 256 residential units comprised of:
  - 61 x 1 bedroom units
  - 124 x 2 bedroom units
  - 71 x 3 bedroom units
- A five level basement car park providing 423 car parking spaces, plant rooms, storage and loading dock
- A through-site link from New McLean Street to Trumper Park

#### Rezoning review

On 23 January 2024, the applicant lodged a rezoning review (RR-2023-22) with the Department of Planning, Housing and Infrastructure (DPHI). Under section 3.32 of the Act, an applicant may request a rezoning review where Council:

1. *Has not supported a request for a planning proposal, or*
2. *Has not made a decision within 90 or 115 calendar days (depending on the planning proposal category) on a request for a planning proposal, or*

3. *Has not submitted a planning proposal for a Gateway determination within a reasonable time after indicating its support.*

Despite the fact that staff requested additional information to facilitate a robust assessment, which increased the time taken to progress the planning proposal, reason two applies in this case.

Staff received a letter from the DPHI on 24 January 2024 (**Attachment 4**) to notify Council of the rezoning review and to request a written response by 14 February 2024 with the following:

- Any comments and additional information on the planning proposal; and
- Confirmation that the proposal is consistent with the version submitted to Council; and
- Confirmation whether Council wishes to nominate itself as the Planning Proposal Authority (PPA).

On 13 February 2024, staff responded to the DPHI providing an update on our assessment, noting that the version received was correct and confirmed that Council did not wish to nominate itself as the PPA. Staff determined that it was not appropriate for Council to act as PPA, given our opposition to the proposal.

The DPHI is holding a briefing for the rezoning review on 28 February 2024. During the briefing, staff will have the opportunity to present information to the Sydney Eastern City Planning Panel (the Panel) regarding the planning proposal and make representations on behalf of the community. As such, it is crucial that staff obtain the Woollahra LPP's advice prior to the briefing.

#### Staff assessment

Council staff have assessed the planning proposal in accordance with section 3.33 of the Act and with reference to the LEP Guideline.

The full staff assessment of the planning proposal is provided at **Attachment 2**.

In summary, staff consider that the planning proposal does not demonstrate strategic and site-specific merit to proceed.

A strategic merit assessment considers how the proposal would give effect to the relevant region and district plans prepared by the NSW Government, and whether it demonstrates consistency with the objectives of Council's local strategic planning framework.

The planning proposal does not demonstrate strategic merit for the following key reasons:

1. The proposed uplift is inconsistent with Edgecliff's status as a local centre, outlined in the centres hierarchy established in the Regional and District Plans. The scale proposed is most similar to that of a strategic centre, which is characterised by a greater mix of services and public amenities.
2. The proposal will not deliver housing in a planned growth location, contrary to provisions of policies in the local strategic planning framework.
3. The site is not within the ECC. The proposed uplift would blur the extent of the ECC, and detract from objectives in the draft ECC Strategy to focus housing and employment growth within the centre itself.
4. The proponent has not demonstrated a need to accommodate housing growth beyond that identified in relevant Council strategies (such as the draft ECC Strategy), which are already on track to deliver housing in excess of endorsed targets set out in the Woollahra LHS 2021.
5. Any localised shortfall in commercial floor space will already be addressed by planned uplift within the ECC. The submitted documents do not demonstrate that the ECC has reached its capacity to supply commercial floor space, and that additional supply is required outside the ECC to meet growth.



6. The use of additional permitted uses under *Schedule 1* of the Woollahra LEP 2014 are inconsistent with Practice Note PN11-011.

A site-specific merit assessment considers local aspects of the planning proposal against the relevant Woollahra LEP 2014 and Woollahra DCP 2015 objectives and controls. This assessment has had regard to the indicative development concept, which is a detailed expression of the proponent's intended build form outcome.

The planning proponent does not demonstrate sufficient site-specific merit to proceed as:

1. The requested amendments to the Woollahra LEP 2014 would facilitate a building envelope that is excessive in terms of bulk and scale, and inappropriate for both the R3 Medium Density Residential zone and Paddington HCA.
2. The additional permitted uses under *Schedule 1* are not compatible with the R3 Medium Density Residential zone, particularly if they were to facilitate a commercial development up to 32,517qm.
3. The maximum HOB and FSR controls have only been tested using the concept proposal, which is smaller than the largest form possible under the controls. Accordingly, environmental planning impacts have not been sufficiently tested.
4. The built form outcome intended for the site has a large building footprint which requires extensive vegetation clearing. This would reduce biodiversity on the periphery of bushland surrounding Trumper Park.
5. The proposal would increase traffic movements in the already congested intersection of New South Head Road and New McLean Street. The submitted study on these impacts does not account for other planned growth in the area, or a scenario where a larger component of the development is commercial.
6. A development of the size and intensity proposed is incompatible with the existing and desired future character of the site.

Photomontages showing the impact of the proposal are provided in **Figures 20 and 21** below.



**Figure 20: Photomontage of concept form from Trumper Oval**  
(Source: Urbaine Design Group)



**Figure 21: Photomontage of concept form, showing relative bulk of proposed podium to adjoining contributory terraces in Paddington HCA.**  
(Source: Urbaine Design Group)

### Voluntary planning agreement

The planning proposal seeks to amend the Woollahra LEP 2014, Council's principal environmental planning instrument, to enable development potential beyond that envisaged by the community when it was adopted.

The *Woollahra Voluntary Planning Agreement Policy 2020* (Woollahra VPA Policy) incorporates section 7.4(1) of the 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 proponent is seeking to change an environmental planning instrument. They are seeking to enter into a negotiation with relevant Council staff 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 the planning proposal.

A VPA letter of offer accompanies the planning proposal, and is available on the website previously cited.

Should the Panel resolve to proceed with the planning proposal and a subsequent Gateway determination is granted by the DPHI, we recommend that any draft VPA is exhibited concurrently with the planning proposal.



### Staff recommendation

Council staff recommend that the Woollahra LPP advises the Council not to proceed with the planning proposal request for 8-10 New McLean Street, Edgecliff as it does not demonstrate strategic or site specific merit.

### **Options:**

As a consequence of this report, the Woollahra LPP may:

- Provide advice to Council not to proceed with the planning proposal in the manner requested by the proponent; or
- Provide advice to Council to proceed with the planning proposal subject to the proponent making amendments identified by the Woollahra LPP; or
- Request the proponent amends the planning proposal for further consideration at a future meeting of the Woollahra LPP; or
- Provide advice to Council to proceed with the planning proposal.

### **Community Engagement and / or Internal Consultation:**

Council's planning staff have undertaken internal consultation to inform the assessment of the planning proposal. The parties consulted and their responses are discussed in the Staff Assessment report at **Attachment 2**.

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 Act, the *Environmental Planning and Assessment Regulation 2021*, the *Woollahra Community Participation Plan 2019* and any conditions of the Gateway determination.

### **Policy Implications:**

Should the Panel resolve to progress the planning proposal, 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.

Should the planning proposal proceed, contrary to the staff recommendation, and a Gateway determination is received, staff will prepare a site specific DCP to provide guidance to the built form outcome intended for the site.

### **Financial Implications:**

The proponent has paid a lodgement fee in accordance with Council's adopted Fees and Charges.

If the planning proposal receives a Gateway determination, a fee is payable to prepare a site specific DCP.

Any planning agreement proposed by the proponent will be prepared in accordance with the adopted *Woollahra Voluntary Planning Agreement Policy 2020* and the associated costs will be met by the proponent.

### **Resourcing Implications:**

Should Council decide to progress the planning proposal, contrary to the staff recommendation, resources will be associated with assisting with the public exhibition process and the preparation of the site specific DCP.







### **Conclusion:**

This report seeks the advice of the Woollahra LPP on a developer-initiated planning proposal to amend the planning controls for 8-10 New McLean Street, Edgecliff under the Woollahra LEP 2014.

The effect of the planning proposal would facilitate a 25 storey mixed use development, which in the concept design comprises 3-10 storeys of podiums, and associated parking and loading elements.

Council staff recommend that the Woollahra LPP provides advice to Council not to proceed with the planning proposal in the manner set out in the report recommendation.

### **Attachments**

1. Planning Proposal prepared by Planning Ingenuity - July 2023 [↓](#) 
2. Staff Assessment - February 2024 [↓](#) 
3. List of documents provided by proponent [↓](#) 
4. DPHI Letter to Council - Request for a Rezoning Review - January 2024 [↓](#) 
5. Pre-application consultation minutes, meeting 1 - 13 December 2022 [↓](#) 
6. Pre-application consultation minutes, meeting 2 - 22 May 2023 [↓](#) 



## APPLICATION FOR A PLANNING PROPOSAL

Amendment to Woollahra Local Environmental Plan 2014 as it applies to Nos. 8-10 New McLean Street, Edgecliff to insert "Additional Permitted Use" and "Development requiring the preparation of a development control plan" clauses for the subject site, increase the maximum height of buildings standard to RL110.00, and increase the FSR development standard to 4.5:1.

8-10 New McLean Street, Edgecliff

Prepared for: Mount St 4 Pty Ltd

REF: M220067  
Date: 31 July 2023





## APPLICATION FOR A PLANNING PROPOSAL

**Details:**  
Prepared for: Mount St 4 Pty Ltd  
REF: M220067  
Date: 31 July 2023





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**Acknowledgement of Country:** *Planning Ingenuity acknowledges the Traditional Custodians of the land and pays respect to Elders past, present and future. We recognise First Nations peoples' unique cultural and spiritual relationships to place and their rich contribution to society.*

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Planning Ingenuity Pty Ltd

Nos. 8-10 New McLean Street, Edgecliff  
REF: M220067

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## Executive Summary

This application for a Planning Proposal seeks to amend the provisions of *Woollahra Local Environmental Plan 2014* (WLEP 2014) for land at Nos. 8-10 New McLean Street, Edgecliff ('site'). Specifically, the Planning Proposal seeks to amend the height of building development standard and Floor Space Ratio (FSR) development standard as they apply to the subject site and insert "Additional Permitted Use" and "Development requiring the preparation of a development control plan" clauses into WLEP 2014.

There are compelling Urban Design and Town Planning reasons for an increase to the maximum building height and floor space ratio for the site, as has been considered within the subject application for a Planning Proposal. Specifically, the increase in density presents the opportunity to deliver a high quality urban and architectural design, responding to the accessible location and strategic characteristics of the site. The proposed amendments will provide for a suite of public benefits that will not be realised by the current standards of WLEP 2014. An increase in building height and floor space will allow for an uplift in residential and non-residential uses adjacent to Edgecliff Railway Station and the Commercial Centre. Along with this will be provided significant improvements to the public domain, provision of additional publicly accessible spaces, the delivery of a community facility and affordable housing.

The application for a Planning Proposal will provide a unique opportunity to unlock the development potential of the subject site given its considerable site area, dimensions and frontages to New McLean Street and Trumper Park. The site is the only property capable of creating an open, clear and active connection between Edgecliff Commercial Centre and Trumper Park and Oval. The flexibility offered by the change in building height and FSR, alongside permitting with consent additional uses, such as community facility, commercial premises (including but not limited to business and office premises, food and drink premises and shops), recreation facility (indoor) and medical centre, will allow for the delivery of a development which will be consistent with desired future character of the Edgecliff Commercial Centre, as set out in the Draft Edgecliff Commercial Centre Planning and Urban Design Study (ECCP & UDS). The proposal demonstrates both site-specific and strategic merit, as outlined in this Report.

The vision for the Planning Proposal is as follows:

- Contribute towards the growth and revitalisation of the Edgecliff Centre, by improving architectural and urban design;
- Concentrate urban growth adjacent to a local centre and the only mass transit hub in Woollahra Council LGA;
- Allow for the delivery of additional connections, strengthening links to surrounding locality, through publicly accessible spaces;
- Improve the character and quality of the public domain;
- Provide a mix of housing choices;
- Deliver much needed affordable housing within the Edgecliff locality, serving key workers and other members of the community;
- Create livable communities by providing high quality amenities and open space to meet the needs of existing and future residents of the locality;
- Provide for additional activation through the provision of commercial uses, including food and drink premises;
- Dedicate a well-located and accessible community facility to Woollahra Council; and
- Deliver the highest standards of urban planning and excellence in architectural design.

Whilst the subject site is situated just outside of the Edgecliff Commercial Centre, it adjoins Edgecliff Railway Station and bus interchange directly to the south. The site is therefore strategically located and can allow for an increased density, rejuvenation and activation. By the way of background, the Applicant (Mount St 4 Pty Ltd) has successfully secured the rights over this substantial land holding. A single, consolidated landholding of 7,226m<sup>2</sup> is extremely rare within the Eastern Suburbs and therefore site specific and strategic consideration is required. It is understood that the site was excluded from the ECCP & UDS on the basis that the site was underpinned by a Strata Scheme and would





have required the acquisition of over 100 strata allotments which was considered unfeasible. The applicant has since secured the rights for this land and now seeks redevelopment of the site reflective of its strategic importance. Notably, the ECCP & UDS includes allotments which are situated over 500m from the Edgecliff Railway Station, whereas the subject is located no greater than 50m from the station.

The proposed changes to the planning controls are accompanied by a suite of public benefits including, but not limited to; through-site link and publicly accessible space; increased residential density adjacent to the only railway station in Woollahra LGA; improvements to affordable housing; revitalisation of New McLean Street; and providing, via a VPA, a major community centre for the locality. Furthermore, the concept scheme will encourage ground level activation and provide significant community benefit in a locality that is largely devoid of community facilities due to existing constraints such as allotment pattern, heritage, traffic, acoustic, landscaping and topography. These benefits will not be realised without the changes to the planning controls proposed in this submission.

As part of this Planning Proposal, an Urban Design Report (UDR), including concept envelope and reference scheme, have been prepared by *FJC Studio* and are submitted separately. The UDR provides an analysis of the existing and future urban fabric of the locality and the opportunities and constraints present at the site, to demonstrate the benefits of the Planning Proposal. Furthermore, the UDR demonstrates that the proposed LEP changes will facilitate a high-quality urban form, compatible with the existing heritage context and desired character of the locality, particularly adjacent the Edgecliff Commercial Centre. The UDR and concept envelopes illustrate how the proposal relates positively to the features of the site, surrounding public domain (existing and proposed) and neighboring properties.

The concept proposal depicts the provision of a residential flat building with ancillary uses, including community facility, retail and commercial premises and publicly accessible space which by definition, and henceforth known as a *Mixed-use development*. Specifically, the concept proposal will provide for the following:

- A development that is split into differing modules and podiums including the following:
  - Basement parking and on-site loading below the buildings fronting New McLean Street;
  - Five storey street wall which reduces to three storeys, corresponding to the height of the adjacent terrace housing;
  - Seven to eight storey elements oriented towards Trumper Park that steps down with the topography to avoid additional overshadowing to Trumper Oval; and
  - Tower above the podium, designed and formed in accordance with the details contained in the UDR.
- 29,504m<sup>2</sup> of residential floor space which could accommodate approximately 256 units, of which a portion of the uplift will be delivered as affordable housing.
- 2,000m<sup>2</sup> of non-residential floor space.
- 1,000m<sup>2</sup> community centre to be vested to Council as part of the VPA submitted with this proposal.
- A public plaza through the centre of the site providing a direct link between Trumper Park and Edgecliff Railway Station. An easement will be secured to ensure that this through-site link allows for public access, whilst remaining under private ownership.
- Activation and improvement of New McLean Street through the proposed uses.

As discussed in this document, the application is consistent with the local, regional and state planning strategies for Woollahra Local Government Area (LGA), Eastern City District Plan and Greater Sydney Region Plan. This application has the potential to make a substantial positive contribution to the quality and utility of public space and result in the efficient use of a well-serviced site, to provide a development which is diverse and vibrant, compatible with neighboring properties and delivers a high quality urban environment.





# 1. Introduction

This application for a Planning Proposal ('Report') has been prepared for Mount St 4 Pty Ltd, for the site located at Nos. 8-10 New McLean Street, Edgecliff ('site'). The purpose of this application is to initiate a Planning Proposal process to amend *Woollahra Local Environmental Plan 2014* (WLEP 2014) to change the height of building development standard and Floor Space Ratio (FSR) development standard as they apply to the subject site, and insert "Additional Permitted Use" and "Development requiring the preparation of a development control plan" clauses into WLEP 2014. Specifically, it is proposed to change the maximum building height to a maximum of RL110.00, FSR to 4.5:1, and permit with consent, community facility, commercial premises (including but not limited to business and office premises, food and drink premises and shops), recreation facility (indoor) and medical centre, via an Additional Permitted Use (under Schedule 1), on the subject site.

There are compelling strategic, urban design and town planning reasons for Nos. 8-10 New McLean Street to be considered for the subject Planning Proposal. Specifically, the subject site represents a unique opportunity to deliver a high-quality, innovative and sustainable development, delivering a suite of public benefits that will not be realized if the current planning controls are retained and the opportunity for redevelopment passes. That is, the current maximum building heights and FSR are not capable of providing a density on the site which is reflective of its strategic location and superior characteristics.

The application to increase the maximum density on the subject site will provide for a unique opportunity to deliver a well-considered and refined built form which represents a significant improvement over the current block envelopes existing on the subject site. This application is submitted with a concept proposal and reference scheme which seeks to deliver a site arrangement and built form consistent with the desired uplift. The Planning Proposal will deliver an outcome which is far superior to the current planning controls, increasing density within a highly accessible and centralised site, providing with it numerous public benefits.

This application has been prepared in accordance with Division 3.4 and Division 3.5 of the *Environmental Planning and Assessment Act 1979* as well as the NSW Department of Planning, Industry and Environment publication "*Local Environmental Plan Making Guideline*" (September 2022) (DPIE Guideline). It explains the intended effect of the proposed amendment to WLEP 2014 and sets out the justification for making the amendment to that Plan.

This application demonstrates that the proposed LEP amendments have strategic and site-specific merit. It is aligned with the relevant matters for consideration set out in Woollahra Council's Local Strategic Planning Statement. As detailed, the primary intent of the application is to initiate a Planning Proposal process to amend the maximum building height and floor space, alongside and additional permitted use, to allow for redevelopment of a strategically superior site.

An Urban Design Report (UDR) and concept proposal have been prepared by *FJC Studio* ('FJC') and are submitted with this application. The UDR provides analysis of existing urban fabric, current planning controls and the constraints of the site, demonstrating how the proposed changes will support redevelopment. The concept envelope demonstrates how the proposed changes will improve the urban fabric of the immediate and wider locality, delivering with it numerous public benefits.

This increase in density and subsequent redevelopment is also consistent with local and state government planning strategies to drive more efficient and economic use of urban land which is directly adjacent to Edgecliff Railway Station and Commercial Centre. The subject site is well located and in close proximity to established transport, services and a variety of infrastructure and facilities. The concept proposal provides for a mixed-use development, with significant improvements to the public domain, new public connectivity and open space, residential and non-residential uses (including a community facility), enhancements to the streetscape and pedestrian environment. Overall, the proposal achieves positive environmental, social and economic outcomes, as discussed in this Report.



This application for a Planning Proposal has relied on, and been informed by, the Urban Design Report prepared by *FJC Studio*, as well as the following documents submitted alongside this Report:

Table 1 Supporting Documents	
Document	Author
Urban Design Report	<i>FJC</i>
Concept and Reference Scheme	<i>FJC</i>
Survey Plan	<i>Norton Survey Partners</i>
Landscape Design	<i>FJC</i>
Transport, Traffic and Parking Assessment	<i>JMT Consulting</i>
Qualitative Environmental Wind Assessment	<i>SLR</i>
Acoustic Assessment	<i>RWDI</i>
ESD Report	<i>SLR</i>
Arboricultural Impact Assessment	<i>Urban Arbor</i>
Biodiversity Report	<i>Biosis</i>
Heritage Impact Statement	<i>Curio Projects</i>
Heritage Peer Review	<i>Urbis</i>
Visual Impact Assessment	<i>Urbaine Architecture</i>
Urban Design Peer Review	<i>Matthew Pullinger Architect</i>
Preliminary Site Investigation	<i>Geosyntec Consultants</i>
Economic Demand Assessment	<i>HillPDA Consulting</i>
Geotechnical Desktop Study	<i>Morrow</i>
Services Infrastructure Report	<i>Stantec</i>
3D Model	<i>FJC</i>
VPA Letter of Offer	<i>Mount St 4 Pty Ltd</i>

An initial informal meeting was held on 13 May 2022, followed by two Pre-Planning Proposal meetings on 14 November 2022 and 6 April 2023. Formal Council minutes were provided on 13 December 2022 and 22 May 2023, which have been considered in this Report. Further, a number of specialist studies were identified by Council as necessary to support the application, as has been submitted per **Table 1** above. In accordance with the DPIE Guideline a copy of Council's Pre-lodgement Advice is included in with this Report.

This report is divided into sections including a locality and site analysis, background, existing planning provisions, the proposed amendments, justification for the proposal, project timeline and a conclusion. This planning proposal application demonstrates with evidence that there will be positive outcomes from the proposed changes to the maximum building height and FSR, and insertion of "Additional Permitted Use" and "Development requiring the preparation of a development control plan" clauses.

## 2. Locality and Site Analysis

### 2.1 THE CONTEXT

#### 2.1.1 Metropolitan Context

The subject site is located in the suburb of Edgecliff approximately 4km east of the Sydney CBD and is situated just south of the Edgecliff Local Centre and Railway Station. As part of the *Metropolis of Three Cities – The Greater Sydney Region Plan*, Edgecliff is located within the Eastern Harbour City and is located in proximity to the Harbour CBD. The Eastern Harbour City is envisaged to encourage infrastructure and connectivity, liveability, productivity and sustainability. The Eastern Harbour City is expected to accommodate 3.3 million people by 2036.

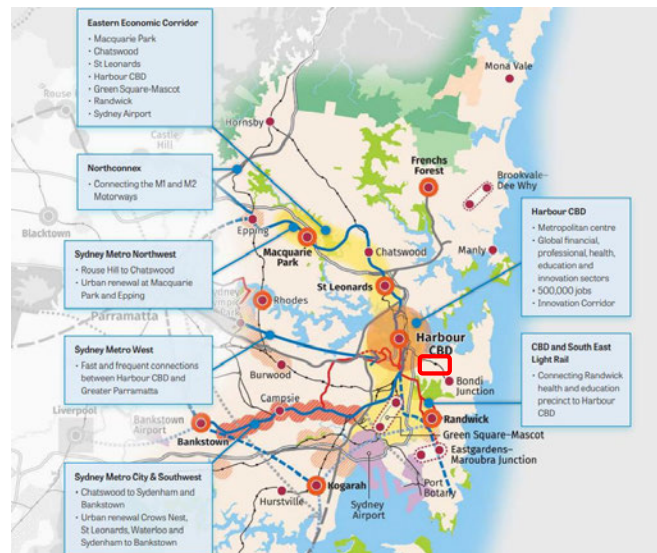


Figure 1 The metropolitan context (Source: A Metropolis of Three Cities)

#### 2.1.2 Edgecliff

The subject site is situated on the southern boundary of the Edgecliff Local Centre, less than 50m from the entrance to the Edgecliff Railway Station and bus interchange. Edgecliff benefits from a strategic location which boasts ease of access to a number of transport links, land uses and localities thus solidifying its place as an area capable of accommodating an increase in density.

The locality provides the general public, workers and residents with a high level of amenity due to its centralised location, ease of access and the provision of numerous commercial facilities, including shopping centres and retail premises, public open spaces, recreational facilities and various services. Whilst the subject site is located outside (but directly adjacent to) the Edgecliff Centre, an increase in density is considered to align with the relevant strategic planning documents, as outlined in this Report.

Figure 2 below demonstrates the location of the subject site and its relationship to the Edgecliff Centre, Railway Station and surrounding localities. The subject site is located to the south of New South Head Road and is within 50m walking distance to Edgecliff Railway Station.



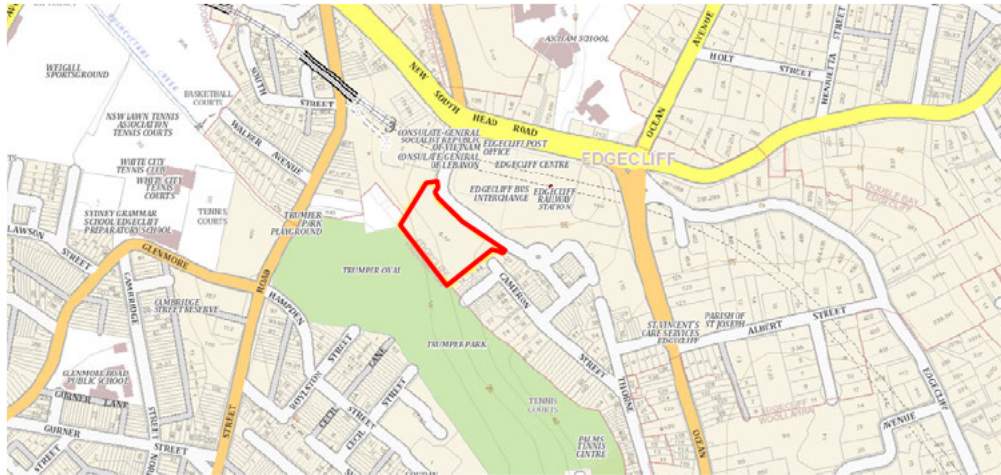


Figure 2 Subject site (edged in red) and surrounding Edgecliff locality (Source: Planning Portal)

## 2.2 THE SITE

The subject site comprises of one lot known as Nos. 8-10 New McLean Street, Edgecliff, with legal description of SP 20548. An aerial image of the site is provided at Figure 3.



Figure 3 Aerial image of subject site, edged in red (Source: Near Maps)

The site is an irregular shape and contains a surveyed area of 7,226m<sup>2</sup>. The site has a wide frontage of approximately 115m to New McLean Street and a southern (rear) boundary to Trumper Park of 98m. The site has dimensions of 73m to the western (side) boundary and 85m to the eastern (side) boundary, adjoining medium and low density residential developments, respectively.

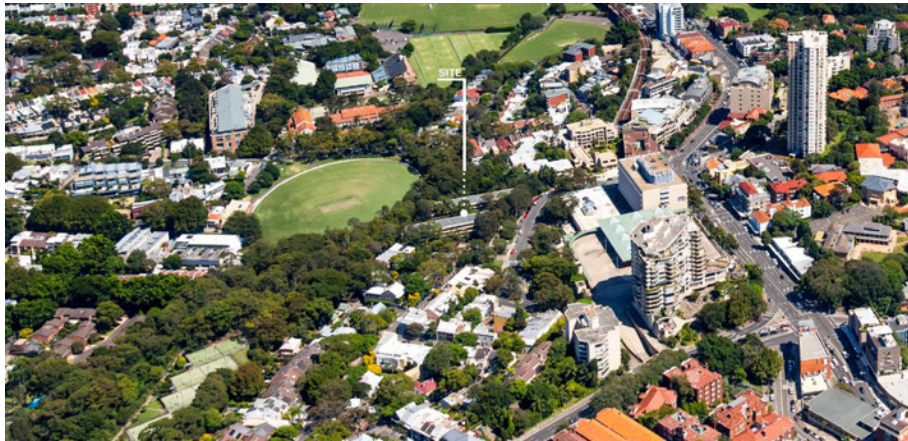
The current site contains two large freestanding residential flat buildings running at an acute angle to the street frontage. These buildings are nearing the end of their economic life and are suited for replacement given they do not possess any architectural merit and are in a dilapidated state. The periphery of the site, including the frontage to New McLean



Street is vegetated, with pedestrian access only immediately adjoining the buildings. A separate driveway to the east of the buildings provides access for residents to ground level parking, some of which is below a suspended concrete parking deck in the north-east corner of the site. The upper level parking is accessed from a separate driveway and is located adjacent to the turning circle within Cameron Street. Access to both parking areas is limited only by a chain link barricade and sign posted that parking is restricted to residents only.

The remainder of the site is landscaped and includes planting between the buildings and throughout the remainder of the site. A communal residents swimming pool is located in the south-west portion of the site. The site slopes in a south and south-western direction, with a high point located along New McLean Street. The subject site is also identified as flood prone land has been considered as part of this Planning Proposal.

The context of the subject site and the adjoining area are shown in the aerial image in **Figure 4** and photographs of site are provided at **Figures 5 to 7**.



**Figure 4** Aerial image of site and surrounds



**Figure 5** Existing built form and vegetation of Nos. 8-10 New McLean Street, as viewed from streetscape (Cameron Court)







**Figure 6** Existing built form and vegetation of No. 4 New McLean Street (right), Nos. 8-10 New McLean Street (centre) and Edgecliff Centre (left), as viewed from streetscape



**Figure 7** Existing elevated carpark deck of Nos. 8-10 New McLean Street, Edgecliff, as viewed from streetscape

### 2.3 EXISTING AND DESIRED FUTURE CHARACTER

The subject site is located directly to the south of the Edgecliff Local Centre and is not currently anticipated to accommodate any increase in density. As outlined under Section 4 of this Report, the site is currently zoned R3 Medium Density Residential, is permitted a maximum building height of 10.5m and floor space ratio of 0.75:1. It is understood the subject site was excluded from the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy (ECCP & UDS), on the basis that it was underpinned by a Strata Scheme and unlikely to be redeveloped.

The ECCP & UDS seeks to support a significant increase density along New South Head Road, alongside improvements to community infrastructure, affordable housing, public domain and transport. This will see with it a substantial change to the existing character of the immediate locality. Whilst the subject site was excluded from ECCP

& UDS, it is strategically better placed to satisfy the intent and actions of these plans, as is discussed in further detail within this Report. Specifically, redevelopment of the subject site is not constrained by the need for amalgamations, traffic noise and can be delivered immediately.

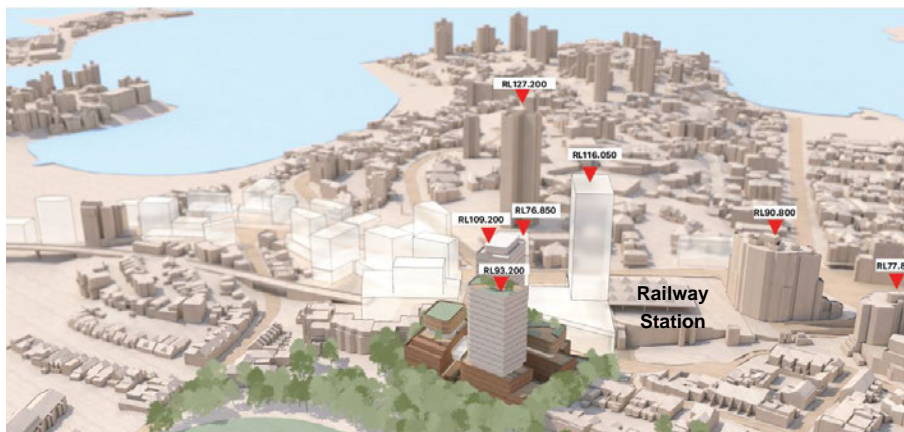


Figure 8 Urban context (built form) and the proposed concept scheme

Currently, the subject site contains ageing residential flat buildings, populated by low amenity apartments with landscaping. The surrounding locality contains an eclectic mix of residential and non-residential buildings with differing bulk, scale and architectural characters, reflecting the various periods of construction. As discussed in this Report, the proposal will satisfy the objectives and actions of the-ECCP & UDS.

## 2.4 SURROUNDING DEVELOPMENT

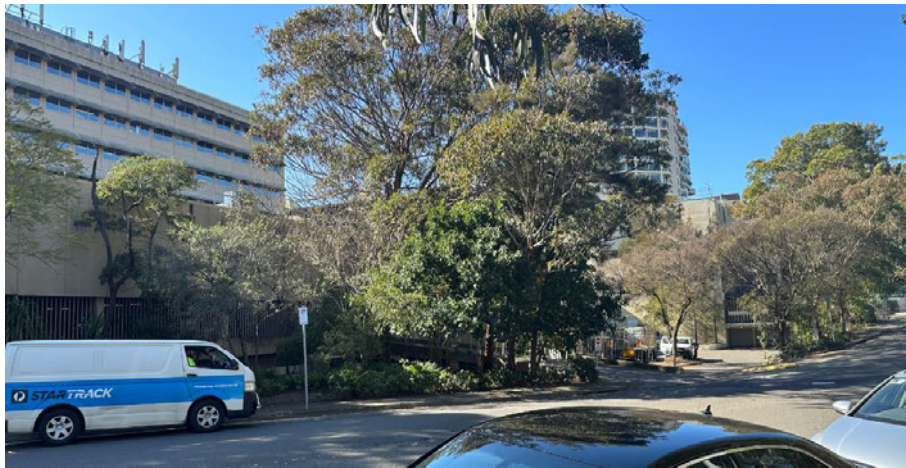
The subject site is located on the southern edge of the Edgecliff Local Centre and as such, the land use composition includes a combination of commercial, mixed-use and transport infrastructure development to the north, residential development to the east and west, and extensive public parks (Trumper Park, Trumper Oval, Trumper walking track) to the south. Details of surrounding development are as follows:

- To the east of the site is low density terrace housing along Cameron Street, Glebe Street and Arthur Street. These are mainly two storey heritage homes, falling within an R2 'Low Density' residential zone and also falling within the Paddington HCA.
- North of the site and on the opposite side of New McLean Street is the Edgecliff Centre, an eight storey building with ground level shops, offices, residential and businesses uses surrounding the entrance to Edgecliff Railway Station. At the eastern end of the street block is Eastpoint Tower, a 12 storey residential tower block located above the ground level businesses. Much of the street block is characterised by 1960's-1970's architecture with a dominance of concrete materials with a harsh interface with the pedestrian environment.
- North-west of the site is No. 4 New McLean Street, a residential complex known as 'Wimbledon' containing approximately 60 residential units within a group of 4 storey residential flat buildings.
- Further north, at No. 2 New McLean Street is a mixed-use building known as 'Edgecliff Court', which contains commercial and residential uses. While, No. 1 New McLean Street comprises of *Edgecliff Mews Professional Centre* a 3-4 storey development comprising professional rooms and businesses. The development wraps around New McLean Street into New South Head Road.



- South of the site is a locally important open space known as Trumper Oval/Trumper Park which provides significant green space to the Edgecliff and Paddington area. The lineal open space extends from Glenmore Road through to the Woollahra Municipal Council building on Quarry Street and provides playing fields, walking tracks and tennis courts. There is currently no link through the subject site between this open space and the adjoining Edgecliff local centre, with access provided either side of the subject site.
- To the north and on the opposite side of New South Head Road, is Nos. 136-148 New South Head Road. This property is subject to a Planning Proposal which has received Gateway Determination, seeking to increase the maximum building height to 42m and a maximum FSR of 5:1.
- Further to the north of Nos. 136-148 New South Head Road is the Ranelagh Apartments, constructed in 1969, which contains a maximum RL of 127.200.

Photos of surrounding development is provided below in **Figures 9 to 12**.



**Figure 9** Back of Edgecliff Town Centre (Eastpoint) with access to railway station from New McLean Street

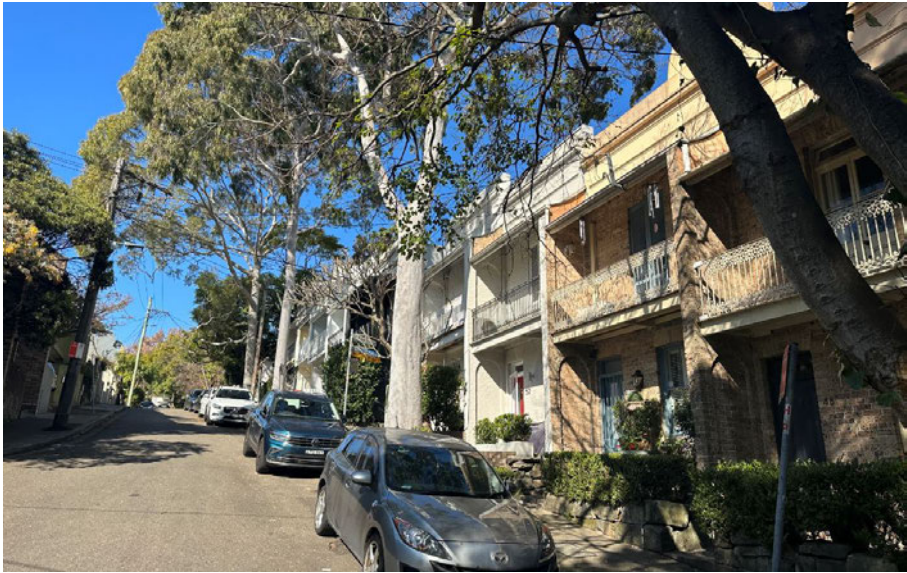


Figure 10 Terraces Houses along Cameron Street - west of the subject site



Figure 11 View from Trumper Park and Oval, with Nos. 8-10 New McLean Street in background



**Figure 12** Edgecliff Centre (left) and Edgecliff Mews (right) to the east of the subject site, as viewed from intersection of New McLean Street and New South Head Road

The properties to the north of the site fronting New South Head Road have been identified in the *Edgecliff Commercial Centre Planning and Urban Design Strategy* for significant redevelopment and up zoning permitting height and FSR increases as illustrated in **Figure 13** below. As shown below, the subject site is located less than 50m away from the Edgecliff Railway Station. Numerous properties identified within the ECCP & UDS contain floor space ratios of up to 5:1, despite being situated approximately 600m away from the railway station. The site is identified by a broken red line in **Figure 13** and is located on the southern edge of the Edgecliff Centre.



**Figure 13** 3D modelling of preferred built form, with subject site edged in red (SJB 2018)



## 2.5 CONNECTIVITY TO PUBLIC TRANSPORT

The subject site is situated within a highly accessible location in close proximity to key road corridors, bus stops, and Edgecliff Railway Station. Specifically, the site is just south of New South Head Road which provides vehicular access to the surrounding suburbs and Sydney CBD. The site is also less than 50m walking distance from Edgecliff Railway Station, which provides train and bus access to Bondi Junction, Sydney CBD, surrounding and wider suburbs.

Further to the above, the site is also located directly opposite the Edgecliff Centre, which currently contains an eight storey building with retail, commercial, and residential uses. This neighbouring site is earmarked for an increase in density under the ECCP & UDS, including two tower forms ranging up to 26 storeys in height. As shown in **Figure 14**, the site represents one of the only opportunities to provide an active pedestrian link between Edgecliff Railway Station to Trumper Park and Oval.

The site is also located within close proximity other commercial, retail, community and health care facilities, in addition to a variety of public open spaces.

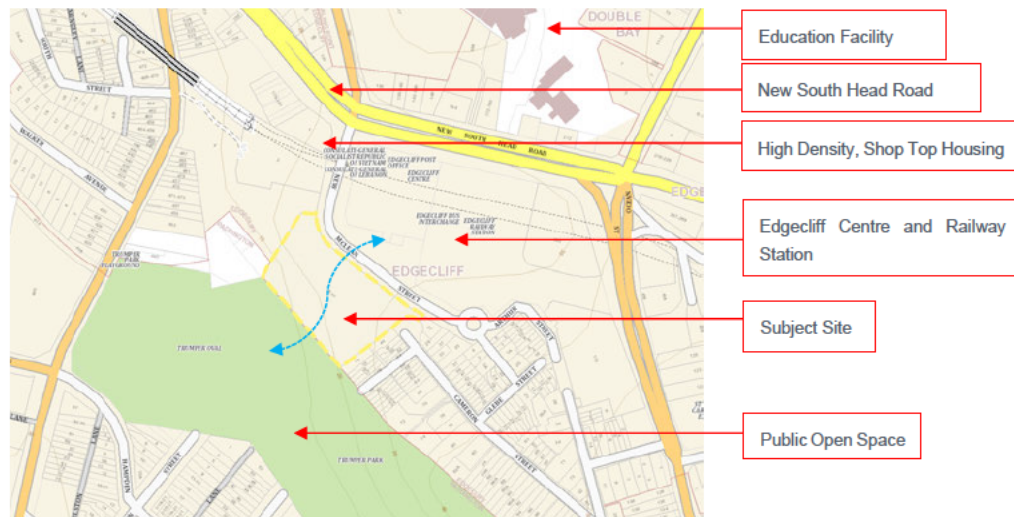


Figure 14 Surrounding locality and key features, with site edged in yellow, and through-site link indicated in blue (Source: Planning Portal)

## 2.6 AMENITY

The site is an important strategic location containing a significant street frontage to New McLean Street and rear boundary to Trumper Park. The site is well located to provide a high level of amenity to future occupants aligning with the increase of density proposed as part of this application. It is noted that the site is within proximity to Edgecliff Railway Station and New South Head Road and are a source of noise. Notwithstanding, there are numerous surrounding properties located at the same distance or closer to these noise sources which will need to achieve an appropriate levels of acoustic attenuation to protect internal amenity, whilst also achieving ventilation. An Acoustic Report prepared by *RWDI* is submitted with this application which determines that the site is well-placed for the proposed uplift in density, with no significant constraints with respect to acoustic impacts identified. In this regard, any future application on the subject site is considered a superior alternative to redevelopment on New South Head Road. This is discussed in depth below.

The site is also located to the north of Trumper Park and Oval. This Planning Proposal has considered the potential impact to the solar access of this public open space, in which it is considered to be acceptable, even with the increased

As detailed, the site adjoins the Edgecliff Centre and is within walking distance to the extensive variety of established (and future) services and facilities including the civic facilities, recreational facilities, public open spaces, commercial premises and public transport.

The subject site is envisaged to deliver a new open and easily accessible through-site link from New McLean Street to Trumper Park flanked by active uses, public seating areas and active frontages to the streetscape. Currently, the site is not accessible to the general public and does not provide any public benefits. As identified in the Urban Design Report, the Planning Proposal will bring with it the capacity to significantly increase the quantum of open space, including the provision of a through-site link and publicly accessible spaces within the dense urban environment. Importantly, the subject site represents a unique opportunity to provide an open and active dining precinct which will appropriately relate to Trumper Park and is adequately separated from the amenity impacts generated by New South Head Road (**Figure 15**). This is a distinct benefit afforded by the site which cannot be delivered by other properties in the locality or within the ECCP.

Currently, there are a number of public open spaces available to future occupants of the site. This includes Trumper Park, Rushcutters Bay Park and Reg Bartley Oval, amongst others.



**Figure 15** Excerpt of Landscape Plan prepared by FJC

## 3. Background

### 3.1 DEVELOPMENT APPLICATIONS

There have been a number of development applications approved on the subject site as it relates to the existing residential flat buildings. This Planning Proposal and any subsequent development application will forego any approval on the subject site.

### 3.2 DISCUSSIONS WITH COUNCIL

The Applicant (*Mount St 4 Pty Ltd*) and its representatives have undertaken preliminary discussions with Woollahra Council staff regarding the Planning Proposal. An initial informal meeting was held on 13 May 2022 with subsequent written comments provided by Council on 19 May 2022.

A formal Pre-Planning Proposal meeting was held on 14 November 2022, with subsequent written comments provided by Council on 13 December 2022.

A second Pre-Planning Proposal meeting was held on 6 April 2023, with subsequent written comments provided by Council on 22 May 2023.

The comments provided have been considered and the Planning Proposal modified in response, whilst maintaining the viability of the project within the constraints of the site.

**Table 2** below summarises Council's comments and provides a response to each of these, in relation to the 13 December 2022 comments.

Table 2 Council Comments and Responses from 13 December 2022	
Council Comment	Response
<b>State Legislation</b>	
<u>4.1. Environmental Planning and Assessment Act 1979</u> <i>The Department of Planning and Environment (DPE) has published the Local Environmental Plan Making Guideline December 2021 (the guideline) (updated September 2022) to help applicants meet the requirements of the Act. The guideline stipulates a planning proposal must demonstrate the strategic merit and the site-specific merit of the proposed LEP amendments.</i>	This Planning Proposal Report is prepared to align with the requirements of the <i>Local Environmental Plan Making Guideline September 2022</i> and addresses both strategic and site-specific merit.
<u>4.2. Greater Sydney Region Plan: A Metropolis of Three Cities</u> <i>Any request for a planning proposal must demonstrate full compliance with relevant directions and actions of the Region Plan.</i>	The Greater Sydney Region Plan is addressed in Section 6.3.2.1 of this Report.
<u>4.3. Eastern City District Plan</u> <i>Any request for a planning proposal must demonstrate full compliance with the vision and relevant priorities and actions of the District Plan.</i>	The Eastern City District Plan is addressed in Section 6.3.2.2 of this Report.
<u>4.4. Future Transport 2056 and the Greater Sydney Services and Infrastructure Plan</u> <i>Any request for a planning proposal must address the relevant issues in the Future Transport 2056 and the Greater Sydney Services and Infrastructure Plan.</i>	The Future Transport 2056 Plan is addressed in Section 6.3.2.3 of this Report.
<u>4.5. State Environmental Planning Policy 65: Design Quality of Residential Apartment Development</u> - Section 2E – Building depth - Section 3E – Deep soil zones - Section 3F – Visual privacy	The requirements of SEPP 65 are addressed throughout this Report and in the accompanying UDR. Whilst this will be determined through detailed design at the development application stage, the following is noted, in accordance with

Table 2 Council Comments and Responses from 13 December 2022

- Section 3J – Bicycle and car parking
- Section 4S – Mixed-use.

the requirement of SEPP 65 and the Apartment Design Guide:

- Building Depth: a 22m maximum;
- Deep Soil: 23% (1,700sqm) is provided, with 7% required and a minimum dimension of 6m;
- Visual Privacy: Appropriate separation is provided as discussed in Section 6.3.3 of this Report;
- Parking: Appropriate parking can be provided within the basement levels, subject to a future detailed development application, as addressed in this Report and the accompanying Transport, Traffic and Parking Assessment; and
- Mixed-use: The proposal will satisfy 4S Mixed-use in that it will provide a mixture of compatible uses, including open spaces, community facility, commercial uses and food and drink premises at ground level, activating the public domain.

4.6. Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 refers to vegetation clearing and we note, in particular, that the information regarding vegetation on and immediately adjoining the site needs updating for accuracy and identification. Further, clarification regarding the extent of native vegetation clearing is required, particularly as to whether clearing will exceed the biodiversity offsets threshold of 0.25ha.

The removal of any vegetation will form part of a detailed application and will further require assessment. Notwithstanding, an Arboricultural Impact Assessment prepared by *Urban Arbor* and Biodiversity Assessment prepared by *Biosis* are submitted with the Planning Proposal. The GIS Data submitted also shows that less than 0.25Ha of vegetation is to be cleared which does not trigger any additional requirements for a BDAR. It is important to note that the Arboricultural Impact Assessment covers in detail the removal and protection of vegetation, in accordance with the concept proposal.

Chapter 10 refers to development in the Sydney Harbour Catchment. We draw your attention, in particular, to the objectives in clause 10.9 and planning principles in clause 10.10 and principle (f) development that is visible from the waterways or foreshores is to maintain, protect and enhance the unique visual qualities of Sydney Harbour.

This SEPP has been updated and the considerations of the former Chapter 10 and now contained in Chapter 6. Notwithstanding, the proposal is submitted with a Visual Impact Assessment prepared by *Urbaine* to address Council's concerns. Whilst the tower form may be visible from the foreshore, it is appropriately setback to ensure its bulk and scale will not have any adverse impact. Importantly, the design of the development and as it relates to the qualities of the Sydney Harbour will be subject to a site specific DCP and design excellence as part of a development application. It is considered that the built form can be appropriately designed, as shown in the indicative photomontages, to complement the character of the locality.

Any request for a planning proposal must address the relevant provisions of Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021.

4.7. Sydney Environmental Planning Policy (Resilience and Hazards) 2021

Any request for a planning proposal must address the relevant provisions of Sydney Environmental Planning Policy (Resilience) 2021 particularly with reference to Chapter 4 Remediation of Land.

This proposal is submitted with a Preliminary Site Investigation prepared by *Geosyntec* and has concluded that the site is appropriate for redevelopment.



Table 2 Council Comments and Responses from 13 December 2022

**5. Council's strategic plans and studies**

5.1. Woollahra 2032

*Any request for a planning proposal must demonstrate compliance with relevant CSP goals.*

The proposal is consistent with the Woollahra Community Strategic Plan as set out in Section 6.3.2.7 of this Report.

5.2. Woollahra Local Strategic Planning Statement 2020

*Any request for a planning proposal must demonstrate full compliance with all relevant planning priorities of the Woollahra LSPS 2020, and not rely solely for justification on those relating directly to the Edgecliff local centre.*

The proposal is demonstrably consistent with the Woollahra Local Strategic Planning Statement as set out in Section 6.3.2.6 of this Report. That is, the proposal will meet the relevant planning priorities and deliver a higher density in a strategic location.

5.3. Draft Woollahra Integrated Transport Strategy

*Any request for a planning proposal must address the relevant objectives and themes in the draft Woollahra ITS 2021.*

The Draft Woollahra Integrated Transport Strategy is addressed in Section 6.3.2.9 of this Report.

5.5. Woollahra Local Housing Strategy 2021

*Any request for a planning proposal must address the relevant objectives and actions in the Woollahra LHS 2021.*

The Woollahra Local Housing Strategy 2021 is addressed in Section 6.3.2.12 of this Report.

5.6. Review of the Edgecliff Commercial Centre Planning Controls

*While we recommend that the review be a consideration in any request for a planning proposal in the Edgecliff local centre or on adjacent land, Council has not adopted the draft ECC Strategy for implementation and it does not have any weight.*

It is noted that the ECCP & UDS has not yet been adopted by Council. Whilst not yet adopted and subject to changes from the UDS originally exhibited, it nonetheless provides a vision for an uplift in density surrounding Edgecliff Railway Station and New South Head Road. The subject site in many respects is in a superior location and contains a large consolidated land holding that is not only more suitable for redevelopment, but immediately available without the need for amalgamations, especially when compared to the allotments identified in the ECCP & UDS. That is, many of the allotments forming part of the ECCP are subject to complex ownership patterns which will adversely affected redevelopment opportunities. Furthermore, a large number of sites to be redeveloped within the ECCP require access from New South Head Road, which will have a detrimental impact to traffic flow, particularly in peak periods, as well as complicated movements to facilitate waste collection.

*We note that in regard to 136-148 New South Head Road, Edgecliff, the SECPP did not consider the planning proposal dependent on Council's adoption of the draft ECC Strategy and considered that planning proposal as a standalone planning proposal.*

The proposal is not dependant on the ECCP. The proposed uplift is entirely supported irrespective of the status of the ECCP. That is, the site contains strategic and site specific merit given its location directly to the south of the railway station and in a prime position to accommodate an uplift in density. Further to this, the considerable site area and public domain frontages permits a flexible and innovate approach to redevelopment. Section 6.3.2.10 addresses the key strategic goals of the ECCP & UDS.



Table 2 Council Comments and Responses from 13 December 2022

*Any request for a planning proposal must refer to the relevant objectives and actions in the draft ECC Strategy and supporting documents, however, these should not be relied on to justify the planning proposal.*

*We note that Edgecliff is being strategically targeted for housing and employment growth under the Draft ECC Strategy. In addition to addressing housing targets, the draft ECC Strategy aims to revitalise Edgecliff and facilitate transit-oriented development that has a suitable mix of residential and non-residential uses that will enhance the centre's contribution to surrounding communities.*

*The proposal, being entirely residential, will not contribute to enhancing the employment role of Edgecliff and, therefore, does not align with the draft ECC Strategy. An intentional benefit of focusing growth in the ECC is reduced pressure for uplift on other land, particularly that bordering the ECC. This is to prevent 'density creep'. For this reason, the site and all other residential land adjoining the ECC are excluded from the draft ECC Strategy uplift sites. Allowing uplift on the site would set a precedent for other land in the vicinity and could undermine the strategic intent of the draft ECC Strategy.*

The proposal is entirely consistent with the housing and employment growth of the ECCP. That is, the proposal will provide for a variety of uses (per the Additional Permitted Uses), which will contribute to the growth and revitalisation of the area.

As above, the proposal will provide for an appropriate mixture of uses to benefit the locality. Whilst the site will accommodate an increase in residential density, it will also provide for 2,000m<sup>2</sup> of retail and commercial floor space that will not detract from the employment zones along New South Head Road. The considerable size of the site, multiple frontages, unique location and surrounds, bring with it a benefit which the allotment pattern of surrounding properties in the Paddington HCA cannot offer.

#### 6. Woollahra Local Environmental Plan 2014

##### 6.1. Part 2.1: Zoning and land use

*Refer to Section 8.1. We do not consider the proposal, in its current form, demonstrates consistency with the zone objectives, particularly those relating to height, scale and the desired future character of the neighbourhood.*

*However, if a request for a planning proposal is submitted, it must be fully justified through an assessment against the zone objectives, particularly with regard to the height, bulk and scale and their effect on the desired future character of the neighbourhood (that includes the protected character of the HCA, the protected character of the adjacent open space, and the existing garden settings and tree canopy character along the southern side of New McLean Street).*

The proposed height and density of the development is reflective of the site's strategic location, as discussed in this Report.

Council does not have any R4 – High Density Residential Zones. Notwithstanding, the siting of the building within the R3 – Medium Density Zone will not be antipathetic to the objectives of the R3 zone and are addressed in this Report. The increase in building height and density are considered to reflect the existing and desired future character of the locality, including the protected areas surrounding the site.

##### 6.2. Part 4.3: Height of buildings

*Refer to discussion at Section 8.1. We do not support the proposed building height on the site as it would result in a building significantly out of scale with adjoining development and open space, and would remove the transition from higher density development in the ECC, and would have adverse amenity impacts.*

*However, should a request for a planning proposal be submitted, it must fully justify the requested height of buildings standard through response to the Height of Buildings objectives. The request must also address whether a change in maximum building height may require associated changes to the Woollahra DCP 2015.*

The proposal seeks a maximum height of RL110.00. Whilst the height is greater than the immediate properties, the subject site can be easily differentiated from surrounding properties in the Paddington HCA. That is, it is considerable in size, contains generous frontages and a pattern of subdivision not found within the HCA. This enables an uplift in density within an innovative and flexible built form, ensuring compatibility and the ability to design a building with minimal adverse impact.

##### 6.3. Part 4.4: Floor space ratio

*Refer to discussion at Point 8.1. We do not support the requested FSR on the site as it would result in excessive bulk and scale, resulting in overdevelopment, adverse amenity impacts and potentially unacceptable traffic generation.*

*However, should a request for a planning proposal be submitted, it must fully justify the requested FSR standard through response to the Floor Space Ratio objectives. The request must also address whether a change in*

As above. The proposal seeks a maximum FSR of 4.5:1. The increase in density is supported by the characteristics and strategic location of the site.

Whilst not relying on the ECCP, it is noted that numerous properties are permitted a FSR of up to 5:1, whilst being located greater than 500m

Table 2 Council Comments and Responses from 13 December 2022

*maximum building height may require associated changes to the Woollahra DCP 2015.*

from the railway station. As identified, the subject site is situated less than 50m from the railway station and seeks for a FSR of 4.5:1. The subject site is more strategically located and comprises a single land holding with a site area of 7,226m<sup>2</sup>.

This Report justifies the increase in floor space appropriately and is supported by the accompanying documentation.

#### 6.4. Heritage

*Refer to Section 8.4 for Council's Senior Heritage Officer's comment. We do not support the proposal in its current form, due to excessive bulk and scale and the impact this would have on the Paddington HCA and nearby heritage items, particularly in relation to visual amenity and solar access. Based on the information available, the planning proposal does not accord with the aims of the Woollahra Local Environmental Plan Clause 1.2 (f) "to conserve the built and environmental heritage of Woollahra".*

The concept envelope provides for a defined podium and slender tower form which is appropriately setback from the site boundaries. Where the podium interfaces with the adjacent terraces to the east, it is setback 12m, contains a building height compatible with the roofline of these neighbouring terraces and is lined with proposed and existing mature vegetation, with considerable canopy coverage. The proposal, which will also be subject to detailed design as part of a development application, will provide for a bulk and scale which is well-suited to the site and railway station to the north. It is prudent to note that the site, as is existing, contains two x five storey residential flat buildings which are inconsistent with the adjoining terraces.

*To reduce the extent of visual impact the maximum building height would need to be substantially reduced, and the siting of the bulk of the proposed podium would need to be reconsidered to achieve a more appropriate transition between the site and the two storey scale of the neighbouring HCA.*

A Visual Impact Assessment prepared by Urbaine is submitted with this application. Whilst the proposal will increase the height and density, the modulation of the built form will provide an appropriate transition to the surrounding locality.

*However, should a request for a planning proposal be submitted, it must fully justify the requested controls through response to the Heritage objectives. The request must also address whether the proposal may require associated changes to the Woollahra LEP 2014 and the Woollahra DCP 2015.*

A Heritage Impact Statement prepared by Curio Projects is submitted with this application. In addition, a Heritage Peer Review has been prepared by Urbis and is also submitted with this application.

#### 6.5. Schedule 1

*We note your request for the use of food and drink premises to be listed as an additional use for the site in Schedule 1 of the Woollahra LEP 2014. We acknowledge cafes on the ground level of the site, adjacent to New McLean Street, could have merit in providing an active frontage. However, we are also aware that the inclusion of food and drink premises in a residential zone could have adverse amenity impacts. We are also concerned that the inclusion of food and drink premises on the site may set a precedent for similar requests for other land within the R3 Zone.*

The inclusion of a specific range of additional uses on the subject site is not considered to establish a precedent for surrounding properties, given the unique characteristics of the site not shared by other properties within the R3 zone. That is, the length of frontages, overall site area, relationship to Edgecliff railway and commercial centre, and Trumper Park and Oval, delivers a merit based scenario which is not possible to be replicated by other allotments in the R3 zone.

*Generally, we do not support the use of Schedule 1. We note DPE advice that listings in Schedule 1 should be minimised. Further to that, wherever possible, land uses should be governed by the Land Use Table and Schedule 1 should only be used where it is demonstrated why this cannot be achieved. Should a request for a planning proposal be lodged, the additional use of food and drink premises needs to be fully justified via a*

Whilst it is noted that the proposed uses have the potential to impact surrounding properties, this can be managed as is standard, through the development application process. A change of zoning is considered to be an inferior outcome to the specific, additional permitted uses, as it

Table 2 Council Comments and Responses from 13 December 2022

retail impact/demand study and assessment of the unique characteristics of the site. The request must fully justify the use of Schedule 1 and why it is the best means of achieving the objectives or intended outcomes. The request must also address whether the proposal may require associated changes to the Woollahra LEP 2014 and the Woollahra DCP 2015.

will ultimately increase to a considerable degree, the range of permissible uses on-site, therefore increasing opportunities to impact the neighbouring properties.

Retaining the R3 zone will ensure the character and amenity of the surrounding properties can be more easily retained. It is also prudent to note that the current R3 zoning also permits a number of non-residential uses. As such, the provision of the proposed additional uses, which is a direct response to the unique site conditions, will not inherently change the characteristics or objectives of the zone.

## 7. Woollahra Development Control Plan 2015

### 7.1. Chapter C1: Paddington Heritage Conservation Area

A comprehensive heritage assessment is required with any request for a planning proposal and must refer to the relevant objectives and controls provided in Chapter C1: Paddington Heritage Conservation Area of the Woollahra DCP 2015. The assessment must demonstrate that an indicative development to the maximum extent permitted under the requested controls can achieve the relevant objectives and controls relating to heritage and amenity, and that there would be no adverse impact on the amenity of the Paddington HCA or its heritage significance. (For more detail refer to Council's Senior Heritage Officer's referral response at 8.4)

A Heritage Impact Statement prepared by *Curio Projects* is submitted with this proposal. This provides an assessment against Chapter C1: Paddington Heritage Conservation Area of WDCP. The Heritage Impact Statement concludes that the proposed increase in height and density can be suitably designed to be sensitive and progressive towards the heritage significance of the HCA. This will be achieved through heritage involvement during the detailed development application stage.

As discussed, a Heritage Peer Review has been prepared by *Urbis* and is submitted with this application.

### 7.2. Chapter E1: Parking and Access

A comprehensive transport study is required with any request for a planning proposal and must refer to the relevant objectives and controls provided in Chapter E1: Parking and Access of the Woollahra DCP 2015. The report must cover parking, traffic generation, and public and active transport and demonstrate that development to the maximum extent of the requested controls can achieve the relevant objectives and controls relating to parking, traffic and transport and that adverse impacts on the road network or local amenity will be minimised. (For more detail refer to Council's Engineering Services referral response at 8.5)

A Transport, Traffic and Parking Assessment prepared by *JMT Consulting* is submitted with this proposal. This provides an assessment against Chapter E.1 Parking and Access of WDCP. It is demonstrated that the proposal will not have any adverse impact to pedestrian and vehicular traffic and safety in the locality, and that any future development will be capable of accommodating the required on-site parking.

It is noted that this application will seek to provide upgrades to New South Head Road, as part of contribution contained within the VPA Letter of Offer.

### 7.3. Chapter E2: Stormwater and flood risk management

A stormwater concept plan is required with any request for a planning proposal and must refer to the relevant objectives and controls provided in Chapter E2 Stormwater and flood risk management of the Woollahra DCP 2015. The concept plan must demonstrate that development to the maximum extent of the requested controls can achieve the relevant objectives and controls relating to stormwater management and that there would be no adverse impact, particularly on Trumper Park (For more detail refer to Council's Sustainability Officer's referral response at 8.6)

A stormwater and flood analysis has been prepared by *Stantec* and is provided in Section 7.1 of the Services Infrastructure Report, which is submitted with this proposal. This addresses Chapter E2 Stormwater and Flood Risk Management of WDCP. It is demonstrated that the proposal will not have any unacceptable impacts on stormwater, particularly to Trumper Park.



Table 2 Council Comments and Responses from 13 December 2022

	A detailed stormwater management plan will be submitted with a future detailed development application for the site.
<p><u>7.4. Chapter E3: Tree Management</u></p> <p>A comprehensive Arboricultural Impact Assessment Report is required with any request for a planning proposal and must refer to the relevant objectives and controls provided in Chapter E3 Tree Management of the Woollahra DCP 2015. The plan must demonstrate that development to the maximum extent permissible under the requested controls can achieve the relevant objectives and controls relating to tree management and that there would be no adverse impact, particularly on Trumper Park, adjoining properties and local tree canopy. (For more detail refer to Council's Tree Management Officer's referral response at 8.7).</p>	<p>An Arboricultural Impact Assessment prepared by <i>Urban Arbor</i> is submitted with this application. This details the trees to be removed and protected, in accordance with the concept proposal. The concept proposal has been designed following careful analysis and consideration of the existing vegetation, coordinated with <i>Urban Arbor</i>, to retain as much existing vegetation as possible. The proposal has prioritised the retention of vegetation along the periphery and beyond the site boundaries. Importantly, vegetation within Trumper Park will be protected. Where vegetation is to be removed, this will be appropriately replaced.</p> <p>A Biodiversity Assessment prepared by <i>Biosis</i> is also submitted with this proposal.</p>
<p><u>7.5. Chapter E4: Contaminated Land</u></p> <p>A request for a planning proposal must consider any potential contamination of the site.</p>	<p>A Preliminary Site Investigation prepared by <i>Geosyntec</i> is submitted with this application and concludes that the site is suitable for the proposed use. It is also noted that the site currently contains a residential use, which is to be maintained as part of this application.</p>
<b>8. Referral Officers' comments</b>	
<p><u>8.1. Strategic Merit</u></p> <p>We acknowledged that the site's location adjacent to the ECC and proximity to Edgecliff Station provides an opportunity for greater density, and that the strategic merit of increased density could be justified as being consistent with the Region Plan, the District Plan, the Woollahra LSPS 2020 and the Woollahra LHS 2021. However, the requested maximum building height and FSR are considered excessive for Edgecliff's role as a local centre.</p> <p>Edgecliff is identified as a local centre in the District Plan and the Woollahra LSPS 2020, which identifies the Edgecliff local centre as providing employment, housing and services for the local population. In relation to the Edgecliff local centre, neither the District Plan nor the Woollahra LSPS 2020 identify an 'elevated status', any aspiration for strategic centre status, or desire to cater for a wider catchment.</p> <p>The local context of Edgecliff is significantly different from larger centres, in that it is surrounded by HCAs in Edgecliff, Darling Point and Paddington, and</p>	<p>This Report addresses all relevant local and regional plans which are considered to support the increase of building height and floor space on-site.</p> <p>The increase in building height and density does not constitute an elevated status, rather, seeks to provide for increased accommodation and non-residential uses in a highly accessible area. The strategic merit of the site is well-suited to the objectives of the relevant strategic plans.</p> <p>The ECCS is relied upon to provide a significant amount of the additional housing targeted by Woollahra Council. These targets are unlikely to be reached anytime soon, especially given the draft status of the ECCS, the complicated amalgamation pattern and the constraints of development along New South Head Road. The subject site provides an ideal alternative to provide additional density that can be delivered immediately.</p> <p>As above, the proposed uplift is directly supported by the local context and strategic</p>



Table 2 Council Comments and Responses from 13 December 2022

*has significant constraints due to the road network and parking capacity. Edgecliff does not have the large retail, commercial, health or educational facilities that distinguish larger centres from local centres. The justification for additional density should, therefore, focus on the local context, relevant adopted documentation and strategic aspirations for Edgecliff as a local centre, rather than on comparison to other larger centres and assumptions about Edgecliff's role in relation to those centres.*

benefits of the site. Whilst it is noted that Edgecliff differs from other larger centres, it is well suited to an increase in density, particularly given that the railway station is the only one serving the Woollahra LGA, and is only one of three servicing the entirety of the Eastern Suburbs. The provision of food and drink premises, commercial floor area, a community facility and public open space, will not aspire to create a strategic centre, rather, serve the needs of the existing community.

#### 8.2. Site specific merit

*Given the extent of change requested, a comprehensive urban design study will be required with any request for a planning proposal and must refer to the relevant desired future character objectives and controls of the Woollahra LEP 2014 and Woollahra DCP 2015 and the matters outlined below. Matters to address include, but are not limited to:*

*- Envelope modelling and analysis of potential development, including massing and distribution of the requested density, built form and open spaces across the site*

The Urban Design Report prepared by FJC considers the proposal against the existing and desired character of the locality. The UDR and Section 6.3.2 and 6.3.3 of this Report address the following:

Concept envelopes and analysis showing how the proposal will relate to the surrounding locality, including open spaces;

*- Built form relationship to the neighbourhood and its context*

Relationship to the surrounding locality, including HCA and commercial centre.

*- Access and movement that addresses vehicles (including parking), pedestrian and cycle usage and movement throughout the neighbourhood and to the wider context, to identify areas of improvement and increased connectivity*

Potential vehicular and pedestrian access to the site. Through-site link also provided with relevant information. Refer to the concept envelope scheme.

*- Solar access for future dwellings within the site and for dwellings, and private and public outdoor spaces to the east, south and west of the site*

Solar access details provided for future residential accommodation and surrounding locality. Refer to Section 6.3.3 of this Report.

*- View sharing in accordance with the principles in Tenacity Consulting v Warringah Council [2004] NSWLEC 140- impact on existing views from nearby residential towers*

The proposal will not have any adverse view impact as discussed in this Section 6.3.3 of this Report.

*- Visibility of the proposal and its scenic quality - views from major ridges, Sydney Harbour and the nominated state listed heritage items identified in the Heritage Officer's comments*

A Visual Impact Assessment prepared by Urbaine is provided. This explores the key vantage points within the locality, illustrating the relationship between the existing and proposed built forms. This is discussed in Section 6.3.3 of this Report.

*- Traffic impact – particularly the impact of traffic and service vehicles on residential premises and open/outdoor spaces through noise and fumes*

This is addressed in the Transport, Traffic and Parking Assessment and also discussed in Section 6.3.3.

*- Function of new open/outdoor spaces including active and passive recreation with good amenity, functionality and durability*

This is shown on the Concept Landscape Plans.

*- Function of proposed multi-purpose indoor community space and relationship to outdoor open/recreation space*

This space can be utilised as desired by Council. The location and address is shown on the reference scheme. This facility will respond to Woollahra Community Facilities Study.

Table 2 Council Comments and Responses from 13 December 2022

- *Amenity of outdoor spaces and nearby residential premises (solar access, overshadowing, shade and cooling, overlooking, traffic and mechanical noise, and air quality)*

This is addressed in the UDR, this Report and supporting documentation. Refer to Section 6.3.3.

- *Sustainability, that permeates the above points, for example by addressing urban heat through arrangement of buildings and spaces, materials and finishes, landscaping and planting, or high level consideration of building location and design.*

An ESD Report is submitted with this application.

#### 8.2.2. Desired future character

*At the scale proposed, and as shown in the indicative development concept, the proposal would not be compatible with the medium density, low scale residential and open space neighbourhood that the site is within. Further, the garden setting and substantial tree canopy on the southern side of New McLean Street, including on the site, provides a contrast to the highly urban character of the land to the north of the site and contributes to the character of the neighbourhood. The site provides a transition from the larger scale and harder urban character of the land to the north, and the lower scale and more open character of the land to the site's east, west and south.*

The UDR and supporting documentation demonstrates that the proposed building height and floor space will be compatible with the character of the locality. The inclusion of appropriate setbacks, a modulated podium form and slender tower with increased setbacks ensures compatibility with the locality. Whilst it is noted that the bulk and scale is greater than the immediate neighbours, the site is considerably sized and allows for flexibility and innovate design to mitigate impact, per the concept proposal.

As discussed, the proposed FSR is not inconsistent with that anticipated by the ECCP & UDS, particularly given the distance of a number of properties (circa 500m) from the Edgecliff Railway Station, which contain FSR of up to 5:1. Similarly, the proposed height is consistent with (or less than) that anticipated by the property to the north. As such, it cannot be said that the proposal is inconsistent with the Edgecliff locality.

#### 8.2.3. Building height

*The proposed maximum building height and resulting scale of building would not:*

- *Reflect the role and character of Edgecliff as a local centre as identified in the District Plan and Woollahra LSPS 2020.*

The building height does not alter the local centre characterisation, and is a result of the strategic location of the site.

- *Establish a transition in scale between zones to protect local amenity and sensitively respond to the heritage significance of the Paddington HCA and Trumper Park.*

The amenity of the surrounding locality and heritage significance of Paddington HCA is appropriately protected, per this Report and relevant supporting documentation. As detailed, the podium form is setback substantially from the eastern boundary, contains a building height which is consistent with the roofline of the adjacent terraces and maintains a significant amount of landscaping along the boundary to soften the built forms.

- *Minimise the impacts of new development on adjoining or nearby properties relating to disruption of views, loss of privacy, overshadowing or visual intrusion*

The amenity of neighbouring properties is adequately protected as outlined in this Report. Importantly, the concept proposal has been designed and deliberately sited so that it does not contribute to any additional overshadowing to Trumper Oval, when including existing vegetation, from 10am to 2pm during mid-winter, per WDCP.

Table 2 Council Comments and Responses from 13 December 2022

- Be consistent with the character of the ECC emerging from the Review of the Edgecliff Commercial Centre Planning Controls.

The proposal is consistent with the ECCP per Section 6.3.2.10.

#### 8.2.4. Floor Space Ratio

Council staff do not support the requested FSR on the site, or the distribution of floor space shown in the indicative development concept. In combination with the requested maximum building height, the requested FSR would permit development which would result in excessive bulk and scale, overdevelopment, adverse amenity impacts and potentially unacceptable traffic generation.

The proposed maximum FSR is considered to be commensurate to the area and location of the site. As discussed, appropriate design measures have been implemented to protect the amenity of the surrounding locality, and character of the area. Traffic is considered within the Transport, Traffic and Parking Assessment submitted with this proposal.

#### 8.2.5. Bulk and Scale

The indicative development concept presented in the pre-application planning proposal presents a bulk and scale that is inconsistent with the desired future character of the adjacent neighbourhood and of the ECC (as envisaged in the draft ECC Strategy).

As discussed, the bulk and scale of the proposal is commensurate to the site characteristics and strategic location. This has been considered in the Urban Design Peer Review and Visual Impact Assessment submitted with this proposal.

#### 8.2.6. View sharing

Any request for a planning proposal must address view sharing based on the principles provided in *Tenacity Consulting v Warringah* [2004] NSWLEC 140 (paragraphs 23-33). The analysis should be based on the maximum building envelope enabled by the requested planning controls, not the building envelope of the indicative development concept (although this may be included in addition to the maximum building envelope analysis).

This is discussed in Section 6.3.3 of this Report and is considered acceptable given the relationship to surrounding properties. View loss is also explored within the accompanying UDR.

#### 8.2.7. Solar access and overshadowing

Any request for a planning proposal must address solar access impacts on surrounding properties and open space. The assessment must be based on the maximum building envelope created by the requested planning controls, not the building envelope of the concept building (although the solar access and overshadowing impacts from the concept building may be included in addition to the analysis for the maximum building envelope).

The solar impact to surrounding properties and the public domain is addressed in Section 6.3.3 of this Report and in the supporting UDR

#### 8.2.8. Streetscape

Any request for a planning proposal must address the impact on streetscape through analysis based on the maximum building envelope created by the requested planning controls, not the building envelope of the concept building (although the streetscape impacts from the concept building may be included in addition to the analysis for the maximum building envelope).

This is addressed in the supporting UDR and Visual Impact Assessment, through detailed visual analysis. It is also noted that an Urban Design Peer Review prepared by *Matthew Pullinger Architect* is submitted with this application which deems the impact as acceptable.

#### 8.2.9. Public domain

Any request for a planning proposal must address the impact on the public domain through analysis based on the maximum building envelope created by the requested planning controls, not the building envelope of the concept building (although the streetscape impacts from the concept building may be included in addition to the analysis for the maximum building envelope).

Notwithstanding the above, the impact of an additional through site link between New McLean Street and Trumper Park would need to be fully assessed in any request for a planning proposal and include confirmation of demand/potential use and benefit, whether there would be negative impacts on the two existing pedestrian laneways, and whether there would be negative impacts on pedestrian safety (for instance by encouraging pedestrians to cross outside of the controlled pedestrian crossings).

The impact to the public domain, including New McLean Street and Trumper Park, has been considered in Section 6.3.3 of this Report. Whilst the proposal will increase the maximum height and FSR, the amenity impact can be appropriately managed through the concept envelopes. That is, any future development application will be required to provide a bulk, scale and character which is suitable to the character of the locality and streetscape. It is anticipated that a Site Specific DCP will be prepared prior to any development application which will inform the built form contemplated in the concept envelope and relates to the public

Table 2 Council Comments and Responses from 13 December 2022

	<p>domain. This will also be developed through heritage input.</p> <p>The project documentation, including UDR, Heritage Impact Statement and Heritage Peer Review, Visual Impact Assessment and Urban Design Peer Review, have considered the public domain.</p>
<p><b>8.2.10. Forecast</b></p> <p>For reporting purposes to the DPE, the planning proposal must include a statement which, based on the maximum potential development as well as the indicative development concept, identifies the:</p> <ul style="list-style-type: none"> <li>- Number and size of existing and proposed dwellings</li> <li>- Number of potential new residents</li> <li>- Size of existing and new non-residential gross floor area in square metres</li> <li>- Number of existing and new jobs that will be accommodated in the non-residential area</li> <li>- Number and type of existing and proposed car parking spaces.</li> </ul>	<p>A reference scheme is submitted with this application which details the maximum development potential on the subject site, in accordance with the amended planning controls. This is supported by the Economic Demand Assessment prepared by HillPDA, which includes an assessment of existing and proposed accommodation, commercial and retail premises. This analyses the supply and demand and demographics within the locality.</p>
<p><b>8.3. Heritage</b></p> <p><u>Demolition of buildings</u></p> <p>The site is located within the Paddington HCA and formed part of the original St James Glebe grant. The current buildings on the site date from the 1960s and were designed by Clarke, Gazzard and Partners, who are considered to be architects of note, key practitioners of the Sydney School, and whose works included the State Heritage Register (SHR) listed Wentworth Memorial Church. Whilst on face value, it appears unlikely that the existing buildings on the site would fulfil the criteria for heritage listing and warrant retention, the Heritage Impact Statement to be submitted with a future planning proposal must fully consider the demolition of these buildings located within the HCA, including an assessment against the heritage significance criteria in the NSW Heritage Manual.</p>	<p>A Heritage Impact Statement prepared by Curio Projects is submitted with this proposal. The demolition of existing buildings has been considered within the HIS, in which it has been concluded that the existing buildings do not contain any heritage significance. Furthermore, the existing buildings are dilapidated and at the end of their useful life expectancy. A Heritage Peer Review prepared by Urbis is also submitted with this application.</p>
<p><u>Impact on heritage items and the Paddington HCA</u></p> <p>Further analysis of heritage impact must be submitted with any planning proposal in order for a full and proper heritage assessment to be made. This includes an assessment of a future building on the site that responds to the proposed height and FSR controls and its impact on the Paddington HCA in general and the Bowes Avenue/Cameron Street area in particular.</p>	<p>As above, a Heritage Impact Statement and Heritage Peer Review are submitted with this application. Furthermore, a Visual Impact Assessment also details the visual impact to the surrounding HCA.</p>
<p><u>Cumulative Impact</u></p> <p>Any planning proposal to increase the building height and FSR controls for the site needs to consider the cumulative shadow impact on these terraces by providing diagrams responding to the maximum building heights of the Edgecliff centre and station developments, and demonstrating that the diagrams respond to the prevailing topography that falls away from the ridge.</p>	<p>The impact to shadows created by the proposed building height and FSR has been considered in this Report and the supporting documentation, whereby it has been deemed as acceptable.</p>
<p><b>8.4. Engineering Services</b></p> <p><u>On-site parking provision</u></p> <p>The applicant is to provide sufficient parking spaces in compliance with E.1 of Council's DCP. It should also be noted that, whilst a maximum parking generation rate is stipulated for residential components, number of residential parking should not be significantly below the requirement. Consideration should also be given to accessible parking and bicycle and motorcycle parking to meet the minimum requirement of the Building Code of Australia and Council's DCP.</p>	<p>Refer to the reference scheme prepared by FJC and Transport, Traffic and Parking Assessment prepared by JMT Consulting. The site is capable of providing the required parking for vehicles, bicycle and motorcycles, in accordance with WDCP.</p>



Table 2 Council Comments and Responses from 13 December 2022

Traffic Generation

is noted that the Transport Statement calculates future traffic movements with reference to the Edgecliff Commercial Centre (ECC) transport study prepared by STC Consultants. It should however be noted traffic analysis should be undertaken on a site-by-site manner. The Transport Statement did not fully consider the application scenarios for the traffic generation rates proposed in ECC transport study, as compared in below table. Traffic analysis should be undertaken in accordance with RMS Guide to Traffic Generating Developments 2002, and RMS Guide to Traffic Generating Developments Updated traffic surveys TDT 2013/04a.

A Transport, Traffic and Parking Assessment prepared by JMT Consulting has considered traffic generation. The Transport, Traffic and Parking Assessment has concluded that the impact will be acceptable.

Intersection Performance

Traffic impacts on the intersection of New South Head Road, Darling Point Road and New McLean Street should be analysed with revised traffic volumes. Noting that the proposal recommends alterations to traffic lanes along New South Head Road, at its intersection with New McLean Street, and TfNSW hold jurisdiction of State Roads and signalised intersections, this should be referred to TfNSW for consideration and approval.

As above, refer to Transport, Traffic and Parking Assessment which has considered impacts to intersections. The proposal, as part of the VPA Letter of Offer, will seek to upgrade New South Head Road as part of a contribution.

Vehicular Access

It is noted that the existing two driveways will be replaced by a single point access, which is supported in principle. Further assessment will be made upon submission of crossover details.

Single driveway access is provided, per the reference scheme.

**8.5. Affordable housing**

A development of the scale proposed should include affordable housing as a minimum of 10% of the new residential GFA achieved in accordance with Council's adopted Affordable Housing Policy that sets an aspirational target of 10%.

Refer to VPA Letter of Offer submitted with this proposal. This indicates that affordable housing will be provided under the SEPP Housing 2021, equating to 5% of the residential gross floor area afforded by the uplift, which is consistent with the 5-10% range for new residential floor space under Direction 11 of the Greater Sydney Region Plan: A Metropolis of Three Cities.

**8.6. Open Space and Trees**

The subject site contains a substantial volume of large and mature trees which are assessed as being generally in good health and structural condition. The species composition is a mix of exotic and predominantly Australian natives which contribute substantially to the canopy cover and amenity of the surrounding area.

Refer to Arboricultural Impact Assessment and Biodiversity Assessment submitted with this application. Furthermore, a Landscape Design is also submitted which details the potential location and arrangement of vegetation.

**8.7. Sustainability**

Biodiversity Conservation Act 2016

Within the Biodiversity Report (HPE 22/184763) Table 4, Biodiversity Offset Scheme assessment it is stated that 'The total clearing of vegetation (0.21 ha) does not exceed the minimum clearing threshold of 0.25 ha, based on a minimum lot size of ha'. When reviewed by staff the digitised vegetation to be cleared appears to exceed the 0.25ha threshold. Therefore, the applicant will need to provide GIS files of this data so that Council can verify the vegetation clearing threshold.

As above, a Biodiversity Assessment prepared by Biosis is submitted with this application which addresses the removal of vegetation and impact to potential fauna habitats. It is noted that the removal of vegetation will not exceed the 0.25ha threshold, as is confirmed in the supporting GIS Data. A BDAR is not required.

Further, the Biodiversity Report (HPE 22/184763) does not acknowledge the presence of two threatened flora species located within Trumper Park (please see map attached).

- *Syzygium paniculatum* (Magenta Cherry), listed as Endangered under the NSW Biodiversity Conservation Act 2016 – Council mapping indicates individuals located within 10m of the site

Refer to the Biodiversity Assessment which addresses the existing vegetation on-site, where it is concluded that the threatened flora species are located within Trumper Park and are not impacted by the proposed development. This is discussed in Section 6.3.3 of this Report.

Table 2 Council Comments and Responses from 13 December 2022

- *Acacia terminalis* subsp. *terminalis*, listed as *Endangered* under the NSW Biodiversity Conservation Act 2016 – Council mapping indicates individuals located within 20m of the site.

Key Threatening Process

Loss of hollow bearing trees is a Key Threatening Process under the Biodiversity Conservation Act 2016. Therefore, work should be done to retain identified hollows where possible, or where trees with hollows are unsafe the hollows are to be retained and reused on site.

The proposal will only require the removal of one hollow bearing tree, which is not anticipated to result in any adverse impact per the Biodiversity Assessment.

Woollahra Biodiversity Conservation Strategy

The Woollahra Biodiversity Conservation Strategy 2015-2025 states the following with regard to Trumper Park which shares the southern boundary of the site:

The proposal will have no adverse impact to the vegetation located within Trumper Park. Whilst vegetation on-site is to be removed, this has been assessed in the Biodiversity Assessment in which it will have no adverse impact to the ecological values. Further to this, appropriate landscaping can be provided on-site to offset the removal of vegetation.

- Predominate vegetation type listed as Urban Exotic / Native.
- Notes habitat value due to fully structured forest and many native plant species.
- Noted as a habitat corridor between City of Sydney and among Woollahra LGA.

This supports the requirement to have no impact on bushland or natural areas and to require suitable habitat planting on site as per the DCP controls below.

**9. Voluntary planning agreement**

Council adopted the Woollahra Voluntary Planning Agreement Policy 2020 (VPA Policy) 10 February 2020. Under this policy, Council may consider entering into a voluntary planning agreement (VPA) where there is an opportunity to secure public benefits alongside changes to controls that substantially increase the development potential of a site.

A VPA Letter of Offer is submitted with this application. This Letter of Offer provides the following:

However, we emphasise that the strategic merit of a planning proposal would need to be fully justified and Council would need to support the requested changes. Furthermore, the VPA Policy seeks to separate the role of Council as an asset manager and planning authority to ensure probity. In this regard, please contact the Director – Infrastructure & Sustainability to discuss any requirements for a VPA, noting that no information is to be provided to Strategic Planning & Place staff.

- Community facility, dedicated to Council;
- Affordable housing;
- Through-site link with public use and access, under private ownership;
- Potential for monetary contribution, which can be utilised to contribute to road upgrade works;
- Public domain improvements, including land dedication thus benefiting the public accessways;
- Public art; and
- Sustainability measures.

Table 3 below summarises Council's comments and provides a response to each of these, in relation to the 22 May 2023 comments.

Table 3 Council Comments and Responses from 22 May 2023

Council Comment	Response
<b>Height of Buildings</b>	
The amended proposal is still significantly out of scale with adjoining development and open space, and would interrupt the transition from higher density development in the Edgecliff Commercial Centre (ECC) to these areas.	The amended proposal is considered to be in scale with the strategic location of the site. That is, the site adjoins Edgecliff Commercial Centre and Railway Station and is entirely appropriate and acceptable to accommodate an increase in density.
The proposed height will not facilitate a suitable transition in scale that sensitively responds to the heritage significance of the Paddington Heritage Conservation Area and Trumper Park.	The proposal provides a well-defined base, open spaces and recessed, slender tower form, which will enable an appropriate transition of form. As outlined, the site is well-located to provide for an uplift in density and will sensitively

Table 3 Council Comments and Responses from 22 May 2023

	respond to the lower density and Paddington Heritage Conservation Area which it surrounds. Of relevance, the proposed podium form will be compatible with the height of the neighbouring terraces, will provide for a significant setback and will deliver a dense landscaped buffer.
<i>The proposed scale of development will likely impact on the amenity of surrounding properties, including in relation to view loss, visual privacy and a sense of enclosure.</i>	The amenity of neighbouring properties and the public domain is addressed in detail within Section 6.3.3 of this Report.
<i>The height will not complement Edgecliff's role as a local centre, and instead would establish a scale of built form similar to strategic centres such as Bondi Junction.</i>	<p>The proposed height is reflective of the sites strategic location in close proximity to public transport, vehicle access routes, public open spaces and various services. Furthermore, the site is also well located in that it is in close proximity to the Sydney CBD, supporting the economy of the immediate and wider locality. As detailed in Table 2 above, the proposed height is consistent with that anticipated to the north within New South Head Road, under the ECCP. The proposed of RL 110.00 is less than that anticipated directly to the north within the Edgecliff Centre and will provide for an appropriate transition of built form from Edgecliff to Paddington.</p> <p>It is again noted that the subject site is in a location and position which is far superior to those under the ECCP &amp; UDS. The increase in density will not alter Edgecliff's identification as a local centre, and will simply provide for a food and drink precinct, commercial uses and vital community centre, all of which are underrepresented in the locality. Refer to the Economic Demand Assessment prepared by HillPDA.</p>
<b>Floor Space Ratio</b>	
<i>The amended concept seeks an increase to the permissible FSR from 0.75:1 to 4.1:1. This is an increase of over 500% and is still significantly out of scale with the adjoining development and open space, particularly as the FSR facilitates excessive height.</i>	<p>The amended concept proposal provides a FSR of 4.5:1 which is consistent with, or less, than the properties to the north which are affected by the ECCP &amp; UDS. The increase in density is offset through the appropriate modulation, stepping of the built form and separation distances that are well suited to the sites strategic location. The increase will also bring with it distinctive public benefits which will not be realised if redevelopment does not occur. This includes the following:</p> <ul style="list-style-type: none"> <li>- A 1,000m<sup>2</sup> community facility, which is in demand within the locality, providing for a strong social and community benefit.</li> <li>- Affordable housing allocation, equating to 5% of the residential gross floor area afforded by the uplift, to be delivered under the SEPP Housing 2021;</li> <li>- Publicly accessible space, under private ownership secured with an easement, improving connectivity from Edgecliff Station to Trumper Park;</li> <li>- Monetary contribution supporting upgrade works to New South Head Road; and</li> <li>- Commercial premises, including food and drink precinct, supporting the vitality of the locality.</li> </ul>
<b>Heritage</b>	
<i>The amended concept is still considered excessive in bulk and scale, and will not achieve a satisfactory relationship with the adjoining Paddington Heritage Conservation Area.</i>	The proposal is acceptable with regards to the character of the Paddington Heritage Conservation Area. The built form provides a podium and tower form with a bulk and scale which is proportionate to the site's strategic location. This is supported by the various documents submitted with this proposal, including but not limited to the UDR, Heritage Impact
<i>To reduce this impact, the maximum building height would need to be substantially reduced and the siting of the bulk of</i>	

Table 3 Council Comments and Responses from 22 May 2023

*the proposed podium would need to be reconsidered to achieve a more appropriate transition between the site and the two storey scale of the neighbouring conservation area.*

Statement, Heritage Peer Review, and so on. Importantly, the architectural design of the podium and tower form will be developed with detailed heritage input during the development application process.

#### Schedule 1

*As discussed at our meeting, the most appropriate method of providing a food and drink premises use on the site must be fully explored. This should include a comprehensive analysis of alternatives (including rezoning), concluding with clear rationale for the preferred option.*

The implementation of an Additional Permitted Use clause under Schedule 1 is considered to be most appropriate, particularly given the current R3 zoning already allows for a variety of uses, noting this is controlled by Clause 6.6 Use of existing non-residential buildings in residential zones. The provision of specific permitted uses, as described in Section 1 and 5.1.3 of this Report, is considered more appropriate to the site given its relationship to surrounding properties. This will maintain the permitted uses on-site and is more appropriate when compared to an E1 Local Centre zone, which would allow for a greater variety of uses, and potentially, greater impacts to the surrounding locality. Overall, this approach is considered to provide the most sensitive response to protecting the amenity of neighbouring properties.

#### Streetscape, trees and open space

*Council staff note the amended design will enable full solar access to Trumper Oval from 10.00am in mid-winter and this outcome remains paramount.*

The proposal will achieve an appropriate level of solar access to Trumper Oval from 10am during mid-winter. A detail survey analysis forming part of the Shadow Report prepared by Norton Surveyors was undertaken on 21 June, from 10am to 2pm, as to establish the exact amount of existing shadow cast onto Trumper Oval by trees and existing development. As shown in the UDR, the concept envelopes have been strategically located and shaped as to avoid any adverse additional overshadowing to Trumper Oval, when including the existing shadows cast by the vegetation and any ancillary structures. This is discussed in this Section 6.3.3 of this Report.

*An important issue in our original response was a best practice approach to the retention and protection of suitably positioned high value trees and tree groups, particularly those close to boundaries. However, the amended concept shows that the setback distances of the proposed structures from some boundaries have been reduced, resulting in increased overall impacts to existing vegetation. An example is the removal of the tree canopy along New McLean Street, resulting in limited opportunities for significant replacement planting. This canopy makes a large contribution to the character of New McLean Street and to pedestrian amenity.*

The proposal will require the removal of existing vegetation on-site, however, will protect vegetation within Trumper Park and Oval. Further to this, vegetation around the periphery of the concept envelopes, located within the site boundaries, will also be protected. This is considered in the Arboricultural Impact Assessment prepared by Urban Arbor and Concept Landscape Plan prepared by FJC. As discussed, the concept proposal has been designed in close consultation with the project arborist, landscaped design and biodiversity consultant, as to maximise the retention of important vegetation.

The envelopes have been designed and strategically located so that existing vegetation along the site boundaries and all vegetation outside the site boundaries will be retained. This has resulted in a concept proposal which has been ultimately designed around tree retention, amongst other constraints. The has result in the majority of 'AA' important trees being retained.

Following the above, where vegetation around the perimeter of the site will be retained, the proposal will also include additional vegetation where practicable and also provide podium landscaped areas. New McLean Street is integrated



Table 3 Council Comments and Responses from 22 May 2023

*Additionally, we have concerns about the private gardens and hard edges to the south, and the direct access to Trumper Park. A softer edge to the park is preferable with an informal, deep soil, landscape design that blends with, rather than competes with, the informal landscape character of the park. The 'grand' central plaza/stairs leading into the park work against such an informal edge and are not considered appropriate. The central space towards the southern edge would be better used as deep soil landscaping.*

with landscaping and active frontages, which will enliven and vitalise the locality, whilst softening the pedestrianised bulk and scale as viewed from the streetscape.

The concept proposal provides landscaping, residential apartments and a community facility to the edge shared with Trumper Park and Oval which is considered to bolster the through-site link, improve safety and activation of the locality. On the upper levels, retail, commercial and community facility, in addition to residential accommodation, also addresses Trumper Park.

As part of the amended concept proposal, the hard edges have been removed. The large central plaza and stairs have been replaced with a sympathetic pedestrian accessway, adjacent to the community facility and incorporated with the existing vegetation to be retained along the southern boundary.

It is noted that the relationship of the through-site link to Trumper Park and Oval can be refined as part of a development application process.

## 4. Existing Planning Provisions

### 4.1 WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014

The current planning controls that apply to the site under *Woollahra Local Environmental Plan 2014* (WLEP) are summarised as follows:

**Table 4** Summary of Current Planning Controls

Control	Existing Requirement	Figure
Zoning	Zone R3 Medium Density Residential	15
4.1 Minimum subdivision lot size	700m <sup>2</sup>	-
4.1A Minimum lot sizes for dual occupancies, manor houses, multi dwelling housing and residential flat buildings	Residential Flat Buildings in the R3 Medium Density Residential zone require a minimum lot size of 700m <sup>2</sup> .	-
Clause 4.3 - Height of Buildings	10.5m	16
Clause 4.4 - Floor Space Ratio	0.75:1	17
5.10 Heritage Conservation	Paddington Heritage Conservation Area	18
Clause 5.21 Food Planning	Site is affected by a flood planning area.	-
Clause 6.1 Acid Sulfate Soil	Class 3 and Class 5	-
Clause 6.4 Earthworks	-	-

The land is not subject to any other environmental or hazard constraints (excluding flooding). Of the above listed provisions, this Planning Proposal seeks to amend the maximum building height and floor space ratio as described in Section 4. This Planning Proposal also seeks to provide for an Additional Permitted Use under Schedule 1, to permit with consent, community facility, commercial premises (including but not limited to business and office premises, food and drink premises and shops), recreation facility (indoor) and medical centre.

#### 4.1.1 Existing Zoning

The zoning table for the R3 – Medium Density Residential zone states the following:

##### ***'Zone R3 Medium Density Residential***

##### **1 Objectives of zone**

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.*
- *To ensure development conserves and enhances tree canopy cover.*

##### **2 Permitted without consent**

##### **Roads**

### 3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Group homes; Home occupations (sex services); Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Office premises; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation areas; Residential flat buildings; Respite day care centres; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shops; Tank-based aquaculture

### 4 Prohibited

Any other development not specified in item 2 or 3'

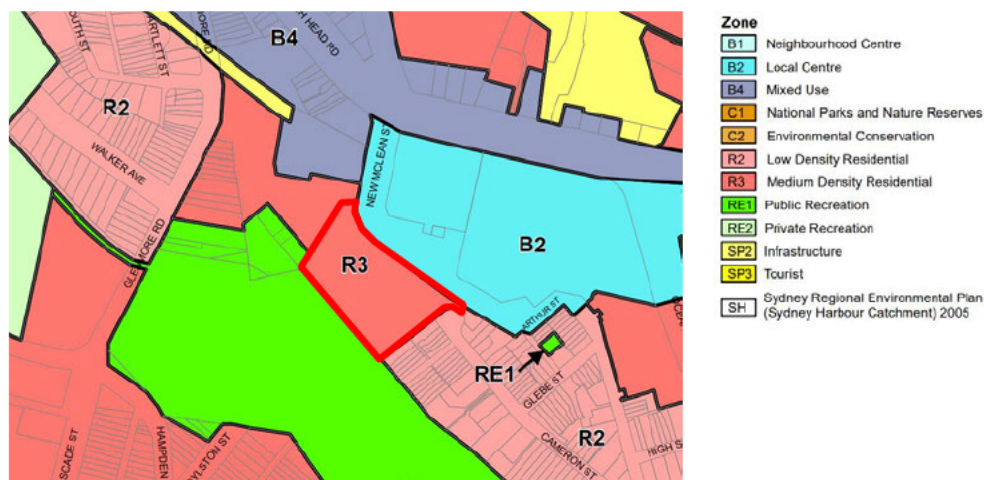


Figure 16 Extract from WLEP Land Zoning Map 003 (site edged in red)

#### 4.1.2 Current Development Standards and Controls

The current development standards are detailed in the following maps:

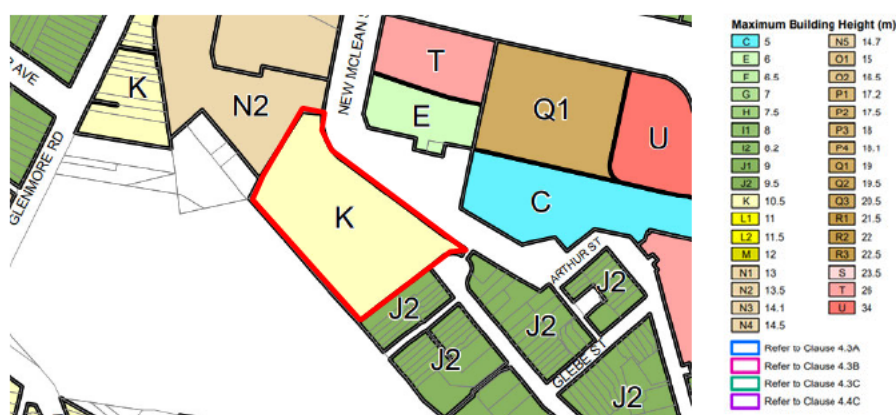




Figure 17 Extract from WLEP Height of Buildings Map 003 (site edged in red)

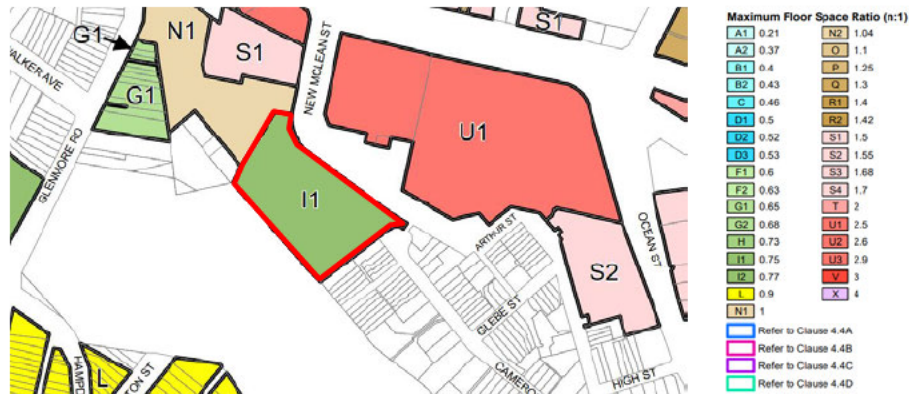


Figure 18 Extract from WLEP Floor Space Ration Map 003 (site edged in red)

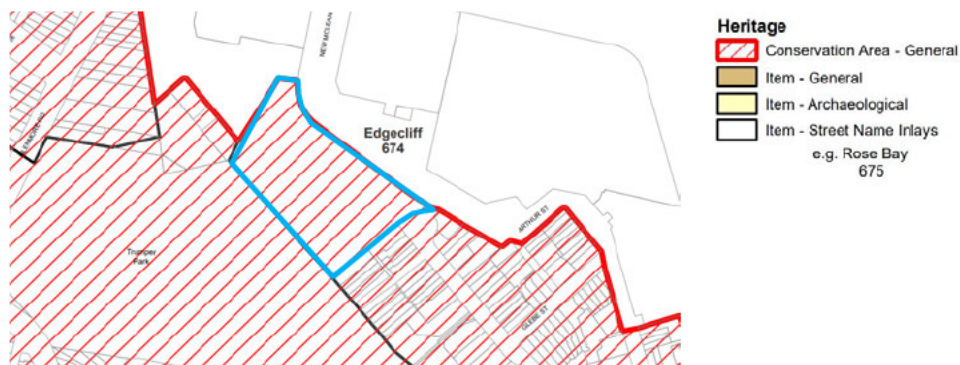


Figure 19 Extract from WLEP Heritage Map 003A (site edged in blue)

## 4.2 WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015

The site at Nos. 8-10 New McLean Street is subject to *Part C Heritage Conservation Areas, Chapter C1 Paddington Heritage Conservation Area* of the WDCP. It is noted that the site is situated on outer periphery of the conservation area, adjacent to the Edgecliff Centre. The site is currently within the R3 Medium Density Residential zone, the controls of B3 General Development Controls apply to the subject site. The controls under *Part E General Controls of All Development* also apply.

A site-specific Development Control Plan for the subject site, in accordance with the proposed building heights, floor space ratio and Additional Permitted Uses, will be prepared prior to the submission of a development application and secured by inserting a new clause in the WLEP 2014 for "Development requiring the preparation of a development control plan". Details of intended controls are demonstrated in the Urban Design Report which provides sufficient information on building envelope controls to enable Gateway Determination.



## 5. Proposed LEP Amendments

### 5.1.1 Proposed Development Standard – Height

The proposal seeks to amend the maximum building height across the site, as follows:

- Establish a height of 36.5m across the subject site under *Clause 4.3 Height of buildings*, effectively controlling the height of the podium;
- Establish a maximum building height of RL110.00 for the tower component of the concept proposal. This is proposed to be implemented under a new clause, *Clause 4.3D Exceptions to building heights (Area L – 8-10 New McLean Street, Edgecliff)*; and
- Implement an additional clause, *Clause 6.11 Development of land at 8-10 New McLean Street, Edgecliff*, which will ensure that Development consent must not be granted for development on land to which the clause applies unless a development control plan has been prepared for the land. Refer to Section 5.1.4 of this Report.

It is requested that Clause 4.3D to be written as follows:

#### **4.3D Exceptions to building heights (Area L—8-10 New McLean Street, Edgecliff)**

(1) *The objectives of this clause are as follows—*

- (a) *to ensure new development is consistent with the existing and desired future character of the neighbourhood, surrounding buildings and the streetscape,*
- (b) *to protect the visual privacy and amenity of nearby residences,*
- (c) *to protect views and vistas that are in the public domain,*
- (d) *to maximise the solar access of Trumper Oval.*

(2) *This clause applies to land identified as “Area L” on the Height of Buildings Map.*

(3) *Despite clause 4.3, the height of a building on land to which this clause applies must not be more than RL 110.00 for the tower component prescribed in the Height of Buildings Map.*

As outlined in this Report, the current height mapping does not deliver a density which is reflective of the site’s characteristics and strategic location. Discussions regarding the site-specific merit of the proposed increase in height are provided within Section 6.3.2.4 of this Report.

### 5.1.2 Proposed Development Standard – Floor Space Ratio (FSR)

The proposal seeks to increase the maximum floor space ratio of the site to 4.5:1 across the site. This can be achieved by updating the Floor Space Ratio Map and does not require a change to Clause 4.4 of WLEP 2014. As outlined in this Report, the current FSR mapping does not deliver a density which is reflective of the site’s characteristics and strategic location. Discussions regarding the site-specific merit of the proposed increase in FSR are provided within Section 6.3.2.4 of this Report.

### 5.1.3 Additional Permitted Uses

As identified, the subject site is zoned R3 – Medium Density Residential under the current planning controls. Whilst there are a range of permissible uses within the R3 zone, several are controlled by *Clause 6.6 Use of existing non-residential buildings in residential zones*. Clause 6.6 prohibits the delivery of uses including business premises, a community facility, an information and education facility, office premises, a public administration building or a shop, unless;

- ‘...(a) the whole or part of the development has a history of a lawfully commenced non-residential use, whether or not that use has been discontinued, abandoned or interrupted, and  
(b) the whole or part of the development was originally lawfully carried out with a non-residential design or was lawfully altered or adopted to a non-residential design, and  
(c) the consent authority is satisfied that the development—  
(i) will not adversely affect the enjoyment by an occupier of the land adjoining or in the neighbourhood of the land on which the development is situated, and  
(ii) if located in a heritage conservation area—will not adversely affect the heritage significance of the building in which, or the land on which, the development is situated, or the heritage conservation area...’

Per the above, commercial premises (including but not limited to business and office premises, food and drink premises and shop) and community facility, are only permitted where there is an established non-residential use, which has lawfully commenced on-site and has not been abandoned. As these uses do not exist on-site, it is requested that both commercial premises and community facility be included under Schedule 1 ‘Additional permitted uses’.

It is also noted that the permissible uses do not extend to the provision of recreation facility (indoor) and medical centres, which are defined as follows:

- **recreation facility (indoor)** means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.
- **medical centre** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.  
**Note**—Medical centres are a type of health services facility—see the definition of that term in this Dictionary.

As such, it is also requested that an amendment be made to Schedule 1 “Additional Permitted Uses”, in which recreation facility (indoor) and medical centre are permitted and applied to the subject site.

#### 5.1.4 Site Specific DCP

A site-specific Development Control Plan for the subject site, reflecting the proposed building height, floor space ratio and Additional Permitted Uses will be prepared prior to the lodgement of a development application.

An additional *Clause 6.11 Development of Land at 8-10 New McLean Street, Edgecliff* is to be implemented to ensure that development consent must not be granted for development on land to which this clause applies unless a development control plan has been prepared for the land. It is requested that Clause 6.11 to be written as follows:

##### **6.11 Development of land at 8-10 New McLean Street, Edgecliff**

- (1) *This clause applies to SP 20548, 8-10 New McLean Street, Edgecliff.*
- (2) *Development consent must not be granted for development on land to which this clause applies unless a development control plan has been prepared for the land that provides for the following—*
- (a) *built form and building facade articulation controls to—*
    - (i) *ensure the scale of development is compatible with adjoining development, and*
    - (ii) *enhance the streetscape of New McLean Street,*
  - (b) *setbacks,*
  - (c) *height of buildings in storeys,*



- (d) vehicular access to and from New McLean Street,*
- (e) a mix of apartment types, including the number of bedrooms in each apartment,*
- (f) deep soil zones to support tree canopies and the planting of vegetation screens,*
- (g) management of environmental impacts, including overshadowing and visual and acoustic privacy,*
- (h) management of overshadowing to Trumper Oval,*
- (i) view sharing.*

Details of intended controls are demonstrated in the Urban Design Report which provides sufficient information on building envelope controls to enable Gateway Determination.





## 6. Planning Proposal

### 6.1 PART 1 - OBJECTIVES OR INTENDED OUTCOMES

#### 6.1.1 Objectives

The objectives for this application for a Planning Proposal are:

- i. Contribute towards the growth and revitalisation of Edgecliff by enhancing the architectural appearance and urban design to reinforce the importance of the Edgecliff Local Centre;
- ii. Concentrate urban growth and activation adjacent to a local centre and the only mass transit hub in the Woollahra Council LGA;
- iii. Ensure development is of a scale, location and design to have a positive impact in the visual amenity of the locality whilst being compatible with the surrounding built and natural environment;
- iv. Deliver much needed affordable housing and a mix of housing choices within the Edgecliff locality;
- v. Provide for a much needed 1,000m<sup>2</sup> community facility in a strategic location;
- vi. Provide for a publicly accessible through-site link, to enhance permeability through the site and link important public spaces between Edgecliff and Paddington;
- vii. Create a built form and active public domain which will create livable communities by virtue of the increased density; and
- viii. Deliver the highest standards of urban planning and excellence in architectural design.

#### 6.1.2 Intended Outcomes

The Planning Proposal will amend WLEP 2014 to facilitate redevelopment of the site in a flexible and appropriate manner as presented in detail in the UDR prepared by *FJC*. The intended outcomes are as follows:

- i. Establish a maximum building height with the potential to deliver a built form suitable to its location, which will integrate with the setting and context of the emerging character and built form in the surrounding area, and that also established in the *Paddington Heritage Conservation Area*;
- ii. Establish a maximum floor space ratio and density on the site which is reflective of the site's strategic location and characteristics, including size, frontages and proximity to public transport and public open space;
- iii. Ensuring that the significance and character of the surrounding locality, namely, *Paddington Heritage Conservation Area*, will be protected;
- iv. Deliver a scheme that allows for flexibility in built form and site arrangement, facilitating and supporting open spaces, active uses and community facilities;
- v. Creating an active frontage along New McLean Street which traverses the through-site link, revitalizing the locality;
- vi. Providing for a well-designed and well-located community facility which will support the local community;
- vii. Increasing the density on site to meet the housing targets set by state, regional and local strategies;
- viii. Deliver housing opportunities with improved amenity and good access to a variety of transport, social infrastructure and recreational spaces;
- ix. Delivery of affordable housing under the SEPP Housing 2021, through providing 5% of residential gross floor area as afforded by the proposed uplift;
- x. To achieve a public benefit in terms of improving the public domain, including additional public open spaces and community facilities and minimising any significant loss of amenity for adjoining properties;
- xi. Provide for a development which will maximise the amenity of Trumper Park and Oval, whilst also improving its accessibility from the Edgecliff Centre;





- xii. Protect and enhance the landscaped character of the site and surrounding locality, through holistic landscaped strategy which retains significant vegetation; and
- xiii. Allow for the orderly and economic development of the land.

This application is based on a detailed urban design analysis of the site and its setting combined with input from specialist studies. This includes analysis as it pertains to traffic and movement, flooding, acoustics, environmentally sustainable development, wind assessments, tree retention and landscaping, amongst other things. Furthermore, detailed analysis of visual and amenity impacts to the public domain, future occupants and neighboring properties has been considered as part of the concept envelopes.

## 6.2 PART 2 - EXPLANATION OF PROVISIONS

The proposed outcome will be achieved by amending the WLEP 2014 as follows:

- Height of Buildings Map Sheet HOB\_003 to increase the maximum building heights for the subject site to RL110.00 which is accompanied by new Clause 4.3D as detailed in Part 5.1.1 (above);
- Floor Space Ratio Map Sheet FSR\_003 to increase the maximum floor space ratio for the subject site to 4.5:1;
- Insert an additional provision into Schedule 1 Additional Permitted Uses to permit with consent, community facility, commercial premises (including but not limited to business and office premises, food and drink premises and shops), recreation facility (indoor) and medical centre, on the subject site; and
- Insert a new clause - *Clause 6.11 Development of Land at 8-10 New McLean Street, Edgecliff* to be implemented to ensure that development consent must not be granted for development on land to which this clause applies unless a development control plan has been prepared for the land.

All other provisions of WLEP 2014 are to remain unchanged.

## 6.3 PART 3 – JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

This section details the reasons for the proposed LEP amendment and is based on a series of questions and matters for consideration as outlined in the DPIE Guideline (September 2022). The matters to be addressed include the strategic planning context of the amendments, strategic merits, site-specific merits, potential State and Commonwealth agency interests, environmental, social and economic impacts.

In summary, the proposed amendments to WLEP outlined above and in Part 5.1.1 of this Report will:

- Align with the relevant key priorities and strategic merit matters in the *Greater Sydney Regional Plan* and *Eastern City District Plan*;
- Be consistent with the relevant key planning priorities, and strategic and site-specific merit matters contained in the *Woollahra Local Strategic Planning Statement*;
- Reflect the intent of the *Edgecliff Commercial Centre Planning and Urban Design Study*, in addition to the *Edgecliff Commercial Centre Transport Study*, due to its highly strategic location and characteristics;
- Support the *Woollahra 2032 Community Strategic Plan* and *Community Facilities Study*, through the provision of a well-located community facility of 1,000m<sup>2</sup>;
- Respond to the shortfall in housing as required by the *Woollahra Local Housing Strategy* and *Integrated Transport Study*;
- Provide for affordable housing, in accordance with the relevant strategic documents as outlined in Sections 6.2.3.6 to 6.3.2.12 of this Report. Specifically, 5% of the residential gross floor area afforded by the uplift will be provided towards affordable housing under SEPP Housing 2021;
- Deliver a publicly accessible through-site link from Edgecliff Centre to Trumper Park and Oval, improving pedestrian activity throughout the locality, secured via an easement (whilst remaining under private ownership);

- Activate New McLean Street through the provision of food and drink premises, retail and commercial premises and a community facility, supporting the vitality of a locality which is otherwise devoid of a strong pedestrianized character per the ECCP & UDS;
- Provide the opportunity to deliver public art or interactive spaces within the through-site link, which will add to the cultural diversity of the locality as desired by the *Woollahra Local Strategic Planning Statement*;
- Respond to the circumstances of the site not recognized by the existing development standards, in that the current standards do not encourage redevelopment of the site;
- Deliver a development which will be compatible with the character of the locality and Paddington HCA, resulting in improvements to the urban design, streetscape character and amenity of the locale through the provision of public open spaces, compatible uses and community facilities;
- Deliver road upgrades to New South Head Road via a VPA; and
- Provide pathway upgrade along New McLean Street, via a VPA.

#### Questions for consideration in demonstrating justification

##### **6.3.1 Section A - The Need for the Planning Proposal**

###### ***Q1: Is the Planning Proposal the result of any strategic study or report?***

In part. The Planning Proposal is not made in direct response to any endorsed local strategic planning statement, strategic study or report but is cognisant of the *Edgecliff Commercial Centre Planning and Urban Design Study* (April 2021), the *Edgecliff Commercial Centre Transport Study* (August 2019) and the *Woollahra Community Facilities Study* (November 2019). Specifically, the *Edgecliff Commercial Centre Planning and Urban Design Study* recognises the site is important to provide improved through site linkages with Trumper Park to and from Edgecliff rail and bus interchange. The proposal is also consistent with the *Woollahra Local Strategic Planning Statement*, *Woollahra 2032 Community Strategic Plan* and *Woollahra Local Housing Strategy*.

In addition, the proposal supports the need for more housing close to existing public transport, better activation of underdeveloped land near Edgecliff Railway Station and delivery of a high quality community facility. The concept scheme responds to the aims and objectives of the various strategies by providing housing (including affordable housing), food and drink precinct, through site links, publicly accessible open space and a community facility, in a well-located site. This is therefore consistent with the Woollahra LSPS and Housing Strategy, as discussed in this Report.

###### ***Q2: Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?***

Yes. A Planning Proposal is the best and only means of achieving the objectives and intended outcomes discussed in Part 6.1.1 and 6.1.2 of this report. The Planning Proposal will permit an uplift to a maximum height limit to RL110.00 (23 storeys) and FSR to 4.5:1. In addition, an "Additional Permitted Use" clause will need to be provided in Schedule 1 of WLEP 2014 in order to deliver flexibility in use, which provides for public benefits on the site.

The current maximum building height (10.5m) and floor space ratio (0.75:1) of WLEP 2014 does not reflect the current buildings on the site nor does it permit a built form and density which is reflective of the site's superior characteristics (including area and frontages) and strategic location. Furthermore, under the current planning controls, redevelopment options for the site are limited and do not reflect the established (and emerging) streetscape character or desired amenity within the public domain, particularly within the Edgecliff Commercial Centre.

Per the UDR, it is demonstrated that the site (and its relationship to the surrounding locality) has a variety of attributes which allow for the increase in building height and floor space. This will ultimately allow for the delivery of a development which is comparative to its location and characteristics, improving the public domain, providing public spaces, variety of uses and high quality residential accommodation. Not only will the Planning Proposal achieve the objectives and intended outcomes, but will also deliver the following public benefits:

- Provision of high-quality, mixed-use building that will better define the street frontages and relate to surrounding developments and strategic location of the site;

- Opportunities to improve the amenity of the public domain, through improvements to accessibility, activation and street frontage character;
- Result in a well-considered distribution of massing cognisant of the surrounding built and natural environment, thus creating an appropriate visual amenity and relationship to surrounding developments;
- Contribution to a more cohesive streetscape and skyline and improvement to the urban fabric of the site as it relates to the Edgecliff Local Centre and Trumper Park;
- Improvements to public safety and amenity by delivering a publicly accessible through-site link and active uses;
- Opportunities to deliver a variety of residential accommodation throughout the site;
- Delivery of affordable housing, which will include 5% of the residential gross floor area afforded by the uplift provided under the SEPP Housing 2021;
- Activation of the ground plane to allow for the provision of new, publicly accessible open spaces that provide links between the various streets;
- Improved activation and natural surveillance of the new publicly accessible open spaces and public domain through flexibility in building mass arrangement; and
- Delivery of a well-located 1,000m<sup>2</sup> community facility, dedicated to Council via a VPA, which will serve the immediate and wider community.

The public benefits can only be delivered through the proposed amendments to the LEP. It is noted that these LEP Amendment fits the category of a 'Standard' planning proposal described in the DPIE Guideline as follows:

**Standard**

A standard planning proposal refers to any one or more of the following proposed LEP amendment types, including an amendment:

- To change the land use zone where the proposal is consistent with the objectives identified in the LEP for that proposed zone
- That relates to altering the principal development standards of the LEP
- That relates to the addition of a permissible land use or uses and/or any conditional arrangements under Schedule 1 Additional Permitted Uses of the LEP
- That is consistent with an endorsed District/Regional Strategic Plan and/or LSPS
- Relating to classification or reclassification of public land through the LEP

As discussed, the proposal seeks to increase the maximum building height to RL110.00, floor space ratio to 4.5:1 and implementation of an 'Additional Permitted Use' which will permit a specific range of acceptable uses on the subject site. The Planning Proposal is the only way to satisfy objectives and intended outcomes as detailed above.

### 6.3.2 Section B – Relationship to the Strategic Planning Framework

Assessment against the following matters for consideration listed in the guidelines (Questions 3-6) demonstrate that the planning proposal has clear strategic and site-specific planning merit.

This application for a Planning Proposal is consistent with the applicable regional and sub-regional strategies. The strategic plans identify the need to deliver new housing and new employment opportunities throughout the established urban metropolitan area, particularly on sites within a local centre and in close proximity to a variety of public transport options. This application for a Planning Proposal seeks to increase building height and floor space ratio throughout the site to allow for redevelopment which is reflective of the strategic location and characteristics.

**Q3: 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 regional or district plans include the following and are addressed in detail below:

- *The Greater Sydney Region Plan: A Metropolis of Three Cities*
- *Eastern City District Plan*

### 6.3.2.1 Greater Sydney Region Plan – A Metropolis of Three Cities (GSRP)

On 23 March 2018, the Greater Sydney Commission released *A Metropolis of 3 Cities: The Greater Sydney Region Plan* (GSRP) which sets out strategic priorities for 2016 to 2036. The Regional Plan contains ten directions for the Greater Sydney Metropolitan Area. The Directions include the following:

1. A city supported by infrastructure;
2. A collaborative city;
3. A city for people;
4. Housing the city;
5. A city of great places;
6. A well connected city;
7. Jobs and skills for the city;
8. A city in its landscape;
9. An efficient city;
10. A resilient city.

The Metropolitan Strategy does not identify Edgecliff as within any Strategic Centre, however, is within close proximity to the Harbor CBD and Eastern Economic Corridor, as shown in **Figure 20**. It is noted that Edgecliff is identified as a Local Centre under the Eastern City District Plan, as is discussed in further detail under Section 6.3.2.2 of this Report.

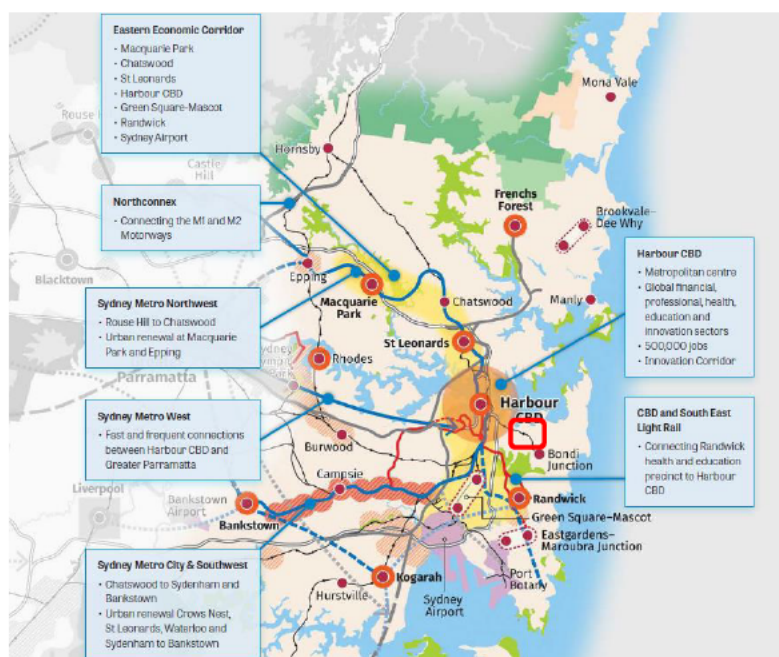


Figure 20 The Eastern Harbour City (Source: A Metropolis of 3 Cities: The Greater Sydney Region Plan)

An assessment against the relevant directions and their objectives is provided in the table below.

Table 5 Greater Sydney Region Plan: A Metropolis of Three Cities Directions
<b>Direction 1 – A city supported by infrastructure</b>
<b>Objectives 1 to 4</b>
These objectives relate to the provision of infrastructure to support the future needs of the three cities.



**Table 5** Greater Sydney Region Plan: A Metropolis of Three Cities Directions

As detailed in Section 1 of this Report, the subject site represents a unique opportunity whereby it contains a significant site area of 7,226m<sup>2</sup>, under a single land holding. The size of the site is further bolstered given it is located less than 50m from Edgecliff Railway Station and bus interchange. The Edgecliff locality represents one of the few remaining opportunities within the Woollahra LGA and wider Eastern Suburbs to deliver additional higher density housing adjacent to a railway station. That is, both Kings Cross and Bondi Junction have generally reached capacity, and their expansion is limited. Therefore, the subject site is extremely well-suited to such an increase in density, as is proposed. It is clear that there is no fundamentally better location to establish an increase to building height and floor space, as the subject site is adjacent to railway station, bus interchange and is supported by a variety of infrastructure and open space.

As such, the subject site presents a unique opportunity which will improve the availability of housing, employment and community facilities in close proximity to high speed, heavy rail. The proximity of the site to established public transport and roadways (including New South Head Road) is considered to deliver for a logical and strategic increase of density on-site.

*Direction 3 – A city for people*

*Objective 6: Services and infrastructure meet communities' changing needs*

This objective is about providing social infrastructure and public places that reflects the needs of the community now and in the future.

The proposal will facilitate the delivery of additional high quality public open spaces, public art, through-site link and community infrastructure, not envisaged by the current controls. The provision of these additional services and facilities are afforded through the increase in density and flexible arrangement of built form on the subject site. As shown in the submitted UDR, the proposal will provide a centrally located through-site link from New McLean Street to Trumper Oval (and Park), which is activated by retail and commercial uses, including a food and drink precinct. The through-site link is supplemented by the proposed activation of New McLean Street, which is currently devoid of any streetscape presence or social connectivity.

Following the above, the concept proposal will provide for a 1,000m<sup>2</sup> community facility which is accessible via a through-site from New McLean Street and Trumper Park. As outlined in Section 6.3.2.7 and 6.3.2.8, community facilities are underrepresented in the Woollahra LGA and Edgecliff locality especially. As such, the provision of a well-located and well-designed community facility, which is nestled within the greenery of Trumper Park, will deliver a vital public benefit which will only be realised through the ability to increase density in a strategic and well-located site.

*Objective 7 Communities are healthy, resilient and socially connected*

This objective is about creating a lively connected neighbourhood that is in close proximity to shops, creative arts centres, schools, health care centres and community facilities. It promotes the benefits of mixed-use centres and the opportunities for public and alternative forms of transport.

The subject site is located on the periphery of the Edgecliff Local Centre and the ECCP & UDS. The site is also within 50m walking distance from the Edgecliff Railway Station and the Edgecliff bus interchange, which provide access to the immediate and wider locality. The site affords excellent connectivity and access to the facilities provided around the subject site and within the wider locality. Given the site is well serviced by public transport and various facilities, active transport (being walking and cycling) will be encouraged. The proposed open air dining precinct will create a zone of social connectivity which is not currently available within the locality or to other allotments within the ECCP given the constraints of New South Head Road and subdivision pattern.

Due to the subject site's strategic location, that is, in proximity to a wide range of services and facilities, an increase in density will achieve the connectedness envisaged by the GSRP. The increase in density will also allow for revitalisation of the site, providing for additional publicly accessible open spaces, through-site link and community facility. This will improve the public domain which will enhance connectivity for the surrounding residents and encourage more travel by walking and cycling.

*Objective 8 - Greater Sydney's communities are culturally rich with diverse neighbourhoods*

This objective is about fostering cultural diversity and facilitating their growth.

**Table 5 Greater Sydney Region Plan: A Metropolis of Three Cities Directions**

The increase in density will allow for housing which will directly satisfy the relevant district and local strategic plans which apply to the Woollahra locality. The provision of additional accommodation and uses, including the through-site link, food and drink premises, commercial uses and a community facility, in a highly accessible location, will foster cultural diversity and facilitate growth. The community facility will provide for a focal point on-site and within the Edgecliff locality which is lacking within the existing and future vision of the site. The through-site link and community facility will also be bolstered through the delivery of public art, which will contribute to the diverse and interactive environment.

In addition to the above, the provision affordable housing under the SEPP Housing 2021 will also allow for a greater cross section of the community, including key workers, to live and reside in this area. Currently, the Woollahra Local Government Area does not provide for an appropriate amount of affordable housing given the higher percentage of low density residential accommodation. The delivery of a range of residential apartments and allocation of affordable housing will create diverse neighbourhoods.

The proposal provides for greater satisfaction of Objective 8, whereby the current controls do not respond to its strategic location and beneficial characteristics.

*Objective 9 - Greater Sydney celebrates the arts and supports creative industries and innovation*

This objective is about fostering creative thinking, expression and innovation.

This Planning Proposal provides for the opportunity to deliver public art within the through-site link, not envisaged by the current planning controls. This can be explored within any future Development Application and will contribute to the character of the locality. Public art can be offered through the VPA Letter of Offer, submitted with this application.

*Direction 4 – Housing the city*

*Objective 10 - Greater housing supply*

The NSW Government has identified that 725,000 new homes will be needed to meet demand based on current population projections to 2036.

The reference scheme will provide a supply of employment and dwellings as desired within the Edgecliff locality. As discussed, the subject site is suited to a significant uplift in density which cannot be achieved under the current planning controls. As shown in the reference scheme, the proposal will provide for 256 new dwellings on a site with a high level of accessibility in terms of public transport, services, facilities and public open spaces. Furthermore, the subject site represents one of the largest allotments within close proximity to a railway station in the Woollahra LGA. It would be contrary to the various strategic documents to deny an uplift in density given the numerous benefits offered by the site.

*Objective 11 - Housing is more diverse and affordable*

The Plan encourages the provision of a supply of diverse housing supply and encourages the provision of Affordable Housing.

In providing a supply of apartments, the concept proposal will add to the diversity of accommodation in the locality. As discussed, this is achieved through allowing an increase in density which has the capacity to deliver 61 x 1 bedroom, 124 x 2 bedroom and 71 x 3 bedroom apartments, per the reference scheme. The increase in housing density and diversity on-site will, by virtue of choice, allow for an increase in affordability. Further to this, this Planning Proposal will also allocate 5% of the residential gross floor area uplift towards affordable housing, under the Housing SEPP 2021.

In accordance with the Economic Demand Assessment prepared by HillPDAs, Woollahra contains an undersupply of housing within the LGA, despite its high level of desirability. The proposal, which will allow for an increase in density in a strategic locality, will bring with it additional housing that will assist in satisfying the current and future demand. As discussed, Edgecliff is the best location to meet dwelling targets given its relationship to existing heavy rail, bus services and the Sydney CBD. As such, the variety of supply which can be achieved through the proposal will satisfy Objective 11.

*Direction 5 – A city of great places*

*Objective 12 - Great places that bring people together*

**Table 5 Greater Sydney Region Plan: A Metropolis of Three Cities Directions**

The Metropolitan Plan promotes the following principles for the design of great places:

- People friendly public open space areas and streets
- Fine grain fabric and activity
- A diverse mix of uses
- A socially connected region
- Ensure adequate car parking which takes into account access to public transport
- Encourage the use of car sharing and hybrid vehicles

The UDR demonstrates that increasing the maximum building height and floor space ratio will provide for an opportunity to enhance the public domain, provide a through-site connection and a new 1,000m<sup>2</sup> community facility. The through-site connection will attract people to the site, promote visual and physical connectivity and a sense of place, particularly along New McLean Street from the sterile railway centre to Trumper Oval and Trumper Park public recreational area. This will be further bolstered through the proposed community facility and food and drink precinct, which will also provide for an additional layer of social interaction not available within the current locality or as desired by the ECCP.

The proposed uses on site, in addition to public domain improvements, will encourage interaction and provide for greater employment and services in close proximity to residential accommodation. As detailed, the proposal will improve the pedestrianised and urban fabric of the locality through delivering a built form that is compatible with the character of the surrounding locality, namely, the Edgecliff Local Centre and Paddington Heritage Conservation Area. This is not possible under the current planning controls or ECCP, particularly given the harsh nature and constraints of New South Head Road.

The site is in a highly accessible location and the provision of car parking will be cognisant of the proximity to public transport and surrounding services. Alternative forms of transport, car sharing and electric vehicles will be encouraged.

*Objective 13 - Environmental heritage is identified, conserved and enhanced*

The Metropolitan Plan promotes the conservation and enhancement of environmental heritage to understand heritage values and how they contribute to the significance of the place.

Whilst the site has no specific heritage significance, it is within the *Paddington Heritage Conservation Area*. The increase in building height and floor space ratio has considered the relationship of the site to the surrounding conservation area, as demonstrated in the UDR. The increase in density is considered to relate appropriately to the Edgecliff Local Centre, whilst providing an appropriate transition to the surrounding lower density zones, which are also located within the conservation area. Importantly, the transition from the reference scheme to the Paddington HCA is similar to the transition from high density development with the Edgecliff Centre and 170 Ocean Street to the two storey Paddington Terraces in Arthur Street, Herbert Road and Great Thorne Street. It is imperative to note that the relationship of the reference scheme to the Paddington HCA has been developed in consultation with heritage specialists *Curio Project* and *Urbis*.

As such, a Heritage Impact Statement prepared by *Curio Projects* is submitted with this proposal, which has considered the heritage character of the site, surrounding locality and proposed increase in density. This has also been considered in the Heritage Peer Review prepared by *Urbis*.

*Division 6: A well-connected city*

*Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities*

This objective seeks to create a well-connected city with transport and other services.

The subject site is one of the largest allotments within the Woollahra Local Government Area and is ideally situated less than 50m from Woollahra's only railway station, in an area that can clearly accommodate additional density as evidenced by the ECCP & UDS. The proposal will provide for an uplift in density that will create walkable and 30-minute cities, not possible under the current planning controls.

**Table 5** Greater Sydney Region Plan: A Metropolis of Three Cities Directions

The UDR also demonstrates that the concept proposal will improve the public domain through the strategic location for floor area and building envelopes. The proposal will locate floor area within tower form structures and will increase permeability via a through-site link, which will in turn encourage walking, cycling and the use of public transport. The proposal will also improve the pedestrianized scale of the site and public domain, particularly as it relates to New McLean Street and Trumper Oval. It is also imperative to note that the increase in density is entirely compatible with that envisaged by the ECCP & UDS, as shown in the submitted UDR.

*Objective 15: The Eastern, GPO and Western Economic Corridors are better connected and more competitive*

The subject site is not within the Eastern Economic Corridor and this objective is not a matter for consideration. It is noted however that the proposal will provide additional non-residential uses which will support the Edgecliff Local Centre, in accordance with the Economic Demand Assessment.

*Division 7: Jobs and skills for the city*

*Objective 22: Investment and business activity in centres*

This objective seeks to strengthen centres through attracting investment, business and jobs.

The planning proposal will provide additional residential accommodation which will support the Edgecliff Local Centre and local businesses. It is also noted that the proposal will provide non-residential uses which will similarly support the adjoining local centre without detracting from the viability of the existing centre. In accordance with the Economic Demand Assessment prepared by HillPDA, the proposed retail and commercial floor area will not result in an oversupply in the locality. Furthermore, the development during and post construction will result in wholesale economic benefits to the locality.

*Direction 8 – A city in its landscape*

*Objective 30 - Urban tree canopy cover is increased*

The Metropolitan Plan seeks to expand the urban tree canopy in the public realm.

The subject site, neighbouring properties and public domain contain an established network of vegetation. The concept scheme demonstrates that the uplift in density will protect the existing vegetation where practicable but especially around the periphery of the site, with the capacity to improve canopy coverage and landscaped character throughout the site. As discussed, the increase in density and reimagining of the site will allow for the delivery of a through-site link and publicly accessible spaces which will allow for improvements to the urban canopy and public realm. Further to this, the concept envelopes have been sited and designed in coordination with *Urban Arbor* and *Biosis* to ensure that vegetation will not only be retained where possible, but will not result in any impact to biodiversity. Subsequently, the choice of landscaping and its placement around the periphery of the site and within the public open spaces will enhance ground level amenity and provide a leafy outlook for future occupants of the site, per the Concept Landscape Plan.

*Objective 31: Public open space is accessible, protected and enhanced*

The Metropolitan Plan seeks to deliver public open spaces across Greater Sydney.

As detailed, the concept proposal will allow for the delivery of publicly accessible through-site link, open plaza and seating areas. This will enhance the provision of open spaces within the locality and can only be achieved by the benefits afforded by this Planning Proposal.

*Direction 9 – An efficient city*

*Objective 34: Energy and water flows are captured, used and re-used*

The Metropolitan Plan supports precinct based initiatives to increase renewable energy generation and efficiencies.

It is proposed to explore a number of sustainability measures through the redevelopment of the site at the Development Application stage. It is noted that the increase of density sought as part of this proposal will ensure high levels of amenity for



**Table 5** Greater Sydney Region Plan: A Metropolis of Three Cities Directions

future residents, neighboring properties and the public domain. An ESD Report prepared by SLR is submitted with this application which ensures that Objective 34 will be satisfied.

**Direction 10 – A resilient city**

**Objective 37: Exposure to natural and urban hazards is reduced**

This objective seeks to ensure the delivery of resilient communities.

The subject site is flood affected. Flooding is considered in Section 7.1 of the Services Infrastructure Report prepared by *Stantec*, which demonstrates that the sites flood affectation will not stop the delivery of a resilient development. It is noted that the additional density sought as part of this Planning Proposal has considered the flood affectation as to satisfy Objective 37.

**6.3.2.2 Eastern City District Plan (ECDP)**

The Eastern City District Plan (ECDP) adopts the Directions of the GSRP and lists Planning Priorities relevant for consideration in this Planning Proposal. The ECDP applies to Woollahra, Waverley, Randwick and the City of Sydney. The District Plan sets out a 20-year plan and aims to enhance liveability, productivity and sustainability. **Figure 21** details that Edgecliff is a Local Centre.



**Figure 21** The Eastern City District Plan excerpt

The District Plan establishes a number of priorities and actions to guide growth, development and change, relating to productivity, liveability and sustainability. Additional housing to improve diversity and affordability co-ordinated with transport, development of centres and services is required in response to population growth. As such, the local area will require more dwellings, jobs and infrastructure in order to accommodate the needs of the growing population.

Woollahra Council is required to provide the following dwelling targets:

- an additional 300 dwellings from 2016-2021 (0-5 year target);
- an additional 500 dwellings from 2021-2026 (6-10 year target); and
- an additional 400 dwellings from 2026-2036 (10-20 year target).

A total of 1,200 additional dwellings are required up to 2036 and given the constraints of the heritage conservation areas, environmental and character in the locality, the Housing Strategy 2021 indicates that additional dwellings can be provided in existing local centres, such as Edgecliff and Double Bay. This is reinforced by the District Plan which

encourages renewing great places and local centres which are a focal point for neighbourhoods and include transport interchanges critical for the growth of the 30-minute city.

There are only three (3) train stations east of the CBD and Edgecliff represents the last opportunity for coordinated higher density development given that Kings Cross and Bondi Junction are already significantly built out. Given the limited land available and the fact that any redevelopment is expected to last 70+ years, consideration beyond the 20 year dwelling targets are warranted, especially for large sites within 50m of the Edgecliff Railway Station.

Per the above, an Economic Demand Assessment prepared by HillPDA has been prepared and is submitted with this application. The Economic Demand Assessment notes that the *Woollahra Local Housing Strategy 2021* (refer to Section 6.3.2.12 of this Report) seeks to provide a further 500 new dwellings from 2021 to 2026, and 400 new dwellings from 2026 to 2031. However, the NSW Department of Planning has higher targets post 2021 and based on revised population and household projections of 2022, the Woollahra LGA needs to deliver approximately 3,500 dwelling from 2016 to 2041.

It was recorded that only 284 dwellings were delivered from 2016 to 2021. This is short of the target for the 5 years up to 2021 which is noted as being the most conservative target of the three. In order to achieve the Department of Planning target of 3,500 dwellings, an average of 800 dwellings every five years or 160 each year will need to be delivered. There will be a clear shortfall of dwellings in the Woollahra LGA.

It is also prudent to note that the housing targets as set out above rely heavily on the successful delivery of the ECCP & UDS, which is currently in draft form and has been subject to extensive deliberation (over approximately eight years). As discussed, the ECCP relies heavily on amalgamation strategies within an area of complex ownership and subdivision patterns, further impacting the delivery of increased housing and achieving the prescribed housing targets.

As such, the provision of additional housing as part of a mixed-use development in a highly accessible location will certainly cater for the additional population, as identified above, and also provide additional employment opportunities in the short and longer term. The proposed community facility will provide a much-needed destination for the residents at the western end of the LGA that is strongly desired in the Community Facilities Study 2019. The Planning Proposal is consistent with the priorities of the Greater Sydney Region and District Plans.

In accordance with the above, the Proposal supports a number of the *Directions* and *Planning Priorities* outlined in the plan as outlined in the following table:

Table 6 Eastern City District Plan
<i>Direction 1 - A city supported by infrastructure</i>
<i>Planning Priority E1 Planning for a city supported by infrastructure</i>
<p>As discussed within Table 5 and per the Greater Sydney Regional Plan, the concept proposal will allow for the delivery of increased residential accommodation and non-residential uses, within a highly accessible location in close proximity to numerous services, facilities and public transport options. As part of this concept proposal and uplift in density, the following components will support the infrastructure established in the locality;</p> <ul style="list-style-type: none"><li>- Increase in residential accommodation, inclusive of much needed affordable housing;</li><li>- Provision of a non-residential uses, such as retail and commercial premises, including a food and drink precinct, vitalising the locality;</li><li>- Delivery of a 1,000m<sup>2</sup> community facility, which will provide for a vital piece of community infrastructure lacking within the Edgecliff locality; and</li><li>- Providing for significant public domain improvements along New McLean Street, Trumper Park and via the proposed through-site link.</li></ul> <p>The proposal will significantly improve the public domain and will deliver infrastructure consistent with the Edgecliff Local Centre and ECCP &amp; UDS. As described, the subject site is suited to the increase in density given its characteristics and highly accessible nature and will encourage a 30-minute metropolitan centre.</p>
<i>Direction 3 – A city for people</i>
<i>Planning Priority E3 Providing services and social infrastructure to meet people's changing needs</i>

**Table 6 Eastern City District Plan**

The increase in density sought as part of this proposal will enable the provision of an additional community facility and public open space which will provide for services and social infrastructure not envisaged on the subject site or readily provided within the wider locality. The provision of these additional services and facilities are only available through an increase in density which will encourage movement and interaction with the site.

As discussed, the community facility is located in a highly accessible location and will be dedicated to Council via a VPA. This facility will provide a vital piece of social infrastructure currently lacking within the locality, and is designed so that it is integrated into the vegetation established along Trumper Park and Oval. This community facility will be accessible via the proposed through-site link, integrated into the active frontages along New McLean Street and provides for social infrastructure which will support the locality.

*Planning Priority S4 Fostering healthy, creative culturally rich and socially connected communities*

The increase in density will deliver a safe and inclusive environment that provides activity on the public domain and within the site. The concept proposal intends to create high quality publicly accessible open spaces for new residents, visitors, neighbors and the general public, thus catering for a wide variety of people and day to day activities. The site is well connected to existing open spaces, various services and facilities in the Edgecliff locality. As discussed, the proposal will enable the provision of a through-site link from New McLean Street to Trumper Oval (and Paddington beyond) and will also provide for a high quality community facility.

The increase in density sought as part of this Planning Proposal will enable significant improvements to the connectivity of the community. As shown in the reference scheme, the combination of publicly accessible spaces, food and drink premises and a community facility will facilitate the creation of new places and buildings that enhance the site for users and the general public. This will also be enhanced by the proposed commercial premises on-site.

Further to the above, the proposal establishes an opportunity to deliver public art within the through-site link. This will also contribute to the establishment of a culturally rich community through enabling social and physical interaction with artwork, such as sculpture. Finally, the proposal will also allocate affordable housing under the SEPP Housing 2021. This will establish housing for a greater cross-section of the community, which is underrepresented within the Woollahra LGA and Edgecliff locale. This will further bolster the provision of a healthy and socially connected community.

*Direction 4 – Housing the city*

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

The concept proposal and reference scheme will include the provision of 256 apartments, 2,000m<sup>2</sup> of non-residential floor space and 1,000m<sup>2</sup> of community facility. Importantly, a portion of the residential apartments will be allocated to affordable housing, equating to 5% of the residential gross floor area afforded by the uplift in density, under SEPP Housing 2021. This is also provided alongside the provision of well-designed and located publicly accessible space. This Planning Proposal, which seeks to increase the density in a strategic and well-suited location, will deliver a variety of residential accommodation which will cater for the current and future population, as identified in the Economic Demand Assessment prepared by HillPDA.

The supply and variety of housing enabled through this proposal is also supported by the sites strategic location which is in proximity to numerous services, public transport, open spaces and community facilities. As outlined throughout this Report, the subject site represents one of the largest allotments within the Woollahra LGA, particularly with regards to its relationship to Edgecliff Railway Station, which is the only railway station serving the LGA. Per the Economic Demand Assessment, Woollahra is highly desirable where the current and future supply does not meet the demand generated or anticipated. As such, to allow for the increase of density on the subject site will satisfy this planning priority.

*Direction 5 – A city of great places*

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



**Table 6 Eastern City District Plan**

The subject site is located directly to the south of the Edgecliff Local Centre and outside the area affected by the ECCP & UDS. Whilst located outside this area, Edgecliff is designated as a local centre. The concept proposal and associated increase in density seeks to deliver a development which is respectful of the streetscape, public open space, surrounding properties and public domain. The proposal seeks to strategically permit an increase in building height and floor space to create a cohesive public and private domain, with a publicly accessible through-site link, landscaped area, non-residential and a community facility, enhancing the character of the locality and improving the amenity and aesthetics of the site and surrounds.

This proposal has also considered, in-depth, the character of the *Paddington Heritage Conservation Area*. Whilst increasing the density on-site, the concept proposal and reference scheme details that the proposal will not have any adverse physical impact on the fabric of the conservation area. Importantly, any future development application must also demonstrate consistency with the surrounding conservation area which can be achieved by design, materiality, colour and landscaping. That is, the increase in building height and floor space can be appropriately managed through a well-designed development, which will be developed with extensive heritage input. In this regard, the transition from the reference scheme to the Paddington HCA is similar to the transition from high density development with the Edgecliff Centre and 170 Ocean Street to the two storey Paddington Terraces in Arthur Street, Herbert Road and Great Thorne Street. This is supported by the Heritage Impact Statement prepared by *Curio Projects* and Heritage Peer Review prepared by *Urbis*.

Ultimately, the provision of additional density will allow for the delivery of a development which will revitalise and reimagine a site which is strategically located but underutilised. The permitted building typology offered by this proposal will ensure the delivery of a more cohesive public domain and building form arrangement.

**Direction 6 – A well connected city**

**Planning Priority E10 Delivering integrated land use and transport planning and a 30-minute city**

The Planning Proposal will have no negative bearing on delivering integrated land uses and transport planning. In fact, the provision of increased density in a highly accessible location will assist in the delivery of a '30-minute city'. As shown in the reference scheme, the proposal will provide for 256 apartments within 50m walking distance from the Edgecliff Railway Station and bus interchange. In addition, the proposal will provide for a publicly accessible through-site link which will also improve pedestrian access throughout the locality. This is also supported through the provision of a 1,000m<sup>2</sup> community facility, which will be dedicated, by the way of a VPA, to improve services in close proximity to residential accommodation.

**Direction 7 – Jobs and skills for the city**

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

The subject site is located outside the Harbour CBD and Eastern Economic Corridor and this priority is not a matter for consideration. However, it is noted that the provision of increased residential accommodation in a highly accessible area will support local businesses and services, therefore resulting in a positive economic benefit.

**Direction 8 – A city in its landscape**

**Planning Priority E15 Protecting and enhancing bushland and biodiversity**

This Planning Proposal will ensure that the existing vegetation on the subject site and surrounding properties, namely Trumper Park, will be retained and protected where possible. However, and due to the anticipated increase of density, there will be necessary vegetation removal towards the centre of the site with the landscaping at the periphery retained to maintain the existing vegetation linkages. Notwithstanding this, any removal of vegetation will be offset through the provision of compensatory landscaping which will form part of a future application as is demonstrated in the Concept Landscape Plan. Where vegetation is located within the public domain, this will not require removal.

As discussed, the concept envelopes have been developed in close consultation with the project arborist, biodiversity consultant and landscaped architect. The built forms are proposed to protect the majority existing vegetation around the periphery of the site and all vegetation within the public domain. Where vegetation is retained, this will soften the built form and establish an appropriately relationship to the surrounding properties (namely the low density terraces) and public domain.



**Table 6 Eastern City District Plan**

An Arboricultural Impact Assessment prepared by *Urban Arbor* is submitted with this application which addresses the removal of vegetation on the subject site, as to accommodate the proposed concept envelopes. This is also considered in the Biodiversity Assessment prepared by *Biosis*.

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

As outlined above, the proposed increase of density and concept scheme will require the removal of selected, existing vegetation on the subject site. Whilst selected vegetation will be removed, the concept envelope has been designed (in accordance with the project arborist and biodiversity consultant) to protect important vegetation on-site (as far as practicable) and all vegetation within the public domain. This is subsequently bolstered according to the Concept Landscape Plan, which concentrates vegetation around the periphery of the site and within the through-site link.

As detailed, the concept proposal will enhance the public domain by delivering publicly accessible areas and vegetation throughout and around the periphery of the site to maintain and improve upon the urban tree canopy and make connections with the existing tree network, established at Trumper Park.

*Planning Priority E18 Delivering high quality open space*

The concept proposal includes delivery of publicly accessible open space, in the form of a through-site link, which provides access from New McLean Street to Trumper Park. Currently, a narrow, concealed accessway is provided to the north-west of the subject site which does not bring with it a high-quality open space or easy accessibility. Whilst increasing the density on-site, this proposal will provide for a high quality through-site link, secured via an easement in the VPA, whilst remaining as privately owned. This through-site link will have the capacity to contain high quality landscaping and facilities which will serve future residents and the general public.

The site will be further activated through food and drink premises and commercial uses (per the requested Additional Permitted Uses) and a 1,000m<sup>2</sup> community facility (to be secured via a VPA). The publicly accessible spaces will provide new links between the public domain and will be enhanced through the flexibility offered by this proposal, such as the provision of tower forms. It is also prevalent to note that the proposal will not result in any adverse impact to the solar access of Trumper Oval, as discussed in Section 6.3.3 of this Report.

*Direction 9 – An efficient city*

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

It is proposed to explore a number of sustainability measures during the development application stage, as detailed in the accompanying ESD Report prepared by *SLR*. Whilst the proposal will increase density on-site, the measures to ensure energy, water and waste efficiency ultimately leading to a sustainable development will also be increased. In addition to this, any future development will need to provide for a high level of amenity for future residents, inclusive of solar access and ventilation, to ensure a more sustainable outcome. As discussed in this Report, the building height and concept envelopes have also considered the solar impact to the neighbouring property and public open spaces.

*Direction 9 – A resilient city*

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

The subject site is flood affected. Flooding is considered in Section 7.1 of the Services Infrastructure Report prepared by *Stantec*, which demonstrates that the flood affectation will not stop the delivery of a resilient development.

### 6.3.2.3 Future Transport 2056

Future Transport 2056 was released by Transport for NSW and sets out the 40-year vision, directions and outcomes framework for customer mobility in NSW, and seeks to ensure that NSW's overarching strategies for transport and land use planning align and complement each other. The proposal clearly addresses the principles for future transport by providing additional density adjacent to a key Eastern Suburbs train station (the only one in the Woollahra LGA) and providing a through site link to that train station for people in the wider community. Importantly, this ensures that the Edgecliff locality is a successful place providing liveability, amenity and economic success which is supported by the nearby transport network.

### 6.3.2.4 Strategic Merit

In addressing Question 3, the DPIE Guideline requires an application for a Planning Proposal to address the assessment criteria for strategic merit. The DPIE Guideline provides assessment criteria to determine if a planning proposal has strategic and site-specific planning merit. Accordingly, the planning proposal is considered against the assessment criteria below.

#### Strategic Merit

The assessment criteria to determine if a Planning Proposal has strategic planning merit is addressed in **Table 7** below (known as the 'strategic merit test').

Table 7 Strategic Merit Test	
Assessment Criteria	Comment
Will the proposal "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".	<p>The applicable strategic plans are the <i>A Metropolis of 3 Cities: The Greater Sydney Region Plan</i> and the <i>Eastern City District Plan</i>, both of which have been prepared by the Greater Sydney Commission.</p> <p>Alignment with the relevant Planning Priorities of both the GSRP and ECDP has been demonstrated in Section 6.3.2.1 and 6.3.2.2, respectively. It has been demonstrated that the planning proposal is considered to give effect to both strategic documents, achieved primarily by increasing density within a highly accessible and strategic location. The increase in maximum building height and FSR, alongside Additional Permitted Uses, has considered the relationship to the surrounding locality and any impacts. This is outlined in this Report and the supporting documentation.</p>
Will the proposal "demonstrate consistency with the relevant LSPS or strategy that has been endorsed by the Department or required as part of a regional or district plan".	<p>Consideration of the proposal against the Woollahra Local Strategic Planning Statement is addressed in detail under 'Question 4' below, and Section 6.2.3.5 of this Report. In summary, the proposal will give effect to the LSPS by being aligned with the relevant strategic goals and the potential public benefits that can be realised by facilitating an increased density for the site. As discussed, the proposal will provide publicly accessible spaces, additional active uses, a community facility and increased residential accommodation, within a strategically located site.</p>
Does the proposal "Respond to a change in circumstances that has not been recognised by the existing planning framework".	<p>The proposal is a response to the limitations of the current building height and floor space ratio development standards for the site. That is, the current standards do not allow for an increase in density which is considered to be appropriate for the site. Further to this, the proposal is an in-part response to the existing strategic plans, as it is cognisant of the <i>Edgecliff Commercial Centre Planning and Urban Design Study</i> (April 2021), the <i>Edgecliff Commercial Centre Transport Study</i> (August 2019) and the <i>Woollahra Community Facilities Study</i> (November 2019). In addition, the proposal responds to the <i>Woollahra Local Strategic Planning Statement</i>, <i>Woollahra 2032 Community Strategic Plan</i> and <i>Woollahra Local Housing Strategy</i>.</p> <p>This is discussed throughout this Report.</p>

#### 6.3.2.5 Site-Specific Merit

##### Site-Specific Merit

The planning proposal has site-specific merit given the following:

- The site is located in a highly accessible location and is within close proximity to numerous features within the locality, including the following:
  - Edgecliff railway station, which is the only station serving the Woollahra LGA;
  - Edgecliff bus interchange;
  - Edgecliff Commercial Centre;
  - Numerous public open spaces, namely, Trumper Park and Oval; and
  - A variety of uses including commercial, religious, educational and healthcare facilities, amongst others.
- The site contains numerous characteristics which also enable site-specific merit. This includes the following:
  - It is within a highly accessible and strategic location (as noted above);
  - A considerable site area of 7,226m<sup>2</sup>, representing one of the largest allotments in the Edgecliff locality and wider Woollahra LGA, particularly given its proximity to Edgecliff Railway Station;
  - An expansive frontage of approximately 122m to New McLean Street, capable of activation;
  - An expansive rear boundary of approximately 99m, to Trumper Park and Oval, capable of activation; and
  - A Strata Title allotment with over 100 separate titles, accrued by a single proprietor enabling redevelopment.
- The increase in building height, floor space and the provision of an additional permitted use will allow for innovative and flexible design, site arrangement and built form. This will enable superior urban design and architectural outcomes, such as:
  - Improved presentation to New McLean Street and the established Paddington HCA at multiple scales, being the pedestrianised and greater urban fabric;
  - Distribution of massing increasing visual amenity through building arrangement, bulk and scale, whilst delivering an increase in density in a highly strategic location;
  - Allowing for a building height which will relate to the Edgecliff Commercial Centre and is commensurate to the site, ultimately delivering a hierarchy in built form as it relates to roadways and public domain;
  - Significant improvements to the public domain, namely, the provision of a generously sized connection point from New McLean Street to Trumper Park, improving access from Edgecliff to Paddington;
  - Opportunity to deliver more public open space and a through-site link at ground level, thus improving site permeability;
  - Provision of active uses at ground level, fronting New McLean Street and internally to the through-site link, via the provision of food and drink premises and other retail uses;
  - Delivery of a community facility in a highly accessible location, which is to be dedicated to Council via a VPA;
  - Opportunity to provide greater housing diversity and supply within an accessible location, in a desirable LGA; and
  - Improvements to public safety and amenity by permitted redevelopment and revitalisation of the site.

- The Planning Proposal will not result in any significant adverse environmental impacts, which are outlined as follows and discussed in further detail under Section 6.3.3 of this document:

- **Solar access and ventilation:** As demonstrated by the UDR and reference scheme, future residential accommodation will be capable of meeting minimum solar access and ventilation requirements. In terms of overshadowing to the neighbouring properties and public domain, the proposal is well designed to ensure that the increase in building height and density will have no adverse impact to the surrounding locality. In terms of solar access to the public domain, most notably Trumper Oval, the proposal will not cause any adverse additional overshadowing from 10am during mid-winter, when factoring in the existing vegetation within Trumper Park. As detailed in Section 6.3.3 of this Report, the existing vegetation within Trumper Park is located in the public domain, forms part of a network of trees and is unlikely to be removed. The solar gain of neighbouring properties is also considered in this Report.

- **Visual Privacy:** Subject to detailed applications, inter dwelling visual privacy and visual privacy between the proposal and neighbouring properties will be appropriately protected as anticipated by the Apartment Design Guide (ADG). The accompanying concept envelopes and reference scheme demonstrates that the increase in building height and density will not result in any adverse privacy concern as appropriate separation, orientation and design elements can be incorporated to ensure this is maintained.

**Acoustic Privacy:** The acoustic privacy of future residents will form part of detailed applications. Notwithstanding, the concept proposal is accompanied by an Acoustic Assessment prepared by *RWDI*. The Acoustic Assessment identifies that the subject site does not contain any significant constraints with respect to acoustics, in terms of Edgecliff train station, bus interchange and New South Head Road. As such, the acoustic privacy of future residents will not be adversely impacted by this proposal. It is also noted that the acoustic privacy of neighbouring properties is also acceptable and can be appropriately maintained through setbacks, privacy elements and materiality.

- **Views:** The increase to building height and floor space is not considered to result in any adverse view loss from the surrounding developments or public domain. That is, the concept proposal is designed to provide a slender tower which will form part of the existing skyline which will include envelopes to be established by the ECCP & UDS. This ensures that any potential view loss from the south, south-west and south-east, in a northerly direction, will be consistent with the envelopes to be established within the Edgecliff commercial centre. To the north, north-east and north-west, any views afforded are of the surrounding district and a lesser value. Notwithstanding and as above, the concept proposal delivers a narrow, slender and well-oriented tower form which is consistent with the Edgecliff commercial centre to ensure any potential view impact is acceptable in the context of the locality. View loss imagery is provided in the UDR submitted with this application.
- **Flooding:** The increases to maximum building height has accounted for the minimum RLs required as a result of the site's flood affectation. Furthermore, the changes to the density permitted on-site and concept proposal, do not adversely impact flooding throughout the site. Flooding is considered in Section 7.1 of the Services Infrastructure Report prepared by *Stantec*.
- **Traffic:** The proposal will seek to increase the density on the subject site and as such, a Transport, Traffic and Parking Assessment prepared by *JMT Consulting* is submitted. The Transport, Traffic and Parking Assessment concludes that the subject site is well located to accommodate the increase in density and will result in minor traffic impacts to the surrounding locality. Furthermore, the proposal will reduce the amount of driveway crossovers to New McLean Street and will increase pedestrian permeability from Paddington to Edgecliff. The road network will also be supported through upgrade contributions to New South Head Road, contained within the VPA Letter of Offer.
- **Arboriculture and Landscaping:** The concept proposal will require the select removal of vegetation throughout the site to accommodate the built form. The amount of vegetation to be removed has



been assessed in the Arboricultural Impact Assessment prepared by *Urban Arbor* and Biodiversity Assessment prepared by *Biosis*. Whilst vegetation must be removed, this is of varying significance and will not have any adverse impact to the flora and fauna network of the locality, per the supporting documentation. Vitally, the concept envelopes have been developed in close coordination with *Urban Arbor* and *Biosis* to ensure that vegetation around the periphery of the site and within the public domain will be protected, as far as practicable. This delivers the distinctive benefit of softening the built form and providing a buffer to the Paddington HCA. In conjunction with this, a Concept Landscape Plan prepared by *FJC* demonstrates that commensurate landscaping will be provided around the periphery of the site and within the publicly accessible spaces.

- The proposal will appropriately respond to the objectives of the R3 Medium Density Residential zone, as discussed below:

- *To provide for the housing needs of the community within a medium density residential environment.*

Comment: The proposal will provide for an uplift in density suitable to the site location, which will meet the housing needs of the community. Whilst increasing the building height and floor space, WLEP does not contain a R4 High Density Residential zone and as such, the proposed amendments are not antipathetic with regard to this objective. As discussed in this Report, a change of zoning is considered to be an inferior outcome whereby it will create greater impacts to the surrounding locality.

- *To provide a variety of housing types within a medium density residential environment.*

Comment: The concept proposal includes a mixture of one, two and three bedroom apartments within a mixed-use development. The proposal will also provide for affordable housing which will complement the variety of housing types. This will improve access to a variety of housing in the zone and throughout Edgecliff. As above, the WLEP does not contain a R4 zone and the proposed amendments are not antipathetic to this objective.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment: The concept proposal will provide a variety of non-residential uses which will include facilities and services meeting the day to day needs of residents in the surrounding locality. Furthermore, the increase in residential density will also support the various local businesses in Edgecliff.

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

Comment: The proposed building height and floor space is of a bulk and scale which is compatible with the desired characteristics of the Edgecliff Commercial Centre. The amendments will not have any adverse impact on the Paddington Heritage Conservation Area, as discussed in this Report and the supporting documentation.

- *To ensure development conserves and enhances tree canopy cover.*

Comment: The concept proposal requires the removal of existing vegetation on-site, however, will be replaced according to the submitted concept landscape plans. The proposal will protect existing vegetation on-site where possible, and throughout the public domain.

Detailed analysis of the proposed amendments are provided below.

#### **Increase in building height**

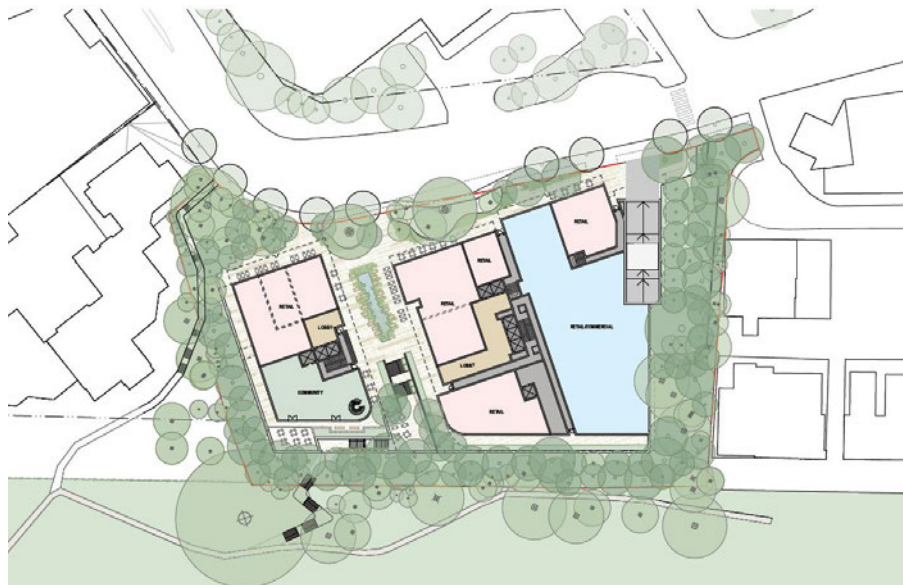
The proposed building height and concept design is the culmination of detailed design development and consultant input to arrive at a form that increases the development potential of the site while providing a suite of public benefits in a location that has been largely ignored by the current planning controls. That is, the 10.5m height of buildings development standard is already exceeded by the 5 storey buildings on the site and does not provide for any redevelopment incentives in a highly accessible and strategic location.

The concept scheme provides for a mixed-use development that steps down the site but provides a tower element with a maximum height of RL110.00. The ECCP & UDS identifies that increased heights should be at its greatest closest to the train station. The subject site is certainly closer than many of the other properties identified in the ECCP & UDS which provide greater heights (and densities) and therefore there is strategic merit in increasing the height in this highly accessible location. It also identifies that a final height and FSR has not been provided for the Eastpoint Shopping Centre site which houses the bus and rail interchange due to site constraints, but it is a key site in the ECCP that is likely to match or exceed the height and FSR of the Edgecliff Centre (26+ Storeys and 7.5:1).

The concept design focuses a single tower which is considerably separated from the surrounding lower density development, addressing New McLean Street and Trumper Park. The tower is turned to replicate the orientation of the existing buildings it replaces, and in so doing maximises the setback to the low density residential zone falling within the Paddington Heritage Conservation Area and minimises the impacts on adjoining properties and the public domain. Further to this, the orientation of the tower form generally aligns with the built form anticipated by the developments within the ECCP & UDS, maintaining a consistency in urban pattern and fabric. The arrangement of the built form also balances the shadow impacts to the surrounding locality, with the solar performance of the tower, taking into consideration the anticipated built forms under the ECCP & UDS.

The ECCP & UDS and the *Edgecliff Commercial Centre Transport Study (SCT Consulting)* both recognise the importance of Edgecliff as a strategic location but also as a transport interchange providing Woollahra's only railway station. The evolving planning controls for the Edgecliff Centre supports greater heights (and densities) adjacent to the railway station, along with active street frontages and diverse commercial and retail spaces to create a more vibrant centre. While the proposed uplift in height (and density) is focused upon the existing E1 Local Centre land for the Edgecliff Centre, the remaining land within the MU1 Mixed-use zone land will also receive significant increases in height (and density).

There are a number of factors that support a similar approach being adopted for the subject site, especially given its location, large land holding, frontage characteristics (to New McLean Street and Trumper Park), ability to deliver much needed housing (including affordable housing) and public benefits via the through-site link, food and drink premises and a community facility, as illustrated on the concept plans (see **Figure 22** below).



**Figure 22** Proposed ground floor plan indicating through site link, commercial floorspace and community facility

The above concept design demonstrates that the proposed development will be setback a minimum of 6.5m from the side boundaries, which is significantly greater than those anticipated by the relevant planning controls (6m). Specifically, from the low-density terraces to the east, the concept envelopes provide a 14m setback from the podium and 20m-26m setback from the tower. The considerable separation mitigates any adverse impact to the lower density dwellings, also noting also that the height of the podium is designed to align with the roofline of these properties to the east.

The provision of larger (landscaped) setbacks and a consistent building height (from the proposed podium to neighbouring dwellings) will provide for an acceptable transition of bulk and scale. That is, the concept scheme provides a better transition to the typical terraces than some of the surrounding buildings in Edgecliff. The increased setbacks will necessitate the floor area to be redistributed to the upper levels of the tower where they will have a significantly increased amenity for the occupants without having an adverse impact on the amenity of adjoining properties or the public domain. Furthermore, the design of the buildings responds to the context of surrounding development, including the Paddington Heritage Conservation Area.

Similarly, the provision of a community space and other non-residential uses on the lower levels will allow residential accommodation to be redistributed to the tower elements to enhance the amenity of the occupants, while providing an activated ground floor plane. The concept scheme will provide a destination for the subject site that is enhanced by the through site link, non-residential active uses and new publicly accessible open space that links with the walking trails to Trumper Park. The multi-purpose community space is provided over two levels "within the trees" to provide a leafy outlook and will be delivered through the VPA Letter of Offer, submitted with this proposal. This space is recognised as a much-needed facility based upon the outcomes of the Woollahra Community Facilities Study prepared by *Urban Ethos* (November 2019).

In terms of the context, the visual catchment of the locality is dominated by towers across the ridgeline of Darling Point and Edgecliff dating back to the 1960's to 1970's which are up to 30 storeys. This is clearly demonstrated by comparable building heights along the ridgeline as part of the Planning Proposal submission for No. 233 South Head Road, Edgecliff (Edgecliff Centre) located directly opposite the subject site and is reproduced below at **Figure 23**.

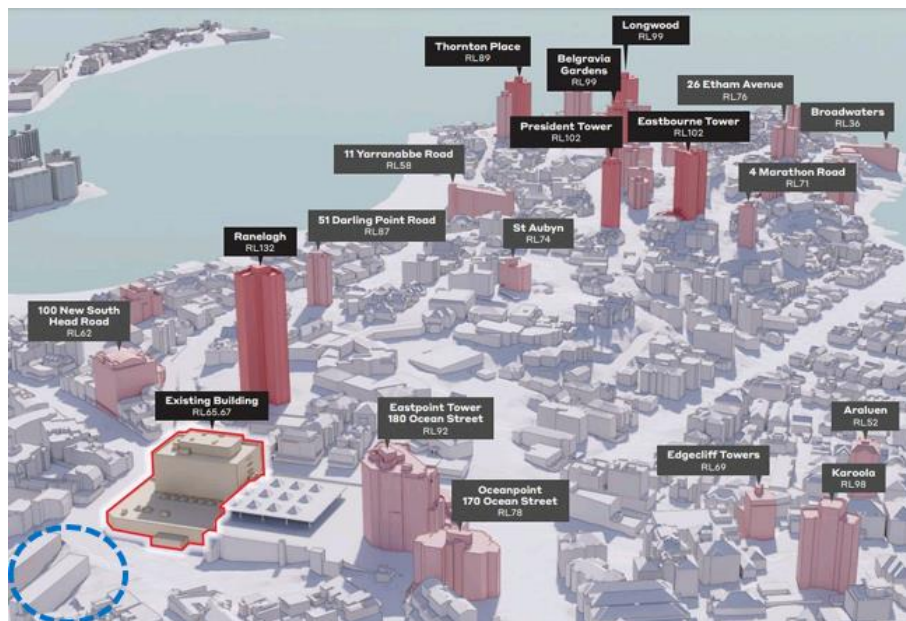


Figure 23 Building height of towers from Edgecliff to Darling Point with site circled in dashed blue (source: FJC & Ethos Urban)



As detailed above, tall towers in appropriate locations are a long established planning principle and one that is also recognised within the ECCP & UDS where it seeks to locate tall towers along the ridgeline and main road corridors. However, the location of tower buildings from the City towards Bondi Junction is sporadic and not confined to main roads and therefore the provision of a tower on the subject site can be considered in the broader context of tower buildings that radiate from the City. This is considered in detail in the UDR by *FJC*. At the very least, the concept scheme seeks to continue this line of comparable tower elements along the ridgeline and does not introduce a new element not already in existence or contemplated in strategic documents.

The Planning and Urban Design Strategy prepared by *SJB Architects* in support of the ECCP & UDS identifies that one of the major constraints for redevelopment is the high number of strata titled lots as well as the interface with Heritage Conservation Areas and heritage items within the ECC. The subject site and No. 4 New McLean Street represent some of the last opportunities to accommodate increased housing density adjoining a train station and should not be overlooked based on a preference for ridgeline or main road development or constraints which are not shared with surrounding properties. Importantly, the ECCP & UDS relies upon amalgamations that may not be realised (sterilising housing supply) and the height and densities are unable to be delivered.

The current controls constrain this vision for the site and there are compelling reasons to support an increase in the height of buildings development standard. Importantly, this proposal will enable the development of high-quality mixed-use building that seeks to meet housing demand, employment demands, community facility demand and will connect Paddington to Edgecliff making optimum use of Woollahra's only railway station. The uplift will allow for the development of diverse retail and commercial spaces, while also allowing the development of residential space to activate the centre and meet the needs of the rapidly ageing community providing accessible housing near existing services, shopping and public transport. These benefits cannot be easily accommodated on other sites which are constrained for a number of reasons and will not be realised if the opportunity is not accepted by Council.

For completeness, the objectives of Clause 4.3 Height of buildings are reproduced and considered below:

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

Comment: The proposed building height is consistent with the strategic location of the site and its relationship with Edgecliff Commercial Centre and Railway Station. The proposal will complement the height desired per the ECCP and will ensure no adverse impact to the Paddington Heritage Conservation Area.

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

Comment: The proposed building height will ensure that the amenity of the public domain and neighbouring properties will be maintained. The amended planning controls will allow for an innovative urban and architectural approach which will bring with it significant improvements to local amenity and provide an appropriate transition of scale from Edgecliff Commercial Centre to Trumper Park and the Paddington HCA.

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

Comment: The proposed building height will not result in any adverse additional impact to the solar access of Trumper Oval and will retain 3 hours of solar access to the adjoining R2 Low Density Residential zone to the south-east. As such, building height will not result in any adverse impact to the amenity of the locality.

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

Comment: As above, the proposal will not result in any adverse solar impact to the adjoining public spaces or nearby properties. Furthermore, the building height is designed within an appropriate concept envelope to ensure that there will be no adverse disruption of views, loss of privacy or visual intrusion. The impact to amenity is considered in detail throughout this Report.

*(e) to protect the amenity of the public domain by providing public views of the harbour and surrounding areas.*





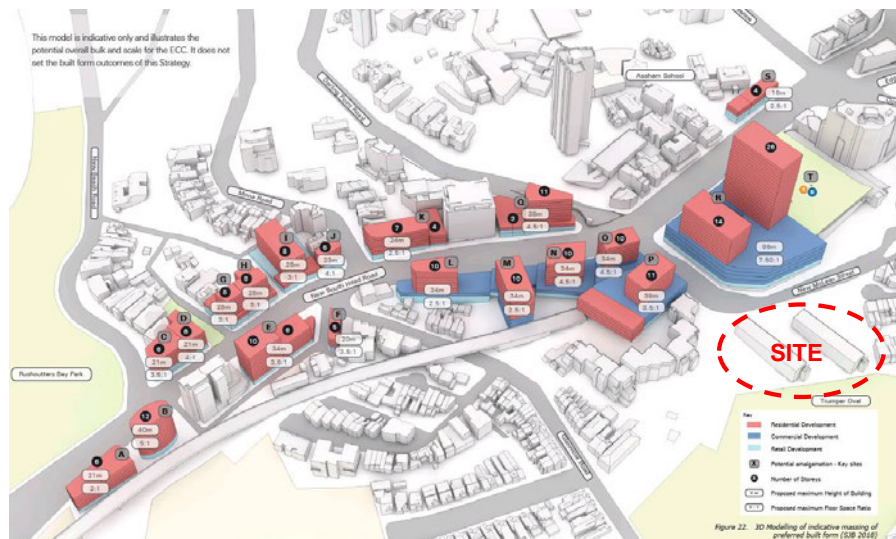
Comment: As addressed above, the amenity of the public domain will be improved through the innovative and flexible urban and architectural design, which will improve pedestrian access, activation, interaction and safety. There are no distinctive views enjoyed from the public domain through the site and as such, the increase in building height has not impact in this regard.

#### Increase in floor space ratio

The concept proposal will result in an FSR of 4.5:1, which represents a significant uplift compared to the current FSR control of 0.75:1. As discussed in height (above), the concept design is the culmination of detailed design development and consultant input to arrive at a form that increases the development potential of the site while providing a suite of public benefits in a location that has been largely ignored by the current planning controls.

That is, the 0.75:1 FSR development standard is already exceeded by the 5 storey buildings on the site and does not provide for any redevelopment incentives in a highly accessible location. The proposed FSR of 4.5:1 sits comfortably in the range of FSR's for developments within the ECCP & UDS area which range from 2:1 to 7.5:1. Importantly, sites that are further away from Edgecliff Station have greater FSRs than the existing and concept scheme, up to 5:1. The concept scheme will also provide 2,000m<sup>2</sup> of non-residential area and a 1,000m<sup>2</sup> community space which is compatible or better than many of the other sites within the ECCP & UDS area, that are not required to provide any non-residential FSR. As discussed above, the concept scheme is comparable with the height of the Edgecliff Centre but delivers an FSR of 4.5:1, that enables a subservient and appropriate interface with the lower density residential zone to the east and its proximity to Trumper Park to the south.

The ECCP & UDS identifies that increased FSR should be at its greatest closest to the train station. It also identifies that a final FSR (and height) has not been provided for the Eastpoint Shopping Centre site which houses the bus and rail interchange due to site constraints but it is a key site in the ECC that is likely to match or exceed the height and FSR of the Edgecliff Centre (26+ Storeys and 7.5:1) due to its size, location and relative elevation (the site is at the crest of the ridge). The study reproduces an earlier built form study undertaken as part of the SJB report (2018), noting that the model (Figure 24 below) is indicative only and illustrates the potential overall bulk and scale for the ECC.



**Figure 24** 3D Modelling of built form (SJB 2018) with site dashed red

Having regard to the subdivision pattern and allotment sizes on New South Head Road, it is apparent that there are limited opportunities for a development of the scale proposed in the concept scheme that is accompanied by the suite of planning benefits it will deliver. In fact, in the event that the amalgamations anticipated by the ECCP & UDS do not



occur, the increased height and densities will be unable to be delivered and additional density will be required elsewhere in the municipality. The subject site provides the most appropriate location for this increased density.

The proposed uplift in the FSR (and height) development standards will deliver an appropriate density and built form close to the only railway station in Woollahra and adjacent to Edgecliff Centre where the greatest built form investigated under the ECCP & UDS is anticipated. Furthermore, the provision of a community space on the lower levels will allow residential accommodation to be redistributed to the tower elements to enhance the amenity of the occupants. The concept design will provide a destination for the subject site that is enhanced by the through site links, non-residential active uses and new publicly accessible open space that links with the walking trails to Trumper Park. The multi-purpose community space is provided over two levels “within the trees” at the rear to provide a leafy outlook and will be delivered through a VPA. This space is recognised as a much-needed facility based upon the outcomes of the Woollahra Community Facilities Study prepared by *Urban Ethos* (November 2019) and is discussed in Section 6.3.2.8 of this Report.

The current planning controls constrain this vision for the site and there are compelling reasons to support an increase in the FSR development standard. Importantly, the proposal will enable the development of high quality mixed-use building that seeks to meet housing demand, employment demands, community facility demand and will connect Paddington and Edgecliff via the through site link making optimum use of Woollahra’s only railway station. The uplift will allow for the development of retail or a food and drink precinct to activate the locality and revitalise New McLean Street. Furthermore, the concept scheme will meet the needs of the ageing community, providing accessible housing near existing services, provide affordable housing for key workers, provide community uses and excellent linkages to public transport. These benefits cannot be easily accommodated on other sites which are constrained for a number of reasons and will not be realised if the opportunity is abandoned.

For completeness, the objectives of Clause 4.4 Floor space ratio are reproduced and considered below:

*(a) for development in Zone R3 Medium Density Residential—*

*(i) to ensure the bulk and scale of new development is compatible with the desired future character of the area, and*

Comment: The proposed bulk and scale of the concept envelopes is reflective of the highly accessible location of the site and its strategic characteristics. The proposed amendments are consistent with the desired form of the Edgecliff Commercial Centre and will have no adverse impact on the Paddington Heritage Conservation Area.

*(ii) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain, and*

Comment: As outlined in this Report, the increase in density will not result in any adverse impact to the amenity of the adjoining properties or public domain, namely, Trumper Park and Oval. The proposal will not result in any significant overshadowing, privacy impact, view loss or visual intrusion, despite the increase. The impacts will be appropriately managed through the well-considered concept envelope and reference scheme.

*(iii) to ensure that development allows adequate provision on the land for deep soil planting, tree canopy cover and areas of private open space,*

Comment: The increase in floor space will maintain the appropriate provision of deep soil area, tree canopy coverage and open space on the subject site. Whilst there will be an increase in density, the amendments will allow for an innovative and flexible approach to redevelopment of the site which will include publicly accessible spaces and a variety of vegetation.

*(b) for buildings in Zone E1 Local Centre and Zone MU1 Mixed-use—to ensure that buildings are compatible with the desired future character of the area in terms of bulk and scale.*

Comment: Whilst not specifically relevant, the proposed floor space and uplift in density is not antipathetic to this objective. It is prudent to note that the increase in density proposed on the subject site accords with the desired built form in the E1 Local Centre zone to the north.



#### Additional Permitted Uses:

Rather than requesting a change to the zoning of the subject site, it is considered that the proposed uses can be accommodated with a change to the Schedule 1 "Additional Permitted Uses" to include community facility, commercial premises (including but not limited to business and office premises, food and drink premises and shops), recreation facility (indoor) and medical centre uses. This would provide for significant public benefits and providing an active street frontage to New McLean Street which flows through to the community centre at the rear nestled "amongst the trees".

Importantly, permitting the specified range of uses is considered to have a lesser impact to the surrounding locality, as opposed to a change of zoning. That is, the impact created by the proposed additional uses will be more easily managed than an entire change to the zoning, which will bring with it a larger amount of permitted uses and built form controls which will be incompatible with the Paddington Heritage Conservation Area. Accordingly, the imposition of an Additional Permitted Uses is considered to be entirely reasonable and will provide distinct benefits to the activation of New McLean Street and the Edgecliff Commercial Centre.

#### Development Requiring a Development Control Plan:

As detailed in Part 5.1.4 of this Report (above), a site-specific Development Control Plan for the subject site, reflecting the proposed building height, floor space ratio and Additional Permitted Uses will be prepared prior to the lodgement of a development application. This is considered a better and more efficient way forward to "lock in" the outcomes of the concept scheme prior to the development application stage rather than slow the Planning Proposal process.

The assessment criteria outlined in the DPIE Guideline to determine if a planning proposal has site-specific planning merit is addressed in **Table 8**.

Table 8 Site-Specific Merit Test	
Site-Specific Merit Test	Comment
<i>Does the proposal have site-specific merit, with regards to the following:</i>	
<i>The natural environment (including known significant environmental values, resources or hazards)</i>	<p>The site is not subject to any hazards or risks, excluding flooding as detailed above. Flooding is considered in Section 7.1 of the Services Infrastructure Report prepared by <i>Stantec</i> and is submitted to demonstrate that the concept proposal has considered the sites flood affectation.</p> <p>Furthermore, the site does not contain items or features that have significant natural or environmental values. As outlined in this Report, the existing vegetation which will require removal has been assessed in the Arboricultural Impact Assessment prepared by <i>Urban Arbor</i> and Biodiversity Assessment prepared by <i>Biosis</i>. In accordance with the Biodiversity Assessment, the proposal is not considered to have any adverse impact on threatened species. Furthermore, safeguards and mitigation measures were also recommended, to protect any fauna should it be found on-site. This is discussed in detailed within Section 6.3.3 of this Report and within Table 1 and 2.</p>
<i>The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal</i>	<p>The change to maximum building height and floor space will not impact or restrict the existing or future development of neighbouring properties. Whilst increasing the density on-site, the proposal will facilitate options for future development which is compatible with the context and setting of the environment. As discussed in this Report, the UDR and supporting documentation, it is demonstrated that the proposal will have no adverse impact in terms of amenity.</p> <p>With regards to the additional permitted use, which seeks to allow for a specific range of uses on the subject site, it will not have any adverse impact to the surrounding properties in terms of amenity or the oversupply of retail and commercial floor area. The supply and demand of retail and commercial floor area (and residential accommodation) has been considered in the Economic Demand Assessment prepared by <i>HillPDA</i>, where it is considered acceptable.</p>
<i>The services and infrastructure that are or will be available to</i>	The proposed increase of density will be suitably supported by the services and infrastructure. In this regard, a Services Infrastructure Report prepared by <i>Stantec Australia</i>

**Table 8 Site-Specific Merit Test**

<i>meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision</i>	is submitted with this proposal, which outlines the requirements for water connection, gas connection, sewer connection, stormwater and electricity infrastructure.
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As demonstrated in the above assessment, the planning proposal has both strategic and site-specific merit and is suitable to be progressed to a Gateway determination.

**Q4: Is the Planning Proposal consistent with a Council's local strategic or other local strategic plan?**

The relevant local strategic plans or policies include the following and are addressed in detail below.

- Woollahra Local Strategic Planning Statement;
- Community Strategic Plan - Woollahra 2032;
- Woollahra Community Facilities Study;
- Draft Woollahra Integrated Transport Study (ITS);
- Edgecliff Commercial Centre Planning and Urban Design Study;
- Edgecliff Commercial Centre Transport Study; and
- Woollahra Local Housing Strategy 2021.

**6.3.2.6 Woollahra Local Strategic Planning Statement (LSPS)**

The Woollahra Local Strategic Planning Statement (LSPS) was finalised by Council in March 2020 and accepted by the Greater Sydney Commission. The LSPS sets out a 20-year land use vision to guide land use planning for the LGA. The LSPS will provide Council with strategic direction for planning and help facilitate a coordinated approach to managing growth and development in the Woollahra area. The LSPS will align with the Community Strategic Plan and Eastern City District Plan. As outlined in **Table 9** below, the Planning Proposal is consistent with the strategic goals of the LSPS, including the following:

- Infrastructure and collaboration
- Livability;
- Productivity; and
- Sustainability.

**Table 9 Woollahra Local Strategic Planning Statement**

<b>01 Infrastructure and Collaboration</b>	
<b>P1</b> Planning for integrated land use and transport for a healthy, sustainable, connected community and a 30-minute city	<p>The increase in building height and floor space ratio development standards will allow for the provision of a healthy, sustainable and connected community. That is, the proposal will enable the delivery of 256 apartments, as shown in the reference scheme, which will increase residential accommodation in proximity to established public transport, commercial facilities and public open spaces.</p> <p>The proposal will also deliver additional permitted uses, a through-site link and community facility, which will enhance the community connectivity, health and sustainability supported by the strategic location. Ultimately, this proposal also allows for improved relationships between public open spaces and built forms, thus improving walkability and opportunity for social interaction.</p>
<b>P2</b> Planning for a community supported by infrastructure that fosters health, creativity, cultural activities and social connections.	<p>The reference scheme indicates that substantial publicly accessible open space and 1,000m<sup>2</sup> of community facility will be provided. The provision of these additional uses, which will be afforded by the uplift in density, will support social connections. Improved access from New</p>



**Table 9** Woollahra Local Strategic Planning Statement

	McLean Street to Trumper Park will also foster a healthy environment encouraging pedestrian movement throughout the locality, from Edgecliff to Paddington.
<u>P3</u> Working in collaboration with our community, government, businesses and organisations.	This Planning Proposal is not antipathetic to this objective. It is noted that the applicant of this proposal will seek to work with Woollahra Council to deliver distinct public benefits through a VPA, which will offer a community facility, publicly accessible spaces and sustainability outcomes. In fact, the applicant has been involved in numerous formal and informal Pre-Planning Proposal meetings to discuss the proposal, per Section 3 of this Report. The applicant is committed to working with Council and relevant stakeholders to ensure the delivery of a suitable uplift in density.
<b>02 Liveability</b>	
<u>P4</u> Sustaining diverse housing choices in planned locations that enhance our lifestyles and fit in with our local character and scenic landscapes	<p>The concept proposal and reference scheme will deliver 256 residential apartments within built form in close proximity to Edgecliff Railway Station. The apartments will comprise 61 x 1 bedroom, 124 x 2 bedroom and 71 x 3 bedroom apartments, thus delivering a broad range of housing choice for a variety of needs and incomes. Importantly, the subject site is clearly suited to an increase of density given the considerable site area and relationship to Edgecliff Railway Station and New South Head Road. When considering the character of the Paddington Heritage Conservation Area, the proposed increase in density will be compatible with the surrounding locality as outlined in the accompanying Heritage Impact Statement by <i>Curio Projects</i> and Peer Review by <i>Urbis</i>.</p> <p>As discussed in this Report, the proposal will provide also provide for an increase of affordable housing which is to be allocated at 5% of the residential gross floor area, afforded by the uplift in density, under SEPP Housing 2021. This will also provide for diverse housing choice which will support a wider-cross section of the community and therefore improve social diversity.</p>
<u>P5</u> Conserving our rich and diverse heritage	As outlined above, the subject site is situated within the Paddington Heritage Conservation Area, however is not identified as a heritage item and is of no significance. Whilst this proposal will allow for an increase in building height and floor space, the concept proposal demonstrates that a built form can be provided on-site which will comfortably relate to the surrounding developments, including the built forms in the R2 and R3 zones where they are located in the conservation area. The proposal will establish considerable public domain improvements with a defined podium and slender tower forms to limit the visual and physical impact of the increase of density to the surrounding conservation area. During detailed design development, architectural design, materiality, colour scheme and landscaping will ensure the delivery of a development which will be compatible with the character of the Paddington Conservation Area.
<u>P6</u> Placemaking supports and maintains the local character of our neighbourhoods and villages whilst creating great places for people.	<p>The proposal will provide for an increase in density which is balanced with the provision of public open spaces, a community facility and food and drink premises, which will enhance the character of the Edgecliff Local Centre. The strategic location and considerable area of the site brings with it the distinctive opportunity to complement the desired future character envisaged by the ECCP &amp; UDS.</p> <p>Following the above, the concept proposal will improve liveability and walkability of the subject site and surrounding Edgecliff locality. The concept proposal provides active street frontages, public domain improvements and a generously sized through-site link, in conjunction with appropriate massed building envelopes, to deliver an appropriate urban and architectural character. This is further bolstered through the provision of deep soil and soft landscaping throughout the subject site and within the public domain.</p>

**Table 9** Woollahra Local Strategic Planning Statement

	<p>The proposal will also ensure a high level of amenity for future occupants, neighbouring properties and the general public as demonstrated in the Urban Design Report. When considering heritage, this Planning Proposal will have no adverse impact on the Paddington Heritage Conservation Area, as outlined in the Heritage Impact Statement prepared by <i>Curio Projects</i> and Heritage Peer Review prepared by <i>Urbis</i>.</p>
<b>03 Productivity</b>	
<b>P7</b> Supporting access to a range of employment opportunities and partnerships.	<p>The Planning Proposal will directly support access to employment opportunities within the Edgecliff locality and wider Local Government Area. That is, the site is situated in close proximity to the Edgecliff Local Centre, New South Head Road and Edgecliff Railway Station. The proposed increase in density will support the established and future economy of the locality, not achievable under the current planning controls. The proposal will also provide for commercial uses, food and drink premises and a community facility, which will support employment opportunities on the subject site. It is also prudent to note that during demolition and construction of any future development, there will be additional employment opportunities which will provide direct and indirect economic benefits.</p> <p>The Economic Demand Assessment submitted with this proposal details that concept proposal and reference scheme will provide for an increase of direct and indirect employment which will directly benefit the locality. Upon redevelopment of the Edgecliff Centre as envisaged by the ECCP &amp; UDS, the Economic Demand Assessment has found that there will still be an undersupply of non-residential floor area. The proposal will assist in meeting the potential demand of 2031, by providing 2,000m<sup>2</sup> of non-residential floor area.</p>
<b>P8</b> Collaborating to achieve great placemaking outcomes in our local centres which are hubs for jobs, shopping, dining, entertainment and community activities.	<p>As outlined above, the non-residential uses are integrated with the public domain to allow for active street frontages and high quality, attractive spaces. The provision of non-residential uses, including food and drink premises and a community facility, will support the neighbouring Edgecliff Centre. The integration of these spaces with the through-site link will also enhance the amenity and quality of Trumper Park through improving connectivity and accessibility.</p>
<b>P9</b> Supporting and enabling innovation whilst enhancing capacity to adapt and thrive in a rapidly changing digital environment.	<p>The proposal is not antipathetic to this priority. It is noted that the proposed increase in density will enable improved accessibility for future residents and the general community to various services. By virtue of enabling access, there will be the opportunity to adapt to the changing digital environment.</p>
<b>04 Sustainability</b>	
<b>P10</b> Protecting and improving the health, diversity and enjoyment of our waterways and water ecosystems.	<p>Not applicable, the subject site is not within proximity to any waterway or water ecosystem.</p>
<b>P11</b> Conserving, enhancing and connecting our diverse and healthy green spaces and habitat, including bushland, tree canopy, gardens and parklands.	<p>The increase in density will require the removal of existing vegetation on the subject site, as assessed in the Arboricultural Impact Assessment prepared by <i>Urban Arbor</i>. Whilst there will be a removal of vegetation on-site, vegetation within the public domain, namely Trumper Park, will be retained. The removal of vegetation will also be offset during the detailed design stage throughout the public open spaces and around the periphery of the site. This will contribute to the provision of green spaces and flora and fauna network in the locality.</p> <p>Following the above, the concept proposal will incorporate deep soil landscaping on the site which will be supplemented by publicly accessible open space, comprising of a significant</p>

**Table 9** Woollahra Local Strategic Planning Statement

	number of trees and landscaping above structures. The Landscape Design Plans demonstrates that the urban tree canopy on the site will be enhanced and dispersed throughout and around the periphery of the site. The provision of additional landscaping improve liveability for future residents, neighbouring properties and the general public.
<b>P12</b> Protecting and enhancing our scenic and cultural landscapes.	The proposal will not have any adverse impact to the scenic and cultural landscape of the locality. As detailed above, whilst the concept proposal will require the removal of vegetation this will be appropriately offset through the provision of publicly accessible spaces and high quality compensatory landscaping. Where landscaping relates to the Paddington Heritage Conservation Area, this will be considered in any future detailed application where appropriate landscaped measures can be put in place to protect and enhance any scenic qualities.
<b>P13</b> Improving the sustainability of our built environment, businesses, transport and lifestyles by using resources more efficiently and reducing emissions, pollution and waste generation.	Environmentally friendly measures and ESD principles have been investigated in the ESD Report prepared by SLR. The proposal ESD Report provides a number of recommendations which can be explored in any future development to reduce emissions, pollution and waste generation.  Further to this, it is also prudent to note that an increase of density in a strategic location, such as the subject site, will improve the usage of public transport and active transport, being walking and cycling. The ease of accessibility to heavy rail, bus services, services and open spaces will reduce the reliance on private motor vehicles and therefore reduce carbon impacts.
<b>P14</b> Planning for resilience so we adapt and thrive despite urban and natural hazards, stressors and shocks, including climate change.	The subject site is affected by flood prone land. The concept proposal has been designed to respond to the sites flood affection as informed by Section 7.1 of the Services Infrastructure Report prepared by Stantec. This will ensure, subject to detailed future applications, that the development will be resilient to the natural hazard.

#### 6.3.2.7 Woollahra 2032 - Community Strategic Plan

The Community Strategic Plan (CSP), *Woollahra 2032* is a 10 year plan that identifies the strategic direction and integrated planning framework for the Woollahra Municipality. The final Community Strategic Plan was adopted by Council 27 June 2022. This Plan sets out the community's vision to 2032 and sets out four focus areas to deliver that vision:

- Focus Area One: Environment.
- Focus Area Two: Social.
- Focus Area Three: Economic.
- Focus Area Four: Civic Leadership.

The four focus areas for Woollahra 2032 are provided in the table below, with the responses detailing how the proposal is consistent with these initiatives:

**Table 10** Woollahra 2032 Community Strategic Plan

1. Environmental Focus	
Goal 7: Protecting our environment	The concept proposal will require the removal of vegetation, which will be appropriately replaced according to the Landscape Design prepared. Whilst there will be an increase of density on the site, so will there be an appropriate provision of landscaping within the publicly accessible spaces

**Table 10** Woollahra 2032 Community Strategic Plan

	and compensatory landscaping around the periphery of the site. The increase in density will have no adverse impact to the biodiversity present in the locality or within Trumper Park to the south.
Goal 8: Sustainable use of resources	<p>The concept proposal is submitted with an ESD Report to ensure future detailed development applications are capable of achieving an environmentally sustainable design. Sustainable design will include the provision of energy and water efficient fixtures, appropriate solar access and cross ventilation, facilities for electric vehicles and bicycle storage, amongst others.</p> <p>Furthermore, this proposal will provide for an increase in density supported by established public transport. This will ultimately reduce reliance on private motor vehicles and improve sustainable methods of transport. Similarly, the proposal will improve the public domain and provide through-site access which will also encourage walking and cycling throughout the locality.</p>
<b>2. Social Focus</b>	
Goal 1: A connected, harmonious and engaged community for all ages and abilities	This Planning Proposal will include the provision of a community facility which will be dedicated to Council and directly serve the community. Further to this, the publicly accessible through-site link and landscaped areas will also contribute to the sustainability of the community. The proposal will provide for wholesale public domain improvements and relationship between Edgecliff Railway Station, New McLean Street and Trumper Park.
Goal 2: A supported, enabled and resilient community	As identified above, the proposed public domain improvements and provision of an additional community facility will support a resilient community. Council can provide for a facility which is most in demand in the Edgecliff locality.
Goal 3: A creative and vibrant community	As above, the numerous improvements offered through the concept proposal will promote for innovative and cultural initiatives to support the community.
Goal 4: Well planned neighbourhoods	The concept proposal will provide for a sustainable outcome in terms of the strategic location of density, provision of additional residential and non-residential floor area and significant improvements to the public domain. The reference scheme demonstrates that 256 residential apartments, 2,000m <sup>2</sup> of commercial floor area and 1,000m <sup>2</sup> of community facility can be provided on-site which, as discussed in this Report, is considered to be appropriate given the numerous strategic benefits present. Whilst the site is located adjacent to the Edgecliff Centre, it represents an excellent opportunity to increase density.
<b>3. Economic Focus</b>	
Goal 5: Liveable places	<p>The concept proposal will provide for numerous public benefits as it relates to the liveability of the Edgecliff locality. The proposal will seek to provide publicly accessible through-site links, seating areas and landscaping. This will contribute to the character of the locality, improving pedestrian access from New McLean Street to Trumper Park whilst also delivering useable spaces with high levels of amenity. Further to this, a community facility will also be provided and dedicated to Council which will directly contribute to fostering connections between people and place. The proposal will ultimately improve the public domain and therefore cater for liveable places.</p> <p>In terms of flooding, the concept proposal has considered this within the Services Infrastructure Report prepared by <i>Stantec</i>. Any future development will be capable of building a resilience community.</p>



**Table 10** Woollahra 2032 Community Strategic Plan

Goal 6: Getting around	<p>As detailed above, the concept proposal will improve pedestrian access through the site, from New McLean Street to Trumper Park and the Paddington area. This will include a variety landscaped elements and facilities which will ultimately improve movement throughout the locality.</p> <p>In terms of traffic impact, including traffic generation, access and parking, this has been considered in the Transport, Traffic and Parking Assessment prepared by <i>JMT Consulting</i>. As outlined in this Report, the subject site will provide an uplift in density which will encourage the usage of public transport (rail and bus) and active transport (walking and cycling). Furthermore, there will be no adverse impact to the traffic network of the locality with contributions to improvements to the intersection with New South Head Road provided within the VPA.</p>
Goal 9: Community focussed economic development	<p>The proposal will directly support the existing and future Edgecliff Local Centre, as desired by the ECCP &amp; UDS. The proposal will include the delivery of 2,000m<sup>2</sup> of non-residential floor area and 1,000m<sup>2</sup> of community facility which will directly contribute to the Edgecliff Local Centre. In addition, the proposed will allow for the provision of additional residential accommodation in close proximity to the Edgecliff commercial centre, thereby supporting local businesses.</p> <p>The amount of residential and non-residential floor space proposed has been considered in the Economic Demand Assessment prepared by <i>HillPDA</i>. This Assessment concluded that the subject site, immediate locality and wider LGA will benefit from the increase of residential accommodation and non-residential floor area which will be achieved by this Planning Proposal. Importantly, the Assessment also notes that the additional non-residential floor area will not create an oversupply and will in fact cater for the demand.</p>
<b>4. Civic Focus</b>	
Goal 4: Well planned neighbourhoods	This proposal seeks to change the planning controls as to permit an uplift in building height and floor space. Any future development application will comply with these standards.
Goal 10: Working together	This Planning Proposal will be subject to public exhibition which allow for community participation and engagement into decision making.
Goal 11: A well managed Council	The proposal is not antipathetic to this goal.

#### 6.3.2.8 Woollahra Community Facilities Study

The Woollahra Community Facilities Study (CFS) has evaluated Council's existing supply of community facilities across the LGA. This study prepared by Ethos Urban (dated November 2019) identifies that there are shortfalls in community facilities within the western catchment of Woollahra LGA and provides recommendations for existing and proposed Council community facilities, as well as opportunities for innovative delivery.

The subject site falls within the western catchment of the study area. The Woollahra CFS identifies that in order to support the resident, worker and visitor populations of the Western Catchment (comprising the suburbs of Woollahra, Paddington and Edgecliff) over the next decade and in the longer term, new and upgraded community facilities will be required. An overview of the strategic opportunities for delivery in the Western Catchment is provided in the study and it is noted that a new integrated multipurpose facility will be needed. The report identifies that an opportunity exists to achieve this as part of future uplift of development as detailed below:

*The provision of a new integrated multipurpose facility could be located within the Edgecliff Economic Corridor area in partnership with future developers (e.g. via a Voluntary Planning Agreement or joint venture). Future*

*uplift and development in this location over time will increase the pressure on local community facilities and further strengthen the need for a new integrated multipurpose facility.*

The concept design provides for a 1,000m<sup>2</sup> multipurpose community space to be provided, which is also likely to be needed in the event the existing Paddington library lease is not renewed. The site is ideally located between Edgecliff and Paddington and the space allocated in the concept design will provide a destination that will emphasise the through site link and appropriately relate to Trumper Park. It would also provide an opportunity for increased accessibility and usage given its proximity to Edgecliff Railway Station and availability of parking to support the community and non-residential uses.

The Planning Proposal will facilitate the delivery of much needed community facilities and will be dedicated to Council as part of the submitted VPA.

#### 6.3.2.9 Draft Woollahra Integrated Transport Study

Council has produced a Draft Woollahra Integrated Transport Study (ITS) which according to Council's website seeks to "set out a vision for a more accessible municipality where active, sustainable and efficient modes of transport are the most convenient choice for most trips". The Draft ITS was on public exhibition from 1 April to 21 May 2021.

The concept proposal aligns with the themes and objectives in the ITS, notably the following themes: Access, Mobility and Liveable Spaces (Theme 1), Public Transport (Theme 2), Active Transport (Theme 3). The themes are provided in the table below, with the responses detailing how the proposal is consistent with these initiatives:

**Table 11** Draft Woollahra Integrated Transport Study

Theme 1: Access, Mobility and Liveable Spaces	Ageing communities have more complex mobility needs, which is significant in Woollahra where there is an ageing population compared to neighbouring local government area. Provision of more accessible and affordable housing, non-residential and community uses close to a railway station increases their ability to move safely, efficiently and equitably.
	In addition to the above, the proposal will provide wholesale improvements to accessibility throughout the site, from Edgecliff to Paddington. This is only achievable through the amendments to the planning controls which will enable redevelopment of the site.
Theme 2: Public Transport	As the proposal will increase density in close proximity to a rail network and bus interchange, this will encourage a shift away from car usage. The proposal will provide for a competitive alternative to private car usage, through the provision of more housing and non-residential uses immediately adjacent to Edgecliff Railway Station. As is also discussed throughout this Report, Edgecliff Station is the only rail stop serving the Woollahra LGA. Given the superior site characteristics and strategic location, the proposed uplift in density will directly support and encourage the use of public transport.
Theme 3: Active Transport	The proposal will provide housing opportunities adjacent to an existing railway station and will also provide an important through site link which will improve access for people between Edgecliff and Paddington. As a result, the proposal will seek to encourage walking within a safe, connected and inclusive network by providing through site links, connecting residents of Paddington with Edgecliff railway station. This cannot be achieved with the current zoning and land use over the land. This in turn will lead to economic benefits as people shop locally and are able to get to the local centre more efficiently, without reliance on private motor vehicles. Furthermore, the activation of New McLean Street with a food and drink precinct coupled with publicly accessible areas and outdoor dining opportunities will complement the commercial zoning on the opposite side of the street.
Theme 4: Roads and Parking	The proposal will have no impact to the road and parking of New McLean Street. Furthermore, the proposal will have no adverse impact on the surrounding traffic network or intersections, as outlined

Table 11 Draft Woollahra Integrated Transport Study

in the Transport, Traffic and Parking Assessment. In fact, the rationalisation of driveways will improve pedestrian and vehicular safety.

#### 6.3.2.10 Edgecliff Commercial Centre Planning and Urban Design Study

The site is located just outside the Edgecliff Commercial Centre and is therefore excluded from the Edgecliff Commercial Centre Planning and Urban Design Study (ECCP & UDS). It is understood that the site was excluded from the ECCP & UDS on the basis that the site was underpinned by a Strata Scheme and would have required the acquisition of over 100 strata allotments which was considered unfeasible. However, the applicant has since secured the rights for this land and now seeks redevelopment of the site reflective of its strategic importance.

The subject site and proposed LEP amendments are demonstrably cognisant with the key elements of the strategy. These are as follows:

1. **Heritage:** Conserve and enhance existing heritage and transition the built form sensitively to the adjoining heritage conservation areas.
2. **Land use:** Support the ECC's community and business role through minimum non-residential floor space, and focus commercial uses close to the train station.
3. **Density:** Provide opportunities for greater building heights and floor space. This will be subject to meeting certain criteria for site amalgamation, design excellence and delivery of community infrastructure.
4. **Design excellence:** Ensure that new development is of the highest standard of architectural and urban design
5. **Community infrastructure:** Require new development to contribute to new and upgraded community infrastructure.
6. **Affordable housing:** Require affordable housing at a minimum rate of 5% of new residential floor space.
7. **Public domain:** Enhance the public domain, encourage active transport infrastructure and facilitate urban greening.
8. **Traffic and transport:** Mitigate traffic impacts through infrastructure upgrades and encouragement of car sharing by reduced car parking requirements.

The ECCP & UDS focuses significant density uplift along New South Head Road which relies on cumbersome amalgamation strategies. Where sites are not successfully amalgamated, the resulting parcels will either remain undeveloped or, if developed, rely on New South Head Road for primary vehicle movements (access/egress) including waste collection. Adding additional laybacks to New South Head Road to support new development is considered to be a poor outcome for the future character of the area.

The Planning Proposal will satisfy the actions of ECCP & UDS, but not within the current set of planning controls. In particular, the proposed concept scheme would support actions 3, 6, 7 and 8 by allowing for greater housing diversity, including affordable housing, via increased densities close to transport and at a walkable distance from other neighbourhood amenities. This will be accompanied by significant upgrades to the public domain. It would also support actions 2 and 7 by facilitating development that helps activate and revitalise the street frontage on New McLean Street and by providing retail and commercial space that could support an active night time economy. The provision of key community facilities including a community centre space that is accessible and adjacent to the nearby railway station will also meet action 5 in delivering new community infrastructure.

Given the site's proximity to public transport and its accessibility to a range of community and recreational facilities there is also an opportunity to promote development which will meet action 8 by reducing car usage on a site close to an existing railway station. Furthermore, the provision of through-site links gives effect to the "pedestrian linkages" in Part 5.10 of the ECCP.

Redevelopment of the subject site to an increased height and density is clearly capable of satisfying all the objectives of the Edgecliff Commercial Centre. The proposed redevelopment will also deliver public benefits that align with the 'Woollahra Community Facilities Study' as discussed in this Report, which seeks to identify the gaps and innovative ways of providing new Community facilities in Woollahra. This proposal seeks to directly respond to the gaps by

incorporating a new community facility that will be vested to Council as part of the VPA submitted under a separate cover.

#### 6.3.2.11 Edgecliff Commercial Centre Transport Study

Prepared alongside the ECCP & UDS is the *Edgecliff Commercial Centre Transport Study* (ECCTS). The ECCTS recognises Edgecliff as an integral transport interchange, providing Woollahra's only railway station. The ECCTS indicated that residents of the study area, being the Edgecliff Commercial Centre, relied heavily on train, private vehicle and walking for travel to work to the Sydney CBD and surrounding suburbs. The ECCTS provided the following strategic recommendations:

1. **Support mixed-use development:** Ensure that job-generating land uses are paired with residential land uses to reduce the need for car and public transport journeys;
2. **Reduce existing parking controls:** Decrease the maximum parking rate of selected unit typologies;
3. **Introduce travel plan program:** Ensure travel plans are effectively delivered by development proponents;
4. **Support additional car share:** Require the allocation of on-site car space for shared vehicles;
5. **Pedestrian way finding:** Prepare a pedestrian wayfinding strategy for the ECC;
6. **Pedestrian safety issues:** Woollahra Council to discuss resolutions with Transport for NSW; and
7. **Infrastructure Improvement:** Deliver numerous improvements to the infrastructure of the locality.

In accordance with the above, the proposed uplift in density will be capable of supporting the strategic recommendations as listed above. Specifically, the redevelopment will bring with it additional non-residential and residential uses in the centre which will support residents living and working in the Edgecliff locality. Furthermore, the proposal will continue to encourage public transport usage, whilst improving pedestrian access throughout the locality. Any future development can also consider a reduction in parking, provision of additional carshare and introduction of travel plan programmes. This proposal therefore supports recommendations 1 to 5 of the ECCTS.

Ultimately, the site's highly accessible nature and strategic characteristics will directly align with the ECCTS.

#### 6.3.2.12 Woollahra Local Housing Strategy 2021

The Woollahra Local Housing Strategy 2021 (Housing Strategy) was adopted by Council on 25 October 2021. The Housing Strategy was prepared to align with the LSPS and seeks to facilitate housing and residential development which will meet the current and future needs of the community, best fit within the local character and infrastructure capacity and contribute to the Eastern City District housing targets. The Housing Strategy also establishes preferred locations for housing growth, ensuring higher density housing is in close proximity to public transport and key centers.

The Housing Strategy provides five priority objectives which are outlined below, with responses detailing how the proposal is consistent with these initiatives. The objectives as listed below align with the GSRP, ECDP and LSPS.

Table 12 Housing Strategy Objectives

1. Sustain a diverse range of housing types and protect low density neighbourhoods and villages.	The subject site is located in proximity to a variety of land uses and zoning. Whilst located in the Paddington HCA, it is well placed for a significant uplift in density to meet the housing demands of the LGA given its close proximity to established public transport options. Whilst the proposal will increase the density on the site, analysis provided within the UDR prepared by FJC and Visual Impact Assessment prepared by Urbaine demonstrate that the proposal will maintain the character of the surrounding low-density neighbourhoods. Importantly, the proposal will replace existing residential flat buildings containing approximately 106 strata titled units, which are reaching the end of their economic life, with a high quality, higher density development. It is also considered that there is no better place to locate the proposed increase in density than next to Edgecliff Railway Station and Commercial Centre.
2. Facilitate opportunities for housing growth in	The subject site is located adjacent to Edgecliff Railway Station and bus interchange and is therefore in a prime location to benefit from housing growth. As discussed, it is understood that



**Table 12** Housing Strategy Objectives

locations identified in the Woollahra Local Housing Strategy.	the subject site was excluded from the ECCP & UDS given it is underpinned by a Strata Scheme. As this issue has been resolved, the site is well-suited to the uplift in density consistent with the ECCP & UDS. Importantly, the proposed uplift is supported by improved accessibility, the provision of public and community facility and appropriate responses to the Paddington HCA. Ultimately, the proposal will facilitate and support diverse, affordable housing.
3. Ensure housing conserves heritage, maintains local character and achieves design excellence.	As outlined above, the proposed concept scheme has considered the relationship to the Paddington HCA and Edgecliff Local Centre. Importantly, the increase in building height and FSR will have no adverse impact to the Paddington HCA per the Heritage Impact Statement prepared by <i>Curio Projects</i> and Heritage Peer Review supported by <i>Urbis</i> . The setbacks, landscaping and provision of publicly accessible spaces as shown in the concept proposal establishes an appropriate relationship to the existing and desired future character of the locality. Any future development application must ensure that design excellence is achieved.
4. Ensure that new housing contributes to tree canopy and to long-term sustainability outcomes.	<p>The proposal will require the removal of select vegetation to accommodate the concept envelopes. Whilst vegetation is to be removed, this is to be replaced with compensatory planting around the periphery of the building and on podium structures, including within the through-site link. The future landscaping will contribute to enhancing the canopy of retained trees with careful species selection. Importantly, the proposal will retain vegetation around the periphery of the site and within the public domain, particularly to Trumper Park.</p> <p>The removal of vegetation has been considered in the Arboricultural Impact Assessment prepared by <i>Urban Arbor</i> and Biodiversity Assessment prepared by <i>Biosis</i>. In terms of sustainability, an ESD Report prepared by <i>SLR</i> is also submitted which provides recommendations for measures which can be implemented to ensure a sustainable outcome.</p>
5. Support increased supply of accessible housing and affordable rental housing.	The reference scheme indicates that 61 x single bedroom and 124 x two bedroom dwellings can be provided which will improve the opportunity for lower-income households to live within the area. Furthermore, the proposal will allocate 5% of residential gross floor area as affordable housing, subject to accompanying VPA, under SEPP Housing 2021. The proposed increase of density and relationship of the subject site to public transport and a wide variety of uses will encourage the supply of accessible housing.

**Q5: Is the planning proposal consistent with applicable state and regional studies or strategies?**

There are no other state and regional studies or strategies to which the proposed LEP amendments are required to align.

**Q6: Is the Planning Proposal consistent with the applicable State Environmental Planning Policies?**

There are no State Environmental Planning Policies (SEPPs) or draft Policies or Deemed SEPPs that would prohibit or restrict this Planning Proposal. A list of relevant SEPPs is included in **Table 13**.

**Table 13** Relevant State Environmental Planning Policies

SEPP	Relevance	Y/N	Comments
SEPP Resilience and Hazards 2021	The Resilience and Hazards SEPP repealed and replace three former SEPPs related to coastal management, hazardous and offensive development and remediation of land.	Yes	The application for a Planning Proposal will not change the land use zoning and therefore any development for residential and non-residential uses will require contamination investigations. A Preliminary Site Investigation prepared by <i>Geosyntec</i> has been submitted

**Table 13** Relevant State Environmental Planning Policies

SEPP	Relevance	Y/N	Comments
			<p>for the site. This application for a Planning Proposal will not result in any activities which would be likely to expose humans or the environment to risks of contamination. It is also noted that the site is currently zoned for Medium Density Residential in which it is occupied by two residential flat buildings with approximately 106 dwellings. The proposal is consistent with the use already established on-site.</p> <p>In terms of Coastal Management and Hazardous or Offensive Material, the application does not change the manner in which the chapters of the SEPP applies to the site.</p>
SEPP (Building Sustainability Index: BASIX) 2004	This SEPP requires residential development to achieve minimum performance standards for thermal comfort and water efficiency with the intention of reducing demand for energy and potable water.	Yes	This application does not change the manner in which this SEPP will apply to any future development application for new residential accommodation.
SEPP (Housing) 2021	<p>This SEPP aims to incentivise the supply and ensure the effective delivery of new affordable and diverse housing. The Housing SEPP consolidates five existing housing related policies, including:</p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP);</li> <li>• State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 (Seniors SEPP);</li> <li>• State Environmental Planning Policy No 70 - Affordable Housing (Revised Schemes) (SEPP 70);</li> <li>• State Environmental Planning Policy No 21 - Caravan Parks; and</li> <li>• State Environmental Planning Policy No 36 - Manufactured Home Estates.</li> </ul>	Yes	This application does not change the manner in which this SEPP applies to the site. As the site is within 800m of a railway station it would be deemed in an accessible area, and the SEPP (Housing) 2021 would apply, if sought by the applicant. As detailed, the applicant is seeking to provide 5% of residential gross floor area as affordable housing under this SEPP, and will form part of the VPA.
SEPP (Exempt and Complying Development Codes) 2008	This SEPP defines types of development for which development consent is not required.	Yes	This application for a Planning Proposal does not change the manner in which this SEPP applies to the site.

**Table 13** Relevant State Environmental Planning Policies

SEPP	Relevance	Y/N	Comments
SEPP (Transport and Infrastructure) 2021	This SEPP aims to facilitate the delivery of new infrastructure and protect the safe and efficient operation of existing infrastructure. This SEPP repeals and replaces four former SEPPs related to infrastructure, transport, education and childcare.	Yes	<p>The application for a Planning Proposal does not change the way in which the SEPP would apply to the site or to future development upon the site.</p> <p>Acoustic impacts from the surrounding locality have been investigated as part of this concept proposal and will be further investigated with any future detailed application to ensure new dwellings are compatible with the ongoing operation of the surrounding locality, namely, Edgecliff Railway Station and bus interchange.</p> <p>On-site parking has also been considered in accordance with the submitted Traffic Impact Assessment prepared by <i>JMT Consulting</i>.</p> <p>Any future childcare centre under Chapter 3 will be subject to detailed applications and this Planning Proposal does not change the way the SEPP applies.</p>
SEPP 65 (Design Quality of Residential Apartment Development)	This SEPP aims to improve the design quality of developments containing apartments. The SEPP is linked to the Apartment Design Guide (ADG) which includes specific objectives and recommendations for detailed design requirements.	Yes	<p>The provisions of SEPP 65 will continue to apply to the site. The concept proposal and reference scheme prepared by <i>FJC</i> submitted with the application demonstrates general compliance with the ADG provisions, including, but not limited to the following:</p> <ul style="list-style-type: none"> <li>• A mix of apartment sizes of sufficient area and private open space;</li> <li>• Solar access to a requisite number of apartments, per the reference scheme;</li> <li>• Cross ventilation to a requisite number of apartments, per the reference scheme;</li> <li>• Acceptable building to building separation; and</li> <li>• Publicly accessible open space and sufficient communal open space.</li> </ul> <p>The application for a Planning Proposal does not change the way in which the SEPP would apply to the site or to future development upon the site.</p>
SEPP (Biodiversity and Conservation) 2021	This SEPP repeals and replaces 11 previous SEPPs.	Yes	<p>The application for a Planning Proposal does not change the way in which the SEPP would apply to the site or to future development upon the site.</p> <p>The removal of vegetation will be subject to a future development application, noting it has been considered in the submitted Arboricultural Impact Assessment and Biodiversity Assessment.</p>

**Table 13** Relevant State Environmental Planning Policies

SEPP	Relevance	Y/N	Comments
SEPP (Industry and Employment) 2021	This SEPP repeals and replaces two former SEPPs related to employment lands in Western Sydney and advertising and signage.	Yes	The Planning Proposal does not change the way in which the SEPP (specifically, Chapter 3 Advertising and Signage) would apply to the site or to future development upon the site.
SEPP (Sustainable Buildings) 2022	This SEPP encourages the design and delivery of more sustainable buildings across NSW. It sets sustainability standards for residential and non-residential development and starts the process of measuring and reporting on the embodied emissions of construction materials.	Yes	This application does not change the manner in which this SEPP will apply to any future development application for new development.

**Q7: Is the Planning Proposal consistent with the applicable Ministerial Directions?**

The proposal is consistent with all applicable Ministerial Directions under Section 9.1 of the *Environmental Planning and Assessment Act 1979* as outlined in the below table.

**Table 14** Section 9.1 Ministerial Directions

Ministerial Direction	Relevance	Y/N	Comments
<b>1. Planning Systems</b>			
1.4 Site Specific Provisions	This direction applies to all relevant planning authorities when preparing a planning proposal that will allow a particular development to be carried out.	Yes	This Planning Proposal will permit the provision of a specific range of uses through an Additional Permitted Use (under Schedule 1), however, will not rezone the site. The Planning Proposal satisfies the objectives by allowing additional uses in appropriate locations rather than restrictive site specific planning controls
<b>3. Biodiversity and Conservation</b>			
3.1 Conservation Zones	This direction applies to all relevant planning authorities when preparing a planning proposal.  A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas	N/A	The subject site is not zoned or identified as environmentally sensitive land and therefore this direction does not apply.  It is noted that a Biodiversity Assessment prepared by <i>Biosis</i> is submitted with this proposal.
3.2 Heritage Conservation	This direction applies to all relevant planning authorities when preparing a planning proposal.  A planning proposal must contain provisions that facilitate the protection and conservation of	Yes	The subject site is located within the <i>Paddington Heritage Conservation Area</i> . As such, a Heritage Impact Statement prepared by <i>Curio Projects</i> is submitted with this proposal, alongside a Heritage Peer Review prepared by <i>Urbis</i> . Furthermore, analysis is provided in the Urban Design Report



**Table 14** Section 9.1 Ministerial Directions

	heritage significance and Indigenous heritage significance		<p>prepared by <i>FJC</i> and Visual Impact Assessment prepared by <i>Urbaine</i>.</p> <p>The concept proposal takes into account the additional density sought as part of this Planning Proposal. It is demonstrated that the proposed envelope will be compatible with the context and setting of the surrounding properties including those in Edgecliff and the Paddington HCA. The increased density will be appropriately modulated to relate to the surrounding area with a through-site link, separation and the appropriate distribution of bulk and scale. As discussed in this Report, the proposal provides considerable setbacks of 14m to 26m to the boundary shared with the low density heritage conservation area to the east, thus providing an appropriate visual and physical buffer. This is further improved through the integration and retention of high quality landscaping.</p> <p>An additional assessment of heritage impacts would be required as part of the future detailed development application. This would consider architectural design and would address any potential impacts, including visual impacts associated with the detailed design. The proposed LEP amendment is consistent with Direction 3.2</p>
3.7 Public Bushland	<p>This direction applies when a planning proposal authority prepares a planning proposal for land in the Woollahra Local Government Area.</p> <p>A Planning Proposal must retain public bushland unless the planning proposal authority is satisfied that significant environmental, economic or social benefits will arise that outweigh the value of the public bushland.</p>	N/A	<p>The subject Planning Proposal is not located within any public bushland. Whilst it is noted that the site is adjacent to Trumper Park and Oval, however, the proposal will not affect this public open space.</p>
3.9 Sydney Harbour Foreshores and Waterways Area	<p>This direction applies when a planning proposal authority prepares a planning proposal for land within the Foreshores and Waterways Area as defined in the State Environmental Planning Policy (Biodiversity and Conservation) 2021.</p>	N/A	<p>The subject site is not located within the foreshore and waterways area and therefore this direction does not apply.</p>
<b>4. Resilience and Hazards</b>			
4.1 Flooding	<p>This direction applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> <p>A planning proposal must include provisions that give effect to and are consistent with:</p>	Yes	<p>The Planning Proposal which seeks to increase the maximum building height and floor space ratio, and therefore the flood affectation of the site has been considered by this application.</p> <p>Submitted with this Planning Proposal is a Services Infrastructure Report prepared by</p>

Table 14 Section 9.1 Ministerial Directions

	<p>(a) the NSW Flood Prone Land Policy, (b) the principles of the Floodplain Development Manual 2005, (c) the Considering flooding in land use planning guideline 2021, and (d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.</p> <p>(3) A planning proposal must not contain provisions that apply to the flood planning area which:</p> <p>(a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties, (c) permit development for the purposes of residential accommodation in high hazard areas,</p> <p>(d) permit a significant increase in the development and/or dwelling density of that land,</p> <p>(e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate, (f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent, (g) are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or (h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.</p> <p>(4) A planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to</p>	<p><i>Stantec</i>, which deals appropriately with flooding.</p> <p>In regard to the provisions, the Planning Proposal will not:</p> <p>Permit development in any floodway area. Will not result in any significant flood impact to neighbouring properties;</p> <p>Will not adversely change the permitted uses on-site, including residential accommodation. The provision of additional specific uses (per Section 5.1.1) is not considered unacceptable in terms of hazard; Whilst the proposal will increase the density on-site, it will not have any adverse impact to the sites flood affectation or safety of the general public. This is addressed in the accompanying Flood Letter. Will not change permissibility on-site, with all future detailed applications being designed in accordance with the sites flood affectation. The additional permitted uses are considered to be acceptable in this regard.</p> <p>The Planning Proposal has no affect in this regard.</p> <p>The Planning Proposal will not result in any significantly increased requirement for government spending.</p> <p>Will not change permissibility on-site.</p> <p>No Special Flood Considerations apply, as follows:</p>
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Table 14 Section 9.1 Ministerial Directions

	<p>which Special Flood Considerations apply which:</p> <p>(a) permit development in floodway areas,</p> <p>(b) permit development that will result in significant flood impacts to other properties,</p> <p>(c) permit a significant increase in the dwelling density of that land,</p> <p>(d) permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,</p> <p>(e) are likely to affect the safe occupation of and efficient evacuation of the lot, or</p> <p>(f) are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.</p> <p>(5) For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.</p>		<p>Will not permit development in a floodway area.</p> <p>Will not result in significant flood impacts to the surrounding locality.</p> <p>Whilst increase in the dwelling density, will have no impact to the flooding of the land.</p> <p>As detailed, will not include any additional uses.</p> <p>The proposal will not affect the safe occupation of the land.</p> <p>Will not result in any significant government spending.</p> <p>Refer to Section 7.1 of Services Infrastructure Report.</p>
4.4 Remediation of Contaminated Land	<p>This direction applies when a planning proposal authority prepares a planning proposal that applies to:</p> <p>(a) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997,</p> <p>(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</p> <p>(c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:</p> <p>i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</p> <p>ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</p>	Yes	<p>A Preliminary Site Investigation (PSI) has been prepared by Geosyntec. The PSI has concluded that the subject site is unlikely to be contaminated or contain hazardous materials. Any required remediation works will be subject to separate development applications. As detailed, the proposed use will be consistent with that already established on the subject site.</p> <p>The Planning Proposal demonstrates the land is suitable for development and this application for a Planning Proposal is therefore consistent with Direction 4.4.</p>
4.5 Acid Sulfate Soils	<p>This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils</p>	Yes	<p>The land is mapped under the WLEP as containing Class 3 and 5 Acid Sulfate Soils. The Preliminary Site Investigation prepared</p>

**Table 14** Section 9.1 Ministerial Directions

	<p>when preparing a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps held by the Department of Planning and Environment.</p> <p>The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</p>		<p>by Geosyntec has concluded that there is a low risk of groundwater, and the site will be suitable for redevelopment aligning with this Direction.</p>
<b>5. Transport and Infrastructure</b>			
5.1 Integrating Land Use and Transport	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>(1) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</p> <p>(b) The Right Place for Business and Services – Planning Policy (DUAP 2001)</p>	Yes	<p>This Planning Proposal will increase maximum building height and floor space ratio, including an additional permitted use, which applies to the subject site. Therefore, the maximum density on-site will be increased.</p> <p>It is noted that the concept proposal will provide a mixture of residential and non-residential uses, including commercial uses, food and drink premises and community facility. As such, a Traffic Impact Assessment has been prepared by <i>JMT Consulting</i> which concludes that the concept proposal and Reference Scheme will not have any adverse impact to the locality. The application for a Planning Proposal is therefore consistent with Direction 5.1.</p>
5.2 Reserving Land for Public Purposes	<p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p> <p>(1) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary).</p>	N/A	Not applicable to subject Planning Proposal.
5.3 Development Near Regulated Airports and Defence Airfields	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.</p>	Yes	<p>The subject site is affected by an Outer Horizontal Surface of 156m AHD. The concept envelope will not exceed this limitation and as such, does not require further consideration.</p> <p>The application for a Planning Proposal is therefore consistent with Direction 5.3.</p>
<b>6. Housing</b>			
6.1 Residential Zones	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed residential zone (including the</p>	Yes	<p>The Planning Proposal will increase the maximum building height and floor space ratio which applies to the R3 Medium Density Residential zone, on the subject site. This will</p>



**Table 14** Section 9.1 Ministerial Directions

	<p>alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.</p> <p>(1) A planning proposal must include provisions that encourage the provision of housing that will:</p> <p>(a) broaden the choice of building types and locations available in the housing market, and</p> <p>(b) make more efficient use of existing infrastructure and services, and</p> <p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</p> <p>(d) be of good design.</p> <p>(2) A planning proposal must, in relation to land to which this direction applies:</p> <p>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>(b) not contain provisions which will reduce the permissible residential density of land.</p>		<p>result in an increased density, in which the proposal is considered to align with Direction 6.1.</p> <p>The increase in density will offer the opportunity to increase housing diversity in a high-density environment which is consistent with the strategic location of the site.</p> <p>The Planning Proposal will increase the density permitted on-site, and therefore result in a more efficient use of the infrastructure and services within the surrounding locality.</p> <p>The Planning Proposal will allow for an increase of density in a highly accessible location, with a desirable local government area.</p> <p>The concept proposal delivers a high quality, development. This will also be subject to further consideration during the development application phase.</p> <p>The land is adequately serviced and residential accommodation is permitted under the current zoning, which will not be changed.</p> <p>As above.</p> <p>The application for a Planning Proposal is therefore consistent with Direction 6.1.</p>
<b>7. Industry and Employment</b>			
7.1 Business and Industrial Zones	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p>	N/A	<p>The site is zoned R3 Medium Density Residential and this direction does not apply.</p>

### 6.3.3 Section C - Environmental, Social and Economic Impacts

**Q8: 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?**

The subject site contains large areas of native vegetation. The proposal seeks to retain as much native vegetation as possible through the building design and layout. The proposal has been subject to detailed input throughout the design development process from the project Arborist (*Urban Arbor*), Biodiversity expert (*Biosis*) and landscaped consultant (*FJC*). This has been undertaken to maximise the retention of important vegetation throughout the site and within the public domain.

Whilst it is noted that the proposal will require the removal of existing vegetation on-site, it will protect vegetation within



Trumper Park and Oval. Further to this, vegetation around the periphery of the concept envelopes, located within the site boundaries, will also be protected where practicable. This has resulted in a concept proposal which has been ultimately designed around tree retention, protecting the majority of 'AA' important trees.

Following the above, where vegetation around the perimeter of the site will be retained, the proposal will also include additional mature vegetation and podium landscaped areas to compensate for any vegetation lost within the buildable area. This will soften the built form as viewed from the neighbouring properties, particularly to the low-density terraces houses to the east. Similarly, New McLean Street is enhanced by integrated landscaping and active frontages, which will enliven and vitalise the locality, whilst softening the pedestrianised bulk and scale as viewed from the streetscape. This landscaping also traverses the through-site link, providing a flora and fauna network from New McLean Street to Trumper Park and Oval.

It is imperative to note that there are no known critical habitat or threatened species, populations or ecological communities present on-site, which will be adversely impacted by the proposal. This has been considered in detail within the Biodiversity Assessment prepared by *Biosis*. The following conclusion is made by the Biodiversity Assessment;

*'...A total of approximately 0.27 hectares of planted native vegetation was identified within the study area, of which up to 0.15 hectares would be removed by the proposed works. There is also potential for additional vegetation to be retained at the northern end of the property along road verge. Native trees will be retained where possible in accordance with the Tree Management Plan (FJCstudio 2023) (Appendix 3). For the reasons outlined in the ToS, the proposed works, as currently designed, are deemed to not have a significant impact on the threatened species. Were the proposal to go ahead a number of safeguards to avoid, minimise and mitigate the above impacts have been included in Section 5 of this report including detailed design recommendations, exclusion fencing and recommendations regarding appropriate hygiene protocols for vegetation clearing and plant (see 5.2 below).*

*Following field investigations, five species listed under the BC Act were also considered to have a moderate likelihood of occurrence in the study area: Little Lorikeet *Glossopsitta pusilla*, Eastern Coastal Free-tailed Bat *Micronomus norfolkensis*, Little Bent-winged Bat *Miniopterus australis*, Southern Myotis *Myotis macropus*, and Yellow-bellied Sheath-tail-bat *Saccolaimus flaviventris*. ToS were carried out for fauna species to which the proposal was considered likely to impact on limiting foraging resources. These assessments concluded the proposal is unlikely to have a significant impact on any BC or EPBC Act listed fauna species. Safeguards specific to the removal of threatened and general fauna species habitat have been provided below, including supervision of habitat clearance and information on ecological values to be included in site inductions and pre-start meetings.*

The Biodiversity Assessment also provides for a series of recommendations, which are imposed to minimise the disturbance to any surrounding native vegetation and fauna habitat. These can be considered within any future development application.

***Q9: Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?***

The concept or reference scheme included in this Planning Proposal demonstrate the site arrangement and building envelope which can be achieved on the site, subject to the increase in maximum building height and floor space ratio. The urban design approach ensures that any environmental effects will be appropriately managed, as discussed in detail below.

#### **Strategic Massing and Building Envelopes**

The intent of this Planning Proposal is to provide concept envelopes which appropriately relate to the characteristics of the locality and surrounding developments (both existing and future), to enable redevelopment which will improve the public domain, provide numerous public benefits and allow for an increase in density. This is detailed in the UDR prepared by *FJC* and submitted with this Report. The concept envelopes have been developed following detailed design development and collaboration between numerous experts to deliver a development which is reflective of the





strategic and site specific importance of the subject site. The strategic massing will bring with an appropriate balance and distribution of massing between the podium and tower structures, publicly accessible spaces, active uses and community spaces.

As mentioned, the proposed concept envelopes have undergone various amendments and iterations. They have been designed in response to an urban design analysis of the site and surrounding locality. As the current WLEP does not allow for any redevelopment of the site, this Planning Proposal is necessary to enable an innovative and flexible vision. The increase in building height and density ultimately delivers a concept scheme which will relate to the character of the locality, public domain and neighbouring properties, whilst also improving liveability and amenity consistent with the site's strategic location.

The concept envelopes provide for a high-quality mixed-use development which appropriately addresses New McLean Street and Trumper Park, whilst providing appropriate separation to the surrounding properties. The increase in building height and floor area has allowed for the delivery of a defined podium, which steps according to the topography, with slender tower form above, addressing New McLean Street and Trumper Park. The built form is strategically located to take its cues from the anticipated envelopes of the Edgecliff Commercial Centre, whilst minimising impact to the Paddington Heritage Conservation Area and Trumper Park. Not only will the concept scheme improve the greater streetscape and urban character, but also allow for pedestrianised improvements through the redevelopment of the site only available through the proposed uplift.

The concept envelopes and strategic distribution of built form allows for a high quality and well-resolved architectural and urban design, whilst also improving the relationship to and the amenity of the public domain. The distribution of massing within the proposed tower allows for the reduction of built form on the lower levels and provision of distinctive benefits, especially the increased separation to the two storey dwellings in Cameron Street and minimising the overshadowing to Trumper Park and Oval. The proposal will deliver an appropriate hierarchy of built form which follows the topography down from the Edgecliff Commercial Centre and railway station to Trumper Park and the wider Paddington locality. This will improve amenity of public spaces, including permeability, liveability and walkability through the site and surrounding locality.

Overall, the concept envelope achieves the best possible outcome for the site in terms of improving streetscape character, ensuring compatibility with the surrounding locality and providing a high level of amenity for future occupants and the public domain. The built form will seek to provide a cohesive streetscape and urban design outcome, which strategically locates floor area within key portions of the site. The outcome of this concept scheme is the ability to provide a high quality urban design which will deliver distinct improvements to the locality not currently envisaged by the LEP and DCP. That is, the proposal provides a defined podium, through-site link and slender tower relating to the commercial centre, surrounding public open spaces and heritage area (**Figure 25**).





Figure 25 Perspective of concept proposal

It is also pertinent to note that the concept envelope has been designed with appropriate curtilage to allow for the delivery of high quality, contemporary development which will form part of a detailed development application. The concept envelope will allow for varied skyline while maintaining a suitable relationship at a pedestrianised scale, with the integration of active frontages, podium levels and tower components throughout the site. Importantly, the building heights have considered the bulk and scale of neighbouring properties to inform the design thus allowing for a cohesive streetscape and urban design.

An Urban Design Review prepared by *Matthew Pullinger Architects* is submitted with this proposal. *Matthew Pullinger Architects* have been actively involved throughout the design process, to ensure the concept scheme represents a high quality urban renewal proposition that is consistent with the strategic vision for the site and surrounding properties. The Review document concludes as follows:

*'...The amended pre-Planning Proposal has been carefully considered in its urban design and contextual fit, balancing the strategic planning objectives articulated by Council, the provision of material public benefits and the aspirations of the proponent to contribute to a positive urban renewal project.*

*In its amended form, the proposal continues to provide significant public benefit through the introduction of a 1,000sqm community facility sited within a strong landscape setting, and configures a publicly accessible through-site-link, active street frontages and plaza space to improve public activation, permeability and connectivity with Trumper Park.*

*By intelligently responding to the opportunities presented by a larger consolidated site, close to the Edgecliff local centre, the amended proposal represents a well-mannered, well-designed and considerate contribution to the ongoing renewal of Edgecliff Commercial Centre...*

In summary, the proposed building envelopes will sit comfortably within their surroundings, providing a strong base for the delivery of high quality, modern and attractive design as will be subject to future detailed applications. Being located in a strategic position, the concept scheme will provide a higher density transit-orientated development, with a centralised open space and public domain improvements.

#### Heritage

The concept scheme has been designed to appropriately relate to the character and built form of the Paddington Heritage Conservation Area. The concept scheme, as detailed in the relevant supporting documents, provides an appropriate relationship with the surrounding heritage conservation area through the creation of a well-defined podium







with appropriate separation and through-site access with a slender tower form setback from the interface. This is provided by the minimum 14m side boundary setback to the podium with a two storey equivalent form that relates to the height of the terraces in Cameron Street and the 20-26m setback to the tower. The 14m setback area is heavily landscaped at street level to provide a visual buffer and soften the appearance of the development at the pedestrian level. These design measures limit the visual impact of the proposal, despite the significant uplift in density proposed.

On the upper levels, namely the tower form, this is slender and setback significantly from the site boundaries and podium form below. The visual and physical curtilage around the proposed tower form, in addition to its orientation (which is turned to reflect the existing buildings and street alignment), provides an appropriate buffer and relationship to the adjacent terraces in the Paddington HCA.

While the tower will be taller than the built form of the Paddington HCA to the west and south, which creates a contrast in scale. This contrast in scale is contemplated under the ECCP & UDS where the sites on New South Head Road, including the Edgecliff Centre, adjoin the HCA and all contain tower elements ranging from 5-26 storeys. Therefore, the concept scheme does not result in any new or adverse impacts not already associated at the interface between the Edgecliff Commercial Centre or adjacent development on Ocean Street and the terraces in Arthur Street, Herbert Road and Great Thorne Street.

The retention and provision of vegetation, in addition to at-grade publicly accessible spaces, will also soften this relationship and improve the outlook for neighbouring dwellings. This is better than the interface between the commercial centres and terraces in Albert, Herbert and Great Thorne Streets (above). Importantly, the tower element will be compatible with the height and FSR of other buildings in the ECCP & UDS as well as other towers along the Darling Point ridgeline as discussed in Part 6.3.2.5 of this Report (above).

The impact of the concept proposal has been fully explored in the Heritage Impact Assessment prepared by *Curio Projects* and provided with this proposal. The Heritage Impact Assessment concludes and recommends the following:

#### **...7.1. Conclusions**

*The site at 8-10 New McLean Street, Edgecliff is not a heritage listed item, and does not have any listed heritage items on it. However, it does fall within the Paddington HCA, and is in the vicinity of two other HCAs and a few heritage items. The proposal which will involve demolition of the existing 5 storeys residential buildings on site, will have no physical impact on the site from a heritage perspective. However, the visual impacts of the proposal will be evident on the Paddington HCA and on the heritage items in the vicinity.*

*The podium-tower development typology adopted for the planning proposal will allow for activation of street frontages, community involvement and greater pedestrian accessibility, while also providing much needed housing in the area, notably next to Edgecliff Station. While the podiums proposed will fit in with low scale, built character of the Paddington HCA, the 19-22 storeys towers will tend to be visually out of scale in this area. The towers will also be visibly noticeable from New South Head Road.*

#### **7.2. Recommendations**

*Overall, the planning proposal for the site at 8-10 New McLean Street if developed further and with greater involvement of heritage expertise, has the ability to be a proposal and eventually a development which is both heritage sensitive and progressive in terms of the changes it will enable along New McLean Street, and the area in close proximity to a hub of transport.*

*Recommendations for planning proposal to be developed further include:*

- Mitigation of the visual impacts of the towers through involvement of heritage specialist at the detailed design stage, so as to develop heritage sensitive design interventions including advice on the overall massing, built form and materiality of proposed developments on site.*
- Development of a Heritage Interpretation Strategy and Heritage Interpretation Plan which captures and highlights the history of the site and its place in the Paddington HCA...*





In addition to the above, a Heritage Peer Review has been prepared by *Urbis* and is submitted with this application. The Heritage Peer Review has similarly concluded that the proposed increase in building height and floor space, in accordance with the concept scheme, will provide for an urban and architectural character which will have no adverse impact onto the surrounding conservation area.

#### Solar Access

Shadow and Sun-Eye Diagrams have been prepared by *FJC* and demonstrate the extent of shadows cast by the concept envelopes between 9am and 3pm on 21 June. The shadow diagrams also demonstrate the shadow cast by the existing and future development in the surrounding locality. The detailed analysis of the potential shadows has been considered for both the surrounding properties and Trumper Park and Oval.

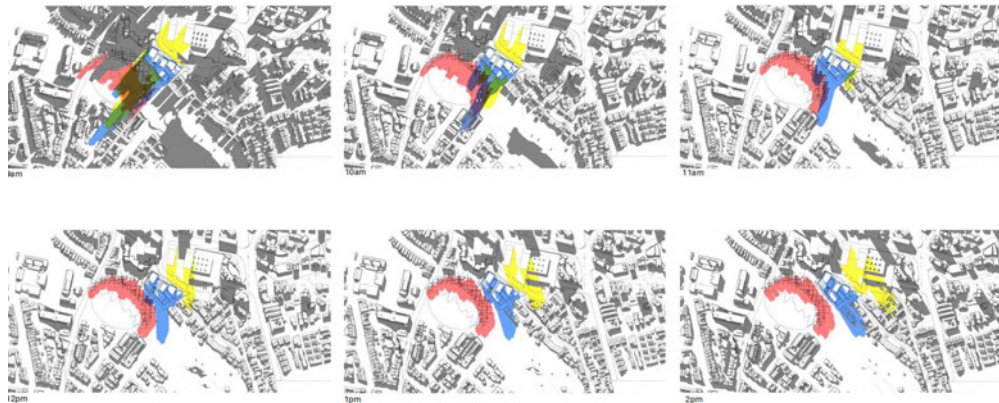
As discussed below, it is considered that the proposed development will retain adequate solar access to the neighbouring properties and public domain. Whilst the proposed uplift will result in a degree of additional overshadowing, this is appropriately managed through the various design measures discussed in this Report and within the supporting documentation.

#### Solar access of Trumper Park and Oval

Under Section *D4.2 Edgecliff Centre controls, D4.2.3 Objectives and controls*, C29 requires the following:

*C29 Solar access to the Trumper Park Oval is provided between the hours of 10am and 2pm on 21 June. Where existing overshadowing is greater than this, sunlight is not to be further reduced*

In accordance with the above, shadow and sun eye diagrams have been prepared by *FJC* demonstrating the impact of the concept proposal upon the existing open space of Trumper Park and Trumper Oval, as reproduced in **Figure 26** below.



**Figure 26** Shadow impacts to Trumper Park and Oval

The shadow diagrams detail that the anticipated envelopes of the concept scheme will have no additional adverse impact on Trumper Oval between 10am and 2pm during mid-winter, when including the shadows cast by the existing vegetation within Trumper Park. To verify the impact of the existing vegetation onto the solar gain of Trumper Oval, a Shadow Report has been prepared by *Norton Surveyors*. This Shadow Report involved an analysis of the solar impacts created by the existing vegetation, from 9am to 3pm during mid-winter.

It is imperative to consider the extent of overshadowing created by the existing vegetation within Trumper Park, given this is located within the public domain and is unlikely to ever be removed. This ensures that whilst the proposal will technically cast shadow onto Trumper Oval, there will be no greater impact than what is caused by the existing vegetation.





Whilst the proposal will result in a minor increase at 9am during mid-winter, the WDCP does not prescribe this a key hour for solar retention for Trumper Park and Oval. The proposed development will provide significant areas of publicly accessible open space fronting New McLean Street and within the through site link with excellent exposure to solar access that will more than offset the loss of solar access to Trumper Park and Oval as a result of the concept scheme at 9am. Importantly, the objectives of the height of buildings development standard only seek to "minimise" the impact of solar access on open space, rather than require "no impact". Accordingly, the proposed development is considered to result in acceptable solar impacts to the surrounding public open spaces.

#### Overshadowing to the neighbouring properties

The extent of overshadowing to the surrounding properties has also been considered by the concept proposal. The proposal will not unduly impact the low-density housing to the south and south-east through the appropriate implementation of design, separation distances and orientation of the tower and built forms. This will ensure sufficient solar access is maintained to private open space areas and north facing windows in accordance with WDCP 2015. Section C1 Paddington HCA, C1.4.5 Building height, bulk, form and scale of WDCP requires the following:

*C4 Infill development and alterations and additions must be designed and sited so that sunlight is provided to at least 50% or 35m<sup>2</sup> with minimum dimensions of 2.5m, whichever is the lesser, of the main ground level private open space of adjoining properties for a minimum of two hours between 9am and 3pm on 21 June. Where existing overshadowing is greater than this, sunlight is not to be further reduced.*

*C5 Where adjoining dwellings have greater than three hours of sunlight to a habitable room, the north facing windows to the habitable room are not to have sunlight reduced to less than three hours between 9am and 3pm on 21 June.*

Figure 27 below provides sun eye diagrams from 9am to 3pm during mid-winter.

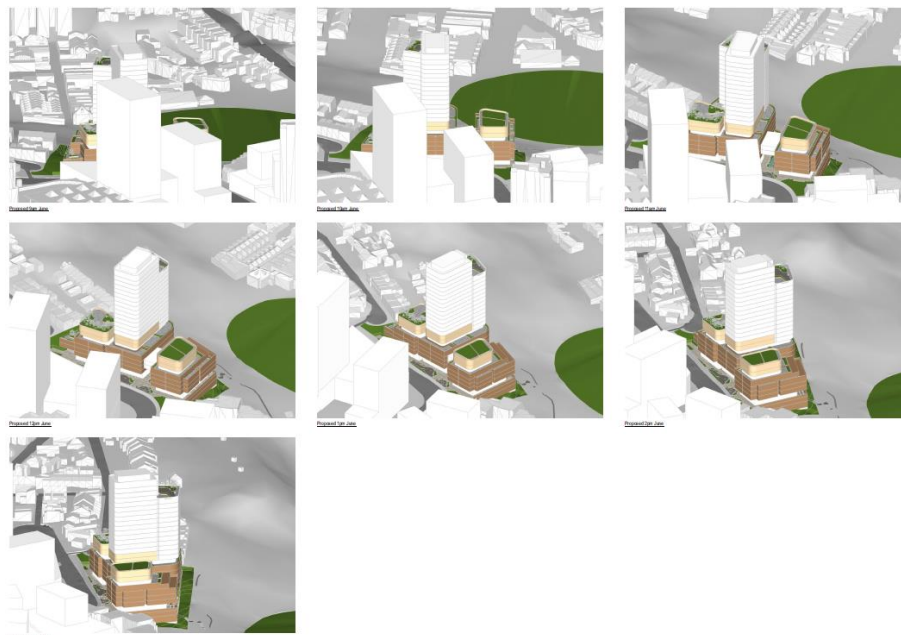


Figure 27 Sun eye diagrams during mid-winter





The proposal will maintain solar access to the low-density residential dwellings to the east and south-east from 9am to 12pm during mid-winter. It is noted that the proposal will result in a minor impact to the south-western corner of No. 14 Bowes Avenue at 12pm, however, is considered acceptable given significant overshadowing is created by the existing vegetation and that the majority of shadows cast by the proposal will be onto the roof form.

Resultantly, whilst the proposal will increase overshadowing from 12pm to 3pm during mid-winter, approximately 3 hours of solar access will be maintained to the adjoining low-density residential dwellings from 9am to 12pm during mid-winter, which is better than the 2 hours required by the controls to private open space and is considered acceptable with regards to the WDCP.

#### Solar access to proposed residential accommodation

In terms of solar access to the concept proposal and reference scheme, this will be subject to future detailed applications. Notwithstanding, the reference scheme submitted with this application details that 71% of residential apartments will receive 2 hours of solar access from 9am to 3pm during mid-winter which complies with the ADG Design Criteria. In addition, 11% of dwellings will receive no solar access during mid-winter and therefore does not exceed the 15% requirement as set-out in the ADG. Accordingly, sun-eye and shadow diagrams which accompany this proposal demonstrate that the proposal will achieve an appropriate degree of solar access to the residential accommodation.

#### Visual Privacy and Building Separation

In terms of privacy and building separation, the concept envelopes have been designed to minimise, as far as practicable, the likelihood of any adverse visual impact and overlooking to neighbouring properties and between the proposed residential and non-residential uses. Subject to future detailed design, the envelopes have been designed to ensure appropriate separation and orientation can be provided to protect the visual privacy of surrounding properties and future residents. Importantly and per the reference scheme, it is demonstrated that the development can be designed to maintain acceptable levels of visual privacy.

#### Internal Site Privacy

The concept envelopes have been designed with appropriate separation capable of an internal design which ensures no adverse privacy impacts. Between the western and eastern portions of the concept proposal, the following separation distances are provided:

- Ground Floor (1<sup>st</sup> storey): Not applicable given non-residential uses;
- Level 1 to 4 (2<sup>nd</sup> to 5<sup>th</sup> storey): 12m separation between residential apartments; and
- Level 5 to 7 (6<sup>th</sup> to 8<sup>th</sup> storey): 12m to 20m separation between residential apartments.

The separation distances, in accordance with the orientation of living areas and private open spaces, blank facades and privacy elements, ensures that any future development will be capable of satisfying the visual privacy objective of Part 3F of the ADG. This is demonstrated in the reference scheme, where overlooking can be appropriately minimised and therefore the concept proposal is considered acceptable with regards to internal site privacy. This will be detailed in the Site Specific DCP that will be submitted prior to a future development application.

#### Neighbouring Property Privacy and Visual Impact

To the north-west and south-east, where the site adjoins residential development, visual privacy impacts between the proposed envelope and existing buildings are mitigated through separation distances, orientation and design elements, which can be further enhanced subject to detailed development applications. These measures will ensure that there will be no adverse impact between the proposed non-residential and residential uses and neighbouring properties.

To the north, the proposal provides the following:

- Basement 1, Lower Ground: 6.6m from residential apartments;
- Ground (1<sup>st</sup> storey): 10m setback, non-residential uses;
- Level 1 to 3 (2<sup>nd</sup> to 4<sup>th</sup> storey): 6.6m setback, residential apartments;





- Level 4 (5<sup>th</sup> storey): 6.6m to 9m setback, residential apartments;
- Level 5 (6<sup>th</sup> storey): 8.5m to 12.2m setback, residential apartments; and
- Level 6 to 7 (7<sup>th</sup> and 8<sup>th</sup> storey): 10.2m setback, residential apartments. Note, the western portion of the built form does not extend beyond 8 storeys.

In accordance with the above and as shown in the reference scheme, the proposal will provide setbacks, orientation of views and design elements (such as privacy screens) to protect the privacy of the neighbouring properties to the north. These measures will ensure that the proposal will be capable of satisfying the visual privacy objective of Part 3F of the ADG. Whilst the concept envelopes demonstrate a degree of variation of the ADG Design Criteria, the uplift will allow for the flexibility of design during detailed development application to ensure that the objective of the ADG will be achieved. This will be detailed in the Site Specific DCP that will be submitted prior to a future development application.

To the south-east, the proposal provides the following:

- Ground (1<sup>st</sup> storey): 13m setback, non-residential uses;
- Level 1 to 2 (2<sup>nd</sup> to 3<sup>rd</sup> storey): 12m to 13m setback, residential apartments;
- Level 3 (4<sup>th</sup> storey): 12m to 20m setback, residential apartments;
- Level 4 (5<sup>th</sup> storey): 16m to 20m setback, residential apartments;
- Level 5 (6<sup>th</sup> storey): 16.5m to 27m setback, residential apartments;
- Level 6 to 8 (7<sup>th</sup> and 9<sup>th</sup> storey): 20.7m to 24.7m setback, residential apartments;
- Level 9 to 18 (10<sup>th</sup> to 19<sup>th</sup> storey): 24.7m to 49m setback, residential apartments; and
- Level 19 to 22 (20<sup>th</sup> to 23<sup>rd</sup> storey): 24.7m to 49m setback, residential apartments.

As shown above, the proposal provides separation distances which are compliant with the ADG Design Criteria, therefore protecting the privacy of surrounding residents. Importantly, the setbacks significantly exceed the requirements of the ADG and as such, privacy of the neighbouring residents to the south will be maintained appropriately. This will be detailed in the Site Specific DCP that will be submitted prior to a future development application.

When considering the visual impact of properties to the south-east, the separation distances are further supported through a podium height, which is consistent with the roofline of the low-density terraces to the east. This ensures a consistency of building height therefore mitigating visual impact. Further to this, the concept envelopes have retained a significant portion of vegetation along the eastern boundary, which will be enhanced through the concept landscaping to soften the visual impact. This ensures that whilst there will be an increase in density on-site, visual impact will be appropriately managed.

#### Aural Privacy

The acoustic privacy of future residents and neighbouring properties will form part of a detailed development application depending on the final uses. Notwithstanding, the concept envelopes and reference scheme have considered acoustic privacy through the preparation of an Acoustic Assessment prepared by *RWDI*.

The Review considered the acoustic impact to the surrounding properties from the residential, commercial and public areas of the concept proposal, based on derived project noise trigger levels. It was found that no abnormal acoustic constraints would affect the privacy of neighbouring properties. It is therefore considered that any future development can be appropriately designed and constructed to protect the aural amenity of neighbouring properties. This will be detailed in the Site Specific DCP that will be submitted prior to a future development application.

With regards to aural privacy of future residents on-site, the Acoustic Assessment has considered the impact from Edgecliff railway, bus interchange and New South Head Road. It is concluded that noise intrusion from the surrounding environment will have no adverse impact to the amenity of future residents. Furthermore, detail development applications will also be capable of managing aural impact through design measures, materiality and construction.

As such, the concept envelopes and reference scheme will perform favourably with regards to the aural amenity of future residents and neighbouring properties.



### Views

The increase to building height and floor space is not considered to result in any adverse view loss from the surrounding developments or public domain. The UDR provides for view sharing analysis from No. 180 Ocean Street and No. 3 Darling Point Road. The Council Pre-PP minutes request an assessment under *Tenacity Consulting v Warringah [2004] NSWLEC 140* (henceforth known as Tenacity) and based on the envelope enabled by the controls rather than the envelope of the reference scheme. As detailed in Part 6, the changes to the overall height requirement as suggested will only permit a tower in the location detailed in the reference scheme. As shown in the UDR, the concept proposal is designed to provide a slender tower which will form part of the skyline to be established by the ECCP & UDS. This ensures that any potential view loss will be minimal.

Consideration of Steps 1-3 of Tenacity is difficult given the extent of view loss, the intensity of the room and the extent of the view will differ depending on location and elevation of the impacted property. However, indicatively from the north, north-east and north-west, any views afforded towards the site are likely to affect the ridgelines and surrounding district which are of lesser value. This can be demonstrated in the view assessment in the UDR for No. 3 Darling Point Road. When undertaking a Tenacity assessment from this property, the view impacts are considered to be negligible-minor, depending on the level.

Similarly, the view impact to No. 180 Ocean Street is capable of accommodating CBD, harbour and iconic views, dependent on the height and orientation. The views are not whole views and interrupted by built and natural elements. When undertaking a Tenacity assessment from this property, the view impacts are considered to be minor, depending on the level and orientation given it is anticipated that harbour and iconic views will not be affected.

From the south, south-west and south-east, any views that are potentially affected by the changes to the planning controls are located a considerable distance from the site but may consist of more important harbour and iconic views. However, again depending on the elevation and direction, these views are typically interrupted by numerous towers, ridge line and other elements of the built and natural environment. The provision of a slender tower will ensure that view loss, if any, will not be adverse and viewed in the context of surrounding elements, including towers in Darling Point, Edgecliff and those anticipated under ECCP.

Notwithstanding and as above, the concept proposal will deliver a narrow and slender tower form which is consistent with the Edgecliff commercial centre to ensure any potential view impact is acceptable in the context of the locality. Whilst redevelopment may result in a loss of views from the north, it is anticipated this will only impact a minor portion of expansive district views which may be afforded by the high density properties to the north, along New South Head Road.

Overall, the potential view loss created by proposed concept envelope is direct result of the underdeveloped nature of the subject site, relative to its strategic location and relationship to the ECCP. As such, any subsequent view loss impact created by the proposal is considered entirely reasonable.

### Visual Impact

The visual impact created by the proposed concept envelopes has been considered in the Visual Impact Assessment prepared by *Urbaine*. As is shown in the supporting documentation, the podium and slender tower form will appropriately integrate with the built form and character desired within the surrounding locality, including that anticipated by ECCP & UDS. From various viewpoints along New McLean Street, Trumper Park, New South Head Road and within the wider locality, the built form will form part of the varied skyline and appropriately integrates with the desired increase of density centric to Edgecliff Railway Station.

Overall, the proposal, whilst increasing the building height and density will not appear to be out of character or visually jarring given the strategic location of the site and its relationship to Edgecliff Commercial Centre and railway station, Trumper Park and New South Head Road.

### Vehicle Traffic

A Transport, Traffic and Parking Assessment has been prepared by *JMT Consulting* and is submitted under a separate cover. The Transport, Traffic and Parking Assessment provides consideration of the vehicular movements, quantum of



car and bicycle parking as part of the concept proposal (and reference scheme) and the transport impact on the concept proposal on the surrounding road network.

It was found, in accordance with the relevant traffic modelling, that the proposal would not have any adverse impacts on the traffic network of the locality. That is, the proposed concept scheme will result in a relatively minor increase in traffic movements during the peak period, between 34 and 51 vehicle movements. Furthermore, the key intersection of New South Head Road and New McLean Street will not be unacceptably impacted by the proposed development, in that it will retain its required "Level of Service". It is also noted that recommendations are provided within the Transport, Traffic and Parking Assessment, as it pertains to the road upgrades sought as part of the Edgecliff Commercial Centre Transport Study.

With regards to car and bicycle parking, this can be appropriately accommodated on the subject site in accordance with the rates as set out in the WDCP. The concept proposal and reference scheme generates the following car parking rate:

Table 15 Parking Provision – Reference Scheme			
Land Use	WDCP	Requirement	Provision
Residential	1 bed – 0.5 per dwelling 2 bed – 1 per dwelling 3 bedroom – 1.5 per dwelling Visitor – 0.2 per dwelling	Total of 256 apartments, including: - 61 x 1 bedroom = 30.5 (31) spaces - 124 x 2 bedroom = 124 spaces - 71 x 3 bedroom = 106.5 (107) spaces Visitor: 51.2 (51)	391 spaces are required and the site is capable of accommodating the relevant parking requirements. The site is capable of accommodating 423 parking spaces based on the reference scheme, but it is noted the provision of parking will be refined subject to detailed development applications.
Commercial	2.5 spaces per 100m <sup>2</sup> GFA	1,000m <sup>2</sup> = 25 spaces	
Retail	3.3 spaces per 100m <sup>2</sup> GFA	1,000m <sup>2</sup> = 33 spaces	
Community	2 spaces per 100m <sup>2</sup> GFA	1,000m <sup>2</sup> = 20	
Note, per Transport, Traffic and Parking Assessment A 'multiplier' of 0.6 is applied to the standard DCP rates for sites within the Edgecliff commercial centre for commercial, retail and community uses. As the site is outside of this area, this multiplier has not been applied.			

It is also noted that the proposal will provide a single driveway entry, resulting in a reduction from the two existing on-site. This will improve the pedestrian and vehicular safety, especially for New McLean Street. As such, the concept proposal and reference scheme is considered acceptable with regards to traffic, access and parking.

#### Wind

A Qualitative Environmental Wind Assessment prepared by SLR is submitted with this application. This Assessment has considered the existing site arrangement and proposed site arrangement. The Assessment concludes the following regarding the existing and proposed wind environments:

##### Existing Wind Environment

Existing street level wind conditions in the vicinity of the site could be close to or greater than 16 m/s "walking comfort" criterion for some prevailing wind directions, resulting from channelling of winds along aligning streets.

##### Future Wind Environment

In terms of the future wind environment with the proposed development, the following features of the development are noted as being of most significance:

- The winds along the surrounding footpaths should remain at similar levels or improve providing appropriate landscaping is employed as proposed.

- *Horizontal wind breaks are recommended over building entries, to protect against potential downwash from the high-level development. These breaks can be in the form of landscaping or construction features. Furthermore, pergolas are recommended above seating areas in the communal open spaces.*
- *Vertical windbreaks are recommended to the communal open space areas...*

#### **Flooding**

The subject site is located in a Flood Planning Area under the mapping contained in WLEP 2014. As such, Section 7.1 of the Services Infrastructure Report prepared by *Stantec* has addressed flooding. The Services Infrastructures Report has determined that the concept proposal will be acceptable with regards to any flooding occurring within vicinity to the site. Future detailed applications will require further assessment as the flood planning levels correspond to the exact uses and design of the proposal.

#### **Demand for infrastructure, utilities and services**

The proposal will seek to increase the density on the subject site. As such, a Services Infrastructure Report prepared by *Stantec* is submitted with this proposal. The Services Infrastructure Report has considered existing and required electrical, hydraulic, civil and stormwater services required for the concept envelope and reference scheme. Commentary is provided regarding the potential upgrades required to accommodate any future development, in which it is identified that necessary infrastructure and utilities are capable of being provided.

#### **Q10: Has the Planning Proposal adequately addressed any social and economic effects?**

This Planning Proposal will result in positive social and economic effects, including the provision of enhanced employment and residential land uses on the site, activation of the street frontage along New McLean Street, a through site link, community facility and public domain improvements. There are clear benefits associated with the increase in density delivered through the increase in building height and floor space. These are described further below.

#### **Social Impact**

The proposal will offer distinctive social benefits through increasing residential accommodation in a desirable area, whilst providing significant public domain, open space and community opportunities. The Planning Proposal improves the liveability and character of the public domain. That is, the concept envelopes will include the provision of a through-site link and built form which will significantly improve accessibility, safety and character along New McLean Street and Trumper Park. The improvements to the public domain and delivery of additional publicly accessible spaces will improve social interaction, the vitality of the site (and non-residential uses) and further encourage walking and cycling. The provision of an additional community facility, which is to be dedicated to Council, will also provide for distinct social benefits not available under the current planning controls. This is discussed in detail below.

#### **Through-Site Link**

The site is in a highly accessible location that is less than 50m from multiple public transit options including the Edgecliff Railway station and bus interchange. Importantly, this is one of only three train stations servicing the Eastern Suburbs on the T4 line between the Sydney CBD and Bondi Junction and the only station servicing the Woollahra LGA.

The concept proposal provides for a centralised through site link to enhance accessibility and improve connections between Paddington and Edgecliff as envisaged by ECCP. The primary through site link is provided through the centre of the site and links New McLean Street to the walking tracks in Trumper Park.

The proposed link represents a significant improvement on the existing linkage which is not well formed or well utilised via No. 4 New McLean Street. The central link will be provided through the publicly accessible plaza which leads people past the food and drink precinct to the community centre at the rear and then further down to the walking tracks in Trumper Park. That is, there is better accessibility, simplified way finding and a better urban experience than the current link to Trumper Park. These links between Paddington and Edgecliff will not be realised if the opportunity for the Planning Proposal passes.







#### Community Centre

The *Woollahra Community Facilities Study* has evaluated Council's existing supply of community facilities across the LGA. This study prepared by *Ethos Urban* (dated November 2019) identifies that there are shortfalls in community facilities within the western catchment of Woollahra LGA and provides recommendations for existing and proposed Council community facilities, as well as opportunities for innovative delivery.

The subject site falls within the western catchment of the study area. The Woollahra CFS identifies that in order to support the resident, worker and visitor populations of the Western Catchment (comprising the suburbs of Woollahra, Paddington and Edgecliff) over the next decade and in the longer term, new and upgraded community facilities will be required. An overview of the strategic opportunities for delivery in the Western Catchment is provided in the study and it is noted that a new integrated multipurpose facility will be needed.

The concept design provides for a 1,000m<sup>2</sup> multi-purpose community space to be provided. The site is ideally located between Edgecliff and Paddington and the space allocated in the concept design will provide a destination that will emphasise the through site link. It would also provide an opportunity for increased accessibility and usage given its proximity to Edgecliff Railway Station and availability of parking to support the community and non-residential uses.

The current proposal will facilitate the delivery of much needed community facilities and will be dedicated to Council as part of the VPA submitted with this report.

#### Affordable Housing

The Planning Proposal will deliver additional, high-quality housing in the Edgecliff locality. The reference scheme is capable of delivering 256 apartments comprising of 61 x 1 bedroom, 124 x 2 bedroom and 71 x 3 bedroom residential apartments. The increase of residential accommodation is well suited to the highly accessible and strategic location of the site, with future residential accommodation capable of achieving high levels of amenity. The provision of additional residential accommodation, including 1 and 2 bedroom apartments, will improve housing choice and affordability in the Edgecliff locality.

Further to this, the applicant is committed to providing additional affordable housing for the subject site, equivalent to 5% of the residential gross floor area afforded by the uplift in density, under SEPP Housing 2021. The provision of and allocation of affordable housing under the SEPP Housing 2021 will deliver with it an important public benefit and provide much needed accommodation for key and low-income workers in the locality. The intention is that the applicant will provide a percentage of affordable housing as part of the accompanying VPA, that is linked to the density uplift.

#### Other Public Benefits

In addition, the concept proposal will provide a number of other indirect public benefits which include, but are not limited to:

- Renewal of the existing residential flat buildings that do not provide any presence or benefit to the streetscape with a high-quality mixed-use development that defines and revitalises the street frontage and provide generous and well defined open spaces surrounding and throughout the built form;
- The distribution of massing will provide increased visual amenity through increased building separation and amplify the sites "green periphery" with the retention of existing trees or a planting strategy that enhances the landscaped character;
- A variation to building heights and FSR will contribute to a varied and more interesting skyline which will positively contribute to the creation of an attractive and balanced form that follows the height of buildings established along the ridgelines;
- Enhanced separation and curtilage to the heritage conservation areas to the south and west of the site ("Paddington HCA");
- Improvements to public safety and amenity by rationalising the width and number of driveway crossovers on the site to a single point on New McLean Street;
- Enhanced pedestrian linkages via the provision of accessible through site links to and from Edgecliff Station and Trumper Park;



- The provision of a ground floor food and drink precinct will provide increased activation and vitality along New McLean Street;
- The provision of publicly accessible open space (in private ownership) in the form the through-site link, including open plaza and outdoor dining areas, which will revitalise New McLean Street and improve connectivity vibrancy of the urban space;
- Increased activation and natural surveillance of the new publicly accessible open spaces, retail area and public domain; and
- Rationalisation of the front boundary to New McLean Street which may include land dedication to Council for the ongoing management of the footpath.

In conclusion, the public benefits offered (above) are considered to be substantial in exchange for the increased density (FSR of 4.5:1) and heights (RL110.00 or 23 storeys).

#### Economic Impact

As discussed, this Planning Proposal will allow for a strategic increase in the quantum of residential and non-residential floor area on the subject site. The potential economic impacts created by the increase in density and concept envelopes are assessed in the Economic Demand Assessment prepared by HillPDAs. The following is noted regarding the economic impacts of the increase in residential and non-residential uses:

- **Residential:** The Edgecliff locality and wider Woollahra LGA contains a strong demand for the provision of residential accommodation, either in the form of detached single dwellings or medium to higher density apartments. The demand is established by the higher median price of the Edgecliff locality and lack of available dwellings, either existing or planned.

The Department of Planning projections indicate that the Woollahra LGA is to accommodate approximately 3,500 dwellings from 2016 to 2041. As set out in the Economic Demand Assessment, Woollahra has not achieved its dwelling targets up to 2021 which is the most conservative target. In this regard, the Edgecliff locality, inclusive of the subject site, is well-suited to accommodate an increase in density. This proposal, which will provide for increased residential accommodation in a highly accessible site, will provide for direct and positive economic impacts in terms of residential growth, increased expenditure and the subsequent support of surrounding local businesses.

- **Non-Residential:** The current R3 zoning allows for a mixture of uses on the subject site, however, are controlled by Clause 6.6 of WLEP. This proposal will also seek to permit with consent a specific range of uses, via an Additional Permitted Use amendment, which will enable the delivery of a food precinct and community facility, in an ideal location opposite the station and away from New South Head Road. Furthermore, the proposal will allow for an increase in density which is capable of accommodating additional non-residential uses. In this regard, whilst the proposal will increase the availability of non-residential uses in close proximity to the Edgecliff commercial core, it will not impact the established business within the locality and is therefore considered positive.

Ultimately, the proposal will provide for economic benefits during and post construction. Post construction benefits are afforded through the provision of additional employment opportunities on the site, alongside increased expenditure of future employees and residents on-site, thus supporting the local economy.

#### **6.3.4 Section D - State and Commonwealth Interests**

##### ***Q11: Is there adequate public infrastructure for the Planning Proposal?***

The site is within an urban area that is well served by existing public infrastructure, including existing public transport, education, public open space, community and health facilities. The site is within a highly accessible location, being located adjacent to Woollahra's only train station and is therefore considered to be well serviced by public infrastructure. Whilst increasing the density on site, this is consistent with the ECCP & UDS and will not trigger requirements for local or regional scale amplification or introduction of new infrastructure, services or facilities.



Appropriate Development Contributions will be levied at the time of development consent for any future building work. A VPA is also submitted with this Planning Proposal which will seek to deliver a number of public benefits, including the following:

- Provision and dedication of a well-located and well-designed 1,000m<sup>2</sup> community facility to Council;
- Provision of publicly accessible through-site link, dedicated via an easement remaining under private ownership;
- Allocation of affordable housing, equating to 5% of the residential gross floor area afforded by the uplift in density, under SEPP Housing 2021;
- Implementation of sustainability measures in accordance with the ESD Report;
- Provision of public art; and
- Monetary contributions which may include enabling upgrades to the intersection of New South Head Road and New McLean Street, in accordance with the Traffic Assessment.

***Q12: What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?***

The relevant authorities will be consulted as part of the full Planning Proposal process, in accordance with the relevant legislative requirements. It is noted that the proposed LEP amendments will not trigger any changes to:

- Infrastructure and services provided by State agencies and public authorities;
- Resources managed by State agencies and public authorities.

The proposal does not trigger the referral criteria in Attachment B to the DPIE Guideline. For these reasons no referrals or consultation with State agencies and authorities are considered necessary.

A future Gateway determination will specify the list of agencies and public authorities required to be consulted and the methods and timing of such consultation.

## **6.4 PART 4 - MAPPING**

The proposed amendment to LEP maps are identified in this Report. Should Council resolve to support the application for a Planning Proposal, proposed mapping amendments will be prepared by Council staff.

## **6.5 PART 5 - COMMUNITY CONSULTATION**

Consistent with the requirements for a Standard LEP amendment and the DPIE Guidelines, it is anticipated that a draft Planning Proposal would be publicly exhibited for a period of 28 days. The exhibition material will include documents as specified in the Gateway determination and will include a copy of the Planning Proposal, an explanation of provisions, draft LEP maps and an indication of the timeframes for completion of the process as estimated by Council.

It is anticipated that the Community Consultation methods will include forwarding copies of relevant documents to appropriate State and Commonwealth agencies, notice of public exhibition in a local newspaper and on Woollahra Municipal Council's website, providing copies of exhibition material in electronic and hard copy form at relevant local government premises and letters of notification to nearby and potentially affected land owners.

## **6.6 PART 6 - PROJECT TIMELINE**

The estimation of the project timeline is provided below with the intention of optimising efficiency in the process:



**Table 16** Project Timeline

Phase	Timing
Gateway determination date	TBD (by Department of Planning & Environment)
Completion of required technical information	No additional supporting studies required. Site Specific DCP will be provided prior to a development application as discussed in Part 6 of this Report.
Government agency consultation (pre-exhibition)	Not required
Government agency consultation (during exhibition)	Concurrent with public exhibition (28 days)
Commencement and completion dates for public exhibition period	TBD
Consideration of submissions	Two weeks from close of public exhibition
Post-exhibition consideration of the application	Four weeks from close of public exhibition
Date of submission to the Department to finalise the LEP / anticipated date RPA will make the plan (if delegated)	Six weeks from close of public exhibition



## 7. Conclusion

This planning proposal seeks to amend *Woollahra Local Environmental Plan 2014* to increase the maximum building height and FSR development standards, insert an "Additional Permitted Use" and "Development requiring the preparation of a development control plan" clauses into WLEP 2014 at Nos. 8-10 New McLean Street, Edgecliff. Specifically, it is proposed to change the maximum building height to RL110.00, FSR to 4.5:1 and permit with consent a specific range of uses on the subject site.

This application for a planning proposal has been prepared in accordance with Division 3.4 and Division 3.5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as well as the NSW DPIE "*Local Environmental Plan Making Guideline*" (September 2022).

The application demonstrates the proposed LEP amendment has strategic and site-specific merit. The amendment is consistent with the Greater Sydney Regional Plan, the Eastern City District Plan, majority of key priorities of the Local Strategic Planning Statement, applicable State Environmental Planning Policies and Ministerial Directions as prescribed by Section 9.1 of the EP&A Act.

This Planning Proposal recognises the considerable potential for the site to facilitate new and improved facilities as part of an innovative and sustainable mixed-use development adjacent to the Edgecliff railway station and bus interchange on a site that has been largely ignored by the planning controls and is in critical need for upgrade and revitalization. The planning proposal has the potential to provide high quality, affordable housing, supported by non-residential and community floor space that has not been identified previously due to its land tenure.

The concept scheme has been uniquely designed to ensure it has regard to its setting within a heritage conservation area, respects the lower density built form of its neighbours and retains much of the existing vegetation which is enhanced with new planting around the periphery to ensure its long term retention. The uplift in height and density is ideally located directly adjacent to Edgecliff Railway Station and will facilitate connectivity for residents of Paddington via a through site link.

The proposal is considered to have strategic and site-specific merit and not only provides a vehicle to deliver more and higher quality commercial and residential floor space but will also provide for public domain improvements as well as a high quality community facility and a through site link, that will provide residents of Paddington and users of Trumper Park (and Oval) with a more direct connection to Edgecliff Railway Station. These benefits will not be realised if this Planning Proposal is not supported, and redevelopment is thwarted. As a summary, the changes to the planning controls will:

- Establish a maximum building height with the potential to deliver a built form suitable to its location, which will integrate with the setting and context of the emerging character and built form in the surrounding area, and that also established in the Paddington Heritage Conservation Area;
- Establish a maximum floor space ratio and density on the site which is reflective of the site's strategic location and characteristics, including size, frontages and proximity to public transport and public open space;
- Ensuring that the significance and character of the surrounding locality, namely, Paddington Heritage Conservation Area, will be protected;
- Deliver a scheme that allows for flexibility in built form and site arrangement, facilitating and supporting open spaces, active uses and community facilities;
- Creating an active frontage along New McLean Street which traverses the through-site link, revitalizing the locality;
- Providing for a well-designed and well-located community facility which will support the local community;
- Increasing the density on site to meet the housing targets set by state, regional and local strategies;
- Deliver housing opportunities with improved amenity and good access to a variety of transport, social infrastructure and recreational spaces;



- Deliver affordable housing through the allocation of 5% of residential gross floor area, afforded by the proposed uplift, under SEPP Housing 2021;
- To achieve a public benefit in terms of improving the public domain, including additional public open spaces and community facilities and minimising a significant loss of amenity for adjoining properties;
- Provide for a development which will maximise the amenity of Trumper Park and Oval, whilst also improving its accessible from the Edgecliff Centre;
- Protect and enhance the landscaped character of the site and surrounding locality, through holistic landscaped strategy which retains significant vegetation; and
- Allow for the orderly and economic development of the land.

The application is entirely consistent with the local, regional and state strategic planning directions. It follows that the concept scheme will not result in unacceptable environmental effects or demands for new or augmented local and regional infrastructure and services. The amendment will facilitate future development options on the site that:

- are consistent with adopted key planning strategies;
- are compatible with the context and setting including the heritage-listed conservation areas and streetscape; and
- can deliver future social, environmental, cultural and economic benefits.

The Woollahra Local Government Area contains prescribed housing targets which are not being met. To meet these targets, a significant reliance has been placed on the ECCP & UDS, which, in turn, relies on amalgamation within an area containing complex ownership and subdivision patterns. That is, the uplift in ECCP may never be realised and additional density will need to be found elsewhere in the Woollahra Local Government Area. As the site is located directly adjacent to the only train station serving the Local Government Area, it is ideally placed to accommodate an increase in density, particularly given its superior characteristics when compared to numerous properties identified within the ECCP & UDS. Importantly, the uplift in density is for a single site and can be delivered immediately (subject to Council support).

As such, the UDR and concept proposal prepared by *FJC*, in addition to other supporting documentation, demonstrates that a high quality scheme integrated with pedestrian links and movement paths, variety of uses (including a commercial facility), compatible building forms, landscaped areas and high levels of amenity, will be delivered. The supporting documentation comprehensively demonstrates that the proposed building form, which will be supported by this Planning Proposal, will deliver a high quality development capable of supporting contemporary architectural designs achieving design excellence.

This Planning Proposal concludes that the concept proposal contributes to the Edgecliff locality to allow for the delivery of a built form which is entirely compatible with the existing and continually emerging character of the locality. This application for a Planning Proposal is therefore worthy of Council's support.

# Planning proposal request for 8-10 New McLean Street, Edgecliff



## Staff Assessment



Version/Date:	February 2024
Division/Department:	Strategic Planning/Planning & Place
Responsible Officer:	Charmaine Tai
WPC Clot Record Number:	24/10/20

***Acknowledgement of Country***

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



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## 1. Introduction

On 11 August 2023, the proponent lodged a planning proposal for 8-10 New McLean Street, Edgecliff. It seeks to amend the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) to facilitate a 25 storey mixed use building, which in the concept design includes 3-10 storey podiums (PP-2023-1648).

This report presents a staff assessment of this planning proposal.

The planning proposal requests the following amendments to the Woollahra LEP 2014:

- Insert a new *Schedule 1 Additional permitted use* clause allowing development consent to be granted to:
  - Commercial premises (including but not limited to business and office premises, food and drink premises and shop);
  - Community facilities;
  - Recreation facilities (indoor); and
  - Medical centres.
- Amend the maximum height of buildings (HOB) development standard to:
  - Increase from 10.5m to 36.5m across the subject site, and
  - Establish a maximum HOB of RL 110 (approximately 87.9m) for the tower component.
- Amend the maximum floor space ratio (FSR) development standard to increase from 0.75:1 to 4.5:1.
- Insert new *Part 6 Additional local provisions* clause require the preparation of a development control plan prior to any consent.

The planning proposal does not request any amendments to the land use zone.

Council staff have assessed 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 *Local Environmental Plan Making Guideline* dated August 2023.

A strategic merit assessment considers how the proposal would give effect to the relevant region and district plans prepared by the NSW Government and whether it demonstrates consistency with Council's local strategic planning framework.

A site-specific merit assessment considers the planning proposal against relevant Woollahra LEP 2014 and *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) provisions. This assessment has regard to the concept proposal, which shows the type of redevelopment possible under the proposed controls.

Council staff have undertaken these assessments and consider that the planning proposal does not demonstrate sufficient strategic or site-specific merit to proceed. The detailed staff assessment is set out in Parts 3 and 4 of this document.

## 2. Background

Council staff met with the proponent on three occasions prior to them submitting the request for a planning proposal.

On 13 May 2022, an informal meeting was held to discuss the planning proposal for a mixed use development on the site. Council staff expressed concerns with the bulk and scale of the concept development, and offered guidance prior to a formal pre-application meeting taking place.

On 14 November 2022, Council staff held a pre-application meeting with the proponent to discuss the proposal for a mixed use development. The draft documentation submitted by the proponent indicated that the development concept would be achieved by making the following amendments to the Woollahra LEP 2014:

- Amend the maximum HOB development standard to 95m (26 storey mixed use development containing 3-7 storey podium);
- Amend the maximum FSR development standard to 4.75:1; and
- Insert a new *Schedule 1 Additional permitted use* clause allowing development consent to be granted for a food and drink premises.

On 13 December 2022, Council staff issued written advice to the proponent summarising the matters discussed during the pre-application meeting and identifying issues to be addressed before the request for a planning proposal is to be submitted. A copy of the minutes accompanies this staff assessment (circulated separately).

The minutes stated that Council staff did not support the planning proposal for the following key reasons:

- The proponent had not sufficiently justified the need for the proposed maximum HOB, FSR and additional permitted use.
- The combination of the proposed increased HOB and FSR standards would permit a building envelope of excessive height and bulk.
- The requested amendments to the Woollahra LEP 2014 would blur the extent of the Edgecliff Commercial Centre (ECC) and would be inconsistent with the objectives of the R3 Medium Density Residential zone.

On 6 April 2023, Council staff held a subsequent pre-application meeting with the proponent to discuss their revised development concept, inclusive of a lower building form and amended podium structure.

The proponent sought the following amendments to Woollahra LEP 2014 to:

- Increase the maximum HOB development standard to 77m (to permit a 22 storey tower with rooftop plant above).
- Increase the maximum FSR development standard to 4.1:1.
- Include food and drink premises as a *Schedule 1 Additional permitted use*.

On 22 May 2023, Council staff provided further written advice reiterating that the scale of the development continued to be excessive and that the intended built form would have adverse impacts on surrounding properties. A copy of the minutes accompanies this staff assessment (circulated separately).

### 3. Assessment of strategic merit

#### 3.1. Greater Sydney Region Plan: A Metropolis of Three Cities 2018 and Eastern City District Plan 2018

The *Greater Sydney Region Plan: A Metropolis of Three Cities 2018* (Region Plan) and the *Eastern City District Plan 2018* (District Plan) include objectives to support local employment opportunities, expand retail floor space, and increase residential development in areas where such growth is aligned with infrastructure provision.

The Region and District Plans establish a three-level hierarchy of business centres – metropolitan, strategic, and local centres – reflecting their role in the overall economic geography of Greater Sydney.

The centres hierarchy is given effect through the provisions of Woollahra's local strategic planning framework including:

- *Woollahra Local Strategic Planning Statement* (Woollahra LSPS 2020)
- *Woollahra Local Housing Strategy* (Woollahra LHS 2021)
- *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014)
- *Woollahra Development Control Plan 2015* (Woollahra DCP 2015)

Edgecliff is identified as a 'local centre' in the strategic planning framework (see **Figure 1**). Although the site is within Edgecliff, it is outside of the ECC. The site is zoned R3 Medium Density Residential under the Woollahra LEP 2014 and forms part of the Paddington Heritage Conservation Area (HCA).



Figure 1: Extract from *Eastern City District Plan*, showing Edgecliff local centre.  
(Source: Former Greater Cities Commission 2018)



The building height of the concept proposal and resulting scale of built form would not reflect the role and character of Edgecliff as a local centre, as identified in the District Plan and Woollahra LSPS 2020. The reports accompanying the planning proposal incorrectly compare Edgecliff to strategic and metropolitan centres such as Bondi Junction and Kings Cross.

To date, all buildings constructed of similar height in Greater Sydney are located in metropolitan and strategic centres. These centres have much larger catchments and a greater number of existing high density development compared to Edgecliff, which is identified as a local centre.

The context of Edgecliff is different to the examples provided by the applicant as it is surrounded by HCAs in Edgecliff, Darling Point and Paddington, and has significant constraints due to the road network. Edgecliff does not have the large retail, commercial, health or educational facilities that distinguish larger centres from local centres. Accordingly, it was not characterised as a strategic centre in the District Plan.

A development of the scale, type and intensity that would be facilitated by the planning proposal is incompatible with the desired future character of the neighbourhood and would undermine the strategic intent of the ECC, including the *Draft Edgecliff Commercial Centre Planning and Urban Design Strategy* (draft ECC Strategy). An intentional benefit of targeting development in the ECC is to focus housing and employment growth in one of our key centres, and reduce pressure for uplift on other land, particularly that bordering the ECC. This is to prevent 'density creep'. In this regard, staff note that neither the site, nor any other land in the R3 Medium Density Residential zone is identified for uplift as part of the draft ECC Strategy.

### 3.2. Woollahra Community Strategic Plan 2032

The *Woollahra Community Strategic Plan 2032* (Woollahra 2032) identifies the strategic direction and integrated planning framework within the Woollahra Local Government Area (LGA). The planning proposal is inconsistent with the following goals of Woollahra 2032:

*Goal 4: Well planned neighbourhoods*

*4.2 Conserving our rich and diverse heritage.*

*4.3 Sustaining diverse housing choices in planned locations that enhance our lifestyles and fit in with our local character and scenic landscapes.*

*Goal 7: Protecting our environment*

*7.1 Protect trees, streetscapes, natural landscapes and biodiversity including the protection and restoration of bushland areas.*

The site specific planning proposal is not the result of a strategic plan for the centre, evidenced by its exclusion from the draft ECC Strategy. The intended built form does not reflect the desired future character of the residential precinct or satisfactorily respond to surrounding heritage context. The proposed incorporation of commercial uses is also contrary to the existing residential character of the surrounding Paddington HCA.

### 3.3. Woollahra Local Strategic Planning Statement 2020

The Woollahra LSPS 2020 establishes a 20 year land use vision, with planning priorities for infrastructure, liveability, productivity and sustainability.

Key elements are to protect and enhance local character and the landscape setting. The planning proposal is inconsistent with the following priorities of the Woollahra LSPS 2020:

- *Planning Priority 4: Sustaining diverse housing choices in planned locations that enhance our lifestyles and fit in with our local character and scenic landscapes.*
- *Planning Priority 11: Conserving, enhancing and connecting our diverse and healthy green spaces and habitat, including bushland, tree canopy, gardens and parklands.*

The planning proposal will not deliver housing in a planned location. As outlined previously, the site is within the Paddington HCA, and directly adjoins lower density residential development and local bushland. It is not in a location that has been identified for housing growth in the Woollahra LSPS 2020 or any other local strategic planning document.

The proposed changes would facilitate development of a scale, type and intensity that would be incompatible with the surrounding low to medium scale neighbourhood. This would be contrary to the desired future character of the site, and unsympathetic to scenic landscapes of Trumper Park and the Paddington HCA.

Additionally, the changes would not protect green spaces and habit, particularly with regard to canopy coverage. The garden setting and tree canopy on the southern side of New McLean Street, including on the site, provide a contrast to the urban character of the land to the north and contribute to scenic qualities of the neighbourhood. Their removal to facilitate redevelopment would disrupt this character and reduce the environmental amenity of the area.

The concept proposal also indicates that extensive vegetation clearing would be required due to the large building footprint. This would disturb key habitat near Trumper Park. A detailed analysis of the built form impacts on biodiversity conservation is provided in section 4.3 *Biodiversity* of this report.

### 3.4. Woollahra Local Housing Strategy 2021

The Woollahra LHS 2021 establishes the basis for strategic planning for housing and residential development in the LGA. It is the result of an evidence-based assessment of the LGA which provides for future housing growth in planned locations that fit with local character and infrastructure capacity.

Staff consider the planning proposal is inconsistent with the following elements of the Woollahra LHS 2021:

- *Objective 1: Sustain a diverse range of housing types and protect low density neighbourhoods and villages*
- *Objective 2: Facilitate opportunities for housing growth in locations identified in the Woollahra Local Housing Strategy*
- *Objective 3: Ensure housing conserves heritage, maintains local character and achieves design excellence*
- *Objective 4: Ensure that new housing contributes to tree canopy and long-term sustainability outcomes*

The subject site is not identified in the Woollahra LHS 2021 as a planned location for housing growth and insufficient justification has been provided to warrant the proposed residential density.

The proposal envisages the construction of 256 apartments in a 25 storey mixed use building, which in the concept design includes 3-10 storey podiums. The Woollahra LHS 2021 identifies that our vision is for housing that is designed to be the right fit for the character, heritage, landscape and established scale of our area. The scale of the maximum building envelope is excessive and incompatible within the context of a medium density residential street and overwhelm the adjoining low density zone.

The Woollahra LHS also contains dwelling targets, endorsed by Council and the Department of Planning, Housing and Infrastructure (DPHI, or formerly other names). Existing Council initiatives will meet these targets, as outlined in section 3.6.1 below.

### 3.5. Draft Edgecliff Commercial Centre Planning and Urban Design Strategy

The draft ECC Strategy is a policy that provides direction for future growth in the ECC (**Figure 2**). It envisions a mix of commercial, retail, residential uses and suggests new development should be accompanied by community infrastructure, affordable housing and public domain improvements. The draft ECC Strategy and the uplift envisaged is a key component for the Woollahra LGA to meet its housing targets identified in the Woollahra LHS 2021.

The draft ECC Strategy 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.



Figure 2: Draft ECC Strategy area

Edgecliff is being strategically targeted for housing and employment growth under the draft ECC Strategy. In addition to addressing housing targets, the draft ECC Strategy aims to revitalise the ECC and facilitate transit-oriented development that has a suitable mix of residential and non-residential uses that will enhance the centre's contribution to surrounding communities.

In this regard, staff note that neither the site, nor any land in the R3 Medium Density Residential zone, is identified in any strategic document as being required to meet Woollahra's housing and employment targets.

Introducing a mixed use development of the size proposed would fundamentally alter the role, scale and function of Edgecliff local centre. It would also blur the extent of the ECC and result in a poorly defined boundary between the centre and surrounding residential neighbourhoods.

The planning proposal suggests reconsideration of Edgecliff as an emerging strategic centre, partly to justify a mixed use development of the scale and intensity proposed. Revising the role of the centre in the centres hierarchy is a significant shift in our strategic planning that should not be determined by one site.

Revising the centres hierarchy should only occur as the result of integrated strategic land use and infrastructure planning, through a sub-regional approach, to meet obligations under the Region or District Plan.

The bulk and scale of development that would be facilitated by the requested LEP amendments is uncharacteristic in the R3 Medium Density Residential zoned land and the Paddington HCA. A detailed analysis of the built form impacts is provided at section 4.4 *Urban design* of this report.

### 3.6. Economic impact

An *Economic Assessment*, prepared by Hill PDA, was provided by the proponent to support the planning proposal request. It identifies that there is an unmet need for residential, retail and office floor space in the Edgecliff local centre. Staff have undertaken an analysis of these findings, which is discussed under the headings below.

#### 3.6.1. Residential Demand

The *Economic Assessment* identifies that recent population and household projections released by the DPHI would require Council to deliver over 3,660 dwellings from 2016 to 2041. Further, Hill PDA states, inter alia:

*"At best the Edgecliff Commercial Centre Planning and Urban Design Strategy will deliver 500 new apartments by 2041, but this would only meet 14% of the DPIE forecast for the LGA.*

*...the LGA will face difficulties meeting its current and future housing targets."*

Staff note that the '2022 NSW Common Planning Assumption Projections' the proponent relied upon has limitations. The DPHI in its released 'Notes' clarifying that the implied dwelling demand projections are not dwelling targets nor a projection of future dwelling construction.

Council is guided by the Woollahra LHS 2021 in delivering residential dwellings to accommodate long term population growth in the Greater Sydney between 2016 and 2036. This policy was endorsed by Council, and then the DPHI on 11 March 2022. **Table 1** below identifies Council's housing targets between 2016 and 2036.

**Table 1: Housing Targets**

Five-Year Period	2016-2021	2021-2026	2026-2036
Housing Target	300	500	400



At the end of June 2021, Council acknowledged that its five year target of 300 dwellings between 2016 and 2021 was met with 512 net additional dwellings, which exceeds the housing target by 70%. This put Council in a group of only 13 local government organisations that met their targets for this period.

On 1 July 2021, the 6-10 year housing target period began (2021-2026). The Woollahra LHS identifies a target of 500 dwellings. As at 1 May 2023, 215 net additional dwellings have either commenced or completed construction. This represents 43% of the housing target.

Furthermore, recent Council's strategic planning projects and proponent-initiated planning proposal requests listed in **Table 2** below would facilitate approximately 937 dwellings by 2036.

**Table 2: Expected dwellings to be delivered by Council's strategic planning projects and planning proposal requests.**

Project Name	Description/Status	Expected Yield
<b>Edgecliff Commercial Centre Planning and Urban Design Strategy</b>	Precinct strategy to inform future planning proposal	400-500 dwellings approx.
<b>Double Bay Centre Planning and Urban Design Strategy*</b>	Precinct strategy to inform future planning proposal	382 dwellings approx.
<b>136-148 New South Head Road, Edgecliff</b>	Site specific planning proposal to facilitate mixed use development (post-exhibition)	41 dwellings
<b>488-492 Old South Head Road &amp; 30 Albemarle Avenue, Rose Bay</b>	Site specific planning proposal to facilitate mixed use development (To be submitted for Gateway Determination)	14 dwellings

\*based on a unit size of 100m<sup>2</sup>

Based on this information, Council is on track to meet its 2021-2036 housing targets.

Council staff also contend that any additional dwellings, outside key centres, can be accommodated in R3 Medium Density Residential zoned areas where existing controls already allow for sensitively designed flat buildings. They types of forms would be more compatible with the height, bulk and the desired future character of such neighbourhoods.

### 3.6.2. Retail & Office Demand

The *Economic Assessment*, provided by the proponent, defines a reasonable total trade area that represents the impacts of the commercial floor space and the region from which it is expected to draw patronage (see **Figure 3**).

The *Economic Assessment* estimates a shortfall of 6,200sqm of retail floor space by 2041 and 7,350sqm of office floor space by 2036.

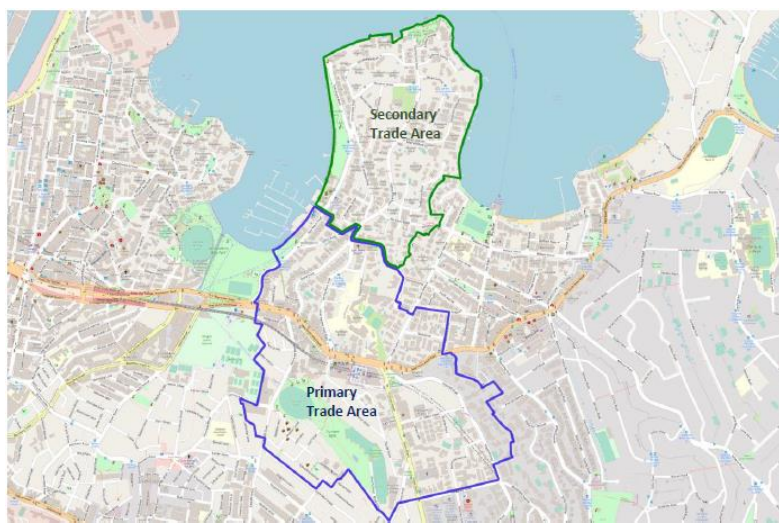


Figure 3: Total trade area identified for the proposed development (Source: HillPDA 2023)

Council staff consider that a number of estimates and projections contained in the *Economic Assessment* lack sufficient detail or justification to be transparently assessed. The estimates for retail and office floor space in the proponent's *Economic Assessment* appear higher than actual demand and this is discussed below:

- Hill PDA's forecast retail sales take into account the additional population expected to be generated by the proposed development. Accordingly, the analysis artificially creates demand, meaning the additional space is not required to meet present needs.
- The ratio of occupied leasable space to the existing retail GFA (the leasable space ratio) of 63% appears conservative. Hill PDA (p. 3) state that '*the estimate of 20,500sqm in the draft strategy refers to Gross Floor Area (GFA), not leasable floor area (GLA) and it includes uses which are not defined as retail in the Economic Assessment such as petrol stations, automotive retailing, gymnasiums and other recreational uses*'. On estimating the leasable space ratio, Hill PDA has not excluded the total GFA occupied by land uses which it considers to not meet the 'retail' categories from the base value. An accurate estimate of leasable floor space is vital in terms of justifying additional demand for retail floor space in the trade area.
- The job numbers relied upon by Hill PDA in 'Table 9' of the *Economic Assessment* (page 34) appear significantly higher than the employee numbers surveyed by JLL between late 2016 and early 2017. The Land Use Survey conducted by JLL identifies that a total of 1,151 employees within the Edgecliff Commercial Centre (ECC Economics Study, page 40). Having regards to the data gap, the estimated office space demand in the *Economic Assessment* appears excessive.

Furthermore, staff contend that any shortfall in the supply of retail and office floor space within the ECC would be more meaningfully addressed by the draft ECC Strategy. It has been designed to deliver a sufficient supply, while also achieving future built forms compatible with the scale, role and function of the local centre and consistent with the centres hierarchy.

Additionally, the *Double Bay Centre Planning and Urban Design Strategy* will also increase the local supply of commercial floor space. Under the final iteration, adopted by Council on 27 November 2023, uplift sites on New South Head Road have been identified for new commercial development. They have been provided with indicative building heights designed to encourage the establishment of premium office and retail space. This will further increase the supply of nearby commercial floor space.

In summary, staff do not support the economic justification for proposed amendments to the Woollahra LEP 2014. The submitted *Economic Assessment* does not fully demonstrate that the ECC has reached its capacity to supply commercial floor space, and that additional supply is required outside the ECC to meet projected population growth.

### 3.7. Use of Schedule 1 in Woollahra LEP 2014

The planning proposal does not sufficiently justify the need for a new *Schedule 1* provision.

The proposed use of *Schedule 1* to insert additional permitted uses, instead of rezoning land, creates unnecessary complexity and is contrary to best practice, transparent planning. Consistent with well-established planning practice in NSW, inserting new listings under *Schedule 1* should be minimised, and where possible land uses should be governed by the Land Use Table ([Department of Planning Practice Note PN 11-011](#)).

Council staff maintain this position and note that, while the planning proposal does not seek to rezone the land, it seeks to achieve a similar planning outcome via the use of a *Schedule 1* provision.

Additionally, the approach for amendments to the Woollahra LEP 2014 relies on a complex *Schedule 1* clause to permit a number of incompatible land uses of greater intensity than currently permitted. As no maximum non-residential FSR is proposed, there is also no mechanism to stop a fully commercial building being constructed on the site. This would be contrary to the character of the R3 Medium Density Residential zone, and would undermine the proponent's key justification for the proposal of supplying additional dwellings.

## 4. Assessment of site-specific merit

### 4.1. Woollahra Local Environmental Plan 2014

The proposed provisions do not respond to the land use zone, HOB and FSR objectives in the Woollahra LEP 2014, particularly those related to the desired future character and impacts on the surrounding area.

#### 4.1.1. Land use zone and Schedule 1 Additional permitted land uses

Land at 8-10 New McLean Street does not form part of the study area of the draft ECC Strategy. The site adjoins the ECC and is zoned R3 Medium Density Residential in the Woollahra LEP 2014.

As set out in the concept proposal, the broad intent of the planning proposal request is to establish controls to permit a mixed use development comprises:

- 28,300m<sup>2</sup> residential floor space consisting of 256 apartments, with a mix of 1 bedroom units (61), 2 bedroom units (124) and 3 bedroom units (71)
- 2,000m<sup>2</sup> of retail/commercial floor space
- 1,000m<sup>2</sup> of community centre
- 432 basement car parking spaces and loading dock
- A through-site link from New McLean Street to Trumper Park

The concept proposal would provide a theoretical net gain of 150 additional dwellings on the site, noting that a subsequent development application could be lodged with a reduced apartment mix e.g. larger three to four bedroom units rather than smaller one or two bedroom dwellings.

Under current provisions, 'retail premises' (a type of commercial premise), 'recreation facilities (indoor)' and 'medical centres' are prohibited in R3 Medium Density Residential zoned land.

'Business premises' (a type of commercial premise), 'office premises' (a type of commercial premise) and 'community facilities' are permitted in the R3 Medium Density Residential zoning, subject to Clause 6.6 of the Woollahra LEP 2014.

The planning proposal does not seek to change the zoning of the site. Instead, the proponent seeks to use *Schedule 1 Additional permitted use* provisions to permit additional land uses including 'commercial premises', 'community facilities', 'medical centres' and 'recreation facilities (indoor)'.

Council's planning staff do not support this approach for the reasons detailed under the headings below.

**Land uses are inconsistent with R3 Medium Density Residential Zone:**

As set out in the planning proposal, its broad intent is to establish controls to permit a mixed use development including 'commercial premises', 'community facilities', 'medical centres', 'recreation facilities (indoor)', and 'residential flat buildings'.

'Community facilities', 'business premises' and 'office premises' are uses that are already permitted with consent at 8-10 New McLean Street, which is currently zoned R3 Medium Density Residential.

Clause 6.6 prohibits certain uses (i.e. business premises, a community facility, office premises or a shop) that are permitted under the Land Use Table, unless the site has a history of a lawfully commenced non-residential use. As the site currently comprises two residential flat buildings, Clause 6.6 of the Woollahra LEP 2014 prohibits the abovementioned uses.

The proponent seeks to insert a new *Schedule 1* provision to include 'commercial premises', 'community facilities', 'medical centres' and 'recreational facilities (indoor)' to facilitate the intended mixed use development.

Council staff consider that the proposed mixed use development, as illustrated in the concept proposal, is more accurately define as 'shop top housing', which is prohibited for land zoned R3 Medium Density Residential. The proponent does not seek to use *Schedule 1* to permit 'shop top housing'.

Under the Woollahra LEP 2014, 'shop top housing' means *one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.*

The definition of 'commercial premises' in the Woollahra LEP 2014 includes 'business premises', 'office premises' and 'retail premises'. Of which, 'retail premises' is prohibited under the R3 Medium Density Residential zoning.



The definition of 'retail premises' in the Woollahra LEP 2014 includes a wide range of uses, including food and drink premises. Permitting retail premises would enable generally incompatible land uses of greater intensity than those currently permitted, such as restaurants, cafés, pubs and small bars, to encroach into this residential precinct.

In the written advice provided to the proponent during the pre-application consultation, staff stated that additional land uses must be fully justified via a retail impact/demand study. Staff consider that the scale and intensity of development that would be facilitated under the proposed LEP amendments cannot be supported and sufficient justification had not been provided to warrant expanding the extent of the ECC.

**Development size is inconsistent with R3 Medium Density Residential Zone:**

The planning proposal request, which would facilitate a high rise mixed use development, does not align with the objectives of the R3 Medium Density Residential zone objectives, which are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.*
- *To ensure development conserves and enhances tree canopy cover.*

The site's prominent location near the top of the Edgecliff ridgeline means a 25 storey building would be highly visible from surrounding properties including from and within the Paddington HCA and Rushcutters Bay Park.

The proponent relies on Ranelagh and the Edgecliff Centre as justification. In the *Urban Design and Architecture Report* submitted with the planning proposal, fjcstudio states, inter alia:

*"The tower comport of the proposal responds to the existing and evolving taller built form of Edgecliff... A landmark development is proposed for the Edgecliff Centre site (to the immediate west of the station) with a maximum building height of 86 metres (26 storeys).*

*Further from the centre, height typically occurs in the form of isolated point towers such as at 3 Darlington Point (Ranelagh). This tower has an RL off 127.20 will remain as the tallest tower in Edgecliff. However, the addition of other well considered and located taller buildings will mitigate it's visual impact on the skyline."*

Staff do not support the proposed maximum height for the following reasons:

- Ranelagh is identified as an 'intrusive development' in the Woollahra DCP 2015 and is not representative of the desired future character of the adjacent neighbourhood or the ECC.'
- The approach in the draft ECC Strategy is to highlight the 26 and 14 storeys buildings at the Edgecliff Centre, located at the top of the ridge, as a significant landmark to the ECC.
- The impact of the bulk and scale of a building that would respond to the proposed HOB and FSR controls would blur the extent of the ECC. The indicative concept

building would not be compatible with the low to medium scale residential and open space neighbourhood that the site is within.

In addition, the *Schedule 1* clause as set out in the planning proposal could facilitate a commercial development comprising the entire 32,517sqm floor space. The impacts of a wholly commercial development would be significantly greater than those considered in the proponent's planning proposal report, particularly in terms of character, traffic generation from retails and servicing, and amenity impacts on the surrounding residential area. This is an outcome that would be unsuitable for the site and incompatible with its location adjoining low and medium density residential areas.

#### 4.1.2. Height of buildings

Under the Woollahra LEP 2014, a maximum HOB of 10.5m currently applies to the site.

The planning proposal seeks to apply a dual height control to:

- Increase the maximum HOB from 10.5m to 36.5m across the site; and
- Insert *Clause 4.3D Exceptions to building heights (Area L – 8-10 New McLean Street, Edgecliff)* to establish maximum building height of RL110.00 (approximately 85.2m) for the tower component.

#### **4.3D Exceptions to building heights (Area L—8-10 New McLean Street, Edgecliff)**

(1) *The objectives of this clause are as follows—*

- (a) *to ensure new development is consistent with the existing and desired future character of the neighbourhood, surrounding buildings and the streetscape,*
- (b) *to protect the visual privacy and amenity of nearby residences,*
- (c) *to protect views and vistas that are in the public domain,*
- (d) *to maximise the solar access of Trumper Oval.*

(2) *This clause applies to land identified as "Area L" on the Height of Buildings Map.*

(3) *Despite clause 4.3, the height of a building on land to which this clause applies must not be more than RL 110.00 for the tower component prescribed in the Height of Buildings Map.*

**Figure 4: Proponent's requested drafting of Clause 4.3D Exceptions to building heights**  
(Source: Planning Ingenuity Pty Ltd)

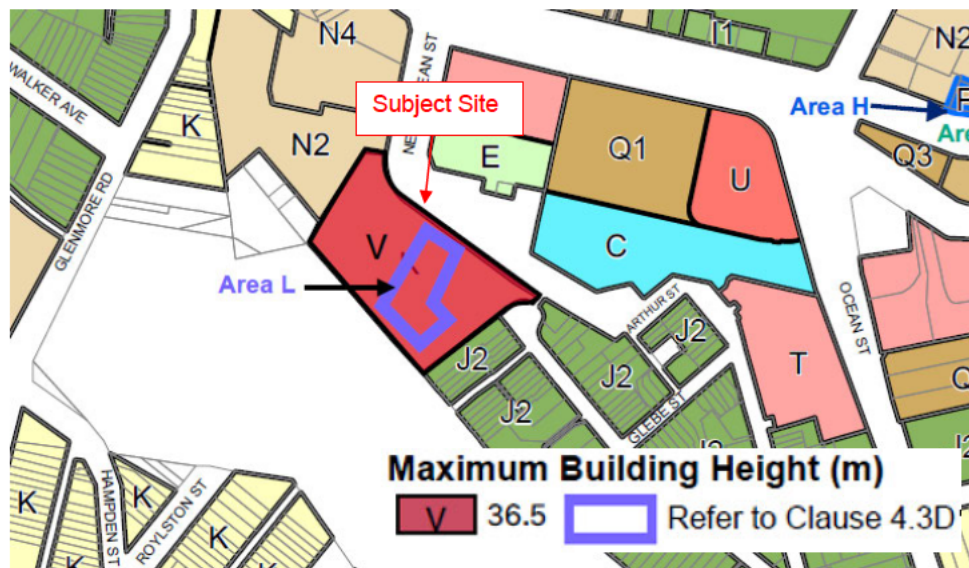


Figure 5: Proposed HOB Map  
(Source: Planning Ingenuity Pty Ltd)

The proponent states that the intent of the 36.5m control is to limit the height of the podiums. The RL110 maximum building height requested for a portion of the site will limit the height of the tower component illustrated in the concept proposal. Together, the proposed controls will facilitate a 25 storey mixed use building, which in the concept design includes 3-10 storey podiums

On 7 November 2023, staff sought clarification on proposed building heights of the concept proposal. The proponent submitted an envelope plan with indication of heights. See Figure 6.



Figure 6: Indication of building heights (Source: fjcstudio)

Council staff have undertaken an analysis of the concept proposal and find that the proponent's indicated building heights in Figure 6 are inaccurate. The heights of the proposed podiums and tower are illustrated in Figure 7.

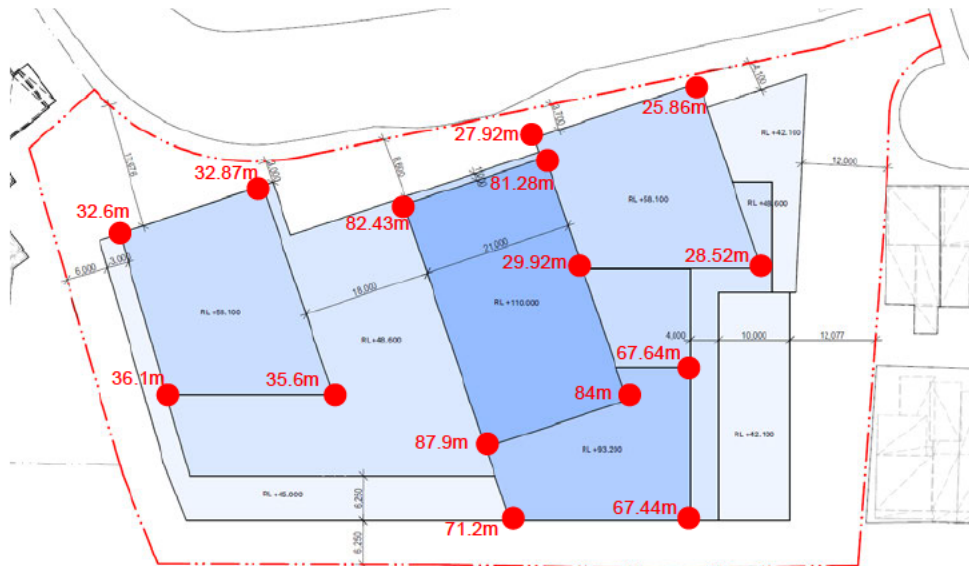


Figure 7: Staff assessment of indicative building heights (Source: Woollahra Municipal Council)

Together with the requested FSR control, the planning proposal would permit a building envelope which would create excessive bulk and scale and increased amenity impacts on the Paddington HCA and Trumper Park, particularly in relation to visual amenity and solar access.

Staff do not support the proposed HOB development standard. These issues are discussed below.

#### **Proposed 36.5m height control:**

As the site is located in the Paddington HCA, and adjoins Trumper Park and a low density residential zone, regard must be given to the transition from the site to these more sensitive areas.

The proposed 36.5m height control could facilitate a 10-storey podium on the subject site. While staff are satisfied that the proposed podium adjoining the two storey terrace houses would maintain appropriate setbacks and height, this analysis is based on the building envelope shown in the concept proposal, rather than the maximum building envelope enabled by the requested planning controls. Accordingly, a larger podium form could be sought on the site, particularly in the absence of any setback control within the proposed amendments.

As such, Council staff would need to assess a concept proposal showing the maximum possible building envelope to confirm the suitability of the podium form.

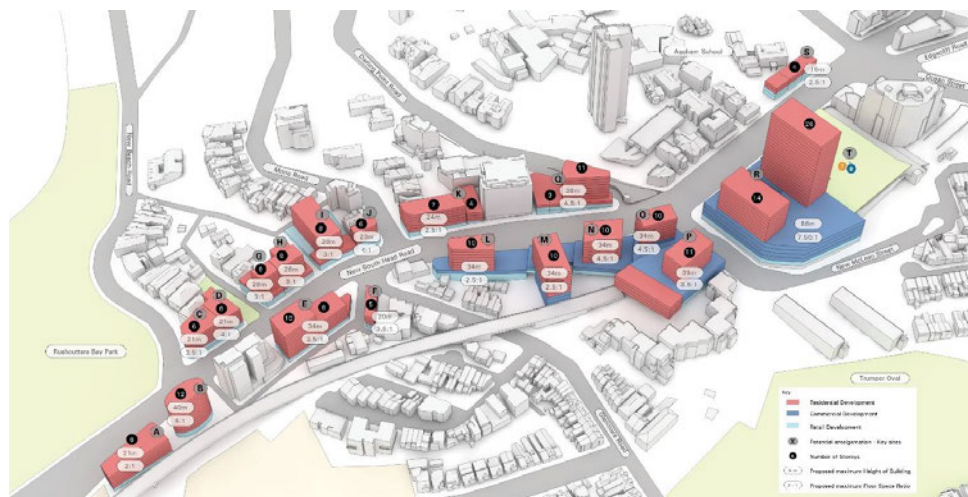


**Proposed RL110 height control:**

The proposal to increase the HOB on part of the land from 10.5m to RL110 is not supported for the following reasons:

1. A height control of approximately 88m is not appropriate for land zoned R3 Medium Density Residential, noting that the planning proposal does not seek to rezone the land.
2. A HOB of RL110 would facilitate a 25 storey development. This would result in a significant and unreasonable increase in height from the 2-4 storey character on the southern part of New McLean Street.
3. The proposed HOB will not facilitate a suitable transition to adequately mitigate the difference in height and bulk between the proposed buildings and adjacent terraces on Cameron and Bowes Avenue, in the Paddington HCA.
4. The proposed HOB of 88m is also significantly greater than the maximum building height of 39m (11 storey) proposed for some of the surrounding sites in the ECC as identified in the draft ECC Strategy, noting that the site is outside the ECC.
5. The proposed HOB is considered unsuitable for a local centre and does not reflect the desired future character envisaged for Edgecliff.

The approach in the draft ECC is to highlight the 26 and 14 storeys buildings at the Edgecliff Centre as a landmark to the ECC and 3-10 storeys transitioning down towards the lowest point at Rushcutters Bay Park as illustrated in **Figure 8**.



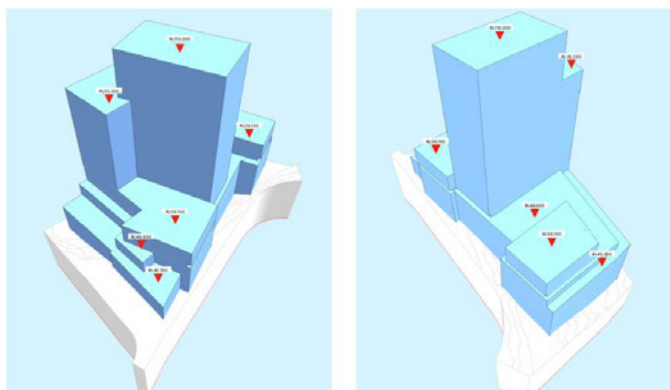
The concept proposal for a 25-storey building is inconsistent with this approach as it would undermine the role and status of Edgecliff Centre and the ECC.

The proposed height increase is also inconsistent with the following objectives for HOB in the Woollahra LEP 2014:

- (a) to establish building heights that are consistent with the desired future character of the neighbourhood,
- (b) to establish a transition in scale between zones to protect local amenity,

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

The proponent's concept proposal in **Figure 9** below illustrates that the 25 storey (RL110) tower will be co-joined by a 19 storey (RL93.20) southern tower. Council staff identified that the proposed yield controls could facilitate a 25 storey 'L-shaped' tower and these impacts have not be considered. The submitted documents only considered impacts associated with the concept proposal, and not the maximum building envelope.



**Figure 9: 3D Views of proposed building envelope** (Source: fjcstudio, 2023)

Furthermore, recent 'State Significant Development and Affordable Housing' reforms by the Minns Government could enable a higher and wider building envelope. The planning provisions for in-fill affordable housing were finalised on 14 December 2023 and are as follows:

- In-fill affordable housing attracts a floor space bonus and height bonus of up to 20-30%, where at least 10-15% of floor space is provided as affordable housing.
- In-fill affordable housing projects with a capital investment value of more than \$75 million in Greater Sydney are now State significant development.

Development of a type and scale facilitated by the planning proposal request would satisfy the above provisions. The site is capable of delivering affordable housing through providing at least 10% of floor space afforded by the proposed uplift. The proponent's *Economic Assessment* estimates the mixed use development would cost \$204 million. Once qualified, the site would attract up to 30% of FSR and HOB bonuses in addition to the proposed standards. This would exacerbate the impacts of the proposal, and further decrease the environmental amenity of the surrounding area. This has not be considered in the submitted documentation.

Additionally, the proposed inclusion of the RL 110 height area on the HOB Map would be difficult for planning staff to interpret. There are no clear dimensions that show exactly what parts of the site are subject to the increased HOB control. Further information contained within a site specific clause should have been considered by the proponent.

#### 4.1.3. Floor space ratio

Under the Woollahra LEP 2014, a FSR control of 0.75:1 currently applies to the site.

The planning proposal seeks to increase the maximum FSR of the site to 4.5:1 across the site. The proponent proposes to amend the site's FSR via updating the *Floor Space Ratio* map (see Figure 10).

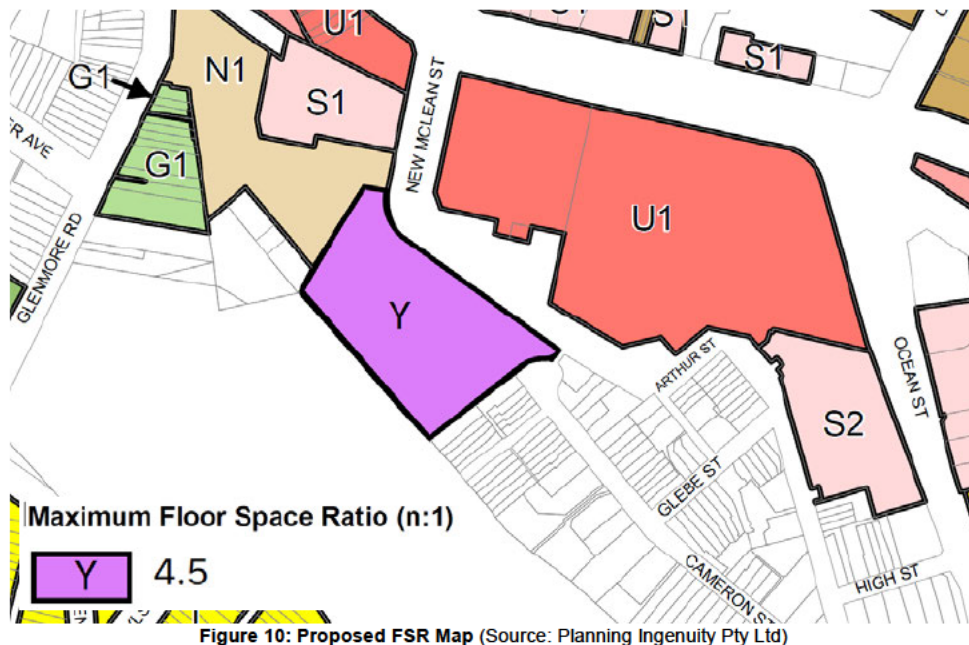


Figure 10: Proposed FSR Map (Source: Planning Ingenuity Pty Ltd)

The proposed FSR is excessive and will lead to unacceptable overdevelopment of the site that will compromise the desired future character of the area and could fundamentally alter the role and function of the site.

Council's planning staff do not support the proposed FSR. Staff find that the proposed FSR is excessive having regard to the following:

- The site is zoned R3 Medium Density Residential.
- The site immediately adjoins R2 Low Density Residential zoned land which is characterised by low scale terraces, identified as contributory buildings in the Paddington HCA.
- The proposed FSR of 4.5:1 is greater than the maximum FSR proposed for majority of the surrounding sites in the ECC as identified in the Draft ECC Strategy.

Furthermore, a maximum FSR of 4.5:1 would facilitate a building envelope of greater bulk and scale than what is portrayed in the concept proposal. The proponent's *Urban Design & Architecture Report* by fjstudio identifies that the concept proposal would generate a gross floor area (GFA) up to 31,300sqm, equivalent to a FSR of 4.3:1. The proposed FSR 4.5:1 is excessive. It would allow a building envelope of 32,517sqm GFA on the site, an additional 1,217sqm GFA more than the concept proposal.

Staff also have concerns about the entitlement of up to 30% floor space bonus under the 'State Significant Development and Affordable Housing' reform. If qualified, it would add further bulk to the already excessive building envelope in relation to the site and its context.

The intensification of development on the site would further reinforce the unsympathetic and dominant scale of development that the planning proposal seeks to facilitate. This would create unreasonable amenity impacts on the low density residential adjoins the eastern side of it.

The proposed FSR would facilitate a building of excessive bulk and scale and would be inconsistent with objective (a) in *clause 4.4 Floor space ratio* of Woollahra LEP 2014:

*(a) for development in Zone R3 Medium Density Residential—*

- (i) to ensure the bulk and scale of new development is compatible with the desired future character of the area, and*
- (ii) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain, and*
- (iii) to ensure that development allows adequate provision on the land for deep soil planting, tree canopy cover and areas of private open space,*

#### Inaccurate GFA calculation

The proponent's calculation of GFA is inconsistent with the Woollahra LEP 2014's definition of GFA. Excess car parking spaces were not included in the GFA calculation. The Woollahra LEP 2014 definition of '*gross floor area*' provides that the following element, amongst others, is excluded in the calculation of GFA:

- (g) car parking to meet any requirements of the consent authority (including access to that car parking)*

However, having considered the site location, public and active transport uses could be encouraged through reduced parking on the subject site. Staff do not support the provision of car parking spaces exceeding Council's requirement. See section 4.2.3 *Traffic and parking* of this report for a detailed discussion.

Further, staff find that the proponent's built form outcome illustrated in the concept proposal does not align with the requested FSR control. This further demonstrates that the proposed FSR of 4.5:1 is excessive for the site.

Staff reiterate that is inappropriate to prescribe a FSR that is not a true expression of the proponent's built form outcome intended for the site.

#### **4.1.4. Heritage**

An extract from Council's mapping (**Figure 11**) below depicts the location of the subject site and nearby heritage items and HCAs.

The subject site is within the Paddington HCA, however it does not contain any heritage items. To the east, it adjoins two storey, contributory terrace houses in Cameron Street and Bowes Avenue. In the written advice provided to the proponent during the pre-application consultation, Council staff stated that to reduce the visual impact the maximum building height would need to be substantially reduced.



Council staff maintain this position and note that it seeks to achieve a 25 storey mixed use development via the use of Clause 4.3D provision and amend the 'Height of Buildings' map.

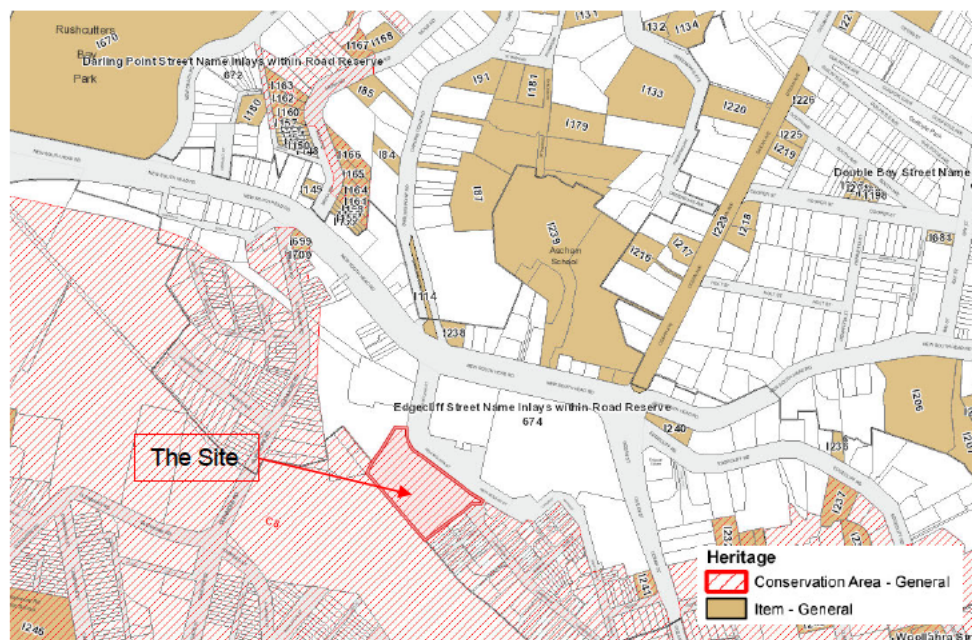


Figure 11: Extract of Heritage Map (Source: Woollahra Municipal Council)

The Senior Strategic Heritage Officer recommendation is that:

*"The proposal is unacceptable due to the excessive building height and bulk proposed for the site, which would very likely give rise to an unacceptable heritage impact on the Heritage Conservation Area, including the adjacent terraces and, in particular, Trumper Park escarpment. It is possible that some mitigation of these impacts may be achievable through design changes, but these would need to be very substantial."*

In addition to the bulk transition between the proposed uplift and the surrounding fine grain terraces (Figure 12), staff are also concerned about effects on regional views. The proposal will be highly visible from areas of the Paddington HCA, as shown in Figure 13 below.



**Figure 12: Photomontage of proposal, adjacent to Paddington HCA** (Source: Urbaine Design Group)



**Figure 13: Photomontage viewed from Cascade Street, Paddington** (Source: Urbaine Design Group)

Staff do not support the planning proposal. The planning proposal is unsatisfactory in terms of the aims in Part 1.22 of the Woollahra LEP 2014 as it does not conserve and enhance built and natural environmental heritage, as required in sub-clause (f).

#### 4.1.5. Flooding

Part 6.3 of the Woollahra LEP 2014 seeks to minimise the flood risk to life and property, allow development on land that is compatible, consider projected changes as a result of climate change and avoid significant adverse impacts on flood behaviour and the environment in flood prone areas.

The *Paddington Floodplain Risk Management Study and Plan* indicates potential for flooding on the development site. A *Services Infrastructure Report* prepared by Stantec Australia was provided with the planning proposal request.

Council's Stormwater and Environment Engineer is satisfied that any overland flows that may occur on and adjacent to the site may be addressed through site regrading and new stormwater infrastructure proposed in the final design. Detailed assessment of flood impact would be undertaken at the development application (DA) stage.

#### 4.1.6. Earthworks

Part 6.2(1) of the Woollahra LEP 2014 requires Council to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Extensive excavation is proposed to accommodate the basement and lower ground floor levels (parking and loading facilities, store, waste storage, plant, lift and stair access to the mixed use development) as illustrated in the proponent's concept proposal. The large building footprint and excessive excavation is unusual in R3 Medium Density Residential zoned land and is also atypical of the medium scale development that would be expected in the Paddington HCA.

This would be further exacerbated by the lack of motorcycle and bicycle parking and waste and storage spaces, required to meet the needs of the mixed use development. Also, the proponent intends to provide car parking spaces surpassing Council's requirement.

Refer to section 4.2.5 for further discussion relating to parking, section 4.4.1 for storage and section 4.4.3 for site facilities.

Council staff do not support the request on the basis that this analysis is based on the building envelope shown in the concept proposal, rather than the maximum building envelope enabled by the requested planning controls.

A comprehensive assessment based on the maximum building envelope created by the requested planning standards would require further excavation to help the proponent to meet Council's parking and services requirements.

### 4.2. Woollahra Development Control Plan 2015 (Woollahra DCP 2015)

#### 4.2.1. Desired future character

*Chapter C1 Paddington Heritage Conservation* of the Woollahra DCP 2015 describes the existing character and desired future character for the Paddington HCA. Key features of the desired future character are:

- Retains the unique national heritage significance of Paddington and recognises it as a rare and distinctive urban area;
- Reinforces the area as a special residential precinct;
- Retains the cohesive character evident in the low scale, high density built form; and

- Provides for sharing of views and vistas.

Part C1.2.5 permits contemporary buildings within the Paddington HCA as follows:

*'Paddington is characterised by rows of 19th century buildings. Paddington has a number of significant buildings and building elements that represent the changing character of design from the 19th century-21st century. The presence of buildings and building elements representing the various design elements of the 20th and 21st centuries enrich the character of Paddington and the interpretative aspects of its history.'*

*A range of contemporary design approaches, philosophies and techniques can be employed in Paddington. These are encouraged in appropriate locations and circumstances.*

*Council does not advocate replication of previous architectural styles in cases of infill development. However, infill development should be based on a contemporary design approach which respects the context, especially the predominant scale, form and articulation of buildings that characterise an area. New contemporary design should respect the historic built form of the Paddington HCA.'*

This approach has been applied in the staff assessment.

The type and scale of development that would be facilitated by the requested amendments to the Woollahra LEP 2014 are incompatible with the desired future character of the Paddington HCA.

The intention of the planning proposal is to establish controls to facilitate redevelopment of the site. The concept proposal is for a 25 storey mixed use development, inclusive of 3-10 storey podiums and five levels of basement parking. This is not appropriate on the site or within the Paddington HCA as the proposed land uses and built form would compromise the amenity of the surrounding residential area.

The Woollahra DCP 2015's desired future character statement reinforces the role of the site as a special residential precinct. Other permitted commercial development may be included such as community facilities, child care centres, and business and office premises.

The proposed mixed use development is more accurately described as 'shop top housing', which is prohibited under the R3 Medium Density Residential zoning. 'Shop top housing' is permitted within the ECC or on land zoned E1 Local Centre or MU1 Mixed Use. The draft ECC strategy aims to enhance the ECC's role as a focus of retail, business and residential activity and reinforce the focus of taller buildings and greater floor space adjacent to the station.

Furthermore, the bulk and scale of the built form required to achieve the maximum of the requested planning controls is not appropriate on the site or within the Paddington HCA. The excessive amount of retail and residential floor space has the potential to change the site's character and result in negative amenity impacts, including excess building bulk and scale and poor streetscape character on the southern part of New McLean Street.

These issues are further discussed in section 4.4 *Urban design* of this report.



### 4.3. Traffic

A *Traffic Assessment* prepared by JMT Consulting was provided by the proponent to support the planning proposal request. The *Traffic Assessment* has been reviewed by Woollahra Council's Traffic and Transport Staff.

Staff are not satisfied that the following matters have been considered or adequately addressed in the concept proposal or JMT Consulting's report:

- The analysis only considered traffic impacts associated with the indicative concept building, not the maximum building envelope.
- Bicycle and motorcycle parking are not currently shown in the concept proposal.

These issues are discussed in sections 4.2.4 and 4.2.5 of this report.

#### 4.3.1. Traffic generation

The traffic modelling undertaken by JMT Consulting identifies that the planning proposal request would generate increased traffic movements as a result of density uplift and the proposed use of the site for mixed use purposes compared to its previous use as a residential flat building.

JMT Consulting's summary of previous and proposed traffic movements is provided in **Figure 14** below. JMT Consulting indicates that the vehicular movements resulted from the concept proposal are almost triple the current rate.

Scenario	Land Use	Number of Units / GFA	Traffic Generation Rate*			Forecast Traffic Generation		
			AM Peak Hour	PM Peak Hour	Sat Peak Hour	AM Peak Hour	PM Peak Hour	Sat Peak Hour
Existing Site	Residential	106 units	0.14 / unit	0.095 / unit	0.26 / unit	15	10	28
	Residential	256 units				36	24	67
Future Site	Retail	1,000m <sup>2</sup> GFA	1.16 / 100m <sup>2</sup> GFA	1.16 / 100m <sup>2</sup> GFA	1.16 / 100m <sup>2</sup> GFA	12	12	12
	Commercial	1,000m <sup>2</sup> GFA	0.99 / 100m <sup>2</sup> GFA	0.86 / 100m <sup>2</sup> GFA	0	10	8	0
<b>Net Change</b>						<b>+43</b>	<b>+34</b>	<b>+51</b>

**Figure 14: Comparison of traffic movements** (Source: JMT Consulting, 2023)

Further, JMT Consulting compares the estimated additional traffic movements to the growth anticipated as a result of the draft ECC Strategy. See **Figure 15** below. This comparison identifies that the concept proposal would contribute 25% of total traffic growth through the New South Head Road / New McLean Street.

Scenario	Source of Additional Traffic Movements		
	Surrounding Developments	Subject Site	Total
AM Peak Hour	146	43	189
PM Peak Hour	117	34	151
Sat Peak Hour	111	51	162
Total	374	128	502
Contribution	75%	25%	100%

Figure 15: Relative increase in traffic growth (Source: JMT Consulting, 2023)

Subsequently, JMT Consulting undertook further analysis of the intersection performance of the New South Head Road and New McLean Street to determine whether it was viable to retain the existing intersection layout. See Figure 16.

Peak Hour	Existing Conditions (Base)		Existing + surrounding development ('Future Base')		Existing + surrounding development + PP ('Future Base + PP')	
	Degree of Saturation	Level of Service	Degree of Saturation	Level of Service	Degree of Saturation	Level of Service
Weekday AM Peak Hour	0.86	C	0.99	E	0.99	E
Weekday PM Peak Hour	0.79	C	0.91	D	0.97	D
Saturday Peak Hour	0.87	C	0.94	E	0.97	E

\*'Base' model – based on traffic counts undertaken by JMT in June 2022

\*'Future Base' model – includes existing traffic plus additional movements expected to arise from the development with the Edgecliff Commercial Centre, as per the assumptions contained in the *Edgecliff Commercial Centre Transport Study*

\*'Future Base + PP' model – includes Future Base' scenario above and the additional traffic volumes from the Planning Proposal.

Figure 16: Comparison of forecast performance of the New South Head Road and New McLean Street intersection (Source: JMT Consulting, 2023)

The findings of the modelling demonstrated that “the small increase in traffic flows associated with a potential redevelopment of the site will not result in adverse impacts on the surrounding road network. The key intersection of New South Head Road and New McLean Street retains its Level of Service when compared to a ‘future base’ scenario, with the intersection Degree of Saturation remaining below 1.0. This demonstrates that the proposal will not unacceptably impact the operation of the surrounding road network.” (JMT Consulting, p. 21).

Staff note that the vehicle trip rates adopted in JMT Consulting's traffic report does not consider the additional traffic volume generated by a number of approved/exhibited planning proposals (Figure 17 & 18) and Council's strategic planning project in and within the vicinity of ECC. Details of these planning proposals/strategic planning project are summarised in Table 3 below. This would result in an underestimation of level of service of the surrounding road network.



Figure 17: Approved planning proposals (Source: Woollahra Municipal Council)

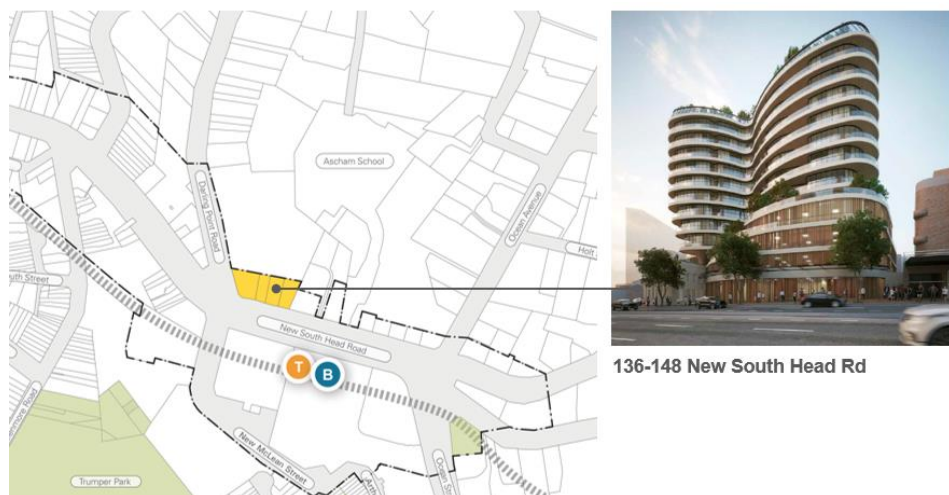


Figure 18: Planning proposal approved for exhibition (Source: Woollahra Municipal Council)

Planning Proposal	Description	Status
1 Mona Road, Darling Point	Site specific planning proposal to facilitate mixed use development	Approved. Amended planning controls came into effect 25 November 2016.
252-254 New South Head Road, Double Bay	Site specific planning proposal to facilitate residential flat building	Approved. Amended planning controls came into effect 16 December 2022.
136-148 New South Head Road, Edgecliff	Site specific planning proposal to facilitate mixed use development	Approved for exhibition
Double Bay Centre Planning and Urban Design Strategy	Precinct strategy to inform future planning proposal	Adopted by Council on 27 November 2023. Staff in preparation of a planning proposal to implement the Double Bay Strategy

Table 3: Details of approved/approved for exhibition planning proposals and Council's strategic planning project within and adjoining ECC (Source: Woollahra Municipal Council)

Additionally, the estimated vehicular movements are based on a total retail/commercial floor space of up to 2,000sqm. The proposed LEP amendments could facilitate a commercial development up to 32,517sqm. The total traffic generation resulting from a 32,517sqm commercial development would be significantly higher than those estimated in JMT Consulting's report and the impacts of these increased traffic movements have not been considered in the planning proposal.

Staff note that the proponent has not consulted TfNSW with regards to the planning proposal request and its associated traffic impact. Should a Gateway determination be granted by DPHI, a condition shall be imposed requiring a referral to TfNSW.

Additionally, staff note that the *Edgecliff Commercial Centre Transport Study* was prepared by SCT Consulting in August 2019 in support of the original iteration of the draft ECC Strategy. The 'future base' scenario uses projections from this study, which may be liable to change due to the passage time and different commuting patterns seen post-COVID-19. This means any assumptions could be inaccurate and not sufficient for informing a large increase in land use intensity.

#### 4.3.2. Parking

Having regard to the concept proposal, the proposed mixed use development will generate a maximum requirement of 313 car parking spaces for the residential component and a minimum of 78 car parking spaces for the non-residential components. A total of 391 car parking spaces may be provided on-site. Refer to **Table 4** for a car parking calculation.

**Table 4: Car Parking Provision – Mixed Use**

Residential	Dwellings	DCP Maximum Requirement	DCP Maximum Permitted Parking
1 bedroom	61	0.5 per dwelling	30.5 (31)
2 bedroom	124	1 per dwelling	124
3 bedroom	71	1.5 per dwelling	106.5 (107)
Visitor	256	0.2 per dwelling	51.2 (51)
Total			313
Non-Residential	Quantity	DCP Minimum Requirement	DCP Minimum Permitted Parking
Retail premises	1000m <sup>2</sup>	3.3 spaces per 100m <sup>2</sup>	33
Office premises	1000m <sup>2</sup>	2.5 spaces per 100m <sup>2</sup>	25
Community	1000m <sup>2</sup>	2 spaces per 100m <sup>2</sup>	20
Total			78
Total proposed			423

The concept proposal contains a five-level basement car park, capable of accommodating 423 car spaces and loading docks. Whilst such provision is indicative, car parking provision should be limited to meet Council's DCP requirement to minimise adverse impacts associated with additional traffic, noting the site is located within very close proximity to the Edgecliff train station and bus interchange. Staff consider that a parking multiplier may apply subject to further analysis of traffic impact. This can be addressed upon preparation of a site specific DCP, should a Gateway determination be received (contrary to the staff recommendation).



**Table 5: Bicycle and Motorbike Parking Provision**

<b>BICYCLE</b>				
	Quantity	DCP Minimum Requirement	DCP Minimum Parking	Required
Residential residents	256 units	1 per unit	256	
Residential visitors	256 units	1 per 10 units	25.6 (26)	
Retail employees	1000m <sup>2</sup>	1 per 250m <sup>2</sup>	4	
Retail customers	1000m <sup>2</sup>	2 + 1 per 100m <sup>2</sup> over 100m <sup>2</sup> GFA	11	
Office employees	1000m <sup>2</sup>	1 per 150m <sup>2</sup> GFA	6.7 (7)	
Office visitors	1000m <sup>2</sup>	1 per 400m <sup>2</sup> GFA	2.5 (3)	
Community employees	1000m <sup>2</sup>	1 per 10 staff	-	
Community visitors	1000m <sup>2</sup>	2 + 1 per 200m <sup>2</sup> GFA	7	
Total required			314	
<b>MOTORBIKE</b>				
	Quantity	DCP Minimum Requirement	DCP Minimum Parking	Required
Car Spaces	391	1 per 10 car spaces	39.1 (40)	
Total required			40	

It is noted that the concept proposal will generate a requirement of 314 bicycle spaces and 40 motorcycle spaces for the proposed mixed use development. Refer to Table 5. Bicycle and motorcycle spaces are not currently shown in the concept proposal.

Additionally, two fundamental issues exist with the parking analysis. Firstly, it only considers parking associated with the indicative concept building, and not the maximum building envelope. Secondly, the planning proposal request could facilitate a retail/commercial floor space up to 32,517sqm, which would generate higher demand for parking and loading docks. Both these issues mean that the numbers could be subject to very significant change.

#### 4.4. Biodiversity

The *Woollahra Biodiversity Conservation Strategy 2015-2025* states the following with regard to Trumper Park:

- Predominate vegetation type listed as 'Urban Exotic/Native'.
- Notes habitat value due to fully structured forest and many native plant species.
- Noted as a habitat corridor between City of Sydney and among Woollahra LGA.

A *Biodiversity Assessment* prepared by Biosis dated 25 July 2023 was provided by the proponent to accompany the planning proposal request. The *Biodiversity Assessment* was reviewed by Council's Sustainability staff.

On 23 November 2023, an amended *Biodiversity Assessment* prepared by Biosis dated 13 November 2023 was received. The amended *Biodiversity Assessment* provides an assessment on the extent of native vegetation removal and the Biodiversity Offset Scheme (BOS) threshold associated with the concept proposal.

The *Biodiversity Assessment* was again reviewed by Sustainability staff, who do not support the planning proposal request as it will have unacceptable impacts to biodiversity conservation.

Trumper Park is a bushland reserve recognised as a key habitat area in Woollahra. The vegetation surrounding Trumper Park forms part of a habitat corridor supporting local

biodiversity and threatened species. The intended built form illustrated in the concept proposal would result in:

- Decreased foraging and roosting habitat for native fauna;
- Excessive shading of bushland, potentially resulting in an altered vegetation structure and decreased solar access for native fauna, particularly reptiles, insects and diurnal birds;
- Increased artificial light into bushland, which impacts the foraging habits of nocturnal fauna and may alert predators to their roost locations;
- Increased noise pollution that is likely to result from both construction and the ongoing use of the development. Microbats are particularly susceptible to this disturbance as they rely on echolocation to forage; and
- Increased edge effect on the habitat within Trumper Park.

Further, the removal of 90 native trees will have negative impacts on native fauna including threatened species. The vegetation on site represents structural diversity with native species present in the canopy, midstory, and understorey, providing shelter and habitat for a variety of small birds and reptiles. The canopy trees on site also provide important foraging habitat, particularly for flying-foxes, microbats, and diurnal birds. Predatory birds such as the Powerful Owl may be indirectly impacted due to the reduction in prey availability.

The planning proposal contributes to the following key threatening processes (Schedule 4 of the *Biodiversity Conservation Act 2016*):

- Clearing of native vegetation;
- Loss of hollow-bearing trees;
- Removal of dead wood and dead trees; and
- Aggressive exclusion of birds from woodland and forest habitat by abundant Noisy Miners.

#### 4.5. Urban design

The intent of the planning proposal is to facilitate redevelopment of the site for a mixed use development. The planning proposal is accompanied by an *Urban Design & Architecture Report* prepared by fjcstudio which details the concept proposal.

As the planning proposal intends to facilitate the indicative development concept, staff have assessed the proposed built form and its potential impacts.

The submitted planning proposal does not address the concerns raised by Council staff during the pre-application consultation process (dated 17 December 2022 and 22 May 2023), as follows:

- The proposed height will not facilitate a suitable transition in scale that sensitively responds to the heritage significance of the Paddington HCA and Trumper Park;
- The proposed scale of development will impact on the amenity of surrounding properties, including in relation to overshadowing and a sense of enclosure; and
- The height will not complement Edgecliff's role as a local centre, and instead would establish a scale of built form similar to strategic centres such as Bondi Junction.

These issues are further detailed in the below assessment.

#### 4.5.1. Bulk and scale

The site's prominent location near the top of the Edgecliff ridgeline means the 25 storey building will be highly visible from surrounding properties including from and within the Paddington HCA and Rushcutters Bay Park.

The proponent relies on Ranelagh and the Edgecliff Centre as justification. In the *Urban Design and Architecture Report* submitted with the planning proposal, fjcstudio states, inter alia:

*"The tower comport of the proposal responds to the existing and evolving taller built form of Edgecliff... A landmark development is proposed for the Edgecliff Centre site (to the immediate west of the station) with a maximum building height of 86 metres (26 storeys).*

*Further from the centre, height typically occurs in the form of isolated point towers such as at 3 Darlington Point (Ranelagh). This tower has an RL off 127.20 will remain as the tallest tower in Edgecliff. However, the addition of other well considered and located taller buildings will mitigate it's visual impact on the skyline."*

Staff do not support the tower element identified in the concept proposal for the following reasons:

- Ranelagh is identified as an 'intrusive development' in the Woollahra DCP 2015 and is not representative of the desired future character of the adjacent neighbourhood or the ECC.
- The approach in the draft ECC Strategy is to highlight the 26 and 14 storeys buildings at the Edgecliff Centre, located at the top of the ridge, as a significant landmark to the ECC.
- The impact of the bulk and scale of a building that would respond to the proposed HOB and FSR controls would blur the extent of the ECC. The indicative concept building would not be compatible with the low to medium scale residential and open space neighbourhood that the site is within.

Furthermore, the planning proposal does not have regard to Control C3 of Part C1.4.5 *Building height, bulk, form and scale* which requires:

*C3 The height, bulk, form and scale of infill and new development must be consistent with the predominant height, bulk, form and scale of appropriate adjoining buildings. Conformity with adjoining buildings is not appropriate in circumstances where the development site adjoins a building which is substantially taller landmark building, or is a building considered to be intrusive due to its excessed height and incompatible design.*

#### **Community facility**

The concept envisages the delivery of a 1000sqm community facility in split levels. Staff note that the dedication of such a facility would be subject to a voluntary planning agreement (VPA) negotiated between Council and the proponent, which has yet to progress beyond the submission of a public benefit offer.

Staff have assessed the concept proposal and note that, whilst indicative only, the community facility is poorly located, hidden from view and would suffer from poor legibility.

At lower ground floor, the community centre lacks amenity in terms of outlook, solar access and cross ventilation. The poorly configured community centre also results in irregular and inefficient use of internal spaces. These are not desirable for community space purposes.

Having regard to the *Woollahra Community Facilities Study 2019* and community needs assessments including the *Aged and Disability Needs Study 2016* and *Disability Inclusion Action Plan 2022-2026*, there exists demand for an integrated multipurpose facility. Based on the proposed development yield, staff estimate approximately 2,300sqm of community facility are required to meet the emerging community needs.

### **Solar access**

Any planning proposal must address solar access impacts to surrounding properties. This assessment must be based on the maximum building envelope created by the requested development standards, not the building envelope of the concept proposal. The documentation submitted with the planning proposal does not address overshadowing impacts from the maximum building envelope, as the proponent has only provided an assessment of overshadowing impacts resulting from the concept proposal.

The shadow diagrams prepared by fjstudio demonstrate that the concept proposal would maintain appropriate solar access on surrounding properties and Trumper Park Oval as required by Controls C4 of Chapter 1.4.5 *Building height, bulk, form and scale* and C29 of Chapter D4.2 *Edgecliff Centre* which requires the following:

- C4 Infill development and alterations and additions must be designed and sited so that sunlight is provided to at least 50% or 35m<sup>2</sup> with minimum dimensions of 2.5m, whichever is the lesser, of the main ground level private open space of adjoining properties for a minimum of two hours between 9am and 3pm on 21 June. Where existing overshadowing is greater than this, sunlight is not to be further reduced.*
- C29 Solar access to the Trumper Park Oval is provided between the hours of 10am and 2pm on 21 June. Where existing overshadowing is greater than this, sunlight is not to be further reduced.*

However, staff note that the proposal would create substantial shadows upon Trumper Park more broadly and its bushland escarpment. The Trumper Park escarpment is identified as one of the natural character elements of the Paddington HCA (Chapter C1 of the Woollahra DCP 2015, p. 10). Any overshadowing would have a significant effect on the Trumper Park escarpment and its key habitats as discussed in section 4.3 *Biodiversity* of this report. Accordingly, the proposed overshadowing is not supported.

Staff also do not support the request on the basis that the solar access analysis only considers overshadowing associated with the indicative concept building, and not the maximum building envelope. A comprehensive solar access assessment could potentially identify greater overshadowing impacts to the Paddington HCA and Trumper Park.



### **Residential amenity**

The proponent submitted an assessment of the indicative development concept that indicates that the site can generally be developed to meet the design requirements of the *Apartment Design Guide* (ADG).

#### **4.5.2. Landscaping and greening**

The concept proposal includes a landscaped buffer along the side and rear boundaries of the site and a public plaza through the centre of the site that provide a direct link between Trumper Park and the Edgecliff train station and bus interchange.

A public pathway currently runs along the western boundary and provides pedestrian access between New McLean Street and Trumper Park and Oval as shown in **Figure 19**. Due to unsatisfactory condition of the footway and to ensure pedestrian safety issues are addressed, this footpath was recently upgraded.

Council staff have considered the publicly accessible through-site link and advised that the new pathway would not benefit our community and park users as it is not required. New recreation and sport facilities are preferred and would meaningfully address Council's identified gaps in recreation and sport facilities provision within the Woollahra LGA. Additionally, the location of the through-site link would be better utilised for deep soil landscaping, with the preservation of existing trees in its location.



**Figure 19: Existing (yellow) and new (purple) pathways providing access from New McLean Street to Trumper Park**

(Source: fjstudio, Overlay: Woollahra Municipal Council)

The garden setting and substantial tree canopy on the southern side of New McLean Street, including the site, provides a contrast to the highly urban character of the land to the north of the site. The concept proposal would result in the loss of tree canopy cover from the removal of trees, however the proponent's landscape plan provides suitable replacement trees to compensate for the loss of canopy cover.

Notwithstanding this, Council's Tree Management staff raises below concerns:

- Proposed building footprint and excavation undermine the retention of high values trees.
- Lack of landscape area along the eastern, western and southern boundaries to retain and protect existing trees within and adjacent to the site.
- Proposed works relating to underground services may undermine the retention of high values trees.

#### 4.5.3. Site specific DCP

Under the planning proposal, the proponent's *Part 6 Additional local provisions* clause requires that development consent must not be granted unless a DCP has been prepared for the land.

Should the planning proposal proceed, contrary to the staff recommendation, and a Gateway determination is received, staff will prepare a site specific DCP to provide guidance to the built form outcome intended for the site.

## 5. Conclusion

This report provides a staff assessment of the planning proposal for 8-10 New McLean Street, Edgecliff against the strategic planning framework and relevant site specific matters. The objective of the planning proposal is to facilitate redevelopment of the site to enable a mixed use building which will facilitate a 25 storey tower, which in the concept design includes 3-10 storey podiums.

In summary, staff consider that the planning proposal does not demonstrate sufficient strategic or site-specific merit to proceed and Council staff do not support the planning proposal request for the following reasons:

Strategic merit:

1. The proposed uplift is inconsistent with Edgecliff's status as a local centre, outlined in the centres hierarchy established in the Regional and District Plans. The scale proposed is most similar to that of a strategic centre, which is characterised by a greater mix of services and public amenities.
2. The proposal will not deliver housing in a planned growth location, contrary to provisions of policies in the local strategic planning framework.
3. The site is not within the ECC. The proposed uplift would blur the extent of the ECC, and detract from objectives in the draft ECC Strategy to focus housing and employment growth within the centre itself.
4. The proponent has not demonstrated a need to accommodate housing growth beyond that identified in relevant Council strategies, which are already on track to delivery housing in excess of targets.
5. Any localised shortfall in commercial floor space will already be addressed by planned uplift within the ECC. The submitted documents do not demonstrate that the ECC has reached its capacity to supply commercial floor space, and that additional supply is required outside the ECC to meet growth.
6. The use of additional permitted uses under *Schedule 1* of the Woollahra LEP 2014 are inconsistent with Practice Note PN11-011.

Site specific merit:

1. The requested amendments to the Woollahra LEP 2014 would facilitate a building envelope that is excessive in terms of bulk and scale, and inappropriate for both the R3 Medium Density Residential zone and Paddington HCA.
2. The additional permitted uses under *Schedule 1* are not compatible with the R3 Medium Density Residential zone, particularly if they were to facilitate a commercial development up to 32,517qm.
3. The maximum HOB and FSR controls have only been tested using the concept proposal, which is smaller than the largest form possible under the controls. Accordingly, environmental planning impacts have not been sufficiently tested.
4. The built form outcome intended for the site has a large building footprint which requires extensive vegetation clearing. This would reduce biodiversity on the periphery of bushland surrounding Trumper Park.
5. The proposal would increase traffic movements in the already congested intersection of New South Head Road and New McLean Street. The submitted study on these impacts does not account for other planned growth in the area, or a scenario where a larger component of the development is commercial.
6. A development of the size and intensity proposed is incompatible with the existing and desired future character of the site.

## 6. Supporting documents (circulated separately)

- Pre-application consultation minutes, meeting 1 – 13 December 2022
- Pre-application consultation minutes, meeting 2 – 22 May 2023

## Planning proposal request 8-10 New McLean Street, Edgecliff Document List



The proponent submitted the following documents:

	Document	Dated
1.	Planning Proposal prepared by Planning Ingenuity	31 July 2023
2.	Economic Assessment prepared by HillPDA (revised)	November 2023
3.	Urban Design and Architecture Report prepared by fjcstudio (revised)	13 November 2023
4.	Urban Design Peer Review prepared by Matthew Pullinger Architect	26 July 2023
5.	Traffic Assessment prepared by JMT Consulting (revised)	11 November 2023
6.	Landscape Report prepared by fjcstudio	27 July 2023
7.	Heritage Impact Statement prepared by Curio Projects	27 July 2023
8.	Heritage Peer Review prepared by Urbis	27 July 2023
9.	Visual Impact Assessment Report prepared by Urbaine Design Group (revised)	15 November 2023
10.	Arboricultural Impact Assessment Report prepared by Urban Arbor (revised)	17 November 2023
11.	Biodiversity Assessment prepared by Biosis (revised)	13 November 2023
12.	Services Infrastructure Report prepared by Stantec Australia (revised)	14 November 2023
13.	Survey Plan prepared by Norton Survey Partners	28 April 2023
14.	Preliminary Site Investigation prepared by Geosyntec Consultants	27 July 2023
15.	Geotechnical Desktop Study prepared by Morrow Geotechnics Pty Ltd	17 April 2023
16.	Energy Efficiency & Ecologically Sustainable Design Report prepared by SLR Consulting	26 July 2023
17.	Acoustic Assessment prepared by RWDI Australia	26 July 2023
18.	Qualitative Environmental Wind Assessment prepared by SLR Consulting	26 July 2023

These documents are available on Council's website at  
<https://www.woollahra.nsw.gov.au/8-10-New-Mclean-Street-Edgecliff>





Department of Planning, Housing and Infrastructure

Mr Craig Swift-McNair  
General Manager  
Woollahra Municipal Council  
PO Box 61  
DOUBLE BAY NSW 1360

IRF24/144

Dear Mr Swift-McNair,

**Request for a rezoning review – PP-2023-1648 / RR-2023-22**

I am writing to notify Council that a request for a rezoning review, dated 23 January 2024, has been submitted for consideration by the Sydney Eastern City Planning Panel.

The rezoning review request made by Landmark Group Australia, on behalf of The Owners Strata Plan 20548 (the proponent), which seeks to amend the Woollahra Local Environmental Plan 2014 (WLEP) as it applies to land at 8-10 New McLean Street, Edgecliff (the site) by:

- amending the height of buildings maps to permit buildings to a maximum height of 36.5m across the site and establishing a new clause to establish a maximum building height of RL110.00 for the tower element;
- amending the FSR maps to permit buildings with a maximum FSR of 4.5:1;
- inserting an additional provision into Schedule 1 – Additional Permitted Uses to permit commercial premises, community facility, recreation facility (indoor) and medical centre in the zone; and
- inserting a new clause to ensure that development consent must not be granted for development at 8-10 New McLean Street unless a Development Control Plan (DCP) has been prepared for the land.

The proponent is seeking a rezoning review because Council has failed to indicate its support for the proposal 115 days after the proponent submitted a request to prepare a planning proposal.

A copy of all information that was submitted with the rezoning review request can be viewed [here](#).

Council is requested to provide:

- any comments, correspondence or additional information on the planning proposal;
- confirmation that the proposal is consistent with what was submitted as the accepted proposal by Council; and
- confirmation whether Council wishes to nominate itself as the Planning Proposal Authority (PPA).

A response must be submitted to the Department of Planning and Environment **by COB 14 February 2024**. Council's response may be made publicly available on the NSW Planning Portal.

As part of the assessment process, the Panel may contact you for further information. You will be advised of the Panel's decision once its assessment has been completed.

Should you have any further enquiries about this matter, I have arranged for Senior Planning Officer, Ms Louisa Agyare of the Department of Planning and Environment to assist you. Ms Agyare can be contacted on 02 6748 5208.

Yours sincerely,

24 January 2024  
**Carina Lucchinelli**  
Manager, Eastern & South Districts  
NSW Department of Planning, Housing and Infrastructure

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## PRE-APPLICATION CONSULTATION RESPONSE

<b>Reference no.</b>	Pre-application 1/2022
<b>Property Address</b>	8-10 New McLean Street, Edgecliff
<b>Legal description</b>	SP 20548
<b>Meeting date</b>	14 November 2022 – Council Chambers
<b>Pre-application officer</b>	Louise Munday, Consultant Strategic Planner
<b>Applicant</b>	Mount Street 4 Ply Ltd as Trustee for the Mount Street 4 Unit Trust
<b>Present at meeting</b>	<p><b>Woollahra Council</b></p> <p>Scott Pedder, Director Planning and Place Anne White, Manager – Strategic Planning and Place Louise Munday, Consultant Strategic Planner Kristy Welfare, Senior Strategic Heritage Officer Andrew Simpson, Tree Management Team Leader David Prieto, Tree Officer</p> <p><b>Applicant</b></p> <p>Joseph Scuderi (Applicant – Landmark Group) Adam Martinez (Applicant – Landmark Group) Sean McPeake (FJMT) Matthew Pullinger (Architect) Jeff Mead (Planning Ingenuity) David Waghorn (Planning Ingenuity) Matt Coggan (Turf - landscaping) James Rongan-Hall (Curio Projects – heritage) (Curio Projects – heritage)</p>

### 1. Information submitted

On 16 September 2022, the applicant submitted the following:

- Completed pre-application consultation form dated 9 September 2022
- Completed donations and gifts disclosure form dated 9 September 2022
- Owner's consent 27/07/2022 (Koray Dervis, Managing Agent for SP 20548/Seal Affixed)
- Arborist Report, Dr Treegood (David Holme), September 2022
- Tree Assessment Survey Sheets (Extract of the Arborist Report)
- Biodiversity Report, Biosis (Todd Horton), 15 September 2022
- Urban Design Report, FJM Studio, 14 September 2022
- Urban Design Comment, Matthew Pullinger Architect, 9 September 2022
- Planning Statement, Planning Ingenuity (David Waghorn) 9 September 2022
- Landscape Plan, TURF, September 2022
- Heritage Impact Statement, Curio Projects, 15 September 2022
- Visual Impact Assessment, Urbaine Design Group, September 2022
- Transport Statement, JMT Consulting, 13 September 2022

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## **2. The site and context**

### **2.1. The site**

The site is described as 8-10 New McLean Street, Edgecliff (the site), comprises SP 20548, and is located on the southern side of New McLean Street, Edgecliff. The site has an irregular shape, has an approximate area of 7228m<sup>2</sup>, a frontage of approximately 115m to New McLean Street and 98m to Trumper Park.

The site has a gentle slope down from east to west and from north to south (where it adjoins Trumper Park where the landform drops away more dramatically). The site is visually prominent being located near the top of the ridgeline.

The site is zoned R3 Medium Density Residential under the Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014). The site is within the Paddington Heritage Conservation Area (HCA).

### **2.2. Existing development**

The site comprises the following:

- Two freestanding apartment buildings
- Substantial open space and vegetation, including native planting
- Two driveways giving access to resident parking in the northeastern corner
- A communal swimming pool in the southwestern corner.

### **2.3. Surrounding development**

The site is located adjacent to the Edgecliff Commercial Centre (ECC). The ECC is zoned for mixed use, and 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 (approximately 91m) apartment building 'Ranelagh', 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 ECC. The Ranelagh Building is identified as intrusive development in the Woollahra Development Control Plan 2015 (Woollahra DCP 2015).

To the north, on the opposite side of New McLean Street, is the Edgecliff Centre at 203-233 New South Head Road, Edgecliff (a seven storey commercial building with ground floor retail including supermarket). To the northeast, adjacent to the Edgecliff Centre is Eastpoint that comprises Edgecliff Station and bus interchange, Eastpoint Food Fair (including supermarket) and Eastpoint residential tower. Located at the top of the ridge, this 14 storey residential building presents as a significant landmark.

The Paddington Heritage Conservation (HCA) is located to the east of the site. 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.

A public pathway runs along the western boundary and provides pedestrian access between New McLean Street and Trumper Park and Oval. There is pedestrian access through the park to the lower areas of Paddington. On the western site of the public path there is an apartment building complex in substantial gardens (the property has vehicle access from New McLean Street and Glenmore Road).

### **2.4. Heritage**

The site is located in the vicinity of HCA C8: Paddington HCA (adjacent to the east of the site). Edgecliff Station, opposite the site (across New McLean Street) and the Edgecliff (Rushcutters Bay) Viaduct, to the north west of the site, are listed heritage items on the Heritage and Conservation Register under Section 170 of the NSW *Heritage Act 1977*.

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## 2.5. Transport and access

The site is opposite Edgecliff Station and bus interchange. Trains and buses connect to the Woollahra LGA, Bondi Junction, Sydney CBD and greater Sydney. Pedestrian and vehicular access to the site is from New McLean Street.

New South Head Road is a major arterial road connecting the Sydney CBD to the Woollahra LGA, and more broadly to the eastern suburbs. The site is about 90m from the intersection of Darling Point Road, New McLean Street, and New South Head Road. This intersection has a high level of congestion especially during weekday morning peak periods, and New South Head Road is identified as experiencing high traffic congestion during weekday peak periods. (*Draft Woollahra Integrated Transport Strategy (ITS) 2021*).

## 3. Description of the planning proposal request

A request for a planning proposal would involve the following changes to the *Woollahra Local Environmental Plan 2014* (LEP):

- Increase the maximum building height standard from 10.5m to 95m
- Increase the maximum floor space ratio (FSR) standard from 0.75:1 to 4.75:1
- Include food and drink premises as an additional permitted use on the land (Schedule 1).

An indicative development concept that could be facilitated by these controls comprises a 26 storey mixed use development, with 3-7 storey podiums, ground level cafes, community space and internal plaza.

## 4. State legislation

### 4.1. Environmental Planning and Assessment Act 1979

Section 3.33 of the *Environmental Planning and Assessment Act 1979* (the Act) sets out the information a planning proposal must include when submitted for a gateway determination. The Department of Planning and Environment (DPE) has published the *Local Environmental Plan Making Guideline December 2021* (the guideline) (updated September 2022) to help applicants meet the requirements of the Act. The guideline stipulates a planning proposal must demonstrate the strategic merit and the site-specific merit of the proposed LEP amendments.

### 4.2. Greater Sydney Region Plan: A Metropolis of Three Cities

The *Greater Sydney Region Plan: A Metropolis of Three Cities* (GSC 2018) (the Region Plan) establishes a vision of three cities: the Western Parkland City, the Central River City and the Eastern Harbour City. Edgecliff is located in the Eastern Harbour City, which is envisioned to become a more innovative and globally competitive city.

The Region Plan sets out ten directions that establish the aspirations for the region over the next 40 years. These directions are a core component of the vision and a measure for the Region Plan's performance. The Region Plan also establishes a three-level hierarchy of centres—metropolitan, strategic and local centres—reflecting their role in the overall economic geography of Greater Sydney. Objectives to create and support local employment opportunities in these centres are included in the Region Plan.

Any request for a planning proposal must demonstrate full compliance with relevant directions and actions of the Region Plan.

### 4.3. Eastern City District Plan

The *Eastern City District Plan* (GSC 2018) (the District Plan) is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. It contains the planning priorities and actions for implementing the Region Plan at a district level and is a bridge between regional and local planning.

Edgecliff is identified as a local centre in the District Plan. Its role is to provide local jobs and services for the local catchment in contrast to strategic or metropolitan centres which service much larger catchments. We note that the District Plan encourages urban renewal in centres with frequent high capacity public transport to allow more people to live in areas with access to jobs

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and services. The Region Plan also contains principles to ensure development and renewal in centres is undertaken through a place-based approach.

The District Plan identifies that there is an unmet need for diverse housing. It recommends providing a range of dwellings comprising different types, sizes and price points to help improve affordability and suggests that 5-10% of new residential floor space is affordable rental housing.

Additionally, the District Plan identifies a number of sustainability measures to combat the urban heat island effect, including protecting biodiversity, delivery of Sydney's Green Grid and increasing urban tree canopy.

Any request for a planning proposal must demonstrate full compliance with the vision and relevant priorities and actions of the District Plan.

#### **4.4. Future Transport 2056 and the Greater Sydney Services and Infrastructure Plan**

*Future Transport 2056* (Transport for NSW 2020) contains strategies and plans for transport across NSW aligned with the Greater Sydney Commission (GSC) and DPE's regional plans and Infrastructure NSW's State Infrastructure Strategy. It provides an integrated vision for the state.

The *Greater Sydney Services and Infrastructure Plan* (Transport for NSW 2018) is the 40-year plan for transport in Sydney and supports *Future Transport 2056* and the Region Plan. The services and infrastructure plan establishes the specific outcomes transport customers in Greater Sydney can expect and identifies the policy, service and infrastructure initiatives to achieve these.

The focus of the plan is enabling people and goods to move safely, efficiently and reliably around Greater Sydney, including having access to their nearest centre within 30 minutes by public transport, seven days a week. It also envisages that the transport system will support the liveability, productivity and sustainability of places on our transport networks. Achieving this will require more efficient modes of transport – public transport, shared transport and walking and cycling – to play a greater role.

Any request for a planning proposal must address the relevant issues in the *Future Transport 2056* and the *Greater Sydney Services and Infrastructure Plan*.

#### **4.5. State Environmental Planning Policy 65: Design Quality of Residential Apartment Development**

Any request for a planning proposal must address the relevant matters in SEPP 65 and the associated Apartment Design Guide (ADG). Sections particularly relevant to concept schemes include:

- Section 2E – Building depth
- Section 3E – Deep soil zones
- Section 3F – Visual privacy
- Section 3J – Bicycle and car parking
- Section 4S – Mixed use.

#### **4.6. Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021**

Chapter 2 refers to vegetation clearing and we note, in particular, that the information regarding vegetation on and immediately adjoining the site needs updating for accuracy and identification. Further, clarification regarding the extent of native vegetation clearing is required, particularly as to whether clearing will exceed the biodiversity offsets threshold of 0.25ha.

Chapter 10 refers to development in the Sydney Harbour Catchment. We draw your attention, in particular, to the objectives in clause 10.9 and planning principles in clause 10.10 and principle (f) *development that is visible from the waterways or foreshores is to maintain, protect and enhance the unique visual qualities of Sydney Harbour*.

Any request for a planning proposal must address the relevant provisions of *Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021*.

#### **4.7. Sydney Environmental Planning Policy (Resilience and Hazards) 2021**



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Any request for a planning proposal must address the relevant provisions of *Sydney Environmental Planning Policy Resilience* 2021 particularly with reference to *Chapter 4 Remediation of Land*.

## 5. Council's strategic plans and studies

### 5.1. Woollahra 2032

Woollahra 2032, Council's community strategic plan (CSP), identifies the strategic direction and integrated planning framework for the Woollahra Local Government Area (LGA). Council is committed to revitalising its centres, to deliver vibrant villages that provide local access to a range of employment, shops and services.

Any request for a planning proposal must demonstrate compliance with relevant CSP goals.

### 5.2. Woollahra Local Strategic Planning Statement 2020

The *Woollahra Local Strategic Planning Statement 2020* (Woollahra LSPS 2020) sets out a 20-year land use vision and planning priorities that will support and guide Council's planning controls to help ensure the Woollahra LGA continues to be a great place to live, work, play and visit.

The Woollahra LSPS 2020 describes the Edgecliff local centre as providing employment, local businesses and services. The LSPS identifies the Edgecliff local centre as a key local centre (along with Double Bay, Rose Bay and Rose Bay North) for its employment component and significant transport infrastructure.

The Woollahra LSPS 2020 indicates the Edgecliff and Double Bay local centres will be the focus of employment and housing growth, and it is envisaged Edgecliff will comprise a range of business, employment, community facilities and housing.

The Woollahra LSPS 2020 also notes the importance of protecting the character and amenity of Woollahra's residential precincts, open spaces and natural areas and the need to protect these from the impacts of higher density development.

Any request for a planning proposal must demonstrate full compliance with all relevant planning priorities of the Woollahra LSPS 2020, and not rely solely for justification on those relating directly to the Edgecliff local centre.

### 5.3. Draft Woollahra Integrated Transport Strategy

The draft Woollahra Integrated Transport Strategy 2021 (draft Woollahra ITS 2021) sets out a vision for a more accessible LGA where active, sustainable and efficient modes of transport are the most convenient choice for most trips. Council recognises the importance of a transport strategy that reduces dependence on private vehicles by developing a system of viable, public and active transport alternatives.

The draft Woollahra ITS 2021 sets out the objectives, background analysis, challenges, opportunities, policies and actions with regard to four themes:

- Access, Mobility and Liveable Places: Supporting people in Woollahra to get around, regardless of age or ability.
- Public Transport: Working with the State Government to make public transport a more competitive alternative to car use.
- Active Transport: Making walking and cycling the most convenient option for most trips.
- Roads and Parking: Managing the road network to support all users and reducing traffic congestion, noise and speeding.

We note that the site is located adjacent to the Edgecliff local centre, which is a transport node for train, bus, vehicular, cycle and pedestrian movement.

Any request for a planning proposal must address the relevant objectives and themes in the draft Woollahra ITS 2021. A copy of the draft is available at <https://yoursay.woollahra.nsw.gov.au/its>

### 5.4. Draft Woollahra Active Transport Plan

The draft Woollahra Active Transport Plan sets out Council's commitment to making active transport a safe, easy and enjoyable option for as many people as possible, while also helping to meet our emission reduction targets. The goal of this 10-year plan is to create a high quality

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connected walking and cycling network that enables more people to get to and from the places they live, work, shop and play. The plan includes an action list with 10 priority projects, some in Edgecliff.

Any request for a planning proposal must address the relevant actions in the draft Woollahra Active Transport Plan. A copy of the draft is available at

<https://yoursay.woollahra.nsw.gov.au/active>

#### **5.5. Woollahra Local Housing Strategy 2021**

The Woollahra Local Housing Strategy 2021 (Woollahra LHS 2021) sets out objectives and actions for housing across the Woollahra LGA. The Woollahra LHS 2021 identifies that any request for a planning proposal must demonstrate:

- How it will substantially contribute to the delivery of public benefits, including publicly accessible open space, public domain improvements, and affordable housing
- A sensitive response to heritage and local character
- Compliance with the objectives of the Woollahra LHS 2021, and planning priorities of the Woollahra LSPS 2020.

Any request for a planning proposal must address the relevant objectives and actions in the Woollahra LHS 2021. A copy of the Woollahra LHS 2021 is available at:

[https://www.woollahra.nsw.gov.au/data/assets/pdf\\_file/0007/252457/Woollahra-Local-Housing-Strategy-2021.pdf](https://www.woollahra.nsw.gov.au/data/assets/pdf_file/0007/252457/Woollahra-Local-Housing-Strategy-2021.pdf)

#### **5.6. Review of the Edgecliff Commercial Centre Planning Controls**

The ECC comprises land along New South Head Road generally from its intersection with New Beach Road to its intersection with Ocean Street and Ocean Avenue. To create a clear and coordinated framework to guide the future development of the ECC, Council staff prepared a comprehensive review of the ECC planning controls. The review is documented in the draft *Edgecliff Commercial Centre Planning and Urban Design Strategy* (draft ECC Strategy) and supporting documents.

While we recommend that the review be a consideration in any request for a planning proposal in the Edgecliff local centre or on adjacent land, Council has not adopted the draft ECC Strategy for implementation and it does not have any weight.

We note that in regard to 136-148 New South Head Road, Edgecliff, the SECPP did not consider the planning proposal dependent on Council's adoption of the draft ECC Strategy and considered that planning proposal as a standalone planning proposal.

Any request for a planning proposal must refer to the relevant objectives and actions in the draft ECC Strategy and supporting documents, however, these should not be relied on to justify the planning proposal. A copy of the draft ECC Strategy and supporting documents is available at:

<https://yoursay.woollahra.nsw.gov.au/edgecliff>

We note that Edgecliff is being strategically targeted for housing and employment growth under the Draft ECC Strategy. In addition to addressing housing targets, the draft ECC Strategy aims to revitalise Edgecliff and facilitate transit-oriented development that has a suitable mix of residential and non-residential uses that will enhance the centre's contribution to surrounding communities.

The proposal, being entirely residential, will not contribute to enhancing the employment role of Edgecliff and, therefore, does not align with the draft ECC Strategy. An intentional benefit of focusing growth in the ECC is reduced pressure for uplift on other land, particularly that bordering the ECC. This is to prevent 'density creep'. For this reason, the site and all other residential land adjoining the ECC are excluded from the draft ECC Strategy uplift sites. Allowing uplift on the site would set a precedent for other land in the vicinity and could undermine the strategic intent of the draft ECC Strategy.

Any request for a planning proposal will need to address these inconsistencies when justifying strategic merit.

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## 6. Woollahra Local Environmental Plan 2014

### 6.1. Part 2.1: Zoning and land use

The site is zoned R3 Medium Density Residential under the Woollahra LEP 2014. The zone objectives are:

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood

Refer to Section 8.1. We do not consider the proposal, in its current form, demonstrates consistency with the zone objectives, particularly those relating to height, scale and the desired future character of the neighbourhood.

However, if a request for a planning proposal is submitted, it must be fully justified through an assessment against the zone objectives, particularly with regard to the height, bulk and scale and their effect on the desired future character of the neighbourhood (that includes the protected character of the HCA, the protected character of the adjacent open space, and the existing garden settings and tree canopy character along the southern side of New McLean Street).

### 6.2. Part 4.3: Height of buildings

The pre-application seeks to increase the permissible height on the site from 10.5m to 95m, an increase of over 900%. The building height objectives of clause 4.3 of the Woollahra LEP 2014 are:

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

Refer to discussion at Section 8.1. We do not support the proposed building height on the site as it would result in a building significantly out of scale with adjoining development and open space, and would remove the transition from higher density development in the ECC, and would have adverse amenity impacts.

However, should a request for a planning proposal be submitted, it must fully justify the requested height of buildings standard through response to the *Height of Buildings* objectives. The request must also address whether a change in maximum building height may require associated changes to the Woollahra DCP 2015.

### 6.3. Part 4.4: Floor space ratio

The pre-application seeks an increase to the permissible FSR on the site from 0.75:1 to 4.75:1, an increase of over 633%. The FSR objectives of clause 4.4 of Woollahra LEP 2014 include:

*For development in Zone R3 Medium Density Residential—*

- *To ensure the bulk and scale of new development is compatible with the desired future character of the area, and*
- *To minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain, and*

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- *To ensure that development allows adequate provision on the land for deep soil planting and areas of private open space,*

Refer to discussion at Point 8.1. We do not support the requested FSR on the site as it would result in excessive bulk and scale, resulting in overdevelopment, adverse amenity impacts and potentially unacceptable traffic generation.

However, should a request for a planning proposal be submitted, it must fully justify the requested FSR standard through response to the *Floor Space Ratio* objectives. The request must also address whether a change in maximum building height may require associated changes to the Woollahra DCP 2015.

#### 6.4. Heritage

Refer to Section 8.4 for Council's Senior Heritage Officer's comment. We do not support the proposal in its current form, due to excessive bulk and scale and the impact this would have on the Paddington HCA and nearby heritage items, particularly in relation to visual amenity and solar access. Based on the information available, the planning proposal does not accord with the aims of the Woollahra Local Environmental Plan Clause 1.2 (f) *"to conserve the built and environmental heritage of Woollahra"*.

To reduce the extent of visual impact the maximum building height would need to be substantially reduced, and the siting of the bulk of the proposed podium would need to be reconsidered to achieve a more appropriate transition between the site and the two storey scale of the neighbouring HCA.

However, should a request for a planning proposal be submitted, it must fully justify the requested controls through response to the *Heritage* objectives. The request must also address whether the proposal may require associated changes to the Woollahra LEP 2014 and the Woollahra DCP 2015.

#### 6.5. Schedule 1

We note your request for the use of *food and drink premises* to be listed as an additional use for the site in Schedule 1 of the Woollahra LEP 2014. We acknowledge cafes on the ground level of the site, adjacent to New McLean Street, could have merit in providing an active frontage. However, we are also aware that the inclusion of *food and drink premises* in a residential zone could have adverse amenity impacts. We are also concerned that the inclusion of *food and drink premises* on the site may set a precedent for similar requests for other land within the R3 Zone.

Generally, we do not support the use of Schedule 1. We note DPE advice that listings in Schedule 1 should be minimised. Further to that, wherever possible, land uses should be governed by the Land Use Table and Schedule 1 should only be used where it is demonstrated why this cannot be achieved. Please refer to the practice note at

<https://www.planning.nsw.gov.au/-/media/Files/DPE/Practice-notes/preparing-LEPs-using-the-standard-instrument-standard-clauses-2011-03-10.pdf?la=en>

Should a request for a planning proposal be lodged, the additional use of *food and drink premises* needs to be fully justified via a retail impact/demand study and assessment of the unique characteristics of the site. The request must fully justify the use of Schedule 1 and why it is the best means of achieving the objectives or intended outcomes. The request must also address whether the proposal may require associated changes to the Woollahra LEP 2014 and the Woollahra DCP 2015.

### 7. Woollahra Development Control Plan 2015

#### 7.1. Chapter C1: Paddington Heritage Conservation Area

A comprehensive heritage assessment is required with any request for a planning proposal and must refer to the relevant objectives and controls provided in *Chapter C1: Paddington Heritage Conservation Area* of the Woollahra DCP 2015. The assessment must demonstrate that an indicative development to the maximum extent permitted under the requested controls can achieve the relevant objectives and controls relating to heritage and amenity, and that there would be no

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adverse impact on the amenity of the Paddington HCA or its heritage significance. (For more detail refer to Council's Senior Heritage Officer's referral response at 8.4)

## **7.2. Chapter E1: Parking and Access**

A comprehensive transport study is required with any request for a planning proposal and must refer to the relevant objectives and controls provided in *7.2 Chapter E1: Parking and Access* of the Woollahra DCP 2015. The report must cover parking, traffic generation, and public and active transport and demonstrate that development to the maximum extent of the requested controls can achieve the relevant objectives and controls relating to parking, traffic and transport and that adverse impacts on the road network or local amenity will be minimised. (For more detail refer to Council's Engineering Services referral response at 8.5)

## **7.3. Chapter E2: Stormwater and flood risk management**

A stormwater concept plan is required with any request for a planning proposal and must refer to the relevant objectives and controls provided in *Chapter E2 Stormwater and flood risk management* of the Woollahra DCP 2015. The concept plan must demonstrate that development to the maximum extent of the requested controls can achieve the relevant objectives and controls relating to stormwater management and that there would be no adverse impact, particularly on Trumper Park (For more detail refer to Council's Sustainability Officer's referral response at 8.6)

## **7.4. Chapter E3: Tree Management**

A comprehensive Arboricultural Impact Assessment Report is required with any request for a planning proposal and must refer to the relevant objectives and controls provided in *Chapter E3 Tree Management* of the Woollahra DCP 2015. The plan must demonstrate that development to the maximum extent permissible under the requested controls can achieve the relevant objectives and controls relating to tree management and that there would be no adverse impact, particularly on Trumper Park, adjoining properties and local tree canopy. (For more detail refer to Council's Tree Management Officer's referral response at 8.7).

## **7.5. Chapter E4: Contaminated Land**

A request for a planning proposal must consider any potential contamination of the site.

# **8. Referral Officers' comments**

## **8.1. Strategic Merit**

We acknowledged that the site's location adjacent to the ECC and proximity to Edgecliff Station provides an opportunity for greater density, and that the strategic merit of increased density could be justified as being consistent with the Region Plan, the District Plan, the Woollahra LSPS 2020 and the Woollahra LHS 2021. However, the requested maximum building height and FSR are considered excessive for Edgecliff's role as a local centre.

Edgecliff is identified as a local centre in the District Plan and the Woollahra LSPS 2020, which identifies the Edgecliff local centre as providing employment, housing and services for the local population. In relation to the Edgecliff local centre, neither the District Plan nor the Woollahra LSPS 2020 identify an 'elevated status', any aspiration for strategic centre status, or desire to cater for a wider catchment.

The local context of Edgecliff is significantly different from larger centres, in that it is surrounded by HCAs in Edgecliff, Darling Point and Paddington, and has significant constraints due to the road network and parking capacity. Edgecliff does not have the large retail, commercial, health or educational facilities that distinguish larger centres from local centres.

The justification for additional density should, therefore, focus on the local context, relevant adopted documentation and strategic aspirations for Edgecliff as a local centre, rather than on comparison to other larger centres and assumptions about Edgecliff's role in relation to those centres.

In this regard we note that neither the site, nor any land in the R3 zone, is identified in any strategic document as being required to meet Woollahra's housing and employment targets.



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## 8.2. Site specific merit

### 8.2.1. Urban design

Given the extent of change requested, a comprehensive urban design study will be required with any request for a planning proposal and must refer to the relevant desired future character objectives and controls of the Woollahra LEP 2014 and Woollahra DCP 2015 and the matters outlined below. The study must demonstrate that development to the maximum extent permissible under the requested controls can achieve the desired future character and that there would be no adverse impact on neighbourhood amenity or the local environment. Further, that there would be a positive urban design outcome.

The urban design study should inform the scale and massing of built form over the site, and the relationship of proposed built form to adjacent land. The study must include an analysis of the immediate context and wider Edgecliff local centre context and be based on comprehensive analysis of existing circumstances, constraints and opportunities. Matters to address include, but are not limited to:

- Envelope modelling and analysis of potential development, including massing and distribution of the requested density, built form and open spaces across the site
- Built form relationship to the neighbourhood and its context
- Access and movement that addresses vehicles (including parking), pedestrian and cycle usage and movement throughout the neighbourhood and to the wider context, to identify areas of improvement and increased connectivity
- Solar access for future dwellings within the site and for dwellings, and private and public outdoor spaces to the east, south and west of the site
- View sharing in accordance with the principles in *Tenacity Consulting v Warringah Council [2004] NSWLEC 140*– impact on existing views from nearby residential towers
- Visibility of the proposal and its scenic quality - views from major ridges, Sydney Harbour and the nominated state listed heritage items identified in the Heritage Officer's comments
- Traffic impact – particularly the impact of traffic and service vehicles on residential premises and open/outdoor spaces through noise and fumes
- Function of new open/outdoor spaces including active and passive recreation with good amenity, functionality and durability
- Function of proposed multi-purpose indoor community space and relationship to outdoor open/recreation space
- Amenity of outdoor spaces and nearby residential premises (solar access, overshadowing, shade and cooling, overlooking, traffic and mechanical noise, and air quality)
- Sustainability, that permeates the above points, for example by addressing urban heat through arrangement of buildings and spaces, materials and finishes, landscaping and planting, or high level consideration of building location and design.

### 8.2.2. Desired future character

At the scale proposed, and as shown in the indicative development concept, the proposal would not be compatible with the medium density, low scale residential and open space neighbourhood that the site is within. Further, the garden setting and substantial tree canopy on the southern side of New McLean Street, including on the site, provides a contrast to the highly urban character of the land to the north of the site and contributes to the character of the neighbourhood. The site provides a transition from the larger scale and harder urban character of the land to the north, and the lower scale and more open character of the land to the site's east, west and south.

The current zoning excludes commercial and retail use, providing for a residential character that is the existing condition of the site and adjoining properties within the R3 Zone. The introduction of food and drink premises would redefine the character of the site and the southern side of New McLean Street.

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Given the protection to neighbourhood character afforded by the current zoning, height, FSR and heritage status, the desired future character is considered to contain the elements describe above. The proposal, therefore, represents a significant change from medium density to high density, and from residential to mixed use, and this change must be comprehensively justified. While we recognise there could be merit in the proposed street front activation of the site, the proposal represents a significant change and needs to be fully assessed through a retail demand/impact study and through assessment of potential amenity and environmental impacts. The assessment must identify the unique circumstances that set the site apart from other land in the R3 Zone.

#### 8.2.3. Building height

We note the site is within Zone R3 Medium Density Residential and the Paddington HCA, and has the following site specific conditions:

- Site's prominent location near the top of the Edgecliff ridgeline
- Built form context of generally two to fourteen storeys, with garden setting to urban character
- Local centre status identified for Edgecliff
- Character emerging from the Review of the Edgecliff Commercial Centre Planning Controls
- Planning proposal for 136-148 New South Head Road, Edgecliff for a 12 storey building - Council has submitted a gateway determination request to the DPE for this planning proposal.

The proposed maximum building height and resulting scale of building would not:

- Reflect the role and character of Edgecliff as a local centre as identified in the District Plan and Woollahra LSPS 2020.
- Establish a transition in scale between zones to protect local amenity and sensitively respond to the heritage significance of the Paddington HCA and Trumper Park.
- Minimise the impacts of new development on adjoining or nearby properties relating to disruption of views, loss of privacy, overshadowing or visual intrusion
- Be consistent with the character of the ECC emerging from the *Review of the Edgecliff Commercial Centre Planning Controls*.

The proposed maximum building height of 95m is greater than the maximum building height of:

- 34m permitted under the Woollahra LEP 2014
- 60m permitted under *Waverley Local Environmental Plan 2012* at Bondi Junction, which is designated as a strategic centre
- 42m applied to 136-148 New South Head Road, Edgecliff in the draft planning proposal for that land
- 39m (11 storey) proposed for some sites in the ECC as identified in the draft ECC Strategy.

Council staff recommend the maximum building height of any proposal on the site is reduced to:

- A height that is more appropriate to the local centre status of the Edgecliff local centre and more appropriate to the site's location on the edge of that centre
- Maintain a transition in scale from the existing heights along New South Head Road, Edgecliff
- Create an appropriate interface with the Paddington HCA, Trumper Park and the residential development to the west of the site.

#### 8.2.4. Floor Space Ratio

Council staff do not support the requested FSR on the site, or the distribution of floor space shown in the indicative development concept. In combination with the requested maximum building height, the requested FSR would permit development which would result in excessive bulk and scale, overdevelopment, adverse amenity impacts and potentially unacceptable traffic generation.

We note that the requested FSR of 4.75: is approaching an FSR of 5:1 FSR shown in the draft planning proposal for 136-148 New South Head Road, Edgecliff (that is within the ECC) and greater than the maximum FSR of:

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- 4:1 permitted under the Woollahra LEP 2014
- 4.5:1 proposed for sites in the ECC identified in the draft ECC Strategy.

Council staff recommend the maximum FSR of any proposal on the site is reduced, and it's distribution be reconsidered, to address the issues raised in relation to maximum building height, bulk and scale view sharing, solar access and overshadowing, streetscape, public domain, heritage, tree preservation and sustainability.

#### *8.2.5. Bulk and Scale*

The indicative development concept presented in the pre-application planning proposal presents a bulk and scale that is inconsistent with the desired future character of the adjacent neighbourhood and of the ECC (as envisaged in the draft ECC Strategy).

Ranelagh is identified as an 'intrusive development' in the Woollahra DCP 2015 and is not representative of the desired future character in the adjacent neighbourhood or the ECC. Ranelagh and the other tower developments referenced in the pre-application documentation should not be used as justification as these tower examples present out of context bulk and scale.

#### *8.2.6. View sharing*

Any request for a planning proposal must address view sharing based on the principles provided in *Tenacity Consulting v Warringah [2004] NSWLEC 140* (paragraphs 23-33). The analysis should be based on the maximum building envelope enabled by the requested planning controls, not the building envelope of the indicative development concept (although this may be included in addition to the maximum building envelope analysis).

#### *8.2.7. Solar access and overshadowing*

Any request for a planning proposal must address solar access impacts on surrounding properties and open space. The assessment must be based on the maximum building envelope created by the requested planning controls, not the building envelope of the concept building (although the solar access and overshadowing impacts from the concept building may be included in addition to the analysis for the maximum building envelope).

#### *8.2.8. Streetscape*

Any request for a planning proposal must address the impact on streetscape through analysis based on the maximum building envelope created by the requested planning controls, not the building envelope of the concept building (although the streetscape impacts from the concept building may be included in addition to the analysis for the maximum building envelope). The analysis must consider:

- The Interface with the Paddington HCA and Trumper Park (particularly its pedestrian walkways)
- The existing fine-grain streetscape in the HCA and the landscape character of the southern side of New McLean Street that has an established garden setting with mature trees and substantial canopy –noting the desired future character for the neighbourhood requires development to retain the visual prominence of the tree canopy
- Existing trees and proposed urban greening measures identified in the draft ECC Strategy.

In addition to the excessive height, we are concerned about the bulk of the proposed podiums and the significant change to the streetscape character these will cause.

#### *8.2.9. Public domain*

Any request for a planning proposal must address the impact on the public domain through analysis based on the maximum building envelope created by the requested planning controls, not the building envelope of the concept building (although the streetscape impacts from the concept building may be included in addition to the analysis for the maximum building envelope). The analysis must consider:

- Existing public spaces in the ECC

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- Negative impacts of the service function of New McLean Street
- Incorporating public outdoor space and how this could positively contribute to the public domain and improve activation along New McLean Street
- Any public space needs to be of a size that performs well as truly public space.

Notwithstanding the above, the impact of an additional through site link between New McLean Street and Trumper Park would need to be fully assessed in any request for a planning proposal and include confirmation of demand/potential use and benefit, whether there would be negative impacts on the two existing pedestrian laneways, and whether there would be negative impacts on pedestrian safety (for instance by encouraging pedestrians to cross outside of the controlled pedestrian crossings).

In addition to the excessive height, we are concerned about the bulk of the proposed podiums and the significant impact on the public domain character these will have, particularly in overwhelming pedestrians in Trumper Park.

#### *8.2.10. Forecast*

For reporting purposes to the DPE, the planning proposal must include a statement which, based on the maximum potential development as well as the indicative development concept, identifies the:

- Number and size of existing and proposed dwellings
- Number of potential new residents
- Size of existing and new non-residential gross floor area in square metres
- Number of existing and new jobs that will be accommodated in the non-residential area
- Number and type of existing and proposed car parking spaces.

### **8.3. Heritage**

#### Demolition of buildings

The site is located within the Paddington HCA and formed part of the original St James Glebe grant. The current buildings on the site date from the 1960s and were designed by Clarke, Gazzard and Partners, who are considered to be architects of note, key practitioners of the Sydney School, and whose works included the State Heritage Register (SHR) listed Wentworth Memorial Church. Whilst on face value, it appears unlikely that the existing buildings on the site would fulfil the criteria for heritage listing and warrant retention, the Heritage Impact Statement to be submitted with a future planning proposal must fully consider the demolition of these buildings located within the HCA, including an assessment against the heritage significance criteria in the NSW Heritage Manual.

#### Impact on heritage items and the Paddington HCA

It is acknowledged that the pre-planning proposal is at an early stage, and it is noted that the impact of the proposal on the heritage significance of the property has not yet been fully analysed. Further analysis of heritage impact must be submitted with any planning proposal in order for a full and proper heritage assessment to be made. This includes an assessment of a future building on the site that responds to the proposed height and FSR controls and its impact on the Paddington HCA in general and the Bowes Avenue/Cameron Street area in particular.

The planning proposal document includes an assertion that "the design of the buildings responds to the context of surrounding development, including the Paddington Heritage Conservation Area". However, this is not demonstrated in the supporting documentation. Further, the tower element at the height currently proposed will be visible from the SHR listed Rushcutters Bay Park [SHR 2041], and this should be considered in a future heritage assessment.

The proposal draws on the height and FSR proposed in the planning proposal for the Edgecliff Centre as justification. However, that planning proposal was not supported on heritage grounds due to its unacceptable impact on the Paddington HCA. The planning proposal for the site, therefore, should not use the Edgecliff Centre planning proposal as a guide.

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The tower elements identified in Figure 14 of the planning proposal, in an attempt to justify the proposal, mostly date from an era where historic buildings on large estates were demolished to build residential towers. These buildings, and others like it, formed part of the groundswell of outrage that prompted the creation of the *Heritage Act 1977* and should not be used as a reference for modern development, particularly where the prior examples are set within a landscaped setting, and the current proposal involves a significant proportion of the site as hardstand in comparison.

The initial heritage advice statement from Curio Projects concludes “The height of the proposed tower relates to the proposed height of the Edgecliff Centre described in the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy. The visual impact of the proposed tower will need to be carefully managed to ensure that its materiality, form, bulk and scale do not impact the day-to-day appreciation for Trumper Park, Paddington HCA and the surrounding HCAs (Woollahra HCA and Mona Road HCA).” This statement is concurred with and it is noted that nowhere in this document does the consultant state that the proposal is appropriate for the site in its current form. Please ensure that future documentation includes these assessments.

The recommendations of the Curio Projects statement are concurred with, in particular:

- “Any future development be designed in close consultation with an experienced heritage specialist to ensure the heritage values and character of the Paddington HCA and the heritage items and HCAs in the vicinity (Woollahra HCA and Mona Road HCA) are enhanced as much as possible.”
- “The materiality, colour palettes, façade, landscaping and external lighting treatments of the proposed redevelopment must be sympathetic to the surrounding context of the site, in particular to the Paddington HCA and heritage items nearby, such as Trumper Park.”

Whilst the 12m setback proposed may be generous in comparison to prior examples of high rise development, it does not provide a meaningful transition from the proposed three level elevated podium which brings a bulk commensurate with the existing flat buildings on the site, currently located further away from the property boundary, to within close proximity of the two storey terrace houses in the HCA streets of Cameron Street and Bowes Avenue. A greater setback is recommended, and should be supported by visual impact assessment from both of these streets, not just the vistas identified in the Paddington DCP. A visual impact assessment must also include views from Rushcutters Bay Park and the impact on views from and within this SHR item must be considered.

#### Cumulative Impact

The cumulative impact of an additional large building to the north-west of the two storey terraces in the Paddington HCA, when considered in conjunction with the higher density tower developments that form part of the draft ECC Strategy, would overshadow these areas for much of the day at mid-winter. As the draft ECC Strategy stands, solar access to the lower scale development within this part of the HCA is available over the subject site because of its location to the northwest of Bowes Avenue and Cameron Street and due to the current building height and FSR controls. Any planning proposal to increase the building height and FSR controls for the site needs to consider the cumulative shadow impact on these terraces by providing diagrams responding to the maximum building heights of the Edgecliff centre and station developments, and demonstrating that the diagrams respond to the prevailing topography that falls away from the ridge.

#### Heritage Conclusion

I do not support the planning proposal for this site in its current form. This is due to the impact of the bulk and scale of a building that would respond to the proposed building height and FSR controls, and the impact such a development would have on the HCA in terms of visual amenity and solar access. Based on the information available, the planning proposal does not accord with the aims of the Woollahra Local Environmental Plan Clause 1.2 (f) “to conserve the built and environmental heritage of Woollahra”.

To reduce the extent of visual amenity impacts of a future development on nearby heritage items and HCAs, the maximum building height should be substantially reduced, and the siting of the bulk



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of the proposed podium should be reconsidered to achieve a more appropriate transition between the subject site and the two storey scale of the neighbouring HCA.

#### 8.4. Engineering Services

##### On-site parking provision

It is understood the proposal includes residential, commercial and community components and basement parking. Unit mix and number of parking spaces are not provided at this stage however the proposed minimal provision for retail parking and non-provision for community-use parking cannot be supported, noting parking pressure in surrounding area is already intense. As such, the applicant is to provide sufficient parking spaces in compliance with E.1 of Council's DCP. It should also be noted that, whilst a maximum parking generation rate is stipulated for residential components, number of residential parking should not be significantly below the requirement. Consideration should also be given to accessible parking and bicycle and motorcycle parking to meet the minimum requirement of the Building Code of Australia and Council's DCP.

##### Traffic Generation

It is noted that the Transport Statement calculates future traffic movements with reference to the Edgecliff Commercial Centre (ECC) transport study prepared by STC Consultants. It should however be noted traffic analysis should be undertaken on a site-by-site manner. The Transport Statement did not fully consider the application scenarios for the traffic generation rates proposed in ECC transport study, as compared in below table. Traffic analysis should be undertaken in accordance with RMS Guide to Traffic Generating Developments 2002, and RMS Guide to Traffic Generating Developments Updated traffic surveys TDT 2013/04a.

Land Use	ECC Transport Study	Transport Statement (proposed site)
Residential	0.14 trips/unit weekday AM peak 0.095 trips/unit weekday PM peak 0.26 trips/unit weekend peaks	0.14 trips/unit weekday AM peak 0.095 trips/unit weekday PM peak
Retail	1.55 trips/100m <sup>2</sup> GLFA for Shopping Centre (10,000-20,000m <sup>2</sup> GLFA), including Cafes and specialty shops as ancillary	1.55 trips/100m <sup>2</sup> GLFA for street retail (750m <sup>2</sup> GLFA)
Community	Not included	zero

##### Intersection Performance

Traffic impacts on the intersection of New South Head Road, Darling Point Road and New McLean Street should be analysed with revised traffic volumes. Noting that the proposal recommends alterations to traffic lanes along New South Head Road, at its intersection with New McLean Street, and TfNSW hold jurisdiction of State Roads and signalised intersections, this should be referred to TfNSW for consideration and approval. Councils Traffic Engineers would support alterations, subject to no impact made to Council footpaths along the New South Head Road corridor and adverse impacts to Council's Draft Active Transport Plan (ATP). The Draft ATP considers a priority bicycle route along New South Head Road. This document should be taken into consideration as part of Council's future plans for the bike network around Edgecliff.

Below is a link to the ATP document that was on Public Exhibition.

<https://yoursay.woollahra.nsw.gov.au/active>

##### Vehicular Access

It is noted that the existing two driveways will be replaced by a single point access, which is supported in principle. Further assessment will be made upon submission of crossover details.

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### 8.5. Affordable housing

A development of the scale proposed should include affordable housing as a minimum of 10% of the new residential GFA achieved in accordance with Council's adopted Affordable Housing Policy that sets an aspirational target of 10%..

### 8.6. Open Space and Trees

The subject site contains a substantial volume of large and mature trees which are assessed as being generally in good health and structural condition. The species composition is a mix of exotic and predominantly Australian natives which contribute substantially to the canopy cover and amenity of the surrounding area. There are also a number of trees within the adjacent property to the north (adjacent to the street) and Trumper Park to the south which will potentially be impacted by any proposed development. Vegetation in Trumper Park is one of Council's Key Habitat Areas, which includes two threatened flora species. Encroachments of built elements and/or construction machinery should be outside the TPZ of all vegetation within Trumper Park and adjacent properties.

The concept scheme plans show a large portion of the site proposed to be excavated for underground parking (blue line in the figure below) which will result in the removal of a substantial volume of trees and loss of canopy cover.

The retention of trees and tree groups positioned close to boundaries is a best practice approach. The below image (red polygon) shows the general location of the high value trees and tree groups positioned within the subject site which are suitable for retention. It is acknowledged that the proposed layout goes some way to generally achieving this. There may be the need for some modifications to the basement layout to facilitate the retention of additional trees and minimise the impact to others.

A new Arboricultural Impact Assessment (AIA) report should be provided with any future submission. The supplied AIA is not in line with Council's DA Guide, it contains incorrectly identified trees and missing information. Council's arborist has also not been able to locate some trees on the plans due to missing information on the survey which will likely result in an inaccurate impact assessment and removal/retention quantities.



Recommendations for any future application:

- Reduce basement excavation to facilitate the retention of high value trees (in liaison with the Consulting Arborist).

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- Provide wider landscape area along New McLean Street to protect trees, maintain and increase landscape amenity and minimise visual impact from proposed development.
- Increased landscape areas along the property boundary to the west, south and east to retain and protect trees within the subject site and adjacent properties.
- Provide a detailed amended Survey Plan with all trees located on the property and adjacent properties likely to be impacted. It must include tree numbers.
- All trees must be tagged in accordance with the survey plan. Numbered aluminium tags are preferred. Ideally the surveyor shall tag the trees, or otherwise, the arborist may tag them at the same time the trees are being surveyed. Trees must be able to be easily identified.
- New Arboricultural Impact Assessment report prepared by a qualified Level 5 Consulting Arborist must be provided. The report must be prepared in line with AS4970 'Protection of trees on development sites', Woollahra Municipal Council DA guide and industry best practice. This AIA report must clearly indicate trees to be retained and to be removed, and include recommendations and methodologies to mitigate the impact on trees to be retained and a Tree Protection Plan and Specification. An updated Tree Location Plan shall be submitted which accurately reflects a revised survey.
- For trees within Trumper Park, proposed works must be located outside of the TPZ.

### 8.7. Sustainability

#### Biodiversity Conservation Act 2016

Within the *Biodiversity Report (HPE 22/184763) Table 4, Biodiversity Offset Scheme assessment* it is stated that 'The total clearing of vegetation (0.21 ha) does not exceed the minimum clearing threshold of 0.25 ha, based on a minimum lot size of ha'. When reviewed by staff the digitised vegetation to be cleared appears to exceed the 0.25ha threshold. Therefore, the applicant will need to provide GIS files of this data so that Council can verify the vegetation clearing threshold. This mapping is to adhere to Government Policy and Advice, namely *The Biodiversity Assessment Method 2020* and *Biodiversity Assessment Method Operational Manual*, and include all vegetation on and off site that would be impacted, including the full canopy of all NSW native trees to be removed. Council must be satisfied that vegetation thresholds are not met, otherwise it is legally bound to require a compliant BDAR with the application as per the *NSW Biodiversity Conservation Act 2016*.

Further, the *Biodiversity Report (HPE 22/184763)* does not acknowledge the presence of two threatened flora species located within Trumper Park (please see map attached).

- *Syzygium paniculatum (Magenta Cherry)*, listed as Endangered under the NSW Biodiversity Conservation Act 2016 – Council mapping indicates individuals located within 10m of the site
- *Acacia terminalis subsp. terminalis*, listed as Endangered under the NSW Biodiversity Conservation Act 2016 – Council mapping indicates individuals located within 20m of the site.

The Biodiversity Report needs to be updated to reflect this.

#### Key Threatening Process

Loss of hollow bearing trees is a Key Threatening Process under the Biodiversity Conservation Act 2016. Therefore, work should be done to retain identified hollows where possible, or where trees with hollows are unsafe the hollows are to be retained and reused on site.

#### Woollahra Local Environment Plan 2014

The *Woollahra LEP 2014* notes the following relevant aims (section 1.2):

- (f) To conserve built and natural environmental heritage.
- (g) To protect amenity and the natural environment.
- (h) To minimise and manage stormwater and flooding impacts.

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Any impact on the adjoining public reserve is unacceptable and would breach the existing LEP aims and objectives. At the development stage a bond would be placed on the bushland and Council would use it to restore and repair any bushland or native areas that are negatively impacted.

#### Woollahra Biodiversity Conservation Strategy

The Woollahra Biodiversity Conservation Strategy 2015-2025 states the following with regard to Trumper Park which shares the southern boundary of the site:

- Predominate vegetation type listed as Urban Exotic / Native.
- Notes habitat value due to fully structured forest and many native plant species.
- Noted as a habitat corridor between City of Sydney and among Woollahra LGA.

This supports the requirement to have no impact on bushland or natural areas and to require suitable habitat planting on site as per the DCP controls below.

#### Woollahra Development Control Plan 2015

Applicants should ensure that they adhere to all relevant DCP conditions, specifically:

##### B3.6 On-site parking

*Control C13 - Where soil and drainage conditions allow, semi-porous surfaces are used for uncovered car parking and driveway areas to facilitate on-site stormwater infiltration and reduce limit the visual impact of hard-surface areas.*

##### B3.7 External Areas, B3.7.1 Landscaped areas and private open space

*Control C16 - Existing trees and vegetation of landscape value are incorporated into the landscape area and treatment.*

*Control C17 - Native species are preferred, and landscape designs are encouraged to provide at least 50% of the plants as native species.*

*Control C18 - Landscaping provides for a diversity of native species and a complexity of habitat through vertical layering. Note: Vertical layering, by planting a variety of vegetation in different sizes and heights provides more cover and feeding opportunities for wildlife species*

*Control C19 - Landscaping facilitates the linking of open space reserves through wildlife corridors and reduces habitat fragmentation and loss.*

#### Chapter E1 – Parking and Access:

##### E1.11- Electric vehicle charging points

*Control C4 - All new residential and non-residential development (other than for dwelling houses, semi-detached dwellings or dual occupancies) must provide 1 car parking space or 10% of all car parking spaces – whichever is greater - to have a 'Level 2' electric vehicle charging point installed.*

#### Chapter E6 – Sustainability

*Control C10 - For landscaped garden areas in commercial developments, building design incorporates the following measures to minimise mains water demand and consumption:*

- a) Rainwater tanks to supply water for plant watering, toilet flushing, outdoor cleaning and cooling systems for the building;*
- b) Where suitable, roof gardens to reduce stormwater run-off and provide insulation;*
- c) An irrigation system to minimise waste water; and d) water retention within gardens to direct run-off from impervious uses and water tanks to deep soil areas.*

A Sustainability Report would assist in addressing these conditions.

The building and construction should satisfy the Green Star – Design & As Built 5 Star rating and that confirmation of the achievement be required before the occupation certificate is granted.

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## 9. Voluntary planning agreement

Council adopted the *Woollahra Voluntary Planning Agreement Policy 2020* (VPA Policy) 10 February 2020. Under this policy, Council may consider entering into a voluntary planning agreement (VPA) where there is an opportunity to secure public benefits alongside changes to controls that substantially increase the development potential of a site.

However, we emphasise that the strategic merit of a planning proposal would need to be fully justified and Council would need to support the requested changes. Furthermore, the VPA Policy seeks to separate the role of Council as an asset manager and planning authority to ensure probity. In this regard, please contact the *Director – Infrastructure & Sustainability* to discuss any requirements for a VPA, noting that no information is to be provided to Strategic Planning & Place staff.

## 10. Information required with a request to prepare a planning proposal

Should you submit a request for a planning proposal, the core documents listed in 10.1 below, are required. Additional documents may be requested during an assessment.

### 10.1. Documents

- Completed application form
- Land owner's consent
- Request to prepare a planning proposal addressing the matters in *Local Environmental Plan Making Guideline September 2022*
- Concept plans including elevations and sections illustrating the distribution of land use and building bulk
- Results of any consultation with surrounding property owners
- Disclosure statement (relating to political donations and gifts)
- Survey plan
- Studies, investigations and reports supporting the requested amendments and relating to the maximum requested building height / FSR envelope and the indicative development concept envelope, including:
  - Planning report justifying the requested amendments to the development standards
  - Urban design study
  - Heritage impact statement
  - Transport, traffic and parking assessment
  - Arboricultural report
  - Sustainability report
  - Photomontage and site photographs
  - 3D Model in the format required by Attachment 9: 3D Digital Model Technical Requirement of Council's DA Guide
  - View analysis
  - Shadow diagrams in plan and elevation, plus sun view diagrams
  - Geotechnical investigation
  - Acoustic assessment
  - Wind impact assessment



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**Notes:**

*Images must show the maximum building height / FSR envelope of the proposal, as well as the concept plan envelope may include, for example, a “wire frame” superimposed on a photograph or another image.*

*Further reports, studies or documentation may be required once the request has been submitted.*

**11. Fees**

This planning proposal request is considered to be a complex planning proposal. According to Council's 2022/2023 Fees and Charges the cost is \$102,000.

**Note:** An hourly rate of \$310.00 applies to any additional unforeseen tasks and functions.

*The above fees are relevant for the 2022/23 financial year only. Any fees payable outside this period will be subject to the adopted fees and charges for the relevant financial year.*

**12. Next steps**

Should you elect to lodge a planning proposal, fees are not payable on submission. Council staff would first review the planning proposal and supporting documentation to ensure all the required information had been provided to allow a full assessment.

Once we were satisfied that the required information had been provided, an invoice would be issued to the applicant. Lodgement is recorded from the date payment is received by Council.

Once all required documentation and payments are received, we would commence the detailed assessment of the request. Further information could be required once this process commences. The planning proposal would then be reported to the Woollahra LPP for advice. This would then be reported to a meeting of Council for consideration, before being heard at a full meeting of Council.

**13. Conclusion**

The pre-application submission proposes the following changes to the Woollahra LEP 2014:

- Amendment to the maximum building height standard from part 14.5m to 66m.
- Amendment to the maximum floor space ratio (FSR) standard from 1.5:1 to 6:1.

Council staff generally support reviewing the planning controls for the site. However, the requested increase in maximum Height of Buildings and FSR standards are significant in relation to the site and its context, and would permit development of an excessive height and bulk. Council staff consider that the proposed maximum building height and FSR cannot be justified on strategic or site-specific merit. Therefore, Council staff do not support the requested Height of Buildings and FSR standards.

Additionally, issues surrounding transport planning, public domain treatments and tree management require further consideration to mitigate against adverse planning outcomes.

However, if a request for a planning proposal is lodged with Council, it must fully justify the amendments being sought to the Height of Buildings, FSR standards and additional use. All documentation identified in the 'information required with a request to prepare a planning proposal' section must be provided to permit a full assessment of the request.

It will also blur the extent of the Edgecliff Commercial Centre and be inconsistent with the objectives of the R3 Medium Density Residential zone. Furthermore, the concept envelope may compromise the residential amenity of the Ranelagh Tower and a future development likely at 136-148 New South Head Road.

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#### 14. Disclaimer

The aim of a pre-application meeting is to provide a service to applicants who wish to obtain the comments of Council staff prior to lodging an application. The advice can then be addressed, or at least known, prior to lodging an application. This has the following benefits:

- It allows a more informed decision about whether to proceed with a request for a planning proposal
- It allows issues to be addressed, especially issues of concern, prior to requesting Council to prepare a planning proposal. This could then save time and money once the request for a planning proposal is lodged.

All efforts are made to identify issues of relevance and likely concern with the preliminary request. However, the comments in this response are based on the information submitted for preliminary assessment and discussion at the pre-application meeting.

You are advised that:

- The comments expressed may vary once detailed information is submitted and formally assessed, or as a result of issues contained in submissions by interested parties if a planning proposal is exhibited.
- Statements contained in this report must not be taken to represent Council staff's support for the indicative development concept in its current or altered form.
- If Council receives a request to prepare a planning proposal, nothing contained in a pre-application response binds Council staff, the elected Council members, or other bodies beyond Council in any way.

The comments provided in this response are made in regard to a pre-application for a request for a planning proposal. The comments do not represent a notification under clause 9 of the *Environmental Planning and Assessment Regulation 2021*.

We hope that this advice assists you. If you have any further enquires please contact Louise Munday on (02) 9184 1017 during business hours.

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Pre-application consultation 2/2023

22 May 2023

## PRE-APPLICATION CONSULTATION RESPONSE

<b>Reference no.</b>	Pre-application 2/2023
<b>Property Address</b>	8-10 New McLean Street, Edgecliff
<b>Legal description</b>	SP 20548
<b>Meeting date</b>	6 April 2023 – Council Chambers
<b>Pre-application officer</b>	Louise Munday, Consultant Strategic Planner
<b>Applicant</b>	Mount Street 4 Pty Ltd as Trustee for the Mount Street 4 Unit Trust
<b>Present at meeting</b>	<b>Woollahra Council</b> Anne White, Manager – Strategic Planning and Place Louise Munday, Consultant Strategic Planner Lyle Tamlyn, Acting Team Leader – Strategic Planning <b>Applicant</b> Joseph Scuderi (Applicant – Landmark Group) Adam Martinez (Applicant – Landmark Group) Sean McPeake (FJMT) Matthew Pullinger (Architect) Jeff Mead (Planning Ingenuity) David Waghorn (Planning Ingenuity)

### 1. Information submitted

On 6 April 2023, the applicant presented a response to Council's previous advice (dated 17 December 2022). This was accompanied by a revised concept design package, which forms the basis of this advice.

### 2. Description of the amended planning proposal request

A planning proposal based on the current scheme would involve the following changes to the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014):

- Increase the maximum building height standard from 10.5m to 77m;
- Increase the maximum floor space ratio (FSR) standard from 0.75:1 to 4.1:1; and
- Include food and drink premises as an additional permitted use on the land (Schedule 1).

An indicative development concept that could be facilitated by these controls comprises a 22 storey mixed use development, with 3-7 storey podiums, ground level food and drink premises, community space and plaza.

### 3. Purpose

Council staff acknowledge the amended concept includes a reduced height, from 95m to 77m, and FSR, from 4.9:1 to 4.1:1 (pending testing). The lowered building bulk on the western end of the site prevents overshadowing of Trumper Oval from 10.00am.

The purpose of this advice is to comment on the amended concept. Please note that this advice forms an addendum to the advice provided on 17 December 2022.

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#### 4. Comment

##### 4.1. Height of buildings

The amended proposal is still significantly out of scale with adjoining development and open space, and would interrupt the transition from higher density development in the Edgecliff Commercial Centre (ECC) to these areas.

The following issues, as outlined in our previous advice, are still of concern to Council staff:

- The proposed height will not facilitate a suitable transition in scale that sensitively responds to the heritage significance of the Paddington Heritage Conservation Area and Trumper Park;
- The proposed scale of development will likely impact on the amenity of surrounding properties, including in relation to view loss, visual privacy and a sense of enclosure; and
- The height will not complement Edgecliff's role as a local centre, and instead would establish a scale of built form similar to strategic centres such as Bondi Junction.

The presentation of the amended proposal does not address the concerns Council staff raised in our original response.

##### 4.2. Floor space ratio

The amended concept seeks an increase to the permissible FSR from 0.75:1 to 4.1:1. This is an increase of over 500% and is still significantly out of scale with the adjoining development and open space, particularly as the FSR facilitates excessive height.

Council staff acknowledge that the amended concept incorporates greater setbacks and more articulation that is aimed at reducing the apparent bulk. However, the concept still represents a significant increase in bulk that is incompatible with the southern side of New McLean Street.

The presentation of the amended proposal does not address the concerns Council staff raised in our original response.

##### 4.3. Heritage

The amended concept is still considered excessive in bulk and scale, and will not achieve a satisfactory relationship with the adjoining Paddington Heritage Conservation Area.

To reduce this impact, the maximum building height would need to be substantially reduced and the siting of the bulk of the proposed podium would need to be reconsidered to achieve a more appropriate transition between the site and the two storey scale of the neighbouring conservation area.

##### 4.4. Schedule 1

As discussed at our meeting, the most appropriate method of providing a food and drink premises use on the site must be fully explored. This should include a comprehensive analysis of alternatives (including rezoning), concluding with clear rationale for the preferred option.

##### 4.5. Streetscape, trees and open space

Council staff note the amended design will enable full solar access to Trumper Oval from 10.00am in mid-winter and this outcome remains paramount.

An important issue in our original response was a best practice approach to the retention and protection of suitably positioned high value trees and tree groups, particularly those close to boundaries. However, the amended concept shows that the setback distances of the proposed structures from some boundaries have been reduced, resulting in increased overall impacts to existing vegetation. An example is the removal of the tree canopy along New McLean Street, resulting in limited opportunities for significant replacement planting. This canopy makes a large contribution to the character of New McLean Street and to pedestrian amenity.

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Additionally, we have concerns about the private gardens and hard edges to the south, and the direct access to Trumper Park. A softer edge to the park is preferable with an informal, deep soil, landscape design that blends with, rather than competes with, the informal landscape character of the park. The 'grand' central plaza/stairs leading into the park work against such an informal edge and are not considered appropriate. The central space towards the southern edge would be better used as deep soil landscaping.

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