



Council Ref: 25/117076

24 June 2025

Sydney Eastern City Planning Panel  
Department of Planning, Housing and Infrastructure  
Locked Bag 5022  
Parramatta NSW 2124

Attn: Mr Carl Scully

Dear Members of the Sydney Eastern City Planning Panel,

### **Planning proposal for 8-10 New McLean Street, Edgecliff**

Woollahra Council appreciates the opportunity to make a submission on the planning proposal currently on exhibition for 8–10 New McLean Street, Edgecliff.

The planning proposal seeks to amend the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) to:

- Increase the maximum Height of Buildings (HOB) to RL91 (effectively 18 storeys)
- Increase the maximum Floor Space Ratio (FSR) to 3.7:1
- Insert new clauses for net dwelling loss, apartment mix, provision of affordable housing and the preparation of a site-specific development control plan (DCP)

Council does **not support** the planning proposal in its current form.

### **Background**

At its meeting on 11 March 2024, Council considered a report on a planning proposal for 8-10 New McLean Street, Edgecliff and resolved not to proceed with the planning proposal request. The issues remain unresolved despite the subsequent work and amendments. A copy of the original staff assessment is attached and should be considered as part of this submission.

The original planning proposal sought to amend the Woollahra LEP 2014 to facilitate redevelopment of the site for a 25-storey mixed use development.

### **Key concerns with the current planning proposal**

The current planning proposal reduces the height to 18 storeys from the original proposal of 25 storeys and restricts the use to residential development only. Notwithstanding these amendments, Council considers this grossly excessive in bulk and scale in this context. Council concerns are outlined below:

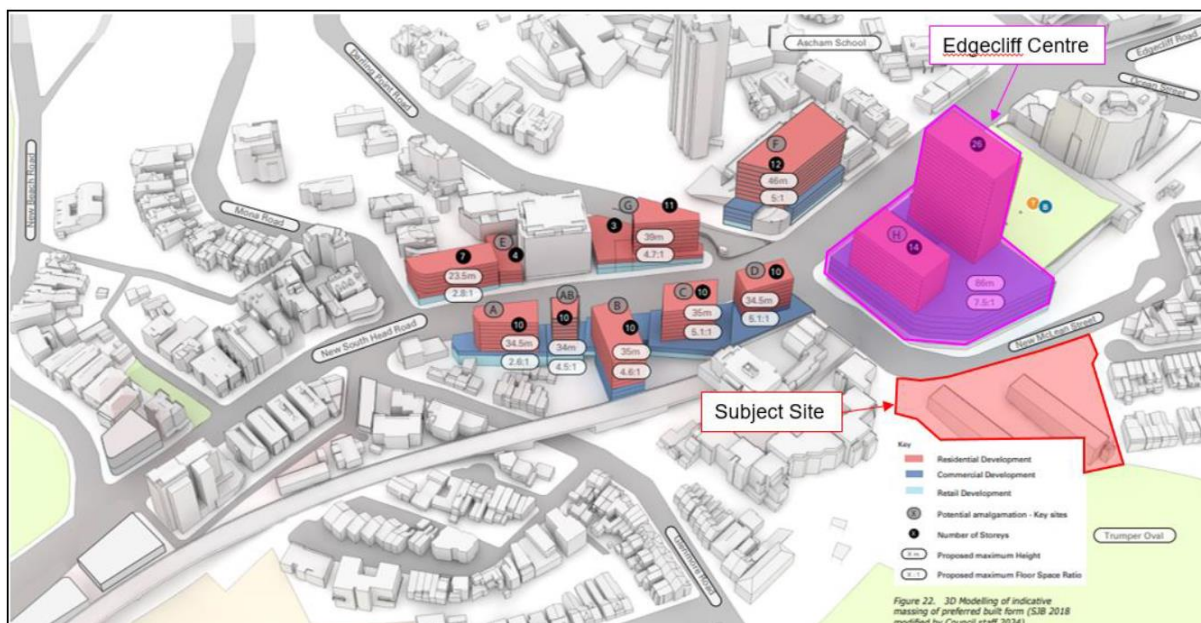
#### **1. Excessive height, bulk and scale**

The proposed LEP amendments would facilitate an 18-storey residential flat building on the site, with approximately 246 dwellings including affordable housing and three basement levels with up to 281 car parking spaces including 51 visitor spaces.

A development of this scale and intensity is inconsistent with the objectives of a R3 Medium Density Residential zone. This scale is appropriate in a metropolitan context with R4 High Density Residential zoning. There is no R4 zoning in the Woollahra Local Government Area (LGA) nor it is proposed. The built form outcome is incompatible with the desired future character of the surrounding low to medium scale residential neighbourhood and the site's heritage context.

In addition, the planning proposal undermines the strategic intent of the *Edgecliff Commercial Centre Planning and Urban Design Strategy* (ECC Strategy). An intentional benefit of targeting development in the Edgecliff Commercial Centre (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, neither the site, nor any other land in the R3 Medium Density Residential zone is identified for uplift as part of the endorsed ECC Strategy.

The endorsed ECC Strategy stipulates that, apart from the 26 and 14-storey buildings at the Edgecliff Centre site, other sites have heights ranging from 3 to 10 storeys (see **Figure 1**). The intended built form is significantly taller than most of the ECC sites. It undermines the role and status of Edgecliff Centre and the ECC.



**Figure 1:** 3D modelling of indicative building mass in the endorsed ECC Strategy (Source: Woollahra Municipal Council)

On 28 February 2025, Council submitted the *Edgecliff Commercial Centre Planning Proposal* to implement the recommendations of the ECC Strategy for a Gateway determination. The proposal was formally accepted by Department of Planning, Housing and Infrastructure (DPHI) on 19 March 2025 and is currently under assessment.

## 2. Inadequate transition in building scale

The site is zoned R3 Medium Density Residential and sits within the Paddington Heritage Conservation Area (HCA). It is located on the southern side of New McLean Street, directly south of the ECC.

The surrounding area includes a mix of uses and building types, low and medium density residential dwellings ranging from two to four storeys and mixed use development. To the west, is a residential complex with four storey street walls, known as 'Wimbledon'. 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 Paddington HCA.

The proposed HOB control of RL91 would permit an 18-storey development. This would result in a significant and unreasonable increase in height from the 2-4 storey character on the southern side of New McLean Street.

The proposed HOB and street wall height do not provide a suitable transition to adjacent properties, particularly to terraces on Cameron Avenue and Bowes Avenue in the Paddington HCA.

The planning proposal seeks to apply a blanket RL91 across the site and suggest that detailed tower and podium locations and heights will be addressed through a site-specific DCP. Council holds significant concerns with this approach.

On 26 February 2025, the Housing Delivery Authority (HDA) declared the site as State Significant Development (SSD). Under Section 2.10 of the *State Environmental Planning Policy (Planning Systems) 2021*, DCPs and any requirement for a DCP under an environmental planning instrument do not apply to SSD.

Should the planning proposal be supported to finalisation, Council requests that any controls relevant to height and height transitions must be addressed in the Woollahra LEP 2014 and not deferred to a DCP (which is of no consequence).

### **3. Affordable housing**

The planning proposal proposes to dedicate 2.76% of the GFA uplift as affordable housing in perpetuity. However, this approach is inconsistent with the intent and decisions of the Sydney Eastern City Planning Panel (the Panel), which clearly support applying the affordable housing rate to the total GFA of the development.

However, considering the context of the significant housing affordability crisis, the proximity of the site to the station and the number of smaller “more affordable” units already on the site, the proposed affordable housing rate is woefully inadequate.

A trail of decisions supports this position:

- On 28 February 2024, the Panel considered a rezoning review and resolved that the planning proposal should be submitted for a Gateway determination. While deferring endorsement of the maximum HOB and FSR controls pending an independent urban design review, the Panel required the provision of affordable housing through the Woollahra LEP 2014 to dedicate at least 5% of the total GFA as affordable housing in perpetuity.
- On 1 November 2024, the Panel reconvened and endorsed the key planning controls, including the maximum FSR, HOB. The Panel unanimously recommended that *‘Council and the proponent work together to negotiate a Voluntary Planning Agreement (VPA) for the site which would ensure that a minimum 5% of future dwellings or 5% of GFA (whichever is the greater) are delivered as affordable housing and that affordable housing remains as such in perpetuity’*.
- On 17 January 2025, the Panel unanimously recommended that *‘a rate of 2.76% GFA in perpetuity, managed by a Community Housing Provider, form part of the Planning Proposal, and that this controls be enshrined within the Local Environmental Plan.’*

This record demonstrates a consistent intention to apply the affordable housing requirement to the entire development, not just the uplift. Applying the 2.76% rate only to the uplift would significantly reduce the affordable housing yield and undermine the Panel’s intent.

We recommend that the planning proposal, if supported to proceed to finalisation, includes at least 2.76% of the total GFA for affordable housing in perpetuity and this requirement is addressed in the Woollahra LEP 2014.

Council notes that nominating dedicated affordable housing rate through the Woollahra LEP 2014, in the absence of an Affordable Housing Contribution Scheme is not uncommon and that this approach is consistent with other local environmental plans, such as those in Clause 6.13 of the *Waverley Local Environmental Plan 2012* and Clauses 6.23, 6.24, 6.54 and 6.59 of the *Sydney Local Environmental Plan 2012*.

#### **4. Apartment mix**

The site currently accommodates 106 small, lower-cost units as follows:

- 50 studio apartments
- 44 one-bedroom apartments
- 12 two-bedroom apartments

In the Woollahra LGA, market trends favour large, luxury apartments especially penthouses. These larger units often sell for more per square metre than smaller ones, making them more attractive to developers.

This trend has contributed to a short supply of smaller, more affordable dwellings.

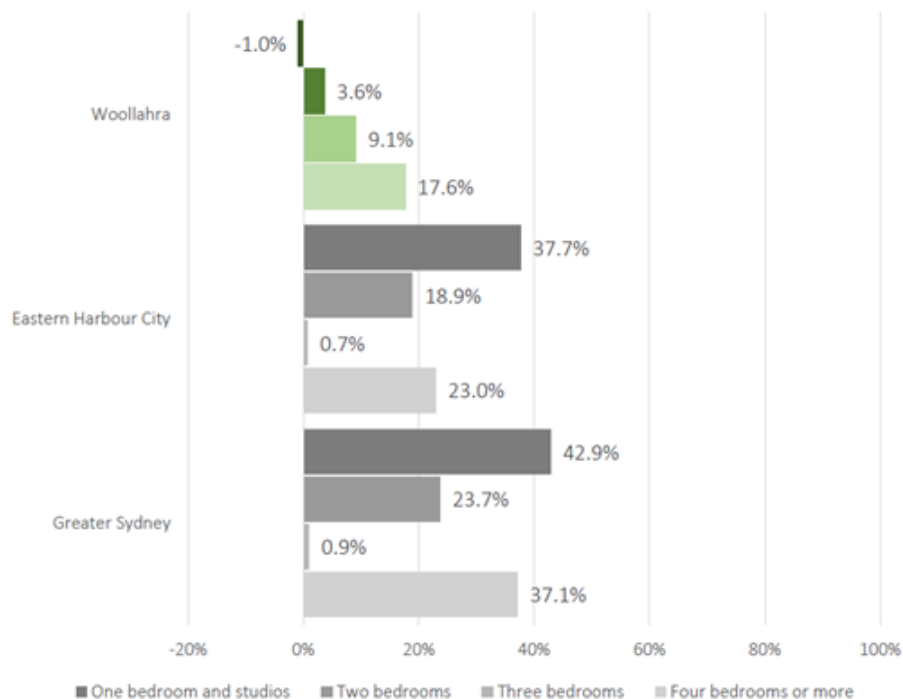
According to the 2021 ABS Census, only 12.5% of dwellings in Woollahra LGA are studios or one-bedroom apartments. Over the last decade, this typology saw rapid growth across the Eastern Harbour City and Greater Sydney (38% and 43% increases, respectively). In contrast, Woollahra saw a 1% decline in one-bedroom and studio dwellings, while larger homes, particularly four-bedroom houses, grew by 18% (see **Figure 2**).

While the proposed 'no net loss' clause (if approved for finalisation) would ensure that at least 106 dwellings will be provided on the site, it does not guarantee the retention of a similar number of diverse housings.

We recommend that the planning proposal, if supported to proceed to finalisation, includes at least 30% of the new dwellings (rounded to the nearest whole number) be self-contained studio or one-bedroom apartments, or a mix of both.

This recommendation is based on staff analysis of the average dwelling yield in the surrounding area, identifying where a dwelling mix would be feasible. The 30% target also reflects the 30% share of lone-person households in the LGA, and the similar 27% share of households with couples without children.

This approach also aligns with the draft clause in the *ECC Planning Proposal*, which requires development with more than 9 dwellings to provide at least 30% of self-contained studios and/or one-bedroom apartments.



**Figure 2:** Graph showing growth in dwelling sizes, 2011-2021 (SGS, 2024)

## 5. Minimum dwelling yield

The planning proposal includes a ‘no net loss’ clause to provide at least 106 dwellings on the site. However, this clause does not reflect the scale of the proposed uplift, nor does it align with the NSW Government’s housing supply objectives.

A summary comparing the existing and proposed controls is shown in the table below.

Control	Existing Controls	Proposed Controls
<b>FSR</b>	0.75:1 (5,419.5sqm GFA)	3.7:1 (26,736.2sqm GFA)
<b>HOB</b>	10.5m	RL91

The planning proposal, if supported, would allow close to 21,317sqm of gross floor area (GFA).

The concept proposal accompanying the proposal includes a total of 246 dwellings, comprising:

- 84 one-bedroom apartments
- 112 two-bedroom apartments
- 50 three-bedroom apartments

Council does not support a development of this scale. However, should the planning proposal be supported to proceed to finalisation, we recommend replacing the ‘no net loss’ clause with a ‘minimum number of dwellings’ provision of no fewer than 240 dwellings, given the scale of the proposed uplift. This would ensure that the increased development potential delivers a meaningful contribution to housing supply, rather than being absorbed by fewer, larger luxury apartments.

## 6. Traffic impacts and parking

The scale and intensity of development facilitated by the proposed LEP amendments would exacerbate traffic congestion along New McLean Street and at the signalised intersections of New South Head Road, particularly at Darling Point Road and Mona Road, which are already operating at capacity. The proposed inclusion of 281 car parking spaces will further burden the local and state road networks.

JMT Consulting's summary of previous and proposed traffic movements is provided in **Figure 3** below. JMT Consulting indicates that the vehicular movements resulted from the concept proposal are double 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
Future Site	Residential	246 units				34	23	64
Net Change						+19	+13	+36

\* Consistent with rates adopted in the Edgecliff Commercial Centre Transport Study (SCT Consulting, August 2019)

**Figure 3:** Comparison of traffic movements (Source: JMT Consulting, 2024)

Notwithstanding above, Council holds serious concerns on the accuracy and adequacy of the *Transport Traffic Assessment* accompanying the planning proposal. The *Transport Traffic Assessment* fails to address the cumulative impacts of nearby developments.

When analysing future traffic performance, Transport for NSW's *Guide to Transport Impact Assessment* (TS 00085) requires that transport modelling should consider:

- Background growth within the local traffic context; and
- Additional traffic expected to generate from other committed or planned land use and infrastructure changes within the area of influence as part of 'future base' traffic.

The *Transport Traffic Assessment* only considered the ECC for the future base modelling. However, it did not consider the latest Transport Study for the ECC, dated April 2024. It also did not account for other known developments at the following sites, all of which directly affect the operations of the two signalised intersection of New South Head Road at Mona Road as well as at Darling Point Road/New Mclean Street and along the New South Head Road corridor:

- 1 & 9 Mona Road
- 80-84 & 90 New South Head Road
- 136-148 New South Head Road
- 203-233 New South Head Road (Edgecliff Centre)
- 252–254 New South Head Road



In addition, consideration should be given to the Low and Mid-Rise (LMR) Housing Policy which will further elevate traffic demand in this area. The increased traffic generating development being facilitated by state policies needs a comprehensive and up to date study. Without doing so, the cumulative impacts are not known.

These omissions raise concerns about the accuracy of traffic impact projections and the adequacy of proposed mitigation measures.

Given that the State Government's planning policies are to deliver new development outside of a strategic planning context, Council strongly recommends that the DPHI undertakes a comprehensive traffic study of this location prior to any approval of planning proposals at the Edgecliff Centre locality (including the Edgecliff Commercial Centre planning proposal).

With regards to car parking provision, given the site's proximity to Edgecliff Train and Bus Station, Council recommends applying a reduced maximum car parking rate (refer to Item 8 below). This approach aligns with sustainable transport principles and encourages greater use of public transport. It is consistent with Council's Edgecliff Commercial Centre and Double Bay Centre Planning Proposals, as well as the NSW Government's Low and Mid-Rise Housing Policy, all of which promote reduced parking rates in transit-accessible locations.

## **7. Impact on Trumper Park**

The proposed building envelope would result in significant overshadowing of Trumper Park, a highly valued public open space. This overshadowing poses serious risks to the park's biodiversity, ecological integrity, and overall amenity.

An 18-storey tower would significantly overshadow the surrounding vegetation. The site currently contains vegetation that acts as a natural buffer between Trumper Park and nearby development. The removal of this vegetation, combined with increased overshadowing, would:

- Reduce sunlight to native plant communities;
- Diminish foraging and breeding habitats for native fauna;
- Threaten the viability of species that rely on the park's bushland corridor; and
- Disrupt the ecological connectivity of the broader wildlife corridor.

These impacts highlight the unsuitability of the site for high-density development, particularly at the scale proposed.

Furthermore, Council staff have not observed any improvements in the current planning proposal, compared to the original scheme, that would mitigate impacts on biodiversity or enhance protection of the adjacent bushland.

## **8. Site-Specific Development Control Plan**

While the planning proposal includes a requirement for a site-specific DCP, Council notes that the site has recently been declared a SSD. As mentioned earlier, any requirement for a DCP under an environmental planning instrument do not apply to SSD applications.

This raises concerns that important design and planning matters, which are typically addressed through a DCP, may not be adequately addressed under the SSD framework.

Should the planning proposal be supported to proceed to finalisation, Council recommends that the following key planning controls are addressed in the Woollahra LEP 2014. This approach is consistent with site specific provisions in other LEPs, such as *Sydney Local Environmental Plan 2012*.

- **Tower and podium locations and heights**

The precise locations and maximum building heights of the proposed tower and podiums must be clearly outlined in the LEP provision.

This ensures transparency and provides certainty on the intended built form outcome.

- **Street wall height**

A maximum street wall height of six storeys along New McLean Street transitioning down to facilitate a suitable transition to the adjacent 2-storey terraces on Cameron and Bowes Avenue to the east.

- **A reduced maximum parking rate**

Having regards to the site's proximity to Edgecliff Station and the ECC, Council staff recommends the following maximum parking rate for the site as follows:

<b>Residential Flat Building</b>	<b>Maximum parking generation rate*</b>
<b>1 bedroom or studio apartment</b>	0.5 space
<b>2 bedrooms</b>	0.9 space
<b>3 or more bedrooms</b>	1.2 spaces
<b>Visitors</b>	0.2 space

Provision of on-site car share parking space is encouraged and may be used to replace 4 regular car parking spaces, in line with the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015).

\*While parking rates are typically addressed in the DCP, due to the scale and SSD status of the site, staff recommend specifying the rate in the Woollahra LEP 2014.

- **Solar access to Trumper Park Oval**

Solar access to the Trumper Park Oval must be maintained between 10am and 2pm on 21 June. Where existing overshadowing is greater than this, sunlight is not to be further reduced, consistent with Control C29 of Chapter D4.2 of the Woollahra DCP 2015.

- **Biodiversity impacts**

Prior to granting of a development consent, the consent authority must be satisfied that the development avoids overshadowing of, and other adverse environmental impacts on, the endangered ecological communities and habitats of threatened species in Trumper Park.

## 9. Improve public exhibition process

The Panel is the Planning Proposal Authority (PPA) for this planning proposal, as Council resolved not to support the proposal proceeding to a Gateway determination at its meeting of 11 March 2024.

The PPA team within the DPHI manages the public exhibition of the planning proposal on behalf of the Panel.



Section 293(2) of the *Environmental Planning and Assessment Regulation 2021* stipulates that:

- (2) For the purposes of the Act, section 2.23(3)(c), the community participation plan of a council applies to the exercise of the council's relevant planning functions by—
- (a) a Sydney district or regional planning panel, or
  - (b) a local planning panel.

Accordingly, the [Woollahra Community Participation Plan](#) (Woollahra CPP) applies to the public exhibition of planning proposals where the Panel is the PPA. The Woollahra CPP sets out expectations for community engagement, including notification methods.

Council understands that the current practice of the PPA team at DPHI involves notifying surrounding property owners and occupiers via email or letter and relying primarily on the NSW Planning Portal for public engagement. This approach does not fully align with the standards outlined in the Woollahra CPP.

Specifically, the Woollahra CPP requires:

- Publication of exhibition notices on Council's website and in a hardcopy local newspaper, such as the *Wentworth Courier*;
- Notification of relevant community organisations, interest groups, and individuals who have registered an interest; and
- Provision of hardcopy of exhibition material for public inspection.

To ensure consistency with the Woollahra CPP and to enhance transparency and community engagement, Council requests that, where the Panel is appointed as the PPA:

- A notice of public exhibition is published in the *Wentworth Courier* for the duration of the exhibition period
- The notification area is determined in consultation with Council, and all parties identified in the notification list provided by Council are notified.
- Exhibition materials are provided to Council for publication on its website and for hardcopy display at Council Chambers

For this planning proposal, Council staff have proactively arranged for:

- Publication of the exhibition notice on Council's website
- A notice in the *Wentworth Courier*
- A hardcopy of the exhibition material made available for public inspection at Council Chambers

Moving forwards, we request that all future planning proposals where the Panel is appointed as the PPA, including the planning proposal for 203–233 New South Head Road, comply fully with the Woollahra CPP.

## **Recommendations**

Council urges the PPA to refuse the proposal for the following reasons:

- The proposal fails to demonstrate any strategic and site specific justification for the scale of change being sought.
- The redevelopment would result in the loss of currently available lower-cost units and introduces significant traffic concerns that remain unaddressed.
- The proposal would have detrimental effects on local biodiversity and disrupt the ecological corridor extending from the Edgecliff ridgeline to Trumper Park.

- The development would have a significant and adverse impact on the character and amenity of adjacent properties within the HCA.

Any future development on the site should be contextually appropriate, environmentally sensitive, and align with strategic planning objectives.

Thank you for considering our input.

If you require any further information please contact Anne White, Manager Strategic Planning and Place, on 02 9391 7086 or via [anne.white@woollahra.nsw.gov.au](mailto:anne.white@woollahra.nsw.gov.au).

Yours sincerely



Cr Sarah Swan  
Mayor

# Planning proposal request for 8-10 New McLean Street, Edgecliff



## Staff Assessment

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Version Date:	February 2024
Division/Department:	Strategic Planning/Planning & Place
Responsible Officer:	Charmaine Tai
HPE CM Record Number:	24/10420

***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>

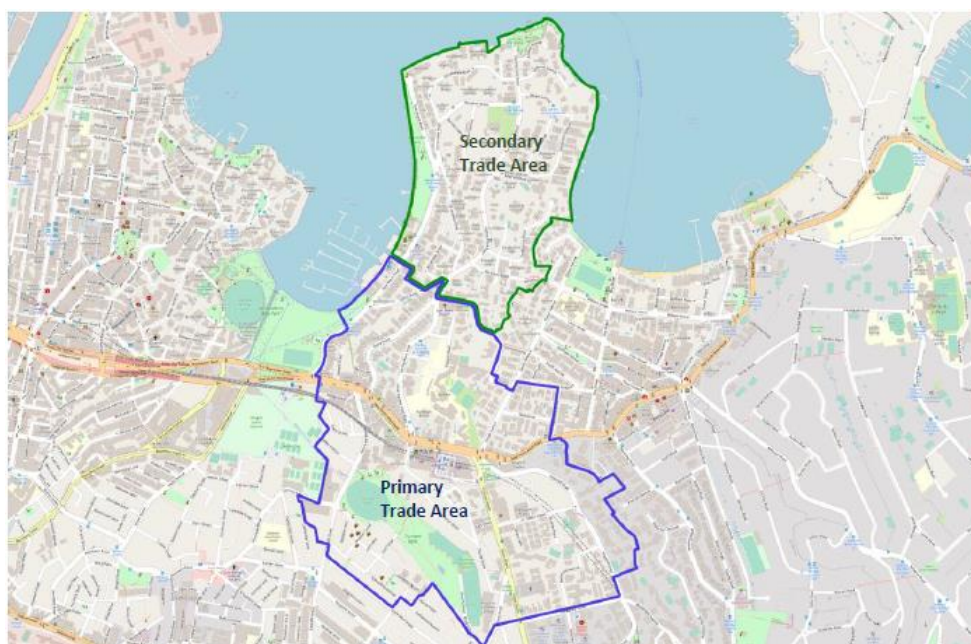
Based on this information, Council is on track to meet its 2021-2036 housing targets.

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, fjstudio 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—*

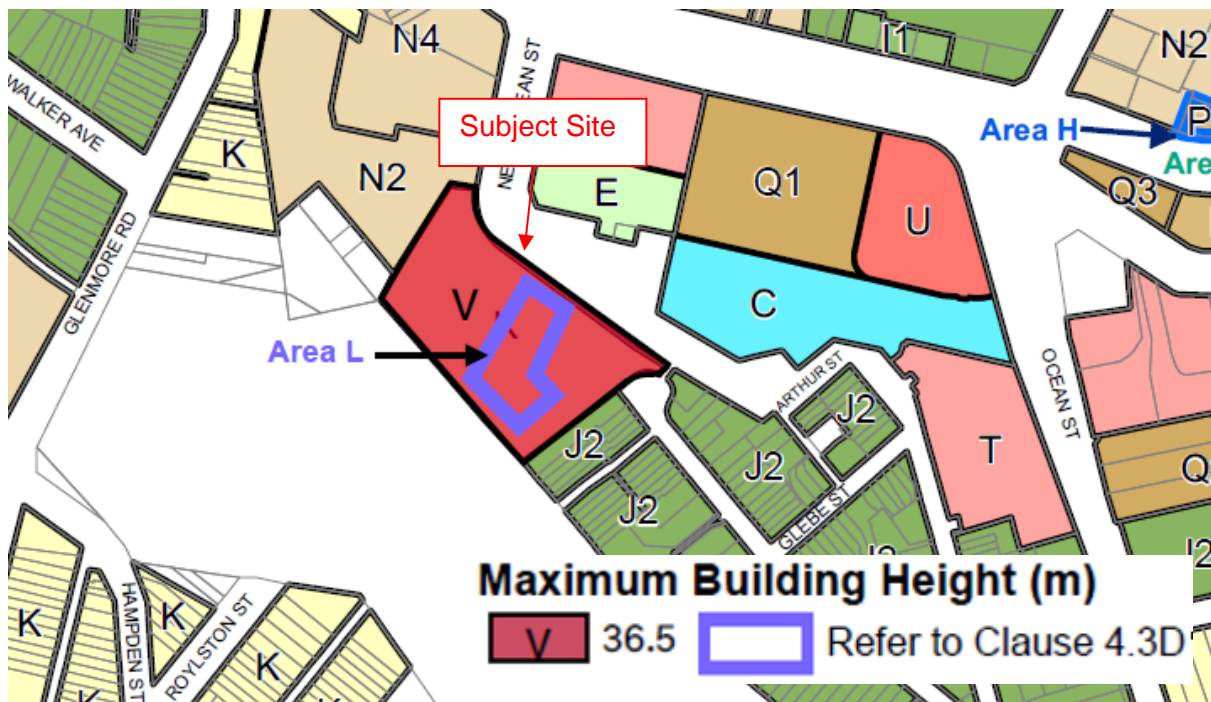
- (a) to ensure new development is consistent with the existing and desired future character of the neighbourhood, surrounding buildings and the streetscape,*
- (b) to protect the visual privacy and amenity of nearby residences,*
- (c) to protect views and vistas that are in the public domain,*
- (d)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

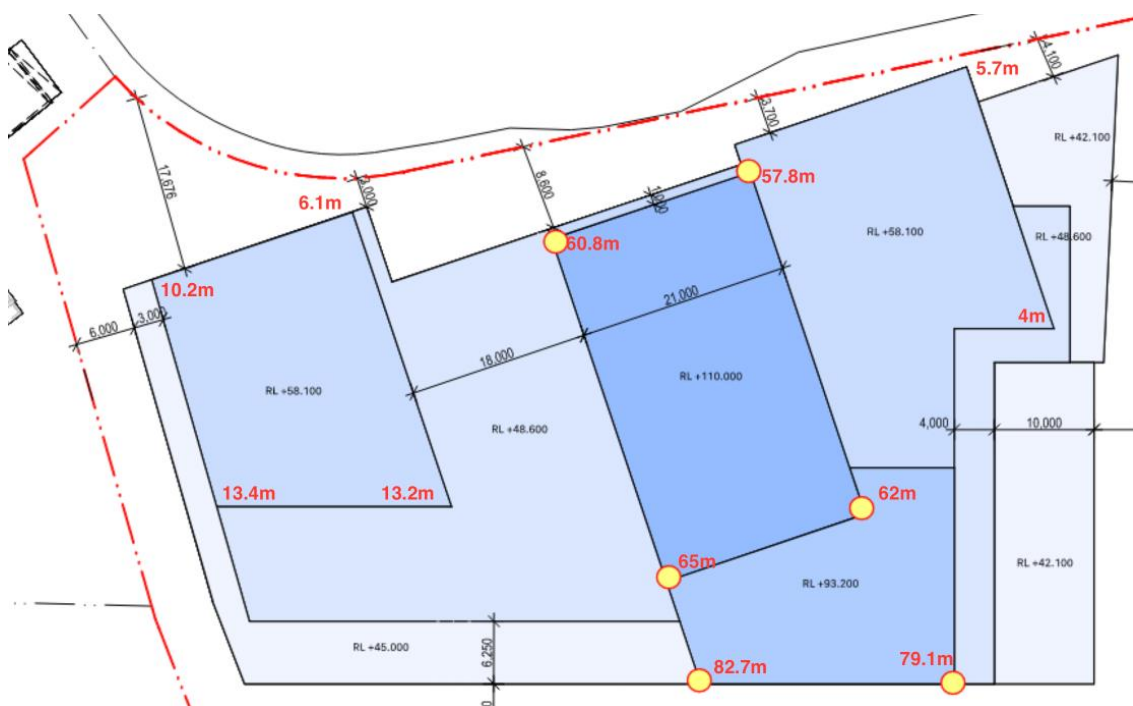




**Figure 5: Proposed HOB Map**  
(Source: Planning Ingenuity Pty Ltd)

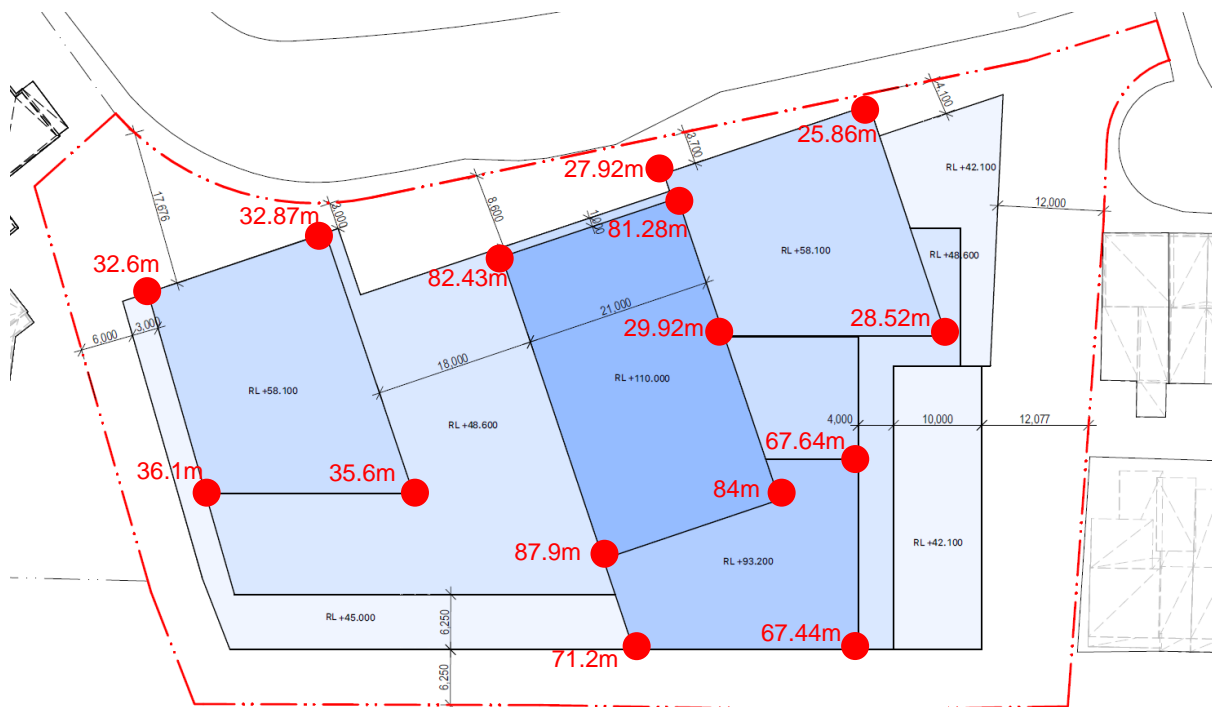
The proponent states that the intent of the 36.5m control is to limit the height of the podiums. The RL110 maximum building height requested for a portion of the site will limit the height of the tower component illustrated in the concept proposal. Together, the proposed controls will facilitate a 25 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.

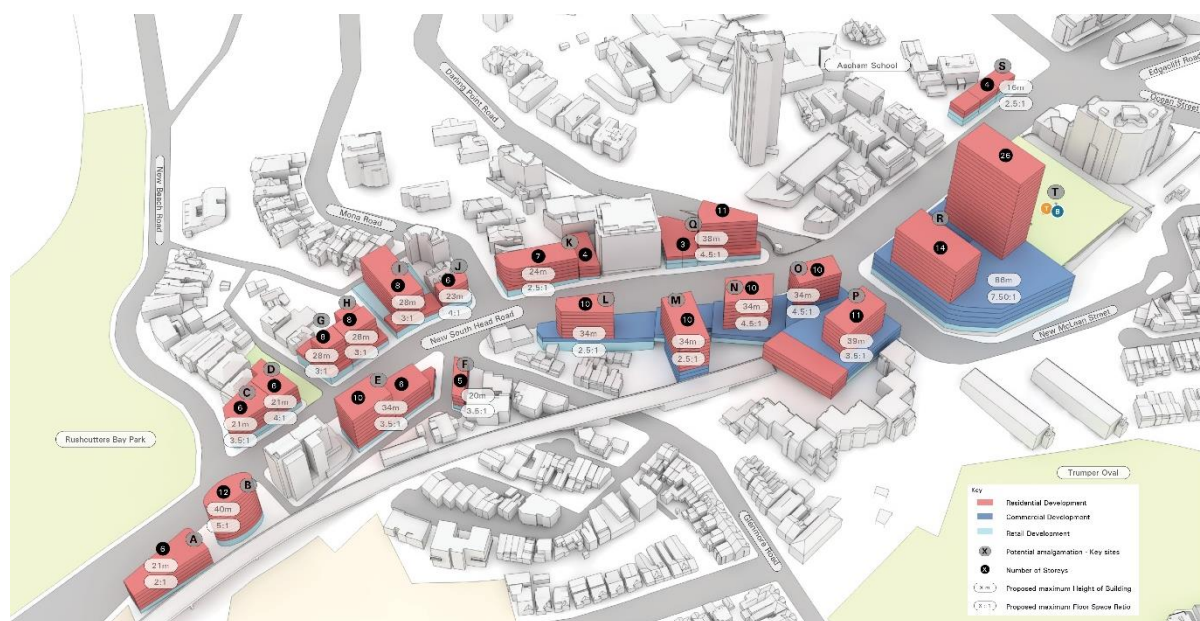
As such, Council staff would need to assess a concept proposal showing the maximum possible building envelope to confirm the suitability of the podium form.

### **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 storeys) 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**.



**Figure 8: Draft ECC Strategy Recommendations – building height, FSR and land use mix**  
(Source: Woollahra Municipal Council, 2021)

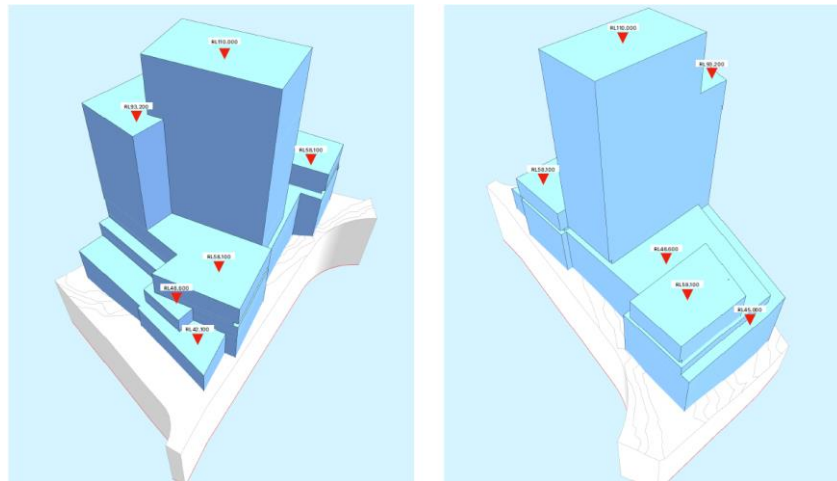
The concept proposal for a 25-storey building is inconsistent with this approach as it would undermine the role and status of Edgecliff Centre and the ECC.

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 been 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 been 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**).

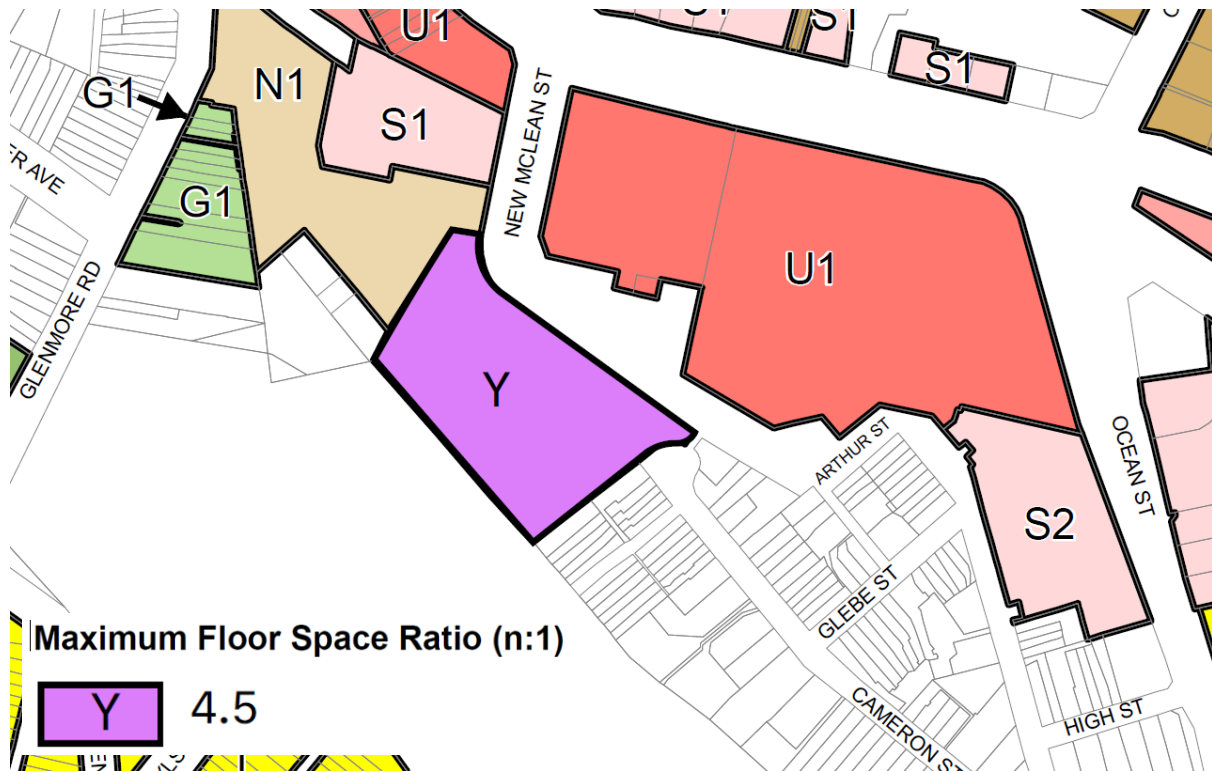


Figure 10: Proposed FSR Map (Source: Planning Ingenuity Pty Ltd)

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 fjcstudio 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.

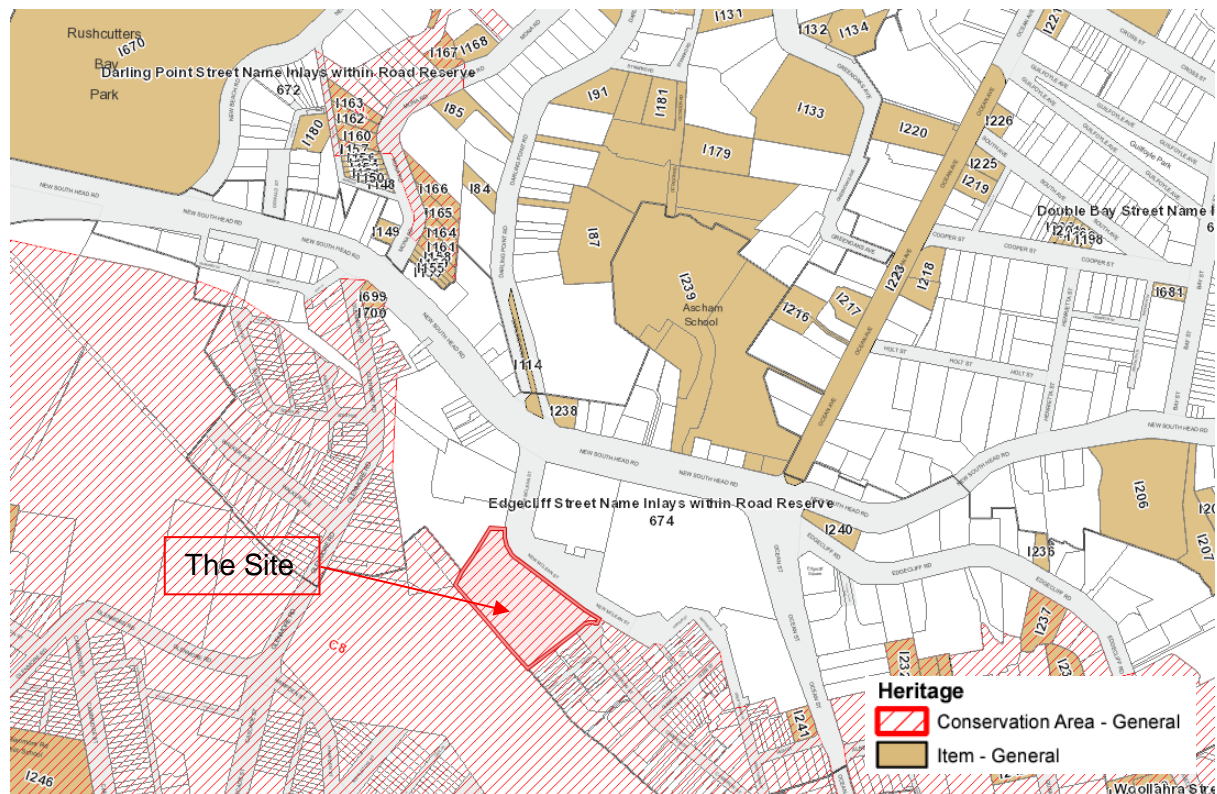


Figure 11: Extract of Heritage Map (Source: Woollahra Municipal Council)

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
<i>Total</i>	<i>374</i>	<i>128</i>	<i>502</i>
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)

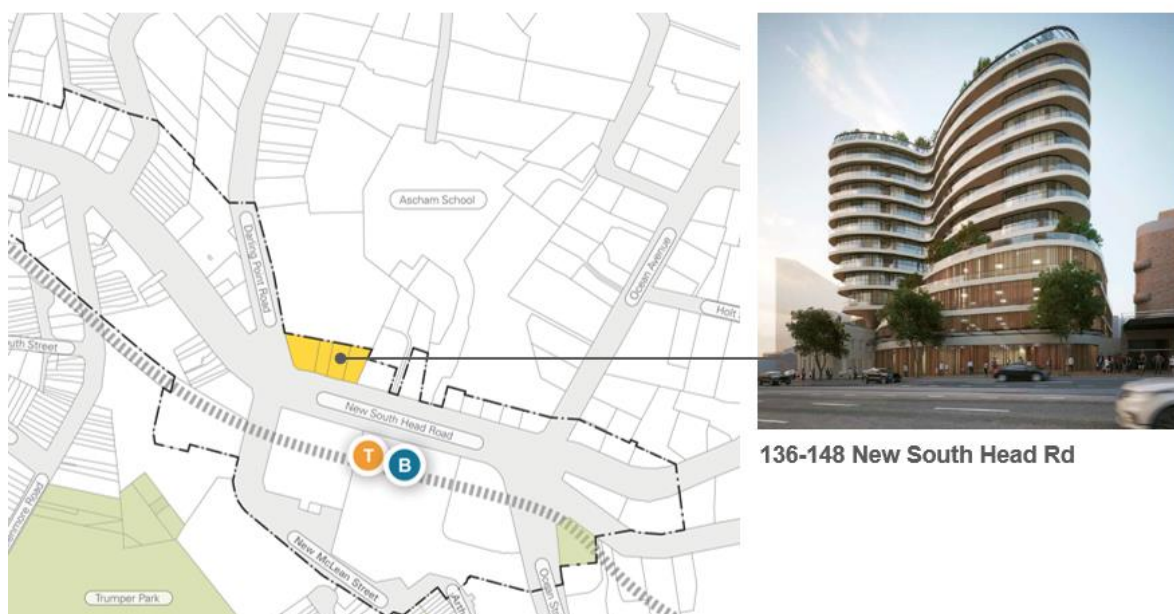
The findings of the modelling demonstrated that *“the small increase in traffic flows associated with a potential redevelopment of the site will not result in adverse impacts on the surrounding road network. The key intersection of New South Head Road and New McLean Street retains its Level of Service 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>			
	<b>Quantity</b>	<b>DCP Minimum Requirement</b>	<b>DCP Minimum Required Parking</b>
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>			
	<b>Quantity</b>	<b>DCP Minimum Requirement</b>	<b>DCP Minimum Required Parking</b>
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 fjstudio 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, fjstudio 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**