

DATE OF DECISION	18 August 2022
PANEL MEMBERS	Carl Scully (Chair), Jan Murrell, John Brockhoff, Toni Zeltzer, Mary-Lou Jarvis
APOLOGIES	None
DECLARATIONS OF INTEREST	None

REZONING REVIEW

PP-2022-1646 - WOOLLAHRA - RR-2022-12 - AT 136-148 New South Head Road, Edgecliff (as described in Schedule 1)

Reason for Review:

- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☒ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the majority of the Panel determined that the proposed instrument:

- ☒ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site-specific merit
- ☐ **should not** be submitted for a Gateway determination because the proposal has
 - ☐ not demonstrated strategic merit
 - ☐ has demonstrated strategic merit but not site-specific merit

The decision was by a majority of 3:2 in favour, against the decision were Mary-Lou Jarvis and Toni Zeltzer.

REASONS FOR THE DECISION OF PANEL MAJORITY

The Panel concurs with the Council's strategic planning Consultant and the assessment report that the Planning Proposal (PP) has strategic merit as it aligns with the directions of the District Plan. The subject site is included within the boundary of the Edgecliff Commercial Centre (ECC), but it is not within the Council's defined area of the exhibited Draft Strategy for Edgecliff.

The Panel considers that this rezoning is not dependent on Council's adoption of its Strategy for Edgecliff that excludes the subject site. Whilst the boundary of the Strategy may be extended this is unlikely to occur within a reasonable timeframe. The Panel considers proceeding with this PP at this stage will not prejudice future planning for the Edgecliff Centre, and indeed this PP has considered the uplift in the number of storeys shown in the exhibited Draft Strategy.

The Panel is satisfied this PP is consistent with the District Plan and the objectives for the revitalisation of the Edgecliff centre by providing an uplift of commercial space and residential in very close proximity to a major bus/rail interchange. In this regard it is also consistent with the LSPS and Local Housing Strategy.

The Panel recommends this PP proceed to Gateway, however, the provisions of the draft LEP exhibited must include the following:

- a clause requiring a design excellence competition or equivalent.

- a clause requiring the subject site to be amalgamated to ensure no vehicle access to New South Head Road.
- a clause for maximum number of storeys/ height and Floor Space Ratio
- a draft DCP to be exhibited concurrently with guidelines for future development including massing; number of storeys; sustainability measures; relationship to local heritage item; wind analysis; minimal overshadowing of the public domain, including Trumper Park and plaza areas opposite and the appropriate mix of commercial and residential given characteristics of site.



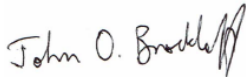
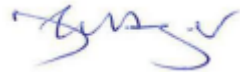
The Panel notes the existence of a road reservation over the corner part of the site and this should be resolved with Transport for NSW. The effect of the current affectation for the heritage building is unknown at this time and if acquisition of, part or all, is required this will inform not only the final design but any compensation. Therefore, this needs to be resolved prior to the making of any LEP.

The planning process requires notification and public exhibition of the draft LEP, and in this case accompanied by a draft DCP. It is during this period that community consultation will occur, and the community will have the opportunity to formally make submissions on the draft plan during this public exhibition period.

The PP was submitted prior to the release of the LEP Making Guideline in December 2021 and as such the appointment of the PPA should follow the previous process. As such the Woollahra Council should be given the opportunity to decide whether to take on the role of PPA. If the Council decides not to take up this role then the Panel may appoint itself as the relevant Planning Authority.

Those in the minority are of the opinion:

- Toni Zeltzer expressed a position that notwithstanding the applicant has worked diligently with Council and there being site specific and strategic merit identified in the proposal, the height and bulk remains excessive causing the proposal to be intrusive and overwhelming.
- In addition, overshadowing beyond that created by Ranaleagh onto the public domain across the street alongside Edgecliff centre is much exacerbated across extended hours of the day.
- Mary-Lou Jarvis adopted the advice of the Council staff to the Environmental Planning Committee's meeting of the 4 July 2022 following the recommendation of the Woollahra Local Planning Panel "that the planning proposal does not have sufficient strategic or site-specific merit to proceed as a standalone planning proposal, and that it should be incorporated into the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy" (the Draft ECC Strategy).
- She expressed concern of an increased FSR of 5:1 (up from 1.5:1) where the increased height was from 14.5 to 46 metres and identified that the applicant was proposing to double the amount of commercial space from 1,011 to 2,850sqm and 42 residential units over 8 floors and considered that having regard to the housing strategy adopted by Council that it would be more appropriate for a greater residential component consistent with the Strategy. Finally, she expressed concern having regard to the number of submissions from the community that the community is not able to make verbal submissions to the Panel in respect of the proposal.

PANEL MEMBERS	
 Carl Scully (Chair)	 Jan Murrell
 John Brockhoff	 Toni Zeltzer

A handwritten signature in dark ink, appearing to read 'ML Jarvis', is written in the top-left corner of the first cell of a two-column table.

Mary-Lou Jarvis

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	PP-2022-1646 - WOOLLAHRA - RR-2022-12 - AT 136-148 New South Head Road, Edgecliff
2	LEP TO BE AMENDED	Woollahra Local Environmental Plan (LEP) 2014
3	PROPOSED INSTRUMENT	The proposal seeks to amend the Woollahra Local Environmental Plan (LEP) 2014 to increase the height of buildings from 14.5m to 46m and the floor space ratio (FSR) from 1.5:1 to 5:1 for the site at 136-148 New South Head Road, Edgecliff.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Rezoning review request documentation Briefing report from Department of Planning, Industry and Environment
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> Briefing with Department of Planning, Industry and Environment (DPIE): 18 August 2022 <ul style="list-style-type: none"> Panel members in attendance: Carl Scully (Chair), Jan Murrell, John Brockhoff, Toni Zeltzer, Mary-Lou Jarvis DPIE staff in attendance: Pengfei Cheng, Laura Locke, Simon Ip Briefing with Council and Proponent: 18 August 2022 <ul style="list-style-type: none"> Carl Scully (Chair), Jan Murrell, John Brockhoff, Toni Zeltzer, Mary-Lou Jarvis DPIE staff in attendance: Pengfei Cheng, Laura Locke, Simon Ip Council representatives in attendance: Anne White, Louise Mendey Proponent representatives in attendance: Mr Andrew Boyarsky, Brett Brown, Lisa-Maree Carrigan, Joshua Hollis, Martin Hill, Steven Davies. Papers were circulated electronically 10 August 2022