

Planning Proposal



136-148 New South Head Road, Edgecliff



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Division/Department:	Planning and Place/Strategic Planning
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HPE CM Record Number:	23/167479

Acknowledgement of Country

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

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SUPPORTING INFORMATION CIRCULATED SEPARATELY

Supporting documents

The applicant submitted the following documents with the request for a planning proposal (Refer to NSW Planning Portal):

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

The applicant submitted the following additional documents with the rezoning review request (Refer to NSW Planning Portal):

- Rezoning Review - Application Form
- Rezoning Review Report
- Rezoning Review - Letter to Council addressing WLPP minutes
- Appendix Cover Sheets
- Rezoning Review Report Attachment A - WLPP-Public-Agenda-22-April-2022
- Rezoning Review Report Attachment B - WLPP-Public-Minutes-22-April-2022
- Rezoning Review Report Attachment C - Traffic response
- Rezoning Review Report Attachment D - Economic response
- Rezoning Review Report Attachment E - Planning Proposal draft LEP and DCP provisions
- Rezoning Review Report Attachment G - Sustainability response
- Rezoning Review Report Attachment F - Height - Commercial Option
- Urban design and built form assessment 3D Model Notes
- Voluntary planning agreement - Summary of VPA negotiation up to 11 May 2022

The applicant submitted the following information in response to the Gateway determination conditions:

- Urban Design Report Addendum A_230274
- Planning Proposal Concept Report Addendum A_230274

Correspondence between Council and the applicant

- Pre-application Consultation Minutes - 12 April 2021 (Refer to NSW Planning Portal)

Council reports

- Assessment (Woollahra Council Staff) November 2022 (Updated from April 2022)
- Planning Proposal (Woollahra Council Staff) November 2022 (Updated from and October 2022)
- Woollahra Local Planning Panel Report 22 April 2022
- Woollahra Local Planning Panel Minutes 22 April 2022
- Woollahra Environmental Planning Panel Report 4 July 2022
- Woollahra Environmental Planning Panel Minutes 4 July 2022
- Ordinary Meeting Woollahra Council Minutes 25 July 2022

1. Summary

This planning proposal seeks to introduce a local provision that allows alternative maximum height of buildings and floor space ratio (FSR) on the subject site if certain requirements are met.

The existing maximum height of buildings and FSR controls (14.5m and 1.5:1 respectively) will continue to apply in the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) as standard controls.

The alternative maximum height of buildings and FSR (up to 46m and 5:1 respectively) will be enabled via a site specific clause (clause 6.9) that will set out the requirements to be met to obtain the alternative height of buildings and FSR.

The requirements to be met (as contained in clause 6.9) include:

- All lots comprising the land being amalgamated into one lot,
- The whole of the amalgamated lot being developed as one development,
- No vehicular access is to be provided from New South Head Road ,
- The development is to include a non-residential floor space (e.g. offices or shops) as a minimum of 1:1 FSR and a maximum rate of 2:1 FSR.
The rest of the building would consist of units.
- The development will achieve Design Excellence in accordance with the definition in the site specific clause

2. Introduction

2.1. Background

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

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

- 14 to 26 storeys: 203 – 233 New South Head Road NSHR, Edgecliff Centre opposite
- 4 to 11 storeys: 2 New McLean Street opposite on New McLean Street
- 4 to 10 storeys: 1 New McLean Street opposite corner of NSHR and New McLean Street
- 6 to 11 storeys: 130 NSHR, opposite corner of NSHR and Darling Point Road.

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

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

2.2. Description of this planning proposal

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

A site specific clause to allow exceptions to the mapped Height of Buildings maximum of 14.5m (to a maximum of 46m) and to the mapped FSR maximum of 1.5:1 (to a maximum of 5:1) subject to certain conditions.

This planning proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) and the Department of Planning and Environment's *Local Environmental Plan Making Guideline* (August 2023).

2.3. Indicative development concepts

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

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

Council's Strategic Heritage Officer identified that the planning proposal is generally acceptable as it reflects Council's advice to reduce the height (from 18 to 12 storeys) and provides no more than a partial cantilever over the heritage item at 136 New South Head Road. The new building would be set back to allow views of the heritage item and not detract from its significance (Figures 1 and 2).

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



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

3. Subject site and surrounding context

3.1. The site

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

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

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

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



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



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

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

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

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

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

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

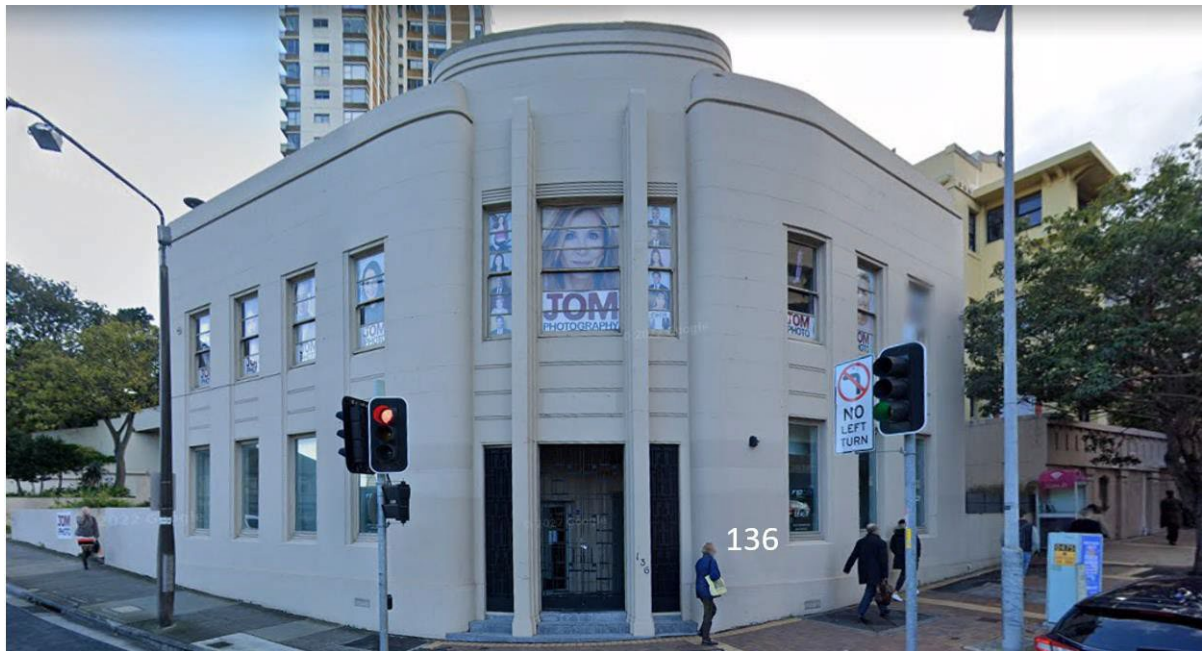


Figure 5: View of 136 New South Head Road - existing heritage item (Source: Google)

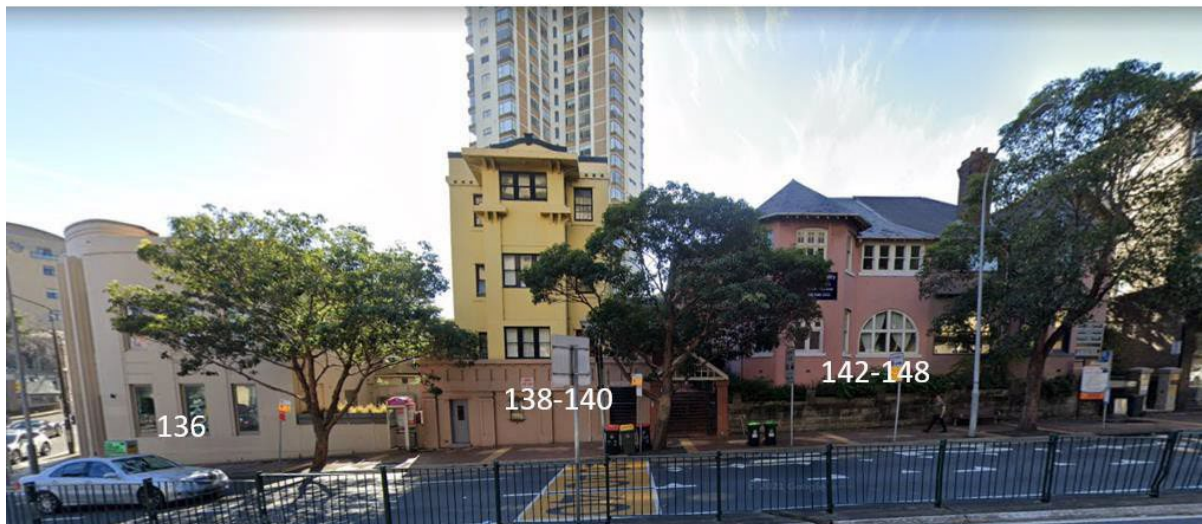


Figure 6: View of 142-148 New South Head Road (Source: Google)

3.2. Surrounding development

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

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

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

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

- 164 New South Head Road – An Interwar, five storey mixed use building with top floor residential uses and ground floor shops. This building is constructed to the street boundary (Identified as 160 New South Head Road in the applicant's documentation and the Gateway determination report).
- 166, 168 and 170 New South Head Road - All brick residential flat buildings in small gardens/yards, three, four and four storeys respectively.
- 172-180 New South Head Road – White Interwar four storey mixed use building with ground floor shops fronting New South Head Road.

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

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

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

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

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

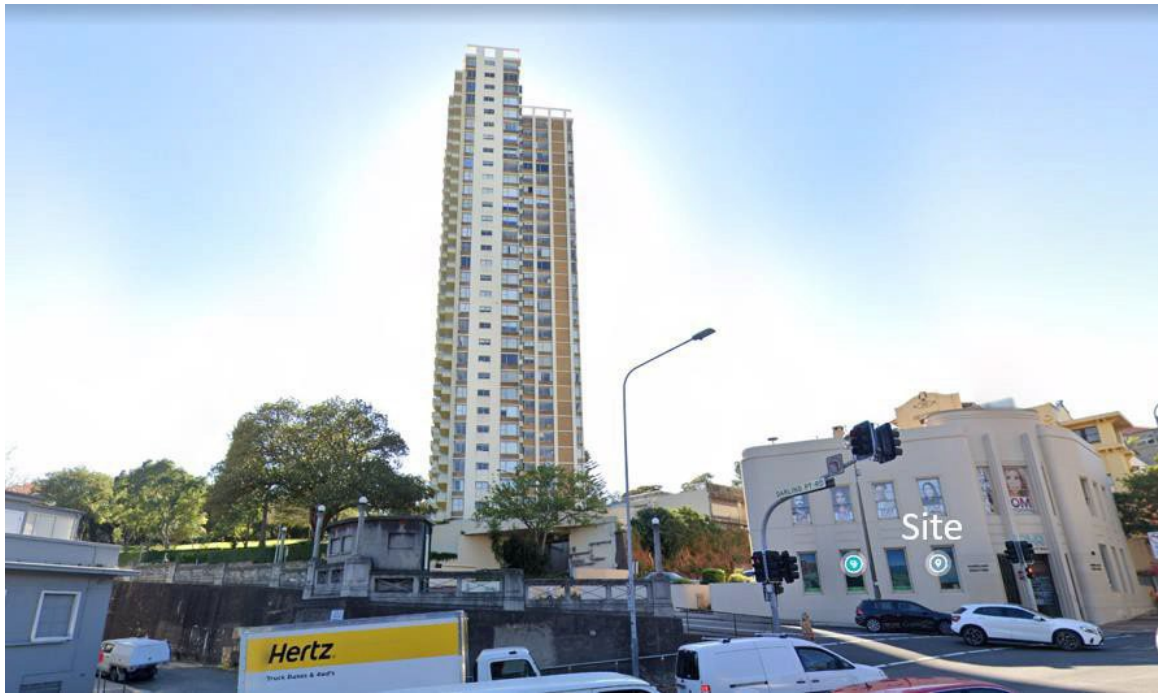


Figure 7: Ranelagh apartment building, viewed from New South Head Road.



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



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



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

3.3. Proximity to service, transport and recreation facilities

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

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

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

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

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

4. Existing planning controls

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

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

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

5. Objectives of the planning proposal

The objective of the planning proposal are:

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

6. Explanation of provisions

6.1. Site specific clause

It is proposed to introduce a site specific LEP clause that would enable additional density (height and floor space) where specified conditions are met in regard to:

- Desired future character
- Site amalgamation
- Non-residential floor space
- Conservation of the heritage item on the land
- Housing diversity
- Design excellence

6.2. Height of Buildings

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

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

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

6.3. Floor Space Ratio

The amendment will permit development of the subject site for a building with approximately 8723m² of gross floor area (GFA) which is an FSR of 5:1. It is envisaged the GFA will include non-residential use in the 4-storey podium and residential use above. A minimum and maximum non-residential requirement is included in the site specific LEP clause to ensure that the development will be mixed use and not entirely commercial. Details regarding the distribution of floor space will be included in a site-specific development control plan.

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

unnecessarily bulky form.

6.4. Land Reservation

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

6.5. Draft exceptions clause

Part 6 Additional Local Provisions

Having considered the advice of the Woollahra Local Planning Panel, the Woollahra Environmental Planning Committee and the Sydney Eastern District Planning Panel, the following text is indicative of what could be included in the LEP as a site specific clause for the subject site. The applicant was given an opportunity to comment on a draft and their comments have been incorporated where appropriate.

It should be noted that all draft clause is indicative only and will be subject to drafting by the Parliamentary Counsel's Office, should the proposal progress to finalisation.

6.8. 136-148 New South Head Road, Edgecliff

- (1) The objectives of this clause, in relation to the land to which this clause applies, are –
 - (a) to allow for increased density of development, where that development meets the requirements of subclauses (3)-(9),
 - (b) to ensure that development in accordance with this clause:
 - (i) reflects the desired future character for the site,
 - (ii) includes an appropriate amount of non-residential floor space,
 - (iii) achieves diverse housing,
 - (iv) exhibits design excellence,
- (2) This clause applies to the land known as 136-148 New South Head Road, Edgecliff being:
 - (a) Lot 1 DP663495 (No. 136),
 - (b) Lot 1 DP1092694 (No. 138-140),
 - (c) Lot 2 DP983678 (No 138-140),
 - (d) Lot A DP443992 (No 142-144),
 - (e) Lot B DP443992 (No 146-148).
- (3) Despite clauses 4.3 and 4.4, consent may be granted to development on the land to which this clause applies that results in a floor space ratio that does not exceed 5:1 and a height that does not exceed 46m if –
 - (a) All lots comprising the land will be amalgamated into one lot,
 - (b) The whole of the amalgamated lot will be developed as one development,

- (c) There will be no vehicular access from New South Head Road to the development,
 - (d) The development will include non-residential floor space as a minimum of 1:1 floor space ratio and a maximum of 2:1 floor space ratio,
 - (e) The development will achieve Design Excellence in accordance with sub clauses (6) and (7),
- (4) Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.
- (5) In considering whether a development exhibits design excellence, the consent authority must have regard to the following matters -
- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
 - (c) how the proposed development responds to the environment and built characteristics of the site and whether it achieves an acceptable relationship with other buildings on the same site and on neighbouring sites,
 - (d) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy, and water efficiency,
 - (e) whether the proposed development detrimentally impacts on view corridors and landmarks,
 - (f) pedestrian, cycle, vehicular and service access, and circulation requirements, including the permeability of the pedestrian network,
 - (g) the impact on, and any proposed improvements to, the public domain,
 - (h) appropriate interfaces at ground level between the building and the public domain,
 - (i) whether the proposed development contains a mix of retail, commercial and residential uses,
 - (j) whether the proposed development contains a diversity of residential dwelling types,
- (6) Development consent must not be granted to development on the land to which this clause applies unless a design advisory panel has provided advice to the Council on the design excellence to inform the assessment of the development application for the development.

(7) In this clause –

design advisory panel means a panel established by Woollahra Municipal Council to provide Woollahra Municipal Council officers with independent expert advice and expertise on urban design, architecture, landscape architecture, art, and sustainability

Note: Woollahra Municipal Council will establish a design advisory panel of relevant professionals and the panel will be functional prior to the determination of a development application on the land to which this clause applies.

(8) Development consent must not be granted for development on land to which this clause applies unless a development control plan has been prepared for the land that provides for the following—

- (a) defining a building envelope in the form of a podium with tower, and built form controls to ensure the building envelope is commensurate with the maximum height and floor space
- (b) setbacks,
- (c) height of buildings in storeys,
- (d) a mix of apartment types, including the number of bedrooms in each apartment,
- (e) Conservation of the heritage item
- (f) Car parking
- (g) Vehicle access and egress.

(9) A development control plan is not required to be prepared if the consent authority is satisfied that such a plan would be unreasonable or unnecessary in the circumstances or that the development—

- (a) involves only alterations or additions to an existing building, and
- (b) does not significantly increase the height or gross floor area of the building, and
- (c) does not have significant adverse impacts on adjoining buildings or the public domain, and

(d) does not significantly alter any aspect of the building when viewed from public places.

7. Justification

7.1. Need for planning proposal

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

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

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

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

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

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

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

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

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

7.2. Relationship to strategic planning framework

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

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

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

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

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

The planning proposal aligns with the centres' hierarchy as it has the potential to contribute to the ECC's revitalisation and strengthening the ECC as an employment and transport hub. Development of the subject site at a higher density will bring wider public benefits via modern employment and residential floor space.

However, we note that the planning proposal does not include any social and green infrastructure.

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

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

1. Woollahra 2030, Council's Community Strategic Plan

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

- *Goal 4: Well-planned neighbourhoods*
 - *4.1 Encourage and ensure high quality planning and urban design outcomes*
 - *4.5 Enhance the form and function of the local business centres*

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

2. Woollahra Local Strategic Planning Statement 2020 (LSPS)

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

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

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

The planning proposal has the potential to contribute approximately 35 (net) new dwellings

towards Woollahra's housing targets in the ECC that the LHS identified as the focus for Woollahra's housing growth.

3. Woollahra Local Housing Strategy (Woollahra LHS)

The planning proposal is consistent with the Woollahra LHS as the resulting development would contribute towards achieving Woollahra's 2026-2036 housing targets. Under the terms of the DPE approval of the Woollahra LHS, Council is to undertake a review to address, among other things, the achievement of the 2026-2036 housing targets and the role of the ECC in achieving these targets.

4. Draft Edgecliff Commercial Centre Strategy 2021 (the draft ECC Strategy)

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

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

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

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

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

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

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

7.3. Environmental, social and economic impact

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

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

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

No. The planning proposal is generally consistent with the Woollahra LEP 2014 and Woollahra DCP 2015 that incorporate consideration of environmental effects. In particular

the planning proposal is consistent with the objectives of relevant controls and the desired future character of the ECC, as assessed in **Schedule 3**.

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

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

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

7.4. State and Commonwealth interests

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

Yes. The Eastern City District Plan does not identify any planned state upgrades to infrastructure in the Woollahra LGA. There are planned upgrades in the Eastern Economic Corridor - transport, health, education, and cultural facilities - that may benefit the subject site at a regional level.

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

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

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

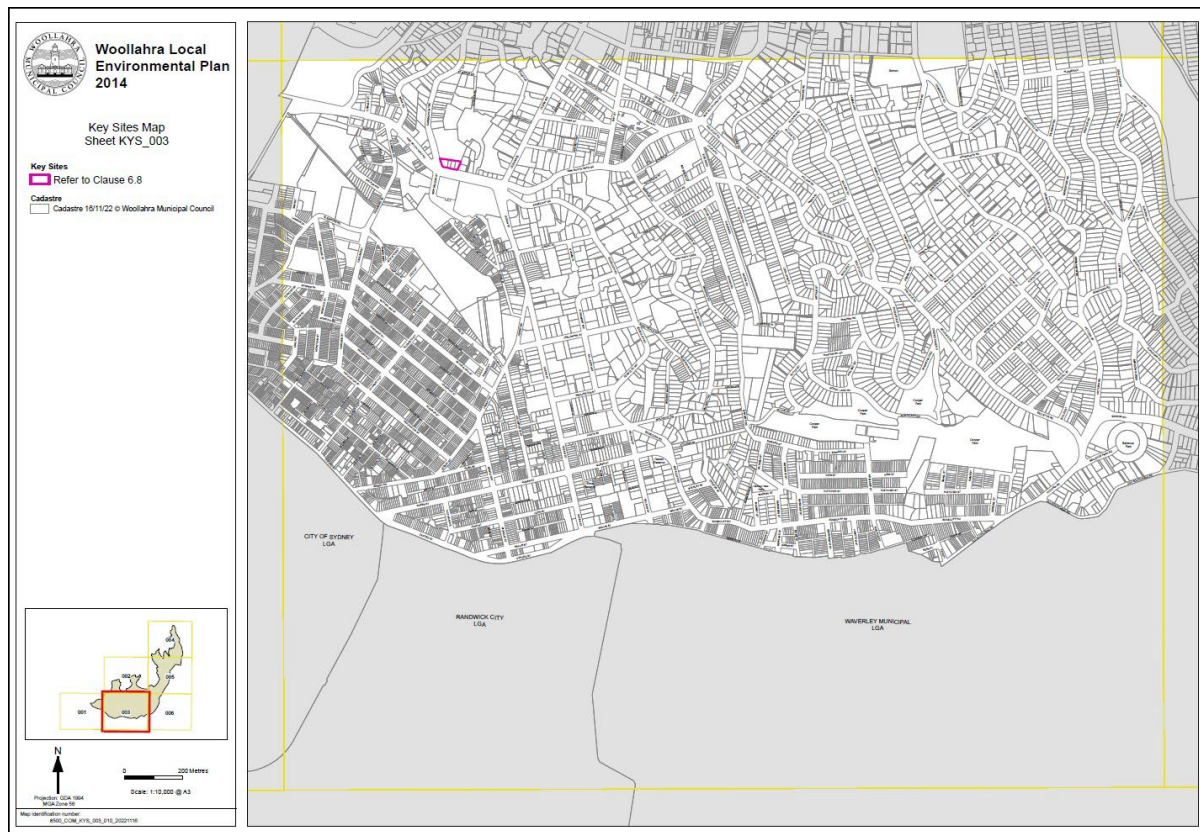
Consultation with public authorities will be undertaken during the public exhibition stage.

8. Mapping

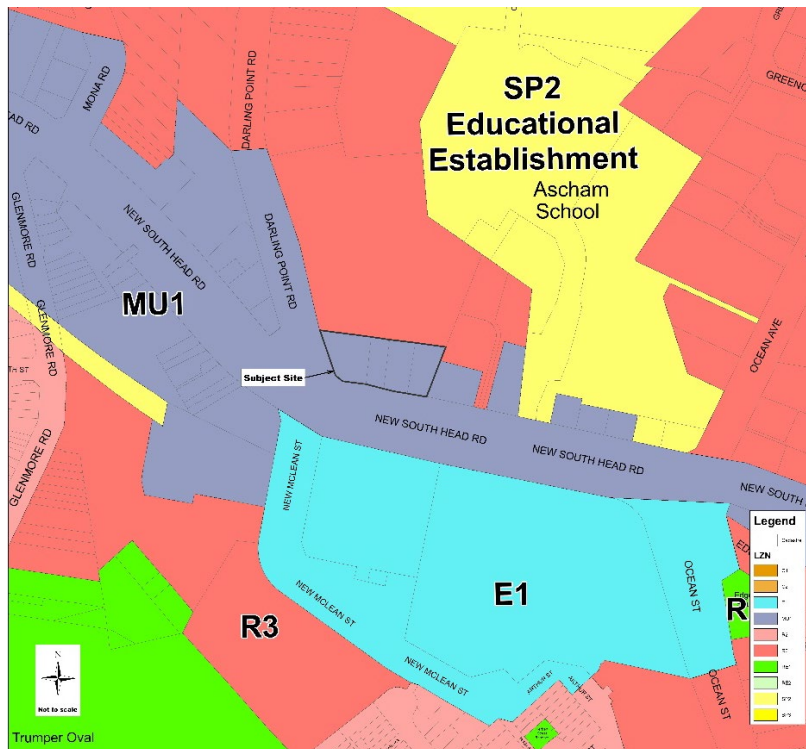
8.1. Proposed map

The planning proposal seeks to amend the Woollahra LEP 2014 Map by introducing a key sites map and identifying the site on the map. The key sites map will refer to the proposed site specific clause.

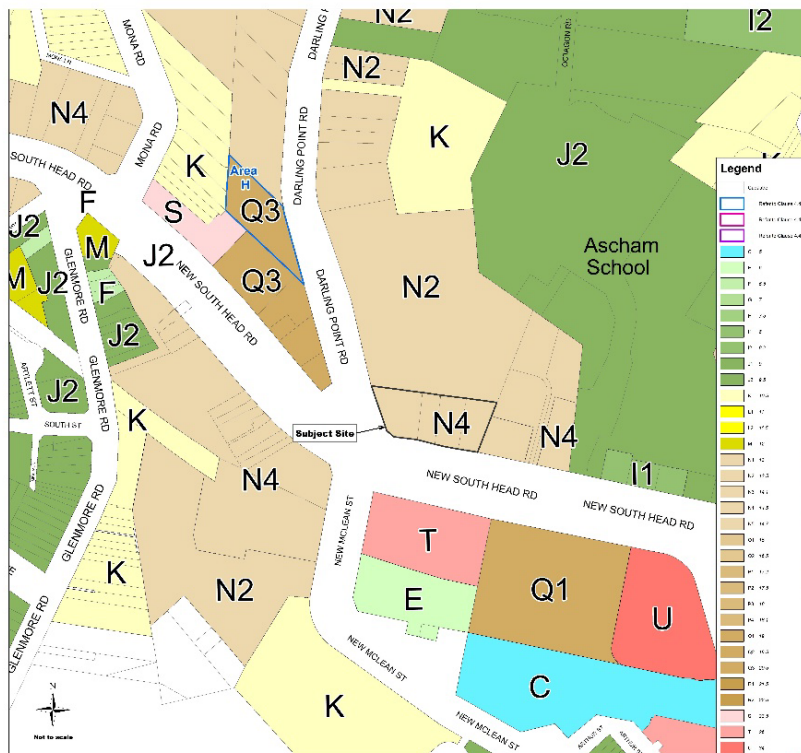
Using a new key sites map allows a direct and more efficient reference (saving on repetition) to the proposed exceptions in one site specific clause (rather than having the exceptions identified in both clauses 4.3 Exceptions to Height of Buildings and clause 4.4 Exceptions to FSR).



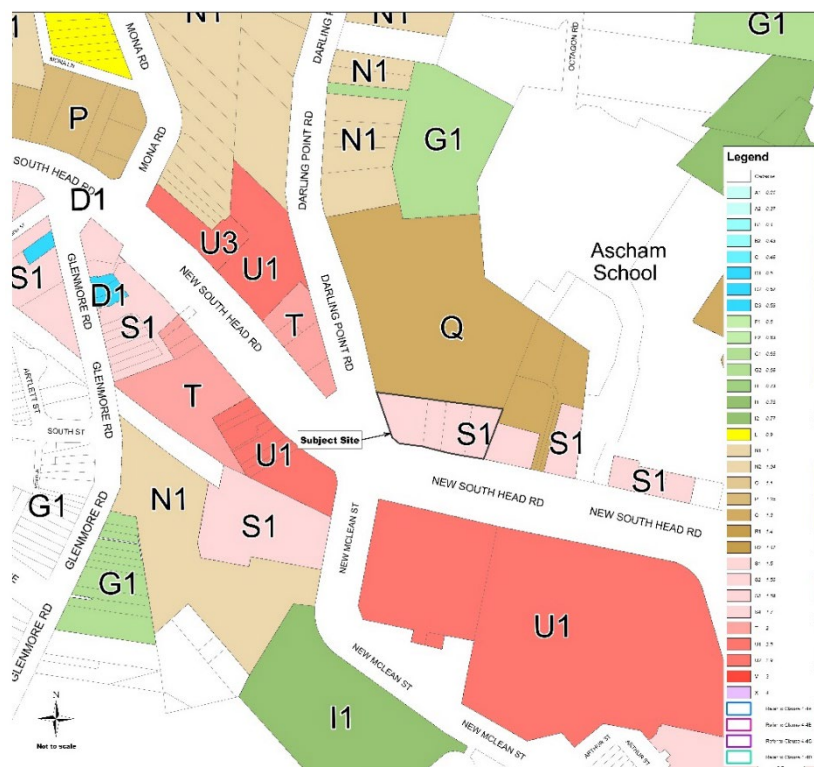
8.2. Existing Zoning Woollahra LEP 2014



8.3. Existing Height of Buildings Woollahra LEP 2014



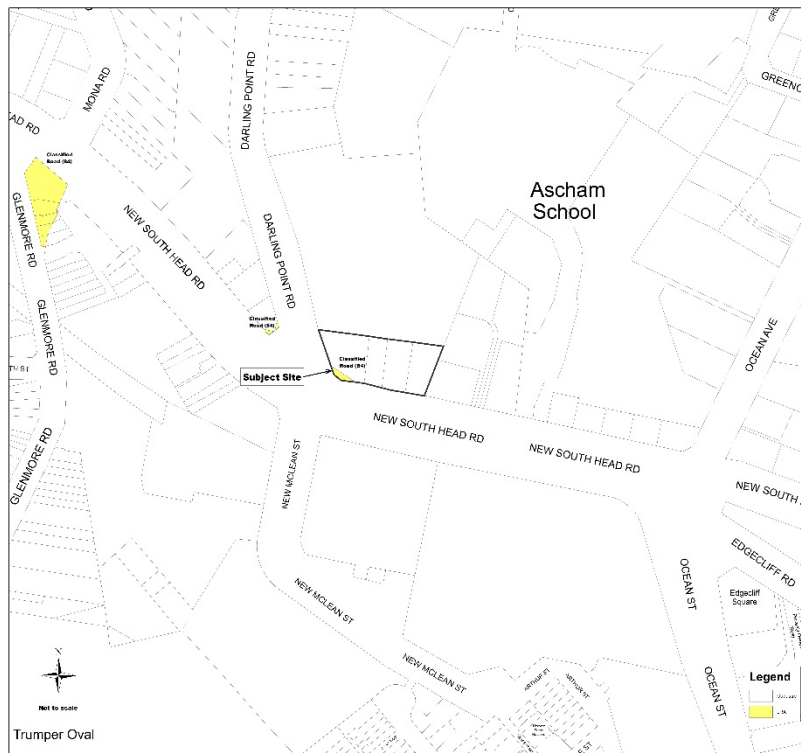
8.4. Existing Floor Space Ratio Woollahra LEP 2014



8.5. Existing Heritage Woollahra LEP 2014



8.6. Existing Land Acquisition Reservation Woollahra LEP 2014



9. Community consultation

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

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

Public notification of the exhibition will comprise:

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

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

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

10. Project timeline

As Council is authorised to exercise the functions of the Minister for Planning under section 3.36 of the EP&A Act 1979, the proposed timeline for completion is as follows:

Plan-making step	Estimated completion
EPC/Council Report	July 2022
Rezoning Review Decision Delivered	25 August 2022
Response to Panels Secretariat - Council accepted PPA role	26 September 2022
Gateway request submitted (42 CDs* +11 CDs)	28 November 2022
Gateway determination	21 April 2023
Post-Gateway [#] – including agency consultation	August 2023
Request for alteration of Gateway determination	8 August 2023
Alteration of Gateway determination	11 September 2023
Public exhibition and assessment (95 WDs)	
Public exhibition (20 WDs)	26 September – 5 November 2023
Agency submissions (20 WDs)	Same time as public exhibition
Applicant response to submissions (25 WDs)	November 2023
Council assessment post exhibition	4 December 2023
Council decision	11 December 2023
Finalisation (55 WDs)	
Council instructs the Parliamentary Counsel Office to prepare LEP amendment	January 2024
Parliamentary Counsel issues an Opinion that the LEP can be legally made.	February 2024
Forward draft LEP to Department of Planning for notification	February 2024
Notification of the LEP	March 2024

* CDs = calendar days, WDs = working days – in accordance with the NSW *Local Environmental Plan Making Guideline*, August 2023

[#] Includes draft DCP preparation and Voluntary Planning Agreement finalisation.

A planning agreement is defined in section 7.4(1) of the EP&A Act 1979 as:

A planning agreement is a voluntary agreement or other arrangement under this Division between a planning authority (or 2 or more planning authorities) and a person (the developer):

- (a) who has sought a change to an environmental planning instrument, or*
- (b) who has made, or proposes to make, a development application or application for a complying development certificate, or*
- (c) who has entered into an agreement with, or is otherwise associated with, a person to whom paragraph (a) or (b) applies,*

under which the developer is required to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit, or any combination of them, to be used for or applied towards a public purpose.

Schedules

Schedule 1 – Consistency with State Environmental Planning Policies

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

State environmental planning policy	Comment on consistency
SEPP (Transport and Infrastructure) 2021	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy
SEPP No 65 – Design Quality of Residential Apartment Development	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Building Sustainability Index: BASIX) 2004	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.

Schedule 2 – Compliance with section 9.1 directions

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
1	Planning systems	
1.1	Implementation of Regional Plans	Applicable and consistent. The planning proposal is consistent with the relevant objectives in the <i>Greater Sydney Region Plan: A Metropolis of Three Cities</i> (2018) and the relevant priorities and actions of the <i>Eastern City District Plan</i> (2018) as discussed herein.
1.2	Development of Aboriginal Land Council land	Not applicable. This planning proposal does not affect Aboriginal Land Council Land.
1.3	Approval and referral requirements	Applicable and consistent. The planning proposal does not provide any additional approval or referral requirements.
1.4	Site specific provisions	Applicable. Minor justifiable inconsistencies. The planning proposal does not contain any unnecessarily restrictive site specific planning controls. A site specific LEP clause is proposed that enables additional height and floor space subject to meeting specified criteria. The criteria reflect the indicative development concept that was part of the request for a planning proposal are not considered restrictive. The Gateway determination report considered these inconsistencies and recommended removal of references to affordable housing, community infrastructure and site specific heritage conservation. The report considered inconsistencies relating to site amalgamation, site specific DCP, design excellence (subject to removal of reference to planning/urban design strategies and public domain plans) minor and justifiable. The amendments required by the Gateway determination have been made to the site specific LEP clause and the remaining minor inconsistencies are considered justified.
1.5 – 1.22	Implementation Plans	Not applicable. These plans do not apply to the Woollahra LGA.

2	Design and place	
3	Biodiversity and conservation	
3.1	Conservation zones	Applicable and consistent. The planning proposal will not affect the conservation standards of any environmentally sensitive land.
3.2	Heritage conservation	Applicable and consistent. The planning proposal will not change existing heritage provisions. The planning proposal applies to a heritage item and Council's Strategic Heritage Officer has not raised any objections to the planning proposal on heritage grounds.
3.3	Sydney drinking water catchments	Not applicable. This direction does not apply to the Woollahra LGA.
3.4	Application of C2 and C3 zones and environmental overlays in Far North Coast LEPs	Not applicable. These LEPs do not apply to the Woollahra LGA.
3.5	Recreation vehicle areas	Not applicable. The planning proposal does not apply to sensitive land or land with significant conservation values, and does not relate to land to being developed for a recreation vehicle area.
3.6	Strategic conservation planning	Not applicable. The planning proposal does not apply to land identified as avoided land or a strategic conservation area under the State Environmental Planning Policy (Biodiversity and Conservation) 2021.
3.7	Public bushland	Not applicable. This planning proposal will not affect any public bushland.
3.8	Willandra Lakes Region	Not applicable. This direction does not apply to the Woollahra LGA.
3.9	Sydney Harbour foreshores and waterways area	Not applicable. The planning proposal does not apply to land identified within Foreshores and Waterways Area under the State Environmental Planning Policy (Biodiversity and Conservation) 2021.
3.10	Water catchment protection	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the objective of this direction.
4	Resilience and hazards	
4.1	Flooding	Applicable and consistent. The planning proposal will not rezone flood liable land or affect the application of controls that ensure

		<p>that development on flood liable land will not result in risk to life or damage to property.</p> <p>It is confirmed that the site is not identified as “flood-prone land” as defined in the <i>NSW Floodplain Development Manual 2005</i> when addressing section 9.1 Direction – 4.1 <i>Flooding</i>.</p>
4.2	Coastal management	<p>Not applicable.</p> <p>The planning proposal does not affect provisions relating to land in a coastal zone.</p>
4.3	Planning for bushfire protection	<p>Not applicable.</p> <p>The planning proposal does not affect bushfire prone land.</p>
4.4	Remediation of contaminated land	<p>Applicable and consistent. The planning proposal does not contain a provision which is contrary to the objective of this direction.</p>
4.5	Acid sulfate soils	<p>Applicable and consistent. Existing acid sulfate soils provisions will not be altered by the planning proposal.</p>
4.6	Mine subsidence and unstable land	<p>Not applicable. The planning proposal does not apply to land within a proclaimed Mine Subsidence District or to land identified as unstable.</p>
5	Transport and infrastructure	
5.1	Integrating land use and transport	<p>Applicable and consistent.</p> <p>The planning proposal does not contain a provision which is contrary to the aims, objectives and principles of:</p> <ul style="list-style-type: none"> Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and The Right Place for Business and Services – Planning Policy (DUAP 2001).
5.2	Reserving land for public purposes	<p>Applicable and consistent.</p> <p>Council has already resolved to remove the partial reservation on the subject site along with others on New South Head Road Edgecliff under a separate planning proposal (PP). Council is continuing negotiations with the RMS and seeking their approval of the reservations.</p>
5.3	Development near regulated airport and defence airfields	<p>Applicable and consistent. The planning proposal does not contain a provision which is contrary to this direction.</p>

5.4	Shooting ranges	Not applicable. The planning proposal does not apply to land adjacent to or adjoining an existing shooting range.
6	Housing	
6.1	Residential zones	Not applicable. The planning proposal does not apply to land in a residential zone.
6.2	Caravan parks and manufactured home estates	Not applicable. The planning proposal will not affect any caravan parks or manufactured housing estates.
7	Industry and employment	
7.1	Business and industrial zones	Applicable and consistent. The planning proposal does not remove or alter a business zone and does not reduce the achievable employment floor space in the existing MU1 Zone that applies to subject site. The intended outcome is maintenance or increase in employment floor space on the land the planning proposal applies to.
7.2	Reduction in non- hosted short-term rental accommodation period	Not applicable. These strategies do not apply to the Woollahra LGA.
7.3	Commercial and retail development along the Pacific Highway, North Coast	Not applicable. This direction does not apply to the Woollahra LGA.
8	Resources and energy	
8.1	Mining, petroleum production and extractive industries	Not applicable. This planning proposal will not affect any of the nominated activities.
9	Primary production	
9.1	Rural zones	Not applicable. This planning proposal will not affect any rural zones.
9.2	Rural lands	Not applicable. This planning proposal will not affect any rural lands.

9.3	Oyster aquaculture	Not applicable. This planning proposal will not affect any Priority Oyster Aquaculture Areas.
9.4	Farmland of state and regional significance on the NSW Far North Coast	Not applicable. This direction does not apply to the Woollahra LGA.