



## REZONING REVIEW RECORD OF DECISION

STRATEGIC PLANNING PANEL of the  
SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	26 March 2024
DATE OF DECISION	28 February 2024
PANEL MEMBERS	Carl Scully (Chair), Glennis James, Stephen O'Connor, Mary-Lou Jarvis and Matthew Robertson
APOLOGIES	None
DECLARATIONS OF INTEREST	Sue Francis has removed herself from the Panel as she and Gyde Consulting provided very early advice on the site.

### REZONING REVIEW

#### RR-2023-22 – Woollahra LGA – PP-2023-1648

8-10 New McLean Street, 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 115 days after the proponent submitted a request to prepare a planning proposal.
- ☐ The council has not submitted the planning proposal for a Gateway determination within 28 days of indicating its support for the proposal.

### PANEL CONSIDERATION AND DECISION

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

Based on this review, the Panel recommends that the proposed instrument:

- ☒ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic merit and subject to changes, may demonstrate site specific merit.
- ☐ **should not** be submitted for a Gateway determination because the proposal has:
  - ☐ not demonstrated strategic merit
  - ☐ demonstrated strategic merit but not site specific merit

The decision was unanimous.

### REASONS FOR THE DECISION

The Panel considered the documentation, was briefed by the Department of Planning, Housing and Infrastructure, and heard extensively from Woollahra Municipal Council and the proponent, Landmark Group. The Panel also considered the resolution from the Woollahra Local Planning Panel meeting of 22 February 2024.

#### Strategic Merit

The Panel agreed that the planning proposal has Strategic Merit for increased residential development given that:

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- The planning proposal is consistent with applicable strategic planning documents, particularly as they relate to the general objectives for housing. These include the Greater Sydney Regional Plan (2018), Eastern City District Plan (2018), and Woollahra 2032 Community Strategic Plan.
- Delivering housing supply is a priority issue for Sydney for all levels of Government.
- The provision of additional housing in this location has strategic merit due to its proximity to transport, employment and commercial facilities.

### Site Specific Merit

The Panel agreed that the planning proposal can achieve Site Specific Merit subject to revisions addressing site constraints noting that:

- The planning proposal would support housing within close proximity to services, employment and public transport.
- The proposed significant height and bulk is not considered in context with the current and future character of the Edgecliff Commercial Centre (ECC) and does not respond appropriately to the heritage conservation area within which the site fits and in particular Trumper Park.

### Panel recommendations

The Panel recommends that prior to submitting the Planning Proposal for a Gateway determination, the Planning Proposal is to be revised to address the following:

- The Agile Planning Team, on behalf of the Panel, is to arrange for an independent urban design review to be prepared which considers the design principles set out below and makes recommendations on an appropriate building envelope (height and floor space ratio) for the site. The review is to be provided to the Panel within 6 weeks from the date of this determination.
- The provision of affordable housing through the Woollahra LEP 2014 should be clarified to dedicate in perpetuity to Woollahra Municipal Council at least 5% of the gross floor area of the development.
- The proposed through-site link is to be removed.
- The accompanying technical reports are to be updated in response to proposed changes to the planning proposal.
- Any draft DCP and draft voluntary planning agreement should be exhibited as close as practically possible to the exhibition of the planning proposal.
- Changes to Woollahra LEP 2014 should incorporate a no net loss and unit mix clause to support residential growth on the site. Noting that the current 106 'affordable' units in the residential flat buildings on the site will be lost.

The design principles for an independent urban design review include:

1. The R3 Medium Density Residential zone is to be maintained and any proposed additional permitted uses removed. Any uplift on the site is to achieve residential growth rather than provide commercial floor space.
2. The increase in height must provide a transition to Trumper Park and the adjoining residential development which is within the Paddington Heritage Conservation Area. This must be implemented through amendments to the Woollahra LEP 2014, which specifies maximum height limits on the HOB map.
3. The proposed height of any tower should step down from the Edgecliff Commercial Centre to reflect the height strategy of the draft Edgecliff Commercial Centre Strategy. It should maintain the integrity of the ECC strategy and the dominance of Edgecliff Centre. The height of any podiums needs to be refined to better relate to adjoining development and open space areas.

The majority (3-2) of the Panel agreed on a height guide of 12 storeys with a transition to the adjoining low density residential development and Trumper Park. The minority supported a maximum height of 6 storeys with a transition to the low density residential development and Trumper Park.

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4. Overshadowing of Trumper Park (not just the oval) and residential development within the heritage conservation area, views and the potential impact on biodiversity all need to be considered.
5. The revised FSR from the independent urban design review should reflect an amended building envelope with appropriate heights and setbacks.

Following receipt of the independent urban design review, the Panel will reconvene to endorse a maximum building height and Floor Space Ratio.

Prior to commissioning the independent urban design review, the Panel requires confirmation from the proponent that they agree to:

- a) revise the planning proposal to be consistent with the Panel's recommendations; and
- b) subsequently provide a revised planning proposal to address the Panel's recommendation.

The proponent has up to two weeks from the date of this determination to confirm whether they agree to revise their Planning Proposal to be consistent with the Panel's recommendations. Should the proponent not agree to revise their proposal, then the Panel will reconvene to determine that the Planning Proposal does not have site specific merit and will not be submitted for a Gateway determination.

Following the Panel's consideration of the independent urban design review and endorsement of a maximum building height and Floor Space Ratio for the site, the Panel wishes to review the revised planning proposal prior to Gateway determination.

Woollahra Municipal Council has been given the opportunity to accept the role of Planning Proposal Authority (PPA) for this planning proposal, however Council has declined the PPA role. In accordance with Section 3.32(1) of the *Environmental Planning and Assessment Act 1979*, the Planning Panel as delegate of the Minister for Planning has determined to appoint itself as the PPA for this planning proposal.

The proponent will need to pay the PPA fee within two weeks of confirming whether they wish to revise their planning proposal to be consistent with the Panel's recommendations. Should the proponent fail to pay the PPA fee by the designated date, then the Panel will no longer proceed with the planning proposal and the making of a local environmental plan amendment.

#### **REASONS FOR THE DISSENTING DECISION ON BUILDING HEIGHT**

Panel members Councillor Mary-Lou Jarvis and Councillor Matthew Robertson have dissenting views on the Panel's decision to allow a maximum building height (HOB) of 12 storeys with a transition to the low density residential development and Trumper Park but agrees with other aspects including that a commercial use is inappropriate on the site. The site is within the R3 zone and is not identified for inclusion in the Draft Edgecliff Commercial Centre Planning and Design Strategy which was extensively considered, researched and exhibited.

Councillor Jarvis and Councillor Robertson are of the opinion that a maximum height of 12 storeys is unacceptable. They are of the opinion that a maximum height of 6 storeys (maximum HOB at 20.8meters) is required to achieve an effective transition to the surrounding low-density residential development contained within the Paddington Heritage Conservation Area, and the adjacent Trumper Park.

Their reasons primarily relate to the need to prevent:


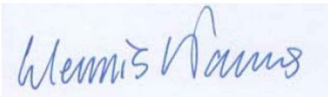

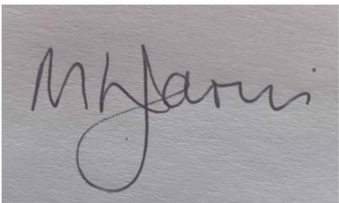
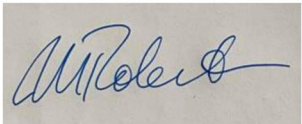
1. Adverse impacts including overshadowing of established low-rise residential heritage dwellings and their limited private open space within the Paddington Heritage Conservation Area;
2. Overshadowing of public open space at Trumper Park;
3. Impacts on the adjacent canopy trees, vegetation and aesthetic outlook at Trumper Park;
4. Impacts on biodiversity at Trumper Park;
5. Inappropriate transition from the subject site to Trumper Park;

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6. Interruption to the reading of the Edgecliff ridgeline from within the Paddington Heritage Conservation Area and associated view loss contrary to objective C1.2.4 of Woollahra Development Control Plan 2015;
7. Development which fails to follow the land form as stipulated in the future desired character requirements per C1.2.4 of Woollahra Development Control Plan 2015; and
8. Development inconsistent with the heritage significance of the Paddington Heritage Conservation Area as a unique, unified example of intact Victorian architecture, as per C1.1.4 of Woollahra Development Control Plan 2015.

PANEL MEMBERS	
 Carl Scully (Chair)	 Glennis James
 Stephen O'Connor	 Mary-Lou Jarvis
 Matthew Robertson	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2023-22 – Woollahra LGA – PP-2023-1648 – at 8-10 New McLean Street, Edgecliff
2	LEP TO BE AMENDED	Woollahra Local Environmental Plan (LEP) 2014
3	PROPOSED INSTRUMENT	<p>The proposal seeks to:</p> <ul style="list-style-type: none"> <li>Amend the maximum height of buildings (HOB) from 10.5m to 36.5m across the site and establish a maximum HOB of RL 110.00 for the tower component;</li> <li>amend the maximum floor space ratio (FSR) development standard from 0.75:1 to 4.5:1</li> <li>insert an additional provision into Schedule 1 – Additional Permitted Uses to permit commercial premises, community facility, recreation facility (indoor) and medical centre in the zone; and</li> <li>insert a new clause to ensure that development consent must not be granted for development at 8-10 New McLean Street unless a Development Control Plan (DCP) has been prepared for the land.</li> </ul>
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Rezoning review request documentation</li> <li>Briefing report from Department of Planning and Environment, 16 February 2024</li> </ul>
5	SITE INSPECTION AND BRIEFINGS BY THE PANEL	<ul style="list-style-type: none"> <li><b>Site inspection with Department of Planning, Housing and Infrastructure (DPHI): 10.00am – 10.47am, 28 February 2024</b> <ul style="list-style-type: none"> <li>Panel members in attendance: Carl Scully (Chair), Glennis James, Stephen O'Connor, Mary-Lou Jarvis and Matthew Robertson</li> <li>DPHI staff in attendance: Laura Locke, Carina Lucchinelli, Louisa Agyare, Lisa Kennedy &amp; Taylah Fenning</li> <li>Key issues discussed: <ul style="list-style-type: none"> <li>Status and intent of Draft Edgecliff Commercial Centre Planning and Urban Design Strategy</li> <li>Paddington Heritage Conservation Area – characteristics of locality and Trumper Park</li> <li>Existing and proposed residential development – affordable housing, unit mix</li> <li>Proposed commercial uses and implications to adjoining commercial centre</li> <li>Traffic and parking along New Mclean Road</li> <li>Pedestrian access around the site from New Mclean Road to Trumper Park and local roads</li> </ul> </li> </ul> </li> <li><b>Briefing with Department of Planning, Housing and Infrastructure (DPHI): 1:30pm – 2:01pm, 28 February 2024</b> <ul style="list-style-type: none"> <li>Panel members in attendance: Carl Scully (Chair), Glennis James, Stephen O'Connor, Mary-Lou Jarvis and Matthew Robertson</li> <li>DPHI staff in attendance: Laura Locke, Carina Lucchinelli, Louisa Agyare, Kimberley Beencke, Lisa Kennedy &amp; Taylah Fenning</li> <li>Key issues discussed:</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• Planning proposal overview, locality, proposed changes – original scheme &amp; revised scheme, strategic and site merit issues –</li> <li>• Overshadowing on Trumper Park and adjoining terraces</li> <li>• Proposed commercial uses</li> <li>• Visual impacts</li> <li>• Proposed Voluntary Planning Agreement</li> <li>• Draft Edgecliff Commercial Centre Planning and Urban Design Strategy</li> <li>• Consideration of the planning proposal in Council assessment report to Woollahra Local Planning Panel (LPP) and resolution of the LPP. (LPP agenda and minutes of meeting on 22/2/2024)</li> </ul> <ul style="list-style-type: none"> <li>• <b>Briefing with Woollahra Municipal Council:</b> 2:02pm – 2.53pm, 28 February 2024 <ul style="list-style-type: none"> <li>○ Panel members in attendance: Carl Scully (Chair), Glennis James, Stephen O'Connor, Mary-Lou Jarvis and Matthew Robertson</li> <li>○ DPHI staff in attendance: Laura Locke, Carina Lucchinelli, Louisa Agyare, Kimberley Beencke, Lisa Kennedy &amp; Taylah Fenning</li> <li>○ Council representatives in attendance: Scott Pedder, Anne white, Lyle Tamlyn, Charmaine Tai &amp; Kristy Wellfare</li> <li>○ Key issues discussed: <ul style="list-style-type: none"> <li>• Recommending the issues around lower cost housing are addressed by a local provision - % mix</li> <li>• Traffic &amp; car parking. Address in Council's Development Control Plan</li> <li>• Proposed tower height and heights within Draft Edgecliff Commercial Centre Planning and Urban Design Strategy. Potential acceptable tower height</li> <li>• Resolution of Woollahra Local Planning Panel (minutes of meeting on 22/2/2024)</li> <li>• Expansion of commercial uses outside Draft Edgecliff Commercial Centre Planning and Urban Design Strategy Clarification of why site is not included in the Strategy</li> <li>• Essential elements of proponent's Proposed Voluntary Planning Agreement - affordable housing contribution &amp; proposed site through link</li> <li>• Potential flooding impacts on Trumper Park</li> <li>• Over-shadowing on terrace houses</li> <li>• Council consideration and adoption of Draft Edgecliff Commercial Centre Planning and Urban Design Strategy and preparation of a Contributions Scheme</li> </ul> </li> </ul> </li> <li>• <b>Briefing with Landmark Group and Planning Ingenuity (Proponent &amp; Consultant):</b> 3:06pm – 4:17pm, 28 February 2024 <ul style="list-style-type: none"> <li>○ Panel members in attendance: Carl Scully (Chair), Glennis James, Stephen O'Connor, Mary-Lou Jarvis and Matthew Robertson</li> <li>○ DPHI staff in attendance: Laura Locke, Carina Lucchinelli, Louisa Agyare, Kimberley Beencke, Lisa Kennedy &amp; Taylah Fenning</li> </ul> </li> </ul>
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		<ul style="list-style-type: none"> <li>○ Proponent representatives in attendance: Sean McPeake, Joe Scuderi, Jeff Mead, Angus Nguyen, Adam Martinez, David Waghorn, Sophie Perry, Josh Milston, Stephen Davies, Jack Williams, Matt Pullinger, Richard Tripolone, Bobby Fitzgerald &amp; Rebecca Goodwin</li> <li>○ Key issues discussed: <ul style="list-style-type: none"> <li>● Proposed building height &amp; bulk form – transition to lower scale to adjoining Trumper Park and low density residential. Reduced building heights</li> <li>● Economic benefits &amp; proponent’s Proposed Voluntary Planning Agreement</li> <li>● Resolution of Woollahra Local Planning Panel (minutes of meeting on 22/2/2024)</li> <li>● Proposed commercial uses &amp; a commercial space cap</li> <li>● Housing delivery - unit mix &amp; affordable housing – 5% of units or 5% of Gross Floor Area. Locking in an affordable housing commitment in perpetuity</li> <li>● Traffic management &amp; infrastructure – carparking spaces consistent with Woollahra DCP &amp; no preliminary consultation with Transport for NSW re intersection upgrades</li> <li>● Proposed site through link. Council does not require</li> <li>● Retention of R3 Medium Density Residential Zone and how proposal meets zone objectives</li> <li>● Overshadowing on Trumper Park and adjoining terraces</li> </ul> </li> <li>● <b>Panel Discussion:</b> 4.23pm – 5.17pm, 22 February 2024 <ul style="list-style-type: none"> <li>○ Panel members in attendance: Carl Scully (Chair), Glennis James, Stephen O’Connor, Mary-Lou Jarvis and Matthew Robertson</li> <li>○ DPHI staff in attendance: Laura Locke, Carina Lucchinelli, Louisa Agyare, Doug Cunningham, Kimberley Beencke, Lisa Kennedy &amp; Taylah Fenning</li> </ul> </li> </ul>
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<b>DATE OF BRIEFING</b>	14 August 2024
<b>PANEL MEMBERS</b>	Carl Scully (Chair), Glennis James, Stephen O'Connor, Mary-Lou Jarvis & Matthew Robertson
<b>DECLARATIONS OF INTEREST</b>	None

### PLANNING PROPOSAL

PP-2023-1648 – 8-10 New McLean Street, Edgecliff – Woollahra LGA (as described in Schedule 1).

### PANEL CONSIDERATION

The Strategic Planning Panel of the Sydney Eastern City Planning Panel (Panel) met with the Department of Planning, Housing and Infrastructure (DPHI), Woollahra Municipal Council (Council) and Landmark Group (proponent) for a Pre-Gateway briefing to consider the Planning Proposal Authority (PPA) teams Pre-Gateway report and endorse a maximum building height and floor space ratio (FSR) based on the independent urban design review that has been prepared by SJB on behalf of the PPA team.

The 26 March 2024 Rezoning Review outlined that the design principles for the independent urban design review were to include:

1. The R3 Medium Density Residential zone is to be maintained and any proposed additional permitted uses removed. Any uplift on the site is to achieve residential growth rather than provide commercial floor space.
2. The increase in height must provide a transition to Trumper Park and the adjoining residential development which is within the Paddington Heritage Conservation Area. This must be implemented through amendments to the Woollahra LEP 2014, which specifies maximum height limits on the HOB map.
3. The proposed height of any tower should step down from the Edgecliff Commercial Centre to reflect the height strategy of the draft Edgecliff Commercial Centre Strategy. It should maintain the integrity of the ECC strategy and the dominance of Edgecliff Centre. The height of any podiums needs to be refined to better relate to adjoining development and open space areas.

The majority (3-2) of the Panel agreed on a height guide of 12 storeys with a transition to the adjoining low density residential development and Trumper Park. The minority supported a maximum height of 6 storeys with a transition to the low density residential development and Trumper Park.

4. Overshadowing of Trumper Park (not just the oval) and residential development within the heritage conservation area, views and the potential impact on biodiversity all need to be considered.
5. The revised FSR from the independent urban design review should reflect an amended building envelope with appropriate heights and setbacks.

The independent urban design review proposed a range of maximum building heights from 3-9 storeys with a single tower up to 18 storeys (RL91.0) and a maximum FSR of 3.7:1.

The Panel heard from DPHI's PPA Team, Council and the proponent in relation to the final recommended envelope proposed by the independent urban design review. As part of their presentation to the Panel, Council presented two alternative options for the site.

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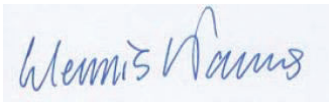

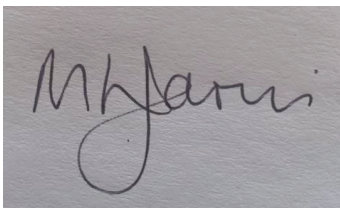
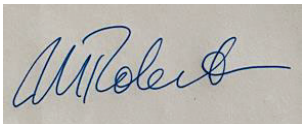
Council's preferred Option 1 suggests 2 towers with a maximum height of 10-12 storeys, located and oriented in a north-south direction reflecting the existing buildings on the site.

Following deliberation, the Panel requested that:

- The PPA Team request further information from Council in relation to their proposed Option 1 to allow for the Department to test the scheme against the Panel's design principles and parameters and determine the Department's views of their proposal.
- The Proponent be provided details of Council's proposed Option 1 for review, this shall include information presented and provided to the Panel to date and any response provided through the direction to Council above. The proponent's review should include an analysis of the financial feasibility of Option 1 including specific feasibility testing of the provision of affordable housing.

The PPA team will prepare an addendum to the Pre-Gateway report which will include an analysis of the Council's Option 1 and the proponent's response to the Option. The Panel will then provide endorsement of a maximum building height and Floor Space Ratio for the site and the planning proposal package will be updated by the proponent according to this decision.

Following the proponent's updates to the Planning Proposal package, the Panel may review the revised planning proposal prior to Gateway determination.

PANEL MEMBERS	
 Carl Scully (Chair)	 Glennis James
 Stephen O'Connor	 Mary-Lou Jarvis
 Matthew Robertson	

SCHEDULE 1		
1	LGA – ADDRESS	PP-2023-1648 – Woollahra LGA 8-10 New McLean Street, Edgecliff
2	LEP TO BE AMENDED	Woollahra Local Environmental Plan (LEP) 2014
3	PROPOSED INSTRUMENT	<p>The proposal seeks to:</p> <ul style="list-style-type: none"> <li>• Increase the maximum height of buildings (HOB) from 10.5m to 36.5m with a tower height up to 22 storeys (RL 110);</li> <li>• Increase the FSR from 0.75:1 to 4.5:1;</li> <li>• Introduce commercial premises (including but not limited to business and office premises, food and drink premises and shop), community facility recreation facility (indoor) and medical centre as an additional permitted use for the site; and</li> <li>• Introduce a provision which requires the preparation of a site specific development control plan (DCP) prior to development consent and specifies the matters it must address.</li> </ul>
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• DPHI Pre-Gateway Determination Briefing Report including the planning proposal, SJB Urban Design review and supporting documents.</li> <li>• DPHI slide presentation 13 August 2024 and SJB video presentation 13 August 2024.</li> <li>• Woollahra Council slide presentation 13 August 2024.</li> <li>• Woollahra Council staff submission on SJB Independent Urban Design Review 13 August 2024 and External Urban Design Review advice by Aspire Planning on behalf of Woollahra Council 12 July 2024.</li> </ul>
5	BRIEFINGS BY THE PANEL	<ul style="list-style-type: none"> <li>• <b>Briefing with Department of Planning, Housing and Infrastructure (DPHI): 1:00pm – 1:50pm, 14 August 2024</b> <ul style="list-style-type: none"> <li>○ Panel members in attendance: Carl Scully (Chair), Glennys James, Stephen O'Connor, Mary-Lou Jarvis &amp; Matthew Robertson</li> <li>○ DPHI staff in attendance: Louise McMahon, Murray Jay, Renee Ezzy, Jazmin Van Veen, Patrice Rando, Ellen Shannon, Kate McKinnon and Taylah Fenning</li> <li>○ Key issues discussed: <ul style="list-style-type: none"> <li>• Site and summary of proposal</li> <li>• Panel's directions and independent review process, design parameters and considerations</li> <li>• Consideration and response to proponent's requests</li> <li>• Overshadowing to Trumper Park and the Heritage Conservation Area (HCA)</li> <li>• Height of the proposed tower in relation to draft Edgecliff Commercial Centre Strategy</li> </ul> </li> </ul> </li> <li>• <b>Briefing with Woollahra Municipal Council: 2:00pm – 2:46pm, 14 August 2024</b> <ul style="list-style-type: none"> <li>○ Panel members in attendance: Carl Scully (Chair), Glennys James, Stephen O'Connor, Mary-Lou Jarvis &amp; Matthew Robertson</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ DPHI staff in attendance: Louise McMahon, Murray Jay, Renee Ezzy, Jazmin Van Veen, Patrice Rando, Ellen Shannon, Kate McKinnon and Taylah Fenning</li> <li>○ Council representatives in attendance: Charmaine Tai, Anne White, Scott Pedder, Kristy Welfare, Tristian Ryan and Stephen McMahon</li> <li>○ Key issues discussed by Council: <ul style="list-style-type: none"> <li>● Concerns with initial proposal</li> <li>● Concerns with SJB's final envelope including bulk and scale, inconsistency with Edgecliff CC Strategy, Impacts on views, overshadowing, insufficient tree retention</li> <li>● Conclusions of Council's independent urban design testing</li> <li>● Outline of 2 alternative options</li> </ul> </li> <li>● <b>Briefing with Landmark Group (Proponent):</b> 2:47pm – 3:13pm, 14 August 2024 <ul style="list-style-type: none"> <li>○ Panel members in attendance: Carl Scully (Chair), Glennis James, Stephen O'Connor, Mary-Lou Jarvis &amp; Matthew Robertson</li> <li>○ DPHI staff in attendance: Louise McMahon, Murray Jay, Renee Ezzy, Jazmin Van Veen, Patrice Rando, Ellen Shannon, Kate McKinnon and Taylah Fenning</li> <li>○ Proponent representatives in attendance: Jeff Mead, Sean McPeake, Joe Scuderi, Angus Nguyen, Adam Martinez, David Waghorn and Matt Pullinger</li> <li>○ Key issues discussed by Proponent: <ul style="list-style-type: none"> <li>● Proponents initial testing of proposed SJB envelopes</li> <li>● Proponent advised generally willing to accept SJB envelope with modification to Panel's initial recommendation</li> <li>● Consideration of provision of affordable housing in the context of feasibility of the agreed envelope</li> <li>● Overshadowing of heritage conservation area and existing residential development</li> </ul> </li> </ul> </li> <li>● <b>Panel Discussion:</b> 3:14pm – 3:47pm, 14 August 2024 <ul style="list-style-type: none"> <li>○ Panel members in attendance: Carl Scully (Chair), Glennis James, Stephen O'Connor, Mary-Lou Jarvis &amp; Matthew Robertson</li> <li>○ DPHI staff in attendance: Louise McMahon, Murray Jay, Renee Ezzy, Jazmin Van Veen, Patrice Rando, Ellen Shannon, Kate McKinnon and Taylah Fenning</li> </ul> </li> </ul>
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**PLANNING PROPOSAL AUTHORITY  
RECORD OF DECISION TO SUBMIT REVISED PLANNING  
PROPOSAL TO GATEWAY DETERMINATION**  
STRATEGIC PLANNING PANEL of the  
SYDNEY EASTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	1 November 2024
<b>DATE OF DECISION</b>	24 October 2024
<b>PANEL MEMBERS</b>	Carl Scully (Chair), Glennis James, Stephen O'Connor, Mary-Lou Jarvis & Matthew Robertson
<b>DECLARATIONS OF INTEREST</b>	None

**PLANNING PROPOSAL**

PP-2023-1648 – 8-10 New McLean Street, Edgecliff – Woollahra LGA

The planning proposal seeks to amend the Woollahra Local Environmental Plan 2014 to:

- Increase the height of building control from 10.5m to RL110 (36.5m);
- Increase the FSR from 0.75:1 to 4.5:1;
- Insert Additional Permitted Uses of commercial premises, community facility, recreation facility (indoor) and medical centre;
- Insert clause of “Development requiring the preparation of a development control plan” for the subject site.

**PANEL CONSIDERATION AND DECISION**

The Strategic Planning Panel of the Sydney Eastern City Planning Panel (Panel) met with the Department of Planning, Housing and Infrastructure (Department) for a Pre-Gateway briefing to discuss the outcomes of the actions requested at the Pre Gateway briefing on 14 August 2024, replicated as follows:

- *The PPA Team request further information from Council in relation to their proposed Option 1 to allow for the Department to test the scheme against the Panel’s design principles and parameters and determine the Department’s views of their proposal.*
- *The Proponent be provided details of Council’s proposed Option 1 for review, this shall include information presented and provided to the Panel to date and any response provided through the direction to Council above. The proponent’s review should include an analysis of the financial feasibility of Option 1 including specific feasibility testing of the provision of affordable housing.*

The PPA team prepared an addendum to the Pre-Gateway report which included an analysis of the Council’s Option 1 and the proponent’s response to the Option. Council and the proponent were both consulted during this process.

Following review of the above, the Panel considered the following recommendation:

*The Panel endorses the following planning controls for the site:*

- *FSR - 3.7:1 (map amendment) and a*
- *Maximum HOB of RL 91 (effectively 18 storeys) (map amendment), and*
- *a local provision which requires:*
  - *Concept DA or DCP which addresses setbacks, podium heights, transitions and tower location in accordance with the Panel’s design guidelines.*



The Panel's decision was 3-2 in favour of supporting the above recommendation, with Mary-Lou Jarvis and Matthew Robertson against the decision.

The Panel's design guidelines, as adopted within the Rezoning Review Record of Decision dated 26 March 2024, have been amended as set out below, in light of the independent design review findings:

- 1. The R3 Medium Density Residential zone is to be maintained and any proposed additional permitted uses removed. Any uplift on the site is to achieve residential growth rather than provide commercial floor space.*
- 2. The increase in height must provide a transition to Trumper Park and the adjoining residential development which is within the Paddington Heritage Conservation Area. This must be implemented through amendments to the Woollahra LEP 2014, which specifies maximum height limits on the HOB map.*
- 3. The proposed height of any tower should step down from the Edgecliff Commercial Centre to reflect the height strategy of the draft Edgecliff Commercial Centre Strategy. It should maintain the integrity of the ECC strategy and the dominance of Edgecliff Centre. The height of any podiums needs to be refined to better relate to adjoining development and open space areas.*
- 4. Overshadowing of Trumper Park (not just the oval) and residential development within the heritage conservation area, views and the potential impact on biodiversity all need to be considered.*

## **REASONS FOR THE DECISION**

The Panel discussed the Department's Pre-Gateway Determination Addendum Report and supporting documents. Concerns of the proponent and of Council were discussed extensively especially in relation to height changes, overshadowing and car parking.

The majority of the Panel concurred with the Department's assessment as presented within the Addendum to the Pre-Gateway Report and endorsed the above recommendation.

In dissenting from the majority, Mary-Lou Jarvis and Matthew Robertson advised they did not support the recommendation, with both stating the following reasons for their position:

- The strategic merit of increasing the height of the site 6 fold to 18 storeys, increasing FSR to 3.7:1 and offering 11 'affordable housing units' for a period of 15 years rather in perpetuity as currently exists with 106 , has not been demonstrated by the applicant.
- Notes that the current zoning provides for a maximum height of 10.5m ( 3 storeys) and FSR or 0.75:1 and 106 dwellings which are affordable in the context of eastern suburbs prices at around \$500-650pw.
- A continued preference for the endorsement of a height limit of 12m for the site noting that the Panel on 26 March 2024 by majority agreed on a height guide of 12 storeys.
- Concerns with height impacts and greater overshadowing to adjacent Heritage Conservation Area with a 18 storey development.
- Concerns that a height of 18 storeys will interrupt read of the Edgecliff ridgeline from within the Paddington Heritage Conservation Area and result in view loss contrary to objective C1.2.4 of the Woollahra Development Control Plan 2015.
- Concerns about the siting of the proposed podium in non-compliance with the Australian Design Guide particularly in relation to the eastern setback from the adjacent HCA and resulting in overshadowing and associated adverse impacts on Victorian terrace housing.
- Concerns the proposal fails to follow the land form as stipulated in the future desired character provision C1.2.4 of the Woollahra Development Control Plan 2015.
- The impact of the recommended scheme on the efficiency and efficacy of the Edgecliff Centre Strategy which has a strategic aim on increasing residential use in the towers directly above a transport hub and obviating the need for additional parking.


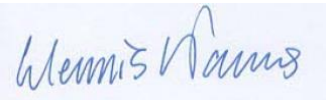

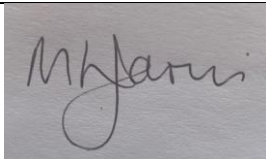
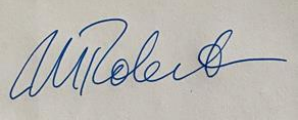
- Consideration for the reasoning for the subject site's exclusion from the Edgecliff Centre Strategy and its inclusion in the Paddington Heritage Conservation Area representing an important transition site between the HCA and the Edgecliff Centre.
- Consideration of adverse impacts to Trumper Park's biodiversity, established tree canopy and vegetation and the existing amenity and aesthetic outlook enjoyed by surrounding properties and from the public domain.

Given the subject site is within the Paddington HCA, concerns the development will have a detrimental impact upon the character and significance of the Paddington Heritage Conservation Area contrary to C1.1.4 of Woollahra Development Control Plan 2015.

- The known loss of 106 existing affordable housing dwellings in contravention of the objectives of Woollahra Council's Affordable Housing Policy 2021; chiefly at part 2.4:
  - (a) To maintain and increase the supply of affordable rental housing for key workers and essential workers living in low and moderate-income households;
  - (b) To encourage the provision of affordable, inclusive and diverse housing for very low, low and moderate income households, and meets special housing and access needs; and
  - (c) To ensure planning controls facilitate the supply of new affordable housing that is appropriately designed and located.
- The strategy for the Edgecliff Centre took into account existing traffic congestion in New McLean Street and the aim to minimise additional vehicle movements by not providing uplift in the R3 zone which would add more pressure to a minor local road with just one way in and one way out.
- The proposal amounts to an overdevelopment of the site contrary to the aims and objectives of Woollahra Local Environmental Plan 2014.

The Panel unanimously further 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.

The Proponent is requested to submit an updated Planning Proposal in line with the Panel's endorsed recommendation by 2 December 2024. Following the Proponent's updates to the Planning Proposal package, the Panel may review the revised Planning Proposal prior to Gateway determination.

PANEL MEMBERS	
 Carl Scully (Chair)	 Glennis James
 Stephen O'Connor	 Mary-Lou Jarvis
 Matthew Robertson	

SCHEDULE 1		
1	LGA – ADDRESS	PP-2023-1648 – 8-10 New McLean Street, Edgecliff – Woollahra LGA
2	LEP TO BE AMENDED	Woollahra Local Environmental Plan 2014
3	PROPOSED INSTRUMENT	<p>The planning proposal seeks to amend the Woollahra Local Environmental Plan 2014 to:</p> <ul style="list-style-type: none"> <li>• Increase the height of building control from 10.5m to RL110 (36.5m);</li> <li>• Increase the FSR from 0.75:1 to 4.5:1;</li> <li>• Insert Additional Permitted Uses of commercial premises, community facility, recreation facility (indoor) and medical centre;</li> <li>• Insert clause of “Development requiring the preparation of a development control plan” for the subject site.</li> </ul>
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Department of Planning, Housing and Infrastructure Pre-Gateway Determination Addendum Report and supporting attachments;</li> </ul>
5	BRIEFINGS BY THE PANEL	<ul style="list-style-type: none"> <li>• <b>Briefing and Panel Discussion with Department of Planning, Housing and Infrastructure (DPHI):</b> 9:33am – 10:30am, 24 October 2024 <ul style="list-style-type: none"> <li>○ Panel members in attendance: Carl Scully (Chair), Glennis James, Stephen O’Connor, Mary-Lou Jarvis &amp; Matthew Robertson</li> <li>○ DPHI staff in attendance: Jazmin Van Veen, Patrice Rando, Ellen Shannon, Louise Mc Mahon, Renee Ezzy, Kate McKinnon, Taylah Fenning and Adam Williams</li> </ul> </li> </ul>

<b>DATE OF BRIEFING</b>	17 January 2025
<b>PANEL MEMBERS</b>	Carl Scully (Chair), Glennis James, Stephen O'Connor, Mary-Lou Jarvis & Matthew Robertson
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

### PLANNING PROPOSAL

PP-2023-1648 – 8-10 New McLean Street, Edgecliff – Woollahra LGA (as described in Schedule 1).

### PANEL CONSIDERATION

The Strategic Planning Panel of the Sydney Eastern City Planning Panel (Panel) met with the Department of Planning, Housing and Infrastructure (DPHI) for a Pre-Gateway briefing to consider whether the Planning Proposal Authority (PPA) team's updated Pre-Gateway Planning Proposal package is sufficient for the proposal to proceed to Gateway Assessment.

The Panel considered how the planning proposal, as amended, responded to the recommendations of the Panel in their most recent decision of the 28 November 2024. Specifically, the following was discussed:

- Technical or administrative errors within the Planning Proposal, and changes made to fix or amend these.
- Housing mix, unit typology and other elements of the proposed DCP.
- The proponent's response to the Panel's recommendations related to the provision of affordable housing, including outcomes of feasibility analysis, proposed percentages and tenure arrangements.

Following discussion of options proposed under the revised planning proposal, 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 control be enshrined within the Local Environmental Plan.

The PPA Team is to obtain confirmation from the Proponent that the Panel's recommendation with respect to affordable housing stated above has been adopted in full within the planning proposal. Upon receipt of confirmation, the Panel recommends that this matter proceed to Gateway determination.

Mary-Lou Jarvis stated that:

She maintains that the planning proposal represents an overdevelopment of the site and will result in the loss of over 100 existing "affordable" units. Furthermore, the planning proposal is inconsistent with the Edgecliff Commercial Centre Planning and Urban Design Strategy endorsed by Woollahra Council on April 24, 2024.


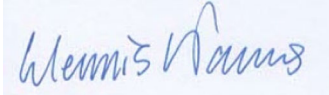

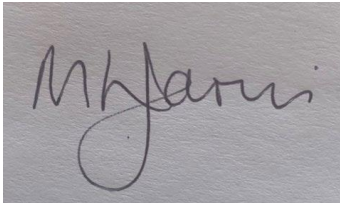
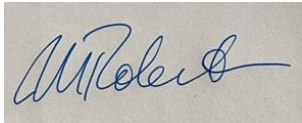
However noting the Panel's previous approval and this briefing considering the alternative proposals for affordable housing, a better outcome is to at least ensure any affordable housing is in perpetuity rather than limited to 15 years provided by the Government policy.



She therefore supports the views of the other Panellists that the affordable housing be provided in perpetuity.

Matthew Robertson stated that:

He supports the Panel's decision, however, he noted that the 2.76% GFA option in perpetuity is only preferable to the other option presented by the proponent for greater GFA provided only on a fixed term basis; and that moreover the delivery of a greater proportion of GFA as affordable housing stock is preferable.

PANEL MEMBERS	
 Carl Scully (Chair)	 Glennis James
 Stephen O'Connor	 Mary-Lou Jarvis
 Matthew Robertson	

SCHEDULE 1		
1	LGA – ADDRESS	PP-2023-1648 – Woollahra LGA – 8-10 New McLean Street, Edgecliff
2	LEP TO BE AMENDED	Woollahra Local Environmental Plan (LEP) 2014
3	PROPOSED INSTRUMENT	<p>The proposal seeks to:</p> <ul style="list-style-type: none"> <li>• Increase the maximum height of buildings (HOB) from 10.5m to 36.5m with a tower height up to 22 storeys (RL 110);</li> <li>• Increase the FSR from 0.75:1 to 4.5:1;</li> <li>• Introduce commercial premises (including but not limited to business and office premises, food and drink premises and shop), community facility recreation facility (indoor) and medical centre as an additional permitted use for the site; and</li> <li>• Introduce a provision which requires the preparation of a site specific development control plan (DCP) prior to development consent and specifies the matters it must address.</li> </ul>
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• DPHI Rezoning Review Briefing Report and Associated Documents, March 2024</li> <li>• DPHI Pre-Gateway Determination Briefing Report including the planning proposal, SJB Urban Design review and supporting documents August 2024.</li> <li>• DPHI Pre-Gateway Addendum Report, October 2024</li> <li>• DPHI Updated Pre-Gateway Planning Proposal Package including updated reports.</li> <li>• DPHI slide presentation January 2025</li> </ul>
5	BRIEFINGS BY THE PANEL	<ul style="list-style-type: none"> <li>• <b>Briefing with Department of Planning, Housing and Infrastructure (DPHI):</b> 4:00pm – 4:35pm, 17 January 2025 <ul style="list-style-type: none"> <li>○ Panel members in attendance: Carl Scully (Chair), Glennis James, Stephen O'Connor, Mary-Lou Jarvis &amp; Matthew Robertson</li> <li>○ DPHI staff in attendance: Louise McMahon, Doug Cunningham, Jazmin Van Veen, Patrice Rando, Ellen Shannon, Kate McKinnon and Adam Williams</li> <li>○ Key issues discussed: <ul style="list-style-type: none"> <li>• Site and summary of proposal</li> <li>• Panel's directions and independent review process, design parameters and considerations</li> <li>• Consideration and response to proponent's requests</li> <li>• Overshadowing to Trumper Park and the Heritage Conservation Area (HCA)</li> <li>• Height of the proposed tower in relation to draft Edgecliff Commercial Centre Strategy</li> </ul> </li> </ul> </li> <li>• <b>Panel Discussion:</b> 4:35pm – 4:51pm, 17 January 2025 <ul style="list-style-type: none"> <li>○ Panel members in attendance: Carl Scully (Chair), Glennis James, Stephen O'Connor, Mary-Lou Jarvis &amp; Matthew Robertson</li> <li>○ DPHI staff in attendance: Louise McMahon, Doug Cunningham, Jazmin Van Veen, Patrice Rando, Ellen Shannon, Kate McKinnon and Adam Williams</li> </ul> </li> </ul>