

PRE-GATEWAY REVIEW – Information Assessment and Recommendation Report

Local Governmental Area :	Woollahra	
Amended Local Environmental Plan :	Woollahra Local Environmental Plan 1995 or draft Woollahra Local Environmental Plan 2013	
Address:	529-539 Glenmore Road, Edgecliff	
Reason for review:	☒ Council notified proponent it will not support proposed amendment	☐ Council failed to indicate support for proposal within 90 days
Is a disclosure statement relating to reportable political donations under s147 of the Act required and provided?	☒ Provided ☐ N/A Comment: There are no donations or gifts to be disclosed.	
Assessment Fee:	☒ Provided & correct ☐ Not provided / incorrect Comment:	

1 SUMMARY OF THE PROPOSAL

- 529-539 Glenmore Rd, Edgecliff (site) has a combined area of 722m² and a 27.6m frontage on Glenmore Road.
- The site is currently zoned 3(b) (*Special Business "B"*) under the *Woollahra Local Environmental Plan 1995*, has maximum building heights of 9.5m and 12m and a maximum floor space ratio of 1.5:1.
- Council has exhibited a *B4 Mixed Use* zone, a maximum building height of 9m (i.e. reduced from the current height) and a maximum floor space ratio of 1.5:1 for the site in the draft *Woollahra Local Environmental Plan*.
- Residential flat buildings are permissible with consent in the current 3(b) (*Special Business "B"*) zone. However, residential flat buildings are only permissible as *shop top housing* in the *B4 Mixed Use* zone. Council has not utilised the *R1 General Residential* or *R4 High Density Residential* in the draft *Woollahra Local Environmental Plan*.
- The proposal seeks to rezone the site to *R3 Medium Density Residential* under the draft *Woollahra Local Environmental Plan*, increase the maximum building height to 34m and increase the maximum FSR to 6:1.
- The site is currently occupied by 6 x 2 storey terraces, with one being used as a brothel.
- The terraces are not heritage items, but are located within the Paddington heritage conservation area.
- The site is immediately north of the eastern suburbs railway viaduct and located in the Edgecliff town centre.
- As part of Council's comprehensive Local Environmental Plan work and to address additional dwellings targets under the draft East Subregional Strategy, Council identified 24 opportunity sites across the Local Governmental Area. Four sites were identified in the Edgecliff town centre; however, the subject site was not identified. The criterion for selecting opportunity sites was not made public.

- Woollahra Council does not support the proposal as it considers the proposal is not in character with surrounding buildings and the Paddington heritage conservation area, and has an unreasonable view sharing impact on 177 New South Head Road, Edgecliff.
- The proposal is recommended to proceed to independent review because it demonstrates strategic merit and is generally consistent with current metropolitan, regional and local planning framework.

2 REQUIREMENTS UNDER SECTION 55 OF THE EP&A ACT

1.1 Objective and intended outcomes:

The following objective and intended outcome has been put forward by the applicant:

- the proposed rezoning will facilitate the development of a 10 storey residential flat building within the Edgecliff town centre in close proximity to high frequency public transport and services; and
- the development will contribute to subregional housing targets for the Woollahra Local Governmental Area.

1.2 Explanation of provisions:

The following provisions are suggested by the proponent for current Woollahra Local Environmental Plan 1995:

- amend the 'Insert B – Paddington' on the *Density Map* by increasing the floor space ratio from 1.5:1 to 6:1 on the site; and
- amend 'Insert B – Paddington' on the *Height Map* by increasing the height limit from 9.5m to 34m on the site.

Residential flat buildings are permitted with consent in the current zone 3(b) (Special Business "B").

If Council's draft comprehensive Local Environmental Plan has been notified, the following provisions are suggested by the proponent for draft Woollahra Local Environmental Plan:

- amend the *Zoning Map* sheet LZN_003 by rezoning the site from B4 Mixed Use to R3 Medium Density Residential;
- amend the *Floor Space Ratio Map* sheet FSR_003 by increasing the floor space ratio from 1.5:1 to 6:1 on the site; and
- amend the *Height of Buildings Map* sheet HOB_003 by increasing the height limit from 9.5m to 34m on the site.

1.3 Mapping:

The proposal includes sufficient draft mapping and aerial photographs (refer to **Tag C**).

1.4 Community consultation (including agencies to be consulted):

Consultation is proposed to be carried out with relevant public agencies, including Office of Environment and Heritage and Roads and Maritime Services, the community, and adjoining landowners as per statutory requirements. The proponent suggests the planning proposal be publicly exhibited for a minimum of 28 days.

Department of Planning and Environment's view

It is clear what the proposal seeks to achieve in terms of community consultation, which is considered acceptable.

2 PROPOSAL ASSESSMENT

2.1 Strategic merit assessment

2.1.1 Metropolitan Strategy

The proposal is consistent with the **Metropolitan Plan for Sydney 2036** (2010) and **draft Metropolitan Strategy for Sydney 2031** (2013), as follows:

- supports growth within Metropolitan Sydney;

- responds to increased housing diversity and choice through the provision of housing stock to suit the needs of a changing population; and
- capitalises on existing market demand by providing housing in a desirable locality, close to transport infrastructure, services and jobs.

2.1.2 SEPPs

The planning proposal indicates consistency with the following SEPPs:

SEPP 55 Remediation of Land

Given the current use of the site it is unlikely the site is subject to contamination that would prevent the progression of the proposal.

SEPP 32 Urban Consolidation

The proposal is consistent with the objectives of this SEPP by considering the suitability of the site for re-development for multi-unit housing.

SEPP 65 Design Quality of Residential Flat Buildings

The architects advise the indicative concept design prepared and lodged with the proposal is able to comply with the key guidelines of SEPP 65.

SEPP (BASIX) 2004

The architects advise the indicative concept design prepared and lodged with the proposal will be able to achieve mandated energy and water efficiency.

SEPP (Infrastructure) 2007

The proposal will require upgrades and/or augmentation to the existing utility services to accommodate the future residential population.

2.1.3 Regional Strategy

The proposal is consistent with the overall intent of the **draft East Subregional Strategy** (2007). The proposal is considered appropriate for the following reasons:

- it increases residential density within walking distance of a local centre;
- contributes to housing choice and liveability in a local centre; and
- plans for housing mix near jobs, transport and services.

2.1.4 Local Strategy

There are no specific local strategies endorsed by the Acting Secretary for the site. However, the proposal gives consideration to Woollahra Council's **2025 Community Strategic Plan** and highlights the following consistencies with section 4 – well planned neighbourhoods:

- the proposal locates residential densification in the Edgecliff town centre;
- increasing controls on the site will protect low density areas elsewhere in the local government area;
- does not unreasonably impact on the Paddington heritage conservation area; and
- will contribute to a mix of housing types.

2.1.5 Section 117 Directions

The proposal is relevant to the following S117 Directions:

1.1 Business and Industrial Zones

The proposal is inconsistent with this direction as it will result in a small loss of employment potential, due to the loss of the brothel. The proponent argues more suitable land for employment exists in the vicinity of the site.

2.3 Heritage Conservation

The proposal is inconsistent with this direction as even though it is keeping the current façade of the building, a significant structural addition is proposed. The proposal will also set back the additional levels above the façade, to minimise impacts. This inconsistency is considered ~~and~~ to be minimal and acceptable.

3.1 Residential Zones

The proposal is consistent with this direction as it encourages a variety of housing types in a location well serviced by existing infrastructure and in close proximity to services.

3.4 Integrating Land Use and Transport

The proposal is consistent with this direction as it provides additional housing in close proximity to jobs and in a location well serviced by existing public transport infrastructure.

4.1 Acid Sulphate Soils

The site is located on land with a probability of containing acid sulphate soils. An acid sulphate soil investigation is required to ascertain the presence of acid sulphate soils and mitigation measures as necessary.

7.1 Implementation of the Metropolitan Strategy for Sydney

The proposal is consistent with this direction in that it promotes a variety of housing stock within close proximity of employment, services and public transport options.

Department of Planning and Environment's view

The proposal is inconsistent with directions 1.1 Business and Industrial Zones and 2.3 Heritage Conservation. These inconsistencies are minor in nature and acceptable. All other aspects are consistent with the current metropolitan, regional and local planning framework.

2.2 Site-Specific merit assessment

2.2.1 Existing use of land

The site is in the Edgecliff town centre and immediately north of the eastern suburbs railway viaduct. The site has an area of 722sqm, with a 27.6m frontage on Glenmore Road.

The site currently accommodates 6 x 2 storey terrace houses, five being used for residential accommodation, while one is a brothel. The site is 450m (walking distance) from Edgecliff railway station.

The current and proposed planning controls for the site are:

	Zone	Height (m)	FSR
Woollahra Local Environmental Plan 1995	3(b) (Special Business "B")	9.5 and 12	1.5:1
Draft Woollahra Local Environmental Plan	B4 Mixed Use	9	1.5:1

2.2.2 Future land use

The proposal is for a 10 storey residential flat building capable of accommodating approximately 45 dwellings and approximately 24 basement level car spaces. The facades of the terraces houses fronting Glenmore Road are proposed to be retained. Five terrace houses are proposed to be converted to residential dwellings, while the sixth will be converted into an entrance and lobby for the remainder of the development.

Department of Planning and Environment's view

The proposal and concept design for a residential flat building will not adversely impact on the surrounding neighbourhood. The existing nature of development in the area includes residential flat buildings and commercial development between 7 and 14 storeys. An 8 storey development is located immediately south-east of the site.

2.3 Natural environment

No critical habitat or threatened species populations or ecological communities or their habitats would be adversely affected as a result of the proposal.

Department of Planning and Environment's view

There are no natural environmental matters that prevent the proposed rezoning.

2.4 Services and infrastructure

2.4.1 Public Transport

The subject site is located within an area that has high levels of access to public transport, being 450m walking distance from Edgecliff railway station. New South Head Road to the north (approx. 50m walking distance) is a strategic corridor with regular bus services to Bondi Junction, Double Bay, and Sydney CBD available. The closest bus stop is 113m walking distance from the site.

2.4.2 Traffic and car parking

The proposal in its current form does not address the current or future car parking needs of the site.

The proposal suggests the need for off-street parking and will investigate appropriate parking rates and the impact of the proposed development on the local street network, the intersection of Glenmore Road and New South Head Road and the Edgecliff town centre, if a Gateway determination is issued and prior to public exhibition.

2.4.3 Infrastructure and Services

Any future development undertaken may require existing utility services to be upgraded and/or augmented to enable the future residential population to be accommodated.

Department of Planning and Environment's view

Given the site is well serviced by public transport, the decision to conduct detailed traffic and parking assessment after issue of a gateway determination and prior to public exhibition, appears reasonable and is supported. There is potential for upgrading of infrastructure on the site which will be dealt with at the development assessment stage.

Given that the site is located within an existing urban area, augmentation of existing services infrastructure is a reasonable expectation. If the proposal proceeds, infrastructure providers, such as Sydney Water, should be approached for comment prior to or during public exhibition.

2.5 Other relevant matters

2.5.1 Opportunity Sites

As part of Council preparation of its comprehensive Local Environmental Plan and to address dwellings targets under the draft East Subregional Strategy, Council identified 24 opportunity sites across the Local Governmental Area that may be suitable for rezoning, FSR and/or height changes to facilitate the required additional dwelling yield. The following four sites were identified in the Edgecliff town centre, which excluded the subject site:

- Edgecliff Centre (Station): 203–233 and 235–285 New South Head Rd (approx. 1 ha);
- 240–246 New South Head Rd, Edgecliff (Thane Building) (384sqm);
- 73–79 New South Head Rd, Edgecliff (service station site) (approx. 1600sqm); and
- 2–14 New South Head Rd, Edgecliff (approx. 500sqm).

Council conducted community consultation in June – July 2010 for all 24 opportunity sites, to gauge community interests and concerns for the proposed changes.

At its meeting on 23 August 2010, Council removed Edgecliff Station from the opportunity sites list after receiving a formal objection from RailCorp to the proposed planning changes, citing the complexity of land ownership, potential impacts to operations, and difficulties of construction as major issues.

The opportunity sites were identified following planning analysis for all land within the Woollahra Local Government Area. The analysis focused on underutilised sites in the business centres and immediately surrounding areas, particularly Edgecliff and the New South Head Road corridor to Rushcutters Bay. The exact criteria for selecting opportunity sites was not made public.

In June 2011, the Department requested Council focus on completion of its draft comprehensive Local Environmental Plan with a view to looking at specific opportunity sites as planning proposals at a later date. With the draft comprehensive LEP now in the post exhibition stages, it is appropriate to consider site specific proposals.

2.5.2 Woollahra Comprehensive Local Environmental Plan

Council's draft comprehensive Local Environmental Plan was placed on exhibition from September to November 2013 received approximately 135 submissions and is currently with Council.

2.5.3 Heritage Impact Assessment

The site contains a row of Victorian Italianate style terraces and a corner shop that exemplifies the typical style of the Paddington heritage conservation area. The buildings were constructed circa 1888-1892.

The heritage impact assessment prepared by Urbis notes the front facades of the buildings are of heritage significance and contributes to the heritage conservation area. The internal elements of the houses are highly modified and represent no heritage significance. It is noted the proposal will retain the front and side facades of the houses.

The surrounding context of the site is a mix of contemporary high density apartment and commercial buildings. Behind the site and directly opposite the site are 3-4 storey apartments and warehouse retail premises. Across the lane is a row of single storey Victorian style cottages, which are the only heritage buildings neighbouring the site. The site is on the northern boundary of the heritage conservation area and is separated from the rest of the heritage conservation area by the eastern suburbs railway viaduct. The unique location and contemporary surroundings led the heritage assessment to conclude the proposal is appropriate within this section of the heritage conservation area.

2.5.4 Overshadowing

Preliminary shadow analysis indicates the proposal will maintain a minimum of 2 hours direct sunlight to surrounding residential dwellings on the 21 June (winter solstice). This is acceptable and will be further dealt by establishing compliance with SEPP 65 criteria. L5 TFL

2.5.5 View sharing

View sharing analysis undertaken by Rothe Lowman Architects considers the impacts on the existing residential apartment building at 177 New South Head Road, which varies from 12 - 25m south-east of the site. The upper and mid-levels of 177 New South Head Road currently enjoy 180 degree views towards the Sydney central business district skyline and inner eastern suburbs. The upper level views also encompass the Harbour Bridge to Darling Point. The view sharing analysis suggests the mid-levels of 177 New South Head Rd will lose between 12% and 25% of views, while the upper levels will lose between 16% and 30% of views.

The loss of views is considered reasonable. However, the proposal only provides an indicative analysis and this issue should be further addressed in material provided for public exhibition should the proposal proceed.

2.5.6 Acoustics

Due to the site's close proximity to the eastern suburb railway viaduct, a detailed acoustic study as identified by the proponent should occur at the development application stage and is not required at this stage of the planning process. Referral of the planning proposal to Transport for NSW could also be undertaken during public exhibition, if deemed appropriate. These 2 issues can be addressed in any Gateway determination should the proposal proceed.

Department of Planning and Environment's view

The conclusion of heritage assessment is that there will be no significant impacts on the Paddington heritage conservation area, which is reasonable. However, an independent Heritage Impact Assessment should be prepared and exhibited with the proposal. Te

There is no objection to the overshadowing and view sharing analysis prepared by the proponent. The information received thus far is considered satisfactory for this stage of the plan making process. Detailed analysis of overshadowing, view sharing and SEPP65 compliance should occur at the development application stage.

The Department previously requested Council focus on completion of its draft Local Environmental Plan. Now the draft Local Environmental Plan has completed exhibition (November 2013) and is progressing through the final stage of the plan making process, it is an appropriate time to consider opportunity sites identified by Council or land owners.

3 VIEWS OF COUNCIL

3.1 Comments from Woollahra Council

Woollahra Council's submission refers to Council's report and decision of 24 February 2014. In summary, Council's report recommends the proposal not be supported as the height and floor space ratio controls are considered excessive and the proposal is inconsistent with heritage conservation principles. In particular, Council considers:

- the proposal is not in context with the character of the surrounding buildings within the heritage conservation area;
- increased development potential will not reflect the desired future character of the heritage conservation area;
- controls do not provide a suitable built form transition between the site and the surrounding low scale residential areas to the south within the heritage conservation area; and
- the proposal has significant and unreasonable impacts on solar access to 177 New South Head Road and views from that property.

Council advised it is conducting ongoing work to identify opportunity sites in the Local Governmental Area to contribute to Council's housing targets. Council raised concern that the proposal focuses on the broader urban context and high rise buildings in the area, rather than the immediate local scale context of Glenmore Road.

For further information, Council's submission can be found at **Tag E**.

4 BACKGROUND SUPPORTING INFORMATION

4.1 Adequacy of existing information

The proposal was supported by the following documentation:

- Pre-Gateway Review Application, Urbis, February 2014.
- Cover Letter, Urbis, March 2014.
- Planning Proposal, 529 Glenmore Road, Edgecliff, Urbis, November 2013 (as refused by Council).
- Heritage Impact Statement, 529-539 Glenmore Road, Edgecliff, Urbis, October 2013.
- Indicative Design Concept Analysis, Rothe Lowman, October 2013.
- Correspondence between Woollahra Council and Urbis (9 December 2013 - 23 January 2014).
- Woollahra Council Urban Planning Committee Agenda and minutes (10 February 2014).
- Woollahra Council heritage response, Amelia Parkins, Strategic Heritage Officer (1 February 2014).

Is the supporting information provided more than 2 years old?

Yes ☐ No ☒

If 'yes', explain/detail currency of information

Is there documented agreement between the proponent and the council regarding the scope/nature of supporting information to be provided?

Yes ☐ No ☒

Is there evidence of agency involvement in the preparation of any supporting information or background studies?

Yes ☐ No ☒

4.2 Requirement for further information

No further information is required.

5 CONCLUSION

The proposal demonstrates strategic merit and is generally consistent with the current metropolitan, regional and local planning framework.

The proposal is supported because:

- it will deliver a variety of housing stock to suit the needs of a growing population within close proximity to the Sydney CBD and high frequency public transport options;
- proposed controls for the site are generally consistent with the built form and scale of existing towers on surrounding sites and within the local area;
- the site is within an existing urban centre in close proximity to services, jobs and other activities;
- it aligns with regional and local policy to increase residential density in existing town centres;

- it will contribute to Woollahra Council's housing targets;
- it will not have a significant impact on the Paddington heritage conservation area; and
- is unlikely to have a significant impact on the local road network.

Council exhibited the site with a *B4 Mixed Use* zone in the draft Woollahra Local Environmental Plan and has clearly indicated its intention for the Edgecliff town centre, being mixed use development in the form of *shop top housing*, rather than residential flat buildings. Permitting *shop top housing* in the B4 zone facilitates additional residential dwellings above the ground floor, but requires an active or business use on the ground floor.

The site is located on a section of Glenmore Road which provides an active mix of uses and for this reason the B4 zone is appropriate.

It is recommended that the proposal for 529-539 Glenmore Road, Edgecliff, proceed to Sydney East Joint Regional Planning Panel for independent review. With this in mind the following recommendations are made:

- No objection is raised to a proposed R3 zoning of the site. However, the preference is for the site to be zoned *B4 Mixed Use* as it facilitates an appropriate land use mix for the Edgecliff town centre, aligns with Council's intentions for the town centre and is consistent with the adjoining zoning;
- The proponent undertakes the following detailed studies, prior to public exhibition:
 - a traffic and parking assessment;
 - detailed view impact analysis;
 - an independent Heritage Impact Statement to ascertain the significance of the existing dwellings and their contribution towards the conservation area; and
 - an acid sulfate soils study in accordance with s117 Direction 4.1 *Acid Sulfate Soils*;
- The inconsistencies with s117 Directions 1.1 *Business and Industrial zones* and 2.3 *Heritage Conservation* are justified as the proposal will result in a small loss of employment potential and will have minor impacts on the Paddington heritage conservation area.

6 RECOMMENDATION

It is recommended that the Deputy Secretary:

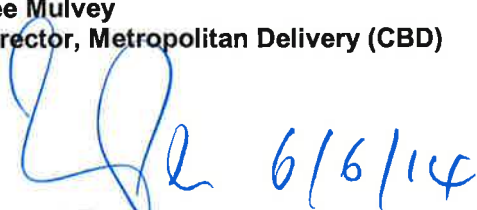
1. **form the opinion** that sufficient information has been provided and the request is eligible for review, and
2. **agree** to forward the request to the Joint Regional Planning Panel for advice.

Endorsed by:



27/5/14

Lee Mulvey
Director, Metropolitan Delivery (CBD)



Richard Pearson
Deputy Secretary
Growth Planning and Delivery



Neil McGaffin
General Manager, Metropolitan Delivery

6.6.14

Tag A1 – Current and proposed planning controls

WOOLAHRA LOCAL ENVIRONMENTAL PLAN 1995 (Current)

Development control table—Zone No 3 (b)—(Special Business “B” Zone)

1 Zone identification on the land use map

Coloured light blue and lettered “3 (b)”.

2 Description of the zone

The Special Business “B” Zone is a secondary commercial zone applying to a large area of the Edgecliff Commercial Centre and small sections of the Double Bay Commercial Centre. The scale of new development which may be achieved in this zone under floor space controls is less than that which may occur in the General Business “A” Zone. A broad range of uses is permissible including dwellings attached to commercial and retail buildings (an urban consolidation initiative).

3 Objectives of the zone

The objectives are:

- (a) to establish a commercial zone allowing a mix of commercial, residential and tourist accommodation purposes;
- (b) to prohibit all retail and high service generating uses which result in traffic, parking and vehicle access constraints; and
- (c) to allow residential development both independently of and mixed with non-residential development in order to promote urban consolidation.

4 Development which may be carried out without development consent

Development for the purpose of:

Drainage; roads.

5 Development which may be carried out only with development consent

Any development other than development included in Item 4 or 6.

6 Development which is prohibited

Development for the purpose of:

Amusement centres; amusement parks; bulk stores; car repair stations (other than those forming part of, and used in conjunction with, a service station); dwelling houses (other than those in a heritage conservation area); gas holders; generating works; helipads; heliports; industries; institutions; junk yards; liquid fuel depots; motor showrooms; panel beating and spray painting; restaurants; transport terminals; shops; warehouses.

7 Related provisions

Parts 3 and 4 of, and Schedules 2 and 3 to, this plan must be read in conjunction with this development control table as they also affect the nature of development which can be carried out.

DRAFT WOOLLAHRA LOCAL ENVIRONMENTAL PLAN (Proposed by Council)

Zone B4 Mixed Use

1. Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To provide active ground floor uses to create vibrant centres.
- To provide for development of a scale and type compatible with the amenity of the surrounding residential area.
- To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.

2. Permitted without consent

Home occupations; roads.

3. Permitted with consent

Boarding houses; building identification sign; business identification sign; car parks; child care centres; commercial premises; community facilities; dwelling houses; educational establishments; entertainment facilities; environmental facilities; environmental protection works; function centres; home-based child care; home business; home occupation (sex services); information and education facilities; light industries; medical centres; passenger transport facilities; places of public worship; recreation areas; recreation facilities (indoor); registered clubs; respite day care centres; restricted premises; seniors housing; service stations; sex services premises; shop top housing; tourist and visitor accommodation; vehicle repair station; veterinary hospitals.

4. Prohibited

Any development not specified in item 2 or 3

DRAFT WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2013 (Proposed by Planning Proposal)

Zone R3 Medium Density Residential

1. Objectives of zone

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

2. Permitted without consent

Home occupations; roads.

3. Permitted with consent

Attached dwellings; bed and breakfast accommodation; boarding houses; child care centres; community facilities; dual occupancies; dwelling houses; environmental protection works; group homes; health services facilities; home-based child care; home business; home industry; home occupation (sex services); hostels; multi dwelling housing; neighbourhood shops; places of public worship; recreation areas; residential flat buildings; respite day care centres; secondary dwellings; semi-detached dwellings; seniors housing.

4. Prohibited

Any development not specified in item 2 or 3.