

26 August 2020

Paolo Razza  
Longhurst Property Group  
Level 31 Governor Macquarie Tower  
1 Farrer Place  
Sydney NSW 2000



Dear Mr Razza

**Pre-application consultation response**

**Meeting No:** 1/2020

**Meeting date:** 24 July 2020

**Property:** Edgecliff Centre site - 203-233 New South Head Road, Edgecliff

**Applicant:** Longhurst Property Group

Thank you for attending the meeting on 24 July 2020, to discuss your pre-application consultation for a request for a planning proposal at 203-233 New South Head Road, Edgecliff (the site).

Attached are our responses to the information you submitted prior to the meeting and key issues discussed at the meeting. We hope that these will be of assistance should you proceed to lodge a request to prepare a planning proposal.

In summary, the pre-application submission seeks the following changes to the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014):

- Amendment to the maximum building height standard from 6m and 26m to RL 195m.
- Amendment to the maximum floor space ratio (FSR) standard from 2.5:1 to 9:1.

Council staff generally support reviewing the planning controls for this site. However, the proposed increase in both maximum building height and FSR controls are significant in relation to the site and its context and would create a building envelope which is excessive in height and bulk. Council staff consider that the proposed controls cannot be justified on either strategic or site-specific merits. Therefore, Council staff do not support the proposed height and FSR controls.

Further, Council has engaged a team of consultants to prepare an urban design study that will provide a clear and coordinated framework to guide future development of the Edgecliff Commercial Centre. We recommend that a request for a planning proposal be delayed under after the completion of this study.

The pre-application consultation aims to identify issues that need to be addressed prior to requesting Council to prepare a planning proposal. However, it is only after a detailed assessment of a request that all issues can be identified and fully considered. Please note the disclaimer at the end of the response.

The comments provided in this letter and the attached response are made in regard to a pre-application for a planning proposal request. The comments do not represent a notification under clause 10A of the *Environmental Planning and Assessment Regulation 2000*.

An application form and information to guide your application are available on Council's website: [www.woollahra.nsw.gov.au/building\\_and\\_development/development\\_rules/requests\\_for\\_planning\\_proposals](http://www.woollahra.nsw.gov.au/building_and_development/development_rules/requests_for_planning_proposals). If you lodge a request for a planning proposal, indicate on the form that you had a pre-application meeting and include the reference provided at the top of this letter.

I hope this service has been of use to you. Please contact Jorge Alvarez if you require any further assistance on (02) 9391 7073.

Yours sincerely

A handwritten signature in black ink that reads "Chris Bluett". The signature is written in a cursive, flowing style.

Chris Bluett  
**Manager, Strategic Planning**

## PRE -APPLICATION CONSULTATION RESPONSE

<b>Reference no.</b>	Pre-application 1/2020
<b>Address</b>	Edgecliff Centre site - 203-233 New South Head Road, Edgecliff
<b>Meeting date</b>	24 July 2020
<b>Pre-application officer</b>	Jorge Alvarez, Senior Strategic Planning
<b>Applicant</b>	Longhurst Property Group
<b>Present at meeting</b>	<p><b>Woollahra Council</b>                      Allan Coker – Director Planning and Development                      Anne White – Team Leader Strategic Planning                      Jorge Alvarez – Senior Strategic Planner</p> <p><b>Applicant</b>                      Paolo Razza – Longhurst Group                      Dimitri Roussakis – Longhurst Group                      Clare Swan – Ethos Urban                      James McBride – Ethos Urban</p>

### 1 Information submitted

On 24 June 2020 the applicant submitted the following material for staff consideration:

- Completed pre-application consultation form dated 24 June 2020.
- Pre-lodgement planning proposal report prepared by Ethos Urban dated 24 June 2020.
- Urban Design Study and Drawings prepared by FJMT Studio dated April 2020.

### 2 The site and context

#### 2.1 The site

The site is described as 203-233 New South Head Road, Edgecliff (the site). It is located on the south-eastern side of the intersection of New South Head Road and New McLean Street, Edgecliff.

The site:

- is developed with a building known as the ‘Edgecliff Centre’
- is zoned B2 Local Centre under the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014)
- is located in a business centre referred to as the Edgecliff Centre under Chapter D4 of the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015), which aligns to the B2 Local Centre zone under the Woollahra LEP 2014
- borders land zoned B4 Mixed Use zone along New South Head Road from east of the site to Rushcutters Bay under the Woollahra LEP 2014
- borders a mixed use centre referred to as the Edgecliff Centre under Chapter D2 of the *Woollahra DCP 2015*, which aligns to the B4 Mixed Use zone under the Woollahra LEP 2014.

To avoid confusion between references to the building and the land use centres the following terms are used in this document:

- ‘Edgecliff Centre’ refers to the building on the site

- Edgecliff Local Centre-refers to the land zoned B2 Local Centre under the Woollahra LEP 2014
- Edgecliff Mixed Use Centre refers to the land zoned B4 Mixed Use under the Woollahra LEP 2014
- Edgecliff Commercial Centre refers to the combined land zoned B2 Local Centre and B4 Mixed Use Centre under the Woollahra LEP 2014.

The site is legally described as:

- Lot 203 DP 1113922 and Lot 5 DP 243380, owned by Longhurst Investments No 1 Pty Ltd.
- Lot 2 DP 553702, owned by Rail Corporation New South Wales. This lot runs in an east-west direction across the site and applies to land below RL 27.51 (approximately the existing ground level) to an unlimited depth below. This lot lies below and beside the subterranean sections of Lot 203 DP1113922 and services the existing Eastern Suburbs railway line.

The site is irregular in shape with a site area of 4,910 sqm. It has the following frontages / boundaries (approximately):

- 70 metres along New South Head Road
- 64.25 metres along New Mclean Street (west)
- 62 metres along New Mclean Street (south)
- 68.6 metres to the neighbouring property at 235-285 New South Head Road.

The site has a moderate slope of approx. 1 in 12 from its north-east corner (approx. RL 33.5m) to its southern boundary (approx. RL 28m). The site is located on a visually prominent location at the top of the rise of New South Head Road from Rushcutters Bay, and near the top of the Edgecliff ridge line.

## **2.2 Existing development**

The site is currently occupied by a mixed use building known as the 'Edgecliff Centre'. The building comprises a seven storey building dating from the 1970s that is occupied by a range of commercial premises including retail at the ground, street front level and office premises above.

## **2.3 Surrounding development**

The site is located in the Edgecliff Commercial Centre along New South Head Road. The Commercial Centre contains a mix of commercial, and residential uses with a broad mix of heights, scales and built form. More specifically, the site is surrounded by the following development.

### *East*

Directly adjoining the site to the east is a large mixed use development at 235-285 New South Head Road and 180 Ocean Street, zoned B2 Local Centre. The development incorporates:

- Eastpoint Shopping Centre, with a one to three storey frontage along New South Head Road
- Edgecliff Train Station below ground
- A bus interchange on the roof of the shopping centre
- 'Eastpoint', a 16 storey residential tower on the south-western corner of the New South Head Road and Ocean Street, with heavily landscaped, mature vegetation along both street frontages

### *South*

Development on the southern side of New McLean Street, opposite the site, consists of:

- Council-owned land adjoining the site between its southern boundary and New McLean Street, zoned B2 Local Centre. The land is subject to a number of right of way easements to allow vehicular access to the site's car park and loading docks and the 'Eastpoint' car park.
- The 'Cameron Court' residential flat buildings at 8-10 New McLean Street, zoned R3 Medium Density Residential. The buildings are set amongst heavily landscaped, mature vegetation. The buildings are approximately three storeys in height fronting onto New McLean Street and approximately five storeys at the rear of the site.
- To the south of 'Cameron Court' lies the heavily vegetated slopes which form the northern boundary of Trumper Park. The park is zoned RE1 Public Recreation.
- To the east of 'Cameron Court' lie a number of two storey terraces are located along Cameron Street and Bowes Avenue, and are zoned R2 Low Density Residential.

### *North*

Development on the northern side of New South Head Road, opposite the site, consists of:

- A number of mixed use and residential buildings ranging from two to four storeys, zoned B4 Mixed Use.
- The playground area of Ascham School, zoned SP2 Infrastructure (Educational Establishment).
- Further north, the 'Ranelagh' residential tower at 3 Darling Point Rd, Darling Point is located on a large landscaped lot. The tower is approximately 91m (32 storeys) in height and the site is zoned R3 Medium Density Residential.

### *West*

Development on the western side of New McLean Street, opposite the site, consists of:

- Commercial development at 1 New McLean Street 'Edgecliff Mews' and mixed use commercial / residential development at 2 New McLean Street 'Edgecliff Court', both zoned B4 Mixed Use. Both buildings are built to the street frontage and are approximately two to four storeys in height to the street, and up to eight storeys at the rear.
- The 'Wimbledon' residential flat building at 4 New McLean Street, zoned R3 Medium Density Residential. The building is approximately four storeys in height to New McLean Street and up to six storeys at the rear, where the site fronts onto Glenmore Road.

## **2.4 Transport and access**

The site benefits from convenient public transport access, being located adjacent to the Edgecliff railway and bus interchange. Trains and buses from this location connect to various locations in the Woollahra LGA, eastern suburbs, Bondi Junction, the Sydney CBD and the greater Sydney metropolitan area.

A taxi stand is located on New South Head directly to the north 'front' of the site. A kiss and ride stand is located on New McLean Street directly to the south 'rear' of the site.

The site is located on New South Head Road which is a major arterial route connecting the Sydney CBD to the Woollahra LGA and more broadly to the eastern suburbs. The site is also located approximately 120m from the major intersection of New South Head Road, Ocean Street (which is also a major arterial road), Ocean Avenue and Edgecliff Road.

Vehicular access to a one level public car park within the site is available from a driveway on the west street frontage on New McLean Street. Egress from this car park is to the south on New McLean Street. Vehicular access to a tenant car park and loading docks is also available from the south on New McLean Street.

The main pedestrian access to the site is from New South Head Road.

## 2.5 Heritage

The site is located within the vicinity of a number of heritage items and heritage conservation areas listed in Woollahra LEP 2014, including:

- Item 238: 136 New South Head Road (opposite the site to the north) – building and interiors
- Item 239: 188 New South Head Road (opposite the site to the north-east) – Ascham school precinct
- Item 114: Concrete balustrade on Darling Point Road, near intersection with New South Head Road (opposite the site to the north)
- Heritage Conservation Area C8: Paddington Heritage Conservation Area (HCA) (opposite the site on New McLean Street to the south)
- Heritage Conservation Area C6: Mona Road HCA (approximately 200m to the north-west)
- Heritage Conservation Area C15: Woollahra HCA (approximately 250m to the south-east).

The site is located above the subterranean Eastern Suburbs Railway and Edgecliff Railway Station, both listed on the Sydney Trains Section 170\* register.

*\*Note: Under Section 170 of the NSW Heritage Act 1977, all state government agencies must keep and administer a database of heritage assets called a Section 170 Heritage and Conservation Register.*

## 3 Description of the planning proposal request

A request for a planning proposal would involve the following changes to the *Woollahra Local Environmental Plan 2014* (LEP):

- Amendment to the maximum building height standard from part 6m and 26m to RL 195m.
- Amendment to the maximum floor space ratio (FSR) standard from 2.5:1 to 9:1.

## 4 Council's strategic plans and studies

### 4.1 Woollahra 2030

*Woollahra 2030*, Council's Community Strategic Plan, identifies the strategic direction and integrated planning framework for the Woollahra Municipality. Council is committed to revitalising its centres, to deliver vibrant villages that provide local access to a range of shops and facilities.

A request for a planning proposal must demonstrate full compliance with relevant goals of the plan.

## 4.2 Woollahra Local Strategic Planning Statement

The *Woollahra Local Strategic Planning Statement (LSPS)* sets out a 20-year land use vision and planning priorities that will support and guide Council's planning controls to help ensure the Woollahra LGA continues to be a great place to live, work, play and visit.

The LSPS identifies the following:

*Edgecliff is the gateway that links Sydney's Eastern Suburbs and CBD along a vital transit corridor. It is based around a public train and bus interchange. Edgecliff is located in close proximity to Double Bay local centre, harbour-side parks and lifestyle destinations. It provides employment, local business services and retail. A planning review is currently underway for Edgecliff.*

Should the applicant seek to lodge a request for a planning proposal, it must demonstrate full compliance with relevant themes and planning priorities of the LSPS.

## 4.3 Draft Woollahra Integrated Transport Strategy

The *Draft Woollahra Integrated Transport Strategy 2019 (Draft ITS)* sets out a vision for a more accessible LGA where active, sustainable and efficient modes of transport are the most convenient choice for most trips. Council recognises the importance of having a transport strategy that reduces dependence on private vehicles by developing a system of viable, public and active transport alternatives.

The strategy sets out the key objectives, background analysis, challenges, opportunities, policies and actions with regard to four themes:

- Access, Mobility and Liveable Places: Supporting people in Woollahra to get around, regardless of age or ability.
- Public Transport: Working with the State Government to make public transport a more competitive alternative to car use.
- Active Transport: Making walking and cycling the most convenient option for most trips.
- Roads and Parking: Managing the road network to support all users and reducing traffic congestion, noise and speeding.

A request for a planning proposal must address the relevant objectives and themes in the Draft ITS, particularly in relation to the site's inclusion in the Edgecliff Local Centre, which is a transport node for rail, bus, vehicular, cycling and pedestrian movement.

## 4.4 The Edgecliff Commercial Centre Study

The Edgecliff Commercial Centre comprises land along New South Head Road generally from its intersection with New Beach Road to its intersection with Ocean Street and Ocean Avenue. This area has been the subject of a number of enquiries in recent times from developers seeking potential planning proposal requests. The enquiries have generally sought changes to height and FSR standards of the Woollahra LEP 2014 to facilitate buildings with a dominant residential use. However, developer initiated planning proposal requests are dealt with on an individual basis, resulting in a fragmented and uncoordinated approach to planning.

Council engaged a consultant team of *SJB* (planning and urban design), *GTA* (traffic) and *JLL* (economics) to prepare a planning and urban design study that will provide a clear and coordinated

framework to guide future development of the area. This study will examine the structure of the Edgecliff Commercial Centre in terms of planning, urban design, traffic, economy, infrastructure, recreation and environment. The strategic review will ultimately identify a new vision and desired future character.

In light of the study that is currently underway, we recommend that the request for a planning proposal is not lodged until the planning control review for the whole of the Edgecliff Commercial Centre has been completed. A decision to proceed with this site-specific request could be seen to pre-empt strategic decisions which are yet to be made about future planning controls for the centre.

#### **4.5 Opportunity site consultation**

The site is one of 24 locations that Council consulted the community about in 2010 called 'opportunity sites'. Opportunity sites were locations identified by Council planning staff to potentially increase dwelling capacity and meet the housing targets set out by the NSW Government in the *Draft East Subregional Strategy (July 2007)*.

However, the opportunity site process did not lead to an amendment of planning controls for this site. Further consideration of the proposed planning control changes for the opportunity sites, including the site, and any suggested new sites has been deferred unless 'strong and supportable reasons' are provided.

A request to prepare a planning proposal for the site must not rely on the opportunity site rationale. Any request should provide a new justification for proposed planning control changes.

## **5 State legislation**

### **5.1 Greater Sydney Regional Plan: A Metropolis of Three Cities (2018)**

The *Greater Sydney Regional Plan: A Metropolis of Three Cities (2018)* (the Regional Plan), is built on a vision of three cities. The vision is that most residents live within 30 minutes of their jobs, education and health facilities, services and great places. Ten directions are set out within the Regional plan which establish the aspirations for the region over the next 40 years and are a core component of the vision and a measure of the Regional Plan's performance.

The directions align within the categories of:

- Infrastructure and collaboration
- Liveability
- Productivity
- Sustainability

The Regional Plan includes objectives to create and support local employment opportunities, particularly in centres.

A request for a planning proposal must demonstrate full compliance with relevant directions and actions of the Regional Plan.

### **5.2 Eastern City District Plan (2018)**

The *Eastern City District Plan (2018)* (the District Plan) is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. It contains the planning priorities and actions for implementing the Regional Plan at a district level and is a bridge between regional and local planning. The priorities include objectives

to create and renew local centres by various methods, including creating and supporting local employment opportunities.

A request for a planning proposal must demonstrate full compliance with the vision and relevant priorities and actions of the District Plan.

### **5.3 Environmental Planning and Assessment Act 1979**

Section 3.33 of the *Environmental Planning and Assessment Act 1979* (the Act) sets out what information a planning proposal is to include when submitted for a gateway determination. The former Department of Planning and Environment prepared two documents titled *A Guide to Preparing Planning Proposals* (December 2018) and *A Guide to Preparing Local Environmental Plans* (December 2018) to help applicants meet the requirements of the Act.

We draw to your attention that these guidelines identify that a planning proposal must demonstrate the strategic merit and the site-specific merit of the proposed LEP amendments.

### **5.4 State Environmental Planning Policy 65: Design Quality of Residential Apartment Development (SEPP 65)**

A request for a planning proposal must address the relevant matters in SEPP 65 and the associated Apartment Design Guide (ADG) including:

- Section 2E - building depth.
- Objective 3F-1- Separation between dwellings to achieve a reasonable level of internal and external privacy.
- Objectives 4A-1 and 4B-3 to achieve a reasonable sunlight and cross ventilation.

### **5.5 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

A request for a planning proposal must address the relevant matters in *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*.

### **5.6 Future Transport 2056**

Future Transport 2056 is a suite of strategies and plans for transport developed in NSW aligned with the GSC and Department of Planning, Industry and Environment's regional plans and Infrastructure NSW's State Infrastructure Strategy to provide an integrated vision for the state.

The *Greater Sydney Services and Infrastructure Plan* is the 40-year plan for transport in Sydney and supports Future Transport 2056 and the Regional Plan. The services and infrastructure plan establishes the specific outcomes transport customers in Greater Sydney can expect and identifies the policy, service and infrastructure initiatives to achieve these.

The focus of the plan is enabling people and goods to move safely, efficiently and reliably around Greater Sydney, including having access to their nearest centre within 30 minutes by public transport, 7 days a week. It is also envisaged that the transport system will support the liveability, productivity and sustainability of places on our transport networks. Achieving this will require more efficient modes of transport – public transport, shared transport and walking and cycling – to play a greater role.

A request for a planning proposal must address the relevant issues in the Future Transport 2056 and the *Greater Sydney Services and Infrastructure Plan*, particularly in relation to the site's inclusion in the Edgecliff local centre, which is a transport node for rail, bus, vehicular, cycling and pedestrian movement.

## 6 Woollahra Local Environmental Plan 2014

### 6.1 Part 4.3: Height of buildings

The existing maximum building height that applies to the site under Woollahra LEP 2014 and the proposed height are:

Woollahra LEP 2014 - Height (m)	Proposed height (m)
Part 6m and 26m	RL 195m AHD

The existing controls on the site permit a split maximum building height of 6m and 26m. The pre-application submission seeks a maximum building height of RL 195m (Australian Height Datum) (AHD), which represents a building height of approximately 161.75 - 167m above ground level.

The building height objectives of clause 4.3 of Woollahra LEP 2014 are as follows:

- (a) *to establish building heights that are consistent with the desired future character of the neighbourhood,*
- (b) *to establish a transition in scale between zones to protect local amenity,*
- (c) *to minimise the loss of solar access to existing buildings and open space,*
- (d) *to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,*
- (e) *to protect the amenity of the public domain by providing public views of the harbour and surrounding areas.*

Consideration of the proposed building heights notes:

- The proximity of the site to the zone boundaries between the B2 Local Centre, B4 Mixed use, R2 Low Density Residential and R3 Medium Density Residential zones.
- The prominent location of the site near the top of the Edgecliff ridge line.
- The surrounding built form context generally ranging from two to four storeys.

The proposed building height would permit development which would be inconsistent with the objectives identified above. In particular the controls would not:

- establish a transition in scale between zones to protect local amenity,
- minimise the loss of solar access to existing buildings and open space (including the dwellings in the Paddington HCA and the open space of Trumper Park),
- minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion.

Council staff do not support the proposed building height on the site. However, if a request for a planning proposal is submitted, it must fully justify the requested building height control. The request must respond to the objectives above, and provide appropriate justification with regard to matters such as the effect on prescribed airspace, bulk and scale, solar access, views, loss of privacy, overshadowing, visual intrusion and public amenity. Additional information about some of these issues is provided below. The request must also address whether a change in maximum building height may require associated changes to the Woollahra DCP 2015.

#### *Prescribed airspace*

A prescribed airspace control applies to the site. Under the Commonwealth *Airports Act 1996* and *Airports (Protection of Airspace) Regulations 1996*, the prescribed airspace for Sydney (Kingsford-Smith) Airport is defined by the 'Obstacle Limitation Surface' (OLS) (building height contour) map published by the Sydney Airport Corporation limited (SACL). The OLS map

imposes a height contour of 156m AHD (RL) for the site. The proposed amendment to the building height control above the OLS height is considered a ‘controlled activity’ and is subject to Commonwealth Government approval.

Additionally, Commonwealth Government consultation and approval is required by the Ministerial direction (section 9.1) - 3.5 Development near regulated airports and defence airfields.

#### *Building height control comparison*

The proposed building height control represent a building height of approximately 161.75 - 167m above ground level. A comparison of the proposed building height to other approved building height controls show that the proposed control is:

- substantially greater than the current highest maximum building height of 34m permitted under the Woollahra LEP 2014
- substantially greater than the maximum building heights of 60m permitted under *Waverley Local Environmental Plan 2012* at Bondi Junction, which is designated as a strategic centre in the Regional Plan and District Plan
- greater than the majority of maximum building heights permitted under *Sydney Local Environmental Plan 2012* in the Sydney CBD, which is designated as a metropolitan centre in the Regional Plan and District Plan.

#### *View sharing*

A request for a planning proposal must address any view sharing impacts relating to surrounding properties. An assessment of these impacts must be based on the **maximum** building envelope created by the requested planning controls, not the building envelope of the concept building (although this may be included in addition to the maximum building envelope, for example, shown as “wire frame” superimposed on a photograph). The view sharing assessment must follow the four step process established in *Tenacity Consulting v Warringah (2004) NSWLEC 140* (paragraphs 23-33). The requirement for a view sharing assessment must not be taken to represent our support for the requested building height control, whether it be the height sought in your pre-application submission or another height.

The pre-application material included a preliminary view analysis of a limited number of surrounding properties. A request for a planning proposal must address view sharing impacts relating to all affected surrounding properties. The view assessment from surrounding properties should include, at a minimum:

- ‘Eastpoint’ tower at 180 Ocean Street, Edgecliff
- ‘Oceanpoint’ tower at 170 Ocean Street, Edgecliff
- ‘Ranelagh’ tower at 3 Darling Point Rd, Darling Point.

#### *Solar access and overshadowing*

A request for a planning proposal must address any solar access impacts on surrounding properties. An assessment of these impacts must be based on the **maximum** building envelope created by the requested planning controls, not the building envelope of the concept building (although the solar access and overshadowing impacts from the concept building may be included in addition to the maximum building envelope).

## 6.2 Part 4.4: Floor space ratio

The existing FSR control that applies to the site under Woollahra LEP 2014 and the proposed FSR are:

Woollahra LEP 2014 - FSR	Proposed FSR
2.5:1	9:1

The existing controls on the site permit a maximum FSR of 2.5:1. The pre-application submission seeks a maximum FSR of 9:1. This represents an increase of more than 260% of the existing control on the site.

The objectives of clause 4.4 of Woollahra LEP 2014 include:

- (b) *for buildings in Zone B1 Neighbourhood Centre, Zone B2 Local Centre, and Zone B4 Mixed Use—to ensure that buildings are compatible with the desired future character of the area in terms of bulk and scale.*

Having considered the site and its context, the proposed FSR would permit development which would be inconsistent with the objectives identified above. In combination with the proposed height control, it would permit development which would

- create excessive bulk and scale
- not be compatible with the character of surrounding land.

### *FSR control comparison*

A comparison of the proposed FSR with other FSR development standards in the Woollahra LGA and in major centres in other LGAs shows that the proposed control is:

- substantially greater than the current maximum FSR of 4:1 permitted under the Woollahra LEP 2014
- greater than the maximum building heights of 8:1 permitted under *Waverley Local Environmental Plan 2012* at Bondi Junction, which designated as a strategic centre in the Regional Plan and District Plan
- greater than the base FSR permitted under *Sydney Local Environmental Plan 2012* in the Sydney CBD, which is designated as a metropolitan centre in the Regional Plan and District Plan.

### *Non-residential FSR*

Council is concerned about the erosion of non-residential floor space and employment opportunities on centres in the Woollahra LGA. This erosion will have a detrimental impact on the operation of the Edgecliff local centre within the context of the Eastern City District Plan (refer to section 4.2 below).

The long term benefits of providing non-residential floor space are:

- Future proofing/flexible land use opportunities
- Protection of employment opportunities
- Daytime foot traffic to support businesses such as retail uses,
- Encourage live/work opportunities
- Maintain and enhance day time vitality and vibrancy
- High-quality businesses and activities that attract people to the Edgecliff Commercial Centre
- Products and services for the needs of residents.

To future proof the Centre's ability to maintain and provide non-residential floor space and employment, Council staff recommended the applicant seeks to provide a minimum non-residential FSR.

At a minimum, this means development should facilitate:

- Employment generating land uses.
- Active ground floor retail and business uses such as cafes, shops, hairdressers and restaurants.
- First floor non-residential uses, such as business, office, medical services and community uses.

*Note: For the purposes of this approach car parking and serviced apartments are not included as non-residential floor space.*

Council staff do not support the proposed FSR on the site. However, if a request for a planning proposal is submitted it must fully justify the requested FSR control for the site. This must include analysis of the impacts of increasing FSR from the existing controls to the requested control. The request must include an appropriate associated minimum non-residential FSR. The request must also address whether a change in maximum FSR may require associated changes to the Woollahra DCP 2015.

## **7 Woollahra Development Control Plan 2015**

### **7.1 Chapters D4: Edgecliff Centre**

The site is located in the Edgecliff Centre which is addressed in Part D: Business Centres, Chapter D4 Edgecliff Centre of Woollahra DCP 2015. Whilst the request for a planning proposal must have regard to the desired future character of the centre, it is recommended that the request for a planning proposal is delayed until the urban design study for the whole of the Edgecliff Commercial Centre is completed. It is anticipated that the study will create a new vision and desired future character for the Edgecliff Commercial Centre.

### **7.2 Chapter E1: Parking and Access**

A request for a planning proposal must be accompanied by a traffic and transport report based on the **maximum** permitted development under the requested planning controls.

### **7.3 Chapter E3: Tree Management**

A request for a planning proposal, regardless of the scale, must have regard to Council's desired future character objectives and controls relating to trees, specifically Chapter E3 Tree Management of Woollahra DCP 2015.

### **7.4 Chapter E4: Contaminated Land**

A request for a planning proposal must consider any potential contamination of the site.

## 8 Referral officers comments

### 8.1 Strategic Planning

For reporting purposes to the Department of Planning, Industry and Environment, the planning proposal must include a statement which, based on the maximum potential development as well as your indicative concept, identifies the:

- Number and size of existing and proposed dwellings
- Number of potential new residents
- Size of existing and new non-residential gross floor area in square metres
- Number of existing and new jobs that will be accommodated in the non-residential area
- Number and type of existing and proposed car parking spaces.

### 8.2 Development control

Should a development application for the site be lodged prior to a change in the existing planning controls, it would be assessed under the existing controls that apply. The expectation is that an application must fully comply with the relevant development standards and controls. Any exceedances of the development standards would need to be fully justified by virtue of *Clause 4.6 Exceptions to development standards* in Woollahra LEP 2014.

### 8.3 Engineering Services

Council's Traffic and Transport Engineering staff have provided the following observations:

- The intersection of New McLean Street and New South Head Road is approaching or at capacity. Any planning proposal request for this site should address the traffic impacts on this intersection with measures to address how it resolves the existing traffic issues at this location.
- Given the potential scale of the development, there may be opportunities and need to upgrade the stormwater infrastructure in the area.
- Given the potential scale of the development, there may be opportunities and need to upgrade the public domain in New South Head Road and New McLean Street.
- As New South Head Road is a Classified Road, early consultation with the Roads and Maritime Services (RMS) is recommended.

A traffic impact statement identifying the **maximum** potential additional vehicle movements and traffic management strategy must be provided. The maximum potential car park and traffic movements must be based on calculations in accordance with Chapter E1 Parking and Access in Woollahra DCP 2015. This statement must address the implications of the likely development uplift arising from the requested new planning controls on existing traffic, parking and transport conditions surrounding the site and within any proposed parking areas. The statement must be produced by a suitably qualified and experienced traffic engineer in accordance with Chapter E1 Parking and Access in Woollahra DCP 2015.

### 8.4 Urban Design

The pre-application planning and urban design reports do not provide sufficient urban design analysis to support the proposed building height and FSR controls. A more comprehensive urban design analysis should be provided to demonstrate the suitability of the site for a development of the height, bulk and scale permitted by the proposed controls.

### *Height analysis*

An urban design analysis of the proposed height should demonstrate:

- An analysis of the proposed height control when compared to the skyline / city silhouette along the Eastern Suburbs Railway corridor. The analysis should consider the centre hierarchy from the Sydney CBD (Hyde Park) to Kings Cross (in a strategic location), Edgecliff as a local centre and the Double Bay Centre.
- The response of the proposed height control to the role of Edgecliff Local Centre as a Local Centre, including a comparative height analysis of local centres with a similar urban structure to Edgecliff.
- The relationship of the proposed controls to the local context and streetscape. How the scale and height of the proposed podium, with a limited built form articulation, is appropriate for this location in the Edgecliff Commercial Centre.

### *Streetscape*

A streetscape analysis of the proposed controls must consider the following:

- The existing fine-grain streetscape with vertical articulation and 3-4 storey street wall height
- The predominant maximum height control of 14.7m and existing 4 storey street wall height of the Edgecliff mixed use centre along the New South Head Road.

The scale and height of the proposed podium of the development concept, with a limited built form articulation is not considered appropriate for the streetscape character of this corridor. A streetscape analysis should be provided to demonstrate the consistency / suitability of the proposed 6-7 storey street wall height.

### *Public domain*

A public domain analysis of the proposed controls must consider the following:

- The Edgecliff local centre and Edgecliff mixed use centre along New South Head Road has limited pedestrian-oriented public domain area. The proposed conceptual ground level entrance plaza onto New South Head Road offers internalised spaces with limited interaction with and contribution to the public domain. The space is not at a size that performs as a public plaza. A more accessible and open plaza area concept should be considered.
- The proposed concept must consider the creation of active frontages facing New McLean Street to enhance the public domain, streetscape and public safety. Activation of New McLean Street should consider a ground level setback on the western frontage of the site to allow for the creation of an open plaza / forecourt area for outdoor dining.
- Through-site links proposed as part of a development concept should connect with the existing pedestrian link to Trumper Park from New McLean Street and the existing pedestrian link to Cameron Street and the Paddington HCA to New McLean Street, to improve the permeability of the site.

## **8.5 Heritage**

The site is located within the vicinity of a number of heritage items and heritage conservation areas listed in Woollahra LEP 2014, including:

- Item 238: 136 New South Head Road (opposite the site to the north) – building and interiors
- Item 239: 188 New South Head Road (opposite the site to the north-east) – Ascham school precinct

- Item 114: Concrete balustrade on Darling Point Road, near intersection with New South Head Road (opposite the site to the north)
- Heritage Conservation Area C8: Paddington HCA (opposite the site on New McLean Street to the south)
- Heritage Conservation Area C6: Mona Road HCA (approximately 200m to the north-west)
- Heritage Conservation Area C15: Woollahra HCA (approximately 250m to the south-east).

The site is located above the subterranean Eastern Suburbs Railway and Edgecliff Railway Station, both listed on the Sydney Trains Section 170 register.

A request for a planning proposal must include a robust analysis of the heritage impacts of the requested controls and potential development. This must be submitted to allow a complete heritage assessment.

Based on the information provided, the height, bulk and scale of the potential development arising from the proposed planning controls would result in a permanent, visually dominating, intrusive element within the broader visual catchment of a large portion of the Woollahra LGA. The proposed controls also have the potential to set an undesirable precedent for future high-rise development in the Edgecliff Commercial Centre which could have a cumulative negative impact on the nearby heritage conservation areas in terms of heritage and other amenity impacts.

The documentation provided indicates that views will be impacted from as far as Rushcutters Bay Park, which is an item of State heritage significance [SHR 2041], Double Bay, and beyond. The size and height of the proposed development concept is such that its visual impacts will extend well beyond the site and the Edgecliff local centre. This extended impact of the proposal would alter views to, from and within local and State heritage items particularly Rushcutters Bay Park, and the Paddington, Mona Road and Woollahra HCAs. This extended impact must be fully considered in the heritage impact statement submitted with a planning proposal request. Given the height and visibility of the proposal, its potential visual impacts should also be considered on a broader catchment than the nearby heritage items and HCAs.

The site adjoins the subterranean Eastern Suburbs Railway and Edgecliff Railway Station, both listed on the Sydney Trains Section 170 register. The potential impact of proposed controls and any potential future development must be fully considered in the heritage impact statement. This must include the impact on any redesign or remodelling of entrances or platforms of the Edgecliff Railway Station, or the excavation for additional basement car parking levels adjacent to the Eastern Suburbs Railway tunnel. It is recommended that the applicant liaise with Sydney Trains heritage specialists prior to finalising any planning proposal request.

## **8.6 Open Space and Trees**

The conceptual 'Sky Plaza' open space area proposed is very limited and overlooks a bus terminal. Located three to four storeys above ground level it would be limited to people who live, work or arrive to the precinct and not be easily accessible for the wider community. It would not be an appealing place to sit or recreate. The space does little for young children or the youth to engage in active play as there are no play elements. Planning controls to allow a development of this scale should consider the inclusion of major open space requirements with provisions for state of the art equipment and themes. Trumper Park, Rushcutters Bay Park and Yarranabbe Park would be highly used by residents in this area and should be a focus of funding improvements by way of the development.

A request for a planning proposal, regardless of the scale, must have regard to Council's desired future character objectives and controls relating to trees, specifically Chapter E3 Tree Management of Woollahra DCP 2015. The applicant must engage an arboricultural consultant early in the planning phase to determine the retention value of all of the existing trees and vegetation, especially along New South Head Road. Setbacks for tree planting and landscape can be identified and used to guide the constraints and opportunities analysis of the site and inform building envelope controls.

## 8.7 Community services

The *Woollahra Community Facilities Study* (November 2019) identifies the need for a multipurpose facility in the Western Catchment of the Woollahra LGA. The study recommends that the facility should be a minimum of 2,000 - 2,500sqm in size and be adaptable in size for increased demand over time. Page 65 of the study states:

### *Strategic Opportunities for Delivery*

#### *8.2.3 Provide a new integrated multipurpose facility in the Western Catchment*

*A primary and pressing issue revealed through the community needs analysis is the forecast gap in provision in the Western Catchment, which is linked with the uncertainty over the future of the arrangement for the provision of a library in the City of Sydney-owned Paddington Town Hall.*

*The provision of a new integrated multipurpose facility could be located within the Edgecliff Economic Corridor area in partnership with future developers (e.g. via a Voluntary Planning Agreement or joint venture). Future uplift and development in this location over time will increase the pressure on local community facilities and further strengthen the need for a new integrated multipurpose facility.*

The site is located in the western catchment and if developed will increase the demand for local community facilities. The applicant should contact Council's Community Services staff to discuss the opportunities for a planning proposal request to incorporate the provision of local community facilities and / or the dedication of floor space for a facility. This may be considered within the voluntary planning agreement framework.

## 8.8 Property and projects

Council owns land adjoining the site between its southern boundary and New McLean Street. The land is subject to a number of right of way easements to allow vehicular access to the site and the 'Eastpoint' car park from New McLean Street.

The applicant must contact Council's Property and Projects staff to discuss the existing easements over the land, as well as the future use and potential development of this land.

## 8.9 Compliance

No comments at this time.

## 9 Voluntary planning agreement

The *Woollahra Voluntary Planning Agreement Policy 2020* (VPA Policy) was adopted by Council on 10 February 2020. Under this policy, Council may consider entering into a planning agreement where there will be an opportunity or likely requirement for a development contribution, including requests for planning proposals seeking a change to Woollahra LEP 2014 to facilitate the carrying out of development.

If approved, the proposed increase in height and FSR controls will substantially increase the development potential of the site and hence its land value. With this in mind, Council anticipates negotiating a planning agreement prepared in accordance with the VPA Policy, to share in this value uplift for the community's benefit. We emphasise, however, that the strategic merit of a planning proposal must be fully justified and the Council would need to support the requested changes.

Council prefers that negotiations for a planning agreement commence before the lodgement of a request for a planning proposal. Further, the VPA Policy seeks to separate the role of Council as an asset manager and planning authority to ensure probity. In this regard, please contact the Director – Technical Services to discuss the requirements for a planning agreement.

## **10 Information required with a request to prepare a planning proposal**

Should you submit a request for a planning proposal, the core documents listed in 9.1 below, are required. Additional documents may be required at the time a request to prepare a planning proposal is lodged.

### **10.1 Documents**

- Completed application form.
- Land owner's consent.
- Request to prepare a planning proposal addressing the matters in *A guide to preparing planning proposals* (December 2018). In particular, "Chapter 2: The parts of a planning proposal" and "Attachment 1: Information checklist".
- Concept plans including elevations and sections illustrating the distribution of land use and building bulk.
- Results of any consultation with surrounding property owners.
- Disclosure statement (relating to political donations and gifts).
- Survey plan.
- Studies, investigations and reports supporting the requested changes and relating to the **maximum** requested building height / FSR envelope, as well as the concept plan envelope, including:
  - Planning report justifying the requested amendments to the height and FSR controls, including the following information:
    - Number and size of existing and proposed dwellings
    - Number of potential new residents
    - Size of existing and new commercial gross floor area
    - Number of existing and new jobs that will be accommodated in the commercial area
    - Number and type of existing and proposed car parking spaces.
  - Photomontage and site photographs
  - 3D Model in the format required by Attachment 9: 3D Digital Model Technical Requirement of Council's DA Guide.
  - View analysis
  - Shadow diagrams in plan and elevation
  - Traffic and parking assessment
  - Urban design analysis (including streetscape study and figure-ground study)
  - Heritage impact statement
  - Arboricultural report
  - Geotechnical investigation
  - Acoustic assessment
  - Wind impact assessment

- A statement addressing the issues of ‘controlled activity’ and ‘prescribed airspace’ under the Commonwealth *Airports Act 1996* and *Airports (Protection of Airspace) Regulations 1996* and Ministerial direction (section 9.1) - 3.5 Development near regulated airports and defence airfields.

*Notes:*

- *Images must show the **maximum** building height / FSR envelope of the proposal, as well as the concept plan envelope may include, for example, a “wire frame” superimposed on a photograph or another image.*
- *Further reports, studies or documentation may be required once the request has been submitted.*

## 11 Fees

This planning proposal request is considered to be a major planning proposal. According to Council’s [2020/21 Fees and Charges](#) the cost for stages 1 and 2 are:

### **Major planning proposal**

<b>Stage 1</b> Up to gateway determination	\$41,770 (GST exempt)	All steps up to and including submission of planning proposal to Department of Planning & Environment for gateway determination if endorsed by Council. May include changes to Woollahra DCP 2015.
<b>Stage 2</b> Post gateway determination	\$24,930 (GST exempt)	All steps up to publication of the amending LEP subject to Council support. May include changes to Woollahra DCP 2015.

**Note:** An hourly rate of \$285.00 applies to any additional unforeseen tasks and functions.

*The above fees are relevant for the 2020/21 financial year only. Any fees payable outside this period will be subject to the adopted fees and charges for the relevant financial year.*

## 12 Next steps

Should you choose to lodge a planning proposal request, we prefer that you lodge the application together with supporting studies and information in person at Council’s Customer Service Centre, Redleaf, 536 New South Head Road, Double Bay.

Fees are NOT payable upon lodgement of a request. Council staff will review the request and supporting documentation to ensure all the required information has been provided to allow a full assessment of the request. We will contact you if we require additional information. Once we are satisfied that all the required information has been provided an invoice will be issued to the applicant.

Once all required documentation and payment is received we will commence the detailed assessment of the request. Further information may be required by us once this detailed assessment commences. The planning proposal request will then be reported to Council's Environmental Planning Committee (EPC). If the EPC supports the planning proposal, it will be referred to the Woollahra Local Planning Panel (LPP) for advice. The advice of the Woollahra LPP will then be reported back to the EPC for consideration.

### **13 Conclusion**

The pre-application submission seeks the following changes to the Woollahra LEP 2014:

- Amendment to the maximum building height standard from part 6m and 26m to RL 195m.
- Amendment to the maximum floor space ratio (FSR) standard from 2.5:1 to 9:1.

As identified above, Council staff generally support reviewing the planning controls for this site. However, the proposed increase in both maximum building height and FSR controls are significant in relation to the site and its context and would create a building envelope which would permit development of an excessive height and bulk. Council staff consider that the proposed controls cannot be justified on either strategic or site-specific merits. Therefore, Council staff do not support the proposed height and FSR controls.

However, if a request for a planning proposal is lodged with Council, it must fully justify the changes being sought to the building height and FSR controls and include an appropriate associated minimum non-residential FSR control. The request must also provide all the documentation identified in the 'information required with a request to prepare a planning proposal' section must be provided to permit a full assessment of the request.

### **14 Disclaimer**

The aim of a pre-application meeting is to provide a service to people who wish to obtain the comments of Council staff about the various aspects of a planning proposal request, prior to lodging an application. The advice can then be addressed or at least known, prior to lodging an application. This has the following benefits:

- It allows a more informed decision about whether to proceed with a request for a planning proposal; and
- It allows issues to be addressed, especially issues of concern, prior to requesting Council to prepare a planning proposal. This could then save time and money once the request for a planning proposal is lodged.

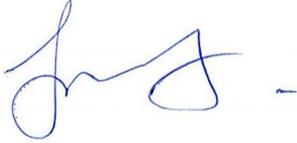
All efforts are made to identify issues of relevance and likely concern with the preliminary request. However, the comments in this response are based on the information submitted for preliminary assessment and discussion at the pre-application meeting.

You are advised that:

- The comments expressed may vary once detailed information is submitted and formally assessed, or as a result of issues contained in submissions by interested parties if a planning proposal is exhibited.
- If a request to prepare a planning proposal is received by Council, nothing contained in a pre-application response binds Council staff, the elected Council members, or other bodies beyond Council in any way.

The comments provided in this response are made in regard to a pre-application for a request for a planning proposal. The comments do not represent a notification under clause 10A of the *Environmental Planning and Assessment Regulation 2000*.

We hope this service has been of use to you. Please contact Jorge Alvarez if you require any further assistance on (02) 9391 7073.



Jorge Alvarez  
**Senior Strategic Planner**



Chris Bluett  
**Manager - Strategic Planning**