

REZONING REVIEW – Briefing Report

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| Date of referral | 7 April 2021 | |
| Department ref. no | RR-2021-78 | |
| LGA | Woollahra | |
| LEP to be amended | Woollahra Local Environmental Plan (LEP) 2014 | |
| Address | 203-233 New South Head Road, Edgecliff | |
| Reason for review | <input checked="" type="checkbox"/> Council notified the proponent it will not support the proposed amendment | <input type="checkbox"/> Council failed to indicate support for the proposal within 90 days, or failed to submit the proposal after indicating its support |
| Is a disclosure statement relating to reportable political donations under s10.4 of the Act required and provided? | <input type="checkbox"/> Provided <input checked="" type="checkbox"/> Not required Comment: No donations or gifts to disclose. | |

1. SUMMARY OF THE PROPOSAL

This rezoning review request was submitted to the Department of Planning, Industry and Environment (the Department) relating to a planning proposal seeking to amend development standards in the Woollahra Local Environmental Plan (LEP) 2014 as it applies to 203-233 New South Head Road, Edgecliff to:

- Increase the maximum building height standard from part 6 metres/part 26 metres to reduced level (RL) 195 metres Australian Height Datum (AHD);
- Increase the maximum floor space ratio (FSR) from 2.5:1 to 9:1; and
- Introduce a minimum non-residential FSR of 3:1.

The existing B2 Local Centre zoning will remain unchanged.

The planning proposal aims to facilitate a 45-storey (approximately 167m in height above ground level) mixed-use development comprising retail, commercial, medical/wellbeing and residential uses. The proposal was supported by a concept development scheme, with the key aspects outlined at section 1.5 of this report.

1.1 Background

End of 2016 – June 2020

Various engagement between the proponent and Council staff, which Council has stated related to providing updates on Council's Edgecliff Commercial Centre Urban Design Study.

24 June 2020

The proponent submitted a planning proposal pre-application.

24 July 2020

On 24 July a planning proposal pre-application consultation meeting was held between Council staff and the proponent. Following the meeting, the proponent was advised in a letter dated 26 August that whilst Council staff generally support reviewing the planning controls for the site, the proposed height and FSR controls are not supported. Council also advised it was preparing an urban design study for the Edgecliff Commercial Centre and recommended the planning proposal is delayed after completion of the study.

November 2020

On 6 November 2020, the proponent submitted a request for a planning proposal to Council. On 20 November, Council staff requested additional information, which was submitted by the proponent on 26 November.

8 December 2020

The proponent officially lodged the planning proposal with Council.

February 2021

The planning proposal was considered at the Woollahra Environmental Planning Committee (EPC) meeting of 1 February. The EPC recommended Council not support the request for the proposal. At the Ordinary Council Meeting of 22 February, Council resolved not to support the proposal and the proponent was notified on 25 February.

7 April 2021

The proponent lodged the rezoning review application with the Department.

1.2 Locality and context

The subject site is located at 203-233 New South Head Road, Edgecliff in the Woollahra local government area (LGA) (**Figures 1 and 2**). It is located approximately 2.8km east of the Sydney Central Business District (CBD) and 1.7km north-west of Bondi Junction strategic centre.

The site is above the Eastern Suburbs rail line and adjacent to the Edgecliff transport interchange comprising the Edgecliff train station and bus interchange. The site is in the Edgecliff local centre which contains a mix of commercial, retail, entertainment, and residential uses.

The site located on New South Head Road which is a main arterial road providing access from Sydney city through the eastern suburbs to Vacluse. It is well serviced by a number of public buses which connect with the surrounding suburbs, the Bondi Junction strategic centre and the Sydney CBD. The site is also approximately 850 m south-west of the Double Bay wharf, which provides ferry services to Rose Bay, Watsons Bay and Circular Quay.

The site is located near the top of a ridgeline, that rises from Rushcutters Bay towards Edgecliff along New South Head Road.

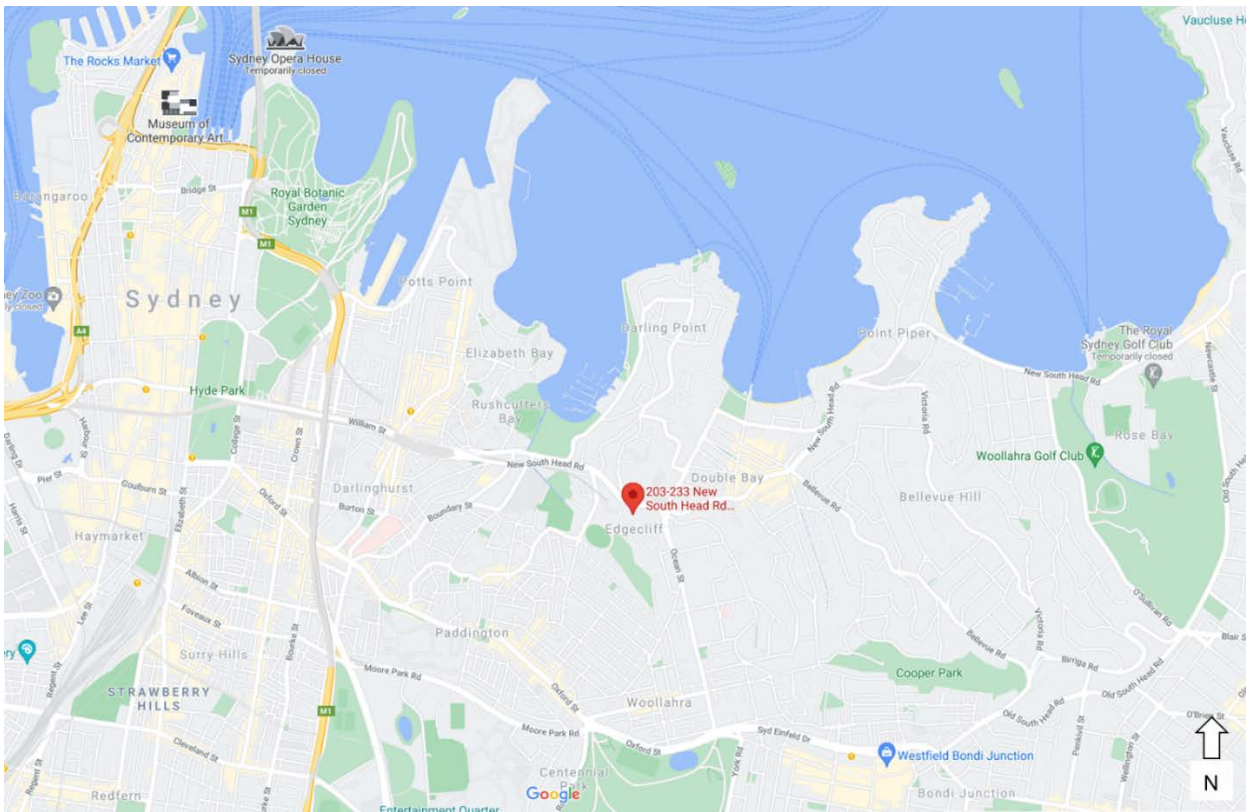


Figure 1: Locality context map (Source: Google Maps)



Figure 2: Aerial view of the site outlined in red, looking west towards the Sydney CBD (Source: Strategic Urban Design Report)

Developments to the north of the site across the road include mixed use and residential developments of two to four storeys. Beyond this is a residential tower 'Ranelagh' at 3 Darling Point Road which is approximately 91m (32 storeys) in height (**Figure 3**).

Adjoining the site to the east is the 'Eastpoint Complex' which includes a shopping centre 'Eastpoint Food Fair' above the Edgecliff railway train station. Above the shopping centre

on the rooftop is the Edgecliff bus interchange. Further east there are residential flat buildings (RFBs) 'Eastpoint Tower' (16 storeys) at 180 Ocean Street and 'Oceanpoint' at 170 Ocean Street (8 storeys) (**Figure 4**).

To the south, across New McLean Street there are various RFBs set in matured landscape settings, ranging from part three to part four storeys (**Figure 5**).

To the west, across New McLean Street are various mixed-use developments ranging from two to four storeys (**Figure 6**).



Figure 3: Development to the north of the site, viewed looking north from New South Head Road (Source: Google Maps)



Figure 4: Development to the east of the site with the 'Eastpoint' development and Edgecliff transport interchange (centre, foreground), viewed looking south from NSH Road (Source: Google Maps)



Figure 5: Development to the south of the site, viewed looking south from New McLean Street
(Source: Google Maps)



Figure 6: Development to the west of the site, viewed looking north-west from New McLean Street
(Source: Google Maps)

1.3 Site description

The subject site is located at 203-233 New South Head Road, Edgecliff and is known as 'the Edgecliff Centre.' It is legally described as Lot 203 in DP 1113922 and Lot 5 DP 243380 (**Figure 7**).

The site is irregular in shape and approximately 4,910 sqm in site area. It has a northern primary frontage of approximately 70m to New South Head and a western frontage and southern frontage to New McLean Street.

The site is occupied by the Edgecliff Centre, a seven-storey 1970s commercial building including retail premises on the ground and lower levels, and office premises above (**Figure 8**). The site is accessible via pedestrian entrances at the New South Head Road frontage and at the north-western corner. There is a loading dock at the south-eastern corner of the site, and vehicle access via New McLean Street to underground car parking (**Figures 9 and 10**).

It sits above the Eastern Suburbs railway line and adjacent to the Edgecliff Railway Station and Bus Concourse. The planning proposal advises the northern portion of the site contains a below ground easement to service the railway line “with an unlimited depth, and a height limited to RL 27.455 (which is existing ground level).”



Figure 7: Aerial view of the site (outlined in red) (Source: Nearmap)



Figure 8: The site, looking south from NSW Road (Source: Google Maps)



Figure 9: The site, looking south-east from the intersection of NSW Road and New McLean Street (Source: Google Maps)



Figure 10: The site, looking north from New McLean Street (Source: Google Maps)

The site is near the Paddington Heritage Conservation Area (HCA) to the south and west, and, with the Woollahra HCA and Mona Road HCA further nearby (**Figure 11**). Nearby heritage items include:

- Item 238: 136 New South Head Road (building and interiors)
- Item 114: Darling Point Road, near intersection with New South Head Road (Concrete balustrade)
- Item 239: 188 New South Head Road (Ascham school precinct)

The site is located above the subterranean Eastern Suburbs Railway and Edgecliff Railway Station which are listed under Sydney Train's section 170 heritage register.

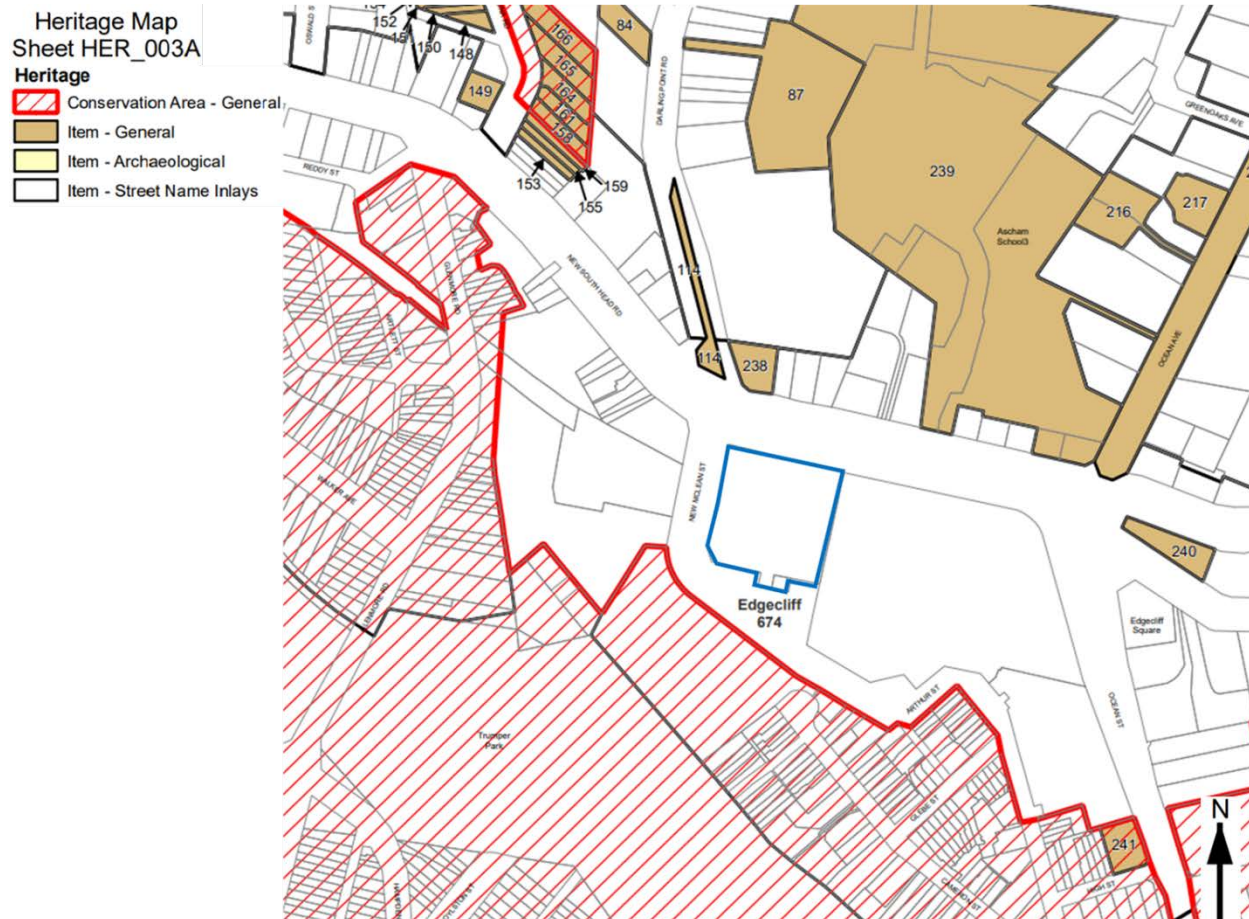


Figure 11: Excerpt of existing Woollahra LEP 2014 Heritage Map, with the site outlined in blue

1.4 Current planning provisions

Under the Woollahra LEP 2014, the following controls apply to the site:

- B2 Local Centre zone (**Figure 12**);
- Maximum building height of part 6m (southern portion of the site) and part 26m (northern portion of the site) (**Figure 13**); and
- Maximum FSR of 2.5:1 (**Figure 14**).

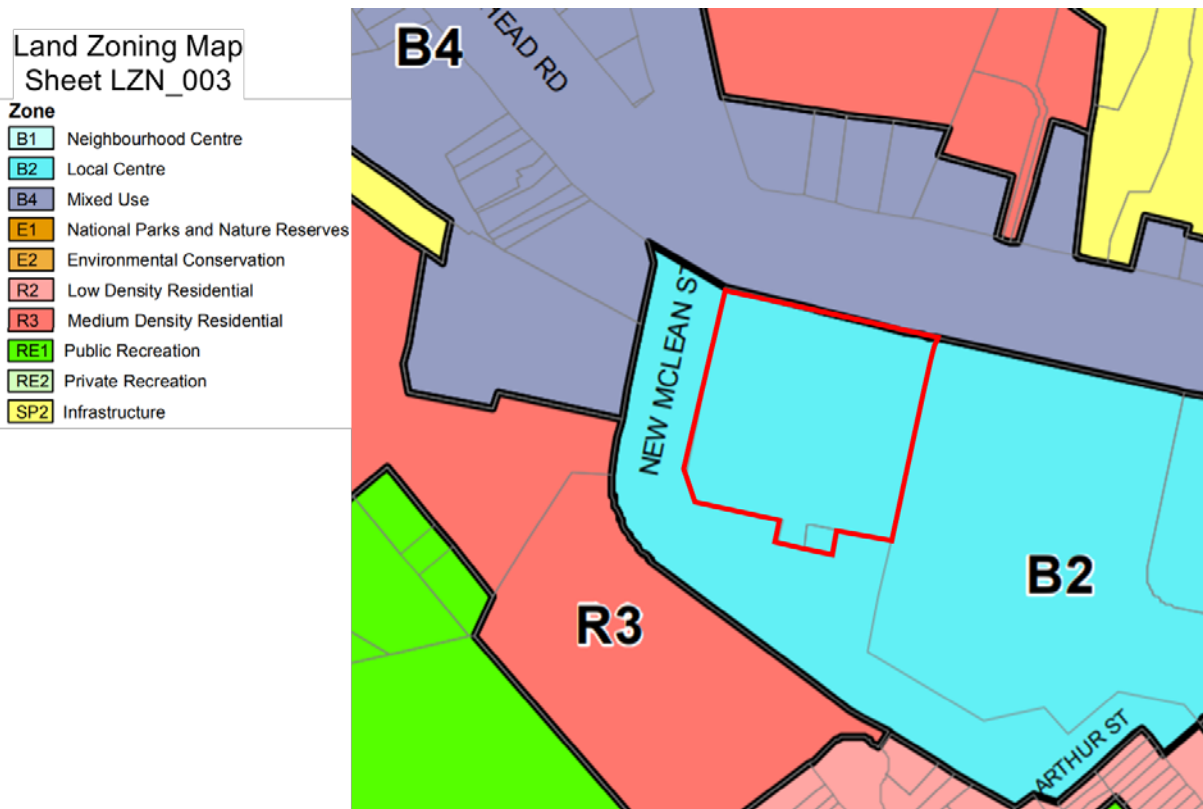


Figure 12: Current land zoning map under the Woollahra LEP 2014, with the site outlined in red

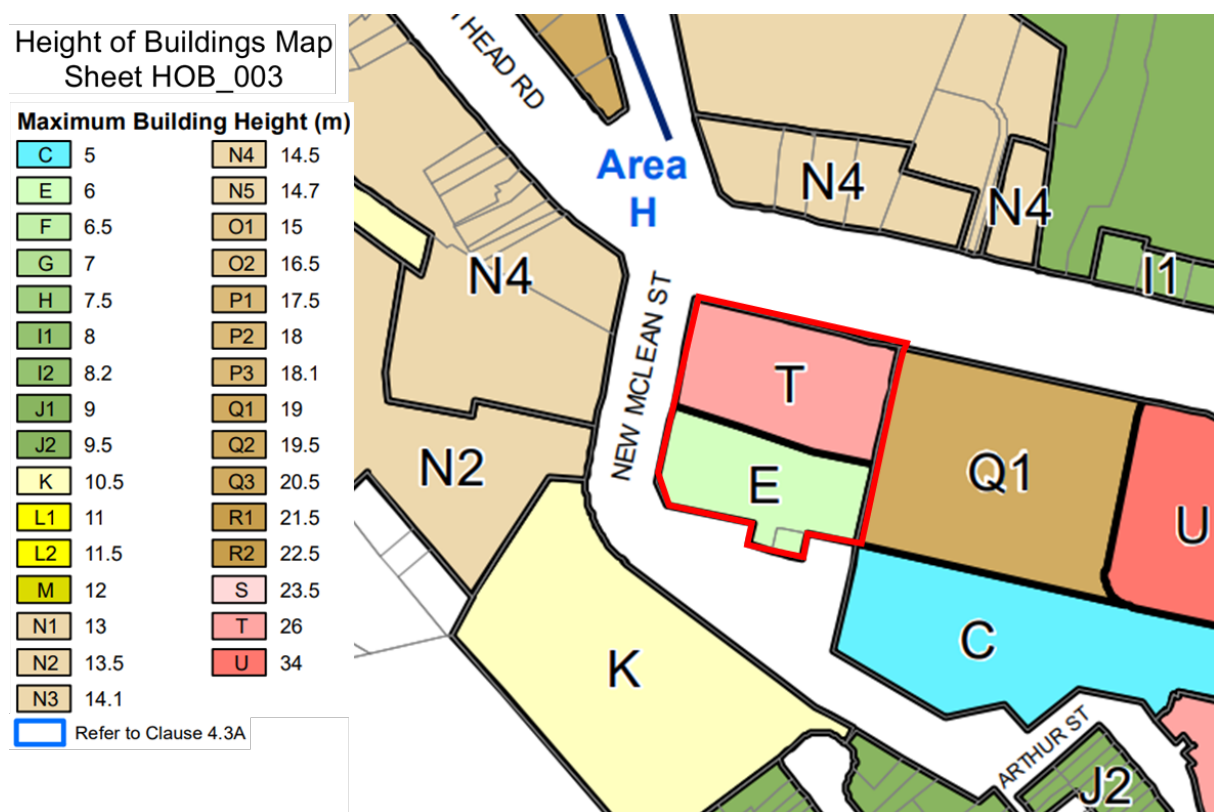


Figure 13: Current height of buildings map under the Woollahra LEP 2014, with the site outlined in red

Floor Space Ratio Map Sheet FSR_003

Maximum Floor Space Ratio (n:1)

| | | | |
|----|------|----|------|
| A1 | 0.21 | N1 | 1 |
| A2 | 0.37 | N2 | 1.04 |
| B1 | 0.4 | O | 1.1 |
| B2 | 0.43 | P | 1.25 |
| C | 0.46 | Q | 1.3 |
| D1 | 0.5 | R1 | 1.4 |
| D2 | 0.52 | R2 | 1.42 |
| D3 | 0.53 | S1 | 1.5 |
| F1 | 0.6 | S2 | 1.55 |
| F2 | 0.63 | S3 | 1.68 |
| G1 | 0.65 | S4 | 1.7 |
| G2 | 0.68 | T | 2 |
| H | 0.73 | U1 | 2.5 |
| I1 | 0.75 | U2 | 2.9 |
| I2 | 0.77 | V | 3 |
| L | 0.9 | X | 4 |

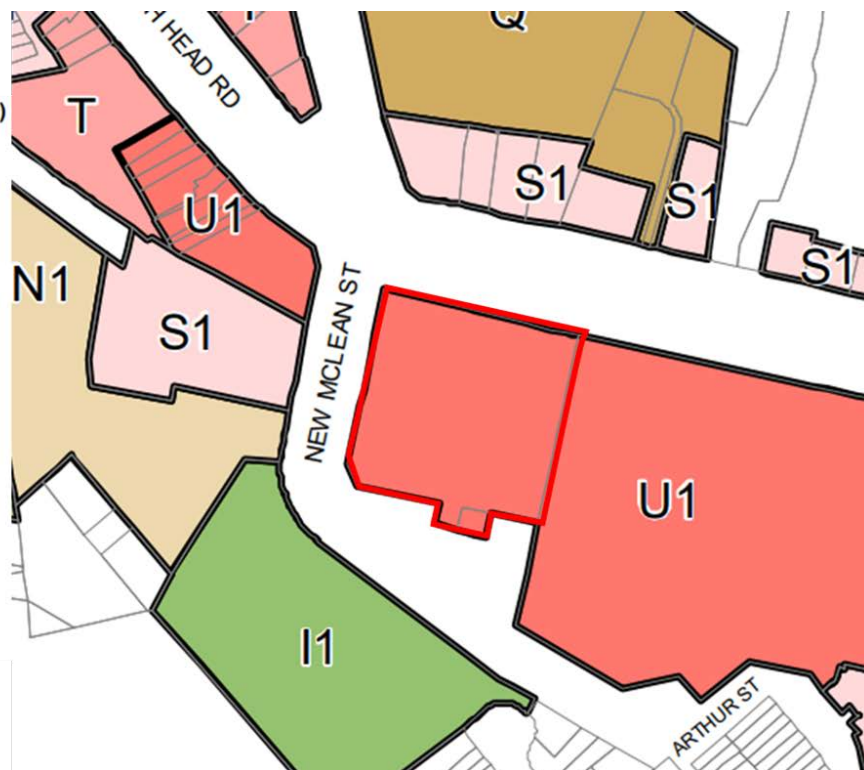


Figure 14: Current FSR map under the Woollahra LEP 2014, with the site outlined in red

1.5 Proposed planning provisions

The planning proposal seeks to amend the Woollahra LEP 2014 to:

- Increase the maximum building height standard from part 6 metres/part 26 metres to reduced level (RL) 195 metres Australian Height Datum (AHD) (Note: approximately 167 m above ground level);
- Increase the maximum floor space ratio (FSR) from 2.5:1 to 9:1; and
- Introduce a minimum non-residential FSR of 3:1.

The non-residential FSR would, according to the proposal likely be an additional local provision that would specify a minimum amount of employment generating floor space, which cannot be used for residential purposes.

Draft LEP maps were provided with the proposal (**Attachment D**).

The planning proposal was accompanied by an indicative concept scheme that illustrates:

- a mixed-use development of 45-storeys comprising retail, commercial, medical/wellbeing and residential uses
- eight basement levels with capacity for 301 car spaces
- revitalisation and enhancement of the adjoining intermodal and transport interchange through new open space and access facilities within the site
- introduction of potential public community space (subject to further consultation with Council) and a publicly accessible green space at podium level
- public domain improvements at ground level, including a civic plaza.

Key aspects of the indicative concept development scheme are outlined in **Table 1** below, and shown in **Figures 15 to 19**.

Table 1: Key aspects of indicative concept scheme (Data sourced from Rezoning Review report)

| Element/Control | Proposed |
|-------------------------|--|
| Number of dwellings | 232-268 apartments |
| Dwelling mix | 21 studios, 85 one-bedroom units, 102 two-bedroom units and 60 three-bedroom units |
| Gross Floor Area | 44,190 sqm, comprising: <ul style="list-style-type: none"> • 5,414 sqm of commercial office; • 7,143 sqm of retail; • 3,092 sqm of medical / well-being; and • 28,541 sqm of residential |
| Maximum building height | RL 192.68 AHD (161.75m) (approx. 45 storeys) to RL 195 AHD (167m) |
| Maximum FSR | 9:1, comprising: <ul style="list-style-type: none"> • 3:1 employment FSR (retail, commercial, medical, wellbeing); and • 6:1 residential FSR |
| Street frontage height | RL 60.98 |
| Car parking spaces | 301, comprising 117 retail spaces and 184 residential spaces, contained over an eight-level basement car park |
| Bicycle spaces | 387, comprising 268 residential and 119 non-residential spaces |
| Motorcycle spaces | 20 |
| Jobs | 692 in operation (863 during construction) |
| Open space | 1,500 sqm public open space, 500 sqm civic ground plaza* |

*It is unclear whether the 500sqm plaza refers to the section of the plaza that is wholly within the site, or includes land in the adjoining Eastpoint site. The concept design includes elements, such as plaza area (as noted above), a lift and walkways that are within the adjoining Eastpoint property to the east.

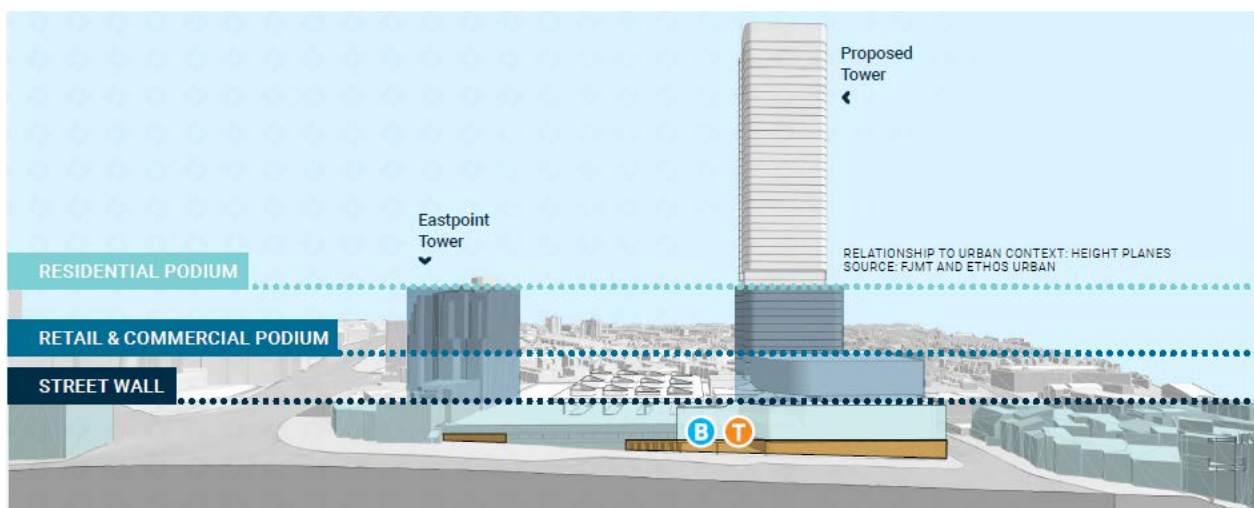


Figure 15: Indicative design relationship to urban context as viewed looking south (Source: Rezoning Review report - fjmt and Ethos Urban)



Figure 16: Photomontage of indicative development looking east up NSW Road towards Edgecliff Centre (Base source: Rezoning Review report)

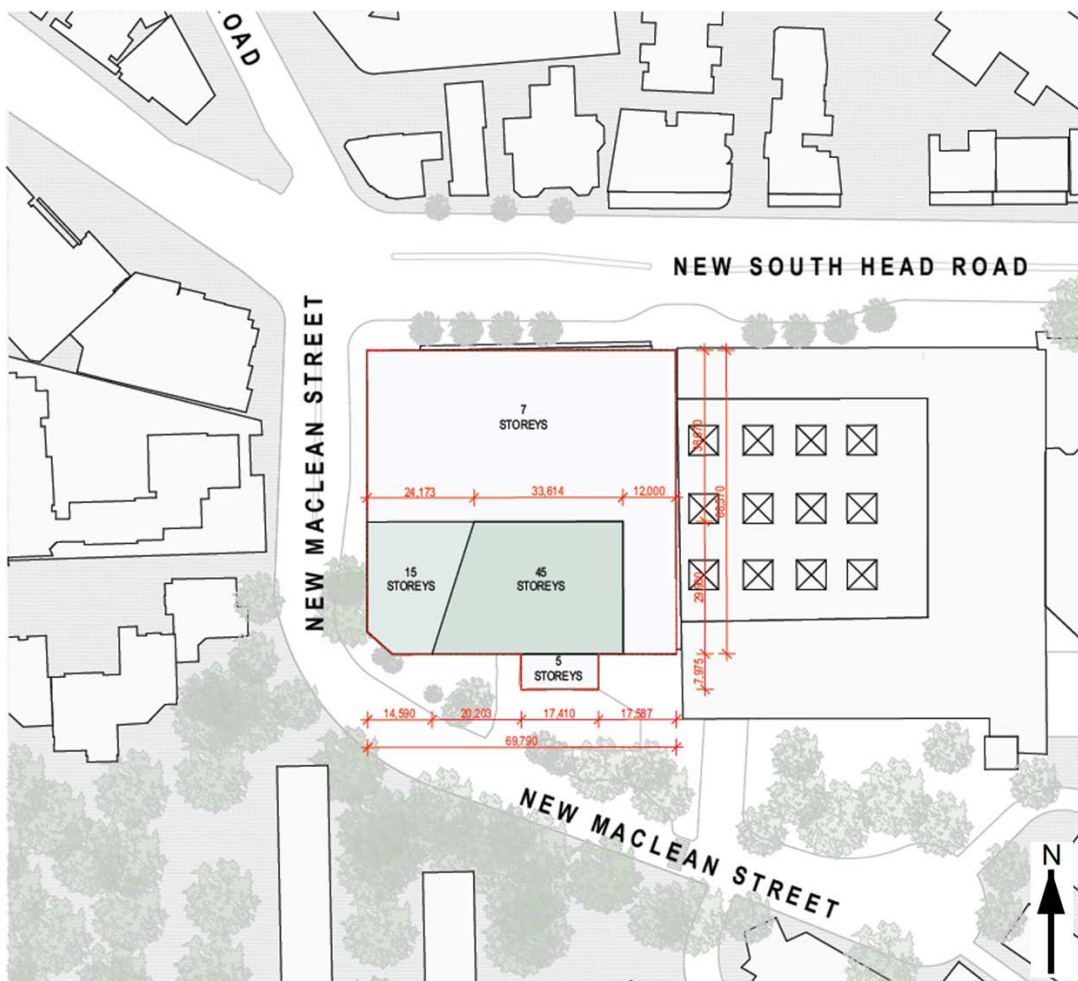


Figure 17: Indicative concept scheme site plan (Source: Urban Design Report - fjmt)



Figure 18: Indicative ground floor layout including proposed plaza and transit access. The images to the right show the indicative NSH Road elevation (above) and the circulation atrium at 1/F (below) (Source: Urban Design Report - fjmt)

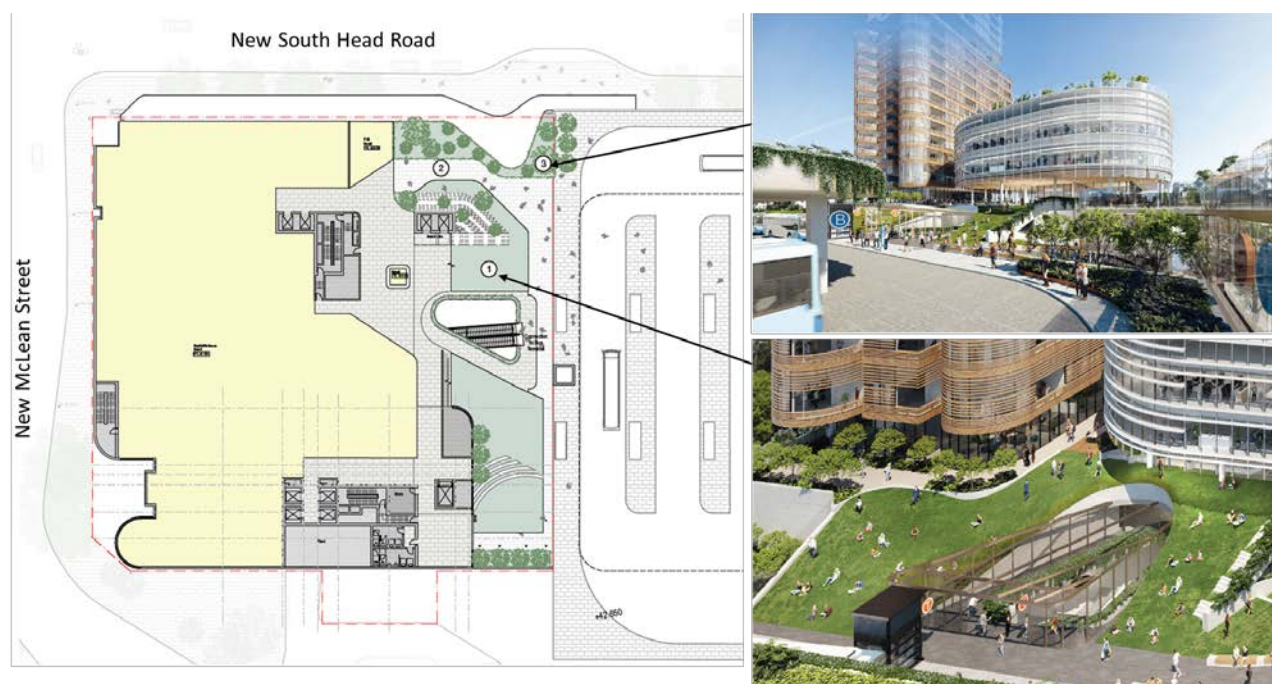


Figure 19: Indicative second level layout, showing proposed open space adjoining bus interchange (Source: Urban Design Report -fjmt)

Voluntary Planning Agreement

The planning proposal is supported by a letter from the proponent to Transport for NSW (TfNSW) which includes an offer to enter into a voluntary planning agreement (VPA) to deliver improvements to the Edgecliff Transport Interchange (**Attachment I7**). It is stated to comprise:

- Works-in-kind to deliver transit, public domain and access improvements, a civic plaza along New South Head Road, public open green space adjacent to the bus interchange and integration works, with an estimated value of \$15 to \$20 million. The letter states that *‘these works will be provided on land owned by Longhurst, it is proposed that Longhurst provides a Right of Way in favour of TfNSW...’* (page 3).
- Use of land and floor space forming part of the site to facilitate the above transit improvements, with an estimated value of \$12 million.

2. INFORMATION ASSESSMENT

Does the proposal seek to amend a zone or planning control that is less than five years old?

No. The Waverley LEP 2012 commenced on 26 October 2012.

2.1 Strategic merit test

Consistency with the relevant regional plan outside the Greater Sydney region, district plan within the Greater Sydney region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment.

Proponents will not be able to depend on a draft regional, district or corridor/precinct plan when the Minister for Planning and Public Spaces or the Department of Planning, Industry and Environment have announced that such a plan will be updated before being able to be relied on.

Greater Sydney Region Plan and Eastern City District Plan

The Greater Sydney Region Plan - *A Metropolis of Three Cities* identifies a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places.

The site is within the area covered by the Eastern City District Plan (District Plan), which is one of five district plans to guide implementation of the Region Plan. The District Plan sets out a 20-year plan and aims to enhance liveability, productivity and sustainability.

The proponent has provided comments to demonstrate the planning proposal's consistency with the priorities of the Greater Sydney Region and District Plans. The comments in the rezoning review report are quoted in the table below (**Table 2**).

Table 2: Alignment of the planning proposal with the Region Plan and District Plan

| Greater Sydney Region Plan Objective | Eastern City District Planning Priority | Proponent response |
|---|---|---|
| Infrastructure and Collaboration | | |
| Objective 1 Infrastructure supports the three cities Objective 4 Infrastructure use is optimised | E1 - Planning for a city supported by infrastructure | <i>The proposal will facilitate a new, mixed-use transit-orientated development with upgrades to the existing transport infrastructure. This will maximise the use of existing infrastructure. Increased density above the Edgecliff Train Station demonstrates the alignment of land use and infrastructure planning.</i> |
| Objective 6 – Services and infrastructure meet communities' changing needs | E3 – Providing services and social infrastructure to meet people's changing needs | <p><i>The proposal will...maximise the use of existing infrastructure. Increased density above the...Train Station demonstrates greater alignment of land use and infrastructure planning. The additional capacity provided by the proposed infrastructure upgrades will support improved connections to the eastern economic corridor and each of the three cities. The proposal:</i></p> <ul style="list-style-type: none"> <i>Makes provision for 3,092 sqm of medical floor space to support ageing in place;</i> <i>Makes a commitment to the dedication of land to create an opportunity for the delivery of an integrated multipurpose community facility on Council land immediately...south;</i> |

| | | |
|--|---|--|
| | | <ul style="list-style-type: none"> • Supports the provision of a separate community floor space which can be utilised for a range of options...;and • Supports housing diversity and typology for the wider community needs. |
| Objective 7 Communities are healthy, resilient and socially connected | E4 - Fostering healthy, creative, culturally rich and socially connected communities | <p><i>In the Eastern City District, places with high concentrations of social connectors are characterised by:</i></p> <ul style="list-style-type: none"> • Access to trains or high frequency bus routes; • Cultural and economic diversity; • High levels of volunteering; • High provision of social infrastructure; • Access to education and learning; • Walkable town centres or eat streets; and • Diverse housing mix (density, tenure and affordability). |
| Objective 10 Greater housing supply | E5 Providing housing supply, choice and affordability, with access to jobs, services and public transport | <p><i>Council is...to show how they can meet an indicative draft range for 6-10-year housing targets for 2021/22 to 2025/26 of 500 - 600 dwellings as part of its Local Housing Strategy.</i></p> <p><i>Over the longer term, the Region Plan sets a District 20-year strategic housing target of 157,500, equating to an average annual supply of 7,875 dwellings...</i></p> <p><i>To deliver the 20-year strategic housing target, the District Plan states that in local housing strategies, councils should investigate and recognise opportunities for long-term housing supply associated with city-shaping transport corridors; growing, emerging and new centres and other areas with high accessibility.</i></p> <p><i>The site is highly accessible and alone can support the provision of 232-268 residential units on a single site to help achieve each of Woollahra's and the broader districts housing targets into the future.</i></p> <p>The proponent has provided additional information stating that Council's Opportunity Sites Study (2010) is referenced in Priority E5 of the District Plan (p. 39). The proponent also states that the study is "one of the local government strategies which identifies opportunities to increase capacity for housing in the Eastern City District", while noting it has since been superseded by Council.</p> <p>The subject site was one of the 24 opportunity sites identified in the Study with capacity to increase development potential.</p> <p>The planning proposal notes the Study tested an FSR of 6.05:1 for the subject site with predominantly residential use. It considers the level of floor space envisaged under the Study would be commensurate with the residential component of the current concept scheme.</p> |
| Objective 12 Great places that bring people together | E6 - Creating and renewing great places and local centres, and respecting the District's heritage | <p><i>The proposal builds on and improves the established function and identity of the site which will ultimately attract more residents, workers and visitors to Edgecliff. The proposal provides:</i></p> <ul style="list-style-type: none"> • A people-focused ground floor and podium with fine grain retail and open space that is walkable, enjoyable and of a human scale; • New floor space for community use; • Greater retail and commercial floor space (compared to current conditions) which will attract new business into Edgecliff and expand job opportunities; and |

| | | |
|--|---|--|
| | | <ul style="list-style-type: none"> • <i>New residential floor space that will create daily critical mass to support the viability of goods and services and vibrancy of the site.</i> <p><i>Priority E6, when read together with other... priorities, supports the provision of a greater amount, choice and affordability of homes in locations that have access to jobs, services and public transport, with the complementary creation and renewal of great places and local centres while respecting the heritage.</i></p> <p><i>There is explicit reference to exploring growth in interchanges including consideration of the elevation of their roles in the centres hierarchy.</i></p> |
| Productivity | | |
| Objective 14 A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities | E10 - Delivering integrated land use and transport planning and a 30-minute city | <i>The proposal underpins the notion of a 30-minute city. It increases residential, commercial and community floor space on a site which can use the existing Edgecliff Train Station and Bus Interchange to give people more efficient access to their workplace, home or services.</i> |
| Objective 22 Investment and business activity in centres | E11 - Growing investment, business opportunities and jobs in strategic centres | <p><i>The proposal... aligns land use and infrastructure planning (by utilising existing infrastructure) for a growing centre which has the capacity and demand for non-residential floor space.</i></p> <p><i>The proposal also:</i></p> <ul style="list-style-type: none"> • <i>Supports a mix of residential, community and commercial uses to diversify the range of uses within an established centre;</i> • <i>Increases the quantum of non-residential floor space (compared to current conditions) to attract investment, business activity and job growth;</i> • <i>Provides publicly accessible open space which will contribute to the vibrancy and quality of the public realm, and contribute to improved walkability; and</i> • <i>Co-locates new health and community uses.</i> |
| Sustainability | | |
| Objective 31 Public open space is accessible, protected and enhanced | E17 - Increasing urban tree canopy cover and delivering Green Grid connections | <p><i>The proposal provides open green space and a civic ground plaza to support green connections within an existing urban area.</i></p> <p><i>The proposed open space will facilitate key connections from the bus terminal to the train concourse and contribute to the Woollahra open space network.</i></p> |
| Objective 32 The Green Grid links parks, open spaces, bushland and walking and cycling paths | E18 - Delivering high quality open space | <p><i>The open space will galvanise the site as a destination, rather than merely a transport interchange, incorporating fine-grain retail, plaza areas and open green space.</i></p> |

Future Transport 2056

Future Transport 2056 was released by Transport for NSW and sets out the 40-year vision, directions and outcomes framework for customer mobility in NSW, which will guide

transport investment over the long term. The rezoning review report from the proponent states the proposal will serve the objectives of this Plan through:

- *“Supporting the ‘30-minute city’ model allowing better access to jobs and essential services closer to home...;*
- *Facilitating integrated transport and land use planning, allowing for better activation of the existing public spaces...and improved liveability by making essential, retail and medical/well-being services more accessible;*
- *Supporting the utilisation of the rail system, by providing significant employment opportunities in direct proximity to an existing heavy rail station; and*
- *Assisting to unclog the Sydney CBD transport system by connecting more people to existing rail...the bus interchange and encouraging patronage of an existing network.”*

Consistency with a relevant local strategy that has been endorsed by the Department.

Woollahra Local Strategic Planning Statement

The *Woollahra Local Strategic Planning Statement* (LSPS) was finalised by Council in March 2020 and subsequently assured by the Greater Sydney Commission. The LSPS sets out a 20-year land use vision to guide land use planning for the LGA.

The following information is based on the rezoning review report, outlined (in *italics*) below (**Table 3**).

Table 3: Alignment of proposal with Woollahra Local Strategic Planning Statement

| Planning Priority | Reason for consistency as stated by proponent |
|--|---|
| <i>Infrastructure and collaboration</i> | |
| <p>Priority 1: Planning for integrated land use and transport for a healthy, sustainable, connected community and a 30-minute city.</p> <p>Priority 2: Planning for a community supported by infrastructure that fosters health, creativity, cultural activities and social connections.</p> <p>Priority E3: Working in collaboration with our community, government, businesses, and organisations.</p> | <p><i>The Planning Proposal is consistent with these priorities as it:</i></p> <ul style="list-style-type: none"> • <i>Represents a transport orientated development of scale with integrated land uses in a centre and adjacent to a railway station;</i> • <i>Will support an increased portion of people living with easy walking access to a range of jobs, services and facilities, as well as access by bus to other nearby activity centres and by train to other centres;</i> • <i>Will, through the size and scale of the site and length of frontage, improve the existing adjoining public domain and provide for a more comfortable and attractive walking environment for people of all capabilities;</i> • <i>Will, through the open space and public domain inclusions and medical/well-being uses proposed, contribute to the community which can foster health and support social connections; and</i> • <i>Through the diversity of land uses and public spaces, and the activation and critical mass this provides, contribute to place making within the heart of Edgecliff.</i> |
| <i>Liveability</i> | |
| <p>Priority 4: Sustaining diverse housing choices in planned locations that enhance our lifestyles and fit in with our local character and scenic landscapes.</p> <p>Priority E6: Placemaking supports and maintains the local character of our neighbourhoods and villages whilst creating great places for people</p> | <ul style="list-style-type: none"> • <i>Provides a greater amount and choice of new homes in a mixed use, transit-oriented form within a centre aligned with a train station. Combined with an improved public domain outcome and mix of uses, it will improve placemaking and social interactions.</i> |

| Planning Priority | Reason for consistency as stated by proponent |
|--|--|
| <i>Productivity</i> | |
| Priority 7: Supporting access to a range of employment opportunities and partnerships. Priority E8: Collaborating to achieve great placemaking outcomes in our local centres which are hubs for jobs, shopping, dining, entertainment, and community activities | The LSPS identifies Edgecliff as a key centre that provides local employment, business services and retail opportunities and <i>‘the gateway that links Sydney’s Eastern Suburbs and CBD along a vital transit corridor.’</i> The proposal is consistent with these priorities as it: <ul style="list-style-type: none"> • <i>Will support commercial floor space which...can support a range of employment uses. This will support the retention and diversification of local employment opportunities; and</i> • <i>Collocate [sic] medical/well-being and business uses within a public domain filled with fine-grain retail to create a more interconnected environment to support placemaking.</i> |
| <i>Sustainability</i> | |
| Priority E13: Improving the sustainability of our built environment, businesses, and lifestyles by using resources more efficiently and reducing emissions, pollution, and waste generation. | <ul style="list-style-type: none"> • <i>Provides a more sustainable form of development (transit orientated development) compared to more dispersed growth options; and</i> • <i>Will support a more ecologically sustainable development on the site with strong NABERS and Greenstar ratings. The scale of the site and proposal provides the opportunity to provide innovative, best practice and tangible measures...</i> |

The following local strategic plans are relevant to the planning proposal. However, they are not endorsed by the Department.

Woollahra Community Strategic Plan 2030

The *Woollahra Community Strategic Plan 2030* identifies the strategic direction and integrated planning framework for the Woollahra Municipality. The rezoning review report notes that it responds to key relevant opportunities and challenges as it:

- *provides significantly improved communal and public open spaces for social interaction, supported by access to services, transport and fine-grain retail.*
- *will elevate the existing function of the centre through an expansion of commercial, medical/well-being and residential floor space, supporting an increase in local jobs...*
- *will provide a more ecologically sustainable development on the site and target a NABERS Energy rating of 5 stars, a 4 Star NABERS Water rating and a Greenstar rating of 5 stars.*

Recent Council strategic planning work

Draft Woollahra Integrated Transport Study (ITS)

Council has produced a draft ITS which according to Council’s website seeks to “*set out a vision for a more accessible municipality where active, sustainable and efficient modes of transport are the most convenient choice for most trips.*” The Draft ITS was on public exhibition from 1 April to 21 May 2021.

The rezoning review report states the proposal aligns with the themes and objectives in the ITS, notably the following themes: Access, Mobility and Liveable Spaces (Theme 1), Public Transport (Theme 2), Active Transport (Theme 3).

Draft Edgecliff Commercial Centre Planning and Urban Design Strategy

Council has recently released a strategic planning study relevant to the proposal, the *Draft Edgecliff Commercial Centre [ECC] Planning and Urban Design Strategy* (‘the Strategy’). The Strategy states it “*establishes a vision for the ECC and provides recommendations on planning controls, urban design, public domain and transport to guide future development.*”

At the 26 April 2021 meeting, Council resolved to publicly exhibit the Strategy. On 31 May 2021, the Strategy was placed on public exhibition and according to Council's website, exhibition has been extended to 3 September 2021.

The Strategy includes a vision for the subject site, which is outlined and compared to the subject planning proposal in **Attachment F**. The Department notes the Strategy is not addressed in the rezoning review report as the planning proposal was prepared and considered by Council before the public release of the Strategy.

Responding to a change in circumstances, such as investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.

The rezoning review report states that the proposal responds the changing demographics of the area, including providing: housing in an accessible location to support the growing population; medical/wellbeing uses to support aging in place for an aging population and employment floor space to help reattract the working age population.

The rezoning review report also states it's responding to a change in circumstances by *"delivering a connected commerce hub to leverage new trends such as work from region in a post Covid-19 environment."*

2.2 Site-specific merit test

The natural environment (including known significant environmental values, resources or hazards).

The rezoning review report states that the site is 'unencumbered with any significant natural environmental values'

Contamination

The planning proposal includes a Preliminary Site Investigation (PSI) (**Attachment H15**) which concludes *"it is unlikely that there are COPCs [contaminants of potential concern] present at concentrations that would pose a potential risk to human health or the environment or constrain the site's ongoing mixed commercial and residential land use."*

Flooding

The rezoning review report states the *"site has no standard major environmental planning constraints such as...flooding..."* and the planning proposal states the site is not located on land in a flood planning area*. The planning proposal includes a Stormwater Management and Flooding Advice (**Attachment H22**) which states *"...it's our general opinion that the development of the site will result in no discernible impact to the greater flooding constraints within Paddington."*

*The Department notes that the site is in a flood planning area. Following commencement of the Department's Flood-prone Land package, clause 5.21 Flood planning has been inserted into the Woollahra LEP 2014 which would apply to any future DA.

The existing uses, approved uses and likely future uses of land in the vicinity of the proposal.

Urban design

The planning proposal is supported by an Urban Design Study and drawings by fjmt studio (**Attachment H2**) and a Strategic and Urban Design Study by Ethos Urban (**Attachment H6**). These studies provide design principles that considered the site's context and informed the proposed amendments. As outlined in the rezoning review report, testing of the proposed built form was compared to three other potential built form outcomes on the site including the following scenarios: a scheme compliant with existing LEP controls; a scheme consistent with the controls envisioned for the site under Council's Opportunity Site Study 2010; and a scheme with single lower broader tower envelope with the same proposed FSR.

The rezoning review report considers that the proposal responds to the built form typology in the immediate area through elements including: the tower element above podium which is setback from the street frontage; a sympathetic street wall height to New South Head Road; and slim tower form that only occupies 15% of the site area.

Overshadowing

The Urban Design Report includes an assessment of overshadowing caused by the concept envelope (**Figure 20**) (**Attachment H2**). The report considers solar access to Trumper Park Oval between 10am and 2pm on 21 June as per the DCP and states *“the proposed envelope will not result in any additional overshadowing of Trumper Oval within the specified times.”* The report also considers the DCP requirements regarding solar access to existing adjoining residential dwellings and concludes *“the additional overshadowing of the existing residential buildings in the surrounding area will not reduce their hours of daylight below the required 2 hours in SEPP 65.”*



Figure 20: Shadow diagrams cast by indicative envelope on 21 June (Source: Urban Design Report)

View impacts

The planning proposal includes a Visual Impact Assessment (VIA) (**Attachment H9**) which considers visual impact of the proposal from the public domain and impacts on view sharing with adjacent residential development. The assessment includes consideration of the planning principles outlined in *Tenacity v Warringah Council* [2004] NSWLEC 140, and viewpoints identified in the DCP. The VIA considered view sharing especially in relation to residents at the RFBs, 180 Ocean Street and 170 Ocean Street. The VIA concluded that *“the overall level of visual impact therefore varies from low to moderate, with moderate impacts on closer views, only.”*

Heritage

The planning proposal is supported by a Heritage Impact Statement (**Attachment H11**), which confirms the site does not include any heritage listed items, nor is it located in a HCA. The assessment states that the proposal will not present any heritage impact to the section 170 register listed Edgecliff Station, and instead that *“improvement of connectivity and accessibility to the station will have a positive impact on the readability and experience of the station.”* The assessment concludes overall that *“the proposal...will not have an*

adverse impact or alteration to the character and significance of any nearby heritage items, nor any of the nearby HCAs.”

Traffic

The planning proposal is supported by a Transport and Accessibility Impact Assessment (**Attachment H10**). The assessment concludes that there will be *“no increased traffic movements during any peak period compared to the existing building’s capacity.”* The report considers that existing conditions would be improved by the proposal through relocating the car park entry away from the corner of New South Head Road to improve flow, reducing the number of vehicle crossovers at pedestrian footpaths and relocating loading docks within the building line.

In relation to car parking, residential car parking is proposed that is stated to be consistent with the Woollahra DCP requirements, except for non-residential car parking rate which is lower than the DCP (shortfall of some 200 car spaces). This is stated to be *“due to the existing subterranean rail tunnel which has physically limited parking capacity on the site.”* It is also stated that the transit orientated development nature and location of the site, support a reduced rate.

Noise

The planning proposal is supported by an Acoustic Review (**Attachment H14**) that concludes *“it is considered feasible to comply with relevant acoustic policies and standards”* and notes that detailed acoustic and vibration studies will be required at the development application stage.

Wind

An Environmental Wind Assessment was also undertaken (**Attachment H13**) to provide an assessment of the proposed concept on pedestrian wind level conditions. The assessment concludes, the *“proposal would have a minor impact on the wind conditions to the north of the site with a greater impact to the south and west”* and *“conditions at the majority of locations around the site would be classified as suitable for pedestrian walking, with some locations at the upper bound of this level.”* It identifies some locations where ameliorations are recommended to be implemented in the detailed design stage.

Geotechnical and structural

The planning proposal is supported by a Preliminary Geotechnical and Structural Engineering Assessment Report (**Attachment H18**) which provides design recommendations and mitigation measures and concludes that, provided these are followed, *“the proposed development can feasibly be designed and constructed to ensure no adverse impacts to the rail corridor below...”*

Rail impact

The planning proposal is supported by a Rail Impact Assessment Report (**Attachment H12**) which identifies potential areas of impact of development on the rail corridor and provides engineering principles around pedestrian flow, fire engineering and acoustics. The report notes the proposed enhancements to the transport interchange and finds *“the positive outcomes are various and significantly outweigh the minor inconvenience.”*

Airspace operation

The planning proposal is supported by a Preliminary Aeronautical Assessment (**Attachment H20**) which notes the proposed height of 195m AHD would infringe the Obstacle Limitation Surface (OLS) on the site by 39m and would require prior height approval under the *Commonwealth Airports (Protection of Airspace) Regulations 1996* (APAR). No technical impediments to approval under the APAR were identified.

The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

The planning proposal includes a desktop review of the existing utilities of the site (electrical, mains water, natural gas, sewer and telecommunications) and capacity to accommodate the proposal (**Attachment H16**). The report found that two new onsite electricity substations will likely be required and upgrading of an existing water reticulation main; however, it concluded overall *“the site is well serviced and capable of supporting the proposed development.”*

As outlined earlier in this report, the planning proposal is supported by an offer to enter into a VPA with TfNSW for upgrades to the Edgecliff transport interchange.

3. COUNCIL VIEWS

On 12 May 2021, the Department wrote to Woollahra Municipal Council advising of the rezoning review request and seeking Council’s comments. Council provided a response on 2 June 2021 (**Attachment E**).

Council staff confirmed that the planning proposal submitted with the rezoning review request *“is generally the same as described in the application... formally lodged with Council on 8 December 2020.”*

Council’s response states that Council’s resolution of 22 February 2021 sets out the reasons for Council’s decision not to support the request for a proposal. The reasons in the resolution are set out below:

“i. The request is inconsistent with the objectives and planning priorities of the Greater Sydney Region Plan, Eastern City District Plan, Woollahra Local Strategic Planning Statement 2020 and Woollahra 2030: Community Strategic Plan as it:

- a. does not sufficiently address future infrastructure and community needs that future development on the site would generate or how this key location will contribute to the needs of the centre and the surrounding area;*
- b. does not provide affordable housing;*
- c. is inconsistent with the scale and role of a local centre and the desired future character of the precinct; and*
- d. does not provide sufficient public benefit.*

ii. The planning proposal request is inconsistent with the objectives for Land Use Zone, Height of Buildings and FSR in the Woollahra LEP 2014.

iii. The requested maximum Height of Buildings and FSR are inappropriate and would create a building envelope which has an excessive bulk and scale.

iv. The request is inconsistent with the desired future character set out in the Woollahra DCP 2015.

v. The requested building envelope will result in adverse impacts on the local centre and the surrounding area with regard to streetscape, public domain, heritage, views, traffic, residential amenity, sustainability and prescribed airspace.”

The comments from Council also referred to the staff assessment of the request for a planning proposal included in the report to the Woollahra Environmental Planning Committee on 1 February 2021 (**Attachment E**). This assessment raises the above issues in more detail, including emphasising that the proposal *“pre-empt[s] a strategy for sequencing development with infrastructure in the ECC precinct and risks impacting other sites.”* The report concludes that *“in summary, Council staff are of the opinion that the request has not sufficiently demonstrated strategic and site-specific merit.”*

Council's comments also state that *“over the past 5 years, Council staff have provided clear and consistent feedback about the excessive bulk and scale of the request for a planning proposal.”*

4. OTHER MATTERS

Priority Assessment Program (PAP)

The Priority Assessment Program (PAP) is the Department's medium-term response to the economic impact of COVID-19 which seeks to ensure there is a pipeline of projects to drive the economic and social recovery of NSW.

Projects included in the PAP are referred to as Priority Assessment Projects. The selection criteria for these projects is based on strategic alignment, economic and public benefit, design, availability of existing supporting infrastructure and likelihood of delivery.

Projects identified for the program are case managed through to determination under a 'Service Charter' between the Department and the proponent.

The proponent successfully applied to the Department for the project to be included in the PAP and a Service Charter has been signed.

It should be noted that inclusion in this PAP does not predetermine the assessment outcome and all projects are assessed in accordance with the Environmental Planning and Assessment Act 1979.

ATTACHMENTS

Attachment A – Locality map

Attachment B – Site map

Attachment C – Current LEP map

Attachment D – Proposed LEP map

Attachment E – Council comments

Attachment F – Edgecliff Commercial Centre (ECC) Strategy - Comparison table

Attachment G – Rezoning Review application documents

- G1 – Application form
- G2 – Cover letter – rezoning review request
- G3 – Request for rezoning review report

Attachment H – Planning proposal documents

- H1 – Planning proposal
- H2 – Urban design study and drawings
- H3 – Survey plan
- H4 – Woollahra Council pre-application comments
- H5 – Response to pre-application comments
- H6 – Strategic and urban design study
- H7 – Future character study
- H8 – LEP Maps
- H9 – Visual impact assessment

- H10 – Traffic and transport assessment
- H11 – Heritage impact assessment
- H12 – Rail impact assessment
- H13 – Wind assessment
- H14 – Acoustic review
- H15 – Contamination assessment
- H16 – Services assessment report
- H17 – ESD report
- H18 – Geotechnical and structure assessment
- H19 – Economic impact assessment
- H20 – Aeronautical assessment
- H21 – Arborist assessment
- H22 – Flood plain management
- H23 – Community sentiment summary report
- H24 – Social and economics benefits statement
- H25 – Social impact assessment

Attachment I – Planning proposal additional information

- I1 – RFI response (November 2020)
- I2 – 3D model (CAD files)
- I3 – ADG schedule
- I4 – Elevation plans
- I5 – Revised draft planning proposal
- I6 - Response to Woollahra Community Facility Study (February 2021)
- I7 - Letter of offer to enter into VPA with TfNSW (February 2021)

Attachment J – Council resolution notification

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