



**REZONING REVIEW  
RECORD OF DECISION**

STRATEGIC PLANNING PANEL of the  
SYDNEY EASTERN CITY PLANNING PANEL

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

**REZONING REVIEW**

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

8-10 New McLean Street, Edgecliff (As described in Schedule 1).

Reason for Review:

- The council has notified the proponent that the request to prepare a planning proposal has not been supported.
- The council has failed to indicate its support 115 days after the proponent submitted a request to prepare a planning proposal.
- The council has not submitted the planning proposal for a Gateway determination within 28 days of indicating its support for the proposal.

**PANEL CONSIDERATION AND DECISION**

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

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

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

The decision was unanimous.

**REASONS FOR THE DECISION**

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

**Strategic Merit**

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

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

### Site Specific Merit

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

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

### Panel recommendations

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

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

The design principles for an independent urban design review include:

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

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

### Planning Panels Team

4PSQ 12 Darcy Street, Parramatta NSW 2150 | Locked Bag 5022, Parramatta NSW 2124 | T 02 8217 2060 | [strategicpanels@dpie.nsw.gov.au](mailto:strategicpanels@dpie.nsw.gov.au)

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

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

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

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

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

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

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

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

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

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

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

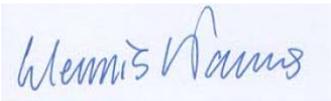
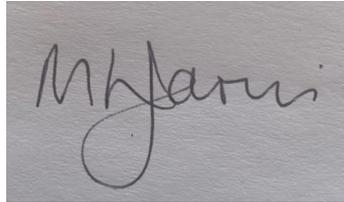
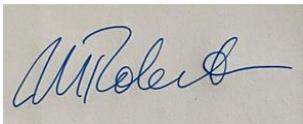
Their reasons primarily relate to the need to prevent:

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

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

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

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

- Planning proposal overview, locality, proposed changes – original scheme & revised scheme, strategic and site merit issues –
- Overshadowing on Trumper Park and adjoining terraces
- Proposed commercial uses
- Visual impacts
- Proposed Voluntary Planning Agreement
- Draft Edgecliff Commercial Centre Planning and Urban Design Strategy
- Consideration of the planning proposal in Council assessment report to Woollahra Local Planning Panel (LPP) and resolution of the LPP. (LPP agenda and minutes of meeting on 22/2/2024)
- **Briefing with Woollahra Municipal Council:** 2:02pm – 2.53pm, 28 February 2024
  - Panel members in attendance: Carl Scully (Chair), Glennis James, Stephen O’Connor, Mary-Lou Jarvis and Matthew Robertson
  - DPHI staff in attendance: Laura Locke, Carina Lucchinelli, Louisa Agyare, Kimberley Beencke, Lisa Kennedy & Taylah Fenning
  - Council representatives in attendance: Scott Pedder, Anne white, Lyle Tamlyn, Charmaine Tai & Kristy Welfare
  - Key issues discussed:
    - Recommending the issues around lower cost housing are addressed by a local provision - % mix
    - Traffic & car parking. Address in Council’s Development Control Plan
    - Proposed tower height and heights within Draft Edgecliff Commercial Centre Planning and Urban Design Strategy. Potential acceptable tower height
    - Resolution of Woollahra Local Planning Panel (minutes of meeting on 22/2/2024)
    - Expansion of commercial uses outside Draft Edgecliff Commercial Centre Planning and Urban Design Strategy Clarification of why site is not included in the Strategy
    - Essential elements of proponent’s Proposed Voluntary Planning Agreement - affordable housing contribution & proposed site through link
    - Potential flooding impacts on Trumper Park
    - Over-shadowing on terrace houses
    - Council consideration and adoption of Draft Edgecliff Commercial Centre Planning and Urban Design Strategy and preparation of a Contributions Scheme
- **Briefing with Landmark Group and Planning Ingenuity (Proponent & Consultant):** 3:06pm – 4:17pm, 28 February 2024
  - Panel members in attendance: Carl Scully (Chair), Glennis James, Stephen O’Connor, Mary-Lou Jarvis and Matthew Robertson
  - DPHI staff in attendance: Laura Locke, Carina Lucchinelli, Louisa Agyare, Kimberley Beencke, Lisa Kennedy & Taylah Fenning

- Proponent representatives in attendance: Sean McPeake, Joe Scuderi, Jeff Mead, Angus Nguyen, Adam Martinez, David Waghorn, Sophie Perry, Josh Milston, Stephen Davies, Jack Williams, Matt Pullinger, Richard Tripolone, Bobby Fitzgerald & Rebecca Goodwin
- Key issues discussed:
  - Proposed building height & bulk form – transition to lower scale to adjoining Trumper Park and low density residential. Reduced building heights
  - Economic benefits & proponent’s Proposed Voluntary Planning Agreement
  - Resolution of Woollahra Local Planning Panel (minutes of meeting on 22/2/2024)
  - Proposed commercial uses & a commercial space cap
  - Housing delivery - unit mix & affordable housing – 5% of units or 5% of Gross Floor Area. Locking in an affordable housing commitment in perpetuity
  - Traffic management & infrastructure – carparking spaces consistent with Woollahra DCP & no preliminary consultation with Transport for NSW re intersection upgrades
  - Proposed site through link. Council does not require
  - Retention of R3 Medium Density Residential Zone and how proposal meets zone objectives
  - Overshadowing on Trumper Park and adjoining terraces
- **Panel Discussion:** 4.23pm – 5.17pm, 22 February 2024
  - Panel members in attendance: Carl Scully (Chair), Glennis James, Stephen O’Connor, Mary-Lou Jarvis and Matthew Robertson
  - DPHI staff in attendance: Laura Locke, Carina Lucchinelli, Louisa Agyare, Doug Cunningham, Kimberley Beencke, Lisa Kennedy & Taylah Fenning