

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

PLANNING PROPOSAL

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

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

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

PANEL CONSIDERATION AND DECISION

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

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

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

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

The Panel endorses the following planning controls for the site:

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

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

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

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

REASONS FOR THE DECISION

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

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

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

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


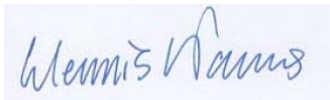

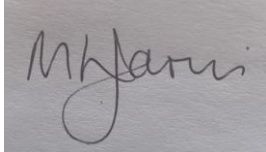
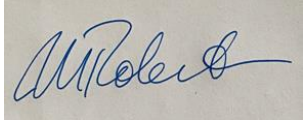
- Consideration for the reasoning for the subject site's exclusion from the Edgecliff Centre Strategy and its inclusion in the Paddington Heritage Conservation Area representing an important transition site between the HCA and the Edgecliff Centre.
- Consideration of adverse impacts to Trumper Park's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

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

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

The Panel unanimously further recommended that Council and the Proponent work together to negotiate a Voluntary Planning Agreement (VPA) for the site which would ensure that a minimum 5% of future dwellings or 5% of GFA (whichever is the greater) are delivered as affordable housing and that affordable housing remains as such in perpetuity.

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

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

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