



APPLICATION FOR A PLANNING PROPOSAL

Amendment to Woollahra Local Environmental Plan 2014 as it applies to Nos. 8-10 New McLean Street, Edgecliff to increase the maximum height of buildings standard to RL91, increase the FSR development standard to 3.7:1 and insert additional clauses for “no net loss”, “apartment mix”, “provision of affordable housing” and “preparation of a Site-Specific Development Control Plan”.

8-10 New McLean Street, Edgecliff

Prepared for: Mount St 4 Pty Ltd

REF: M220067

Date: 20 January 2025





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Executive Summary

This application for a Planning Proposal seeks to amend the provisions of *Woollahra Local Environmental Plan 2014* for land at Nos. 8-10 New McLean Street, Edgecliff. Specifically, the Planning Proposal seeks to amend the height of building development standard and Floor Space Ratio development standard as they apply to the subject site. It also seeks to insert additional “no net loss”, “apartment mix”, “provision of affordable housing” and “preparation of a Site-Specific Development Control Plan” clauses into WLEP 2014.

As discussed in Section 3 of this Report, this Planning Proposal was submitted to Council on 11 August 2023 and was subject to a Rezoning Review where it was determined, on 28 February 2024, that the proposal has strategic merit, and subject to further analysis and refinement, site-specific merit. Since that time, an independent Urban Design Review was undertaken and a Pre-Gateway Determination Report prepared by the Department’s Planning Proposal Authority Team dated August 2024, for the Sydney Eastern City Planning Panel. The Sydney Eastern City Planning Panel, on 1 November 2024, determined that an updated Planning Proposal be prepared in response to the Pre-Gateway Determination Report and independent Urban Design Review. As a result of the assessment undertaken to date, the proposal has been amended and provides for a wholly residential development with a reduced height and density, to deliver a more sympathetic and considered response of the characteristics of the immediate and wider locality. The findings of the Sydney Eastern City Planning Panel, Planning Proposal Authority Team and independent Urban Design Review, and changes made to this Planning Proposal, are considered in Section 3 of this Report.

There are compelling Urban Design and Town Planning reasons for an increase to the maximum building height and floor space ratio for the site, as has been considered within the subject application for a Planning Proposal. Specifically, the increase in density presents the opportunity to deliver a high quality urban and architectural design, responding to the accessible location and strategic characteristics of the site. The proposed amendments will provide for a suite of public benefits that will not realised by the current standards of WLEP 2014. An increase in building height and floor space will allow for an uplift in residential accommodation, including affordable housing, adjacent to Edgecliff Railway Station and the Commercial Centre. Along with this will be provided a high quality urban, architectural and landscape design, with significant improvements to the public domain.

The application for a Planning Proposal will provide a unique opportunity to unlock the development potential of the subject site given its considerable site area, dimensions and frontages to New McLean Street and Trumper Park. The flexibility offered by the change in building height and FSR will allow for the delivery of a development which will be consistent with desired future character of the Edgecliff Commercial Centre, as set out in the Edgecliff Commercial Centre Planning and Urban Design Strategy, which was endorsed by Council on 29 April 2024 (ECCP & UDS). The proposal demonstrates both site-specific and strategic merit, as outlined in this Report.

The vision for the Planning Proposal is as follows:

- Contribute towards the growth and revitalisation of the Edgecliff Centre, by improving architectural and urban design;
- Concentrate urban growth adjacent to a local centre and the only mass transit hub in Woollahra Council LGA;
- Improve the character and quality of the public domain;
- Ensure no loss of dwellings and provide a mix of housing choices;
- Deliver much needed housing including affordable housing within the Edgecliff locality, serving key workers and other members of the community;
- Create livable communities by providing high quality public domain, resident communal spaces and landscaping, to meet the needs of existing and future residents of the locality;
- Deliver the highest standards of urban planning and excellence in architectural design.

Whilst the subject site is situated just outside of the Edgecliff Commercial Centre, it adjoins Edgecliff Railway Station and bus interchange directly to the south. The site is therefore strategically located and can allow for an increased



density and rejuvenation. By the way of background, the Applicant (Mount St 4 Pty Ltd) has successfully secured the rights over this substantial land holding. A single, consolidated landholding of 7,226m² is extremely rare within the Eastern Suburbs and therefore site specific and strategic consideration is required. It is understood that the site was excluded from the ECCP & UDS on the basis that the site was underpinned by a Strata Scheme and would have required the acquisition of over 100 strata allotments which was considered unfeasible. The applicant has since secured the rights for this land and now seeks redevelopment of the site reflective of its strategic importance. Notably, the ECCP & UDS includes allotments which are situated over 500m from the Edgecliff Railway Station, whereas the subject is located no greater than 50m from the station.

The proposed changes to the planning controls are accompanied by a suite of public benefits including, but not limited to; increased residential density adjacent to the only railway station in Woollahra LGA; improvements to affordable housing; revitalisation of New McLean Street; and improving the public domain through urban, architectural and landscaped design. Furthermore, the concept scheme has been designed to provide for a transition of bulk, scale and density from the ECCP to Trumper Park, respect the character of the Paddington HCA and mitigate impact to the public open space. These benefits will not be realised without the changes to the planning controls proposed in this submission.

As part of this Planning Proposal, an Urban Design Report, including concept envelope and reference scheme, have been prepared by *FJC Studio* and are submitted separately. The UDR provides an analysis of the existing and future urban fabric of the locality and the opportunities and constraints present at the site, to demonstrate the benefits of the Planning Proposal. Furthermore, the UDR demonstrates that the proposed LEP changes will facilitate a high-quality urban form, compatible with the existing heritage context and desired character of the locality, particularly adjacent the Edgecliff Commercial Centre. The UDR and concept envelopes illustrate how the proposal relates positively to the features of the site, surrounding public domain (existing and proposed) and neighboring properties. As described above and throughout this Report, the UDR has considered the recommendations and findings of the independent Urban Design Review and Pre-Gateway Report.

The concept proposal depicts the provision of a high quality residential flat building with defined podium and recessive, slender tower forms. Specifically, the concept proposal will provide for the following:

- A development that provides well-considered podium and tower forms which respond to the established and desired future character of the locality, being the ECCP, Paddington HCA and Trumper Park and Oval. This includes the following:
 - Basement parking and on-site loading below the buildings fronting New McLean Street;
 - To New McLean Street:
 - Street wall to RL51.5 within the eastern portion of the site, with a built form which recesses from the eastern boundary as height increases;
 - Street wall to RL63.0 within the western portion of the site grading down to RL47.0 towards Trumper Park;
 - To Trumper Park and Oval:
 - Building form to RL47.0 to the western portion of the site and RL51.5 to the eastern portion of the site, to the boundary fronting Trumper Park; and
 - Tower component to RL91.0 with frontage to New McLean Street
- 26,736m² of residential floor space which can accommodate approximately 246 apartments, with the reference scheme providing approximately 84 x 1 bedroom, 112 x 2 bedroom and 50 x 3 bedroom apartments.
- The allocation of 2.76% of the gross floor area uplift as affordable housing in perpetuity;
- Provision of communal open spaces for the use of residents.
- High quality deep soil and soft landscaping throughout the site.
- Activation and improvement of New McLean Street through the proposed residential accommodation.

As discussed in this document, the application is consistent with the local, regional and state planning strategies for Woollahra Local Government Area (LGA), Eastern City District Plan and Greater Sydney Region Plan. This application



has the potential to make a substantial positive contribution to the quality and utility of public space and result in the efficient use of a well-serviced site, to provide a development which is diverse and vibrant, compatible with neighboring properties and delivers a high quality urban environment.



1. Introduction

This application for a Planning Proposal ('Report') has been prepared for Mount St 4 Pty Ltd, for the site located at Nos. 8-10 New McLean Street, Edgecliff ('site'). The purpose of this application is to initiate a Planning Proposal process to amend *Woollahra Local Environmental Plan 2014* ('WLEP 2014') to change the height of building development standard and Floor Space Ratio ('FSR') development standard as they apply to the subject site. It also seeks to implement "no net loss", "apartment mix", "provision of affordable housing" and "preparation of a Site-Specific Development Control Plan" clauses into WLEP 2014.

Specifically, it is proposed to change the maximum building height to a maximum of RL91, FSR to 3.7:1, and include additional clauses pertaining to not net loss of dwellings, apartment mix, provision of affordable housing and preparation of a Site-Specific DCP on the subject site. With regards to affordable housing, the proposal seek to provide for 2.76% of the uplift in Gross Floor Area ('GFA') over that which is currently permitted, as affordable housing in perpetuity. Furthermore, the proposal seeks to include an additional "no net loss" clause to ensure dwelling numbers are not reduced on the subject site and "apartment mix" clause to ensure diversity in accommodation.

As discussed in Section 3 of this Report, this Planning Proposal was submitted to Council on 11 August 2023 and was subject to a Rezoning Review where it was determined, on 28 February 2024, that the proposal has strategic merit, and subject to further analysis and refinement, site-specific merit. Since that time, an independent Urban Design Review was undertaken by SJB and a Pre-Gateway Determination Report prepared by the Planning Proposal Authority Team ('PPA Team') dated August 2024, for the Sydney Eastern City Planning Panel ('SECPP'). The SECPP, on 1 November 2024, determined that an updated Planning Proposal be prepared in response to the Pre-Gateway Determination Report and independent Urban Design Review. As a result of the assessment undertaken to date, the proposal has been amended and provides for a wholly residential development with a reduced height and density, to deliver a more sympathetic and considered response of the characteristics of the immediate and wider locality. The findings of the SECPP, Department's PPA Team and independent Urban Design Review, and changes made to this Planning Proposal, are considered in Section 3 of this Report.

There are compelling strategic, urban design and town planning reasons for Nos. 8-10 New McLean Street to be considered for the subject Planning Proposal. Specifically, the subject site represents a unique opportunity to deliver a high-quality, innovative and sustainable development, delivering a suite of public benefits that will not be realized if the current planning controls are retained and the opportunity for redevelopment passes. That is, the current maximum building heights and FSR are not capable of providing a density on the site which is reflective of its strategic location and superior characteristics.

The application to increase the maximum density on the subject site will provide for a unique opportunity to deliver a well-considered and refined built form which represents a significant improvement over the current block envelopes existing on the subject site. This application is submitted with a concept proposal and reference scheme which seeks to deliver a site arrangement and built form consistent with the desired uplift. The Planning Proposal will deliver an outcome which is far superior to the current planning controls, increasing density within a highly accessible and centralised site, providing with it numerous public benefits.

This application has been prepared in accordance with Division 3.4 and Division 3.5 of the *Environmental Planning and Assessment Act 1979* as well as the NSW Department of Planning, Industry and Environment publication "*Local Environmental Plan Making Guideline*" (August 2023) ('DPIE Guideline'). It explains the intended effect of the proposed amendment to WLEP 2014 and sets out the justification for making the amendment to that Plan.

This application demonstrates that the proposed LEP amendments have strategic and site-specific merit. It is aligned with the relevant matters for consideration set out in Woollahra Council's Local Strategic Planning Statement. As detailed, the primary intent of the application is to initiate a Planning Proposal process to amend the maximum building height and floor space, alongside the implementation of additional clauses, to allow for redevelopment of a strategically

superior site.

An Urban Design Report ('UDR') and concept proposal have been prepared by *FJC Studio* ('FJC') and are submitted with this application. The UDR provides analysis of existing urban fabric, current planning controls and the constraints of the site, demonstrating how the proposed changes will support redevelopment. The concept envelope demonstrates how the proposed changes will improve the urban fabric of the immediate and wider locality, delivering with it numerous public benefits. In addition, a Draft Site Specific Development Control Plan (Draft SSDCP) has been prepared and is submitted, detailing relevant envelope controls which will apply to the subject site.

This increase in density and subsequent redevelopment is also consistent with local and state government planning strategies to drive more efficient and economic use of urban land which is directly adjacent to Edgecliff Railway Station and Commercial Centre. The subject site is well located and in close proximity to established transport, services and a variety of infrastructure and facilities. The concept proposal provides for a residential development, with significant improvements to the public domain, residential accommodation, enhancements to the streetscape and pedestrian environment. Overall, the proposal achieves positive environmental, social and economic outcomes, as discussed in this Report.

This application for a Planning Proposal has relied on, and been informed by, the Urban Design Report prepared by *FJC Studio*, as well as the following documents submitted alongside this Report:

Table 1 Supporting Documents	
Document	Author
Urban Design Report	<i>FJC</i>
Concept and Reference Scheme	<i>FJC</i>
Survey Plan	<i>Norton Survey Partners</i>
Landscape Design	<i>FJC</i>
Transport, Traffic and Parking Assessment	<i>JMT Consulting</i>
Qualitative Environmental Wind Assessment	<i>SLR</i>
Acoustic Assessment	<i>RWDI</i>
ESD Report	<i>SLR</i>
Arboricultural Impact Assessment	<i>Urban Arbor</i>
Biodiversity Report	<i>Biosis</i>
Heritage Impact Statement	<i>Curio Projects</i>
Visual Impact Assessment	<i>Urbaine Architecture</i>
Preliminary Site Investigation	<i>Geosyntec Consultants</i>
Geotechnical Desktop Study	<i>Morrow</i>
Services Infrastructure Report	<i>Stantec</i>
3D Model	<i>FJC</i>
Draft Site Specific Development Control Plan	<i>Planning Ingenuity</i>

An initial informal meeting was held on 13 May 2022, followed by two Pre-Planning Proposal meetings on 14 November 2022 and 6 April 2023. Formal Council minutes were provided on 13 December 2022 and 22 May 2023, which have been considered in this Report. Further, a number of specialist studies were identified by Council as necessary to support the application, as has been submitted per **Table 1** above. In accordance with the DPIE Guideline a copy of Council's Pre-lodgement Advice is included in with this Report.



Following the above, the Planning Proposal was submitted to Council and subsequently requested for a rezoning review. This Report and the supporting documents prepared have considered this rezoning review, namely the Pre-Gateway Determination Report and independent Urban Design Review prepared by *SJB*.

This report is divided into sections including a locality and site analysis, background, existing planning provisions, the proposed amendments, justification for the proposal, project timeline and a conclusion. This planning proposal application demonstrates with evidence that there will be positive outcomes from the proposed changes to the maximum building height and FSR, and insertion of various additional clauses.



2. Locality and Site Analysis

2.1 THE CONTEXT

2.1.1 Metropolitan Context

The subject site is located in the suburb of Edgecliff approximately 4km east of the Sydney CBD and is situated just south of the Edgecliff Local Centre and Railway Station. As part of the *Metropolis of Three Cities – The Greater Sydney Region Plan*, Edgecliff is located within the Eastern Harbour City and is located in proximity to the Harbour CBD. The Eastern Harbour City is envisaged to encourage infrastructure and connectivity, liveability, productivity and sustainability. The Eastern Harbour City is expected to accommodate 3.3 million people by 2036.

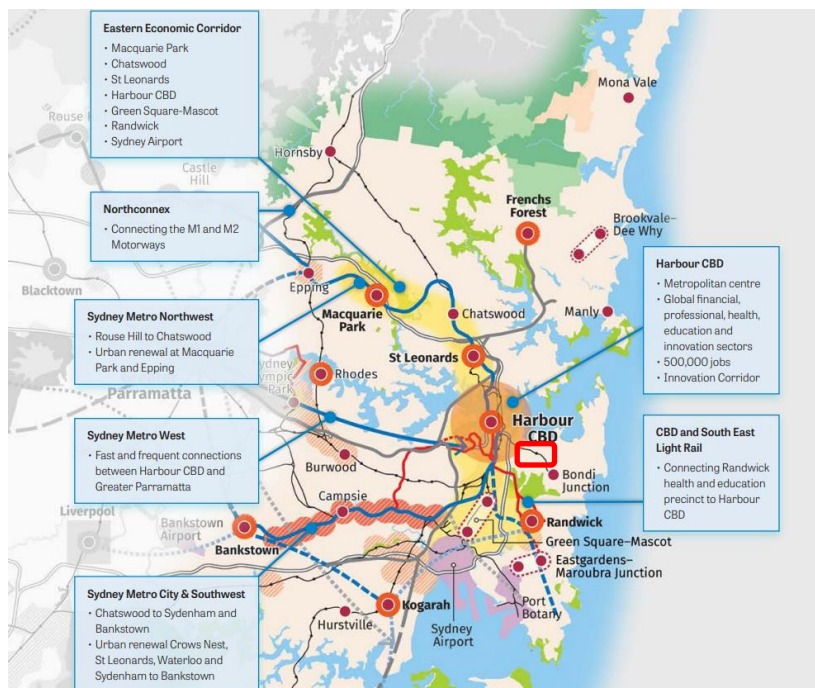


Figure 1 The metropolitan context (Source: A Metropolis of Three Cities)

2.1.2 Edgecliff

The subject site is situated on the southern boundary of the Edgecliff Local Centre, less than 50m from the entrance to the Edgecliff Railway Station and bus interchange. Edgecliff benefits from a strategic location which boasts ease of access to a number of transport links, land uses and localities thus solidifying its place as an area capable of accommodating an increase in density.

The locality provides the general public, workers and residents with a high level of amenity due to its centralised location, ease of access and the provision of numerous commercial facilities, including shopping centres and retail premises, public open spaces, recreational facilities and various services. Whilst the subject site is located outside (but directly adjacent to) the Edgecliff Centre, an increase in density is considered to align with the relevant strategic planning documents, as outlined in this Report.

Figure 2 below demonstrates the location of the subject site and its relationship to the Edgecliff Centre, Railway Station and surrounding localities. The subject site is located to the south of New South Head Road and is within 50m walking distance to Edgecliff Railway Station.



Figure 2 Subject site (edged in red) and surrounding Edgecliff locality (Source: Planning Portal)

2.2 THE SITE

The subject site comprises of one lot known as Nos. 8-10 New McLean Street, Edgecliff, with legal description of SP 20548. An aerial image of the site is provided at **Figure 3**.



Figure 3 Aerial image of subject site, edged in red (Source: Near Maps)

The site is an irregular shape and contains a surveyed area of 7,226m². The site has a wide frontage of approximately 115m to New McLean Street and a southern (rear) boundary to Trumper Park of 98m. The site has dimensions of 73m to the western (side) boundary and 85m to the eastern (side) boundary, adjoining medium and low density residential developments, respectively.

The current site contains two large freestanding residential flat buildings running at an acute angle to the street frontage. These buildings are nearing the end of their economic life and are suited for replacement given they do not possess any architectural merit and are in a dilapidated state. The periphery of the site, including the frontage to New McLean

Street is vegetated, with pedestrian access only immediately adjoining the buildings. A separate driveway to the east of the buildings provides access for residents to ground level parking, some of which is below a suspended concrete parking deck in the north-east corner of the site. The upper level parking is accessed from a separate driveway and is located adjacent to the turning circle within Cameron Street. Access to both parking areas is limited only by a chain link barricade and sign posted that parking is restricted to residents only.

The remainder of the site is landscaped and includes planting between the buildings and throughout the remainder of the site. A communal residents swimming pool is located in the south-west portion of the site. The site slopes in a south and south-western direction, with a high point located along New McLean Street. The subject site is also identified as flood prone land has been considered as part of this Planning Proposal.

The context of the subject site and the adjoining area are shown in the aerial image in **Figure 4** and photographs of site are provided at **Figures 5 to 7**.



Figure 4 Aerial image of site and surrounds



Figure 5 Existing built form and vegetation of Nos. 8-10 New McLean Street, as viewed from streetscape (Cameron Court)



Figure 6 Existing built form and vegetation of No. 4 New McLean Street (right), Nos. 8-10 New McLean Street (centre) and Edgecliff Centre (left), as viewed from streetscape



Figure 7 Existing elevated carpark deck of Nos. 8-10 New McLean Street, Edgecliff, as viewed from streetscape

2.3 EXISTING AND DESIRED FUTURE CHARACTER

The subject site is located directly to the south of the Edgecliff Local Centre and is not currently anticipated to accommodate any increase in density. As outlined under Section 4 of this Report, the site is currently zoned R3 Medium Density Residential, is permitted a maximum building height of 10.5m and floor space ratio of 0.75:1. It is understood the subject site was excluded from the endorsed Edgecliff Commercial Centre Planning and Urban Design Strategy (ECCP & UDS), on the basis that it was underpinned by a Strata Scheme and unlikely to be redeveloped.

The ECCP & UDS seeks to support a significant increase density along New South Head Road, alongside improvements to community infrastructure, affordable housing, public domain and transport. This will see with it a substantial change to the existing character of the immediate locality. Whilst the subject site was excluded from ECCP

& UDS, it is strategically better placed to satisfy the intent and actions of these plans, as is discussed in further detail within this Report. Specifically, redevelopment of the subject site is not constrained by the need for amalgamations, traffic noise and can be delivered immediately.

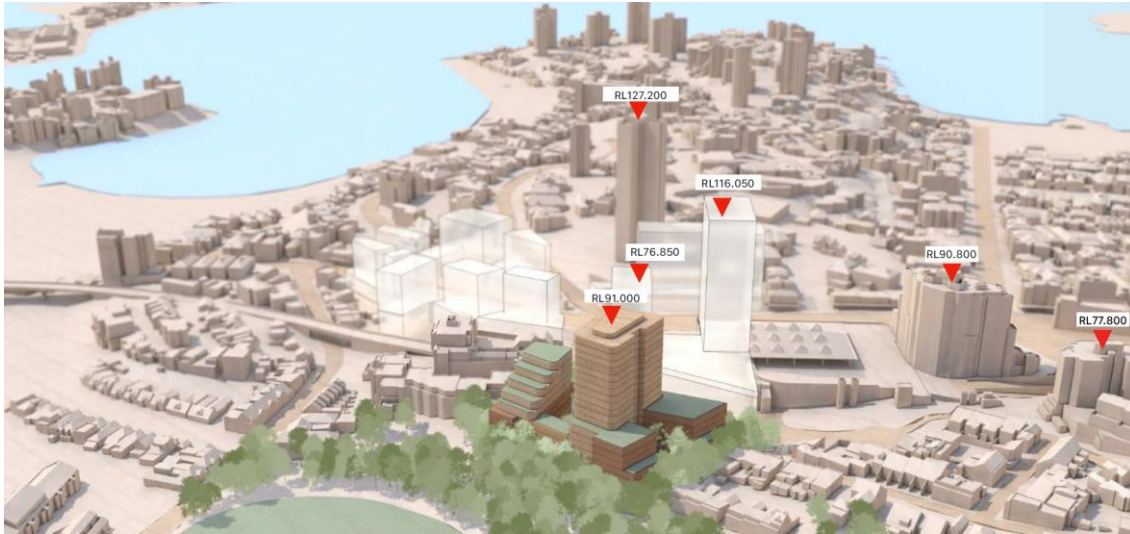


Figure 8 Urban context (built form) and the proposed concept scheme

Currently, the subject site contains ageing residential flat buildings, populated by low amenity apartments with landscaping. The surrounding locality contains an eclectic mix of residential and non-residential buildings with differing bulk, scale and architectural characters, reflecting the various periods of construction. As discussed in this Report, the proposal will satisfy the objectives and actions of the ECCP & UDS.

2.4 SURROUNDING DEVELOPMENT

The subject site is located on the southern edge of the Edgecliff Local Centre and as such, the land use composition includes a combination of commercial, mixed-use and transport infrastructure development to the north, residential development to the east and west, and extensive public parks (Trumper Park, Trumper Oval, Trumper walking track) to the south. Details of surrounding development are as follows:

- To the east of the site is low density terrace housing along Cameron Street, Glebe Street and Arthur Street. These are mainly two storey heritage homes, falling within an R2 'Low Density' residential zone and also falling within the Paddington HCA.
- North of the site and on the opposite side of New McLean Street is the Edgecliff Centre, an eight storey building with ground level shops, offices, residential and businesses uses surrounding the entrance to Edgecliff Railway Station. At the eastern end of the street block is Eastpoint Tower, a 12 storey residential tower block located above the ground level businesses. Much of the street block is characterised by 1960's-1970's architecture with a dominance of concrete materials with a harsh interface with the pedestrian environment.
- North-west of the site is No. 4 New McLean Street, a residential complex known as 'Wimbledon' containing approximately 60 residential units within a group of 4 storey residential flat buildings.
- Further north, at No. 2 New McLean Street is a mixed-use building known as 'Edgecliff Court', which contains commercial and residential uses. While No. 1 New McLean Street comprises of *Edgecliff Mews Professional Centre* a 3-4 storey development comprising professional rooms and businesses. The development wraps around New McLean Street into New South Head Road.

- South of the site is a locally important open space known as Trumper Oval/Trumper Park which provides significant green space to the Edgecliff and Paddington area. The lineal open space extends from Glenmore Road through to the Woollahra Municipal Council building on Quarry Street and provides playing fields, walking tracks and tennis courts. There is currently no link through the subject site between this open space and the adjoining Edgecliff local centre, with access provided either side of the subject site.
- To the north and on the opposite side of New South Head Road, is Nos. 136-148 New South Head Road. This property is subject to a Planning Proposal which has received Gateway Determination, seeking to increase the maximum building height to 42m and a maximum FSR of 5:1.
- Further to the north of Nos. 136-148 New South Head Road is the Ranelagh Apartments, constructed in 1969, which contains a maximum RL of 127.200.

Photos of surrounding development is provided below in **Figures 9 to 12**.



Figure 9 Back of Edgecliff Town Centre (Eastpoint) with access to railway station from New McLean Street



Figure 10 Terraces Houses along Cameron Street - west of the subject site



Figure 11 View from Trumper Park and Oval, with Nos. 8-10 New McLean Street in background



Figure 12 Edgecliff Centre (left) and Edgecliff Mews (right) to the east of the subject site, as viewed from intersection of New McLean Street and New South Head Road

The properties to the north of the site fronting New South Head Road have been identified in the recently endorsed *Edgecliff Commercial Centre Planning and Urban Design Strategy* for significant redevelopment and up zoning permitting height and FSR increases as illustrated in **Figure 13** below. As shown below, the subject site is located less than 50m away from the Edgecliff Railway Station. Numerous properties identified within the ECCP & UDS contain floor space ratios of up to 5:1, despite being situated further away from the railway station. The site is identified by a broken red line in **Figure 13** and is located on the southern edge of the Edgecliff Centre.

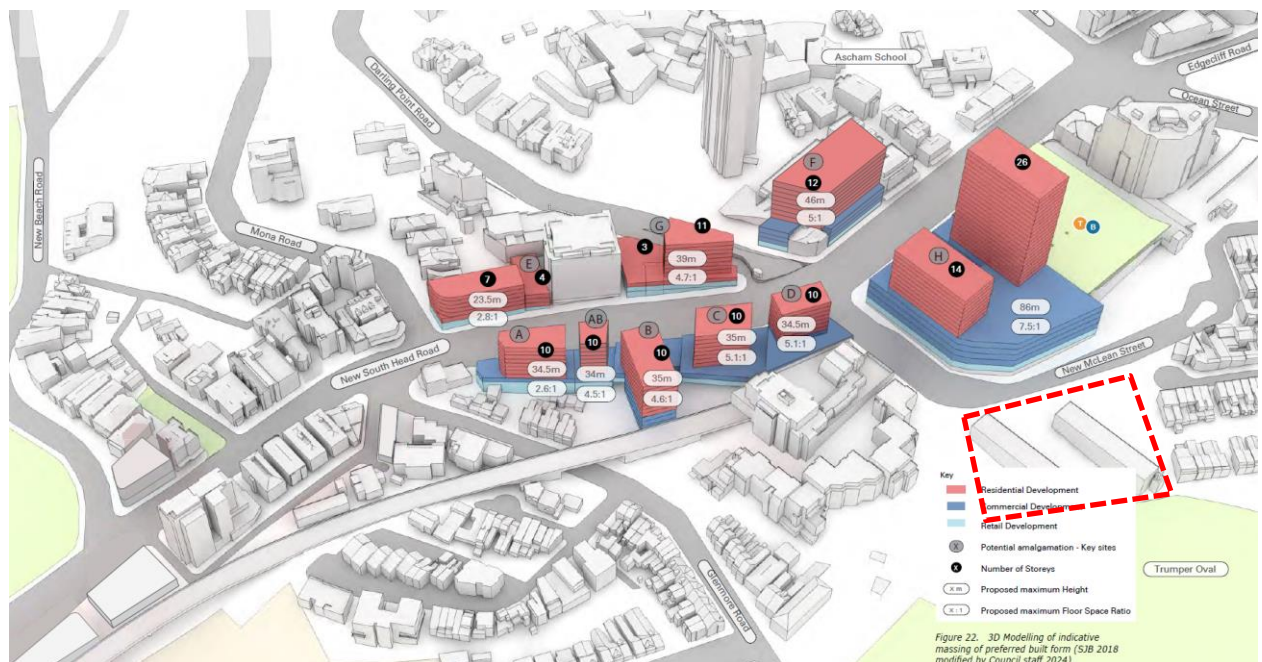


Figure 13 3D modelling of preferred built form, with subject site edged in red (SJB 2018)

2.5 CONNECTIVITY TO PUBLIC TRANSPORT

The subject site is situated within a highly accessible location in close proximity to key road corridors, bus stops, and Edgcliff Railway Station. Specifically, the site is just south of New South Head Road which provides vehicular access to the surrounding suburbs and Sydney CBD. The site is also less than 50m walking distance from Edgcliff Railway Station, which provides train and bus access to Bondi Junction, Sydney CBD, surrounding and wider suburbs.

Further to the above, the site is also located directly opposite the Edgcliff Centre, which currently contains an eight storey building with retail, commercial, and residential uses. This neighbouring site is earmarked for an increase in density under the ECCP & UDS, including two tower forms ranging up to 26 storeys in height. As shown in **Figure 14**, the site represents one of the only opportunities to provide an active pedestrian link between Edgcliff Railway Station to Trumper Park and Oval.

The site is also located within close proximity other commercial, retail, community and health care facilities, in addition to a variety of public open spaces.

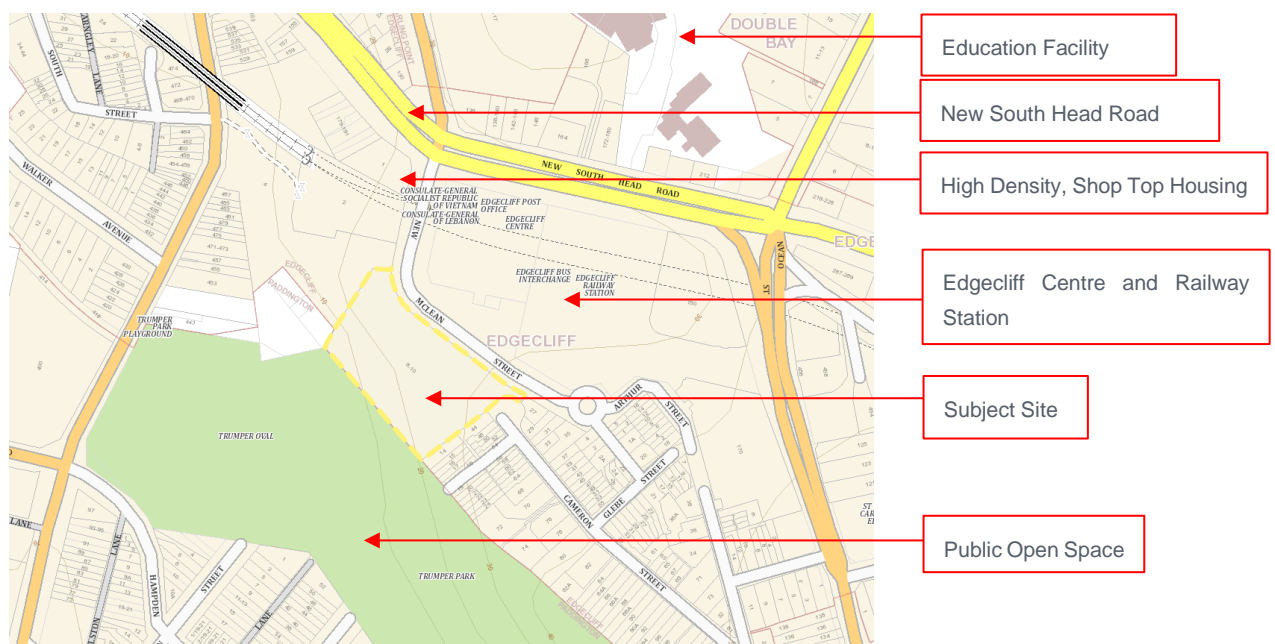


Figure 14 Surrounding locality and key features, with site edged in yellow, and through-site link indicated in blue (Source: Planning Portal)

2.6 AMENITY

The site is an important strategic location containing a significant street frontage to New McLean Street and rear boundary to Trumper Park. The site is well located to provide a high level of amenity to future occupants aligning with the increase of density proposed as part of this application. It is noted that the site is within proximity to Edgcliff Railway Station and New South Head Road and are a source of noise. Notwithstanding, there are numerous surrounding properties located at the same distance or closer to these noise sources which will need to achieve an appropriate levels of acoustic attenuation to protect internal amenity, whilst also achieving ventilation. An Acoustic Report prepared by *RWDI* is submitted with this application which determines that the site is well-placed for the proposed uplift in density, with no significant constraints with respect to acoustic impacts identified. In this regard, any future application on the subject site is considered a superior alternative to redevelopment on New South Head Road. This is discussed in depth below.

The site is also located to the north of Trumper Park and Oval. This Planning Proposal has considered the potential impact to the solar access of this public open space, in which it is considered to be acceptable, even with the increased

density. The concept envelopes have been developed following careful site analysis and extensively tested as detailed in the UDR prepared by *FJC*, as reproduced in **Figure 15** below.

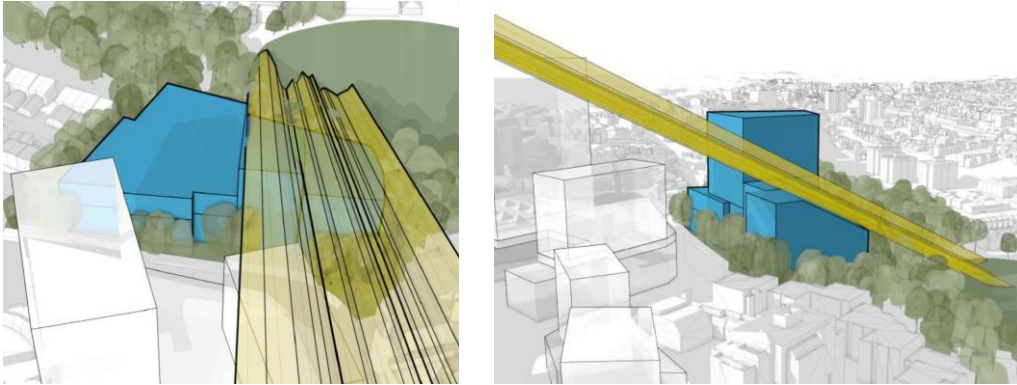


Figure 15 Modelling of concept envelopes to protect solar access of Trumper Park and Oval at 10am, June 21

As detailed, the site adjoins the Edgecliff Centre and is within walking distance to the extensive variety of established (and future) services and facilities including the civic facilities, recreational facilities, public open spaces, commercial premises and public transport.

2.7 OPEN SPACE AND LANDSCAPING

The subject site is envisaged to deliver significant improvements to the streetscape and protect the amenity of Trumper Park and Oval, as described above. Currently, the site does not have any distinct or beneficial relationship with the public open space. As identified in the Urban Design Report, the Planning Proposal will bring with it the capacity to increase residential accommodation and improve the quality of landscaping throughout the site, creating a superior relationship to the public open space and vegetative network.

It is also noted that the concept envelopes have been carefully designed to retain the significant vegetation and landscaping along the perimeter of the site boundaries. The concept scheme also anticipates the provision of high quality landscaping at-ground level and within podium areas, including rooftop landscaping.

Currently, there are a number of public open spaces available to future occupants of the site. This includes Trumper Park, Rushcutters Bay Park and Reg Bartley Oval, amongst others.



Figure 16 Excerpt of Landscape Plan prepared by *FJC*

3. Background

3.1 DEVELOPMENT APPLICATIONS

There have been a number of development applications approved on the subject site as it relates to the existing residential flat buildings. This Planning Proposal and any subsequent development application will forego any approval on the subject site.

3.2 CHRONOLOGY OF PLANNING PROPOSAL

Provided below is an overview of the progress of the Planning Proposal:

- **11 August 2023:** The Planning Proposal was submitted to Woollahra Council.
- **4 December 2023:** A Rezoning Request was submitted to the Department as Council failed to indicate support of the Planning Proposal within 115 days.
- **15 February 2024:** Council comments on the Planning Proposal were submitted to the Department.
- **22 February 2024:** A Council Report was prepared and issued to the Woollahra Local Planning Panel, where the Local Planning Panel determined that the proposal was not supported.
- **28 February 2024:** A meeting with the Sydney Eastern City Planning Panel was held to consider the rezoning review for the Planning Proposal.
- **26 March 2024:** Following the Sydney Eastern City Planning Panel meeting, it was determined at the Rezoning Review that the proposal has strategic merit, however, further analysis and refinement were needed to demonstrate site-specific merit prior to the proposal proceeding to the Department for Gateway Determination. The Sydney Eastern City Planning Panel provided for a number of conditions which were considered by the independent Urban Design Review.
- **3 May 2024:** The Department of Planning and Environment Planning Proposal Authority Team was appointed and arranged an independent Urban Design Review which was undertaken by *SJB*. A meeting was held between the Planning Proposal Authority Team, the Applicant and independent Urban Design consultant (*SJB*).
- **13 June 2024:** An independent Urban Design Review prepared by *SJB* and was issued to the Applicant for consideration.
- **21 June 2024:** The Applicant provided a response to the independent Urban Design Review for consideration.
- **12 July 2024:** The independent Urban Design Review considered the commentary provided by the Applicant, and updated the urban design recommendations where necessary and applicable.
- **August 2024:** A Pre-Gateway Determination Report prepared by the PPA Team in response to the independent Urban Design Review. This is to update the Sydney Eastern City Planning Panel and provide for a series of recommendations for consideration of the Applicant. These recommendations are considered in further detail below.
- **1 November 2024:** The Sydney Eastern City Planning Panel provided a Record of Decision to submit a revised Planning Proposal to Gateway Determination. The Panel endorsed the following planning controls for the site;
 - FSR of 3.7:1 as a map amendment;



- Maximum building height of RL 91 as a map amendment;
- Preparation of a Draft Site Specific DCP which addresses setbacks, podium heights, transitions and tower location in accordance with the Panels design guidelines.

The revised Panel design guidelines are considered in further detail below.

3.3 SYDNEY EASTERN CITY PLANNING PANEL AND PRE-GATEWAY DETERMINATION REPORT

As described above, on 1 November 2024 the Sydney Eastern City Planning Panel determined that a revised Planning Proposal be prepared for Gateway Determination. As part of this decision, the Panel's Design Guidelines, as adopted within the Rezoning Review Record of Decision dated 26 March 2024, have been amended in light of the independent Urban Design Review and Pre-Gateway Determination Report.

The planning controls and Design Guidelines have been reproduced and considered in **Table 2**. Where the Planning Proposal has been amended, from that originally submitted, it is also addressed below.

Table 2 Sydney Eastern City Planning Panel conditions and design principles

Controls and Design Principles	Response
<i>FSR of 3.7:1 as a map amendment.</i>	<p>This Planning Proposal seeks to deliver a maximum FSR of 3.7:1 on the subject site, which is a reduction from the originally proposed 4.5:1, and is to be implemented as a map amendment. The reduction in floor space will deliver a density which allows for a transition from the ECCP to Trumper Park.</p>
<i>Maximum building height of RL 91, effectively 18 storeys, as a map amendment.</i>	<p>The maximum building height will be a RL of 91. The proposal also seeks to allocate maximum heights as follows:</p> <ul style="list-style-type: none">- Western building mass transitioning from RL 63 at New McLean Street down to RL 47 adjoining Trumper Park.- Transition from RL51.5 to RL 42 adjacent to the eastern HCA.- Central 'flex zone' with heights to match the western building mass <p>As described throughout this Report, the height has been reduced from that originally proposed (RL110.0) in order to provide for a more sympathetic built form which responds to the ECCP, Paddington HCA and amenity of Trumper Park and Oval.</p> <p>The changes to maximum building height are proposed as a map amendment.</p>
<i>Local provisions which require a concept DA or DCP which addresses setbacks, podium heights, transitions and tower location in accordance with the Panels design guidelines.</i>	<p>A Draft Site Specific DCP has been prepared and is submitted with this Planning Proposal. The Draft SSDCP will be endorsed alongside the amendments to WLEP. The Draft SSDCP includes the following information:</p> <ul style="list-style-type: none">- Podium heights;- Tower location and height;- Maximum tower footprints- Setbacks;



Table 2 Sydney Eastern City Planning Panel conditions and design principles

	<ul style="list-style-type: none"> - <i>Tree retention;</i> - <i>Dwelling mix.</i> <p>In addition, this Planning Proposal will implement an additional clause into WLEP which requires the preparation of a Site-Specific DCP for the subject land.</p>
<p><i>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.</i></p>	<p>The proposal will maintain the R3 Medium Residential zone and only residential development is proposed.</p> <p>Whilst the original proposal sought to include food and drink premises and a community centre, the SECPP and Department's PPA Team advised that the site was not suited for a mixed-use development. This was predicated on incompatibility with the residential character to the south of New McLean Street, and potential impacts to amenity of surrounding properties.</p> <p>Furthermore, it was also noted by the SECPP and PPA Team that the provision of a mixed-use development on the site would detract from and impact the economic value and strength of the ECCP. As a result, a wholly residential development is proposed which is considered to be well-suited to the site characteristics, with no commercial or community floor area.</p>
<p><i>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 Wollahra LEP 2014, which specifies the maximum height limits on the HOB map.</i></p>	<p>As set out above, the height of the development will transition New McLean Street to Trumper Park and residential development in the Paddington Heritage Conservation Area. This is in accordance with the independent Urban Design Review prepared by SJB.</p>
<p><i>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 podium needs to be refined to better relate to adjoining development and open space areas.</i></p>	<p>The proposal has a maximum height of RL91 to the tower, which is significantly lesser than the height of the developments envisaged in the ECC, at approximately RL 116.05.</p>
<p><i>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.</i></p>	<p>The increase in height is consistent with the independent Urban Design Review prepared by SJB, and will have a reduced impact to both Trumper Park and Oval. This is considered in depth under Section 6.3.3 of this Report.</p>
<p><i>Minimum of a percentage of future dwellings or a percentage of future GFA (which ever is greater) are delivered as affordable housing and that affordable housing remains as such in perpetuity</i></p>	<p>As is described in further detail under Section 3.4 and throughout this Report, a formal feasibility analysis for the subject project has been prepared by Jones Lang LaSalle (JLL) to determine the appropriate percentage of affordable housing which could be provided within the project based on a FSR of 3.7:1. The valuation work conducted by JLL compared an equivalent percentage of affordable housing to be allocated in perpetuity, as to affordable</p>

Table 2 Sydney Eastern City Planning Panel conditions and design principles

	housing to be allocated for a period of 15-years only. It has been selected, by the Department, that 2.76% of the upside GFA will be allocated as affordable housing in perpetuity.
	This will provide for an appropriate amount of affordable housing in the locality.
<i>The proposed through-site link is to be removed.</i>	The through-site link has been removed following input from the SECPP and PPA Team during the Pre-Gateway Review process. The removal of the through-site link was required due to the safety implications and impacts to the surrounding locality. It is considered that retainment of the existing accessways from New McLean Street to Trumper Park and Oval are sufficient.
<i>The accompanying technical reports to be updated in response to proposed changes to the planning proposal.</i>	All accompanying technical reports have been updated in response to the changes to the proposal.
<i>Any draft DCP and draft voluntary planning agreement should be exhibited as close as practically possible to the exhibition of the planning proposal.</i>	A Draft Site Specific DCP has been prepared and is submitted, which can form part of the public exhibition process.
<i>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.</i>	A no net loss clause and apartment mix clause has been proposed as set out in this Report. Dwelling mix has also been integrated into the Draft SSDCP.

As set out in **Table 2** above, the concept envelopes and reference scheme appropriately respond to the conditions and recommendations as made by SECPP, following the independent Urban Design Review and recommendations of the Department's PPA Team.

3.4 AFFORDABLE HOUSING BACKGROUND

At the request of the Department of Planning, Housing and Infrastructure and also the SECPP, the applicant engaged *Jones Lang LaSalle (JLL)* to undertake a formal feasibility analysis for the subject project to determine the appropriate percentage of affordable housing which could be provided within the project based on a FSR of 3.7:1. The valuation work conducted by *JLL* compared an equivalent percentage of affordable housing to be allocated in perpetuity, as to affordable housing to be allocated for a period of 15-years only. The study showed two equivalent options were viable for the proposed uplift scheme as follows:

- a) 5% of the upside GFA allocated as affordable housing for a period of 15 years; or
- b) 2.76% of the upside GFA allocated as affordable housing in perpetuity.

The above two options have been presented in this Planning Proposal's amendments to the WLEP as requested by the Department. Detailed feasibility analysis calculations have been provided to DPHI for their perusal to provide the feasibility constraints on the project in the event more affordable housing was to be provided, which in turn would be detrimental to the general delivery of housing on this strategically located site.

Ultimately, the Department has opted to employ option b), which will allocate 2.76% of the upside GFA as affordable housing in perpetuity.

3.5 INITIAL DISCUSSIONS WITH COUNCIL

As described above and for completeness, the initial and formal Pre-Planning Proposal meetings held with Council are considered below, in light of the concept proposal as amended.

The Applicant (*Mount St 4 Pty Ltd*) and its representatives have undertaken preliminary discussions with Woollahra Council staff regarding the Planning Proposal. An initial informal meeting was held on 13 May 2022 with subsequent written comments provided by Council on 19 May 2022.

A formal Pre-Planning Proposal meeting was held on 14 November 2022, with subsequent written comments provided by Council on 13 December 2022.

A second Pre-Planning Proposal meeting was held on 6 April 2023, with subsequent written comments provided by Council on 22 May 2023.

The comments provided have been considered and the Planning Proposal modified in response, whilst maintaining the viability of the project within the constraints of the site.

Table 2 below summarises Council's comments and provides a response to each of these, in relation to the 13 December 2022 comments.

Table 3 Council Comments and Responses from 13 December 2022	
Council Comment	Response
State Legislation	
<u>4.1. Environmental Planning and Assessment Act 1979</u> <i>The Department of Planning and Environment (DPE) has published the Local Environmental Plan Making Guideline December 2021 (the guideline) (updated August 2023) to help applicants meet the requirements of the Act. The guideline stipulates a planning proposal must demonstrate the strategic merit and the site-specific merit of the proposed LEP amendments.</i>	This Planning Proposal Report is prepared to align with the requirements of the <i>Local Environmental Plan Making Guideline August 2023</i> and addresses both strategic and site-specific merit.
<u>4.2. Greater Sydney Region Plan: A Metropolis of Three Cities</u> <i>Any request for a planning proposal must demonstrate full compliance with relevant directions and actions of the Region Plan.</i>	The Greater Sydney Region Plan is addressed in Section 6.3.2.1 of this Report.
<u>4.3. Eastern City District Plan</u> <i>Any request for a planning proposal must demonstrate full compliance with the vision and relevant priorities and actions of the District Plan.</i>	The Eastern City District Plan is addressed in Section 6.3.2.2 of this Report.
<u>4.4. Future Transport 2056 and the Greater Sydney Services and Infrastructure Plan</u> <i>Any request for a planning proposal must address the relevant issues in the Future Transport 2056 and the Greater Sydney Services and Infrastructure Plan.</i>	The Future Transport 2056 Plan is addressed in Section 6.3.2.3 of this Report.
<u>4.5. State Environmental Planning Policy 65: Design Quality of Residential Apartment Development</u> - Section 2E – Building depth - Section 3E – Deep soil zones - Section 3F – Visual privacy - Section 3J – Bicycle and car parking - Section 4S – Mixed-use.	The requirements of the Housing SEPP are addressed throughout this Report and in the accompanying UDR. Whilst this will be determined through detailed design at the development application stage, the following is noted in relation to the attached reference scheme, in accordance with the requirement of SEPP 65 and the Apartment Design Guide: - Deep Soil: An appropriate amount of deep soil provided throughout the site; - Visual Privacy: Appropriate separation is provided as discussed in Section 6.3.3 of this Report; - Parking: Appropriate parking can be provided within the basement levels, subject to a future

Table 3 Council Comments and Responses from 13 December 2022

	<p>detailed development application, as addressed in this Report and the accompanying Transport, Traffic and Parking Assessment.</p>
<p><u>4.6. Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021</u></p> <p><i>Chapter 2 refers to vegetation clearing and we note, in particular, that the information regarding vegetation on and immediately adjoining the site needs updating for accuracy and identification. Further, clarification regarding the extent of native vegetation clearing is required, particularly as to whether clearing will exceed the biodiversity offsets threshold of 0.25ha.</i></p> <p><i>Chapter 10 refers to development in the Sydney Harbour Catchment. We draw your attention, in particular, to the objectives in clause 10.9 and planning principles in clause 10.10 and principle (f) development that is visible from the waterways or foreshores is to maintain, protect and enhance the unique visual qualities of Sydney Harbour.</i></p> <p><i>Any request for a planning proposal must address the relevant provisions of Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021.</i></p>	<p>The removal of any vegetation will form part of a detailed application and will further require assessment. Notwithstanding, an Arboricultural Impact Assessment prepared by <i>Urban Arbor</i> and Biodiversity Assessment prepared by <i>Biosis</i> are submitted with the Planning Proposal. The GIS Data submitted also shows that less than 0.25Ha of vegetation is to be cleared which does not trigger any additional requirements for a BDAR. It is important to note that the Arboricultural Impact Assessment covers in detail the removal and protection of vegetation, in accordance with the concept proposal.</p> <p>This SEPP has been updated and the considerations of the former Chapter 10 and now contained in Chapter 6. Notwithstanding, the proposal is submitted with a Visual Impact Assessment prepared by <i>Urbaine</i> to address Council's concerns. The tower form will be partially visible foreshore, however is appropriately setback to ensure its bulk and scale will not have any adverse impact. Importantly, the design of the development and as it relates to the qualities of the Sydney Harbour will be subject to the prepared Draft SSDCP and design excellence as part of a development application. It is considered that the built form can be appropriately designed, as shown in the indicative photomontages, to complement the character of the locality.</p>
<p><u>4.7. Sydney Environmental Planning Policy (Resilience and Hazards) 2021</u></p> <p><i>Any request for a planning proposal must address the relevant provisions of Sydney Environmental Planning Policy (Resilience) 2021 particularly with reference to Chapter 4 Remediation of Land.</i></p>	<p>This proposal is submitted with a Preliminary Site Investigation prepared by <i>Geosyntec</i> and has concluded that the site is appropriate for redevelopment.</p>
<p>5. Council's strategic plans and studies</p>	
<p><u>5.1. Woollahra 2032</u></p> <p><i>Any request for a planning proposal must demonstrate compliance with relevant CSP goals.</i></p>	<p>The proposal is consistent with the Woollahra Community Strategic Plan as set out in Section 6.3.2.7 of this Report.</p>
<p><u>5.2. Woollahra Local Strategic Planning Statement 2020</u></p> <p><i>Any request for a planning proposal must demonstrate full compliance with all relevant planning priorities of the Woollahra LSPS 2020, and not rely solely for justification on those relating directly to the Edgecliff local centre.</i></p>	<p>The proposal is demonstrably consistent with the Woollahra Local Strategic Planning Statement as set out in Section 6.3.2.6 of this Report. That is, the proposal will meet the relevant planning priorities and deliver a higher density in a strategic location.</p>
<p><u>5.3. Draft Woollahra Integrated Transport Strategy</u></p> <p><i>Any request for a planning proposal must address the relevant objectives and themes in the draft Woollahra ITS 2021.</i></p>	<p>The Draft Woollahra Integrated Transport Strategy is addressed in Section 6.3.2.9 of this Report.</p>

Table 3 Council Comments and Responses from 13 December 2022

5.5. Woollahra Local Housing Strategy 2021

Any request for a planning proposal must address the relevant objectives and actions in the Woollahra LHS 2021.

The Woollahra Local Housing Strategy 2021 is addressed in Section 6.3.2.12 of this Report.

5.6. Review of the Edgecliff Commercial Centre Planning Controls

While we recommend that the review be a consideration in any request for a planning proposal in the Edgecliff local centre or on adjacent land, Council has not adopted the draft ECC Strategy for implementation and it does not have any weight.

The ECCP & UDS was endorsed on 29 April 2024. It provides a vision for an uplift in density surrounding Edgecliff Railway Station and New South Head Road. The subject site in many respects is in a superior location and contains a large consolidated land holding that is not only more suitable for redevelopment, but immediately available without the need for amalgamations, especially when compared to the allotments identified in the ECCP & UDS. That is, many of the allotments forming part of the ECCP are subject to complex ownership patterns which will adversely affected redevelopment opportunities. Furthermore, a large number of sites to be redeveloped within the ECCP require access from New South Head Road, which will have a detrimental impact to traffic flow, particularly in peak periods, as well as complicated movements to facilitate waste collection.

We note that in regard to 136-148 New South Head Road, Edgecliff, the SECPP did not consider the planning proposal dependent on Council's adoption of the draft ECC Strategy and considered that planning proposal as a standalone planning proposal.

The proposal is not dependant on the ECCP. The proposed uplift is entirely supported irrespective of the ECCP. That is, the site contains strategic and site specific merit given its location directly to the south of the railway station and in a prime position to accommodate an uplift in density. Further to this, the considerable site area and public domain frontages permits a flexible and innovate approach to redevelopment. Section 6.3.2.10 addresses the key strategic goals of the ECCP & UDS.

Any request for a planning proposal must refer to the relevant objectives and actions in the draft ECC Strategy and supporting documents, however, these should not be relied on to justify the planning proposal.

The proposal is entirely consistent with the housing and employment growth of the ECCP. That is, the proposal will provide for high quality residential accommodation which will contribute to the growth and revitalisation of the area. As above, the proposal will provide for a residential development which is consistent with the recommendations of the SECPP. The site is well-suited to the uplift in residential accommodation which will support the growth of the ECCP. The considerable size of the site, multiple frontages, unique location and surrounds, bring with it a benefit which the allotment pattern of surrounding properties in the Paddington HCA cannot offer.

We note that Edgecliff is being strategically targeted for housing and employment growth under the Draft ECC Strategy. In addition to addressing housing targets, the draft ECC Strategy aims to revitalise Edgecliff and facilitate transit-oriented development that has a suitable mix of residential and non-residential uses that will enhance the centre's contribution to surrounding communities.

The proposal, being entirely residential, will not contribute to enhancing the employment role of Edgecliff and, therefore, does not align with the draft ECC Strategy. An intentional benefit of focusing growth in the ECC is reduced pressure for uplift on other land, particularly that bordering the ECC. This is to prevent 'density creep'. For this reason, the site and all other residential land adjoining the ECC are excluded from the draft ECC Strategy uplift sites. Allowing uplift on the site would set a precedent for other land in the vicinity and could undermine the strategic intent of the draft ECC Strategy.

Table 3 Council Comments and Responses from 13 December 2022

6. Woollahra Local Environmental Plan 2014

6.1. Part 2.1: Zoning and land use

Refer to Section 8.1. We do not consider the proposal, in its current form, demonstrates consistency with the zone objectives, particularly those relating to height, scale and the desired future character of the neighbourhood.

However, if a request for a planning proposal is submitted, it must be fully justified through an assessment against the zone objectives, particularly with regard to the height, bulk and scale and their effect on the desired future character of the neighbourhood (that includes the protected character of the HCA, the protected character of the adjacent open space, and the existing garden settings and tree canopy character along the southern side of New McLean Street).

The proposed height and density of the development is reflective of the site's strategic location, as discussed in this Report. As detailed, this has been reduced as a result of the findings in the independent Urban Design Review prepared by SJB.

Council does not have any R4 – High Density Residential Zones. Notwithstanding, the siting of the building within the R3 – Medium Density Zone will not be antipathetic to the objectives of the R3 zone and are addressed in this Report. The increase in building height and density are considered to reflect the existing and desired future character of the locality, including the protected areas surrounding the site. Importantly, the height and density has been reduced since original lodgement of the Planning Proposal, following discussions with Council, the Department, SECPP and an independent Urban Design Review.

6.2. Part 4.3: Height of buildings

Refer to discussion at Section 8.1. We do not support the proposed building height on the site as it would result in a building significantly out of scale with adjoining development and open space, and would remove the transition from higher density development in the ECC, and would have adverse amenity impacts.

However, should a request for a planning proposal be submitted, it must fully justify the requested height of buildings standard through response to the Height of Buildings objectives. The request must also address whether a change in maximum building height may require associated changes to the Woollahra DCP 2015.

The proposal seeks a maximum height of RL91, which steps throughout the site in response to the characteristics of the locality, including relationship to the ECCP, Trumper Park and Paddington HCA. Whilst the height is greater than the immediate properties, the subject site can be easily differentiated from surrounding properties in the Paddington HCA. That is, it is considerable in size, contains generous frontages and a pattern of subdivision not found within the HCA. This enables an uplift in density within an innovative and flexible built form, ensuring compatibility and the ability to design a building with minimal adverse impact. Importantly, the height has been reduced from that originally proposed, to ensure a sympathetic response to the locality and amenity of Trumper Park and Oval. This has been developed following the analysis and findings of the independent Urban Design Review prepared by SJB.

6.3. Part 4.4: Floor space ratio

Refer to discussion at Point 8.1. We do not support the requested FSR on the site as it would result in excessive bulk and scale, resulting in overdevelopment, adverse amenity impacts and potentially unacceptable traffic generation.

However, should a request for a planning proposal be submitted, it must fully justify the requested FSR standard through response to the Floor Space Ratio objectives. The request must also address whether a change in maximum building height may require associated changes to the Woollahra DCP 2015.

As above. The proposal seeks a maximum FSR of 3.7:1. The increase in density is supported by the characteristics and strategic location of the site. As described, the FSR has been reduced following Pre-Gateway Review and is considered to be commensurate to the characteristics of the site.

Whilst not relying on the ECCP, it is noted that numerous properties are permitted a FSR of up to 5:1, whilst being located greater than 500m

Table 3 Council Comments and Responses from 13 December 2022

	<p>from the railway station. As identified, the subject site is situated less than 50m from the railway station and seeks for a FSR of 3.7:1. The subject site is more strategically located and comprises a single land holding with a site area of 7,226m².</p> <p>This Report justifies the increase in floor space appropriately and is supported by the accompanying documentation.</p>
<p><u>6.4. Heritage</u></p> <p><i>Refer to Section 8.4 for Council's Senior Heritage Officer's comment. We do not support the proposal in its current form, due to excessive bulk and scale and the impact this would have on the Paddington HCA and nearby heritage items, particularly in relation to visual amenity and solar access. Based on the information available, the planning proposal does not accord with the aims of the Woollahra Local Environmental Plan Clause 1.2 (f) "to conserve the built and environmental heritage of Woollahra".</i></p> <p><i>To reduce the extent of visual impact the maximum building height would need to be substantially reduced, and the siting of the bulk of the proposed podium would need to be reconsidered to achieve a more appropriate transition between the site and the two storey scale of the neighbouring HCA.</i></p> <p><i>However, should a request for a planning proposal be submitted, it must fully justify the requested controls through response to the Heritage objectives. The request must also address whether the proposal may require associated changes to the Woollahra LEP 2014 and the Woollahra DCP 2015.</i></p>	<p>The concept envelope provides for a defined podium and slender tower form which is appropriately setback from the site boundaries. Where the podium interfaces with the adjacent terraces to the east, it provides a minimum 8m to 12m setback, which increases through the provision of stepped built form. The proposal provides for a building height compatible with the roofline of these neighbouring terraces and is lined with proposed and existing mature vegetation, with considerable canopy coverage. The stepping of the podium form has been developed following iterative process, including an independent Urban Design Review undertaken during Pre-Gateway Determination. The proposal, which will also be subject to detailed design as part of a development application, will provide for a bulk and scale which is well-suited to the site and railway station to the north. It is prudent to note that the site, as is existing, contains two x five storey residential flat buildings which are inconsistent with the adjoining terraces.</p> <p>A Visual Impact Assessment prepared by Urbaine is submitted with this application. Whilst the proposal will increase the height and density, the defined podium, stepping and modulation of the built form will provide an appropriate transition to the surrounding locality.</p> <p>A Heritage Impact Statement prepared by Curio Projects is submitted with this application.</p>
<p><u>6.5. Schedule 1</u></p> <p><i>We note your request for the use of food and drink premises to be listed as an additional use for the site in Schedule 1 of the Woollahra LEP 2014. We acknowledge cafes on the ground level of the site, adjacent to New McLean Street, could have merit in providing an active frontage. However, we are also aware that the inclusion of food and drink premises in a residential zone could have adverse amenity impacts. We are also concerned that the inclusion of food and drink premises on the site may set a precedent for similar requests for other land within the R3 Zone.</i></p>	<p>The proposal will provide for a wholly residential development. This has been provided following input and consideration in the Pre-Gateway review process. As a result, there will be no impact to the surrounding residents beyond that anticipated by a residential development.</p>

Table 3 Council Comments and Responses from 13 December 2022

Generally, we do not support the use of Schedule 1. We note DPE advice that listings in Schedule 1 should be minimised. Further to that, wherever possible, land uses should be governed by the Land Use Table and Schedule 1 should only be used where it is demonstrated why this cannot be achieved. Should a request for a planning proposal be lodged, the additional use of food and drink premises needs to be fully justified via a retail impact/demand study and assessment of the unique characteristics of the site. The request must fully justify the use of Schedule 1 and why it is the best means of achieving the objectives or intended outcomes. The request must also address whether the proposal may require associated changes to the Woollahra LEP 2014 and the Woollahra DCP 2015.

As above, the proposed uplift in density will not seek for an additional permitted uses, and therefore the character and amenity of the R3 zone will be retained.

7. Woollahra Development Control Plan 2015

7.1. Chapter C1: Paddington Heritage Conservation Area

A comprehensive heritage assessment is required with any request for a planning proposal and must refer to the relevant objectives and controls provided in Chapter C1: Paddington Heritage Conservation Area of the Woollahra DCP 2015. The assessment must demonstrate that an indicative development to the maximum extent permitted under the requested controls can achieve the relevant objectives and controls relating to heritage and amenity, and that there would be no adverse impact on the amenity of the Paddington HCA or its heritage significance. (For more detail refer to Council's Senior Heritage Officer's referral response at 8.4)

A Heritage Impact Statement prepared by *Curio Projects* is submitted with this proposal. This provides an assessment against Chapter C1: Paddington Heritage Conservation Area of WDCP. The Heritage Impact Statement concludes that the proposed increase in height and density can be suitably designed to be sensitive and progressive towards the heritage significance of the HCA. This will be achieved through heritage involvement during the detailed development application stage.

As detailed throughout this Report, the proposed height and density has been amended following assessment and consideration throughout the Pre-Gateway Review process, and is considered to be commensurate to the site characteristics and locality. The envelopes prepared in the independent Urban Design Review also created a transition of density towards the HCA, which is maintained in the proposed concept envelopes.

7.2. Chapter E1: Parking and Access

A comprehensive transport study is required with any request for a planning proposal and must refer to the relevant objectives and controls provided in Chapter E1: Parking and Access of the Woollahra DCP 2015. The report must cover parking, traffic generation, and public and active transport and demonstrate that development to the maximum extent of the requested controls can achieve the relevant objectives and controls relating to parking, traffic and transport and that adverse impacts on the road network or local amenity will be minimised. (For more detail refer to Council's Engineering Services referral response at 8.5)

A Transport, Traffic and Parking Assessment prepared by *JMT Consulting* is submitted with this proposal. This provides an assessment against Chapter E.1 Parking and Access of WDCP. It is demonstrated that the proposal will not have any adverse impact to pedestrian and vehicular traffic and safety in the locality, and that any future development will be capable of accommodating the required on-site parking.

7.3. Chapter E2: Stormwater and flood risk management

A stormwater concept plan is required with any request for a planning proposal and must refer to the relevant objectives and controls provided in Chapter E2 Stormwater and flood risk management of the Woollahra DCP 2015. The concept plan must demonstrate that development to the maximum extent of the requested controls can achieve the relevant objectives and controls relating to stormwater management and that there would be no adverse impact, particularly on Trumper Park (For more detail refer to Council's Sustainability Officer's referral response at 8.6)

A stormwater and flood analysis has been prepared by *Stantec* and is provided in Section 7.1 of the Services Infrastructure Report, which is submitted with this proposal. This addresses Chapter E2 Stormwater and Flood Risk Management of WDCP. It is demonstrated that the proposal will not have any unacceptable impacts on stormwater, particularly to Trumper Park.

Table 3 Council Comments and Responses from 13 December 2022

	<p>A detailed stormwater management plan will be submitted with a future detailed development application for the site.</p>
<p><u>7.4. Chapter E3: Tree Management</u></p> <p><i>A comprehensive Arboricultural Impact Assessment Report is required with any request for a planning proposal and must refer to the relevant objectives and controls provided in Chapter E3 Tree Management of the Woollahra DCP 2015. The plan must demonstrate that development to the maximum extent permissible under the requested controls can achieve the relevant objectives and controls relating to tree management and that there would be no adverse impact, particularly on Trumper Park, adjoining properties and local tree canopy. (For more detail refer to Council's Tree Management Officer's referral response at 8.7).</i></p>	<p>An Arboricultural Impact Assessment prepared by <i>Urban Arbor</i> is submitted with this application. This details the trees to be removed and protected, in accordance with the concept proposal. The concept proposal has been designed following careful analysis and consideration of the existing vegetation, coordinated with <i>Urban Arbor</i>, to retain as much existing vegetation as possible. The proposal has prioritised the retention of vegetation along the periphery and beyond the site boundaries. Importantly, vegetation within Trumper Park will be protected. Where vegetation is to be removed, this will be appropriately replaced.</p> <p>A Biodiversity Assessment prepared by <i>Biosis</i> is also submitted with this proposal.</p>
<p><u>7.5. Chapter E4: Contaminated Land</u></p> <p><i>A request for a planning proposal must consider any potential contamination of the site.</i></p>	<p>A Preliminary Site Investigation prepared by <i>Geosyntec</i> is submitted with this application and concludes that the site is suitable for the proposed use. It is also noted that the site currently contains a residential use, which is to be maintained as part of this application.</p>
<p>8. Referral Officers' comments</p>	
<p><u>8.1. Strategic Merit</u></p> <p><i>We acknowledged that the site's location adjacent to the ECC and proximity to Edgecliff Station provides an opportunity for greater density, and that the strategic merit of increased density could be justified as being consistent with the Region Plan, the District Plan, the Woollahra LSPS 2020 and the Woollahra LHS 2021. However, the requested maximum building height and FSR are considered excessive for Edgecliff's role as a local centre.</i></p> <p><i>Edgecliff is identified as a local centre in the District Plan and the Woollahra LSPS 2020, which identifies the Edgecliff local centre as providing employment, housing and services for the local population. In relation to the Edgecliff local centre, neither the District Plan nor the Woollahra LSPS 2020 identify an 'elevated status', any aspiration for strategic centre status, or desire to cater for a wider catchment.</i></p>	<p>This Report addresses all relevant local and regional plans which are considered to support the increase of building height and floor space on-site.</p> <p>The increase in building height and density does not constitute an elevated status, rather, seeks to provide for increased residential accommodation in a highly accessible area. The strategic merit of the site is well-suited to the objectives of the relevant strategic plans.</p> <p>The ECCS is relied upon to provide a significant amount of the additional housing targeted by Woollahra Council. These targets are unlikely to be reached anytime soon and are complicated by the amalgamation pattern and the constraints of development along New South Head Road. The subject site provides an ideal alternative to provide additional density that can be delivered immediately. Furthermore, the endorsed ECCP has also reduced the number of properties which will be afforded an uplift. In</p>

Table 3 Council Comments and Responses from 13 December 2022

The local context of Edgecliff is significantly different from larger centres, in that it is surrounded by HCAs in Edgecliff, Darling Point and Paddington, and has significant constraints due to the road network and parking capacity. Edgecliff does not have the large retail, commercial, health or educational facilities that distinguish larger centres from local centres. The justification for additional density should, therefore, focus on the local context, relevant adopted documentation and strategic aspirations for Edgecliff as a local centre, rather than on comparison to other larger centres and assumptions about Edgecliff's role in relation to those centres.

8.2. Site specific merit

Given the extent of change requested, a comprehensive urban design study will be required with any request for a planning proposal and must refer to the relevant desired future character objectives and controls of the Woollahra LEP 2014 and Woollahra DCP 2015 and the matters outlined below. Matters to address include, but are not limited to:

- Envelope modelling and analysis of potential development, including massing and distribution of the requested density, built form and open spaces across the site

- Built form relationship to the neighbourhood and its context

- Access and movement that addresses vehicles (including parking), pedestrian and cycle usage and movement throughout the neighbourhood and to the wider context, to identify areas of improvement and increased connectivity

- Solar access for future dwellings within the site and for dwellings, and private and public outdoor spaces to the east, south and west of the site

- View sharing in accordance with the principles in Tenacity Consulting v Warringah Council [2004] NSWLEC 140– impact on existing views from nearby residential towers

- Visibility of the proposal and its scenic quality - views from major ridges, Sydney Harbour and the nominated state listed heritage items identified in the Heritage Officer's comments

- Traffic impact – particularly the impact of traffic and service vehicles on residential premises and open/outdoor spaces through noise and fumes

- Function of new open/outdoor spaces including active and passive recreation with good amenity, functionality and durability

- Function of proposed multi-purpose indoor community space and relationship to outdoor open/recreation space

- Amenity of outdoor spaces and nearby residential premises (solar access, overshadowing, shade and cooling, overlooking, traffic and mechanical noise, and air quality)

- Sustainability, that permeates the above points, for example by addressing urban heat through arrangement of buildings and spaces, materials and finishes, landscaping and planting, or high level consideration of building location and design.

this regard, the proposal is vital to achieving the housing targets of the locality and LGA.

As above, the proposed uplift is directly supported by the local context and strategic benefits of the site. Whilst it is noted that Edgecliff differs from other larger centres, it is well suited to an increase in density, particularly given that the railway station is the only one serving the Woollahra LGA, and is only one of three servicing the entirety of the Eastern Suburbs.

The Urban Design Report prepared by FJC considers the proposal against the existing and desired character of the locality. The UDR and Section 6.3.2 and 6.3.3 of this Report address the following:

Concept envelopes and analysis showing how the proposal will relate to the surrounding locality, including open spaces.

Relationship to the surrounding locality, including HCA and commercial centre.

Potential vehicular and pedestrian access to the site. Refer to the concept envelope scheme.

Solar access details provided for future residential accommodation and surrounding locality. Refer to Section 6.3.3 of this Report.

The proposal will not have any adverse view impact as discussed in this Section 6.3.3 of this Report.

A Visual Impact Assessment prepared by Urbaine is provided. This explores the key vantage points within the locality, illustrating the relationship between the existing and proposed built forms. This is discussed in Section 6.3.3 of this Report.

This is addressed in the Transport, Traffic and Parking Assessment and also discussed in Section 6.3.3.

This is shown on the Concept Landscape Plans.

This is no longer proposed.

This is addressed in the UDR, this Report and supporting documentation. Refer to Section 6.3.3.

An ESD Report is submitted with this application.

Table 3 Council Comments and Responses from 13 December 2022

8.2.2. Desired future character

At the scale proposed, and as shown in the indicative development concept, the proposal would not be compatible with the medium density, low scale residential and open space neighbourhood that the site is within. Further, the garden setting and substantial tree canopy on the southern side of New McLean Street, including on the site, provides a contrast to the highly urban character of the land to the north of the site and contributes to the character of the neighbourhood. The site provides a transition from the larger scale and harder urban character of the land to the north, and the lower scale and more open character of the land to the site's east, west and south.

The UDR and supporting documentation demonstrates that the proposed building height and floor space will be compatible with the character of the locality. The inclusion of appropriate setbacks, a modulated podium form and slender tower with increased setbacks ensures compatibility with the locality. Whilst it is noted that the bulk and scale is greater than the immediate neighbours, the site is considerably sized and allows for flexibility and innovate design to mitigate impact, per the concept proposal.

As discussed, the proposed FSR is not inconsistent with that anticipated by the ECCP & UDS, particularly given the distance of a number of properties (circa 500m) from the Edgecliff Railway Station, which contain FSR of up to 5:1. Similarly, the proposed height lesser than that anticipated by the property to the north, and provides for an appropriate transition from Edgecliff Railway Station to Trumper Park, and towards the Paddington HCA. As such, it cannot be said that the proposal is inconsistent with the Edgecliff locality.

As described throughout this Report, the height and density has been reduced from that originally proposed. The height and density is consistent with the independent Urban Design Review and is designed to provide an appropriate transition between the varying characteristics of the immediate locality, whilst protecting the amenity of Trumper Park and neighbouring residents.

8.2.3. Building height

The proposed maximum building height and resulting scale of building would not:

- Reflect the role and character of Edgecliff as a local centre as identified in the District Plan and Woollahra LSPS 2020.

The building height does not alter the local centre characterisation, and is a result of the strategic location of the site. As outlined, the height transitions from Edgecliff Railway Station to Trumper Park.

- Establish a transition in scale between zones to protect local amenity and sensitively respond to the heritage significance of the Paddington HCA and Trumper Park.

The amenity of the surrounding locality and heritage significance of Paddington HCA is appropriately protected, per this Report and relevant supporting documentation. As detailed, the podium form is setback substantially from the eastern boundary, is stepped at numerous points, contains a building height which is consistent with the roofline of the adjacent terraces and maintains a significant amount of landscaping along the boundary to soften the built forms. This has been developed following input from the independent Urban Design Review and further testing by FJC.

Table 3 Council Comments and Responses from 13 December 2022

<p>- Minimise the impacts of new development on adjoining or nearby properties relating to disruption of views, loss of privacy, overshadowing or visual intrusion</p>	<p>The amenity of neighbouring properties is adequately protected as outlined in this Report. Importantly, the concept proposal has been designed and deliberately sited so that it does not contribute to any additional overshadowing to Trumper Park.</p>
<p>- Be consistent with the character of the ECC emerging from the Review of the Edgecliff Commercial Centre Planning Controls.</p>	<p>The proposal is consistent with the ECCP per Section 6.3.2.10.</p>
<p><u>8.2.4. Floor Space Ratio</u> Council staff do not support the requested FSR on the site, or the distribution of floor space shown in the indicative development concept. In combination with the requested maximum building height, the requested FSR would permit development which would result in excessive bulk and scale, overdevelopment, adverse amenity impacts and potentially unacceptable traffic generation.</p>	<p>The proposed maximum FSR is considered to be commensurate to the area and location of the site. As discussed, appropriate design measures have been implemented to protect the amenity of the surrounding locality, and character of the area. Traffic is considered within the Transport, Traffic and Parking Assessment submitted with this proposal.</p>
<p><u>8.2.5. Bulk and Scale</u> The indicative development concept presented in the pre-application planning proposal presents a bulk and scale that is inconsistent with the desired future character of the adjacent neighbourhood and of the ECC (as envisaged in the draft ECC Strategy).</p>	<p>As discussed, the bulk and scale of the proposal is commensurate to the site characteristics and strategic location. This has been considered in the Visual Impact Assessment submitted with this proposal.</p> <p>As also mentioned, the proposal has been subject to an independent Urban Design Review prepared by SJB, prepared during the Pre-Gateway Review process. This Review has informed the concept envelopes which form part of this Planning Proposal.</p>
<p><u>8.2.6. View sharing</u> Any request for a planning proposal must address view sharing based on the principles provided in <i>Tenacity Consulting v Warringah [2004] NSWLEC 140</i> (paragraphs 23-33). The analysis should be based on the maximum building envelope enabled by the requested planning controls, not the building envelope of the indicative development concept (although this may be included in addition to the maximum building envelope analysis).</p>	<p>This is discussed in Section 6.3.3 of this Report and is considered acceptable given the relationship to surrounding properties. View loss is also explored within the accompanying UDR.</p>
<p><u>8.2.7. Solar access and overshadowing</u> Any request for a planning proposal must address solar access impacts on surrounding properties and open space. The assessment 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 analysis for the maximum building envelope).</p>	<p>The solar impact to surrounding properties and the public domain is addressed in Section 6.3.3 of this Report and in the supporting UDR</p>
<p><u>8.2.8. Streetscape</u> Any request for a planning proposal must address the impact on streetscape through analysis based on the maximum building envelope created by the requested planning controls, not the building envelope of the concept building (although the streetscape impacts from the concept building may be included in addition to the analysis for the maximum building envelope).</p>	<p>This is addressed in the supporting UDR and Visual Impact Assessment, through detailed visual analysis. It is also noted that the concept envelopes have been amended following an independent Urban Design Review prepared by SJB. These provide a well-considered response to the ECCP, Paddington HCA and Trumper Park.</p>
<p><u>8.2.9. Public domain</u></p>	

Table 3 Council Comments and Responses from 13 December 2022

Any request for a planning proposal must address the impact on the public domain through analysis based on the maximum building envelope created by the requested planning controls, not the building envelope of the concept building (although the streetscape impacts from the concept building may be included in addition to the analysis for the maximum building envelope).

Notwithstanding the above, the impact of an additional through site link between New McLean Street and Trumper Park would need to be fully assessed in any request for a planning proposal and include confirmation of demand/potential use and benefit, whether there would be negative impacts on the two existing pedestrian laneways, and whether there would be negative impacts on pedestrian safety (for instance by encouraging pedestrians to cross outside of the controlled pedestrian crossings).

The impact to the public domain, including New McLean Street and Trumper Park, has been considered in Section 6.3.3 of this Report. Whilst the proposal will increase the maximum height and FSR, the amenity impact can be appropriately managed through the concept envelopes. That is, the concept envelopes have been iteratively developed, including input from an independent Urban Design Review, PPA Team and SECPP during the Pre-Gateway Review process. As a result, the concept envelopes provide for a bulk and scale which is compatible with the locality, noting that the architectural design will be developed in a future detailed application.

A Draft Site Specific DCP has also been prepared which informs the building envelope as it relates to the surrounding properties and public domain.

The project documentation, including UDR, Heritage Impact Statement and Visual Impact Assessment, have considered the public domain.

8.2.10. Forecast

For reporting purposes to the DPE, the planning proposal must include a statement which, based on the maximum potential development as well as the indicative development 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.

A reference scheme is submitted with this application which details the maximum development potential on the subject site, in accordance with the amended planning controls. Proposed carparking spaces are shown in the reference scheme prepared by FJC and Transport, Traffic and Parking Assessment prepared by JMT Consulting.

8.3. Heritage

Demolition of buildings

The site is located within the Paddington HCA and formed part of the original St James Glebe grant. The current buildings on the site date from the 1960s and were designed by Clarke, Gazzard and Partners, who are considered to be architects of note, key practitioners of the Sydney School, and whose works included the State Heritage Register (SHR) listed Wentworth Memorial Church. Whilst on face value, it appears unlikely that the existing buildings on the site would fulfil the criteria for heritage listing and warrant retention, the Heritage Impact Statement to be submitted with a future planning proposal must fully consider the demolition of these buildings located within the HCA, including an assessment against the heritage significance criteria in the NSW Heritage Manual.

A Heritage Impact Statement prepared by Curio Projects is submitted with this proposal. The demolition of existing buildings has been considered within the HIS, in which it has been concluded that the existing buildings do not contain any heritage significance. Furthermore, the existing buildings are dilapidated and at the end of their useful life expectancy.

Impact on heritage items and the Paddington HCA

Further analysis of heritage impact must be submitted with any planning proposal in order for a full and proper heritage assessment to be made. This includes an assessment of a future building on the site that responds to the proposed height and FSR controls and its impact on the Paddington HCA in general and the Bowes Avenue/Cameron Street area in particular.

As above, a Heritage Impact Statement is submitted with this application. Furthermore, a Visual Impact Assessment also details the visual impact to the surrounding HCA.

Cumulative Impact

Table 3 Council Comments and Responses from 13 December 2022

Any planning proposal to increase the building height and FSR controls for the site needs to consider the cumulative shadow impact on these terraces by providing diagrams responding to the maximum building heights of the Edgecliff centre and station developments, and demonstrating that the diagrams respond to the prevailing topography that falls away from the ridge.

The impact to shadows created by the proposed building height and FSR has been considered in this Report and the supporting documentation, whereby it has been deemed as acceptable.

8.4. Engineering Services

On-site parking provision

The applicant is to provide sufficient parking spaces in compliance with E.1 of Council's DCP. It should also be noted that, whilst a maximum parking generation rate is stipulated for residential components, number of residential parking should not be significantly below the requirement. Consideration should also be given to accessible parking and bicycle and motorcycle parking to meet the minimum requirement of the Building Code of Australia and Council's DCP.

Refer to the reference scheme prepared by *FJC* and Transport, Traffic and Parking Assessment prepared by *JMT Consulting*. The site is capable of providing the required parking for vehicles, bicycle and motorcycles, in accordance with WDCP.

Traffic Generation

is noted that the Transport Statement calculates future traffic movements with reference to the Edgecliff Commercial Centre (ECC) transport study prepared by STC Consultants. It should however be noted traffic analysis should be undertaken on a site-by-site manner. The Transport Statement did not fully consider the application scenarios for the traffic generation rates proposed in ECC transport study, as compared in below table. Traffic analysis should be undertaken in accordance with RMS Guide to Traffic Generating Developments 2002, and RMS Guide to Traffic Generating Developments Updated traffic surveys TDT 2013/04a.

A Transport, Traffic and Parking Assessment prepared by *JMT Consulting* has considered traffic generation. The Transport, Traffic and Parking Assessment has concluded that the impact will be acceptable.

Intersection Performance

Traffic impacts on the intersection of New South Head Road, Darling Point Road and New McLean Street should be analysed with revised traffic volumes. Noting that the proposal recommends alterations to traffic lanes along New South Head Road, at its intersection with New McLean Street, and TfNSW hold jurisdiction of State Roads and signalised intersections, this should be referred to TfNSW for consideration and approval.

As above, refer to Transport, Traffic and Parking Assessment which has considered impacts to intersections. As described, road upgrades can form part of detailed development applications.

Vehicular Access

It is noted that the existing two driveways will be replaced by a single point access, which is supported in principle. Further assessment will be made upon submission of crossover details.

Single driveway access is provided, per the reference scheme.

8.5. Affordable housing

A development of the scale proposed should include affordable housing as a minimum of 10% of the new residential GFA achieved in accordance with Council's adopted Affordable Housing Policy that sets an aspirational target of 10%.

The proposal is to provide 2.76% of the additional GFA above the existing FSR controls of the site as affordable housing in perpetuity, from the date an Occupation Certificate is granted on any new development.

This is consistent with the 5-10% range for new residential floor space under Objective 11 of the Greater Sydney Region Plan: A Metropolis of Three Cities.

8.6. Open Space and Trees

The subject site contains a substantial volume of large and mature trees which are assessed as being generally in good health and structural condition. The species composition is a mix of exotic and predominantly Australian natives which contribute substantially to the canopy cover and amenity of the surrounding area.

Refer to Arboricultural Impact Assessment and Biodiversity Assessment submitted with this application. Furthermore, a Landscape Design is also submitted which details the potential location and arrangement of vegetation.

8.7. Sustainability

Table 3 Council Comments and Responses from 13 December 2022

Biodiversity Conservation Act 2016

Within the Biodiversity Report (HPE 22/184763) Table 4, Biodiversity Offset Scheme assessment it is stated that 'The total clearing of vegetation (0.21 ha) does not exceed the minimum clearing threshold of 0.25 ha, based on a minimum lot size of ha'. When reviewed by staff the digitised vegetation to be cleared appears to exceed the 0.25ha threshold. Therefore, the applicant will need to provide GIS files of this data so that Council can verify the vegetation clearing threshold.

As above, a Biodiversity Assessment prepared by Biosis is submitted with this application which addresses the removal of vegetation and impact to potential fauna habitats. It is noted that the removal of vegetation will not exceed the 0.25ha threshold, as is confirmed in the supporting GIS Data. A BDAR is not required.

Further, the Biodiversity Report (HPE 22/184763) does not acknowledge the presence of two threatened flora species located within Trumper Park (please see map attached).

Refer to the Biodiversity Assessment which addresses the existing vegetation on-site, where it is concluded that the threatened flora species are located within Trumper Park and are not impacted by the proposed development. This is discussed in Section 6.3.3 of this Report.

- Syzygium paniculatum (Magenta Cherry), listed as Endangered under the NSW Biodiversity Conservation Act 2016 – Council mapping indicates individuals located within 10m of the site

- Acacia terminalis subsp. terminalis, listed as Endangered under the NSW Biodiversity Conservation Act 2016 – Council mapping indicates individuals located within 20m of the site.

Key Threatening Process

Loss of hollow bearing trees is a Key Threatening Process under the Biodiversity Conservation Act 2016. Therefore, work should be done to retain identified hollows where possible, or where trees with hollows are unsafe the hollows are to be retained and reused on site.

The proposal will only require the removal of one hollow bearing tree, which is not anticipated to result in any adverse impact per the Biodiversity Assessment.

Woollahra Biodiversity Conservation Strategy

The Woollahra Biodiversity Conservation Strategy 2015-2025 states the following with regard to Trumper Park which shares the southern boundary of the site:

The proposal will have no adverse impact to the vegetation located within Trumper Park. Whilst vegetation on-site is to be removed, this has been assessed in the Biodiversity Assessment in which it will have no adverse impact to the ecological values. Further to this, appropriate landscaping can be provided on-site to offset the removal of vegetation.

- Predominate vegetation type listed as Urban Exotic / Native.*
- Notes habitat value due to fully structured forest and many native plant species.*
- Noted as a habitat corridor between City of Sydney and among Woollahra LGA.*

This supports the requirement to have no impact on bushland or natural areas and to require suitable habitat planting on site as per the DCP controls below.

9. Voluntary planning agreement

Council adopted the Woollahra Voluntary Planning Agreement Policy 2020 (VPA Policy) 10 February 2020. Under this policy, Council may consider entering into a voluntary planning agreement (VPA) where there is an opportunity to secure public benefits alongside changes to controls that substantially increase the development potential of a site.

This proposal will not include any VPA. Provision of affordable housing, not net loss of housing and apartment mix will form part of WLEP.

However, we emphasise that the strategic merit of a planning proposal would need to be fully justified and Council would need to support the requested changes. Furthermore, 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 – Infrastructure & Sustainability to discuss any requirements for a VPA, noting that no information is to be provided to Strategic Planning & Place staff.

Table 3 below summarises Council's comments and provides a response to each of these, in relation to the 22 May 2023 comments.

Table 4 Council Comments and Responses from 22 May 2023

Council Comment	Response
Height of Buildings	
<i>The amended proposal is still significantly out of scale with adjoining development and open space, and would interrupt the transition from higher density development in the Edgecliff Commercial Centre (ECC) to these areas.</i>	The proposal, as amended throughout the Pre-Gateway Review, is considered to be in scale with the strategic location of the site. That is, the site adjoins Edgecliff Commercial Centre and Railway Station and is entirely appropriate and acceptable to accommodate an increase in density. As also discussed, the height is appropriately stepped and provides a transition from the ECCP, Paddington HCA and Trumper Park. This has been developed following an independent Urban Design Review prepared by SJB.
<i>The proposed height will not facilitate a suitable transition in scale that sensitively responds to the heritage significance of the Paddington Heritage Conservation Area and Trumper Park.</i>	The proposal provides a well-defined podium with appropriate setbacks and recessed slender tower form, which will enable an appropriate transition of form. As outlined, the site is well-located to provide for an uplift in density and will sensitively respond to the lower density and Paddington Heritage Conservation Area which it surrounds. Of relevance, the proposed podium form will be compatible with the height of the neighbouring terraces, will provide for a significant setbacks which gradually increase and will deliver a dense landscaped buffer.
<i>The proposed scale of development will likely impact on the amenity of surrounding properties, including in relation to view loss, visual privacy and a sense of enclosure.</i>	The amenity of neighbouring properties and the public domain is addressed in detail within Section 6.3.3 of this Report.
<i>The height will not complement Edgecliff's role as a local centre, and instead would establish a scale of built form similar to strategic centres such as Bondi Junction.</i>	<p>The proposed height is reflective of the site's strategic location in close proximity to public transport, vehicle access routes, public open spaces and various services. Furthermore, the site is also well located in that it is in close proximity to the Sydney CBD, and will increase residential accommodation in a strategic location thereby supporting the economy of the immediate and wider locality. As detailed in Table 2 above, the proposed height provides a transition from that anticipated to the north within New South Head Road, under the ECCP. The proposed maximum RL of 91 is less than that anticipated directly to the north within the Edgecliff Centre and will provide for an appropriate transition of built form from Edgecliff to Paddington.</p> <p>It is again noted that the subject site is in a location and position which is far superior to those under the ECCP & UDS. The increase in density will not alter Edgecliff's identification as a local centre, and will simply provide for an increase in residential accommodation for a well-suited site.</p>
Floor Space Ratio	
<i>The amended concept seeks an increase to the permissible FSR from 0.75:1 to 4.1:1. This is an increase of over 500% and is still significantly out of scale with the adjoining development and open space, particularly as the FSR facilitates excessive height.</i>	<p>The amended concept proposal, as informed by the Pre-Gateway Review process, provides a FSR of 3.7:1 which is lesser than the properties to the north which are affected by the ECCP & UDS. The increase in density is offset through the appropriate modulation, stepping of the built form and separation distances that are well suited to the sites strategic location. The increase will also bring with it distinctive public benefits which will not be realised if redevelopment does not occur. This includes the following:</p> <ul style="list-style-type: none"> - A high quality urban and architectural design which will contribute to the character of the locality and public

Table 4 Council Comments and Responses from 22 May 2023

	<p>domain, replacing ageing dwelling stock in an accessible location;</p> <ul style="list-style-type: none"> - Provision of improved landscaping throughout the site, creating a better relationship to the public domain and Trumper Park; - As shown in the reference scheme, the proposal validates the provision of approximately 246 residential apartments, including a mix of one, two and three bedroom apartments; and - Provision of affordable housing.
Heritage	
<p><i>The amended concept is still considered excessive in bulk and scale, and will not achieve a satisfactory relationship with the adjoining Paddington Heritage Conservation Area.</i></p> <p><i>To reduce this impact, the maximum building height would need to be substantially reduced and the siting of the bulk of the proposed podium would need to be reconsidered to achieve a more appropriate transition between the site and the two storey scale of the neighbouring conservation area.</i></p>	<p>The proposal is acceptable with regards to the character of the Paddington Heritage Conservation Area. The built form provides a podium, which is stepped and recesses from the eastern boundary, and slender tower form with a bulk and scale which is proportionate to the site's strategic location. This is supported by the various documents submitted with this proposal, including but not limited to the UDR, Heritage Impact Statement, and so on. As described, the proposal has also been developed following an independent Urban Design Review during the Pre-Gateway phase.</p> <p>The architectural design of the podium and tower form will be developed to achieve design excellence, and also in accordance with detailed heritage input during the development application process.</p>
Schedule 1	
<p><i>As discussed at our meeting, the most appropriate method of providing a food and drink premises use on the site must be fully explored. This should include a comprehensive analysis of alternatives (including rezoning), concluding with clear rationale for the preferred option.</i></p>	<p>As described in Table 1, the proposal will no longer propose additional permitted uses and will seek to deliver a wholly residential development. This is cognisant with the recommendations provided by the SECP and Department's PPA Team.</p>
Streetscape, trees and open space	
<p><i>Council staff note the amended design will enable full solar access to Trumper Oval from 10.00am in mid-winter and this outcome remains paramount.</i></p>	<p>The proposal not result in any additional overshadowing to Trumper Oval from 10am during mid-winter. A detail survey analysis forming part of the Shadow Report prepared by Norton Surveyors was undertaken on 21 June, from 10am to 2pm, as to establish the exact amount of existing shadow cast onto Trumper Oval by trees and existing development. As shown in the UDR, the concept envelopes have been strategically located and shaped as to avoid any adverse additional overshadowing to Trumper Oval, when including the existing shadows cast by the vegetation and any ancillary structures. That is, there will be no further overshadowing from 10am by the concept envelopes.</p> <p>In terms of the shadow impact to Trumper Park, this has also been managed through the concept envelopes which have been massaged to maintain solar access as far as practicable.</p> <p>This is discussed in this Section 6.3.3 of this Report.</p>
<p><i>An important issue in our original response was a best practice approach to the retention and protection of suitably positioned high value trees and tree groups, particularly those close to boundaries. However, the amended concept shows that the</i></p>	<p>The proposal will require the removal of existing vegetation on-site, however, will protect vegetation within Trumper Park and Oval. Further to this, vegetation around the periphery of the concept envelopes, located within the site boundaries, will</p>

Table 4 Council Comments and Responses from 22 May 2023

setback distances of the proposed structures from some boundaries have been reduced, resulting in increased overall impacts to existing vegetation. An example is the removal of the tree canopy along New McLean Street, resulting in limited opportunities for significant replacement planting. This canopy makes a large contribution to the character of New McLean Street and to pedestrian amenity.

also be protected where possible. This is considered in the Arboricultural Impact Assessment prepared by *Urban Arbor* and Concept Landscape Plan prepared by *FJC*. As discussed, the concept proposal has been designed in close consultation with the project arborist, landscaped design and biodiversity consultant, as to maximise the retention of important vegetation.

The envelopes have been designed and strategically located so that existing vegetation along the site boundaries and all vegetation outside the site boundaries will be retained. This has resulted in a concept proposal which has been ultimately designed around tree retention, amongst other constraints. The has result in the majority of 'AA' important trees being retained.

Following the above, where vegetation around the perimeter of the site will be retained, the proposal will also include additional vegetation where practicable and also provide podium landscaped areas. New McLean Street is integrated with landscaping, which will enliven and vitalise the locality, whilst softening the pedestrianised bulk and scale as viewed from the streetscape.

Additionally, we have concerns about the private gardens and hard edges to the south, and the direct access to Trumper Park. A softer edge to the park is preferable with an informal, deep soil, landscape design that blends with, rather than competes with, the informal landscape character of the park. The 'grand' central plaza/stairs leading into the park work against such an informal edge and are not considered appropriate. The central space towards the southern edge would be better used as deep soil landscaping.

The concept proposal provides landscaping and residential apartments to the edge shared with Trumper Park and Oval, which will complement the character of the locality whilst also improving improve safety. On the upper levels, additional residential accommodation also addresses Trumper Park.

As described, the concept envelopes have been amended considerably to provide for a wholly residential development with a reduced height and floor space. This is achieved through stepping of the podium, increased setbacks and a slender tower form which allows for a residential development which is sympathetic to the Paddington HCA and Trumper Park.

4. Existing Planning Provisions

4.1 WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014

The current planning controls that apply to the site under *Woollahra Local Environmental Plan 2014* (WLEP) are summarised as follows:

Table 5 Summary of Current Planning Controls		
Control	Existing Requirement	Figure
Zoning	Zone R3 Medium Density Residential	17
4.1 Minimum subdivision lot size	700m ²	-
4.1A Minimum lot sizes for dual occupancies, manor houses, multi dwelling housing and residential flat buildings	Residential Flat Buildings in the R3 Medium Density Residential zone require a minimum lot size of 700m ² .	-
Clause 4.3 - Height of Buildings	10.5m	18
Clause 4.4 - Floor Space Ratio	0.75:1	19
5.10 Heritage Conservation	Paddington Heritage Conservation Area	20
Clause 5.21 Flood Planning	Site is affected by a flood planning area.	-
Clause 6.1 Acid Sulfate Soil	Class 3 and Class 5	-
Clause 6.4 Earthworks	-	-

The land is not subject to any other environmental or hazard constraints (excluding flooding). Of the above listed provisions, this Planning Proposal seeks to amend the maximum building height and floor space ratio as described in Section 5. This Planning Proposal also seeks to insert additional clauses, including “not net loss” and “provision of affordable housing”.

4.1.1 Existing Zoning

The zoning table for the R3 – Medium Density Residential zone states the following:

‘Zone R3 Medium Density Residential

1 Objectives of zone

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

2 Permitted without consent

Roads

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Group homes; Home occupations (sex services); Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Office premises; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation areas; Residential flat buildings; Respite day care centres; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shops; Tank-based aquaculture

4 Prohibited

Any other development not specified in item 2 or 3'

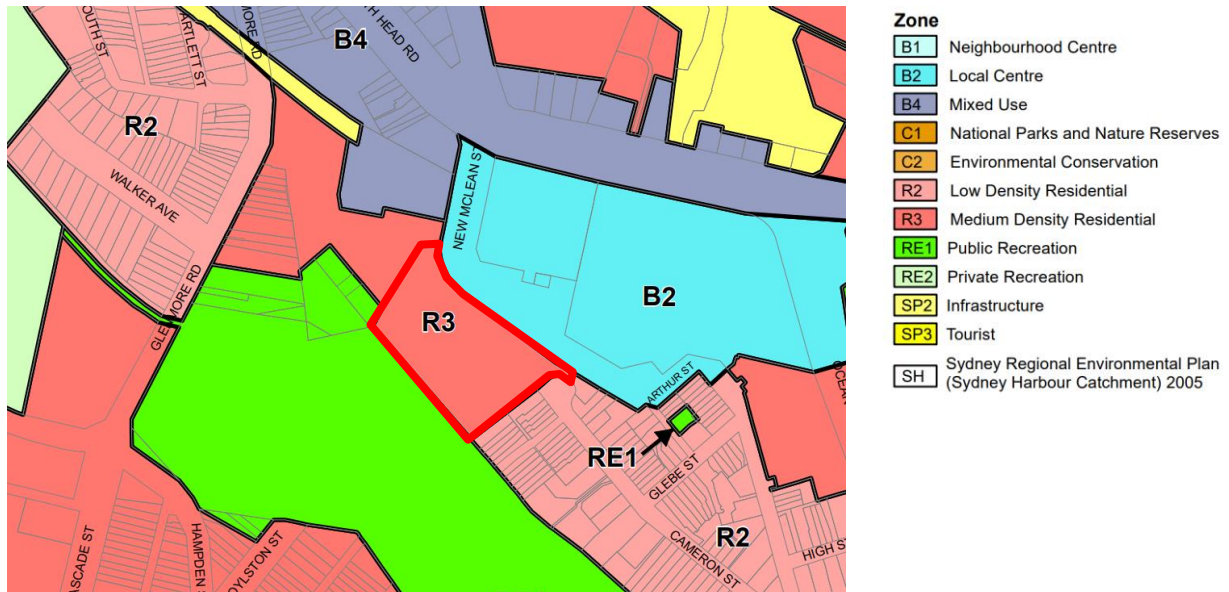


Figure 17 Extract from WLEP Land Zoning Map 003 (site edged in red)

4.1.2 Current Development Standards and Controls

The current development standards are detailed in the following maps:

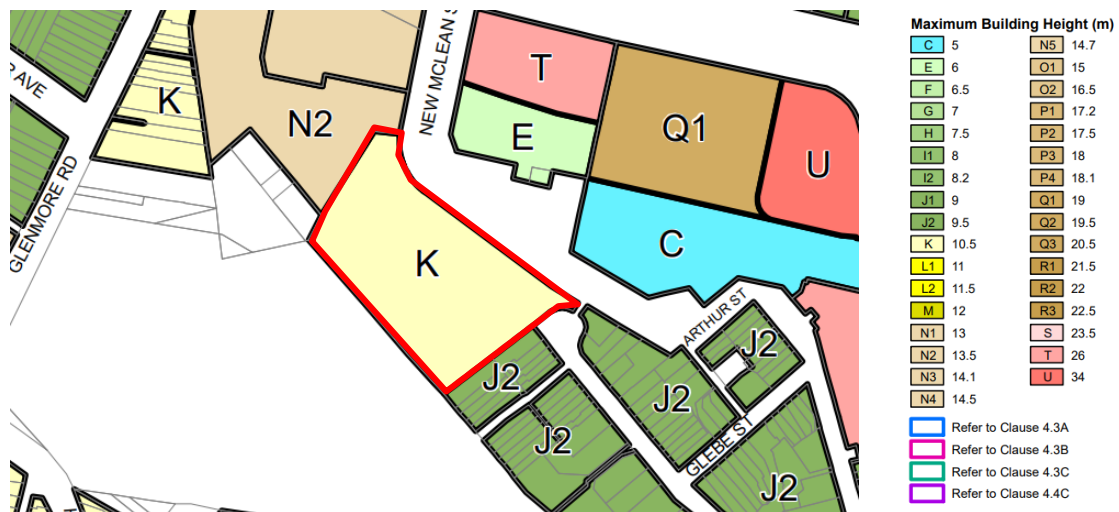


Figure 18 Extract from WLEP Height of Buildings Map 003 (site edged in red)

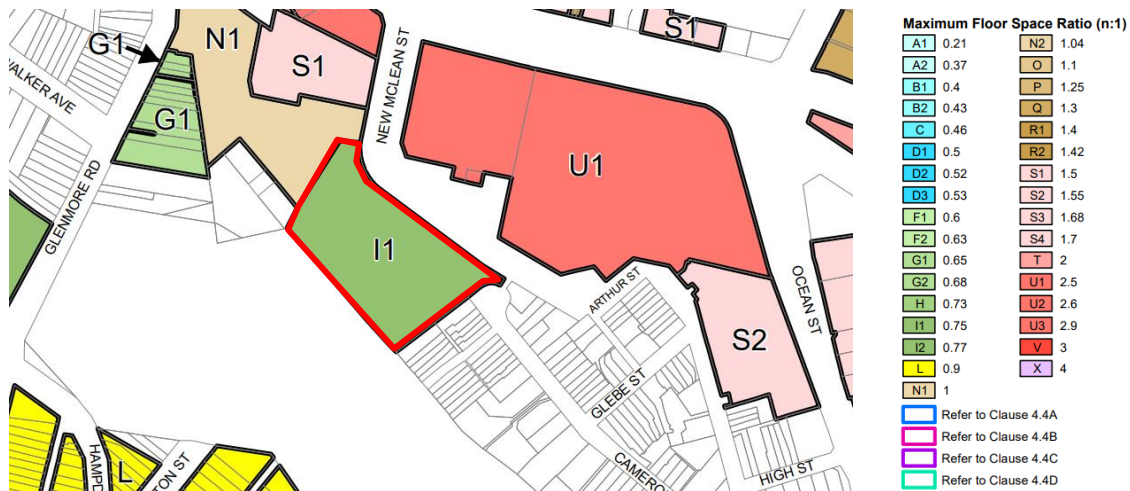


Figure 19 Extract from WLEP Floor Space Ratio Map 003 (site edged in red)

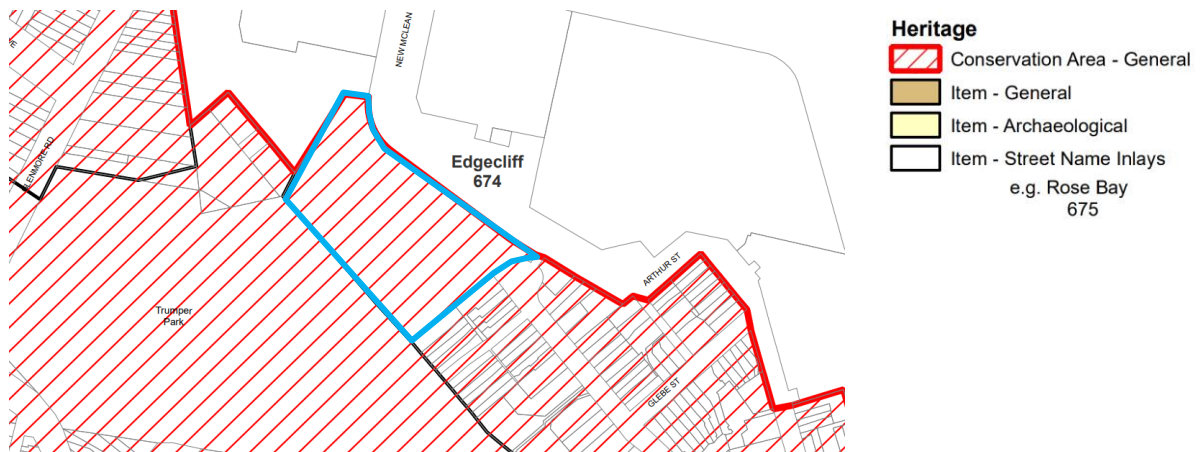


Figure 20 Extract from WLEP Heritage Map 003A (site edged in blue)

4.2 WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015

The site at Nos. 8-10 New McLean Street is subject to *Part C Heritage Conservation Areas, Chapter C1 Paddington Heritage Conservation Area* of the WDCP. It is noted that the site is situated on outer periphery of the conservation area, adjacent to the Edgecliff Centre. The site is currently within the R3 Medium Density Residential zone, the controls of B3 General Development Controls apply to the subject site. The controls under *Part E General Controls of All Development* also apply.

A Draft Site-Specific Development Control Plan for the subject site, in accordance with the proposed building heights and floor space, has been prepared and is submitted with this Planning Proposal for Gateway Determination. This Draft SSDCP provides for relevant controls including podium and tower location and heights, setbacks, floorplate sizes and the like. It is anticipated that the Draft SSDCP will be implemented at the same time as the amended WLEP.

In addition to the above, this Planning Proposal will also implement an additional clause into the WLEP which will require the preparation of a SSDCP for the subject site.

5. Proposed LEP Amendments

5.1.1 Summary of Proposed Local Provisions

This Planning Proposal seeks to amend the Woollahra LEP 2014 to introduce a site-specific local provision under Part 6 Additional local provisions which will allow for an alternative maximum height of RL 91 and FSR of 3.7:1, where certain requirements are met, including:

- The site is identified on the Key Sites Map;
- No net dwelling loss clause;
- Apartment mix clause;
- Affordable housing clause; and
- Site-specific Development Control Plan clause, including provisions for:
 - Podium heights;
 - Tower location and height;
 - Maximum tower footprints;
 - Setbacks;
 - Tree retention;
 - Mix of apartment types, including the percentage mix; and
 - Parking and access.

The site will be identified as 'Area 2' on the Key Sites Map to show where these local provisions will apply.

As described elsewhere, the proposal will not alter the existing R3 Medium Density Residential zoning.

5.1.2 Proposed Development Standard – Height

The proposal seeks to amend the maximum building height across the site. It seeks to establish a maximum building height of RL91 for the tower component, RL63 within the western portion of the site and RL51.5 within the eastern portion of the site. This is proposed to be implemented through a map amendment to the WLEP and does not require a change to Clause 4.3.

As outlined in this Report, the current height mapping does not deliver a density which is reflective of the site's characteristics and strategic location. Discussions regarding the site-specific merit of the proposed increase in height are provided within Section 6.3.2.4 of this Report.

5.1.3 Proposed Development Standard – Floor Space Ratio (FSR)

The proposal seeks to increase the maximum floor space ratio of the site to 3.7:1 across the site. This can be achieved by updating the Floor Space Ratio Map and does not require a change to Clause 4.4 of WLEP 2014. As outlined in this Report, the current FSR mapping does not deliver a density which is reflective of the site's characteristics and strategic location. Discussions regarding the site-specific merit of the proposed increase in FSR are provided within Section 6.3.2.4 of this Report.

5.1.4 No Net Loss Clause

The proposal seeks to insert an "no net loss" of dwellings clause for the subject site. Specifically, it is sought to word this Clause as follows:

XXX No net loss of dwelling at 8-10 New McLean Street, Edgecliff

(1) The objective of this clause is to minimise the loss of housing diversity resulting from the consolidation of existing dwellings or the demolition of existing housing for the construction of new dwellings.

(2) *Development consent or consent to an application to modify a development consent must not be granted for 8-10 New McLean Street, Edgecliff, unless the consent authority is satisfied that the number of dwellings will not be reduced on the site.*

Note - *The site contains an existing 106 dwellings.*

This Clause is proposed to ensure that the dwelling density on the site is maintained, thus ensuring housing affordability and availability of housing mix, in the Edgecliff locality.

5.1.5 Affordable Housing Clause

An additional clause is proposed to WLEP as it pertains to the allocation of affordable housing. This is to provide 2.76% of the GFA uplift is to be allocated as affordable housing in perpetuity.

It is requested that the wording of this Clause be discussed prior to its implementation. This Clause will ensure that any floor area benefitted from this Planning Proposal, beyond the current development standard, will be subject to an affordable housing allocation. This affordable housing clause, in addition to the “no net loss” clause as set out above, will ensure that an appropriate amount of affordable housing will be delivered on the subject site, upon redevelopment.

5.1.6 Apartment Mix Clause

The proposal seeks to insert an “*apartment mix*” clause for the subject site. Specifically, it is sought to word this Clause as follows:

XXX Mix of dwellings at 8-10 New McLean Street, Edgecliff

(1) *The objective of this clause is to ensure the provision of a mix of dwelling types and provide housing choices for the community.*

(2) *Development consent must not be granted to development for 8-10 New McLean Street, Edgecliff, unless the consent authority is satisfied that an appropriate mix of one, two and three bedroom apartments are delivered.*

This Clause is proposed to ensure that an appropriate mix of dwellings are provided in the Edgecliff locality.

5.1.7 Site Specific DCP

As discussed, draft SSDCP has been prepared and is submitted with this Planning Proposal. It is anticipated that this will be endorsed upon gazettal of changes to WLEP. However and to avoid doubt, an additional *Clause 6.12 Development of Land at 8-10 New McLean Street, Edgecliff* is to be implemented to ensure that a SSDCP is prepared for the subject land. It is requested that this clause to be written as follows:

6.11 Development of land at 8-10 New McLean Street, Edgecliff

(1) *This clause applies to SP 20548, 8-10 New McLean Street, Edgecliff.*

(2) *A development control plan should be prepared for the land that provides for the following—*

(a) *Podium heights;*

(c) *Tower location and height;*

(d) *Maximum tower footprints;*

(e) *Setbacks;*

(f) *Tree retention;*

(g) *Mix of apartment types, including the percentage mix; and*



(h) Parking and access.

Details of intended controls are demonstrated in the Draft Site-Specific DCP which provides sufficient information on building envelope controls to enable Gateway Determination.



6. Planning Proposal

6.1 PART 1 - OBJECTIVES OR INTENDED OUTCOMES

6.1.1 Objectives

The objectives for this application for a Planning Proposal are:

- i. Contribute towards the growth and revitalisation of Edgecliff by enhancing the architectural appearance and urban design to reinforce the importance of the Edgecliff Local Centre;
- ii. Concentrate urban growth adjacent to a local centre and the only mass transit hub in the Woollahra Council LGA;
- iii. Ensure development is of a scale, location and design to have a positive impact in the visual amenity of the locality whilst being compatible with the surrounding built and natural environment;
- iv. Deliver much needed affordable housing within the Edgecliff locality;
- v. Create a built form and public domain which will create livable communities by virtue of the increased density;
- vi. Protect the surrounding public open space and developments; and
- vii. Deliver the highest standards of urban planning and excellence in architectural design.

6.1.2 Intended Outcomes

The Planning Proposal will amend WLEP 2014 to facilitate redevelopment of the site in a flexible and appropriate manner as presented in detail in the UDR prepared by *FJC*. The intended outcomes are as follows:

- i. Establish a maximum building height with the potential to deliver a built form suitable to its location, which will integrate with the setting and context of the emerging character and built form in the surrounding area, and that also established in the *Paddington Heritage Conservation Area*;
- ii. Establish a maximum floor space ratio and density on the site which is reflective of the site's strategic location and characteristics, including size, frontages and proximity to public transport and public open space;
- iii. Ensuring that the significance and character of the surrounding locality, namely, *Paddington Heritage Conservation Area*, will be protected;
- iv. Deliver a scheme that allows for flexibility in built form and site arrangement;
- v. Increasing the density on site to meet the housing targets set by state, regional and local strategies;
- vi. Deliver housing opportunities with improved amenity and good access to a variety of transport, social infrastructure and recreational spaces;
- vii. Delivery of affordable housing through providing a percentage of residential gross floor area as afforded by the proposed uplift;
- viii. To achieve a public benefit in terms of improving the public domain and minimising any significant loss of amenity for adjoining properties;
- ix. Provide for a development which will maximise the amenity of Trumper Park and Oval;
- x. Protect and enhance the landscaped character of the site and surrounding locality, through holistic landscaped strategy which retains significant vegetation; and
- xi. Allow for the orderly and economic development of the land.

This application is based on a detailed urban design analysis of the site and its setting combined with input from specialist studies. This includes analysis as it pertains to traffic and movement, flooding, acoustics, environmentally sustainable development, wind assessments, tree retention and landscaping, amongst other things. Furthermore, detailed analysis of visual and amenity impacts to the public domain, future occupants and neighboring properties has been considered as part of the concept envelopes.

There has also been rigorous correspondence and assessment of the proposal undertaken by the SECPP, PPA Team and independent Urban Design Review (as prepared by SJB). This has also informed the proposed uplift in building height and floor space and the massing of building envelopes.

6.2 PART 2 - EXPLANATION OF PROVISIONS

The proposed outcome will be achieved by amending the WLEP 2014 as follows:

- Height of Buildings Map Sheet HOB_003 to increase the maximum building heights for the subject site to RL91 for the tower, RL63 within the western portion of the site and RL51.5 within the eastern portion of the site;
- Floor Space Ratio Map Sheet FSR_003 to increase the maximum floor space ratio for the subject site to 3.7:1;
- Insert a new clause as it pertains to no net loss;
- Insert a new clause as it pertains to apartment mix;
- Insert a new clause as it pertains to the provision of affordable housing; and
- Insert a new clause as it pertains to the preparation of a Site-Specific DCP.

All other provisions of WLEP 2014 are to remain unchanged.

6.3 PART 3 – JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

This section details the reasons for the proposed LEP amendment and is based on a series of questions and matters for consideration as outlined in the DPIE Guideline (August 2023). The matters to be addressed include the strategic planning context of the amendments, strategic merits, site-specific merits, potential State and Commonwealth agency interests, environmental, social and economic impacts.

In summary, the proposed amendments to WLEP outlined above and in Part 5.1.1 of this Report will:

- Align with the relevant key priorities and strategic merit matters in the *Greater Sydney Regional Plan* and *Eastern City District Plan*;
- Be consistent with the relevant key planning priorities, and strategic and site-specific merit matters contained in the *Woollahra Local Strategic Planning Statement*;
- Reflect the intent of the *Edgecliff Commercial Centre Planning and Urban Design Strategy*, in addition to the *Edgecliff Commercial Centre Transport Study*, due to its highly strategic location and characteristics;
- Be consistent with the *Woollahra 2032 Community Strategic Plan* and *Community Facilities Study*;
- Respond to the shortfall in housing as required by the *Woollahra Local Housing Strategy* and *Integrated Transport Study*;
- Provide for affordable housing, in accordance with the relevant strategic documents as outlined in Sections 6.2.3.6 to 6.3.2.12 of this Report;
- Respond to the circumstances of the site not recognized by the existing development standards, in that the current standards do not encourage redevelopment of the site; and
- Deliver a development which will be compatible with the character of the locality and Paddington HCA, resulting in improvements to the urban design, streetscape character and amenity of the locale.

Questions for consideration in demonstrating justification

6.3.1 Section A - The Need for the Planning Proposal

Q1: Is the planning proposal a result of an endorsed LSPS, strategic study or report?

In part. The Planning Proposal is not made in direct response to any endorsed local strategic planning statement, strategic study or report but is cognisant of the *Edgecliff Commercial Centre Planning and Urban Design Strategy* (as endorsed on 29 April 2024) and the *Edgecliff Commercial Centre Transport Study* (22 March 2024). Specifically, the *Edgecliff Commercial Centre Planning and Urban Design Strategy* recognises the site is important to provide an

increase in residential density within proximity to public transport, commercial uses and public open spaces, such as Trumper Park and Oval. The proposal is also consistent with the *Woollahra Local Strategic Planning Statement*, *Woollahra 2032 Community Strategic Plan* and *Woollahra Local Housing Strategy*.

In addition, the proposal supports the need for more housing close to existing public transport and better activation of underdeveloped land near Edgecliff Railway Station. The concept scheme responds to the aims and objectives of the various strategies by providing housing (including affordable housing) in a well-located site. This is therefore consistent with the Woollahra LSPS and Housing Strategy, as discussed in this Report.

Q2: Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. A Planning Proposal is the best and only means of achieving the objectives and intended outcomes discussed in Part 6.1.1 and 6.1.2 of this report. The Planning Proposal will permit an uplift to a maximum height limit to RL91 and FSR to 3.7:1. Additional clauses pertaining to not net loss, apartment mix, affordable housing and a SSDCP are also proposed to be inserted.

The current maximum building height (10.5m) and floor space ratio (0.75:1) of WLEP 2014 does not reflect the current buildings on the site nor does it permit a built form and density which is reflective of the site's superior characteristics (including area and frontages) and strategic location. Furthermore, under the current planning controls, redevelopment options for the site are limited and do not reflect the established (and emerging) streetscape character or desired amenity within the public domain, particularly within the Edgecliff Commercial Centre.

Per the UDR, it is demonstrated that the site (and its relationship to the surrounding locality) has a variety of attributes which allow for the increase in building height and floor space. This will ultimately allow for the delivery of a development which is comparative to its location and characteristics, improving the public domain and providing high quality residential accommodation. Not only will the Planning Proposal achieve the objectives and intended outcomes, but will also deliver the following public benefits:

- Provision of high-quality residential development that will better define the frontages and relate to surrounding developments and strategic location of the site;
- Opportunities to improve the amenity of the public domain, through improvements to pedestrian environment, casual activation and street frontage character;
- Result in a well-considered distribution of massing cognisant of the surrounding built and natural environment, thus creating an appropriate visual amenity and relationship to surrounding developments;
- Contribution to a more cohesive streetscape and skyline and improvement to the urban fabric of the site as it relates to the Edgecliff Local Centre and Trumper Park;
- Improvements to public safety and amenity through improving the public domain and encouraging casual surveillance;
- Opportunities to deliver a variety of residential accommodation throughout the site;
- Delivery of affordable housing; and
- Improved built form character through allowing flexibility in building mass arrangement.

The public benefits can only be delivered through the proposed amendments to the LEP. It is noted that these LEP Amendment fits the category of a 'Standard' planning proposal described in the DPIE Guideline as follows:

Standard

A standard planning proposal refers to any one or more of the following proposed LEP amendment types, including an amendment:

- To change the land use zone where the proposal is consistent with the objectives identified in the LEP for that proposed zone
- That relates to altering the principal development standards of the LEP
- That relates to the addition of a permissible land use or uses and/or any conditional arrangements under Schedule 1 Additional Permitted Uses of the LEP
- That is consistent with an endorsed District/Regional Strategic Plan and/or LSPS
- Relating to classification or reclassification of public land through the LEP

As discussed, the proposal seeks to increase the maximum building height to RL91, floor space ratio to 3.7:1 and implement additional clauses as set out in this document. The Planning Proposal is the only way to satisfy objectives and intended outcomes as detailed above.

6.3.2 Section B – Relationship to the Strategic Planning Framework

Assessment against the following matters for consideration listed in the guidelines (Questions 3-6) demonstrate that the planning proposal has clear strategic and site-specific planning merit.

This application for a Planning Proposal is consistent with the applicable regional and sub-regional strategies. The strategic plans identify the need to deliver new housing throughout the established urban metropolitan area, particularly on sites within a local centre and in close proximity to a variety of public transport options. This application for a Planning Proposal seeks to increase building height and floor space ratio throughout the site to allow for redevelopment which is reflective of the strategic location and characteristics.

Q3: Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The relevant regional or district plans include the following and are addressed in detail below:

- *The Greater Sydney Region Plan: A Metropolis of Three Cities*
- *Eastern City District Plan*

6.3.2.1 Greater Sydney Region Plan – A Metropolis of Three Cities (GSRP)

On 23 March 2018, the Greater Sydney Commission released *A Metropolis of 3 Cities: The Greater Sydney Region Plan* (GSRP) which sets out strategic priorities for 2016 to 2036. The Regional Plan contains ten directions for the Greater Sydney Metropolitan Area. The Directions include the following:

1. A city supported by infrastructure;
2. A collaborative city;
3. A city for people;
4. Housing the city;
5. A city of great places;
6. A well connected city;
7. Jobs and skills for the city;
8. A city in its landscape;
9. An efficient city;
10. A resilient city.

The Metropolitan Strategy does not identify Edgecliff as within any Strategic Centre, however, is within close proximity to the Harbor CBD and Eastern Economic Corridor, as shown in **Figure 21**. It is noted that Edgecliff is identified as a Local Centre under the Eastern City District Plan, as is discussed in further detail under Section 6.3.2.2 of this Report.

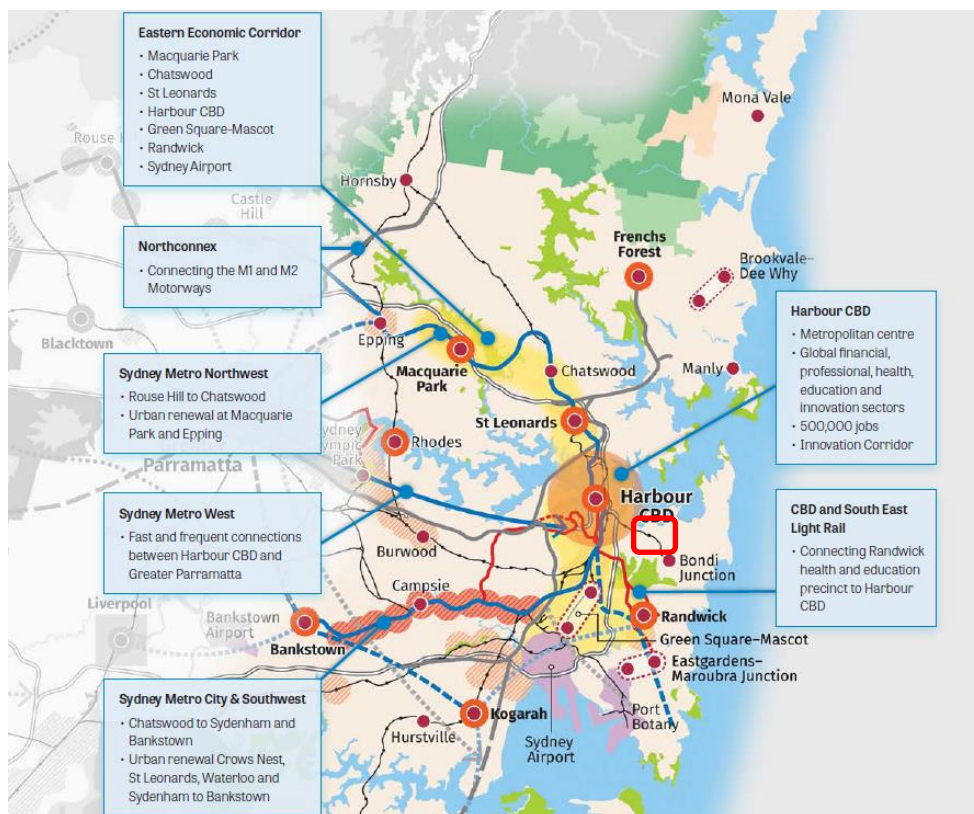


Figure 21 The Eastern Harbour City (Source: A Metropolis of 3 Cities: The Greater Sydney Region Plan)

An assessment against the relevant directions and their objectives is provided in the table below.

Table 6 Greater Sydney Region Plan: A Metropolis of Three Cities Directions
Direction 1 – A city supported by infrastructure
Objectives 1 to 4
<p>These objectives relate to the provision of infrastructure to support the future needs of the three cities.</p> <p>As detailed in Section 1 of this Report, the subject site represents a unique opportunity whereby it contains a significant site area of 7,226m², under a single land holding. The size of the site is further bolstered given it is located less than 50m from Edgecliff Railway Station and bus interchange. The Edgecliff locality represents one of the few remaining opportunities within the Woollahra LGA and wider Eastern Suburbs to deliver additional higher density housing adjacent to a railway station. That is, both Kings Cross and Bondi Junction have generally reached capacity, and their expansion is limited. Therefore, the subject site is extremely well-suited to such an increase in density, as is proposed. It is clear that there is no fundamentally better location to establish an increase to building height and floor space, as the subject site is adjacent to railway station, bus interchange and is supported by a variety of infrastructure and open space.</p> <p>As such, the subject site presents a unique opportunity which will improve the availability of housing in close proximity to high speed, heavy rail. The proximity of the site to established public transport and roadways (including New South Head Road) is considered to deliver for a logical and strategic increase of density on-site.</p>
Direction 3 – A city for people
Objective 6: Services and infrastructure meet communities' changing needs
<p>This objective is about providing social infrastructure and public places that reflects the needs of the community now and in the future.</p> <p>The proposal will facilitate the delivery of high quality residential accommodation, including affordable housing, not envisaged by the current planning controls. The provision of this new residential accommodation is afforded through the increase in density</p>

Table 6 Greater Sydney Region Plan: A Metropolis of Three Cities Directions

and flexible arrangement of built form on the subject site. The provision of this residential accommodation, within a built form which will achieve design excellence, in close proximity to a variety of infrastructure is considered an appropriate planning outcome.

Objective 7 Communities are healthy, resilient and socially connected

This objective is about creating a lively connected neighbourhood that is in close proximity to shops, creative arts centres, schools, health care centres and community facilities. It promotes the benefits of mixed-use centres and the opportunities for public and alternative forms of transport.

The subject site is located on the periphery of the Edgecliff Local Centre and the ECCP & UDS. The site is also within 50m walking distance from the Edgecliff Railway Station and the Edgecliff bus interchange, which provide access to the immediate and wider locality. The site affords excellent connectivity and access to the facilities provided around the subject site and within the wider locality. Given the site is well serviced by public transport and various facilities, active transport (being walking and cycling) will be encouraged.

Due to the subject site's strategic location, that is, in proximity to a wide range of services and facilities, an increase in residential density will achieve the connectedness envisaged by the GSRP. This increase in density will improve the public and encourage more travel by walking and cycling for future residents.

Objective 8 - Greater Sydney's communities are culturally rich with diverse neighbourhoods

This objective is about fostering cultural diversity and facilitating their growth.

The increase in density will allow for housing which will directly satisfy the relevant district and local strategic plans which apply to the Woollahra locality. The provision of additional accommodation, in a highly accessible location, will foster cultural diversity and facilitate growth. The site will be vastly improved through high quality architectural and urban design and landscaping, which will contribute to the diverse environment.

In addition to the above, the provision of affordable housing will also allow for a greater cross section of the community, including key workers, to live and reside in this area. Currently, the Woollahra Local Government Area does not provide for an appropriate amount of affordable housing given the higher percentage of low density residential accommodation. The delivery of a range of residential apartments and allocation of affordable housing will create diverse neighbourhoods.

The proposal provides for greater satisfaction of Objective 8, whereby the current controls do not respond to its strategic location and beneficial characteristics.

Objective 9 - Greater Sydney celebrates the arts and supports creative industries and innovation

This objective is about fostering creative thinking, expression and innovation.

This Planning Proposal provides for the opportunity to deliver a high quality architectural and landscape design which will contribute to the streetscape character of the locality.

Direction 4 – Housing the city

Objective 10 - Greater housing supply

The NSW Government has identified that 725,000 new homes will be needed to meet demand based on current population projections to 2036.

The reference scheme will provide a supply of dwellings as desired within the Edgecliff locality. As discussed, the subject site is suited to a significant uplift in density which cannot be achieved under the current planning controls. As shown in the reference scheme, the proposal validates the provision of approximately 246 residential apartments on a site with a high level of accessibility in terms of public transport, services, facilities and public open spaces. Furthermore, the subject site represents one of the largest allotments within close proximity to a railway station in the Woollahra LGA. It would be contrary to the various strategic documents to deny an uplift in density given the numerous benefits offered by the site.

Table 6 Greater Sydney Region Plan: A Metropolis of Three Cities Directions

Objective 11 - Housing is more diverse and affordable

The Plan encourages the provision of diverse housing supply and encourages the provision of Affordable Housing.

In providing a supply of apartments, the concept proposal will add to the diversity of accommodation in the locality. As discussed, this is achieved through allowing an increase in density which has the capacity to deliver 84 x 1 bedroom, 112 x 2 bedroom and 50 x 3 bedroom apartments, per the reference scheme. The increase in housing density and diversity on-site will, by virtue of choice, allow for an increase in affordability. Further to this, this Planning Proposal will also allocate 2.76% of the uplift in GFA as affordable housing in perpetuity.

Woollahra contains an undersupply of housing within the LGA, despite its high level of desirability. The proposal, which will allow for an increase in density in a strategic locality, will bring with it additional housing that will assist in satisfying the current and future demand. As discussed, Edgecliff is the best location to meet dwelling targets given its relationship to existing heavy rail, bus services and the Sydney CBD. As such, the variety of supply which can be achieved through the proposal will satisfy Objective 11.

Direction 5 – A city of great places

Objective 12 - Great places that bring people together

The Metropolitan Plan promotes the following principles for the design of great places:

- People friendly public open space areas and streets
- Fine grain fabric and activity
- A diverse mix of uses
- A socially connected region
- Ensure adequate car parking which takes into account access to public transport
- Encourage the use of car sharing and hybrid vehicles

The UDR demonstrates that increasing the maximum building height and floor space ratio will provide for an opportunity to enhance the public domain through architectural and landscape design. The proposed residential accommodation, in addition to the future built form and public domain improvements, will improve the experience of the general public. It will also provide for residential accommodation in close proximity to services, infrastructure and employment.

The proposal will also improve the pedestrianised and urban fabric of the locality through delivering a built form that is compatible with the character of the surrounding locality, namely, the Edgecliff Local Centre and Paddington Heritage Conservation Area. This is not possible under the current planning controls or ECCP, particularly given the harsh nature and constraints of New South Head Road.

The site is in a highly accessible location and the provision of car parking will be cognisant of the proximity to public transport and surrounding services. Alternative forms of transport, car sharing and electric vehicles will be encouraged.

Objective 13 - Environmental heritage is identified, conserved and enhanced

The Metropolitan Plan promotes the conservation and enhancement of environmental heritage to understand heritage values and how they contribute to the significance of the place.

Whilst the site has no specific heritage significance, it is within the *Paddington Heritage Conservation Area*. The increase in building height and floor space ratio has considered the relationship of the site to the surrounding conservation area, as demonstrated in the UDR. The increase in density is considered to relate appropriately to the Edgecliff Local Centre, whilst providing an appropriate transition to the surrounding lower density zones, which are also located within the conservation area. Importantly, the transition from the reference scheme to the Paddington HCA is similar to the transition from high density development with the Edgecliff Centre and 170 Ocean Street to the two storey Paddington Terraces in Arthur Street, Herbert Road and Great Thorne Street. It is imperative to note that the relationship of the reference scheme to the Paddington HCA has been developed in consultation with heritage specialists *Curio Project*, and the independent Urban Design Review prepared by *SJB* in the Pre-Gateway stage.

Table 6 Greater Sydney Region Plan: A Metropolis of Three Cities Directions

As such, a Heritage Impact Statement prepared by *Curio Projects* is submitted with this proposal, which has considered the heritage character of the site, surrounding locality and proposed increase in density.

Division 6: A well-connected city

Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities

This objective seeks to create a well-connected city with transport and other services.

The subject site is one of the largest allotments within the Woollahra Local Government Area and is ideally situated less than 50m from Woollahra's only railway station, in an area that can clearly accommodate additional density as evidenced by the ECCP & UDS. The proposal will provide for an uplift in density that will create walkable and 30-minute cities, not possible under the current planning controls.

The UDR also demonstrates that the concept proposal will improve the public domain through the strategic location for floor area and building envelopes. The proposal will locate floor area within appropriately stepped podiums and tower form structures, integrated with landscaping. As a result, the proposal will improve the pedestrianized scale of the site and public domain, which will in turn encourage walking, cycling and the use of public transport. It is also imperative to note that the increase in density is entirely compatible with that envisaged by the ECCP & UDS, as shown in the submitted UDR.

Objective 15: The Eastern, GPOP and Western Economic Corridors are better connected and more competitive

The subject site is not within the Eastern Economic Corridor and this objective is not a matter for consideration.

Division 7: Jobs and skills for the city

Objective 22: Investment and business activity in centres

This objective seeks to strengthen centres through attracting investment, business and jobs.

The planning proposal will provide additional residential accommodation which will support the Edgecliff Local Centre and local businesses.

Direction 8 – A city in its landscape

Objective 30 - Urban tree canopy cover is increased

The Metropolitan Plan seeks to expand the urban tree canopy in the public realm.

The subject site, neighbouring properties and public domain contain an established network of vegetation. The concept scheme demonstrates that the uplift in density will protect the existing vegetation where practicable but especially around the periphery of the site, with the capacity to improve landscaped character throughout the site. Further to this, the concept envelopes have been sited and designed in coordination with *Urban Arbor* and *Biosis* to ensure that vegetation will not only be retained where possible, but will not result in any impact to biodiversity. Subsequently, the choice of landscaping and its placement around the periphery of the site and within the public open spaces will enhance ground level amenity and provide a leafy outlook for future occupants of the site, per the Concept Landscape Plan.

Objective 31: Public open space is accessible, protected and enhanced

The Metropolitan Plan seeks to deliver public open spaces across Greater Sydney.

The proposal will not provide for any public open spaces, however, has been designed to improve the public domain. Furthermore and as discussed throughout this document, the increase in density and height has been designed to protect the amenity of Trumper Park and Oval. The concept envelope design has been developed following analysis, including an independent Urban Design Review undertaken by *SJB*, which analysed solar access angles to mitigate overshadowing impacts. This is shown in the submitted UDR and throughout this Report.

Direction 9 – An efficient city

Table 6 Greater Sydney Region Plan: A Metropolis of Three Cities Directions

Objective 34: Energy and water flows are captured, used and re-used

The Metropolitan Plan supports precinct based initiatives to increase renewable energy generation and efficiencies.

It is proposed to explore a number of sustainability measures through the redevelopment of the site at the Development Application stage. It is noted that the increase of density sought as part of this proposal will ensure high levels of amenity for future residents, neighboring properties and the public domain. An ESD Report prepared by *SLR* is submitted with this application which ensures that Objective 34 will be satisfied.

Direction 10 – A resilient city

Objective 37: Exposure to natural and urban hazards is reduced

This objective seeks to ensure the delivery of resilient communities.

The subject site is flood affected. Flooding is considered in Section 7.1 of the Services Infrastructure Report prepared by *Stantec*, which demonstrates that the sites flood affectation will not stop the delivery of a resilient development. It is noted that the additional density sought as part of this Planning Proposal has considered the flood affectation as to satisfy Objective 37.

6.3.2.2 Eastern City District Plan (ECDP)

The Eastern City District Plan (ECDP) adopts the Directions of the GSRP and lists Planning Priorities relevant for consideration in this Planning Proposal. The ECDP applies to Woollahra, Waverley, Randwick and the City of Sydney. The District Plan sets out a 20-year plan and aims to enhance liveability, productivity and sustainability. **Figure 22** details that Edgecliff is a Local Centre.

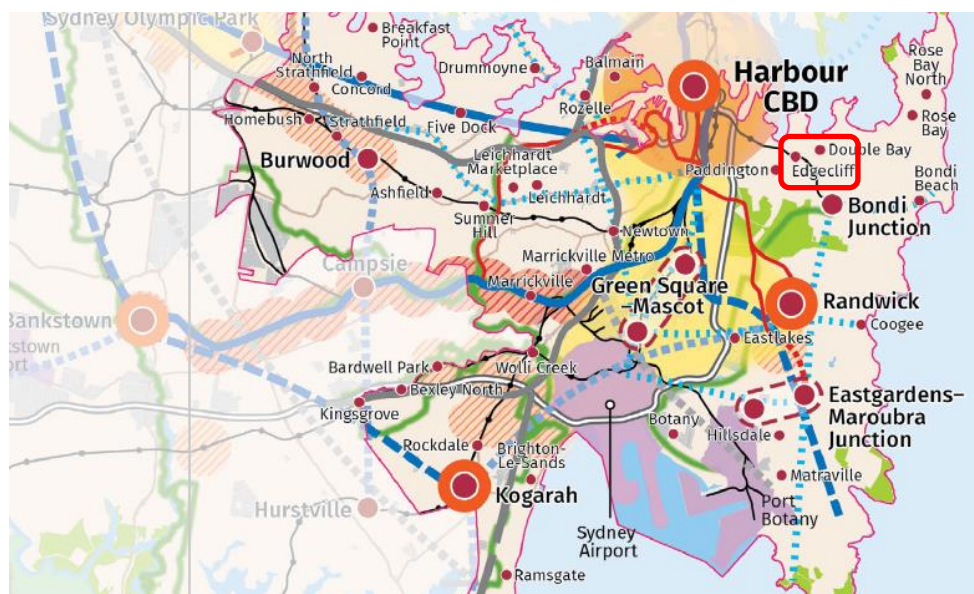


Figure 22 The Eastern City District Plan excerpt

The District Plan establishes a number of priorities and actions to guide growth, development and change, relating to productivity, liveability and sustainability. Additional housing to improve diversity and affordability co-ordinated with transport, development of centres and services is required in response to population growth. As such, the local area will require more dwellings, jobs and infrastructure in order to accommodate the needs of the growing population.

Woollahra Council is required to provide the following dwelling targets:

- an additional 300 dwellings from 2016-2021 (0-5 year target);
- an additional 500 dwellings from 2021-2026 (6-10 year target); and

- an additional 400 dwellings from 2026-2036 (10-20 year target).

A total of 1,200 additional dwellings are required up to 2036 and given the constraints of the heritage conservation areas, environmental and character in the locality, the Housing Strategy 2021 indicates that additional dwellings can be provided in existing local centres, such as Edgecliff and Double Bay. This is reinforced by the District Plan which encourages renewing great places and local centres which are a focal point for neighbourhoods and include transport interchanges critical for the growth of the 30-minute city.

There are only three (3) train stations east of the CBD and Edgecliff represents the last opportunity for coordinated higher density development given that Kings Cross and Bondi Junction are already significantly built out. Given the limited land available and the fact that any redevelopment is expected to last 70+ years, consideration beyond the 20 year dwelling targets are warranted, especially for large sites within 50m of the Edgecliff Railway Station.

Woollahra Local Housing Strategy 2021 (refer to Section 6.3.2.12 of this Report) seeks to provide a further 500 new dwellings from 2021 to 2026, and 400 new dwellings from 2026 to 2031. However, the NSW Department of Planning has higher targets and based on revised population and household projections of 2022, the Woollahra LGA needs to deliver approximately 3,500 dwelling from 2016 to 2041. The NSW Department of Planning also notes that 1,900 new dwellings are required to be completed by 2029.

It was recorded that only 284 dwellings were delivered from 2016 to 2021. This is short of the target for the 5 years up to 2021 which is noted as being the most conservative target of the three. In order to achieve the Department of Planning target of 3,500 dwellings, an average of 800 dwellings every five years or 160 each year will need to be delivered. There will be a clear shortfall of dwellings in the Woollahra LGA.

It is also prudent to note that the housing targets as set out above rely heavily on the successful delivery of the ECCP & UDS, which was only recently endorsed by Council. As discussed, the ECCP relies heavily on amalgamation strategies within an area of complex ownership and subdivision patterns, further impacting the delivery of increased housing and achieving the prescribed housing targets. Furthermore, the recently endorsed ECCP also provides for a density of development which is lesser than that which was originally envisaged. In this regard, the housing targets set by the Department significantly exceed that which can be provided by the ECCP, and therefore the uplift in density proposed by the subject application is entirely necessary.

As such, the provision of additional housing as part of a residential development in a highly accessible location will certainly cater for the additional population, as identified above, and also provide accommodation in close proximity to various employment opportunities. The Planning Proposal is consistent with the priorities of the Greater Sydney Region and District Plans.

In accordance with the above, the Proposal supports a number of the *Directions* and *Planning Priorities* outlined in the plan as outlined in the following table:

Table 7 Eastern City District Plan
Direction 1 - A city supported by infrastructure
<i>Planning Priority E1 Planning for a city supported by infrastructure</i>
<p>As discussed within Table 5 and per the Greater Sydney Regional Plan, the concept proposal will allow for the delivery of increased residential accommodation, inclusive of affordable housing, within a highly accessible location in close proximity to numerous services, facilities and public transport options.</p> <p>The proposal will significantly improve the public domain and will deliver accommodation within an area of established infrastructure, consistent with the Edgecliff Local Centre and ECCP & UDS. As described, the subject site is suited to the increase in density given its characteristics and highly accessible nature and will encourage a 30-minute metropolitan centre.</p>
Direction 3 – A city for people
<i>Planning Priority E3 Providing services and social infrastructure to meet people's changing needs</i>

Table 7 Eastern City District Plan

The increase in density sought as part of this proposal will provide residential accommodation on a highly accessible site with excellent access to services and infrastructure. The proposal will concentrate an increase in density within an established centre which is a well-found strategic planning approach. This will encourage usage of existing services and social infrastructure and will contribute to the social fabric of Edgecliff.

Planning Priority S4 Fostering healthy, creative culturally rich and socially connected communities

The increase in density will deliver a safe and inclusive environment that improves the public domain and provides for a high quality urban, architectural and landscape design. The concept proposal intends to create a high-quality residential development which will contribute to the streetscape character of the locality and the cultural and social connectedness of Edgecliff. The proposal will deliver residential accommodation, including affordable housing, in a strategic and accessible locality which will contribute to the social and cultural diversity of Edgecliff.

Finally, the proposal will also allocate affordable housing as discussed throughout this Report. This will establish housing for a greater cross-section of the community, which is underrepresented within the Woollahra LGA and Edgecliff locale. This will further bolster the provision of a healthy and socially connected community.

Direction 4 – Housing the city

Planning Priority E5 Providing housing supply, choice and affordability with access to jobs, services and public transport

The concept proposal and reference scheme will include the provision of approximately 246 residential apartments. The reference scheme shows that approximately 84 x 1 bedroom, 112 x 2 bedroom and 50 x 3 bedroom apartments can be provided. Importantly, a portion of the residential apartments will be allocated to affordable housing as outlined throughout this Report. This Planning Proposal, which seeks to increase the density in a strategic and well-suited location, will deliver a variety of residential accommodation which will cater for the current and future population.

The supply and variety of housing enabled through this proposal is also supported by the sites strategic location which is in proximity to numerous services, public transport, open spaces and community facilities. As outlined throughout this Report, the subject site represents one of the largest allotments within the Woollahra LGA, particularly with regards to its relationship to Edgecliff Railway Station, which is the only railway station serving the LGA., Woollahra is highly desirable where the current and future supply does not meet the demand generated or anticipated. As such, to allow for the increase of density on the subject site will satisfy this planning priority.

Direction 5 – A city of great places

Planning Priority E6 Creating and renewing great places and local centres, and respecting the District's heritage

The subject site is located directly to the south of the Edgecliff Local Centre and outside the area affected by the ECCP & UDS. Whilst located outside this area, Edgecliff is designated as a local centre. The concept proposal and associated increase in density seeks to deliver a development which is respectful of the streetscape, public open space, surrounding properties and public domain. The proposal seeks to strategically permit an increase in building height and floor space to create a cohesive public and private domain, including landscaped area, enhancing the character of the locality and improving the amenity and aesthetics of the site and surrounds.

This proposal has also considered, in-depth, the character of the *Paddington Heritage Conservation Area*. Whilst increasing the density on-site, the concept proposal and reference scheme has been through numerous iterations and details that the proposal will not have any adverse physical impact on the fabric of the conservation area. Importantly, any future development application must also demonstrate consistency with the surrounding conservation area which can be achieved by design, materiality, colour and landscaping. That is, the increase in building height and floor space can be appropriately managed through a well-designed development, which will be developed with extensive heritage input. In this regard, the transition from the reference scheme to the Paddington HCA is similar to the transition from high density development with the Edgecliff Centre and 170 Ocean Street to the two storey Paddington Terraces in Arthur Street, Herbert Road and Great Thorne Street. This is supported by the Heritage

Table 7 Eastern City District Plan

Impact Statement prepared by *Curio Projects* In addition, the proposed controls and concept envelopes have been considered by the SECPP and independent Urban Design Review prepared by *SJB*.

Ultimately, the provision of additional density will allow for the delivery of a development which will revitalise and reimagine a site which is strategically located but underutilised. The permitted building typology offered by this proposal will ensure the delivery of a more cohesive public domain and building form arrangement.

Direction 6 – A well connected city

Planning Priority E10 Delivering integrated land use and transport planning and a 30-minute city

The Planning Proposal will have no negative bearing on delivering integrated land uses and transport planning. In fact, the provision of increased density in a highly accessible location will assist in the delivery of a '30-minute city'. As shown in the reference scheme, the proposal validates the provision of approximately 246 residential apartments within 50m walking distance from the Edgecliff Railway Station and bus interchange.

Direction 7 – Jobs and skills for the city

Planning Priority E7 Growing a stronger and more competitive Harbour CBD

The subject site is located outside the Harbour CBD and Eastern Economic Corridor and this priority is not a matter for consideration.

Direction 8 – A city in its landscape

Planning Priority E15 Protecting and enhancing bushland and biodiversity

This Planning Proposal will ensure that the existing vegetation on the subject site and surrounding properties, namely Trumper Park, will be retained and protected where possible. However, and due to the anticipated increase of density, there will be necessary vegetation removal towards the centre of the site with the landscaping at the periphery retained to maintain the existing vegetation linkages. Notwithstanding this, any removal of vegetation will be offset through the provision of compensatory landscaping which will form part of a future application as is demonstrated in the Concept Landscape Plan. Where vegetation is located within the public domain, this will not require removal.

As discussed, the concept envelopes have been developed in close consultation with the project arborist, biodiversity consultant and landscaped architect. The built forms are proposed to protect the majority existing vegetation around the periphery of the site and all vegetation within the public domain. Where vegetation is retained, this will soften the built form and establish an appropriately relationship to the surrounding properties (namely the low density terraces) and public domain.

An Arboricultural Impact Assessment prepared by *Urban Arbor* is submitted with this application which addresses the removal of vegetation on the subject site, as to accommodate the proposed concept envelopes. This is also considered in the Biodiversity Assessment prepared by *Biosis*.

Planning Priority E17 Increasing urban tree canopy cover and delivering Green Grid connections

As outlined above, the proposed increase of density and concept scheme will require the removal of selected, existing vegetation on the subject site. Whilst selected vegetation will be removed, the concept envelope has been designed (in accordance with the project arborist and biodiversity consultant) to protect important vegetation on-site (as far as practicable) and all vegetation within the public domain. This is subsequently bolstered according to the Concept Landscape Plan, which concentrates vegetation around the periphery of the site and within the through-site link.

As detailed, the concept proposal will enhance the public domain by delivering vegetation throughout and around the periphery of the site to maintain and improve upon the urban tree canopy and make connections with the existing tree network, established at Trumper Park.

Planning Priority E18 Delivering high quality open space

Table 7 Eastern City District Plan

The proposal will not involve the delivery of any publicly accessible open space, however, will provide for high quality communal open space which will be available to future residents. In addition, the proposal will be capable of significantly improving the public domain through urban, architectural and landscape design, thereby improving the pedestrian experience. It is also prevalent to note that the proposal will not result in any adverse impact to the solar access of Trumper Oval, as discussed in Section 6.3.3 of this Report.

Direction 9 – An efficient city**Planning Priority E19 Reducing carbon emissions and managing energy, water and waste efficiently**

It is proposed to explore a number of sustainability measures during the development application stage, as detailed in the accompanying ESD Report prepared by SLR. Whilst the proposal will increase density on-site, the measures to ensure energy, water and waste efficiency ultimately leading to a sustainable development will also be increased. In addition to this, any future development will need to provide for a high level of amenity for future residents, inclusive of solar access and ventilation, to ensure a more sustainable outcome. As discussed in this Report, the building height and concept envelopes have also considered the solar impact to the neighbouring property and public open spaces.

Direction 9 – A resilient city**Planning Priority E20 Adapting to the impacts of urban and natural hazards and climate change**

The subject site is flood affected. Flooding is considered in Section 7.1 of the Services Infrastructure Report prepared by Stantec, which demonstrates that the flood affectation will not stop the delivery of a resilient development.

6.3.2.3 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, and seeks to ensure that NSW's overarching strategies for transport and land use planning align and complement each other. The proposal clearly addresses the principles for future transport by providing additional density adjacent to a key Eastern Suburbs train station (the only one in the Woollahra LGA), ultimately encouraging the use of public and active transport (walking and cycling). Importantly, this ensures that the Edgecliff locality is a successful place providing liveability, amenity and economic success which is supported by the nearby transport network.

6.3.2.4 Strategic Merit

In addressing Question 3, the DPIE Guideline requires an application for a Planning Proposal to address the assessment criteria for strategic merit. The DPIE Guideline provides assessment criteria to determine if a planning proposal has strategic and site-specific planning merit. Accordingly, the planning proposal is considered against the assessment criteria below.

Strategic Merit

The assessment criteria to determine if a Planning Proposal has strategic planning merit is addressed in **Table 8** below (known as the 'strategic merit test').

Table 8 Strategic Merit Test

Assessment Criteria	Comment
Will the proposal "Give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, and/or corridor/ precinct plans applying to the site. This includes any draft regional, district or corridor/precinct plans released for public comment or a	<p>The applicable strategic plans are the <i>A Metropolis of 3 Cities: The Greater Sydney Region Plan</i> and the <i>Eastern City District Plan</i>, both of which have been prepared by the Greater Sydney Commission.</p> <p>Alignment with the relevant Planning Priorities of both the GSRP and ECDP has been demonstrated in Section 6.3.2.1 and 6.3.2.2, respectively. It has been demonstrated that the planning proposal is considered to give effect to both strategic documents, achieved primarily by increasing density within a highly</p>

Table 8 Strategic Merit Test

<i>place strategy for a strategic precinct including any draft place strategy</i> ".	accessible and strategic location. The increase in maximum building height and FSR, has considered the relationship to the surrounding locality and any impacts. This is outlined in this Report and the supporting documentation.
Will the proposal <i>"demonstrate consistency with the relevant LSPS or strategy that has been endorsed by the Department or required as part of a regional or district plan"</i> .	Consideration of the proposal against the Woollahra Local Strategic Planning Statement is addressed in detail under 'Question 4' below, and Section 6.2.3.5 of this Report. In summary, the proposal will give effect to the LSPS by being aligned with the relevant strategic goals and the potential public benefits that can be realised by facilitating an increased density for the site. As discussed, the proposal will provide for increased residential accommodation within a strategically located site, in addition to delivering a high quality urban, architectural and landscaped design which will contribute to the locality.
Does the proposal <i>"Respond to a change in circumstances that has not been recognised"</i> .	<p>The proposal is a response to the limitations of the current building height and floor space ratio development standards for the site. That is, the current standards do not allow for an increase in density which is considered to be appropriate for the site. Further to this, the proposal is an in-part response to the existing strategic plans, as it is cognisant of the <i>Edgecliff Commercial Centre Planning and Urban Design Strategy</i> (29 April 2024), the <i>Edgecliff Commercial Centre Transport Study</i> (22 March 2024) and the <i>Woollahra Community Facilities Study</i> (November 2019). In addition, the proposal responds to the <i>Woollahra Local Strategic Planning Statement</i>, <i>Woollahra 2032 Community Strategic Plan</i> and <i>Woollahra Local Housing Strategy</i>.</p> <p>This is discussed throughout this Report.</p>

6.3.2.5 Site-Specific Merit

Site-Specific Merit

The planning proposal has site-specific merit given the following:

- The site is located in a highly accessible location and is within close proximity to numerous features within the locality, including the following;
 - Edgecliff railway station, which is the only station serving the Woollahra LGA;
 - Edgecliff bus interchange;
 - Edgecliff Commercial Centre;
 - Numerous public open spaces, namely, Trumper Park and Oval; and
 - A variety of uses including commercial, religious, educational and healthcare facilities, amongst others.
- The site contains numerous characteristics which also enable site-specific merit. This includes the following:
 - It is within a highly accessible and strategic location (as noted above);
 - A considerable site area of 7,226m², representing one of the largest allotments in the Edgecliff locality and wider Woollahra LGA, particularly given its proximity to Edgecliff Railway Station;
 - An expansive frontage of approximately 122m to New McLean Street;
 - An expansive rear boundary of approximately 99m, to Trumper Park and Oval; and
 - A Strata Title allotment with over 100 sperate titles, accrued by a single proprietor enabling redevelopment.
- The increase in building height and floor space will allow for innovative and flexible design, site arrangement and built form. This will enable superior urban design and architectural outcomes, such as;



- Improved presentation to New McLean Street and the established Paddington HCA at multiple scales, being the pedestrianised and greater urban fabric;
 - Distribution of massing increasing visual amenity through building arrangement, bulk and scale, whilst delivering an increase in density in a highly strategic location;
 - Allowing for a building height which will appropriately step-down from Edgecliff Commercial Centre and is commensurate to the site, ultimately delivering a hierarchy in built form as it relates to roadways and public domain;
 - Significant improvements to the public domain;
 - Opportunity to deliver more open space and landscaping, thus improving the character of site;
 - Opportunity to provide greater housing diversity, including affordable housing, and supply within an accessible location, in a desirable LGA; and
 - Improvements to public safety and amenity by permitted redevelopment and revitalisation of the site.
- The Planning Proposal will not result in any significant adverse environmental impacts, which are outlined as follows and discussed in further detail under Section 6.3.3 of this document:
 - **Solar access and ventilation:** As demonstrated by the UDR and reference scheme, future residential accommodation will be capable of meeting minimum solar access and ventilation requirements. In terms of overshadowing to the neighbouring properties and public domain, the proposal is well designed to ensure that the increase in building height and density will have no adverse impact to the surrounding locality. In terms of solar access to the public domain, most notably Trumper Park and Oval, the proposal will not cause any adverse additional overshadowing from 10am during mid-winter to the Trumper Oval, when factoring in the existing vegetation within Trumper Park and built forms permitted by the ECCP. As detailed in Section 6.3.3 of this Report, the existing vegetation within Trumper Park is located in the public domain, forms part of a network of trees and not to be removed. The solar gain of neighbouring properties is also considered in this Report.
 - **Visual Privacy:** Subject to detailed applications, inter dwelling visual privacy and visual privacy between the proposal and neighbouring properties will be appropriately protected as anticipated by the Apartment Design Guide (ADG). The accompanying concept envelopes and reference scheme demonstrates that the increase in building height and density will not result in any adverse privacy concern as appropriate separation, orientation and design elements can be incorporated to ensure this is maintained.
 - **Acoustic Privacy:** The acoustic privacy of future residents will form part of detailed applications. Notwithstanding, the concept proposal is accompanied by an Acoustic Assessment prepared by *RWDI*. The Acoustic Assessment identifies that the subject site does not contain any significant constraints with respect to acoustics, in terms of Edgecliff train station, bus interchange and New South Head Road. As such, the acoustic privacy of future residents will not be adversely impacted by this proposal. It is also noted that the acoustic privacy of neighbouring properties is also acceptable and can be appropriately maintained through setbacks, privacy elements and materiality.
 - **Views:** The increase to building height and floor space is not considered to result in any adverse view loss from the surrounding developments or public domain. That is, the concept proposal is designed to provide a slender tower which will form part of the existing skyline which will include envelopes to be established by the ECCP & UDS. This ensures that any potential view loss from the south, south-west and south-east, in a northerly direction, will be consistent with the envelopes to be established within the Edgecliff commercial centre. To the north, north-east and north-west, any views afforded are of the surrounding district and a lesser value. Notwithstanding and as above, the concept proposal delivers a narrow, slender and well-oriented tower form which is consistent with the Edgecliff commercial centre to ensure any potential view impact is acceptable in the context of the locality. View loss imagery is provided in the UDR submitted with this application.





- **Flooding:** The increases to maximum building height has accounted for the minimum RLs required as a result of the site's flood affectation. Furthermore, the changes to the density permitted on-site and concept proposal, do not adversely impact flooding throughout the site. Flooding is considered in Section 7.1 of the Services Infrastructure Report prepared by *Stantec*.
 - **Traffic:** The proposal will seek to increase the density on the subject site and as such, a Transport, Traffic and Parking Assessment prepared by *JMT Consulting* is submitted. The Transport, Traffic and Parking Assessment concludes that the subject site is well located to accommodate the increase in density and will result in minor traffic impacts to the surrounding locality. Furthermore, the proposal will reduce the amount of driveway crossovers to New McLean Street and will improve the pedestrian experience.
 - **Arboriculture and Landscaping:** The concept proposal will require the select removal of vegetation throughout the site to accommodate the built form. The amount of vegetation to be removed has been assessed in the Arboricultural Impact Assessment prepared by *Urban Arbor* and Biodiversity Assessment prepared by *Biosis*. Whilst vegetation must be removed, this is of varying significance and will not have any adverse impact to the flora and fauna network of the locality, per the supporting documentation. Vitally, the concept envelopes have been developed in close coordination with *Urban Arbor* and *Biosis* to ensure that vegetation around the periphery of the site and within the public domain will be protected, as far as practicable. This delivers the distinctive benefit of softening the built form and providing a buffer to the Paddington HCA. In conjunction with this, a Concept Landscape Plan prepared by *FJC* demonstrates that commensurate landscaping will be provided around the periphery of the site and within the publicly accessible spaces.
- The proposal will appropriately respond to the objectives of the R3 Medium Density Residential zone, as discussed below:
 - *To provide for the housing needs of the community within a medium density residential environment.*

Comment: The proposal will provide for an uplift in density suitable to the site location, which will meet the housing needs of the community and is commensurate to the zoning. Whilst increasing the building height and floor space, WLEP does not contain a R4 High Density Residential zone and as such, the proposed amendments are not antipathetic with regard to this objective.
 - *To provide a variety of housing types within a medium density residential environment.*

Comment: The concept proposal includes a mixture of one, two and three bedroom apartments within a mixed-use development. The proposal will also provide for affordable housing which will complement the variety of housing types. This will improve access to a variety of housing in the zone and throughout Edgecliff. As above, the WLEP does not contain a R4 zone and the proposed amendments are not antipathetic to this objective.
 - *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment: The increase in residential density will support the various local businesses in the Edgecliff locality.
 - *To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.*

Comment: The proposed building height and floor space is of a bulk and scale which is compatible with the desired characteristics of the Edgecliff Commercial Centre. Additionally, the amendments will not have any adverse impact on the Paddington Heritage Conservation Area and Trumper Park and Oval, as discussed in this Report and the supporting documentation.
 - *To ensure development conserves and enhances tree canopy cover.*



Comment: The concept proposal requires the removal of existing vegetation on-site, however, will be replaced according to the submitted concept landscape plans. The proposal will protect existing vegetation on-site where possible, and throughout the public domain.

Detailed analysis of the proposed amendments are provided below.

Increase in building height

The proposed building height and concept design is the culmination of detailed design development and consultant input to arrive at a form that increases the development potential of the site while providing a suite of public benefits in a location that has been largely ignored by the current planning controls. That is, the 10.5m height of buildings development standard is already exceeded by the 5 storey buildings on the site and does not provide for any redevelopment incentives in a highly accessible and strategic location.

As outlined throughout this Report, the proposal has been amended considerably since original lodgement of the Planning Proposal. The height, FSR and concept envelopes have been further developed and refined following input and consideration from the Department's PPA Team, SECPP and the independent Urban Design Review undertaken by SJB, through the Pre-Gateway process. The concept scheme provides for a residential development that steps down the site, recesses from the side boundaries, and provides for a slender tower element with a maximum height of RL91. The concept envelopes also provide for a RL47 to RL63 within the western portion of the site, and RL42 to RL51.5 in the eastern portion.

The ECCP & UDS identifies that increased heights should be at its greatest closest to the train station. The subject site is certainly closer than many of the other properties identified in the ECCP & UDS which provide greater heights (and densities) and therefore there is strategic merit in increasing the height in this highly accessible location. It also identifies that a final height and FSR has not been provided for the Eastpoint Shopping Centre site which houses the bus and rail interchange due to site constraints, but it is a key site in the ECCP that is likely to match or exceed the height and FSR of the Edgecliff Centre (26+ Storeys and 7.5:1).

The concept design provides for stepped podium design which transitions throughout the site. Specifically, the podium steps from New McLean Street to the north, to Trumper Park to the south, and also from the western boundary to the eastern boundary, namely where the site abuts the lower density residential dwellings in the Paddington HCA (to the east). The concept proposal also focuses a single tower which is considerably separated from the surrounding lower density development, addressing New McLean Street and Trumper Park. The tower is sited to maximise the setback to the low density residential zone falling within the Paddington Heritage Conservation Area, and also the properties to the north-west, and in doing so minimises the impacts on adjoining properties and the public domain.

Further to this, the orientation of the tower form generally aligns with the built form anticipated by the developments within the ECCP & UDS, maintaining a consistency in urban pattern and fabric. The arrangement of the built form also balances the shadow impacts to the surrounding locality, with the solar performance of the tower, taking into consideration the anticipated built forms under the ECCP & UDS.

The ECCP & UDS and the *Edgecliff Commercial Centre Transport Study (SCT Consulting)* both recognise the importance of Edgecliff as a strategic location but also as a transport interchange providing Woollahra's only railway station. The evolving planning controls for the Edgecliff Centre supports greater heights (and densities) adjacent to the railway station, along with active street frontages and diverse commercial and retail spaces to create a more vibrant centre. While the proposed uplift in height (and density) is focused upon the existing E1 Local Centre land for the Edgecliff Centre, the remaining land within the MU1 Mixed-use zone land will also receive significant increases in height (and density).

There are a number of factors that support a similar approach being adopted for the subject site, especially given its location, large land holding, frontage characteristics (to New McLean Street and Trumper Park), ability to deliver much needed housing (including affordable housing) and public benefits as illustrated on the concept plans (see **Figure 23** below).



Figure 23 Perspective of concept envelope

The above concept design demonstrates that the proposed development will be setback a minimum of 6m from the western (side) boundary and 8m-12m from the eastern side boundary, which is greater than those anticipated by the relevant planning controls (6m). Specifically, from the low-density terraces to the east, the concept envelopes provide an 8m to 12m on the lower podium, 14m to 18m on the upper podium and 30m to 31m setback from the tower. The considerable separation mitigates any adverse impact to the lower density dwellings, also noting also that the height of the podium is designed to align with the roofline of these properties to the east. As detailed, the podiums also incorporate stepping in a north-south direction, from New McLean Street to Trumper Park.

The provision of larger (landscaped) setbacks and a consistent building height (from the proposed podium to neighbouring dwellings) will provide for an acceptable transition of bulk and scale. That is, the concept scheme provides a better transition to the typical terraces than some of the surrounding buildings in Edgecliff. The increased setbacks will necessitate the floor area to be redistributed to the upper levels of the tower where they will have a significantly increased amenity for the occupants without having an adverse impact on the amenity of adjoining properties or the public domain. Furthermore, the design of the buildings responds to the context of surrounding development, including the Paddington Heritage Conservation Area.

In terms of the context, the visual catchment of the locality is dominated by towers across the ridgeline of Darling Point and Edgecliff dating back to the 1960's to 1970's which are up to 30 storeys. This is clearly demonstrated by comparable building heights along the ridgeline as part of the Planning Proposal submission for No. 233 South Head Road, Edgecliff (Edgecliff Centre) located directly opposite the subject site and is reproduced below at **Figure 24**.

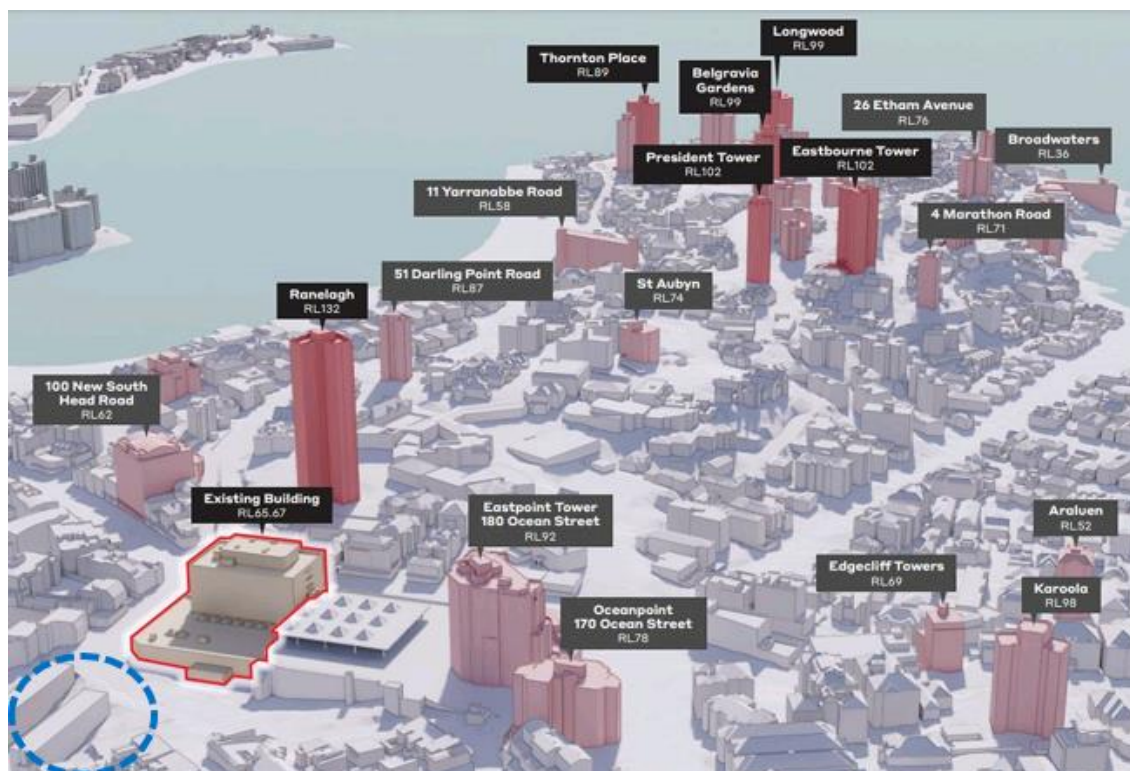


Figure 24 Building height of towers from Edgecliff to Darling Point with site circled in dashed blue (source: FJC & Ethos Urban)

As detailed above, tall towers in appropriate locations are a long established planning principle and one that is also recognised within the ECCP & UDS where it seeks to locate tall towers along the ridgeline and main road corridors. However, the location of tower buildings from the City towards Bondi Junction is sporadic and not confined to main roads and therefore the provision of a tower on the subject site can be considered in the broader context of tower buildings that radiate from the City. This is considered in detail in the UDR by *FJC*. At the very least, the concept scheme seeks to continue this line of comparable tower elements along the ridgeline and does not introduce a new element not already in existence or contemplated in strategic documents. Furthermore, the height of the tower is subordinate to a number of those envisaged within the ECCP, and will provide for an appropriate transition of density throughout the locality.

The Planning and Urban Design Strategy prepared by *SJB Architects* in support of the ECCP & UDS identifies that one of the major constraints for redevelopment is the high number of strata titled lots as well as the interface with Heritage Conservation Areas and heritage items within the ECC. The subject site and No. 4 New McLean Street represent some of the last opportunities to accommodate increased housing density adjoining a train station and should not be overlooked based on a preference for ridgeline or main road development or constraints which are not shared with surrounding properties. Importantly, the ECCP & UDS relies upon amalgamations that may not be realised (sterilising housing supply) and the height and densities are unable to be delivered.

The current controls constrain this vision for the site and there are compelling reasons to support an increase in the height of buildings development standard. Importantly, this proposal will enable the development of high-quality residential building that seeks to meet housing demand and will make optimum use of Woollahra's only railway station. The uplift will allow for the development of residential space to activate the centre and meet the needs of the rapidly ageing community providing accessible housing near existing services, shopping and public transport. These benefits cannot be easily accommodated on other sites which are constrained for a number of reasons and will not be realised if the opportunity is not accepted by Council.

For completeness, the objectives of Clause 4.3 Height of buildings are reproduced and considered below:

(a) to establish building heights that are consistent with the desired future character of the neighbourhood,

Comment: The proposed building height is consistent with the strategic location of the site and its relationship with Edgecliff Commercial Centre and Railway Station. The proposal will provide for a sympathetic transition of height from the ECCP to Trumper Park, and will ensure no adverse impact to the Paddington Heritage Conservation Area.

(b) to establish a transition in scale between zones to protect local amenity,

Comment: The proposed building height will ensure that the amenity of the public domain and neighbouring properties will be maintained. The amended planning controls will allow for an innovative urban and architectural approach which will bring with it significant improvements to the locality and provide an appropriate transition of scale from Edgecliff Commercial Centre to Trumper Park and the Paddington HCA.

(c) to minimise the loss of solar access to existing buildings and open space,

Comment: The proposed building height will not result in any adverse additional impact to the solar access of Trumper Oval and will retain 3 hours of solar access to the adjoining R2 Low Density Residential zone to the south-east. As such, building height will not result in any adverse impact to the amenity of the locality.

(d) to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,

Comment: As above, the proposal will not result in any adverse solar impact to the adjoining public spaces or nearby properties. Furthermore, the building height is designed within an appropriate concept envelope to ensure that there will be no adverse disruption of views, loss of privacy or visual intrusion. The impact to amenity is considered in detail throughout this Report.

(e) to protect the amenity of the public domain by providing public views of the harbour and surrounding areas.

Comment: As addressed above, the amenity of the public domain will be improved through the innovative and flexible urban and architectural design, which will improve pedestrian experience, interaction and safety. There are no distinctive views enjoyed from the public domain through the site and as such, the increase in building height has not impact in this regard.

Increase in floor space ratio

The concept proposal will result in an FSR of 3.7:1, which represents a significant uplift compared to the current FSR control of 0.75:1. As discussed in height (above), the concept design is the culmination of detailed design development and consultant input to arrive at a form that increases the development potential of the site while providing a suite of public benefits in a location that has been largely ignored by the current planning controls. This also includes assessment and consideration made by the PPA Team, SECPP and independent Urban Design Review prepared by SJB.

That is, the 0.75:1 FSR development standard is already exceeded by the 5 storey buildings on the site and does not provide for any redevelopment incentives in a highly accessible location. The proposed FSR of 3.7:1 sits comfortably in the range of FSR's for developments within the ECCP & UDS area which range from 2:1 to 7.5:1. Importantly, sites that are further away from Edgecliff Station have greater FSRs than the existing and concept scheme, up to 5:1. As discussed above, the concept scheme provides a height that transitions from the Edgecliff Centre, and is also supported by the FSR of 3.7:1, that enables a subservient and appropriate interface with the lower density residential zone to the east and its proximity to Trumper Park to the south.

The ECCP & UDS identifies that increased FSR should be at its greatest closest to the train station. It also identifies that a final FSR (and height) has not been provided for the Eastpoint Shopping Centre site which houses the bus and rail interchange due to site constraints but it is a key site in the ECC that is likely to match or exceed the height and FSR of the Edgecliff Centre (26+ Storeys and 7.5:1) due to its size, location and relative elevation (the site is at the crest of the ridge). The study below reproduces a built form study undertaken as part of the SJB report (2018), as modified by Council staff (2024) noting that the model (**Figure 25** below) is indicative only and illustrates the potential overall bulk and scale for the ECC.

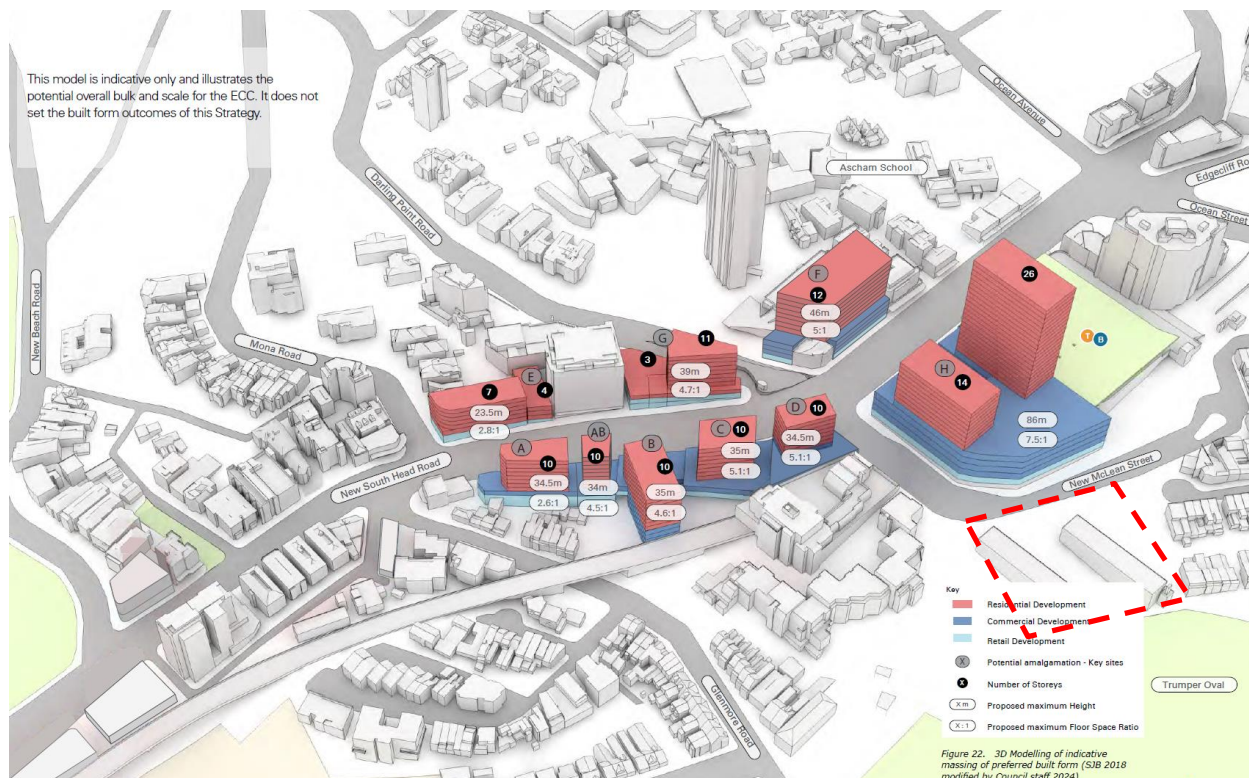


Figure 25 3D Modelling of built form (SJB 2018, modified by Council 2024) with site dashed red

Having regard to the subdivision pattern and allotment sizes on New South Head Road, it is apparent that there are limited opportunities for a development of the scale proposed in the concept scheme that is accompanied by the suite of planning benefits it will deliver. In fact, in the event that the amalgamations anticipated by the ECCP & UDS do not occur, the increased height and densities will be unable to be delivered and additional density will be required elsewhere in the municipality. The subject site provides the most appropriate location for this increased residential density.

The proposed uplift in the FSR (and height) development standards will deliver an appropriate density and built form close to the only railway station in Woollahra and adjacent to Edgecliff Centre where the greatest built form investigated under the ECCP & UDS is anticipated. The provision of a well-considered podium and tower form will allow for an appropriate distribution of residential accommodation, which achieves a high level of amenity for future occupants without any adverse impacts to the surrounding locality. The concept design will significantly improve the urban, architectural and landscaped character of the site and public domain.

The current planning controls constrain this vision for the site and there are compelling reasons to support an increase in the FSR development standard. Importantly, the proposal will enable the development of high quality residential development that seeks to meet housing demand and will optimum use of Woollahra's only railway station. The uplift will allow for the development will revitalise New McLean Street and the surrounding locality, and will support the growth of the Edgecliff Centre. Furthermore, the concept scheme will meet the needs of the ageing community, providing accessible housing near existing services, provide affordable housing for key workers, provide community uses and excellent linkages to public transport. These benefits cannot be easily accommodated on other sites which are constrained for a number of reasons and will not be realised if the opportunity is abandoned.

For completeness, the objectives of Clause 4.4 Floor space ratio are reproduced and considered below:

- (a) for development in Zone R3 Medium Density Residential—
- (i) to ensure the bulk and scale of new development is compatible with the desired future character of the area, and

Comment: The proposed bulk and scale of the concept envelopes is reflective of the highly accessible location of the site and its strategic characteristics. The proposed amendments are consistent with the desired form of the Edgecliff Commercial Centre and will have no adverse impact on the Paddington Heritage Conservation Area.

(ii) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain, and

Comment: As outlined in this Report, the increase in density will not result in any adverse impact to the amenity of the adjoining properties or public domain, namely, Trumper Park and Oval. The proposal will not result in any significant overshadowing, privacy impact, view loss or visual intrusion, despite the increase. The impacts will be appropriately managed through the well-considered concept envelope and reference scheme.

(iii) to ensure that development allows adequate provision on the land for deep soil planting, tree canopy cover and areas of private open space,

Comment: The increase in floor space will maintain the appropriate provision of deep soil area, tree canopy coverage and open space on the subject site. Whilst there will be an increase in density, the amendments will allow for an innovative and flexible approach to redevelopment of the site and a variety of vegetation.

(b) for buildings in Zone E1 Local Centre and Zone MU1 Mixed-use—to ensure that buildings are compatible with the desired future character of the area in terms of bulk and scale.

Comment: Whilst not specifically relevant, the proposed floor space and uplift in density is not antipathetic to this objective. It is prudent to note that the increase in density proposed on the subject site accords with the desired built form in the E1 Local Centre zone to the north.

Additional Clauses

As set out under Section 5.1.4, 5.1.5 and 5.16 of this Report, additional clauses are to be inserted into WLEP. These are proposed, as follows:

- Insert an additional clause that requires a no net loss of residential dwelling on the site, from that which is existing;
- Insert an additional clause that requires a percentage of the uplift in gross floor area (beyond the current development standard of 0.75:1) to be allocated as affordable; and
- Insert an additional clause which ensures that an appropriate dwelling mix will be delivered.

The clauses as set out above will ensure that an appropriate amount of dwellings, dwelling mix and affordable housing will be delivered on the subject site, upon redevelopment. This will satisfy the relevant strategic documents as set by State and Local Government, and will deliver much needed affordable housing in the Edgecliff locality.

Draft Site Specific Development Control Plan

As detailed, a Draft Site-Specific Development Control Plan for the subject site, reflecting the proposed building height, floor space ratio and additional clauses, has been prepared for Gateway Determination. This is anticipated to be implemented upon gazettal of the WLEP amendments. However and to avoid doubt, an additional clause is to be implemented into the WLEP which will require the preparation of a SSDCP for the subject land.

The assessment criteria outlined in the DPIE Guideline to determine if a planning proposal has site-specific planning merit is addressed in **Table 9**.

Table 9 Site-Specific Merit Test	
Site-Specific Merit Test	Comment
Does the proposal have site-specific merit, with regards to the following:	

Table 9 Site-Specific Merit Test

<i>The natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards)</i>	<p>The site is not subject to any hazards or risks, excluding flooding as detailed above. Flooding is considered in Section 7.1 of the Services Infrastructure Report prepared by <i>Stantec</i> and is submitted to demonstrate that the concept proposal has considered the sites flood affectation.</p> <p>Furthermore, the site does not contain items or features that have significant natural or environmental values. As outlined in this Report, the existing vegetation which will require removal has been assessed in the Arboricultural Impact Assessment prepared by <i>Urban Arbor</i> and Biodiversity Assessment prepared by <i>Biosis</i>. In accordance with the Biodiversity Assessment, the proposal is not considered to have any adverse impact on threatened species. Furthermore, safeguards and mitigation measures were also recommended, to protect any fauna should it be found on-site. This is discussed in detailed within Section 6.3.3 of this Report.</p>
<i>The built environment, social and economic conditions</i>	<p>The site is strategically located and the increase in density is reflective of its highly accessible nature, including proximity to the Edgecliff bus interchange, railway station and the commercial centre. The proposed increase in height and floor space has been developed, as shown in the concept envelopes and reference scheme, to respond to the desired future character of the ECCP, in addition to the established character of the Paddington HCA and Trumper Park and Oval.</p> <p>In terms of social and economic conditions, the proposed increase in density will allow for the delivery of approximately 246 residential apartments, which includes a mixture of 1, 2 and 3 bedroom apartments. As described, the site represents an excellent opportunity to provide for increased density in a strategic location and will contribute to the desired delivery of transit-oriented development. It is also noted that the proposal will allocate a percentage of the uplift in GFA as affordable housing (2.76% in perpetuity), to contribute to social diversity in the locality.</p>
<i>The existing, approved and likely future uses of land in the vicinity of the land to which the proposal relates</i>	<p>The change to maximum building height and floor space will not impact or restrict the existing or future development of neighbouring properties. Whilst increasing the density on-site, the proposal will facilitate options for future development which is compatible with the context and setting of the environment. As discussed in this Report, the UDR and supporting documentation, it is demonstrated that the proposal will have no adverse impact in terms of amenity.</p>
<i>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</i>	<p>The proposed increase of density will be suitably supported by the services and infrastructure. In this regard, a Services Infrastructure Report prepared by <i>Stantec Australia</i> is submitted with this proposal, which outlines the requirements for water connection, gas connection, sewer connection, stormwater and electricity infrastructure.</p> <p>In addition, the site is located within walking distance to Edgecliff bus interchange, railway station and the commercial centre.</p>

As demonstrated in the above assessment, the planning proposal has both strategic and site-specific merit and is suitable to be progressed to a Gateway determination.

Q4: Is the Planning Proposal consistent with a Council's local strategic or other local strategic plan?

The relevant local strategic plans or policies include the following and are addressed in detail below.

- *Woollahra Local Strategic Planning Statement;*
- *Community Strategic Plan - Woollahra 2032;*
- *Woollahra Community Facilities Study;*
- *Draft Woollahra Integrated Transport Study (ITS);*
- *Edgecliff Commercial Centre Planning and Urban Design Strategy;*
- *Edgecliff Commercial Centre Transport Study; and*
- *Woollahra Local Housing Strategy 2021; and*
- *Woollahra Affordable Housing Policy 2021.*

6.3.2.6 Woollahra Local Strategic Planning Statement (LSPS)

The Woollahra Local Strategic Planning Statement (LSPS) was finalised by Council in March 2020 and accepted by the Greater Sydney Commission. The LSPS sets out a 20-year land use vision to guide land use planning for the LGA. The LSPS will provide Council with strategic direction for planning and help facilitate a coordinated approach to managing growth and development in the Woollahra area. The LSPS will align with the Community Strategic Plan and Eastern City District Plan. As outlined in **Table 10** below, the Planning Proposal is consistent with the strategic goals of the LSPS, including the following:

- Infrastructure and collaboration
- Livability;
- Productivity; and
- Sustainability.

Table 10 Woollahra Local Strategic Planning Statement

01 Infrastructure and Collaboration	
<u>P1</u> Planning for integrated land use and transport for a healthy, sustainable, connected community and a 30-minute city	The increase in building height and floor space ratio development standards will allow for the provision of a healthy, sustainable and connected community. As shown in the reference scheme, the proposal validates the provision of approximately 246 residential apartments, which will increase residential accommodation in proximity to established public transport, commercial facilities and public open spaces.
<u>P2</u> Planning for a community supported by infrastructure that fosters health, creativity, cultural activities and social connections.	The proposed increase in residential density will provide for additional accommodation in an established centre, and will contribute to the social characteristics of the locality. The proposal will also deliver a high quality urban, architectural and landscape design which will contribute to the locality and will foster a healthy social environment.
<u>P3</u> Working in collaboration with our community, government, businesses and organisations.	This Planning Proposal is not antipathetic to this objective. The Applicant has been involved in numerous meetings regarding this Planning Proposal, to discuss the proposal and ensure the delivery of a development which benefit of relevant stakeholders, suitable to the uplift in density.
02 Liveability	
<u>P4</u> Sustaining diverse housing choices in planned locations that enhance our lifestyles and fit in with our local character and scenic landscapes	<p>The concept proposal and reference scheme will deliver approximately 246 residential apartments within built form in close proximity to Edgecliff Railway Station. The reference scheme demonstrates a capacity to achieve an appropriate mix, including 84 x 1 bedroom, 112 x 2 bedroom and 50 x 3 bedroom apartments, thus delivering a broad range of housing choice for a variety of needs and incomes. Importantly, the subject site is clearly suited to an increase of density given the considerable site area and relationship to Edgecliff Railway Station and New South Head Road. When considering the character of the Paddington Heritage Conservation Area, the proposed increase in density will be compatible with the surrounding locality as outlined in the accompanying Heritage Impact Statement by <i>Curio Projects</i>.</p> <p>As discussed in this Report, the proposal will provide also provide for an increase of affordable housing which is 2.76% of the uplift in GFA, in perpetuity. This will support a wider-cross section of the community and therefore improve social diversity.</p>
<u>P5</u> Conserving our rich and diverse heritage	As outlined above, the subject site is situated within the Paddington Heritage Conservation Area, however is not identified as a heritage item and is of no significance. Whilst this proposal will allow for an increase in building height and floor space, the concept proposal demonstrates that a built form can be provided on-site which will comfortably relate to the surrounding developments, including the built forms in the R2 and R3 zones where they are located in the

Table 10 Woollahra Local Strategic Planning Statement

	<p>conservation area. The proposal will establish considerable public domain improvements with a defined podium and slender tower forms to limit the visual and physical impact of the increase of density to the surrounding conservation area. Furthermore, the proposal also provides a stepped built form, which includes increased setbacks on the upper levels to the eastern boundary, to ensure heritage characteristics are protected.</p> <p>During detailed design development, architectural design, materiality, colour scheme and landscaping will ensure the delivery of a development which will be compatible with the character of the Paddington Conservation Area.</p>
<p><u>P6</u> Placemaking supports and maintains the local character of our neighbourhoods and villages whilst creating great places for people.</p>	<p>The proposal will provide for an increase in density, contained within well-designed concept envelope which will enhance the character of the Edgecliff Local Centre. The strategic location and considerable area of the site brings with it the distinctive opportunity to complement the desired future character envisaged by the ECCP & UDS.</p> <p>Following the above, the concept proposal will improve the public domain through architectural and landscape design, and by virtue improve the pedestrian experience of the subject site and surrounding locality, including liveability and walkability. The concept proposal provides for a well-considered podium and tower characteristics, inclusive of setbacks, to deliver an appropriate urban and architectural character. This is further bolstered through the provision of deep soil and soft landscaping throughout the subject site and within the public domain.</p> <p>The proposal will also ensure a high level of amenity for future occupants, neighbouring properties and the general public as demonstrated in the Urban Design Report. When considering heritage, this Planning Proposal will have no adverse impact on the Paddington Heritage Conservation Area, as outlined in the Heritage Impact Statement prepared by <i>Curio Projects</i></p>
03 Productivity	
<p><u>P7</u> Supporting access to a range of employment opportunities and partnerships.</p>	<p>The Planning Proposal will directly support the existing local businesses within the Edgecliff locality and wider Local Government Area. That is, the site is situated in close proximity to the Edgecliff Local Centre, New South Head Road and Edgecliff Railway Station. The proposed increase in density will support the established and future economy of the locality, not achievable under the current planning controls. It is also prudent to note that during demolition and construction of any future development, there will be additional employment opportunities which will provide direct and indirect economic benefits.</p>
<p><u>P8</u> Collaborating to achieve great placemaking outcomes in our local centres which are hubs for jobs, shopping, dining, entertainment and community activities.</p>	<p>The proposal will only include the provision of a residential uses as is appropriate to the zone. Importantly, the provision of an increase in residential uses in close proximity to the centre will support existing and future businesses, and will also contribute to the vitality and vibrancy of Edgecliff.</p>
<p><u>P9</u> Supporting and enabling innovation whilst enhancing capacity to adapt and thrive in a rapidly changing digital environment.</p>	<p>The proposal is not antipathetic to this priority. It is noted that the proposed increase in density will enable improved accessibility for future residents and the general community to various services. By virtue to enabling access, there will be the opportunity to adapt to the changing digital environment.</p>
04 Sustainability	
<p><u>P10</u> Protecting and improving the health, diversity and</p>	<p>Not applicable, the subject site is not within proximity to any waterway or water ecosystem.</p>

Table 10 Woollahra Local Strategic Planning Statement

enjoyment of our waterways and water ecosystems.	
<p><u>P11</u> Conserving, enhancing and connecting our diverse and healthy green spaces and habitat, including bushland, tree canopy, gardens and parklands.</p>	<p>The increase in density will require the removal of existing vegetation on the subject site, as assessed in the Arboricultural Impact Assessment prepared by <i>Urban Arbor</i>. Whilst there will be a removal of vegetation on-site, vegetation within the public domain, namely Trumper Park, will be retained. The removal of vegetation will also be offset during the detailed design stage throughout the public open spaces and around the periphery of the site. This will contribute to the provision of green spaces and flora and fauna network in the locality.</p> <p>Following the above, the concept proposal will incorporate deep soil landscaping on the site, comprising of a significant number of trees and landscaping above structures. The Landscape Design Plans demonstrates that the urban tree canopy on the site will be enhanced and dispersed throughout and around the periphery of the site. The provision of additional landscaping improve liveability for future residents, neighbouring properties and the general public.</p>
<p><u>P12</u> Protecting and enhancing our scenic and cultural landscapes.</p>	<p>The proposal will not have any adverse impact to the scenic and cultural landscape of the locality. As detailed above, whilst the concept proposal will require the removal of vegetation this will be appropriately offset through high quality compensatory landscaping. Where landscaping relates to the Paddington Heritage Conservation Area, this will be considered in any future detailed application where appropriate landscaped measures can be put in place to protect and enhance any scenic qualities.</p>
<p><u>P13</u> Improving the sustainability of our built environment, businesses, transport and lifestyles by using resources more efficiently and reducing emissions, pollution and waste generation.</p>	<p>Environmentally friendly measures and ESD principles have been investigated in the ESD Report prepared by <i>SLR</i>. The proposal ESD Report provides a number of recommendations which can be explored in any future development to reduce emissions, pollution and waste generation.</p> <p>Further to this, it is also prudent to note that an increase of density in a strategic location, such as the subject site, will improve the usage of public transport and active transport, being walking and cycling. The ease of accessibility to heavy rail, bus services, services and open spaces will reduce the reliance on private motor vehicles and therefore reduce carbon impacts.</p>
<p><u>P14</u> Planning for resilience so we adapt and thrive despite urban and natural hazards, stressors and shocks, including climate change.</p>	<p>The subject site is affected by flood prone land. The concept proposal has been designed to respond to the sites flood affection as informed by Section 7.1 of the Services Infrastructure Report prepared by <i>Stantec</i>. This will ensure, subject to detailed future applications, that the development will be resilient to the natural hazard.</p>

6.3.2.7 Woollahra 2032 - Community Strategic Plan

The Community Strategic Plan (CSP), *Woollahra 2032* is a 10 year plan that identifies the strategic direction and integrated planning framework for the Woollahra Municipality. The final Community Strategic Plan was adopted by Council 27 June 2022. This Plan sets out the community's vision to 2032 and sets out four focus areas to deliver that vision:

- Focus Area One: Environment.
- Focus Area Two: Social.
- Focus Area Three: Economic.
- Focus Area Four: Civic Leadership.

The four focus areas for Woollahra 2032 are provided in the table below, with the responses detailing how the proposal is consistent with these initiatives:

Table 11 Woollahra 2032 Community Strategic Plan	
1. Environmental Focus	
Goal 7: Protecting our environment	The concept proposal will require the removal of vegetation, which will be appropriately replaced according to the Landscape Design prepared. Whilst there will be an increase of density on the site, so will there be an appropriate provision of landscaping within the open spaces and compensatory landscaping around the periphery of the site. The increase in density will have no adverse impact to the biodiversity present in the locality or within Trumper Park to the south.
Goal 8: Sustainable use of resources	<p>The concept proposal is submitted with an ESD Report to ensure future detailed development applications are capable of achieving an environmentally sustainable design. Sustainable design will include the provision of energy and water efficient fixtures, appropriate solar access and cross ventilation, facilities for electric vehicles and bicycle storage, amongst others.</p> <p>Furthermore, this proposal will provide for an increase in density supported by established public transport. This will ultimately reduce reliance on private motor vehicles and improve sustainable methods of transport. Similarly, the proposal will improve the public domain which will also encourage walking and cycling throughout the locality.</p>
2. Social Focus	
Goal 1: A connected, harmonious and engaged community for all ages and abilities	The proposal will provide for an increase in density in close proximity to an established centre, which will improve social diversity in the locality. Further to this, the proposal will provide for wholesale public domain improvements and relationship between Edgecliff Railway Station, New McLean Street and Trumper Park.
Goal 2: A supported, enabled and resilient community	As identified above, the proposal will provide for a high quality urban, architectural and landscape design, in addition to public domain improvements, and will support a resilient community.
Goal 3: A creative and vibrant community	As above, the numerous improvements offered through the concept proposal will promote for innovative and cultural initiatives to support the community.
Goal 4: Well planned neighbourhoods	The concept proposal will provide for a sustainable outcome in terms of the strategic location of density, provision of additional residential floor area and significant improvements to the public domain. As shown in the reference scheme, the proposal validates the provision of approximately 246 residential apartments, with a mixture of dwelling types, inclusive of affordable housing. This is considered appropriate given the numerous strategic benefits of the site, namely given it is located adjacent to the Edgecliff Centre, it represents an excellent opportunity to increase density.
3. Economic Focus	
Goal 5: Liveable places	The concept proposal will provide for numerous public benefits as it relates to the liveability of the Edgecliff locality. The proposal will seek to enable the delivery of a high quality development which will include numerous public domain improvements through built form, in addition to landscaping. This will contribute to the character of the locality, improving the pedestrian experience and maintaining high levels of amenity. The proposal will ultimately improve the public domain and therefore cater for liveable places.

Table 11 Woollahra 2032 Community Strategic Plan

	In terms of flooding, the concept proposal has considered this within the Services Infrastructure Report prepared by <i>Stantec</i> . Any future development will be capable of building a resilience community.
Goal 6: Getting around	<p>As detailed above, the concept proposal will improve the pedestrian experience through built form, public domain improvements (through design) and landscaping. This will include a variety design and landscaped elements which will ultimately improve pedestrian experience along New McLean Street.</p> <p>In terms of traffic impact, including traffic generation, access and parking, this has been considered in the Transport, Traffic and Parking Assessment prepared by <i>JMT Consulting</i>. As outlined in this Report, the subject site will provide an uplift in density which will encourage the usage of public transport (rail and bus) and active transport (walking and cycling). Furthermore, there will be no adverse impact to the traffic network of the locality.</p>
Goal 9: Community focussed economic development	The proposal will directly support the existing and future Edgecliff Local Centre, as desired by the ECCP & UDS. The proposal will allow for the provision of additional residential accommodation in close proximity to the Edgecliff commercial centre, thereby supporting local businesses.
4. Civic Focus	
Goal 4: Well planned neighbourhoods	This proposal seeks to change the planning controls as to permit an uplift in building height and floor space. Any future development application will comply with these standards.
Goal 10: Working together	This Planning Proposal will be subject to public exhibition which allow for community participation and engagement into decision making.
Goal 11: A well managed Council	The proposal is not antipathetic to this goal.

6.3.2.8 Woollahra Community Facilities Study

The Woollahra Community Facilities Study (CFS) has evaluated Council's existing supply of community facilities across the LGA. This study prepared by Ethos Urban (dated November 2019) identifies that there are shortfalls in community facilities within the western catchment of Woollahra LGA and provides recommendations for existing and proposed Council community facilities, as well as opportunities for innovative delivery. The concept proposal will provide for an increase in residential density in proximity to an established centre. This will encourage the use of existing community facilities due to the highly accessible nature of the site and is considered an appropriate outcome.

6.3.2.9 Draft Woollahra Integrated Transport Study

Council has produced a Draft Woollahra Integrated Transport Study (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 concept 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). The themes are provided in the table below, with the responses detailing how the proposal is consistent with these initiatives:

Table 12 Draft Woollahra Integrated Transport Study

Theme 1: Access, Mobility and Liveable Spaces	<p>Ageing communities have more complex mobility needs, which is significant in Woollahra where there is an ageing population compared to neighbouring local government area. Provision of more accessible and affordable housing close to a railway station increases their ability to move safely, efficiently and equitably.</p> <p>In addition to the above, the proposal will provide wholesale improvements to the pedestrianised environment through architectural and landscape design. This is only achievable through the amendments to the planning controls which will enable redevelopment of the site.</p>
Theme 2: Public Transport	<p>As the proposal will increase density in close proximity to a rail network and bus interchange, this will encourage a shift away from car usage. The proposal will provide for a competitive alternative to private car usage, through the provision of more housing immediately adjacent to Edgecliff Railway Station and the centre. As is also discussed throughout this Report, Edgecliff Station is the only rail stop serving the Woollahra LGA. Given the superior site characteristics and strategic location, the proposed uplift in density will directly support and encourage the use of public transport.</p>
Theme 3: Active Transport	<p>The proposal will provide housing opportunities adjacent to an existing railway station, bus interchange and a wide variety of non-residential uses. As a result, the proposal will seek to encourage walking and cycling within a safe, connected and inclusive network. This cannot be achieved with the current development standards which apply to the site. This in turn will lead to economic benefits as people shop locally and are able to get to the local centre more efficiently, without reliance on private motor vehicles.</p>
Theme 4: Roads and Parking	<p>The proposal will have no impact to the road and parking of New McLean Street. Furthermore, the proposal will have no adverse impact on the surrounding traffic network or intersections, as outlined in the Transport, Traffic and Parking Assessment. In fact, the rationalisation of driveways will improve pedestrian and vehicular safety.</p>

6.3.2.10 Edgecliff Commercial Centre Planning and Urban Design Strategy

The site is located just outside the Edgecliff Commercial Centre and is therefore excluded from the recently endorsed Edgecliff Commercial Centre Planning and Urban Design Strategy (ECCP & UDS). It is understood that the site was excluded from the ECCP & UDS on the basis that the site was underpinned by a Strata Scheme and would have required the acquisition of over 100 strata allotments which was considered unfeasible. However, the applicant has since secured the rights for this land and now seeks redevelopment of the site reflective of its strategic importance.

The subject site and proposed LEP amendments are demonstrably cognisant with the key visions of the strategy. These are as follows:

1. **Grow the centre** – Facilitate uplift on appropriate sites and encourage more retail, employment, residential and community space.
2. **Create a true mix** – With non-residential uses on lower levels, residential above, and integrated community infrastructure. Focusing employment around Edgecliff Station, and shops along New South Head Road.
3. **Accentuate the core** – Reflect the topography, with the tallest buildings on the hill around Edgecliff Station and reduce building height as New South Head Road descends east and west.
4. **Preserve the Western Basin** – Keep building heights lower west of Mona Road and Glenmore Road, to maintain the visual and physical relationship between the Paddington slopes and Rushcutters Bay Park, enhance the landscape character, and retain housing diversity in the area.

5. **Protect heritage and amenity** – Introduce built form measures that respond to heritage and amenity, such as lower street wall heights, locating vehicle entries on secondary streets, and ensuring solar access standards are met.
6. **Design excellence** – Require advice on significant new building proposals from an expert design advisory panel so that new development exhibits excellent urban, architecture, and internal design.
7. **Enhance community infrastructure** – Require new development to contribute toward the provision of new and upgraded community infrastructure.
8. **Affordable housing** – Require new development to provide affordable housing as a percentage of the additional residential floor space achieved.
9. **Diverse housing** – maintain the existing apartment buildings that contribute to housing diversity
10. **Improve the public domain** – Improve liveability via public domain improvements including new public spaces, urban greening, street furniture and lighting, pedestrian paths, cycleways and public art.
11. **Mitigate traffic impacts** – Upgrade traffic and transport infrastructure, encourage active transport use, and manage car parking requirements.

The ECCP & UDS focuses significant density uplift along New South Head Road which relies on cumbersome amalgamation strategies. Where sites are not successfully amalgamated, the resulting parcels will either remain undeveloped or, if developed, rely on New South Head Road for primary vehicle movements (access/egress) including waste collection. Adding additional laybacks to New South Head Road to support new development is considered to be a poor outcome for the future character of the area. It is also noted that the recently endorsed ECCP provides for a density of development which is lesser than that originally envisaged. In this regard, the housing targets set by the Department significantly exceed that which can be provided by the ECCP, and therefore the uplift in density proposed by the subject application is entirely necessary.

As the site is not located within the ECCP & UDS, it has been designed to provide an appropriate transition in built form and density from Edgecliff Railway Station to Trumper Park and Oval. The height and floor space, as shown in the concept envelopes, will not compete with the hierarchy of the centre and will complement its commercial characteristics, in addition to the surrounding Paddington HCA and public open spaces. As set out in this Report, this has been achieved through appropriately designed podium and tower location and heights, setbacks and landscaping.

Following the above, the Planning Proposal will satisfy the vision of ECCP & UDS, but not within the current set of planning controls. In particular, the proposed concept scheme would support actions 5, 6, 8, 9, 10 and 11, by allowing for greater housing diversity, including affordable housing, via increased densities close to transport and at a walkable distance from other neighbourhood amenities. This will be accompanied by significant upgrades to the public domain.

Given the site's proximity to public transport and its accessibility to a range of commercial, community and recreational facilities, there is also an opportunity to promote development which will meet vision 11 by reducing car usage on a site close to an existing railway station. This will in turn encourage public and active transport throughout the locality, from the proposed residential dwellings.

Redevelopment of the subject site to an increased height and density is clearly capable of satisfying all the visions of the Edgecliff Commercial Centre. Any future development will be capable of achieving design excellence, through the provision of a built form which will align with the concept envelopes as developed throughout this Planning Proposal process and will ultimately contribute to the desired future character of the locality.

6.3.2.11 Edgecliff Commercial Centre Transport Study

Prepared alongside the ECCP & UDS is the *Edgecliff Commercial Centre Transport Study* (ECCTS). The ECCTS recognises Edgecliff as an integral transport interchange, providing Woollahra's only railway station. The ECCTS indicated that residents of the study area, being the Edgecliff Commercial Centre, relied heavily on train, private vehicle and walking for travel to work to the Sydney CBD and surrounding suburbs. The ECCTS provides the following strategic recommendations, where relevant to the subject proposal:

- *Current maximum and minimum parking provision rates and parking multipliers within Part E 'General Controls for all Development' of the Woollahra Development Control Plan (2015) should be evaluated in view of considering a reduction, particularly for residential uses.*
- *Consider the inclusion of mandatory car share space(s) within developments above a determined threshold.*
- *Ensure travel plans are effectively delivered by development proponents.*
- *Undertake regular monitoring of public transport conditions, to make informed decisions about the success of strategies and transport needs within the LGA.*
- *Straighten the pedestrian crossing on the southern side of the New South Head Road / Darling Point Road / New McLean Street intersection (across New McLean Street) to improve safety for pedestrians crossing the road, in particular visually impaired pedestrians.*
- *Key infrastructure upgrades to support cycling across the Woollahra LGA.*

In accordance with the above, the proposed uplift in density will be capable of supporting the strategic recommendations as listed above. Specifically, the redevelopment will bring with it additional residential uses which will support residents living and working in the Edgecliff locality. Furthermore, the proposal will continue to encourage public transport usage, whilst improving the pedestrianised environment. Any future development can also consider a reduction in parking, provision of additional carshare and introduction of travel plan programmes. This proposal therefore supports recommendations of the ECCTS.

Ultimately, the site's highly accessible nature and strategic characteristics will directly align with the ECCTS.

6.3.2.12 Woollahra Local Housing Strategy 2021

The Woollahra Local Housing Strategy 2021 (Housing Strategy) was adopted by Council on 25 October 2021. The Housing Strategy was prepared to align with the LSPS and seeks to facilitate housing and residential development which will meet the current and future needs of the community, best fit within the local character and infrastructure capacity and contribute to the Eastern City District housing targets. The Housing Strategy also establishes preferred locations for housing growth, ensuring higher density housing is in close proximity to public transport and key centers.

The Housing Strategy provides five priority objectives which are outlined below, with responses detailing how the proposal is consistent with these initiatives. The objectives as listed below align with the GSRP, ECDP and LSPS.

Table 13 Housing Strategy Objectives

<p>1. Sustain a diverse range of housing types and protect low density neighbourhoods and villages.</p>	<p>The subject site is located in proximity to a variety of land uses and zoning. Whilst located in the Paddington HCA, it is well placed for a significant uplift in density to meet the housing demands of the LGA given its close proximity to established public transport options. As described elsewhere, the proposal will provide a stepped built form where it adjoins the low density residential zone to the east, which recesses as building height increases. This protects the character and amenity of the low density residential dwellings.</p> <p>Following the above, whilst the proposal will increase the density on the site, analysis provided within the UDR prepared by <i>FJC</i> and Visual Impact Assessment prepared by <i>Urbaine</i> demonstrate that the proposal will maintain the character of the surrounding low-density neighbourhoods. Importantly, the proposal will replace existing residential flat buildings containing approximately 106 strata titled units, which are reaching the end of their economic life, with a high quality, higher density development. It is also considered that there is no better place to locate the proposed increase in density than next to Edgecliff Railway Station and Commercial Centre.</p>
<p>2. Facilitate opportunities for housing growth in locations identified in the</p>	<p>The subject site is located adjacent to Edgecliff Railway Station and bus interchange and is therefore in a prime location to benefit from housing growth. As discussed, it is understood that the subject site was excluded from the ECCP & UDS given it is underpinned by a Strata Scheme.</p>

Table 13 Housing Strategy Objectives

Woollahra Local Housing Strategy.	As this issue has been resolved, the site is well-suited to the uplift in density consistent with the ECCP & UDS. Whilst it is noted that the proposal will increase the density, it will provide a transition in bulk, scale and density from Edgecliff Railway Station to the north, and Trumper Park to the south. Ultimately, the proposal will facilitate and support diverse, affordable housing.
3. Ensure housing conserves heritage, maintains local character and achieves design excellence.	As outlined above, the proposed concept scheme has considered the relationship to the Paddington HCA and Edgecliff Local Centre. Importantly, the increase in building height and FSR will have no adverse impact to the Paddington HCA per the Heritage Impact Statement prepared by <i>Curio Projects</i> . Additionally, the envelopes have also been developed following an independent Urban Design Review prepared by <i>SJB</i> . The location and height of podium and towers, setbacks and landscaping, as shown in the concept proposal, establishes an appropriate relationship to the existing and desired future character of the locality. Any future development application must ensure that design excellence is achieved.
4. Ensure that new housing contributes to tree canopy and to long-term sustainability outcomes.	<p>The proposal will require the removal of select vegetation to accommodate the concept envelopes. Whilst vegetation is to be removed, this is to be replaced with compensatory planting around the periphery of the building and on podium structures. The future landscaping will contribute to enhancing the canopy of retained trees with careful species selection. Importantly, the proposal will retain vegetation around the periphery of the site and within the public domain, particularly to Trumper Park.</p> <p>The removal of vegetation has been considered in the Arboricultural Impact Assessment prepared by <i>Urban Arbor</i> and Biodiversity Assessment prepared by <i>Biosis</i>. In terms of sustainability, an ESD Report prepared by <i>SLR</i> is also submitted which provides recommendations for measures which can be implemented to ensure a sustainable outcome.</p>
5. Support increased supply of accessible housing and affordable rental housing.	The reference scheme indicates that 84 x single bedroom and 112 x two bedroom dwellings can be provided which will improve the opportunity for lower-income households to live within the area. In addition, a diverse unit mix control is provided within the WLEP and Draft SSDCP. Furthermore, the proposal will allocate a percentage of the gross floor area uplift as affordable housing, as discussed in this Report. The proposed increase of density and relationship of the subject site to public transport and a wide variety of uses will encourage the supply of accessible housing.

6.3.2.13 Woollahra Affordable Housing Policy 2021

The Woollahra Affordable Housing Policy 2021 seeks to increase the supply of affordable housing, particularly for key and essential workers on low and moderate incomes. The objectives of the policy are as follows:

- (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*
- (c) To ensure planning controls facilitate the supply of new affordable housing that is appropriately designed and located*
- (d) To effectively manage Council affordable housing assets and / or programs*
- (e) Advocate for affordable and social housing needs within the Woollahra LGA, the Eastern City District, and Greater Sydney*

(f) To provide suitable support initiatives and referral services to households experiencing housing stress.

As shown in the reference scheme, the proposal validates the provision of approximately 246 residential apartments. Of these, there are 84 x 1 bedroom and 112 x 2 bedroom apartments, which will improve the opportunity for lower to moderate income households to live within the area. This will suitably replace the existing 106 x 1 bedroom residential apartments on the subject site, noting that an additional clause relating to “no net loss” of dwellings is proposed to be implemented into WLEP, to ensure the delivery of a variety of affordable residential dwellings.

In addition to the above, the proposal will also allocate 2.76% of the GFA uplift as affordable housing in perpetuity, as implemented into WLEP. This will also contribute to the delivery of affordable housing in Woollahra and is therefore considered to satisfy the Woollahra Affordable Housing Policy 2021.

Q5: Is the planning proposal consistent with applicable state and regional studies or strategies?

There are no other state and regional studies or strategies to which the proposed LEP amendments are required to align.

Q6: Is the Planning Proposal consistent with the applicable State Environmental Planning Policies?

There are no State Environmental Planning Policies (SEPPs) or draft Policies or Deemed SEPPs that would prohibit or restrict this Planning Proposal. A list of relevant SEPPs is included in **Table 14**.

Table 14 Relevant State Environmental Planning Policies

SEPP	Relevance	Y/N	Comments
SEPP Resilience and Hazards 2021	The Resilience and Hazards SEPP repealed and replace three former SEPPs related to coastal management, hazardous and offensive development and remediation of land.	Yes	<p>The application for a Planning Proposal will not change the land use zoning and therefore any development for residential uses will require contamination investigations. A Preliminary Site Investigation prepared by <i>Geosyntec</i> has been submitted for the site. This application for a Planning Proposal will not result in any activities which would be likely to expose humans or the environment to risks of contamination. It is also noted that the site is currently zoned for Medium Density Residential in which it is occupied by two residential flat buildings with approximately 106 dwellings. The proposal is consistent with the use already established on-site.</p> <p>In terms of Coastal Management and Hazardous or Offensive Material, the application does not change the manner in which the chapters of the SEPP applies to the site.</p>
SEPP (Sustainable Buildings) 2022	This SEPP encourages the design and delivery of more sustainable buildings across NSW. It sets sustainability standards for residential and non-residential development and starts the process of measuring and reporting on the embodied emissions of construction materials.	Yes	This application does not change the manner in which this SEPP will apply to any future development application for new residential accommodation.

Table 14 Relevant State Environmental Planning Policies

SEPP	Relevance	Y/N	Comments
SEPP (Housing) 2021	<p>This SEPP aims to incentivise the supply and ensure the effective delivery of new affordable and diverse housing. The Housing SEPP consolidates six existing housing related policies, including:</p> <ul style="list-style-type: none"> • State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP); • SEPP 65 (Design Quality of Residential Apartment Development) • State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 (Seniors SEPP); • State Environmental Planning Policy No 70 - Affordable Housing (Revised Schemes) (SEPP 70); • State Environmental Planning Policy No 21 - Caravan Parks; and • State Environmental Planning Policy No 36 - Manufactured Home Estates. 	Yes	<p>This application does not change the manner in which this SEPP applies to the site. As the site is within 800m of a railway station it would be deemed in an accessible area, and the SEPP (Housing) 2021 would apply, if sought by the applicant.</p> <p>In relation to Chapter 4 Design of residential apartment development, the provisions will continue to apply to the site. The concept proposal and reference scheme prepared by <i>FJC</i> submitted with the application demonstrates general compliance with the ADG provisions, including, but not limited to the following:</p> <ul style="list-style-type: none"> • A mix of apartment sizes of sufficient area and private open space; • Solar access to a requisite number of apartments, per the reference scheme; • Cross ventilation to a requisite number of apartments, per the reference scheme; • Acceptable building to building separation; and • Sufficient communal open space and deep soil landscaping. <p>The application for a Planning Proposal does not change the way in which the SEPP would</p>
SEPP (Exempt and Complying Development Codes) 2008	This SEPP defines types of development for which development consent is not required.	Yes	This application for a Planning Proposal does not change the manner in which this SEPP applies to the site.
SEPP (Transport and Infrastructure) 2021	<p>This SEPP aims to facilitate the delivery of new infrastructure and protect the safe and efficient operation of existing infrastructure. This SEPP repeals and replaces four former SEPPs related to infrastructure, transport, education and childcare.</p>	Yes	<p>The application for a Planning Proposal does not change the way in which the SEPP would apply to the site or to future development upon the site.</p> <p>Acoustic impacts from the surrounding locality have been investigated as part of this concept proposal and will be further investigated with any future detailed application to ensure new dwellings are compatible with the ongoing operation of the surrounding locality, namely, Edgecliff Railway Station and bus interchange.</p> <p>On-site parking has also been considered in accordance with the submitted Traffic Impact Assessment prepared by <i>JMT Consulting</i>.</p>

Table 14 Relevant State Environmental Planning Policies			
SEPP	Relevance	Y/N	Comments
			Any future childcare centre under Chapter 3 will be subject to detailed applications and this Planning Proposal does not change the way the SEPP applies.
SEPP (Biodiversity and Conservation) 2021	This SEPP repeals and replaces 11 previous SEPPs.	Yes	The application for a Planning Proposal does not change the way in which the SEPP would apply to the site or to future development upon the site. The removal of vegetation will be subject to a future development application, noting it has been considered in the submitted Arboricultural Impact Assessment and Biodiversity Assessment.
SEPP (Industry and Employment) 2021	This SEPP repeals and replaces two former SEPPs related to employment lands in Western Sydney and advertising and signage.	Yes	The Planning Proposal does not change the way in which the SEPP (specifically, Chapter 3 Advertising and Signage) would apply to the site or to future development upon the site.
SEPP (Planning Systems) 2021	This SEPP identifies state or regionally significant development, state-significant infrastructure, and critical state-significant infrastructure.		This Planning Proposal does not change the way in which this SEPP would apply to the site or to future development

Q7: Is the Planning Proposal consistent with the applicable Ministerial Directions?

The proposal is consistent with all applicable Ministerial Directions under Section 9.1 of the *Environmental Planning and Assessment Act 1979* as outlined in the below table.

Table 15 Section 9.1 Ministerial Directions			
Ministerial Direction	Relevance	Y/N	Comments
1. Planning Systems			
1.4 Site Specific Provisions	This direction applies to all relevant planning authorities when preparing a planning proposal that will allow a particular development to be carried out.	Yes	The Planning Proposal will not alter the currently permitted uses and will seek to increase density on the site and is therefore considered acceptable.
3. Biodiversity and Conservation			
3.1 Conservation Zones	This direction applies to all relevant planning authorities when preparing a planning proposal. A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas	N/A	The subject site is not zoned or identified as environmentally sensitive land and therefore this direction does not apply. It is noted that a Biodiversity Assessment prepared by <i>Biosis</i> is submitted with this proposal.

Table 15 Section 9.1 Ministerial Directions

3.2 Heritage Conservation	<p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p> <p>A planning proposal must contain provisions that facilitate the protection and conservation of heritage significance and Indigenous heritage significance</p>	Yes	<p>The subject site is located within the <i>Paddington Heritage Conservation Area</i>. As such, a Heritage Impact Statement prepared by <i>Curio Projects</i> is submitted with this proposal. Furthermore, analysis is provided in the Urban Design Report prepared by <i>FJC</i> and Visual Impact Assessment prepared by <i>Urbaine</i>. An additional independent Urban Design Review has also been undertaken by <i>SJB</i> as part of the Pre-Gateway Determination.</p> <p>The concept proposal takes into account the additional density sought as part of this Planning Proposal. It is demonstrated that the proposed envelope will be compatible with the context and setting of the surrounding properties including those in Edgecliff and the Paddington HCA. The increased density will be appropriately modulated to relate to the surrounding area through separation and the appropriate distribution of bulk and scale. As discussed in this Report, the proposal provides for a stepped built form with increased setbacks where a greater building height is proposed, as it relates to the boundary shared with the low density heritage conservation area to the east, thus providing an appropriate visual and physical buffer. This is further improved through the integration and retention of high quality landscaping.</p> <p>An additional assessment of heritage impacts would be required as part of the future detailed development application. This would consider architectural design and would address any potential impacts, including visual impacts associated with the detailed design. The proposed LEP amendment is consistent with Direction 3.2</p>
3.7 Public Bushland	<p>This direction applies when a planning proposal authority prepares a planning proposal for land in the Woollahra Local Government Area.</p> <p>A Planning Proposal must retain public bushland unless the planning proposal authority is satisfied that significant environmental, economic or social benefits will arise that outweigh the value of the public bushland.</p>	N/A	<p>The subject Planning Proposal is not located within any public bushland. Whilst it is noted that the site is adjacent to Trumper Park and Oval, however, the proposal will not affect this public open space.</p>
3.9 Sydney Harbour Foreshores and Waterways Area	<p>This direction applies when a planning proposal authority prepares a planning proposal for land within the Foreshores and Waterways Area as defined in the State Environmental Planning Policy (Biodiversity and Conservation) 2021.</p>	N/A	<p>The subject site is not located within the foreshore and waterways area and therefore this direction does not apply.</p>

Table 15 Section 9.1 Ministerial Directions

4. Resilience and Hazards

<p>4.1 Flooding</p>	<p>This direction applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> <p>A planning proposal must include provisions that give effect to and are consistent with:</p> <ul style="list-style-type: none"> (a) the NSW Flood Prone Land Policy, (b) the principles of the Floodplain Development Manual 2005, (c) the Considering flooding in land use planning guideline 2021, and (d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council. <p>(3) A planning proposal must not contain provisions that apply to the flood planning area which:</p> <ul style="list-style-type: none"> (a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties, (c) permit development for the purposes of residential accommodation in high hazard areas, (d) permit a significant increase in the development and/or dwelling density of that land, (e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate, (f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent, (g) are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or 	<p>Yes</p>	<p>The Planning Proposal which seeks to increase the maximum building height and floor space ratio, and therefore the flood affectation of the site has been considered by this application.</p> <p>Submitted with this Planning Proposal is a Services Infrastructure Report prepared by <i>Stantec</i>, which deals appropriately with flooding.</p> <p>In regard to the provisions, the Planning Proposal will not:</p> <p>Permit development in any floodway area.</p> <p>Will not result in any significant flood impact to neighbouring properties;</p> <p>Will not alter the permitted uses on-site, including residential accommodation.</p> <p>Whilst the proposal will increase the density on-site, it will not have any adverse impact to the sites flood affectation or safety of the general public. This is addressed in the accompanying Flood Letter.</p> <p>Will not change permissibility on-site, with all future detailed applications being designed in accordance with the sites flood affectation.</p> <p>The Planning Proposal has no affect in this regard.</p> <p>The Planning Proposal will not result in any significantly increased requirement for government spending.</p> <p>Will not change permissibility on-site.</p>
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Table 15 Section 9.1 Ministerial Directions

	<p>(h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.</p> <p>(4) A planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply which:</p> <p>(a) permit development in floodway areas,</p> <p>(b) permit development that will result in significant flood impacts to other properties,</p> <p>(c) permit a significant increase in the dwelling density of that land,</p> <p>(d) permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,</p> <p>(e) are likely to affect the safe occupation of and efficient evacuation of the lot, or</p> <p>(f) are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.</p> <p>(5) For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.</p>		<p>No Special Flood Considerations apply, as follows:</p> <p>Will not permit development in a floodway area.</p> <p>Will not result in significant flood impacts to the surrounding locality.</p> <p>Whilst increase in the dwelling density, will have no impact to the flooding of the land.</p> <p>As detailed, will not include any additional uses.</p> <p>The proposal will not affect the safe occupation of the land.</p> <p>Will not result in any significant government spending.</p> <p>Refer to Section 7.1 of Services Infrastructure Report.</p>
4.4 Remediation of Contaminated Land	<p>This direction applies when a planning proposal authority prepares a planning proposal that applies to:</p> <p>(a) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997,</p> <p>(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</p> <p>(c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:</p> <p>i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</p>	Yes	<p>A Preliminary Site Investigation (PSI) has been prepared by <i>Geosyntec</i>. The PSI has concluded that the subject site is unlikely to be contaminated or contain hazardous materials. Any required remediation works will be subject to separate development applications. As detailed, the proposed use will be consistent with that already established on the subject site.</p> <p>The Planning Proposal demonstrates the land is suitable for development and this application for a Planning Proposal is therefore consistent with Direction 4.4.</p>

Table 15 Section 9.1 Ministerial Directions

	ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).		
4.5 Acid Sulfate Soils	<p>This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils when preparing a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps held by the Department of Planning and Environment.</p> <p>The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</p>	Yes	The land is mapped under the WLEP as containing Class 3 and 5 Acid Sulfate Soils. The Preliminary Site Investigation prepared by <i>Geosyntec</i> has concluded that there is a low risk of groundwater, and the site will be suitable for redevelopment aligning with this Direction.

5. Transport and Infrastructure

5.1 Integrating Land Use and Transport	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>(1) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</p> <p>(b) The Right Place for Business and Services – Planning Policy (DUAP 2001)</p>	Yes	<p>This Planning Proposal will increase maximum building height and floor space ratio which applies to the subject site. Therefore, the maximum density on-site will be increased.</p> <p>It is noted that the concept proposal will provide an increase of residential accommodation on the site. As such, a Traffic Impact Assessment has been prepared by <i>JMT Consulting</i> which concludes that the concept proposal and Reference Scheme will not have any adverse impact to the locality. The application for a Planning Proposal is therefore consistent with Direction 5.1.</p>
5.2 Reserving Land for Public Purposes	<p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p> <p>(1) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary).</p>	N/A	Not applicable to subject Planning Proposal.
5.3 Development Near Regulated Airports and Defence Airfields	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.</p>	Yes	<p>The subject site is affected by an Outer Horizontal Surface of 156m AHD. The concept envelope will not exceed this limitation and as such, does not require further consideration.</p> <p>The application for a Planning Proposal is therefore consistent with Direction 5.3.</p>

6. Housing

Table 15 Section 9.1 Ministerial Directions

6.1 Residential Zones	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.</p> <p>(1) A planning proposal must include provisions that encourage the provision of housing that will:</p> <p>(a) broaden the choice of building types and locations available in the housing market, and</p> <p>(b) make more efficient use of existing infrastructure and services, and</p> <p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</p> <p>(d) be of good design.</p> <p>(2) A planning proposal must, in relation to land to which this direction applies:</p> <p>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>(b) not contain provisions which will reduce the permissible residential density of land.</p>	Yes	<p>The Planning Proposal will increase the maximum building height and floor space ratio which applies to the R3 Medium Density Residential zone, on the subject site. This will result in an increased density, in which the proposal is considered to align with Direction 6.1.</p> <p>The increase in density will offer the opportunity to increase housing diversity in a high-density environment which is consistent with the strategic location of the site.</p> <p>The Planning Proposal will increase the density permitted on-site, and therefore result in a more efficient use of the infrastructure and services within the surrounding locality.</p> <p>The Planning Proposal will allow for an increase of density in a highly accessible location, with a desirable local government area.</p> <p>The concept proposal delivers a high quality, development. This will also be subject to further consideration during the development application phase.</p> <p>The land is adequately serviced and residential accommodation is permitted under the current zoning, which will not be changed.</p> <p>As above.</p> <p>The application for a Planning Proposal is therefore consistent with Direction 6.1.</p>
7. Industry and Employment			
7.1 Employment Zones	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed Employment zone (including the alteration of any existing Employment zone boundary).</p>	N/A	<p>The site is zoned R3 Medium Density Residential and this direction does not apply.</p>

6.3.3 Section C - Environmental, Social and Economic Impacts

Q8: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The subject site contains large areas of native vegetation. The proposal seeks to retain as much native vegetation as possible through the building design and layout. The proposal has been subject to detailed input throughout the design development process from the project Arborist (*Urban Arbor*), Biodiversity expert (*Biosis*) and landscaped consultant

(FJC). This has been undertaken to maximise the retention of important vegetation throughout the site and within the public domain.

Whilst it is noted that the proposal will require the removal of existing vegetation on-site, it will protect vegetation within Trumper Park and Oval. Further to this, vegetation around the periphery of the concept envelopes, located within the site boundaries, will also be protected where practicable. This has resulted in a concept proposal which has been ultimately designed around tree retention, protecting as many 'AA' important trees as possible.

Following the above, where vegetation around the perimeter of the site will be retained, the proposal will also include additional mature vegetation and podium landscaped areas to compensate for any vegetation lost within the buildable area. This will soften the built form as viewed from the neighbouring properties, particularly to the low-density terraces houses to the east. Similarly, New McLean Street is enhanced by integrated landscaping, which will enliven and vitalise the locality, whilst softening the pedestrianised bulk and scale as viewed from the streetscape. This landscaping also enhances the flora and fauna network from New McLean Street to Trumper Park and Oval.

It is imperative to note that there are no known critical habitat or threatened species, populations or ecological communities present on-site, which will be adversely impacted by the proposal. This has been considered in detail within the Biodiversity Assessment prepared by Biosis. The following conclusion is made by the Biodiversity Assessment;

'...A total of approximately 0.33 hectares of planted native vegetation was identified within the study area, of which up to 0.22 hectares would be removed by the proposed works. There is also potential for additional vegetation to be retained at the northern end of the property along road verge. Native trees will be retained where possible in accordance with the Tree Management Plan (FJCstudio 2023) (Appendix 3). For the reasons outlined in the ToS, the proposed works, as currently designed, are deemed to not have a significant impact on the threatened species. Were the proposal to go ahead a number of safeguards to avoid, minimise and mitigate the above impacts have been included in Section 5 of this report including detailed design recommendations, exclusion fencing and recommendations regarding appropriate hygiene protocols for vegetation clearing and plant (see 5.2 below).

Following field investigations, five species listed under the BC Act were also considered to have a moderate likelihood of occurrence in the study area: Little Lorikeet Glossopsitta pusilla, Eastern Coastal Free-tailed Bat Micronomus norfolkensis, Little Bent-winged Bat Miniopterus australis, Southern Myotis Myotis macropus, and Yellow-bellied Sheath-tail-bat Saccolaimus flaviventris. ToS were carried out for fauna species to which the proposal was considered likely to impact on limiting foraging resources. These assessments concluded the proposal is unlikely to have a significant impact on any BC or EPBC Act listed fauna species. Safeguards specific to the removal of threatened and general fauna species habitat have been provided below, including supervision of habitat clearance and information on ecological values to be included in site inductions and pre-start meetings...


The Biodiversity Assessment also provides for a series of recommendations, which are imposed to minimise the disturbance to any surrounding native vegetation and fauna habitat. These can be considered within any future development application.

Q9: Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The concept or reference scheme included in this Planning Proposal demonstrates the site arrangement and building envelope which can be achieved on the site, subject to the increase in maximum building height and floor space ratio. The urban design approach ensures that any environmental effects will be appropriately managed, as discussed in detail below.

Strategic Massing and Building Envelopes

The intent of this Planning Proposal is to provide concept envelopes which appropriately relate to the characteristics of the locality and surrounding developments (both existing and future), to enable redevelopment which will improve the public domain, provide numerous public benefits and allow for an increase in density. This is detailed in the UDR



prepared by *FJC* and submitted with this Report. The concept envelopes have been developed following detailed design development and collaboration between numerous experts to deliver a development which is reflective of the strategic and site specific importance of the subject site. In addition, the concept envelopes have also been reviewed and modified following input from the Department's PPA Team, SECPP and the independent Urban Design Review undertaken by *SJB*. This has resulted in a strategic massing which will bring with it an appropriate balance and distribution of massing between the podium and tower structures, landscaping, neighbouring properties and public domain.

As mentioned, the proposed concept envelopes have undergone various amendments and iterations. They have been designed in response to an urban design analysis of the site and surrounding locality. As the current WLEP does not allow for any redevelopment of the site, this Planning Proposal is necessary to enable an innovative and flexible vision. The increase in building height and density ultimately delivers a concept scheme which will relate to the character of the locality, public domain and neighbouring properties, whilst also improving liveability and amenity consistent with the site's strategic location.

The concept envelopes provide for a high-quality residential development which appropriately addresses New McLean Street and Trumper Park, whilst providing appropriate separation to the surrounding properties. The increase in building height and floor area has allowed for the delivery of a defined podium, which steps according to the topography and recesses from the side boundaries, with slender tower form above, addressing New McLean Street and Trumper Park. The built form is strategically located to take its cues from the anticipated envelopes of the Edgecliff Commercial Centre, whilst minimising impact to the Paddington Heritage Conservation Area and Trumper Park. Not only will the concept scheme improve the greater streetscape and urban character, but will also improve the pedestrian environment through urban, architectural and landscape design.

The concept envelopes and strategic distribution of built form allows for a high quality and well-resolved architectural and urban design, whilst also improving the relationship to and the amenity of the public domain. The distribution of massing within the proposed tower allows for the reduction of built form on the lower levels and provision of distinctive benefits, especially the increased separation to the two storey dwellings in Cameron Street and minimising the overshadowing to Trumper Park and Oval. The proposal will deliver an appropriate hierarchy of built form which follows the topography down from the Edgecliff Commercial Centre and railway station to Trumper Park and the wider Paddington locality. This will improve amenity of the public domain and pedestrianised environment.

Overall, the concept envelope achieves the best possible outcome for the site in terms of improving streetscape character, ensuring compatibility with the surrounding locality and providing a high level of amenity for future occupants and the public domain. The built form will seek to provide a cohesive streetscape and urban design outcome, which strategically locates floor area within key portions of the site. The outcome of this concept scheme is the ability to provide a high quality urban design which will deliver distinct improvements to the locality not currently envisaged by the LEP and DCP. That is, the proposal provides a defined podium and slender tower relating to the commercial centre, surrounding public open spaces and heritage area (**Figure 26**).

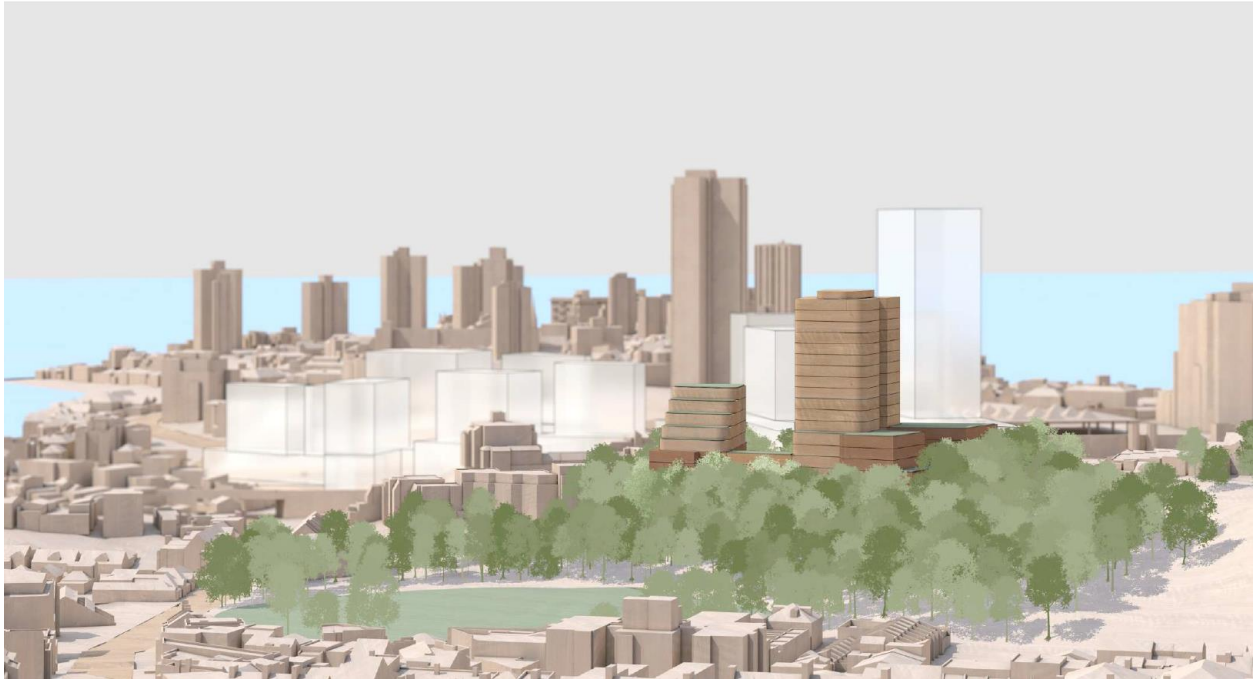


Figure 26 Perspective of concept proposal

It is also pertinent to note that the concept envelope has been designed with appropriate curtilage to allow for the delivery of high quality, contemporary development which will form part of a detailed development application. The concept envelope will allow for varied skyline while maintaining a suitable relationship at a pedestrianised scale, with the appropriate integration of podium levels and tower components throughout the site. Importantly, the building heights have considered the bulk and scale of neighbouring properties to inform the design thus allowing for a cohesive streetscape and urban design.

In summary, the proposed building envelopes will sit comfortably within their surroundings, providing a strong base for the delivery of high quality, modern and attractive design as will be subject to future detailed applications. Being located in a strategic position, the concept scheme will provide a higher density transit-orientated development, with a centralised open space and public domain improvements.

Heritage

The concept scheme has been designed to appropriately relate to the character and built form of the Paddington Heritage Conservation Area. The concept scheme, as detailed in the relevant supporting documents, provides an appropriate relationship with the surrounding heritage conservation area through the creation of a well-defined podium with appropriate separation and recesses, with a slender tower form setback from the interface. This is provided by the minimum 8m to 12m side boundary setback to the podium with a three storey equivalent form that relates to the height of the terraces in Cameron Street. An additional setback of 14m to 18m is provided to the six storey component of the podium, and subsequent 30m to 31m setback to the tower. The 8m to 12m setbacks are heavily landscaped at street level to provide a visual buffer and soften the appearance of the development at the pedestrian level. These design measures limit the visual impact of the proposal, despite the significant uplift in density proposed.

On the upper levels, namely the tower form, this is slender and setback significantly from the site boundaries and podium form below. The visual and physical curtilage around the proposed tower form, in addition to its orientation (which is parallel to the eastern boundary), provides an appropriate buffer and relationship to the adjacent terraces in the Paddington HCA.

The tower will be taller than the built form of the Paddington HCA to the west and south, which creates a contrast in scale. This contrast in scale is contemplated under the ECCP & UDS where the sites on New South Head Road, including the Edgecliff Centre, adjoin the HCA and all contain tower elements ranging from 5-26 storeys. Therefore,

the concept scheme does not result in any new or adverse impacts not already associated at the interface between the Edgecliff Commercial Centre or adjacent development on Ocean Street and the terraces in Arthur Street, Herbert Road and Great Thorne Street.

The retention and provision of vegetation, in addition to public domain improvements through design, will also soften this relationship and improve the outlook for neighbouring dwellings. This is better than the interface between the commercial centres and terraces in Albert, Herbert and Great Thorne Streets (above). Importantly, the tower element will be compatible with and lesser than the height and FSR of other buildings in the ECCP & UDS as well as other towers along the Darling Point ridgeline as discussed in Part 6.3.2.5 of this Report (above).

The impact of the concept proposal has been fully explored in the Heritage Impact Assessment prepared by *Curio Projects* and provided with this proposal. The Heritage Impact Assessment concludes and recommends the following:

...8.1 Conclusion

The revised planning proposal and conceptual building envelope responds to the key considerations and outcomes raised within the Independent Urban Design Review by SJB, and recommendations provided by the Sydney Eastern City Planning Panel.

The proposal involves the demolition of the existing two residential flat buildings located within the site, along with removal of the car park structure, swimming pool and associated structures. The revised building envelope has been designed to incorporate varied massing involving concentration of the higher bulk to New McLean Street frontage (which will in-turn take advantage of future changes to the Edgecliff Centre), as well as transitional massing and podium forms which will respect the scale of historical development to the south-east, and conserve sunlight access to Trumper Park within the Paddington HCA. The incorporation of sufficient setbacks provide opportunities for additional landscaping around the site, particularly to enhance streetscape views and physical connections along New McLean Street, as well as provide screening and amenity at its interface with the Victorian terraces to the south-east particularly and to Trumper Park to the south.

The proposal will have a minor impact on views towards the subject site from within and around the Paddington HCA, with the incorporation of transitional massing of the podium form and boundary setbacks as well as the careful consideration of materiality and articulation along the podium and tower elevations, the building envelope will be able to sit comfortably within its immediate historical context, and will not dominate longer views of the skyline from within the HCA. The proposal will also be able to conserve the existing setting and views to and from the nearby heritage items and HCAs.

Overall, Curio considers that the revised planning proposal and the conceptual building envelope will have a negligible physical impact on the fabric and setting of the Paddington HCA, and a minor visual and acceptable impact given its existing and anticipated future context.

8.2 Recommendation

With the involvement of heritage advice and expertise throughout the design development stage, the planning proposal for 8-10 New McLean Street would form the basis of a development which can be both heritage sensitive and progressive and will enhance the character of New McLean Street and take advantage of its proximity to the transport and amenities of Edgecliff Centre.

Recommendations for planning proposal to be developed further include:

- Involvement of heritage specialist at the detailed design stage, so as to ensure heritage sensitive design is incorporated at an early stage.*
- Incorporated heritage advice on the proposed massing at podium and tower levels, façade articulation, materiality and finishes of proposed developments on site.*
- Development of integrated landscaping throughout the site.*
- Preparation of a photographic archival recording.*

- *Development of a Heritage Interpretation Strategy and Heritage Interpretation Plan which captures and highlights the history of the site and its place within the Paddington HCA. The heritage interpretation should also seek to capture the history of the existing buildings on site as part of the larger St James Glebe redevelopment that was never fully realised...*

Solar Access

Shadow and Sun-Eye Diagrams have been prepared by *FJC* and demonstrate the extent of shadows cast by the concept envelopes between 9am and 3pm on 21 June. The shadow diagrams also demonstrate the shadow cast by the existing and future development in the surrounding locality. The detailed analysis of the potential shadows has been considered for both the surrounding properties and Trumper Park and Oval.

As discussed below, it is considered that the proposed development will retain adequate solar access to the neighbouring properties and public domain. Whilst the proposed uplift will result in a degree of additional overshadowing, this is appropriately managed through the various design measures discussed in this Report and within the supporting documentation.

Solar access of Trumper Park and Oval

Under Section *D4.2 Edgecliff Centre controls*, *D4.2.3 Objectives and controls*, C29 requires the following:

C29 Solar access to the Trumper Park Oval is provided between the hours of 10am and 2pm on 21 June. Where existing overshadowing is greater than this, sunlight is not to be further reduced

In accordance with the above, shadow and sun eye diagrams have been prepared by *FJC* demonstrating the impact of the concept proposal upon the existing open space of Trumper Park and Trumper Oval, as reproduced in **Figure 27** below.

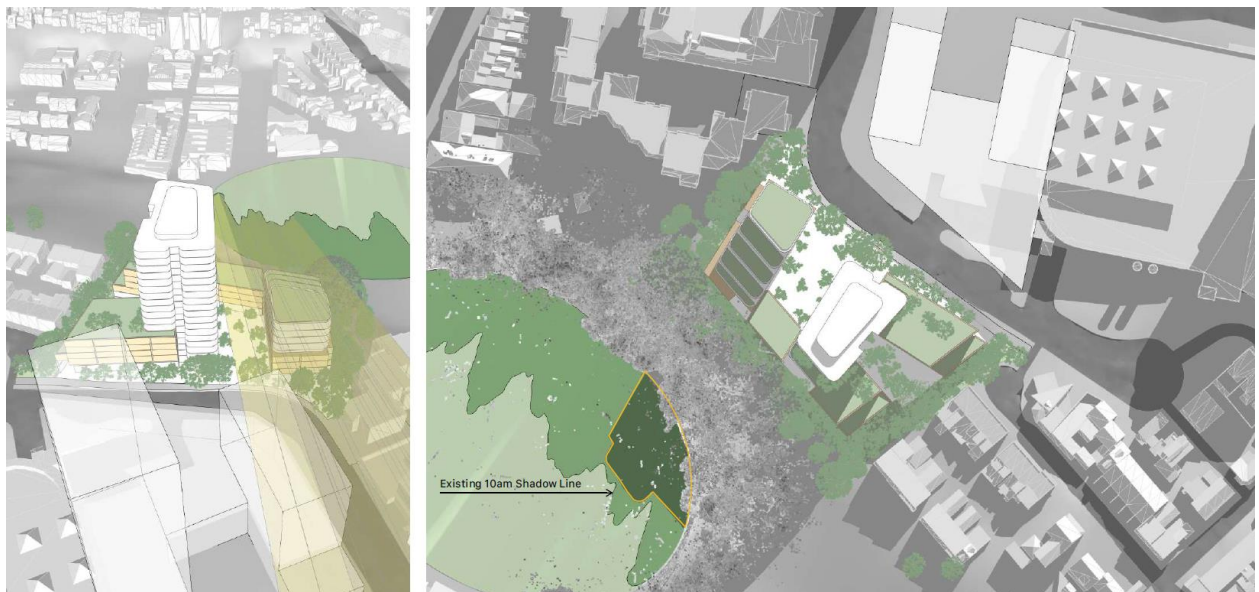


Figure 27 Shadow impacts to Trumper Park and Oval at 10am, mid-winter

The shadow diagrams detail that the anticipated envelopes of the concept scheme will have no additional adverse impact on Trumper Oval between 10am and 2pm during mid-winter, when including the shadows cast by the ECCP built forms and existing vegetation within Trumper Park. To verify the impact of the existing vegetation onto the solar gain of Trumper Oval, a Shadow Report has been prepared by *Norton Surveyors*. This Shadow Report involved an analysis of the solar impacts created by the existing vegetation, from 9am to 3pm during mid-winter.

It is imperative to consider the extent of overshadowing created by the future ECCP built forms and the existing vegetation within Trumper Park, given this is located within the public domain and is unlikely to ever be removed. This

ensures that whilst the proposal will technically cast shadow onto Trumper Oval, there will be no greater impact than what is caused by the future envelopes and existing vegetation.

Specifically, the following is noted regarding shadow impacts during mid-winter:

- **9am:** The proposed shadows cast by the concept envelopes are predominately within the extent to the built form permitted by the ECCP, thereby limiting any additional impact to Trumper Oval.
- **10am:** There is no additional shadow impact to Trumper Oval at 10am created by the proposal, when considered against the existing vegetation as shown in the Figure above.
- **11am to 3pm:** The proposal will have no further impact to the solar access of Trumper Oval.

As described above, the proposal will not result in any adverse solar impact when assessed against the impacts created by the ECCP built forms and the existing vegetation. The extent of solar impact has been determined following careful analysis and massing of the concept envelopes, consistent with the independent Urban Design Review prepared by SJB. That is, the built form, namely the western podium and tower, have been carefully massed with appropriate heights and envelopes, to minimise the extent of overshadowing to Trumper Park and Oval, thereby creating an appropriate outcome.

Importantly, the objectives of the height of buildings development standard only seek to “minimise” the impact of solar access on open space, rather than require “no impact”. Accordingly, the proposed development is considered to result in acceptable solar impacts to the surrounding public open spaces.

Overshadowing to the neighbouring properties

The extent of overshadowing to the surrounding properties has also been considered by the concept proposal. The proposal will not unduly impact the low-density housing to the south and south-east through the appropriate implementation of design, separation distances and orientation of the tower and built forms. This will ensure sufficient solar access is maintained to private open space areas and north facing windows in accordance with WDCP 2015. *Section C1 Paddington HCA, C1.4.5 Building height, bulk, form and scale* of WDCP requires the following:

C4 Infill development and alterations and additions must be designed and sited so that sunlight is provided to at least 50% or 35m² with minimum dimensions of 2.5m, whichever is the lesser, of the main ground level private open space of adjoining properties for a minimum of two hours between 9am and 3pm on 21 June. Where existing overshadowing is greater than this, sunlight is not to be further reduced.

C5 Where adjoining dwellings have greater than three hours of sunlight to a habitable room, the north facing windows to the habitable room are not to have sunlight reduced to less than three hours between 9am and 3pm on 21 June.

Figure 28 below provides sun eye diagrams from 9am to 3pm during mid-winter.

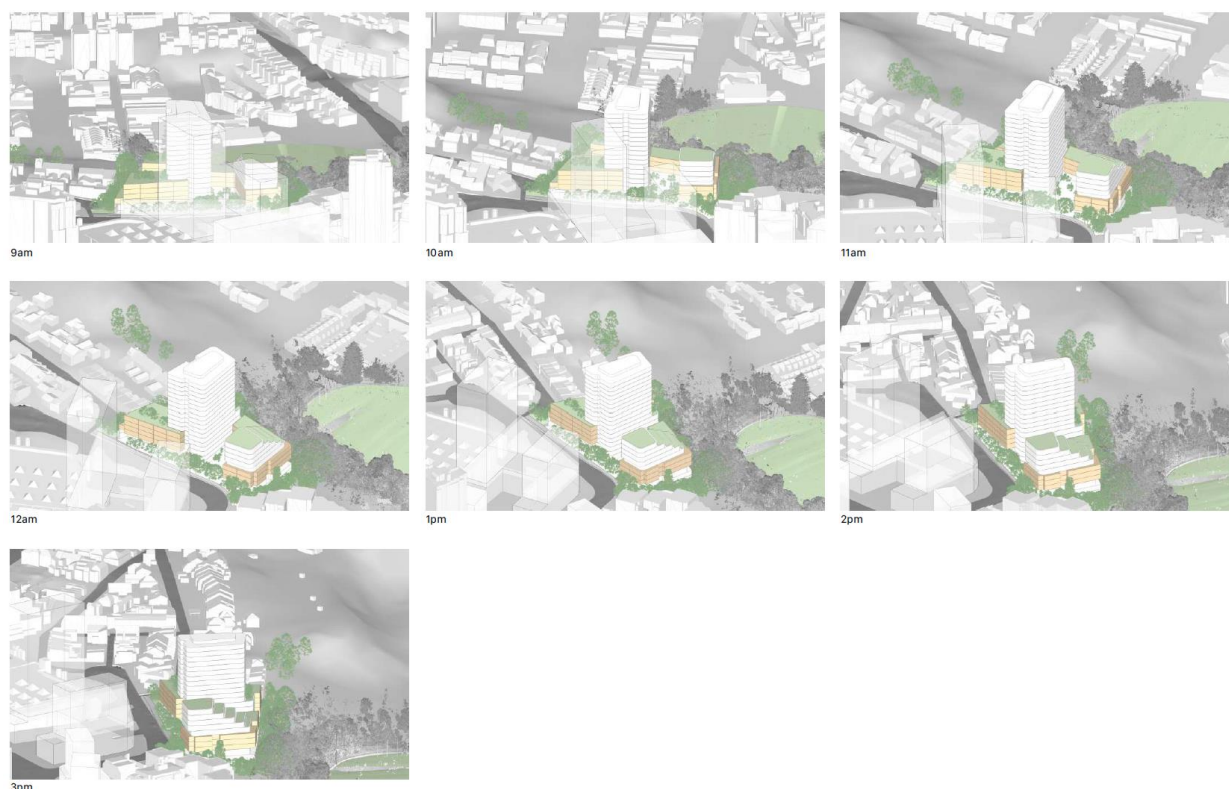


Figure 28 Sun eye diagrams during mid-winter

The proposal will maintain solar access to the low-density residential dwellings to the east and south-east from 9am to 12pm during mid-winter. It is noted that the proposal will result in a minor impact to No. 44 Cameron Street and No. 14 Bowes Avenue at 12pm, however, is considered acceptable given significant overshadowing is created by the existing vegetation and that the majority of shadows cast by the proposal will be onto the roof form.

Resultantly, whilst the proposal will increase overshadowing from 12pm to 3pm during mid-winter, approximately 3 hours of solar access will be maintained to the adjoining low-density residential dwellings from 9am to 12pm during mid-winter, which is better than the 2 hours required by the controls to private open space and is considered acceptable with regards to the WDCP.

Solar access to proposed residential accommodation

In terms of solar access to the concept proposal and reference scheme, this will be subject to future detailed applications. Notwithstanding, the reference scheme submitted with this application details that 70% of residential apartments will receive 2 hours of solar access from 9am to 3pm during mid-winter which complies with the ADG Design Criteria. In addition, 8% of dwellings will receive no solar access during mid-winter and therefore does not exceed the 15% requirement as set-out in the ADG. Accordingly, sun-eye and shadow diagrams which accompany this proposal demonstrate that the proposal will achieve an appropriate degree of solar access to the residential accommodation.

Visual Privacy and Building Separation

In terms of privacy and building separation, the concept envelopes have been designed to minimise, as far as practicable, the likelihood of any adverse visual impact and overlooking to neighbouring properties and between the proposed residential and non-residential uses. Subject to future detailed design, the envelopes have been designed to ensure appropriate separation and orientation can be provided to protect the visual privacy of surrounding properties and future residents. Importantly and per the reference scheme, it is demonstrated that the development can be designed to maintain acceptable levels of visual privacy.



Internal Site Privacy

The concept envelopes have been designed with appropriate separation capable of an internal design which ensures no adverse privacy impacts. Between the different built forms of the concept envelopes and reference scheme, the following separation distances are provided:

- Ground Floor (1st storey): Not applicable given at-grade nature of residential apartments;
- Level 1 to 3 (2nd to 4th storey): 14m to 20m separation between residential apartments, which meets the ADG;
- Level 4 to 5 (5th to 6th storey): 14m to 20m separation between residential apartments, which partly meets the ADG;
- Level 6 to 7 (7th to 8th storey): 20m separation between residential apartments, which meets the ADG; and
- Level 8 (9th storey): 20m separation between residential apartments, which does not meet the ADG.

The separation distances, in accordance with the orientation of living areas and private open spaces, blank facades and privacy elements, ensures that any future development will be capable of satisfying the visual privacy objective of Part 3F of the ADG. Whilst some parts of the concept proposal do not meet the separation distance, as demonstrated in the reference scheme, overlooking can be appropriately minimised through orientation and design measures, and therefore the concept proposal is considered acceptable with regards to internal site privacy.

Neighbouring Property Privacy and Visual Impact

To the north-west and south-east, where the site adjoins residential development, visual privacy impacts between the proposed envelope and existing buildings are mitigated through separation distances, orientation and design elements, which can be further enhanced subject to detailed development applications. These measures will ensure that there will be no adverse impact between the proposed non-residential and residential uses and neighbouring properties.

To the north, the proposal provides the following:



- Lower Ground (1st storey) to Level 2 (4th storey): 6m from residential apartments, which meets the ADG;
- Level 3 (5th storey): 6m from residential apartments, which does not meet the ADG;
- Level 4 (6th storey) to Level 6 (8th storey): 9m from residential apartments, which meets the ADG, noting minor balcony encroachment at Level 4; and
- Levels 7 (9th storey) to Level 8 (10th storey): 9m from residential apartments, which does not meet ADG.

In accordance with the above and as shown in the reference scheme, the proposal will provide setbacks, orientation of views and design elements (such as privacy screens) to protect the privacy of the neighbouring properties to the north. These measures will ensure that the proposal will be capable of satisfying the visual privacy objective of Part 3F of the ADG. Whilst the concept envelopes demonstrate a degree of variation of the ADG Design Criteria, the uplift will allow for the flexibility of design during detailed development application to ensure that the objective of the ADG will be achieved. Furthermore, the relationship of the subject site to the property to north-west also limits adverse impacts, by virtue of separation to built forms.

To the south-east, the proposal provides the following:

- Ground (1st) to Level 2 (3rd storey): 8m to 12m setback from residential apartments, which meets the ADG;
- Level 3 (4th storey) to Level 5 (6th storey): 14m to 18m setback from residential apartments, which meets the ADG;
- Level 6 (7th storey): 14m to 18m setback from communal open space, which meets the ADG; and
- Level 7 (8th storey) to Level 17 (18th storey): 34m to 38m setback from residential apartments, which meets the ADG.

As shown above, the proposal provides separation distances which are compliant with the ADG Design Criteria, therefore protecting the privacy of surrounding residents. Importantly, the setbacks significantly exceed the requirements of the ADG and as such, privacy of the neighbouring residents to the south will be maintained appropriately.



When considering the visual impact of properties to the south-east, the separation distances are further supported through a podium height, which is consistent with the roofline of the low-density terraces to the east. This ensures a consistency of building height therefore mitigating visual impact. Further to this, the concept envelopes have retained a significant portion of vegetation along the eastern boundary, which will be enhanced through the concept landscaping to soften the visual impact. This ensures that whilst there will be an increase in density on-site, visual impact will be appropriately managed.

Aural Privacy

The acoustic privacy of future residents and neighbouring properties will form part of a detailed development application. Notwithstanding, the concept envelopes and reference scheme have considered acoustic privacy through the preparation of an Acoustic Assessment prepared by *RWDI*.

The Review considered the acoustic impact to the surrounding properties from the concept proposal, based on derived project noise trigger levels. It was found that no abnormal acoustic constraints would affect the privacy of neighbouring properties. It is therefore considered that any future development can be appropriately designed and constructed to protect the aural amenity of neighbouring properties.

With regards to aural privacy of future residents on-site, the Acoustic Assessment has considered the impact from Edgecliff railway, bus interchange and New South Head Road. It is concluded that noise intrusion from the surrounding environment will have no adverse impact to the amenity of future residents. Furthermore, detail development applications will also be capable of managing aural impact through design measures, materiality and construction.

As such, the concept envelopes and reference scheme will perform favourably with regards to the aural amenity of future residents and neighbouring properties.

Views

The increase to building height and floor space is not considered to result in any adverse view loss from the surrounding developments or public domain. The UDR provides for view sharing analysis from No. 180 Ocean Street and No. 3 Darling Point Road. The Council Pre-PP minutes request an assessment under *Tenacity Consulting v Warringah [2004] NSWLEC 140* (henceforth known as Tenacity) and based on the envelope enabled by the controls rather than the envelope of the reference scheme. As detailed in Part 6, the changes to the overall height requirement as suggested will only permit a tower in the location detailed in the reference scheme. As shown in the UDR, the concept proposal is designed to provide a slender tower which will form part of the skyline to be established by the ECCP & UDS. This ensures that any potential view loss will be minimal.

Consideration of Steps 1-3 of Tenacity is difficult given the extent of view loss, the intensity of the room and the extent of the view will differ depending on location and elevation of the impacted property. However, indicatively from the north, north-east and north-west, any views afforded towards the site are likely to affect the ridgelines and surrounding district which are of lesser value. This can be demonstrated in the view assessment in the UDR for No. 3 Darling Point Road. When undertaking a Tenacity assessment from this property, the view impacts are considered to be minor, depending on the level.

Similarly, the view impact to No. 180 Ocean Street is capable of accommodating CBD, harbour and iconic views, dependent on the height and orientation. The views are not whole views and interrupted by built and natural elements. When undertaking a Tenacity assessment from this property, the view impacts are considered to be minor, depending on the level and orientation given it is anticipated that harbour and iconic views will not be affected.

From the south, south-west and south-east, any views that are potentially affected by the changes to the planning controls are located a considerable distance from the site but may consist of more important harbour and iconic views. However, again depending on the elevation and direction, these views are typically interrupted by numerous towers, ridgeline and other elements of the built and natural environment. The provision of a slender tower will ensure that view loss, if any, will not be adverse and viewed in the context of surrounding elements, including towers in Darling Point, Edgecliff and those anticipated under ECCP.

Notwithstanding and as above, the concept proposal will deliver a narrow and slender tower form which is consistent with the Edgecliff commercial centre to ensure any potential view impact is acceptable in the context of the locality. Whilst redevelopment may result in a loss of views from the north, it is anticipated this will only impact a minor portion of expansive district views which may be afforded by the high density properties to the north, along New South Head Road.

Overall, the potential view loss created by proposed concept envelope is direct result of the underdeveloped nature of the subject site, relative to its strategic location and relationship to the ECCP. As such, any subsequent view loss impact created by the proposal is considered entirely reasonable.

Visual Impact

The visual impact created by the proposed concept envelopes has been considered in the Visual Impact Assessment prepared by *Urbaine*. As is shown in the supporting documentation, the podium and slender tower form will appropriately integrate with the built form and character desired within the surrounding locality, including that anticipated by ECCP & UDS. From various viewpoints along New McLean Street, Trumper Park, New South Head Road and within the wider locality, the built form will form part of the varied skyline and appropriately integrates with the desired increase of density centric to Edgecliff Railway Station.

Overall, the proposal, whilst increasing the building height and density will not appear to be out of character or visually jarring given the strategic location of the site and its relationship to Edgecliff Commercial Centre and railway station, Trumper Park and New South Head Road.

Vehicle Traffic

A Transport, Traffic and Parking Assessment has been prepared by *JMT Consulting* and is submitted under a separate cover. The Transport, Traffic and Parking Assessment provides consideration of the vehicular movements, quantum of car and bicycle parking as part of the concept proposal (and reference scheme) and the transport impact on the concept proposal on the surrounding road network.

It was found, in accordance with the relevant traffic modelling, that the proposal would not have any adverse impacts on the traffic network of the locality. That is, the proposed concept scheme will result in a relatively minor increase in traffic movements during the peak period, between 13 and 36 vehicle movements. Furthermore, the key intersection of New South Head Road and New McLean Street will not be unacceptably impacted by the proposed development, in that it will retain its required "Level of Service". It is also noted that recommendations are provided within the Transport, Traffic and Parking Assessment, as it pertains to the road upgrades sought as part of the Edgecliff Commercial Centre Transport Study, and can be dealt with at detailed development application stages.

With regards to car and bicycle parking, this can be appropriately accommodated on the subject site in accordance with the rates as set out in the WDCP. The concept proposal and reference scheme generates the following car parking rate:

Table 16 Parking Provision – Reference Scheme

Land Use	WDCP	Requirement	Provision
<i>Residential</i>	<i>1 bed – 0.5 per dwelling</i> <i>2 bed – 1 per dwelling</i> <i>3 bedroom – 1.5 per dwelling</i> <i>Visitor – 0.2 per dwelling</i>	Total of 246 apartments, including: - 84 x 1 bedroom = 42 spaces - 112 x 2 bedroom = 112 spaces - 50 x 3 bedroom = 75 spaces Visitor: 49.2 (49)	229 resident and 49 resident visitor spaces are required and the site is capable of accommodating the relevant parking requirements. The reference scheme provides ample parking within the basement, noting that the provision of parking will be refined subject to detailed development applications.

Table 16 Parking Provision – Reference Scheme

Note, per Transport, Traffic and Parking Assessment A 'multiplier' of 0.6 is applied to the standard DCP rates for sites within the Edgecliff commercial centre for commercial, retail and community uses. As the site is outside of this area, this multiplier has not been applied.

It is also noted that the proposal will provide a single driveway entry, resulting in a reduction from the two existing on-site. This will improve the pedestrian and vehicular safety, especially for New McLean Street. As such, the concept proposal and reference scheme is considered acceptable with regards to traffic, access and parking.

Wind

A Qualitative Environmental Wind Assessment prepared by SLR is submitted with this application. This Assessment has considered the existing site arrangement and proposed site arrangement. The Assessment concludes the following regarding the existing and proposed wind environments:

‘...Existing Wind Environment

Existing street level wind conditions in the vicinity of the site could be close to or greater than 16 m/s “walking comfort” criterion for some prevailing wind directions, resulting from channelling of winds along aligning streets.

Future Wind Environment

In terms of the future wind environment with the proposed development, the following features of the development are noted as being of most significance:

- The winds along the surrounding footpaths should remain at similar levels or improve providing appropriate landscaping is employed as proposed.*
- Retention of horizontal wind breaks are recommended over building entries, to protect against potential downwash from the high-level development. These breaks can be in the form of landscaping or construction features. Furthermore, pergolas are recommended above seating areas in the communal open spaces.*
- Vertical windbreaks are recommended to the communal open space areas.*
- Retention of all proposed landscaping be retained. All landscaping is to be of an evergreen species.*

The above analysis has been made on the basis of our best engineering judgment and on the experience gained from scale model wind tunnel testing or computational fluid dynamics analysis of a range of developments. The conclusions of this SLR report will be quantified using wind tunnel testing...



Flooding

The subject site is located in a Flood Planning Area under the mapping contained in WLEP 2014. As such, Section 7.1 of the Services Infrastructure Report prepared by Stantec has addressed flooding. The Services Infrastructure Report has determined that the concept proposal will be acceptable with regards to any flooding occurring within vicinity to the site. Future detailed applications will require further assessment as the flood planning levels correspond to the exact uses and design of the proposal.

Demand for infrastructure, utilities and services

The proposal will seek to increase the density on the subject site. As such, a Services Infrastructure Report prepared by Stantec is submitted with this proposal. The Services Infrastructure Report has considered existing and required electrical, hydraulic, civil and stormwater services required for the concept envelope and reference scheme. Commentary is provided regarding the potential upgrades required to accommodate any future development, in which it is identified that necessary infrastructure and utilities are capable of being provided.

Q10: Has the Planning Proposal adequately addressed any social and economic effects?



This Planning Proposal will result in positive social and economic effects, including the provision of enhanced residential accommodation, including affordable housing and the delivery of a high quality urban, architectural and landscaped outcome. There are clear benefits associated with the increase in density delivered through the increase in building height and floor space. These are described further below.

Social Impact

The proposal will offer distinctive social benefits through increasing residential accommodation, inclusive of affordable housing, in a desirable area, whilst providing significant improvements through urban, architectural and landscape design. The Planning Proposal improves the liveability and character of the public domain. That is, the concept envelopes will include a well-designed podium that will improve the pedestrian environment, safety and character along the public domain. The overall improvements to the site will ultimately improve social interaction for future residents, the character of the site and will further encourage walking and cycling due to its accessibility.

Affordable Housing

The Planning Proposal will deliver additional, high-quality housing in the Edgecliff locality. The reference scheme is capable of delivering approximately 246 apartments. The breakdown of the reference scheme shows an appropriate mix of 84 x 1 bedroom, 112 x 2 bedroom and 50 x 3 bedroom residential apartments. The increase of residential accommodation is well suited to the highly accessible and strategic location of the site, with future residential accommodation capable of achieving high levels of amenity. The provision of additional residential accommodation, including 1 and 2 bedroom apartments, will improve housing choice and affordability in the Edgecliff locality.

Further to this, the applicant is committed to providing additional affordable housing for the subject site, equivalent to a percentage of the residential gross floor area afforded by the uplift in density. The provision of and allocation of affordable housing will deliver with it an important public benefit and provide much needed accommodation for key and low-income workers in the locality.

At the request of the Department of Planning, Housing and Infrastructure and also the SECPP, the applicant engaged *Jones Lang LaSalle (JLL)* to undertake a formal feasibility analysis for the subject project to determine the appropriate percentage of affordable housing which could be provided within the project based on a FSR of 3.7:1. The valuation work conducted by *JLL* compared an equivalent percentage of affordable housing to be allocated in perpetuity, as to affordable housing to be allocated for a period of 15-years only.

Following the abovementioned analysis and review by the Department, it has been determined that 2.76% of the upside GFA will be allocated as affordable housing in perpetuity.

It is noted that detailed feasibility analysis calculations have been provided to DPHI for their perusal to provide the feasibility constraints on the project in the event more affordable housing was to be provided, which in turn would be detrimental to the general delivery of housing on this strategically located site.

Other Public Benefits

In addition, the concept proposal will provide a number of other indirect public benefits which include, but are not limited to:

- Renewal of the existing residential flat buildings that do not provide any presence or benefit to the streetscape with a high-quality residential development that defines and revitalises the street frontage and provide generous and well defined landscaping surrounding and throughout the built form;
- The distribution of massing will provide increased visual amenity through increased building separation and amplify the sites “green periphery” with the retention of existing trees or a planting strategy that enhances the landscaped character;
- A variation to building heights and FSR will contribute to a varied and more interesting skyline which will positively contribute to the creation of an attractive and balanced form that follows the height of buildings established along the ridgelines;

- Enhanced separation and curtilage to the heritage conservation areas to the south and west of the site ("Paddington HCA");
- Improvements to public safety and amenity by rationalising the width and number of driveway crossovers on the site to a single point on New McLean Street;
- Enhanced pedestrian environment through a significantly improved public domain, through urban, architectural and landscape design;
- Increased activation and natural surveillance of the public domain; and
- Rationalisation of the front boundary to New McLean Street.

In conclusion, the public benefits offered (above) are considered to be substantial in exchange for the increased density (FSR of 3.7:1) and heights (RL91).

Economic Impact

As discussed, this Planning Proposal will allow for a strategic increase in the quantum of residential floor area on the subject site.

The Edgecliff locality and wider Woollahra LGA contains a strong demand for the provision of residential accommodation, either in the form of detached single dwellings or medium to higher density apartments. The demand is established by the higher median price of the Edgecliff locality and lack of available dwellings, either existing or planned.

The Department of Planning projections indicate that the Woollahra LGA is to accommodate approximately 3,500 dwellings from 2016 to 2041. Woollahra has not achieved its dwelling targets up to 2021 which is the most conservative target. In this regard, the Edgecliff locality, inclusive of the subject site, is well-suited to accommodate an increase in density. This proposal, which will provide for increased residential accommodation in a highly accessible site, will provide for direct and positive economic impacts in terms of residential growth, increased expenditure and the subsequent support of surrounding local businesses.

Ultimately, the proposal will provide for economic benefits during and post construction. Post construction benefits are afforded through the provision of additional employment opportunities on the site, alongside increased expenditure of future employees and residents on-site, thus supporting the local economy.

6.3.4 Section D - State and Commonwealth Interests

Q11: Is there adequate public infrastructure for the Planning Proposal?

The site is within an urban area that is well served by existing public infrastructure, including existing public transport, education, public open space, community and health facilities. The site is within a highly accessible location, being located adjacent to Woollahra's only train station and is therefore considered to be well serviced by public infrastructure. Whilst increasing the density on site, this is consistent with the ECCP & UDS and will not trigger requirements for local or regional scale amplification or introduction of new infrastructure, services or facilities.

Appropriate Development Contributions will be levied at the time of development consent for any future building work.

The proposal will also include the insertion of an additional clause into WLEP requiring the allocation of affordable housing, equating to a percentage of the residential gross floor area afforded by the uplift in density, and insertion of an additional clause into WLEP to ensure not net loss of dwellings.

Q12: What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The relevant authorities will be consulted as part of the full Planning Proposal process, in accordance with the relevant legislative requirements. It is noted that the proposed LEP amendments will not trigger any changes to:

- Infrastructure and services provided by State agencies and public authorities;

- Resources managed by State agencies and public authorities.

The proposal does not trigger the referral criteria in Attachment B to the DPIE Guideline. For these reasons no referrals or consultation with State agencies and authorities are considered necessary.

A future Gateway determination will specify the list of agencies and public authorities required to be consulted and the methods and timing of such consultation.

6.4 PART 4 - MAPPING

The proposed amendment to LEP maps are identified in this Report. Should Council resolve to support the application for a Planning Proposal, proposed mapping amendments will be prepared by Council staff.

6.5 PART 5 - COMMUNITY CONSULTATION

Consistent with the requirements for a Standard LEP amendment and the DPIE Guidelines, it is anticipated that a draft Planning Proposal would be publicly exhibited for a period of 28 days. The exhibition material will include documents as specified in the Gateway determination and will include a copy of the Planning Proposal, an explanation of provisions, draft LEP maps and an indication of the timeframes for completion of the process as estimated by Council. In addition, a Draft SSDCP has been prepared and will also be available for public exhibition.

It is anticipated that the Community Consultation methods will include forwarding copies of relevant documents to appropriate State and Commonwealth agencies, notice of public exhibition in a local newspaper and on Woollahra Municipal Council's website, providing copies of exhibition material in electronic and hard copy form at relevant local government premises and letters of notification to nearby and potentially affected land owners.

6.6 PART 6 - PROJECT TIMELINE

The estimation of the project timeline is provided below with the intention of optimising efficiency in the process:

Table 17 Project Timeline	
Phase	Timing
Gateway determination date	TBD (by Department of Planning & Environment)
Completion of required technical information	No additional supporting studies required. A Draft Site Specific DCP has been prepared and can relied upon for public exhibition.
Government agency consultation (pre-exhibition)	Not required
Government agency consultation (during exhibition)	Concurrent with public exhibition (28 days)
Commencement and completion dates for public exhibition period	TBD
Consideration of submissions	Two weeks from close of public exhibition
Post-exhibition consideration of the application	Four weeks from close of public exhibition
Date of submission to the Department to finalise the LEP / anticipated date RPA will make the plan (if delegated)	Six weeks from close of public exhibition

7. Conclusion

This planning proposal seeks to amend *Woollahra Local Environmental Plan 2014* to increase the maximum building height and FSR development standards, and insert “not net loss”, “apartment mix”, “affordable housing” and “preparation of a Site-Specific Development Control Plan” clauses into WLEP 2014 at Nos. 8-10 New McLean Street, Edgecliff. Specifically, it is proposed to change the maximum building height to RL91, FSR to 3.7:1 and include additional clauses on the subject site to manage the delivery of residential accommodation.

This application for a planning proposal has been prepared in accordance with Division 3.4 and Division 3.5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as well as the NSW DPIE “*Local Environmental Plan Making Guideline*” (August 2023).

The application demonstrates the proposed LEP amendment has strategic and site-specific merit. The amendment is consistent with the Greater Sydney Regional Plan, the Eastern City District Plan, majority of key priorities of the Local Strategic Planning Statement, applicable State Environmental Planning Policies and Ministerial Directions as prescribed by Section 9.1 of the EP&A Act.

This Planning Proposal recognises the considerable potential for the site to facilitate a new innovative and sustainable residential development adjacent to the Edgecliff railway station and bus interchange on a site that has been largely ignored by the planning controls and is in critical need for upgrade and revitalization. The planning proposal has the potential to provide additional high quality residential accommodation, including affordable housing, on a site that has not been identified previously due to its land tenure.

The concept scheme has been uniquely designed to ensure it has regard to its setting within a heritage conservation area, respects the lower density built form of its neighbours and retains much of the existing vegetation which is enhanced with new planting around the periphery to ensure its long term retention. Additionally, the concept envelopes establish an appropriate transition of density from the ECCP to the north and Trumper Park to the south. The uplift in height and density is ideally located directly adjacent to Edgecliff Railway Station and the commercial centre.

The proposal is considered to have strategic and site-specific merit and not only provides a vehicle to deliver more and higher quality residential floor space but will also provide for public domain improvements through urban architectural and landscape design.

These benefits will not be realised if this Planning Proposal is not supported, and redevelopment is thwarted. As a summary, the changes to the planning controls will:

- Establish a maximum building height with the potential to deliver a built form suitable to its location, which will integrate with the setting and context of the emerging character and built form in the surrounding area, and that also established in the Paddington Heritage Conservation Area;
- Establish a maximum floor space ratio and density on the site which is reflective of the site's strategic location and characteristics, including size, frontages and proximity to public transport and public open space;
- Ensuring that the significance and character of the surrounding locality, namely, Paddington Heritage Conservation Area, will be protected;
- Deliver a scheme that allows for flexibility in built form and site arrangement;
- Improving the public domain and relationship to New McLean Street and Trumper Park and Oval;
- Increasing the density on site to meet the housing targets set by state, regional and local strategies;
- Deliver housing opportunities and diversity with improved amenity and good access to a variety of transport, social infrastructure and recreational spaces;
- Deliver affordable housing through the allocation of 2.76% residential gross floor area, in perpetuity, afforded by the proposed uplift, as a WLEP clause;
- Ensure a no net loss of dwellings, through an additional WLEP clause;
- Ensure the delivery of an appropriate mix of dwelling types, through an additional WLEP clause;

- To achieve a public benefit in terms of improving the public domain and minimising a significant loss of amenity for adjoining properties;
- Provide for a development which will minimize impact to the amenity of Trumper Park and Oval;
- Protect and enhance the landscaped character of the site and surrounding locality, through holistic landscaped strategy which retains significant vegetation; and
- Allow for the orderly and economic development of the land.

The application is entirely consistent with the local, regional and state strategic planning directions. It follows that the concept scheme will not result in unacceptable environmental effects or demands for new or augmented local and regional infrastructure and services. The amendment will facilitate future development options on the site that:

- are consistent with adopted key planning strategies;
- are compatible with the context and setting including the heritage-listed conservation areas and streetscape; and
- can deliver future social, environmental, cultural and economic benefits.

The Woollahra Local Government Area contains prescribed housing targets which are not being met. To meet these targets, a significant reliance has been placed on the ECCP & UDS, which, in turn, relies on amalgamation within an area containing complex ownership and subdivision patterns. That is, the uplift in ECCP may never be realized and additional density will need to be found elsewhere in the Woollahra Local Government Area. As the site is located directly adjacent to the only train station serving the Local Government Area, it is ideally placed to accommodate an increase in density, particularly given its superior characteristics when compared to numerous properties identified within the ECCP & UDS. Importantly, the uplift in density is for a single site and can be delivered immediately (subject to Council support).

As such, the UDR and concept proposal prepared by *FJC*, in addition to other supporting documentation, demonstrates that a high quality scheme with compatible building forms, landscaped areas and high levels of amenity, will be delivered. The supporting documentation comprehensively demonstrates that the proposed building form, which will be supported by this Planning Proposal, will deliver a high quality development capable of supporting contemporary architectural designs achieving design excellence.

This Planning Proposal concludes that the concept proposal contributes to the Edgecliff locality to allow for the delivery of a built form which is entirely compatible with the existing and continually emerging character of the locality. This application for a Planning Proposal is therefore worthy of Council's support.