

Rezoning Review Briefing Report – RR-2024-32

The planning proposal seeks to amend the Woollahra Local Environmental Plan (LEP) 2014 to increase height of building and floor space ratio controls at “The Edgecliff Centre”, 203-233 New South Head Road (275 homes and 14,730m² of commercial and retail floorspace).

Element	Description
Date of request	6 September 2024
Department ref. no	RR-2024-32
LGA	Woollahra
LEP to be amended	Woollahra LEP 2014
Address	203-233 New South Head Road, Edgecliff
Reason for review	<div><input type="checkbox"/> Council notified the proponent it will not support the proposed amendment</div> <div><input checked="" type="checkbox"/> Council failed to indicate support for the proposal within 90/115 days, or failed to submit the proposal after indicating its support</div>
Has council nominated PPA role	Yes, subject to a reduction in height (Attachment C1)
Consultation	N/A
Brief overview of the timeframe/progress of the planning proposal	<p>14 March 2024 – Planning proposal (PP-2024-540) lodged with Council. (Attachment A)</p> <p>8 April 2024 – Council accepts proposal for preliminary assessment.</p> <p>29 April 2024 – Council endorses Edgecliff Commercial Centre Planning and Urban Design Strategy (ECC Strategy).</p> <p>5 September 2024 – Proponent requests rezoning review as Council failed to indicate support for the proposal 115 days after submitted to Council. (Attachment B).</p> <p>6 September 2024 - Rezoning review lodged with the Department after receiving receipt of payment and acknowledgement letters were sent to proponent, Council and Panel Chair.</p> <p>17 October 2024 –Woollahra Local Planning Panel (LPP) considered the planning proposal and recommended to not support the proposal (Attachment C).</p>
Department contact:	Renee Ezzy - Senior Planning Officer, Planning Proposal Authority

Background

The following provides some background dates and events that led to the preparation of the planning proposal:

Previous Planning Proposal RR-2021-78

8 December 2020 - A previous planning proposal submitted for this site was referred to the Department for a Rezoning Review as Council resolved not to support the planning proposal (RR-2021-78). The planning proposal sought an increase in height up to 45 storeys (RL 195) and an FSR of 9:1.

31 May 2021 – Council released and exhibited the ECC Strategy, which identified the site as one of nine uplift sites and a key element in achieving Councils housing growth.

9 September 2021 - The Sydney Eastern City Planning Panel (Panel) unanimously resolved not to recommend referral of the planning proposal for a Gateway determination. The Department's previous Briefing Report for the Panel and Record of Decision is at **Attachment D**.

The Panel decision (**Attachment D**) stated the key consideration in reaching this conclusion pertained to the lack of public benefit commensurate with the degree of uplift. Greater public benefit would need to be demonstrated that included:

- More affordable housing with a greater percentage of one bedroom and studio apartments with no parking;
- Adequate open space; and
- Improved community facilities.

June 2022 – Commencement of a workshop between Council and the proponent.

2 May 2023 – A Scoping Report was submitted to Council following 12 months of consultation. Council's feedback on the Scoping Report has been incorporated into the current application.

The proponent has advised that during ongoing consultation with Council in developing the current planning proposal, the issue of Apartment Design Guideline (ADG) compliance with the tower placement within the ECC Strategy was raised. The positioning of the building forms on the site were tested for ADG compliance, which confirmed that the site could not achieve the GFA identified in the ECC Strategy within the 86m height limit.

The 26m tower on the eastern side of the site would require a much larger setback of 12m, which would result in a non-compliant separation with the second 14 storey tower and would compromise the public plaza. The tower locations also failed to acknowledge the Eastern Suburbs Railway Tunnel easements running below the site, which would require a lift core within the Sydney Trains exclusion zones.

Council engaged with the proponent to explore alternate building form locations to address these issues and which could provide improved view corridors while introducing a space for community and pedestrian use within the New McLean Street frontage.

Planning Proposal

Table 1. Overview of planning proposal

Element	Description
Site Area	<p>4,910m² (Edgecliff Centre)</p> <p>957m² (Council-owned road reserve)</p> <p>Total: 5,867m²</p>
Site Description	<p>The subject site is located at 203-233 New South Head Road, Edgecliff, also known as the Edgecliff Centre (Figure 1). It is legally described as Lot 203 DP 1113922, Lot 5 DP 243380, and the site also includes part of the Council-owned road reserve adjacent to the southern boundary of the Edgecliff Centre.</p> <p>The site is 3km east of the Sydney CBD, 1.2km from St Vincent's Hospital and sits over the Eastern Suburbs Rail Line and Edgecliff Station, which occupy an easement below ground level. The site is also approximately within 135m of Trumper Park and Trumper Oval.</p> <p>The Edgecliff Centre comprises a seven-storey commercial building with ground floor retail constructed in the 1970s.</p> <p>The surrounding area contains a mix of commercial, retail, entertainment and residential uses as follows:</p> <ul style="list-style-type: none"> To the north is Ascham School and a mix of medium and high density residential developments including the 32 storey Ranelagh development. To the east is the Eastpoint Shopping Centre. To the south are part 3-4 storey residential flat buildings fronting New McLean Street and 2 storey terrace houses within the Paddington Heritage Conservation Area (HCA). To the west are a range of mixed use developments ranging from 2 to 10 storeys.
Proposal summary	<p>The planning proposal (Attachment A) seeks to amend the Woollahra Local Environmental Plan (LEP) 2014 to:</p> <ul style="list-style-type: none"> Increase the maximum height of buildings control from part 0m, part 6m and part 26m, to part 60m and part 124m to 128m; Increase the maximum permitted FSR on the Edgecliff Centre portion of the site from 2.5:1 to 9:1; Increase the maximum permitted FSR on the Council-owned road reserve from 0 to 3.5:1; and Introduce a site-specific provision to retain a minimum 2:1 FSR (of the overall 9:1) for non-residential purposes. <p>The objective of the proposal is the support the redevelopment of the Edgecliff Centre to facilitate the delivery of 275 residential dwellings</p>

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Element	Description
	<p>including 5% affordable housing contribution. The concept plan also identifies retail, community, recreational and commercial uses.</p> <p><u>Voluntary Planning Agreement (VPA)</u> A letter of offer dated 26 June 2024, to enter into a VPA with Council supports this planning proposal (Attachment B1). The VPA includes:</p> <ul style="list-style-type: none"> • 2300m² public plaza and open green space; • 695m² community facilities; • Through-site link from New McLean Street to the railway and concourse; • 3 new connection points to the rail and bus interchange; • Substation works; • Land dedication – 138.5m² stratum parcel and monetary contribution toward a multi-purpose community facility; and • Monetary contribution (5%) toward affordable housing.
<p>Relevant State and Local Planning Policies, Instruments</p>	<ul style="list-style-type: none"> • Greater Sydney Regional Plan • Eastern District Plan • State Environmental Planning Policies <ul style="list-style-type: none"> ○ SEPP (Housing) 2021 ○ SEPP (Biodiversity and Conservation) 2021 ○ SEPP (Planning Systems) 2021 ○ SEPP (Primary Production) 2021 ○ SEPP (Resilience and Hazards) 2021 ○ SEPP (Transport and Infrastructure) 2021 • Future Transport 2056 • NSW State Infrastructure Strategy • Woollahra LGA local plans including: <ul style="list-style-type: none"> ○ Local Strategic Planning Statement 2020 (LSPS) ○ Community Strategic Plan 2032 (CSP) ○ Draft Integrated Transport Study ○ Active Transport Plan ○ Local Housing Strategy 2021 (LHS) ○ Edgecliff Commercial Centre Strategy (ECC Strategy) • Section 9.1 Ministerial Directions <ul style="list-style-type: none"> ○ 1.1 Implementation of Regional Plans, 1.3 Approval and Referral Requirements, 1.4 Site Specific Provisions, 3.2 Heritage Conservation, 4.5 Acid Sulfate Soils, 5.1 Integrating Land Use and Transport, 5.2 Reserving Land for Public Purposes, 5.3 Development Near Regulated Airports and Defence Airfields, 6.1 Residential Zones and 7.1 Employment Zones.



Figure 1. Subject site (source: planning proposal)

The planning proposal seeks to amend the Woollahra LEP 2014 per **Table 2** below.

Table 2. Current and proposed controls

Control	Current	Proposed
Zone	E1 Local Centre	E1 Local Centre (No Change)
Maximum height of the building (Figure 2)	26m (ECC Site - New South Head Road)	14 storeys – 59m (Commercial tower) 35 storeys - 124m–128m (Residential tower)
	6m (fronting New Mclean Street)	11 storeys – 60m (Residential tower)
	0m (Council-owned road reserve)	3 storeys (Community Facility)
Floor space ratio (Figure 3)	2.5:1	9:1
	No FSR (Council-owned road reserve)	3.5:1
	N/A	Site specific provision to retain a minimum 2:1 (of the overall 9:1) for non-residential purposes
Number of dwellings	Nil	275
Number of jobs	421	785

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The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

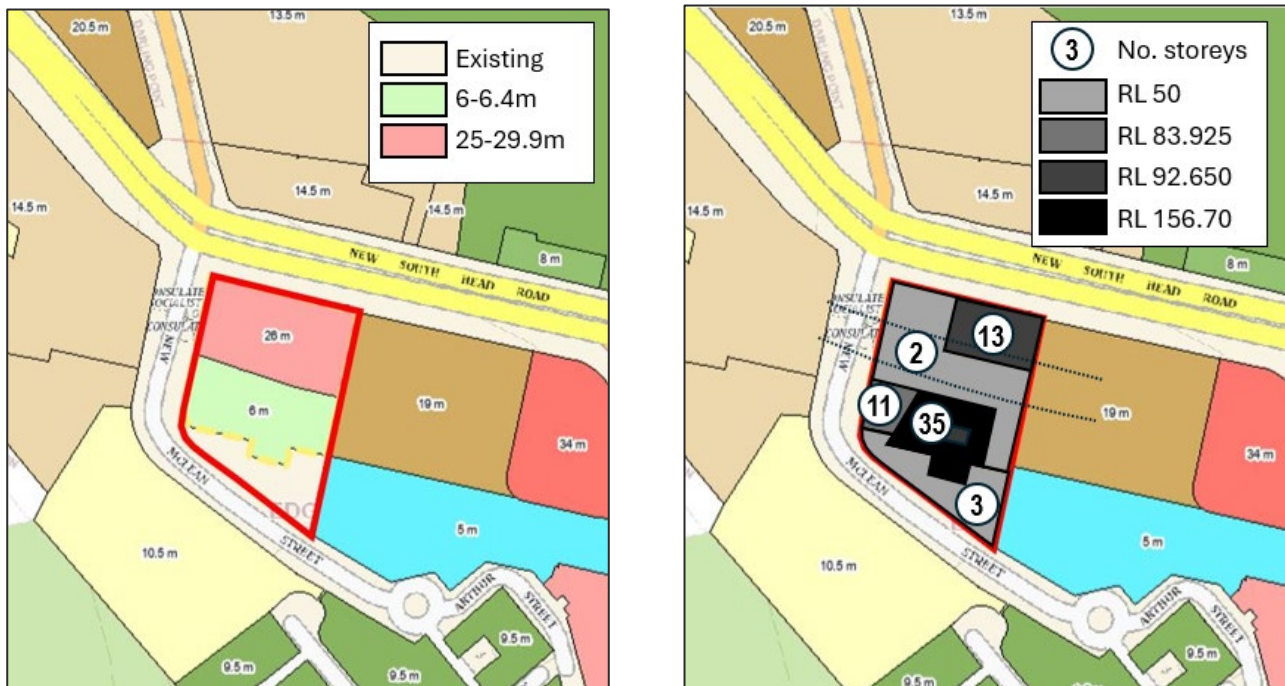


Figure 2. Current and Proposed Height of Buildings (source: Spatial Viewer)

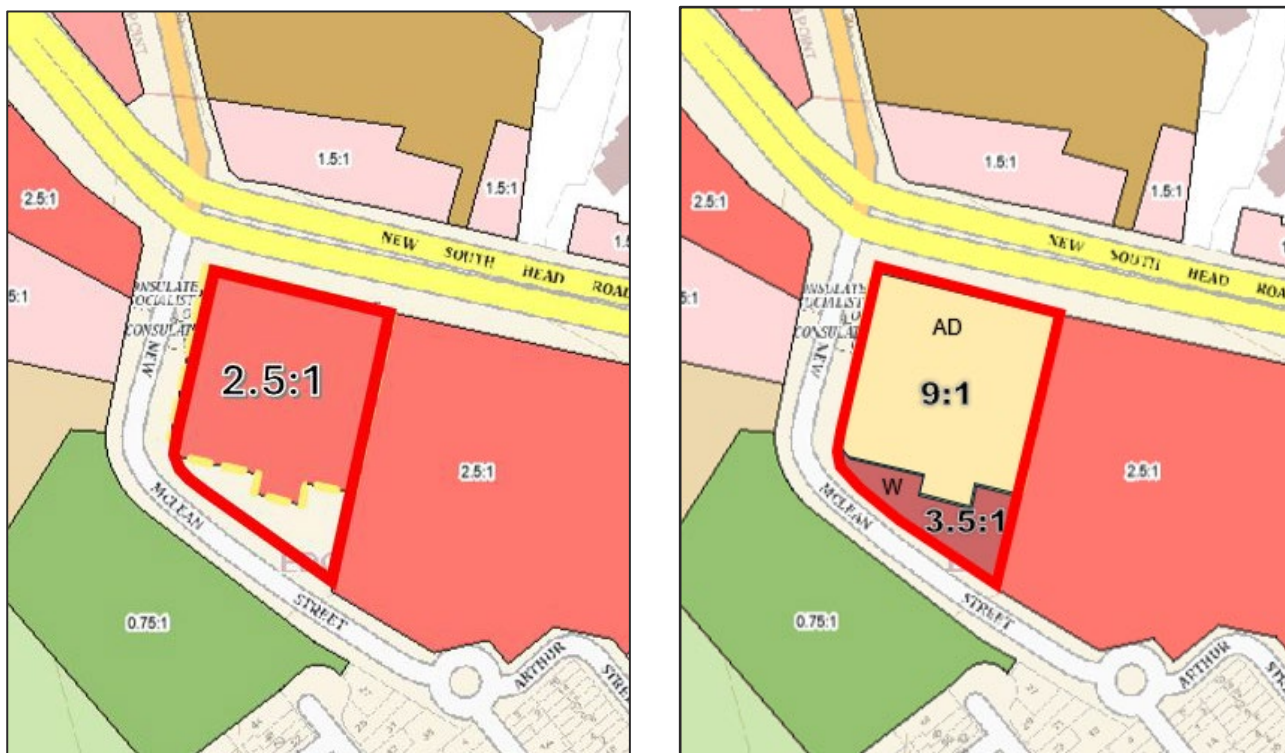


Figure 3. Current and Proposed FSR (source: Spatial Viewer and PPA Team)

Key Issues

The following section summarises the key issues identified within the proponent's rezoning review request (**Attachment B**), the proponent's planning proposal (**Attachment A – A19**) and Council's response to the rezoning review request (**Attachment C**)

On 24 September 2024, Council was formally advised of the rezoning review request made by the proponent. Council's rezoning review response letter to the Department, stated it is recommended not to progress the assessment of the planning proposal given the considerations in their response related to strategic and site-specific merit (**Attachment C – C1**).

It is noted that the planning proposal was considered by the Woollahra Local Planning Panel (LPP) on 17 October 2024, who recommended Council not support the planning proposal. The proposal is due to be reported to Council on 11 November and the outcome of that meeting will be forwarded to the Panel under separate cover when the minutes are available.

STRATEGIC MERIT

Issue no. 1

Council raises concerns that the proposal is inconsistent with the Region and District Plan, Woollahra Community Strategic Plan 2032 (CSP), Woollahra Local Strategic Planning Statement 2020 (LSPS), Woollahra Local Housing Strategy 2021 (LHS) and the ECC Strategy) in terms of height and the ECC's status as a local centre.

Council view

- Council state the planning proposal does not support the Region Plan as it fails to include an upper limit on non-residential FSR and includes a definition for 'non-residential' that excludes serviced apartments enabling a substantially or fully commercial development.
- Council notes that the ECC is identified in the District Plan as a local centre with the capacity to accommodate moderate growth. The approach that the site exhibits characteristics more aligned with a strategic centre is not supported and is inconsistent with the District Plan.
- Council acknowledges the inclusion of the Council-owned road reserve within the proponent's land could, if delivered, facilitate development of a community facility in a location where it is needed.
- The planning proposal is inconsistent with the desired future character of the area established under the ECC Strategy.
- The proposed increase in height and scale is inconsistent with the centres hierarchy and the ECC's status as a local centre.
- The proposed provisions do not provide a mechanism to secure the delivery of residential yield due to an absence of an upper limit on the non-residential FSR.
- The planning proposal has not considered the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) bonus in their review of whether the planning proposal is the best means of achieving the desired outcome.
- Council indicates that subject to a reduction in height compliant with the ECC Strategy, the proposal would satisfy strategic merit in relation to the District Plan, CSP 2032, LSPS 2020, Woollahra LHS 2021, and the ECC Strategy.

Proponent view

The planning proposal will give effect to the relevant strategic planning framework providing an appropriate response to the proximity of existing transport and infrastructure emphasising the increased role of Edgecliff as a key transport interchange. It will improve access to housing, jobs and services in close proximity to the interchange.

The proposal enhances community well-being through open spaces, community infrastructure, and retail, provides new homes near services, and reinforces Edgecliff's evolving role as a key centre, promoting sustainable development and liveability.

- The sites categorisation as a local centre in the District Plan should not be what determines its height and density. The features of the site are attributes found in larger strategic centres, which include: its immediacy to mass transit, its capacity and ability to support transport-oriented development, its proximity to other social infrastructure, proposed housing affordability, access to open green space, liveability criteria and to the Sydney CBD.
- The LSPS supports the renewal of the Edgecliff Centre. The proposal will increase commercial floor space, increase housing supply and support the role of Edgecliff as a key transport interchange, delineating the location and significance of the site.
- The proposal is consistent with the desired future character as it includes a suite of non-residential uses (protected by a proposed minimum non-residential floor space provision) to support ongoing employment generating land uses and service provision on the site.
- The proposal responds to the existing built form typology surrounding the site, supporting visual quality and visual integration within the surrounding built form context.
- The proposal replaces the currently inactive frontage of New McLean Street with space for a multi-purpose community facility to activate the street frontage for pedestrians.
- The proposal supports enhanced pedestrian permeability to and within the site through vertical connections and through-site links connecting to Edgecliff Railway and bus interchange.
- The proposal facilitates increased residential and commercial capacity adjacent to the Edgecliff Railway Station and Edgecliff bus interchange.
- The proposal gives effect to the recommendations and built form outcomes for the site outlined in the ECC Strategy. The larger height and scale of the proposal in comparison to surrounding development is consistent with the ECC Strategy which envisages the site as the most strategically important site within the wider corridor, requiring the tallest building. The proposed height and scale would also satisfy the requirements of the Woollahra Development Control Plan 2015 (WDCP 2015).

PPA Team Comment

- The views of Council and the proponent are aligned in acknowledging the potential for the site to provide much needed community facilities in an appropriate location. They also agree that the proposal would contribute to housing numbers, modern employment space and the revitalisation of the Edgecliff Commercial Centre.

SITE SPECIFIC MERIT

Issue no. 1 – FSR, Height, Bulk and Scale

The proposed envelope is inconsistent with the desired future character of the area and does not provide adequate transition to the lower scale development in the surrounding area.

Council view

- The bulk and scale are excessive and incompatible with the local context.
- The proposed envelope would not facilitate a sympathetic transition to the lower scale built form in and around the ECC.
- The maximum height of the potential built form should be reduced to 86m, consistent with the ECC Strategy.
- The maximum FSR should be reduced to 7.5:1 across the whole site (inclusive of the Council-owned road reserve), consistent with the ECC Strategy.
- A minimum 2:1 non-residential FSR and maximum 3:1 non-residential FSR to maintain the existing amount of employment floor space while ensuring delivery of a significant amount of residential floor space.
- The proposed built form be reviewed to improve amenity on and around the site, including articulation, setbacks (minimum of 6m) above podium on all frontages, ADG compliance and transition to lower scale buildings.
- An 18m internal building separation may need to increase to 24m (for ADG compliance) if windows are placed in the southern façade of the commercial building.
- The lower residential floorplate (from Levels 3 to 11) shows 11 apartments per level, which exceeds the ADG design criteria maximum of eight apartments.

Proponent view

- The WDCP 2015 desired future character statement refers to a height of eight storeys for the site. Bulk and scale respond to more than just height; it includes the positioning, distribution, and articulation of building mass on a site, and how it is perceived from the public domain.
- The ECC Strategy envisages an FSR of 7.5:1 (equating to a GFA of approximately 44,003m²) for the entire site. The proposal includes a GFA of approximately 44,190m² with an FSR of 9:1. This comprises the GFA to be delivered under the ECC Strategy, with an additional 2,000-3,000m² of GFA to enable the delivery of a community facility on the Council-owned road reserve, an opportunity that was not previously identified within the ECC Strategy. This addition is only facilitated by the proponent with land dedication.
- The planning proposal incorporates key elements of the ECC Strategy providing more focus on the consideration of the site-specific constraints and location of the height and bulk on the site.
- The proposed podium along New McLean Street is for a 3-storey community facility that will create a more human scale and pedestrian experience. The residential podium and tower form is setback 26m from the pedestrian footpath which will provide a significant setback and transition towards the HCA and residential south of the

Edgecliff Centre. The ECC Strategy proposed a 5-storey commercial office podium along the north frontage of New McLean Street, adjoining the HCA.

- The Panel when considering the previous planning proposal with a 45-storey tower indicated that a tower around the mid-30 storeys would be more desirable.

Issue no. 2 – Built Form and ADG Compliance

The proposed envelope is inconsistent with the desired future character of the area and does not provide adequate transition to the lower scale development in the surrounding area.

Council view

- The built form facilitated through the planning proposal creates insufficient setbacks above podium, inadequate internal building separation, and exceeds of maximum number of apartments per floor (non-compliance with the ADG).
- The proposed 3000m² of green space includes a village green, podium top plaza and grand staircase which could be perceived as private open space. Council suggests the green space should be at street level with exposure to New McLean Street.
- The indicative development concept presents a logical layout and enables the internal plaza that would provide open space for development on the site. Urban design analysis indicates the distribution shown in the indicative development concept has minimal additional impact in terms of amenity, particularly overshadowing and views. Council raised no objection to the indicative spatial arrangement of built form, subject to the recommended reduction in its height (and corresponding amendment to FSR).

Proponent view

- The indicative massing detailed in the ECC Strategy is not capable of complying with the ADG as the footprint locations provided insufficient setbacks to the eastern neighbour. To comply, the larger eastern tower would need to be setback 12m from the eastern boundary making the separation between the 2 towers non-compliant. **Figures 4 and 5** below illustrate the differences between the indicative massing options.

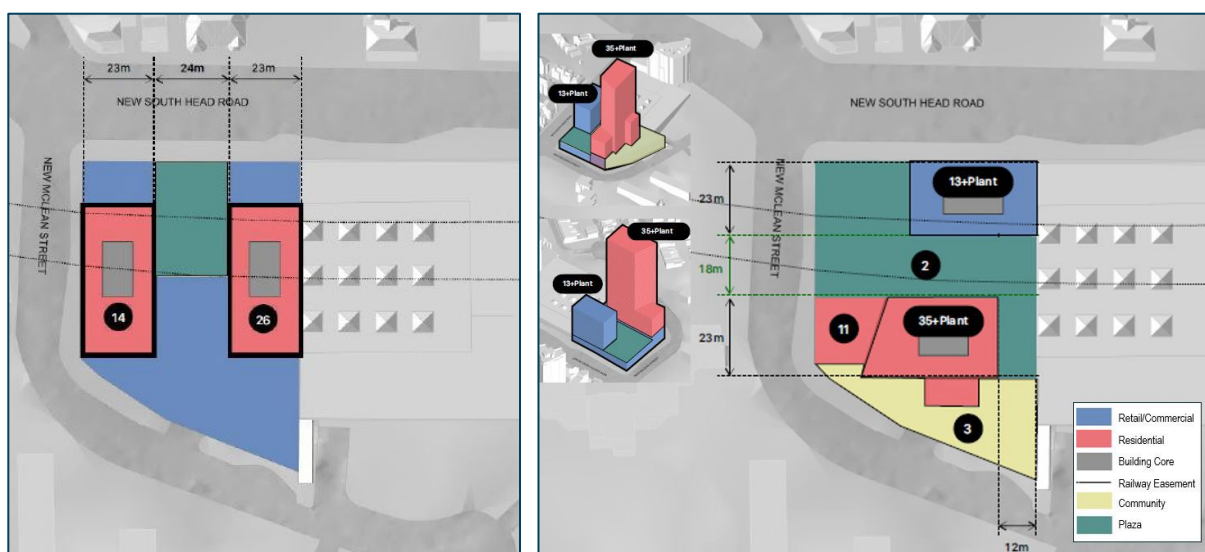


Figure 4 and 5 – ECC Strategy massing and proposed massing (source: FJC)

- The location of the existing Eastern Suburbs Railway Tunnel which runs below the site also had not been considered in the placement of the towers (see **Figure 6**).

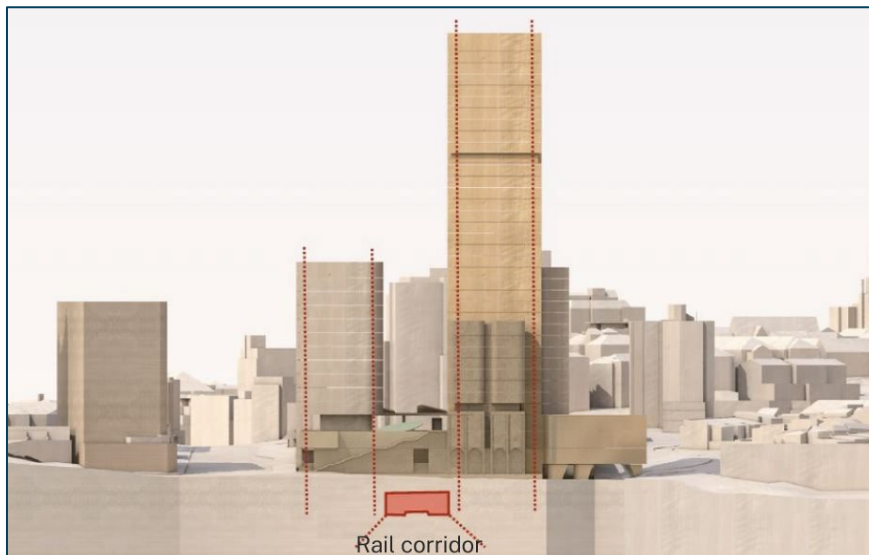


Figure 6 – Proposed tower location and rail impact (source: FJC)

- The proponent has worked with Council Officers to address the weakness of the central ground-floor public plaza first identified in the ECC Strategy. It was agreed that an elevated larger publicly accessible open green space and plaza would provide a superior outcome as it would shift the space away from the harsh New South Head Road frontage, enable improved social amenity, solar access, and an opportunity for greater urban greening. The podium height was lowered further with the introduction of a large public staircase, highly visible at the iconic corner of the site to ensure that this contribution to the public domain is easily identified and accessible (see **Figures 7 and 8**).



Figure 7 and 8 – Proposed elevated public plaza and connection to street level (source: FJC)

Issue no. 3 – Impact on Council land

Council view

- The planning proposal reduces the development potential of the Council-owned land and does not consider a holistic redevelopment of the site (for both the proponent's

land and Council's land) as envisaged in the ECC Strategy. The proposed maximum FSR controls seek to redistribute floor space from Council's land onto the proponent's land, thereby restricting future development potential on Council's land.

- Outcomes/decisions regarding the future potential of Council's land remain outstanding.
- The layout and configuration of the indicative multi-purpose community facility on Council's land leads to poor legibility, including lack of activation, amenity and access.

Proponent view

- Council have indicated the preference for the road reserve area to remain owned and operated by Council.
- Land dedication of a section of the ECC site to provide a more functional lot shape to develop for the purpose of a community facility.

Issue no. 4 – Site Specific Development Control Plan (DCP)

Council view

- Council recommends the preparation of a site-specific DCP to support the exceptions to the maximum building height and FSR standards that would be enabled by the recommended planning proposal.
- The site-specific DCP would provide guidance on housing yield and diversity, articulation and setbacks, heritage impact, street activation, tree preservation, public open space and urban greening, vehicle access and parking, and sustainability.

Proponent view

- The proponent has indicated it will prepare an amendment to the Woollahra DCP 2015 in collaboration with Council officers.

Other issues:

VPA Public Benefit

- Provisions to secure a contribution towards improved community infrastructure, public open space, public domain and community facilities should be included to ensure public benefit is achieved in tandem with any future development. Negotiations are ongoing and no agreement on the terms of a draft VPA has been reached.
- A letter of offer (**Attachment B1**) to enter into a local VPA was sent to Council on 26 June 2024. The total value of contributions, excluding land dedication equates to approximately \$36,333,153.

State Environmental Planning Policy (Housing) 2021

- Council recommends a provision that prevents the Housing SEPP bonus from being applied to ensure there is no opportunity to extend the bulk and scale of development beyond what is approved as appropriate.
- Council notes that a 30% bonus on the ECC Strategy's indicative maximum building height of 86m would result in a revised building height of 112m (34 storeys). The proponent's requested 37 storeys could increase to 48 storeys using the 30% bonus and would further exceed an acceptable scale of development for the site.

Exceptions clause

- Council recommends the use of Part 6 Additional local provisions (within the Woollahra LEP 2014) to enable exceptions to the applicable maximum building heights and FSRs (rather than amendment to the maximum building height and maximum FSR maps). The exceptions clause would describe specific criteria to be met in redevelopment of the site and provide certainty to the built form outcome.

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Attachments:

Attachment A – Planning Proposal (+ Owners Consent and Application)

Attachment A1 – Benchmarking Analysis

Attachment A2 – Merit Test

Attachment A3A – A3E – Urban Design Report (Part 1 – Part 5)

Attachment A4 – Social Impact Assessment

Attachment A5 – Economic Impact Assessment

Attachment A6 – Visual Impact Assessment

Attachment A7 – Transport and Accessibility Assessment

Attachment A8 – Heritage Impact Assessment

Attachment A9 - Environmental Wind Assessment

Attachment A10 – Acoustic Assessment

Attachment A11 – Preliminary Site Investigation

Attachment A12– Geotechnical and Structural Engineering Statement

Attachment A13 – Preliminary Aeronautical Assessment

Attachment A14 – Preliminary Arboricultural Assessment

Attachment A15 – Utilities Desktop Review

Attachment A16 – Ecologically Sustainable Development Strategy

Attachment A17 – Scoping Proposal - Council Advice

Attachment A18 – Response Matrix to Scoping Proposal with Council Advice

Attachment A19 – Survey Plan

Attachment B – Rezoning Review Statement

Attachment B1 – Draft VPA Letter of Offer (June 2024)

Attachment C – Council's response to Rezoning Review

Attachment C1 – Council's Response to Request for PPA confirmation

Attachment D – Previous proposal Briefing Report and Record of Decision

(Signature)

4/11/2024 (Date)

Murray Jay

Manager, Planning Proposal Authority

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A handwritten signature in black ink, appearing to read "Louise McMahon".

(Signature)

____5/11/2024_____
(Date)

Louise McMahon

Director, Planning Proposal Authority

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Renee Ezzy

Senior Planning Officer, Planning Proposal Authority

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