

## Panel determination of rezoning review

On 19 November 2024, the Sydney Eastern City Planning Panel (Panel) considered the planning proposal for 203-233 New South Head Road, Edgecliff (Edgecliff Centre) because Council failed to indicate support for the proposal within 115 days.

The Panel determined that the proposal should be submitted for Gateway subject to conditions (**Attachment C**).

In summary, this involved:

- the delivery, on site, of 15% of the GFA of the residential use to affordable housing, for a period of 15 years to be managed by a Community Housing Provider (CHP);
- identifying the site as an 'Area' within the Key Sites Map and requires the preparation of a Development Control Plan (DCP); and
- deletion of the maximum non-residential FSR cap, as the minimum non-residential FSR provision of 2:1 is acceptable.

It is noted that in the reasons for decision, the Panel stated that they did not support the proposed split in FSR and HOB controls between the Council owned road reserve and the proponent's land. The Panel considered that a uniform FSR of 9:1 and a maximum HOB of 128m should apply across the site, inclusive of the road reserve.

As noted above, the planning proposal has not been updated yet to apply a blanket FSR and HOB control across the site. Prior to the planning proposal proceeding to Gateway assessment, the PPA team will ensure the proposal is updated to include these blanket controls. The maps below show the amended controls as they are to be submitted for Gateway assessment.

An assessment against the Panel's decision has been undertaken (see **Table 1**).

Table 1

| Panel's Recommendation  | PPA Assessment  |
|---|---|
| <p>1. Given the increased height and yield is justified due to the location of the site above a train station, the delivery, on site, of 15% of the GFA of the residential use to affordable housing, for a period of 15 years to be managed by a Community Housing Provider (CHP) is key to any acceptable planning proposal.</p> <p>The proponent is to amend the planning proposal to identify how this will be provided and achieved.</p> | <p><b>Condition Unresolved</b></p> <p>Longhurst Group commissioned an independent feasibility analysis study (<b>Attachment A1</b>) to assess the impact of a 15% affordable housing contribution on the overall viability of the project.</p> <p>The PPA team notes that the proponent's assessment shows that provision of 15% Affordable Housing (AH) for a period of 15 years is not feasible under the current controls. In an attempt to address the Panel's conditions, the proponent has model a number of AH scenarios, three of which align with the FSR controls previously considered by the Panel and the other three used a different density breakdown.</p> <p>Council recently endorsed the ECC Strategy and has subsequently lodged a planning</p> |

# Assessment Against Panel's Condition

RR-2024-32 / PP-2024-540



| Panel's Recommendation  | PPA Assessment   |
|---|--|
|   | <p>proposal with the Department to enable to the LEP changes sought within the Strategy. AH testing supporting the strategy recommended that Council pursue an AH contribution rate of 5% in perpetuity, with analysis demonstrating that viability can be achieved across all sites with a 5% contribution rate within five to ten years. In the interim, Council should apply a lower contribution rate of 3% until 5% becomes viable. This approach was considered consistent with the approaches of other councils with similar circumstances.</p> <p>A planning proposal for 8-10 New McLean Street, Edgecliff (PP-2023-1648) (currently on exhibition) is proposing an AH contribution of 2.76% in perpetuity, which was demonstrated by the proponent to be feasible. This planning proposal was also subject to a rezoning review, where the Panel required feasibility work be undertaken to inform an appropriate AH rate. The planning controls being amended under the 8-10 New Mclean Street proposal are significantly lower than those sought under this planning.</p> <p>Should the Panel wish to interrogate the AH component of this planning proposal, it is recommended that an independent peer review be undertaken to determine an AH contribution rate, and the form it takes (in perpetuity or for a fix term).</p> |
| <p>2. The Panel requires revision of the planning proposal to include a site-specific clause which identifies the site as an 'Area' within the Key Sites Map and requires the preparation of a Development Control Plan (DCP).</p> <p>The future built form and variation in height and scale of the development should be reflected in the DCP which should be exhibited concurrently with any planning proposal.</p> <p>The DCP should include as least the following matters (not exhaustive):</p> <ul style="list-style-type: none"><li>• Boundary setbacks</li><li>• Podium heights</li><li>• Solar access and overshadowing of the lower scale heritage conservation area</li></ul> | <p><b>Condition Unresolved</b></p> <p>While the proponent has provided a draft site specific DCP to the PPA team, the planning proposal has not been updated to include a site-specific clause to identify the site as an 'Area' within the Key Sites Map and a requirement for the DCP. It is understood the proponent is seeking to make all the updates once an Affordable Housing rate is finalised. It is noted however, that the proponent has provided a draft site specific DCP dated April 2025 (<b>Attachment A3</b>).</p> <p>The PPA team have reviewed the draft DCP and consider that it addresses the matters raised by the Panel.</p> <p>Although a floor plan identifying the location of the AH units has not been provided, the proponent has advised that units with lesser</p>   |

| Panel's Recommendation   | PPA Assessment   |
|--|--|
| <ul style="list-style-type: none"><li>• Height of individual buildings and podiums</li><li>• Private and communal open space delivery and quantum</li><li>• Site ingress and egress</li><li>• Any agreed community facilities</li><li>• Criteria for location of affordable housing</li><li>• Public domain improvements</li></ul> | <p>access to views and amenity be allocated for the purpose of AH so as to provide units that are as affordable as possible given the project parameters.</p> <p>The PPA team consider that consistency with this condition remains outstanding, however can be met once the planning proposal is updated to include the draft clause.</p>   |
| <p>3. The Panel notes the Council's desire to have a cap on the quantum of non-residential GFA, however, the Panel considers that the minimum provision of 2:1 is acceptable without a maximum cap so this should be deleted from the planning proposal.</p>   | <p><b>Condition Met</b></p> <p>No maximum cap for provision of non-residential GFA is proposed. The PPA team will ensure that no maximum cap is included when the proponent updates the planning proposal report.</p> <p>Regarding the minimum 2:1 non-residential FSR, the proponent has provided AH scheme options which also consider a non-residential FSR of 1:1 (schemes 4-6). The Panel are required to confirm if this reduction in minimum non-residential FSR is acceptable.</p> |