



<b>DATE OF DETERMINATION</b>	28 November 2024
<b>DATE OF DECISION</b>	19 November 2024
<b>PANEL MEMBERS</b>	Carl Scully (Chair), Sue Francis and Glennis James
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Cr Toni Zeltzer and Cr Lucinda Regan both declared to have a conflict of interest as the Council owned road reserve was considered as part of the planning proposal.

**REZONING REVIEW**

**RR-2024-32 – Woollahra LGA – PP-2024-540**

203-233 New South Head Road, Edgecliff (As described in Schedule 1).

Reason for Review:

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

**PANEL CONSIDERATION AND DECISION**

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

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

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

The decision was unanimous

**REASONS FOR THE DECISION**

The Panel considered the documentation, was briefed by the Department of Planning, Housing and Infrastructure, and heard from Woollahra Municipal Council and the proponent, Longhurst Group and Ethos Urban.

**Strategic Merit**

The Panel agreed that the planning proposal had Strategic Merit given that:

- The planning proposal is consistent with applicable strategic planning documents, particularly as they relate to the general objectives for housing. These include Greater Sydney Regional Plan,

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Eastern District Plan, relevant State Environmental Planning Policies (SEPPs), Future Transport 2056, NSW State Infrastructure Strategy, Community Strategic Plan 2032 (CSP), Draft Integrated Transport Study, Active Transport Plan, Local Housing Strategy 2021 (LHS), and relevant Section 9.1 Ministerial Directions.

- The planning proposal is generally consistent with the Edgecliff Commercial Centre Strategy (ECC Strategy) and Local Strategic Planning Statement 2020 (LSPS), in that it supports housing and commercial development in a strategically located position.
- Delivering housing supply is a priority issue for Sydney for all levels of Government.
- The provision of additional housing, including affordable housing in this location, has strategic merit.

### Site Specific Merit

The Panel agreed that the planning proposal should be able to achieve Site Specific Merit subject to revisions, noting that:

- The matter of affordable housing provision needs to be adequately addressed as set out below.
- The Council road reservation's FSR, height and access arrangements require resolution between the proponent and Council as landowner. The Panel did not agree that a distinction is required between FSR and height across the site as is currently proposed. The Panel considers that a uniform FSR of 9:1 and a maximum height limit of 128m should apply across the site, inclusive of the road reservation. The Panel accepts that the scale of subsequent built form will be addressed by a DCP which will establish a requirement for transitional and variable height across the site in accordance with the submitted Planning Proposal, appropriate boundary setbacks to reflect the adjacent lower scale heritage area and appropriate podium heights and widths, materiality and to the end built form. Matters of vehicular access, private open space/communal open space, and public domain will also be key deliverables.

### Panel recommendations

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

- Given that 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. The proponent is to amend the planning proposal to identify how this will be provided and achieved.
- 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). 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. The DCP should include at least the following matters (not exhaustive):
  - Boundary setbacks
  - Podium heights
  - Solar access and overshadowing of the lower scale heritage conservation area
  - Height of individual buildings and podiums
  - Private and communal open space delivery and quantum
  - Site ingress and egress
  - Any agreed community facilities
  - Criteria for location of affordable housing
  - Public domain improvements

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- 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.

The Panel requires confirmation from the proponent that they agree to:

- revise the planning proposal to be consistent with the Panel’s recommendations; and
- subsequently provide a revised planning proposal and supporting draft DCP to address the Panel’s concerns.

The proponent has up to two weeks from the date of this determination to confirm whether they agree to revise their planning proposal to be consistent with the Panel’s recommendations. Should the proponent not agree to revise their proposal, then the Panel will reconvene to determine the planning proposal as submitted.

Should the proponent agree to revise their planning proposal to address the Panel’s concerns, then the proponent has up to a further three months to provide the revised planning proposal, including supporting draft DCP, reports and studies to the Panel.

The Panel will reconvene two weeks following the receipt of the revised Planning Proposal to assess and determine whether the Proposal has met the Panel’s recommendations and has demonstrated site specific merit and is suitable for submitting to a Gateway determination.

Woollahra Municipal Council was given the opportunity to accept the role of Planning Proposal Authority (PPA) for this planning proposal and stipulated they would only accept the PPA role if the height and FSR are to comply with the Council Edgecliff Commercial Strategy. Subsequently, in accordance with Section 3.32(1) of the *Environmental Planning and Assessment Act 1979*, the Planning Panel as delegate of the Minister for Planning has determined to appoint itself as the PPA for this planning proposal.

Should the proponent fail to pay the PPA fee by the designated date, then the Panel will no longer proceed with the planning proposal and the making of a local environmental plan amendment.

PANEL MEMBERS	
 Carl Scully (Chair)	 Sue Francis
 Glennis James	

SCHEDULE 1		
1	<b>PANEL REF – LGA – DEPARTMENT REF - ADDRESS</b>	RR-2024-32 – Woollahra LGA – PP-2024-540 – at 203-233 New South Head Road, Edgecliff
2	<b>LEP TO BE AMENDED</b>	Woollahra Local Environmental Plan (LEP) 2014
3	<b>PROPOSED INSTRUMENT</b>	<p>The proposal seeks to:</p> <ul style="list-style-type: none"> <li>• Increase the maximum allowable Height of Building from part 0m, part 6m and part 26m to Part 60m and to part 124m to 128m.</li> <li>• Increase FSR Edgecliff Centre portion of the site from 2.5:1 to 9:1</li> <li>• Increase FSR on the Council-Owned Road Reserve from 0 to 3.5:1</li> <li>• Introduce a site-specific provision to retain a minimum 2:1 (of the overall 9:1) for non-residential purposes.</li> </ul>
4	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Rezoning review request documentation</li> <li>• Department of Planning, Housing and Infrastructure, Rezoning Review Briefing Report, 12 November 2024</li> <li>• Slide presentations from DPPI, Woollahra Municipal Council and the proponent.</li> <li>• Letter from the proponent, Longhurst Group, to the panel. Dated 18/11/2024</li> </ul>
5	<b>SITE INSPECTIONS AND BRIEFINGS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• <b>Site inspection with Department of Planning, Housing and Infrastructure (DPPI):</b> 10:30am – 11:04am, 19 November 2024 <ul style="list-style-type: none"> <li>○ Panel members in attendance: Carl Scully (Chair), Sue Francis, Glennis James and Toni Zeltzer</li> <li>○ DPPI staff in attendance: Louise McMahon, Murray Jay, Renee Ezy and Adam Williams</li> <li>○ Key issues discussed: <ul style="list-style-type: none"> <li>• Commercial portion viability</li> <li>• Constraints of Council owned land section and the inclusion in the proposal</li> <li>• Appropriate maximum height and FSR</li> <li>• Rail easement and underground parking</li> <li>• Affordable housing</li> </ul> </li> </ul> </li> <li>• <b>Briefing with Department of Planning, Housing and Infrastructure (DPPI):</b> 1:10pm – 1:42pm, 19 November 2024 <ul style="list-style-type: none"> <li>○ Panel members in attendance: Carl Scully (Chair), Sue Francis and Glennis James</li> <li>○ DPPI staff in attendance: Louise McMahon, Murray Jay, Renee Ezy, Emma Hitchens, Ellen Shannon, Patrice Rando, Kate McKinnon, Adam Williams and Taylah Fenning</li> <li>○ Key issues discussed: <ul style="list-style-type: none"> <li>• Edgecliff CC Strategy in comparison to the Planning Proposal</li> <li>• Consideration of consolidation with site to the east</li> <li>• Proposed height and FSR and potential built form outcomes</li> </ul> </li> </ul> </li> <li>• <b>Briefing with Woollahra Municipal Council:</b> 1:47pm – 2:37pm, 19 November 2024 <ul style="list-style-type: none"> <li>○ Panel members in attendance: Carl Scully (Chair), Sue Francis and Glennis James</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ DPHI staff in attendance: Louise McMahon, Murray Jay, Renee Ezzy, Emma Hitchens, Ellen Shannon, Patrice Rando, Kate McKinnon, Adam Williams and Taylah Fenning</li> <li>○ Council representatives in attendance: Anne White, Timothy Walsh, Chinmayi Holla and Tom O’Hanlon</li> <li>○ Key issues discussed: <ul style="list-style-type: none"> <li>● Council’s position on strategic and site specific merit of the Planning Proposal</li> <li>● Potential for removal for eligibility for Housing SEPP bonus</li> <li>● Public benefit negotiations and affordable housing provision</li> </ul> </li> <li>● <b>Briefing with Longhurst Group and Ethos Urban (Proponent):</b> 2:48pm – 4:07pm, 19 November 2024 <ul style="list-style-type: none"> <li>○ Panel members in attendance: Carl Scully (Chair), Sue Francis and Glennis James</li> <li>○ DPHI staff in attendance: Louise McMahon, Murray Jay, Renee Ezzy, Emma Hitchens, Ellen Shannon, Patrice Rando, Kate McKinnon, Adam Williams and Taylah Fenning</li> <li>○ Proponent representatives in attendance: Paolo Razza, Sean McPeake, Clare Swan, Arcangelo Antoniazzi, Natalie Vinton, Andrew Morse, Richard Lamb, Dimitri Roussakis and Louise Camenzuli</li> <li>○ Key issues discussed: <ul style="list-style-type: none"> <li>● Project timeline and proposal’s relationship to ECC Strategy</li> <li>● Response to feedback on previous Rezoning Review</li> <li>● Current public benefit offer and affordable housing offer option</li> <li>● Proponent’s position on strategic and site specific merit of the Planning Proposal</li> </ul> </li> </ul> </li> <li>● <b>Panel Discussion: 4:15pm – 4:47pm, 19 November 2024</b> <ul style="list-style-type: none"> <li>○ Panel members in attendance: Carl Scully (Chair), Sue Francis and Glennis James</li> <li>○ DPHI staff in attendance: Louise McMahon, Murray Jay, Renee Ezzy, Emma Hitchens, Ellen Shannon, Patrice Rando, Kate McKinnon, Adam Williams and Taylah Fenning</li> </ul> </li> </ul>
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