



**INGHAM**  
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## **PLANNING PROPOSAL REPORT**

# **Draft Amendment to Woollahra Local Environmental Plan 2014**

**136-148 New South Head Road Edgecliff**



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# Executive Summary

This Planning Proposal seeks amendment of Woollahra Local Environmental Plan (LEP) 2014 to allow the subject land to accommodate a mixed use development to a height of 46m and an FSR of 5:1. The site is in a location that has been deemed strategically appropriate for such development in Council's recently exhibited Draft Edgecliff Commercial Centre Planning and Urban Design Strategy (ECCS). The site was not specifically identified in the ECCS as having redevelopment potential due to Council assuming that amalgamation of the site was unlikely. However, as this has now been achieved, the site can be seen as a key site within the Edgecliff Centre and, as detailed in this report, is highly suitable for increased density.

The height and scale of the proposal has been the subject of detailed discussions with Woollahra Council. Council was of the view that previous schemes for 28 and 18 storey buildings were excessive having regard to the 'local centre' status of Edgecliff, the existing context and the heights recommended in the ECCS. The proposal has been amended to accord with Council's specific recommendations that the height be limited to 12 storeys and that FSR be limited to 5:1. Site specific provisions for inclusion in Council's Development Control Plan (DCP) have been prepared to ensure that the proposed building envelope is responsive to the local context and the amenity of neighbours.

As part of the part of the proposed amendment to the LEP, the proposal will also deliver significant community benefit. These include:

- Retention and refurbishment of the existing heritage building at 136 New South Head Road;
- Replacement of existing buildings that are not a positive element in the streetscape with a new landmark building that is more consistent with the B4 Mixed Use zoning of the land and the attractive vision for Edgecliff outlined in the ECCS;
- Activation of the street frontages with vibrant retail and commercial uses;
- Provision of a significant amount of non-residential floor space, to maintain and enhance the role of Edgecliff as a major employment generator;
- Increased economic activity and a greater amount of activity and vitality to the Edgecliff Centre. Construction will add \$270.8M to the economy (\$130M within Woollahra LGA) and create 852 jobs and when completed the development will add \$5.3M to the economy and an additional 103 jobs per annum;
- An offer to enter into a Voluntary Planning Agreement (VPA) that will provide significant contributions for Council to provide the new community infrastructure identified as being necessary in the ECCS (including public open space and public art) and to supplement existing facilities and services. Part of these contributions will be for affordable housing to maintain housing and social diversity in the LGA. The terms of such an offer are currently being discussed with Council.

Whilst not part of the Planning Proposal, the indicative concept plans that have been prepared demonstrate that the site can be developed with a high quality urban form that meets and exceeds the design requirements of the Apartment Design Guide (ADG). The built form is limited in height to be compatible with the heights proposed on surrounding properties identified in the ECCS and is notably 14 storeys lower than the highest building proposed – the Edgecliff Centre (26 storeys). The form is sculpted to maintain views as

much as is reasonably possible and to ensure that there is no unreasonable overshadowing of important public spaces or adjacent properties.

We are of the view that the Planning Proposal is a logical step in the strategic planning for this site and precinct, being consistent with broader strategic plans, the draft Edgecliff Commercial Centre Strategy and providing much needed additional housing and commercial floor space. The locational attributes of the site mean that impacts on existing development can be minimised. The walkability of the site to significant transport links, employment, shopping and recreation opportunities means that the sustainability objectives of the strategic planning for Sydney (such as the '30 minute city') can be readily achieved.

It is recommended that the Planning Proposal proceed to the Department of Planning, Environment and Industry's (DPIE) Gateway determination process and be placed on public exhibition.

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## Appendices

Appendix A – table addressing the matters raised by Woollahra Council in pre-lodgement discussions prepared by Ingham Planning

Appendix B - Site Survey Plan prepared by Norton Survey Partners dated 4/6/21

Appendix C – Urban Design Study (including view analysis) prepared by Group GSA dated August 2021

Appendix D – Indicative Concept Report and Plans prepared by Group GSA dated August 2021

Appendix E – Traffic and Parking Impact Assessment prepared by Colston Budd Rogers and Kafes dated December 2020, May 2021 and August 2021

Appendix F - Heritage Assessment prepared by Urbis dated 18 August 2021 and 16 July 2021

Appendix G - Aboricultural Report prepared by TreeIQ dated 2 July 2021

Appendix H - Geotechnical Investigation prepared by Douglas Partners dated March 2021

Appendix I - Contamination Investigation prepared by Douglas Partners dated March 2021

Appendix J - Wind Impact Assessment prepared by Arup dated 23 June 2021

Appendix K - Acoustic Impact Assessment prepared by Acoustic Logic dated 15 June 2021

Appendix L – Economic Benefits Assessment prepared by Hill PDA dated 17 August 2021

Appendix M – ESD Concept Advice prepared by Efficient Living dated 13 August 2021

# 1. INTRODUCTION

This Planning Proposal Report has been prepared to support a Planning Proposal for land at 136-148 New South Head Road Edgecliff. The Planning Proposal seeks amendment of Woollahra Local Environmental Plan 2014 ('the LEP'), to increase height and FSR on the site, subject to design excellence and delivery of community infrastructure.

These amendments aim to facilitate a landmark mixed use development consistent with the 'concept scheme' detailed in this report. This scheme has been designed to achieve the objectives for the Edgecliff Commercial Centre detailed in the recently exhibited Planning and Urban Design Strategy (ECCS) for the centre through the provision of 41 apartments above 3-4 levels of commercial floor space including ground level retail and retention and refurbishment of the existing heritage building on the corner of Darling Point and New South Head Roads. The concept attains a height of 12 storeys in a highly sculptural, dramatic form that will serve as the gateway to the Edgecliff Centre from the Darling Point peninsula. The proposed height and bulk responds to feedback from Woollahra Council provided through the pre-lodgement process. The manner in which the revised Planning Proposal addresses the matters raised by Council is provided at **Appendix A**.

The Planning Proposal will also result in significant monetary contributions to Council, by way of a Voluntary Planning Agreement (VPA) which is presently under negotiation. Benefits include provision of contributions for:

- affordable housing;
- public art;
- community facilities and services identified as being needed in the Edgecliff Commercial Centre Planning and Urban Design Strategy (ECCS);
- community facilities and services already identified as being need for the wider Woollahra Council area community.

This report has been prepared in accordance with the Department of Planning and Environment Guide for Preparing Planning Proposals. It considers the site and strategic planning context, traffic and transport considerations, environmental considerations, urban design considerations, economic considerations, social and cultural considerations, infrastructure considerations and other matters of relevance to the Planning Proposal.

Council's support is sought for the Planning Proposal to proceed through the gateway process and subsequent public exhibition.



**Figure 1 – Photomontage of concept building viewed from New South Head Road to the east**

## 2. THE SITE, LOCALITY AND PLANNING CONTROLS

### 2.1 The Site and Locality

The subject site is known at No 136-148 New South Head Road Edgecliff and is comprised of Lot 1 DP663465 (No 136), Lot 1 DP1092694 (No 138-140), Lots A and B DP443992 (No 142-148). (see **Figure 2**).

The site is located within the Edgecliff commercial centre opposite the railway station and bus interchange. Edgecliff is a substantial local centre that is within 3km of the Sydney CBD (see **Figure 3**). The Edgecliff and Darling Point area was originally part of the larger territory of the Cadigal clan of the Eora people whose country extended across the southern shores of Sydney Harbour.



Source - Sixmaps

**Figure 2 - Site**

The existing development on these properties is as follows:

- No 136 - a two storey 'functionalist' inter war, former bank building, constructed in 1940 (see **Figure 4**). To the north of the building is an open concrete car park (see **Figure 2**). Further details are provided in the submitted Heritage Assessment (**Appendix F**);
- No 138-140 – an older style 3 storey walk-up apartment building elevated above the streetfront (see **Figure 5**). As indicated in the submitted Heritage Assessment (**Appendix F**), this building does not have any heritage significance;
- No 142-148 – an older style 2 storey walk-up building elevated above the streetfront (see **Figure 5**). It is presently used for commercial purposes. As indicated in the

submitted Heritage Assessment (**Appendix F**), this building does not have any heritage significance.

The amalgamated site is irregular in shape and is located on the corner of Darling Point and New South Head Roads. The street frontage to Darling Point Road is around 26.9m and to New South Head Road is around 48.7m (excluding the splay corner). The site area is 1748sqm.

The land falls gently from the NE down to SE corner as can be seen in the submitted survey plan (see **Appendix B**). The site contains little vegetation and is almost totally covered by buildings or hared paved areas. There are 3 large street trees along the New South Head Road frontage (see **Appendix H**).



Source - Sixmaps

Figure 3 - Location



**Figure 4 – Existing heritage listed commercial building**



Source - Googlemaps

**Figure 5 – Nos 138-140 (left) and 142-148 (right) New South Head Road**



Source – Googlemaps

**Figure 6 – mixed use development at No 156-158 (left) and No 174-180 New South Head Road (right). Ranelagh tower can also be seen in the background**

To the east of the site on New South Head Road is the continuation of the Edgecliff commercial centre. No 156-158 is a mixed use development with ground floor commercial uses and 4 storeys of apartments above (see **Figure 6**). No 174-180 is a mixed use development with ground floor commercial uses and 2-3 storeys of apartments above (see **Figure 6**). Between these sites is vehicular access to the apartment buildings that are located on battleaxe lots to the NE of the site. Further to the NE is the heritage listed Ascham School precinct.

To the west of the site along New South Head Road is a heritage listed retaining wall that separates the upper and lower elements of Darling Point Road. Land further west is also part of the Edgecliff commercial centre and comprises a range of mixed use buildings up to 10 storeys (see **Figure 7**).

North of the site is the tall ‘Ranelagh’ residential tower (3 Darling Point Road). This site is large and comprises a 31 storey apartment building set in landscaped grounds with a 3 level, semi-basement car park on the southern boundary with the subject site (see **Figure 8**). This site is zoned R3 Medium Density Residential and the existing tower is identified as ‘intrusive development’ in the Woollahra Development Control Plan (DCP) 2015.

To the south, across New South Head Road, is the Edgecliff Centre, a seven storey building dating from the 1970s that is occupied by a range of commercial premises including retail at the ground, street front level and offices premises above (see **Figure 9**). To the east of this development is access to the underground Edgecliff railway station and a 2 level building which includes Eastpoint Shopping Centre and a bus interchange above (see **Figure 10**).



Source - Googlemaps

**Figure 7 – heritage retaining wall at Darling Point Road and development to the west along New South Head Road**



Source - Googlemaps

**Figure 8 – Ranelagh tower and car park adjoining the site to the north**



Source - Googlemaps

**Figure 9 – The Edgecliff Centre to the south of the site**

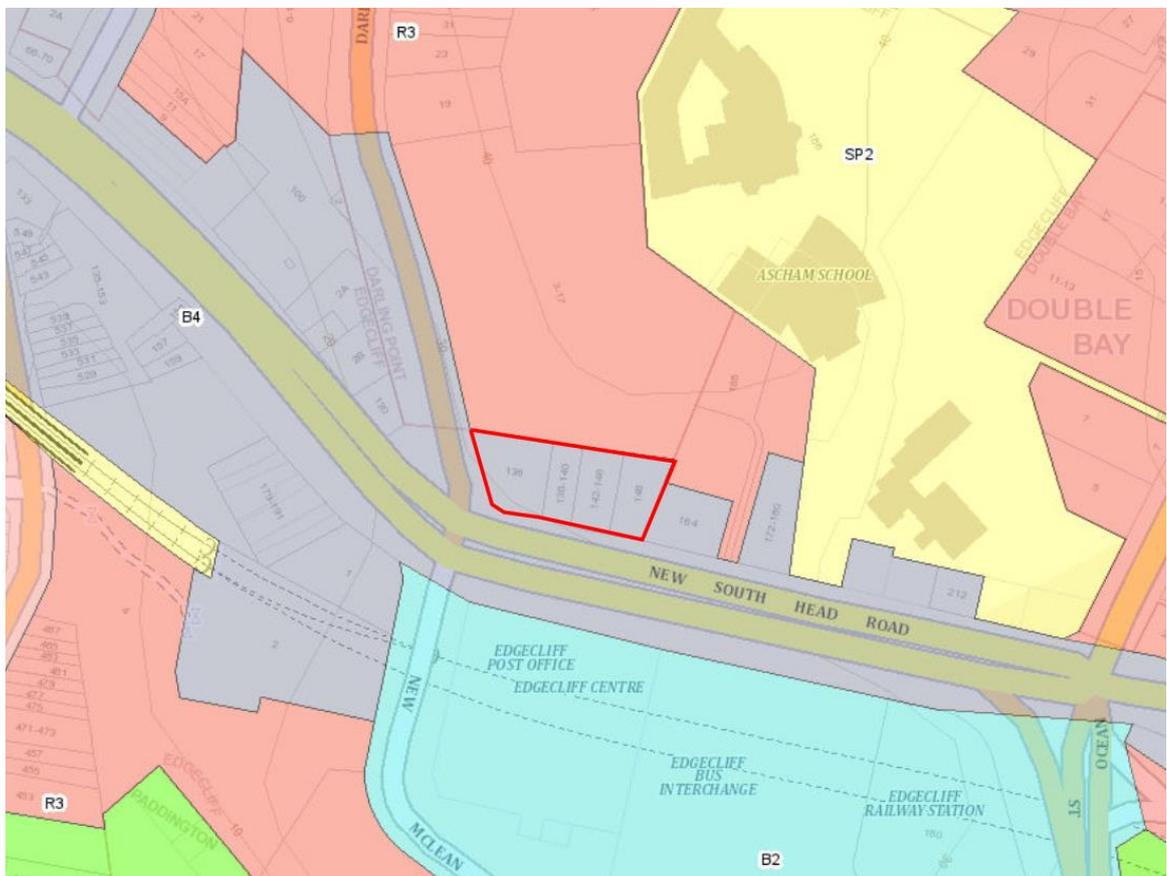


Source - Googlemaps

Figure 10 – Eastpoint Shopping Centre with railway access and bus interchange above

## 2.2 Woollahra LEP 2014 (the LEP) Planning Controls

Zoning and permissibility - the site is zoned B4 Mixed Use under the LEP (see **Figure 11**). It is not proposed to change the existing zoning as the proposed uses, being shop-top housing comprised of commercial premises and dwellings, is a permissible use. The proposal is assessed in relation to the objectives of the B4 zone and other relevant LEP provisions in **Section 4.3.1(b)** of this report.



Source – planning portal

Figure 11 - Zoning Woollahra LEP 2014

Building height - the maximum permitted height on the subject site is 14.5m, facilitating 4-5 storey development (see **Figure 12**).

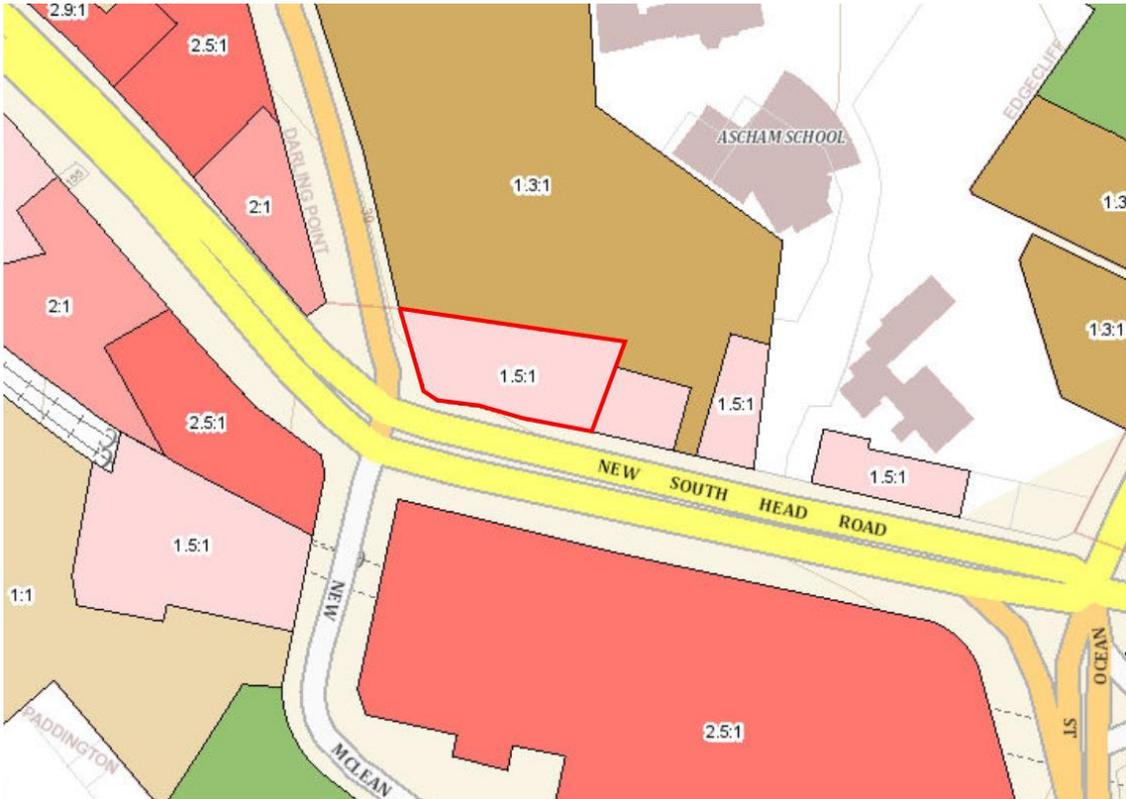
Floor space ratio (FSR) - the maximum permitted FSR on the subject site is 1.5:1 (see **Figure 13**).

Heritage – the subject site contains a heritage item and is in the vicinity of other items (see **Figure 14**).

Land acquisition – the corner of No 136 new South Head Road is affected by a reservation for road widening (by Transport for NSW) as indicated on **Figure 15**. However any works would require demolition of the existing heritage building and therefore the land is unlikely to be acquired. In any event, the land could be redeveloped even if acquisition were to occur and the heritage building demolished as the indicative concept design does not rely on the heritage building for any structural support.

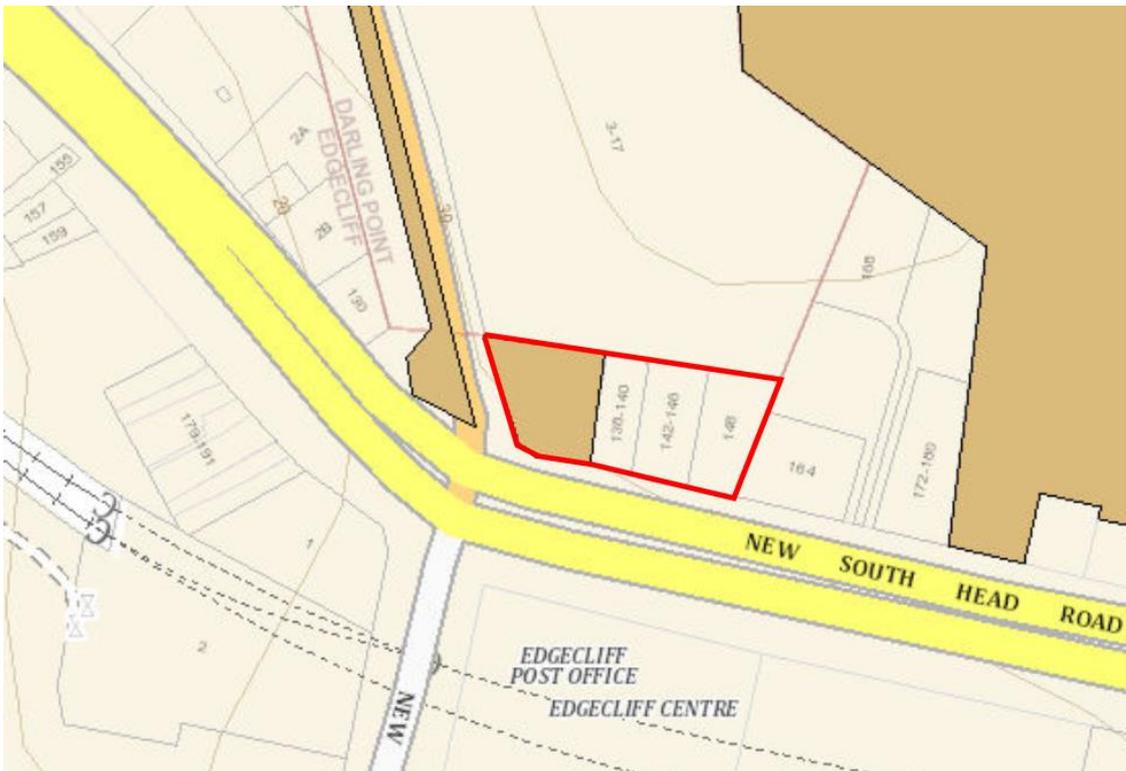


**Figure 12 - Max building height Woollahra LEP 2014**



Source – planning portal

**Figure 13 - Max FSR Woollahra LEP 2014**



Source – planning portal

**Figure 14 – Heritage items and conservation areas Woollahra LEP 2014**



Source – planning portal

**Figure 15 – Land reserved for acquisition Woollahra LEP 2014**

### 2.3 Woollahra DCP 2015 (the DCP) Planning Controls

The primary controls in the DCP that are applicable to the site (and not overridden by ADG requirements) are as follows. The consistency of the Planning Proposal with the DCP will be considered in **Section 4.3.1(b)** of this report.

#### Chapter D2 – Mixed Use

##### D2.2 New South Head Road Corridor

*C16 At ground level, the building may have a zero setback to side and rear boundaries.*

*C17 A side boundary setback of at least 1.8m applies to the fifth storey and above, if relevant (Note: This control is relevant to sites where the maximum building height is 20.5m in the LEP). Therefore in this case no side setback control applies.*

*C18 A rear setback of 2.4m applies to all levels of the building above ground level.*

*C19 A 2.4m building articulation area applies at the rear to all levels above the first floor. The articulation area is occupied by a combination of external and internal elements.*

*Note: This articulation area is calculated from the rear setback established in C18 above.*

#### Chapter D3 - General Controls for Neighbourhood and Mixed Use Centres

*C1 Deep soil landscaped area comprises at least 10% of the site area, with the exception of Hopetoun Avenue, where at least 15% of the site area is deep soil landscaped area.*

#### *Chapter E1 Parking and Access*

##### *Max residential parking:*

- *1 bedroom or studio apartment - 0.5 space*
- *2 bedrooms - 1 space*
- *3 or more bedrooms - 1.5 space*
- *Visitors - 0.2 spaces*

##### *Min non-residential parking:*

- *Business and office premises - 2.5 spaces per 100m<sup>2</sup>*
- *Retail premises - 3.3 spaces per 100m<sup>2</sup>*
- *Office premises - 2.5 spaces per 100m<sup>2</sup>*
- *Food and drink premises - 7 spaces per 100m<sup>2</sup>*

However in Edgecliff commercial corridor a parking multiplier of 0.6 applies for non-residential parking. This effectively reduces the minimum parking requirements for the non-residential uses to 1.5, 1.98 and 4.2 spaces per 100m<sup>2</sup> for office, retail and restaurants respectively.

## 3. THE PLANNING PROPOSAL

### 3.1 The Planning Proposal – Amendment to Woollahra LEP 2014

The Planning Proposal seeks to amend the LEP to facilitate the redevelopment of the site as detailed in the indicative concept plans. This will require mechanisms for permitting additional height to 46m and additional FSR to 5:1. Whilst there are a number of ways this may be undertaken, the Implementation section of the ECCS states:

*A new local provision to facilitate higher density development, with regard to the Height of Buildings and Floor Space Ratio, only if development meets certain criteria:*

- Suitable site amalgamation*
- Design excellence*
- Delivery of community infrastructure*
- Consistency with the Edgecliff Planning and Urban Design Strategy.*

This seems to imply that existing controls will be retained and that additional height and FSR is only achievable subject to the noted considerations. The existing LEP clauses are constructed in a similar way – land is subject to the height control (by way of Clause 4.3) and FSR control (by way of Clause 4.4) shown on the maps. Clauses 4.3A and 4.3B allow higher buildings on certain identified sites, despite what is shown on the map. Clauses 4.4A-D allow higher FSR's or both higher FSR's and height, despite what is shown on the map. Adopting a similar approach for this Planning Proposal, the LEP could be amended to include the following new clause.

#### **Clause 4.4E Exceptions to building height and floor space ratio (136-148 New South Head Road Edgecliff being Lot 1 DP663465, Lot 1 DP1092694 and Lots A and B DP443992)**

- (1) *The objectives of this clause are as follows—*
  - (a) to permit a greater maximum floor space ratio on the land, subject to certain criteria,*
  - (b) to conserve and recognise the heritage significance of the existing heritage building on the site,*
  - (c) to promote design excellence,*
  - (d) to facilitate the provision of additional community infrastructure,*
  - (e) to contribute to the growth of Edgecliff commercial centre with additional housing and employment opportunities,*
  - (f) to ensure building design that has regard to amenity impacts on surrounding properties.*
- (2) *This clause applies to land identified as “Area K” on the Height of Buildings Map and “Area 6” on the Floor Space Ratio Map.*
- (3) *Despite clauses 4.3 and 4.4, development consent may be granted to development on land to which this clause applies that results in a floor space ratio that does not exceed 5:1 and a height that does not exceed 46 metres if –*
  - (a) the existing lots are to be amalgamated into one lot;*
  - (b) the consent authority is satisfied that the development will achieve design excellence, will contribute to the provision of additional community infrastructure and has regard to amenity impacts on surrounding properties.*

The final method of amending the LEP is ultimately up to Council in consultation with the Department of Planning Infrastructure and Environment (DPIE).

### 3.2 Planning Proposal Objectives

The objectives of the Planning Proposal are the same as those indicated in the draft LEP cause above, ie:

- (a) to permit a greater maximum floor space ratio on the land, subject to certain criteria,*
- (b) to conserve and recognise the heritage significance of the existing heritage building on the site,*
- (c) to promote design excellence,*
- (d) to facilitate the provision of additional community infrastructure,*
- (e) to contribute to the growth of Edgecliff commercial centre with additional housing and employment opportunities,*
- (f) to ensure building design that has regard to amenity impacts on surrounding properties.*

### 3.3 Intended outcomes

The preparation of the Planning Proposal and potential building envelope have been informed by a detailed analysis of the site's development constraints and opportunities, the recommendations of the ECCS and Council's feedback on the draft Planning Proposal. This analysis has included site context, topography, aspect, relationship to neighbouring development, traffic, access, viability, development trends and market expectations. An Urban Design Study has been undertaken by Group GSA (see **Appendix C**) to assist in developing the planning and design principles for the site.

The Planning Proposal is facilitated by the amalgamation of 4 existing properties which allows the viable redevelopment of the subject land and ensures that redevelopment does not result in the need to provide vehicular access via New South Head Road.

The proposal aims to provide for retention and enhancement of the site's employment generating capacity by protecting and refurbishing the existing heritage item (maintaining the existing commercial use) and providing a podium with 3-4 levels of commercial floor space including ground floor. The ground level of the street frontage will be activated by food and drink premises and retail uses. Above, a tower will provide high quality contemporary apartment living, attractive to both investors and owner occupiers, particularly those households seeking to downsize. Providing more apartments suitable for downsizers has a positive outcome by increasing the supply of housing available for families seeking a house and garden lifestyle.

The form of the proposed tower envelope responds to the site constraints, being setback from the existing heritage item (generally as advised by Council), to minimise overshadowing of important public domain and neighbouring dwellings and to minimise view loss. This is discussed in further in the Urban Design Report at **Appendix C**. To ensure that the final development outcome is commensurate with the building envelope considered in this report, it is proposed to include draft provisions for adoption into Council's Development Control Plan (DCP) (see details in **Section 3.6** below).

By including substantial public benefits in the Planning Proposal, in the form of contributions for additional community infrastructure including affordable housing, returns from redevelopment are reasonably shared between the developer and the community.

### 3.4 Public Benefits

As noted above, an important feature of the Planning Proposal is the provision of significant public benefits. Some of these will form part of a Voluntary Planning Agreement (VPA) between the proponent and Council. The terms of such an agreement are currently being negotiated with Council.

The offer will include the payment of monetary contributions for matters such as those identified in Council's Community Facilities Study and the ECCS, including community facilities, new public open space, public domain upgrades, affordable housing and public art.

The proponent has investigated the appropriateness for providing public benefits within the subject site, however due to its relatively constrained nature, it is not considered suitable for public open space or the type of public facilities identified in Council's studies. The ECCS identifies a nearby location as being suitable for public art and the contributions paid could assist in funding this.

The proposal will also result in broader public benefits by assisting to achieve the objectives for the Edgecliff commercial centre outlined in the ECCS, aimed at revitalising the centre. The provision of a landmark building in this location will significantly improve the quality of the urban spaces within the centre and its vitality by increasing commercial activity and streetfront activation. New residents and workers will also increase economic activity in the centre and the LGA generally.

### 3.5 Draft DCP

In order to provide greater certainty regarding the outcomes of the Planning Proposal it is proposed to provide some development controls in the form of provisions that can be incorporated into Council's DCP. The main objective of this is to provide controls further to the proposed LEP height and FSR controls, to guide built form and ensure an appropriate balance between the managing impacts of the proposal and providing adequate flexibility to provide an outstanding design solution. In this regard the Apartment Design Guide (ADG) suggests that a 'building envelope' should be 25-30% greater than that which can be achieved by the permitted floor space.

In this case, the indicative concept is based on a development that provides the permitted floor space (ie 5:1 and to a height of 46m). Whilst the applicant intends to proceed with this concept, the planning controls need to allow for a change in circumstances such as the sale of the property to a different party. Accordingly, the proposed envelope is around 25-30% greater than that created by the concept development (considered further in **Appendix Db**). It provides setbacks that take into account the primary issues for the site including responding to the existing heritage item, view impacts, overshadowing impacts and ensuring reasonable building separation and articulation.

The following draft DCP provisions could be adopted by Council in order to supplement the proposed amendments to the LEP.

### 136-148 New South Head Road Edgecliff

#### 1.0 GENERAL

These controls apply to land known as 136-148 New South Head Road Edgecliff (Lot 1 DP663465, Lot 1 DP1092694 and Lots A and B DP443992)(see **Figure A**).



Source- sixmaps

**Figure A – Subject site**

In the event of an inconsistency between this section and the remaining provisions of this DCP, the controls in this section shall prevail in relation to development on the site to the extent of the inconsistency.

The overall aims of this section are to:

- Provide guidelines for a mixed use development on the site.
- Provide built form controls that reflect the existing and desired future character of the area, the character of the site and the relationship to adjoining development.
- Respond to the retention of the existing heritage item at 136 New South Head Road and ensure that its significance is maintained.
- Ensure that an appropriate amount of non-residential floor space is provided and that active street frontages are provided where possible.
- Achieve architectural and urban design excellence.

#### 2.0 BUILT FORM

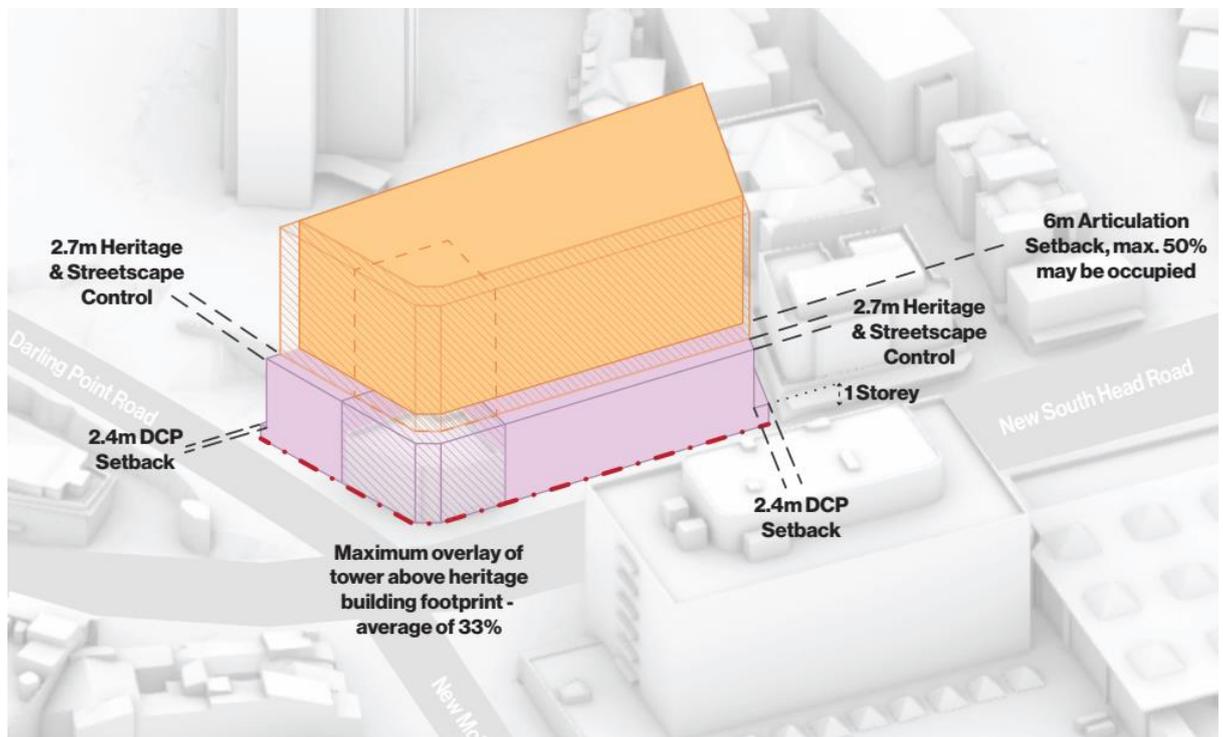
##### *Objectives*

The built form of the new development shall:

- Provide a podium and tower configuration that reflects the existing and desired future character of the area, the character of the site and the relationship to adjoining development.
- Respond to the retention of the existing heritage item at 136 New South Head Road and ensure that its significance is maintained and enhanced.
- Provide appropriate building articulation and setbacks to adjoining properties to maintain reasonable amenity

#### Controls

- The building is to be accommodated within the envelope created by the controls indicated in **Figure B**. This includes controls on podium height and the extent to which the tower element can ‘cantilever’ over the heritage item.
- The existing heritage item should be clearly visible and form a prominent element of the design. It should retain its integrity and be more prominent in views from the east along New South Head Road.
- There should be a clear delineation between the heritage item and the addition, either by a physical separation, shadow line or material change.



**Figure B – Proposed building envelope controls**

### 3.0 BUILDING EXTERIOR

#### Objectives

- Buildings are to demonstrate a high visual quality of development when viewed from the public domain and the surrounding area.
- Façade treatment and design is to be used to break down the mass and bulk of buildings.

- High quality façade materials and finishes are to be used which contribute positively to the built environment and do not detract from the significance of the heritage item on the site.

#### *Controls*

- At street level, façade designs must be sensitive to the pedestrian environment in terms of materials and finishes.
- Extensive blank walls shall be avoided. Provision of appropriate openings in the eastern blank façade of the heritage item is encouraged.
- The new works should complement but not replicate the materials and details of the existing heritage item.

### **4.0 ACTIVE STREET FRONTAGES**

#### *Objectives*

- To ensure that uses on the ground level contribute to the activation of the public domain.
- To ensure that design and location of ground floor uses maximise surveillance of the public

#### *Controls*

- At ground level active frontages to New South Head Road and Darling Point Road are to be maximised.
- The provision of appropriate openings in the eastern blank façade of the heritage item can assist in further activating the public domain.

### **5.0 LAND USE**

#### *Objectives*

- To provide an appropriate amount of non-residential floor space to ensure that the site contributes to employment generation within the Edgecliff commercial centre.
- To contribute to the vibrancy of the Edgecliff commercial centre by providing a suitable mix of uses and a range of dwelling types

#### *Controls*

- At a minimum ground and first floor premises (including the existing heritage item) are to comprise non-residential uses.
- A mix of dwelling sizes are to be provided.

### **6.0 LANDSCAPE**

#### *Objectives*

- To contribute to the urban greening of the Edgecliff Commercial Centre
- To provide landscaping that will assist in creating high quality public and private recreation and gathering spaces
- Landscaped communal open space should be provided where possible to provide recreation opportunities for residents and workers

#### *Controls*

- The existing street trees on New South Head Road are to be retained and supplemented with additional planting within the public domain
- If deep soil areas cannot be provided, planter boxes with appropriate soil depth should be provided in public and private recreation and gathering spaces to add to the urban greening of the environment

## **7.0 TRAFFIC AND TRANSPORT**

### *Objectives*

- Development must be designed to provide adequate and safe access to the site.
- Development on the site is not to cause adverse traffic impacts on the surrounding road system.
- Ensure future vehicular access can be provided to the adjoining site.
- Minimise the number of vehicular access points to the development.

### *Controls*

- As the site is located adjacent to a train station and bus interchange the rates in Council's DCP that relate to the Edgecliff commercial centre are the maximum that shall apply.
- All vehicles are to enter and exit a site in a forward direction via Darling Point Road.

## **8.0. SUSTAINABILITY**

### *Objectives*

- Achievement of design excellence shall include achievement of higher building sustainability standards.

### *Controls*

- The following targets are applicable. The applicant shall use all best endeavours to achieve these targets:
  - NABERS Base Building Energy for Offices: 5.5 stars;
  - NABERS Energy for Apartment Buildings: 4.5 stars;
  - NABERS Water for Offices: 4.0 stars;
  - NatHERS Average star rating: 7 stars
  - BASIX Energy Score: 30 points;
  - BASIX Water Score: 40 points

## 4. JUSTIFICATION OF THE PLANNING PROPOSAL

### 4.1 Section A – Need for the Planning Proposal

#### 4.1.1 Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?

No. However, the Edgecliff Commercial Centre Planning and Urban Design Strategy (ECCS) is currently on public exhibition and will then be subject of a report to Council. The site is within the are to which the ECCS applies. As noted above, the site was not identified in the ECCS as a redevelopment site as it was considered that amalgamation was unlikely. On this basis, Council made it clear to the proponent that the Planning Proposal should also be justified on its own merits. Accordingly, whilst this Planning Proposal report concludes that the redevelopment of this site is highly consistent with the ECCS, it is also appropriate in relation the existing context and does not hinge on the outcome of the ECCS process.

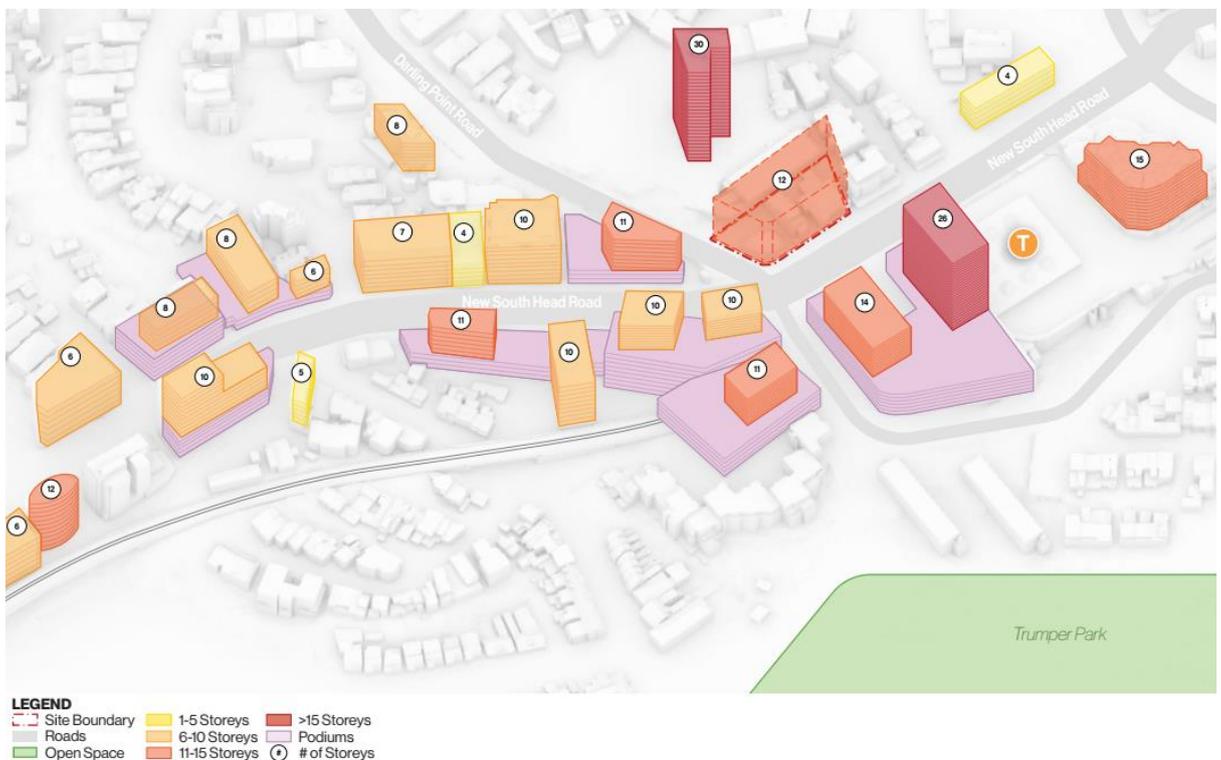
Notwithstanding the above, in acknowledgment of the successful amalgamation achieved by the proponent, Council has provided feedback that indicates that the site has merit for redevelopment to a similar extent as other major sites in the ECCS study area. The proposal has been designed to be consistent with the ECCS as detailed in the following table.

ECCS Element		Consistency
	<p>Desired future character Local Commercial Core This precinct is the focal point for employment, retail, community services and apartments in the ECC. The Paddington HCA is located adjacent to this precinct.</p> <p>Future development will enhance the employment role of the ECC through high-quality architecture and urban design demonstrating design excellence. Active frontages, new public spaces, urban greening and public art will promote liveability.</p> <p>New McLean Street will provide a sensitive transition and access to the Paddington HCA. Impacts on views and solar access to existing public open spaces, streets and residential areas will be minimised.</p>	<p>The proposal is located within the Local Commercial Core area. The proposal includes significant non-residential space, enhancing the employment generating capacity of the site. Active frontages are proposed including refurbishment of the heritage building on the site and improving its legibility in the public domain. Publicly accessible areas can be provided as indicated on the concept plans however the site is not large enough to provide significant public space. In lieu of on-site public benefits the proposal will provide monetary contributions for public space and facilities through the VPA process.</p> <p>The site is well removed from the Paddington HCA but has been designed to be compatible with existing forms in views from this area (see <b>Section 4.3.1(b)</b> below). The building form has been designed to minimise impacts as discussed in detail in this report.</p>
5.1	Land Use	The proposal does not seek a change in land use and the existing B4 zoning will remain. The draft DCP provisions require that as a minimum, the ground and first floor of buildings are to be used for non-residential floor space.

ECCS Element		Consistency
5.2	Building heights	The highest proposed height in the ECCS is 26 storeys for the Edgecliff Centre directly to the south of the site. Whilst the scheme subject of the pre-application meeting with Council (at 18 storeys) was less than this, Council advised that this would not be acceptable and as a result the proposal is now for a 12 storey building with accessible roof garden. This is less than half of that proposed at the Edgecliff Centre and significantly less than the adjoining building to the north – ‘Ranelagh’ which is 31 storeys. It is marginally higher than the 11 storeys proposed in the ECCS for the land to the west on New South Head Road. Therefore, in this context the proposed height is more than appropriate. The manner in which the proposal sits within the context of existing buildings and also those proposed in the ECCS is shown on <b>Figure 16</b> .
5.3	Floor Space Ratio	Whilst the scheme subject of the pre-application meeting with Council proposed an FSR of 6:1. Council advised that this would not be acceptable and as a result the proposal now has an FSR of 5:1. This is lower than the 7.5:1 indicated for the Edgecliff Centre in the ECCS and only slightly greater than the 4.5:1 indicated for the redevelopment site to the west. However this site is not within the commercial core and will may have a minimum non-residential component (as noted above).
5.4	Amalgamation	The amalgamated site provides a frontage to New south Head Road of around 50m, ensuring that the benefits of amalgamation noted in the ECC are achieved: <ul style="list-style-type: none"> <li>• <i>highly functional retail floor spaces on the ground level</i></li> <li>• <i>Provides flexibility for a range of non-residential uses such as health or offices</i></li> <li>• <i>Provides highly efficient residential floor plates</i></li> <li>• <i>Provides efficient parking layout</i></li> <li>• <i>Limits the number of vehicle and service entrances</i></li> <li>• <i>Facilitates internal loading and waste management areas</i></li> <li>• <i>Avoids site isolation.</i></li> </ul>

ECCS Element		Consistency
5.5	Built Form	
	<p>GUIDING PRINCIPLES</p> <p>G1 Development must provide a mix of uses with active street frontages on the ground level along the length of New South Head Road.</p> <p>G2 Development must ensure that the character of the HCAs is not negatively impacted by the bulk and scale of the built form.</p> <p>G3 Development must demonstrate design excellence.</p> <p>G4 Development must contribute towards enhancing the public domain and active transport network.</p> <p>G5 Development must comply with the State Environmental Planning Policy No 65 -- Design Quality of Residential Apartment Development and the Woollahra DCP 2015 where relevant.</p> <p>G6 Development must ensure that surrounding residential areas continue to receive 2 hours of direct sunlight to private open spaces on 21 June.</p> <p>G7 Development must ensure that existing public open spaces (including Trumper Park and Oval) and new public open spaces must achieve adequate solar access between the hours of 10am and 2pm on 21 June.</p>	<p>The proposal will facilitate the provision of active frontage and a mix of uses.</p> <p>The proposal does not adversely affect any heritage items or HCA's and will improve the overall quality of the existing heritage item on the site.</p> <p>As noted above the proposed LEP amendments will include a requirement for design excellence. The proposal will improve the public domain through the facilitating a high quality redevelopment that provides active uses to both street frontages and will make contributions towards public domain improvements.</p> <p>As detailed in <b>Appendix D</b>, the indicative concept demonstrates that future development can comply with the requirements of SEPP 65 and the ADG. The DCP is considered in further detail in <b>Section 4.3.1(b) and Appendix D</b>.</p> <p>As detailed in <b>Appendix D</b>, the proposed envelope will not result in any adjoining dwellings failing to meet this requirement.</p> <p>As detailed in <b>Appendix C</b>, the proposed envelope will not result in any adjoining existing or proposed public open space failing to meet this requirement.</p>
5.6	Active frontages	The proposal indicates the provision of active frontages and this will form part of the proposed DCP provisions for the site.
5.7	Design excellence	The suggested amendments to the LEP include a requirement for design excellence to be achieved.
5.8	Community infrastructure	The suggested amendments to the LEP include a requirement for community infrastructure /contributions in lieu to be provided.

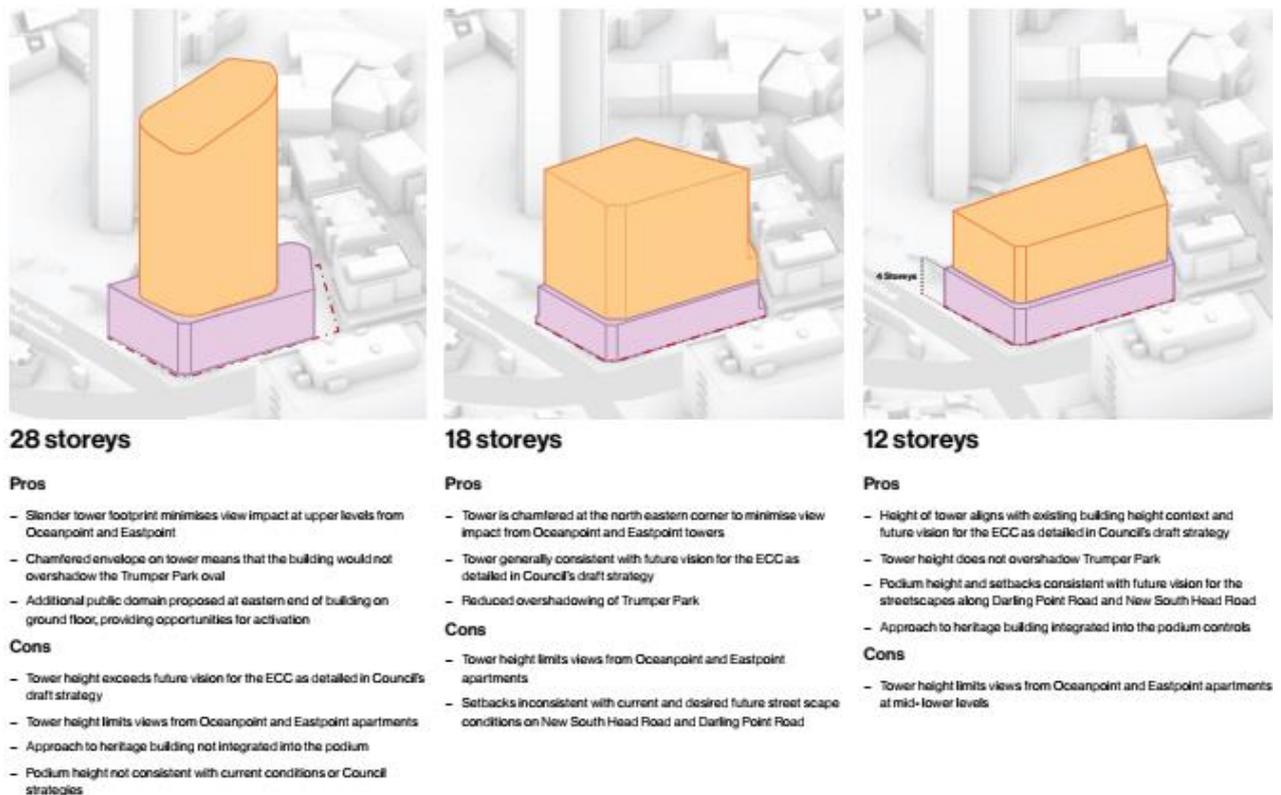
ECCS Element		Consistency
5.9	Affordable housing	The suggested amendments to the LEP include a requirement for community infrastructure /contributions in lieu (including affordable housing) to be provided.
5.10	Public domain	The proposal does not conflict with any of the proposed public domain improvements noted in the ECCS. The proposal will contribute towards such infrastructure including public art (including for the site identified at the corner of New South Head Road and Darling Point Road.
5.11	Transport	<p>The proposal does not conflict with any of the proposed transport improvements noted in the ECCS. The proposal will contribute towards such infrastructure.</p> <p>The proposal will also:</p> <ul style="list-style-type: none"> <li>• Support mixed use development;</li> <li>• Provide for less parking than is permitted by Council’s DCP;</li> <li>• Facilitate preparation of a Green Travel Plan at DA stage.</li> </ul>



**Figure 16 – subject site within existing and proposed built form context**

4.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes – there is no better way. The requested change in permitted maximum building height and FSR is not possible under the existing planning controls. With no change, the site will not be able to be redeveloped. Further, other options for the potential built form for the site have been investigated and discussed with Council. This has resulted in the reduction in built form from 28 to 18 and now to 12 storeys. These are summarised below.



**Figure 17- evolution of building envelope**

Whilst it is considered that a higher building on the site would still be consistent with the strategic context and nature of the Edgecliff commercial centre, the proponent accepts Council's advice that a lower building (in accordance with that now proposed) is their preferred option.

As detailed in this assessment, the proposed changes are appropriate having regard to existing city strategies and the site specific merits of the proposal. Whilst the broader changes proposed for the Edgecliff Commercial Centre outlined in the ECCS are supportive, they are not considered essential to allowing redevelopment to occur. Council has previously considered proposed changes to height and FSR in Edgecliff prior to the preparation of the ECCS including one at 136 New South Head Road (ie the heritage land within the site) and another at 80-90 New South Head Road. The former was not supported but the latter was supported. This current proposal (which now includes a much larger parcel than the previous scheme for No 136) addresses many of the concerns raised to that previous proposal and provides for a building that is 5 storeys less and has an FSR 1.3:1 less than the rejected scheme.

In light of the above whilst the Planning Proposal does not rely on the ECCS for justification, the ECCS is certainly supportive of the proposal and provides a context where it is clear that redevelopment of the Edgecliff commercial centre with higher building and greater floor space is an appropriate and desirable outcome.

## 4.2 Section B - Relationship to Strategic Planning Framework

### 4.2.1 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 plans and strategies are discussed below.

#### ***A Metropolis of Three Cities – the Greater Sydney Region Plan (GSRP) March 2018***

The proposal is considered to be consistent with the objectives of the GSRP as outlined in the following table.

Objective		Consistency
1	Infrastructure supports the three cities	The proposal is located within close proximity to public transport services including a railway station and bus interchange. There is significant community infrastructure within easy access and the proposal will provide for contributions for additional infrastructure generated by the development.
2	Infrastructure aligns with forecast growth – growth infrastructure compact	The proposal aligns with population, employment and housing demand for Woollahra LGA, facilitating additional commercial, retail and residential floor space.
3	Infrastructure adapts to meet future needs	The proposal will provide contributions that will allow new infrastructure to be provided by Council.
4	Infrastructure use is optimised	The proposal will facilitate greater use of existing infrastructure.
5	Benefits of growth realised by collaboration of governments, community and business	The Planning Proposal process is collaborative and the applicant will work with Council and State government to ensure the benefits of redevelopment are realised.
6	Services and infrastructure meet communities' changing needs	The proposal will provide contributions that will allow new infrastructure to be provided by Council.
7	Communities are healthy, resilient and socially connected	The proposal will provide contributions that will allow new infrastructure to be provided by Council which can enhance the quality of life for the local community including new public open space.

Objective		Consistency
8	Greater Sydney's communities are culturally rich with diverse neighbourhoods	The proposal provides the opportunity to live in a high density environment within a centre with excellent connectivity. It is anticipated that the majority of residents and workers will come from the existing Woollahra community which is highly diverse.
9	Greater Sydney celebrates the arts and supports creative industries and innovation	The proposal will provide contributions for public art identified by Council in the ECCS.
10	Greater housing supply	The concept plans indicate the provision of an additional 34 dwellings that will contribute to housing supply in the Woollahra LGA. Further this housing can be provided with minimal disturbance to the fabric of existing neighbourhoods as it is located at the northern perimeter of the Edgecliff Commercial Centre.
11	Housing is more diverse and affordable	The proposal will deliver a mix of housing types across the site including 1, 2 and 3+-bedroom apartments, contributing to housing diversity.  The proposal also allows for contributions to allow Council to provide affordable housing.
12	Great places that bring people together	The site is not large enough to provide to a useful public space however the proposal will facilitate the creation of a high quality building that will contribute to the overall sense of place in Edgecliff. As indicated in the concept scheme report ( <b>Appendix D</b> ), the proposal will facilitate development that will create high quality spaces, in this case making the heritage building the focal point of the development.
13	Environmental heritage is identified, conserved and enhanced	The proposal includes retention and refurbishment of the existing heritage item on the site. The concept plans indicate that there is an opportunity to enhance the setting of the item and to make it a focal point of the site at this important intersection within the Edgecliff centre.
14	<i>A Metropolis of Three Cities</i> – integrated land use and transport creates walkable and 30-minute cities	The proposal provides housing and significant employment opportunities on the site. Further, major centres are within 15 minutes of the site by public transport services.
15	The Eastern, GPOP and Western Economic Corridors are better connected and more competitive	The site is adjacent to the Sydney CBD and the Eastern Economic Corridor. Providing additional employment and housing in such a location will reinforce the competitiveness of this corridor.

Objective		Consistency
16	Freight and logistics network is competitive and efficient	NA.
17	Regional connectivity is enhanced	NA.
18	Harbour CBD is stronger and more competitive	The site is within a 15 minute bus/train ride from Sydney CBD and so provision of workers within this catchment will support CBD growth.
19	Greater Parramatta is stronger and better connected	NA.
20	Western Sydney Airport and Badgerys Creek Aerotropolis are economic catalysts for Western Sydney	NA.
21	Internationally competitive health, education, research and innovation precincts	NA.
22	Investment and business activity in centres	The proposal will increase expenditure in the area assisting the growth of the Edgecliff centre and other nearby centres including Double Bay.
23	Industrial and urban services land is planned, retained and managed	NA
24	Economic sectors are targeted for success	The proposed employment floor space and the construction and ongoing maintenance of the building will assist in achieving economic growth
25	The coasts and waterways are protected and healthier	Subject to appropriate pollution controls measures, the proposal will not have any adverse impacts on the quality of the adjacent harbour.
26	A cool and green parkland city in the South Creek corridor	NA
27	Biodiversity is protected, urban bushland and remnant vegetation is enhanced	The proposal will result in a small amount of tree loss however overall the existing amount of planting and hence biodiversity will be enhanced by the proposal.
28	Scenic and cultural landscapes are protected	There are no important public views that will be affected by the proposal. Whilst the proposed tower will be visible, it is consistent with the existing and future context, being lower than the 31 storey tower to the north and the 26 storey tower proposed to the south. This is further discussed in <b>Section 4.3.1(b)</b> below.

Objective		Consistency
29	Environmental, social and economic values in rural areas are protected and enhanced	NA
30	Urban tree canopy cover is increased	The existing tree canopy provided by street trees will be retained as detailed in the submitted Arborist's Report and can be supplemented by additional planting. Being a commercial site, adequate deep soil area for canopy tree planting is not feasible however this will be supplemented by above ground planting in appropriate locations.
31	Public open space is accessible, protected and enhanced	The site is in reasonable proximity to significant open space including Trumper Park and Rushcutters Bay Park. New open space is proposed in the ECCS and the proposal will contribute to the provision of this space. The proposal will not result in unreasonable overshadowing of the proposed public plaza on the Edgecliff Centre site.
32	The Green Grid links parks, open spaces, bushland and walking and cycling paths	The proposal will contribute to infrastructure that can improve existing links.
33	A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change	The site is highly accessible and will maximise the use of public transport. Other sustainability measures are intended to be incorporated into the draft DCP provisions (as detailed in <b>Section 3.5</b> above) which will assist in meeting climate change targets.
34	Energy and water flows are captured, used and re-used	This is taken into account in the draft DCP provisions as detailed in <b>Section 3.5</b> above.
35	More waste is re-used and recycled to support the development of a circular economy	A Waste Management Plan will be prepared at DA stage that will suitably address waste, reuse and recycling.
36	People and places adapt to climate change and future shocks and stresses	The site will not be directly affected by climate change impacts such as sea level rise.
37	Exposure to natural and urban hazards is reduced	The site is not affected by any natural or urban hazards.
38	Heatwaves and extreme heat are managed	As noted above the proposal will increase the amount of planting on the site which will reduce heat associated with the site.
39	A collaborative approach to city planning	The applicant will work with Council and State authorities to ensure a high quality outcome for the site.

Objective		Consistency
40	Plans refined by monitoring and reporting	NA.

### **Future Transport Strategy 2056 – March 2018**

The Future Transport Strategy 2056 (Strategy) is a 40 year strategy, supported by plans for regional NSW and for Greater Sydney. It is a high level document however one of the main objectives is to reduce private vehicle use. The proposal is consistent with this objective as:

- Parking provision is limited to less than is required by Council’s DCP which will discourage private vehicle use;
- The site is close to identified cycle routes and the ECCS includes a proposal to create a shared cycleway on New South Head Road;
- The site is within very close proximity to public transport and all necessary goods and services.

### **Greater Sydney Services and Infrastructure Plan– March 2018**

The Greater Sydney Services and Infrastructure Plan is the 40-year plan for transport in Sydney and supports Future Transport 2056 and the GSRP. The plan establishes the specific outcomes for transport in Greater Sydney and identifies the policy, service and infrastructure initiatives to achieve these outcomes.

The Planning Proposal is consistent with this Plan as it will:

- Provide both employment uses and dwellings in the vicinity of the Edgecliff transport interchange, making metropolitan and strategic centres easily accessible within 15 minutes;
- Reduce reliance on private transport;
- Enhance the environment for pedestrians accessing transport services.

### **Eastern City District Plan (EDP) March 2018**

The EDP is consistent with the GSPR but provides more detail. The following comments are made on issues for which there is further detail.

#### *Planning Priority E1 - Planning for a city supported by infrastructure*

The site is blessed with excellent access to major existing infrastructure. In addition to transport, services, and utilities, there is good social and recreational infrastructure within easy reach. There is extensive parkland at Rushcutters Bay and Trumper Park which is only a short walk from the site. We have also reviewed the 2019 Woollahra Community Facilities Study and note that in relation to the Western Catchment of Woollahra (which includes Edgecliff):

- There is a need for an integrated multi-purpose facility;
- The existing library floor space is less than standards require however its ongoing operation is uncertain. It is noted that any new library would be best provided as part of an integrated multi-purpose facility and that there are ‘new innovative

*models of library service provision that could supplement Council's existing facility or potentially support temporary shortfalls in the future';*

- *'there are no local community facilities provided within proximity or walking distance to the northern boundary of the catchment (ie Edgecliff). However, overall "there is limited need for additional new local-level community facilities.*

Further, the ECCS identifies more specific needs within this area. The proposal will further add to the demand for local community infrastructure. However, the Planning Proposal will result in monetary contributions that Council can use to enhance existing infrastructure and to create new public spaces and facilities in Edgecliff. Whilst the provision of suitable infrastructure on the site has been investigated, it is not large enough to provide a 'multi-purpose facility' of the size required by Council, or appropriate public open space. Quite sensibly the ECCS envisages the provision of the new major community infrastructure at the focal point of the Strategy – the Edgecliff Centre.

#### *Planning Priority E2 - Working through collaboration*

The proponent will work with Council and other key stakeholders to ensure a high quality outcome for the site. We see the site as a key site in the revitalization of Edgecliff as envisaged by Council in the ECCS. Redevelopment of key sites is essential to achieve the best possible urban outcome for the centre and the residents and workers in the area.

#### *Planning Priority E3 - Providing services and social infrastructure to meet people's changing needs*

#### *Planning Priority E4 - Fostering healthy, creative, culturally rich and socially connected Communities*

As noted above the site can contribute indirectly to providing appropriate infrastructure. Increasing the vibrancy of the Edgecliff centre will only be achieved through bringing in more workers and residents to the area. Higher density means less reliance on private transport, more diversity and more incentive to interact within the new public and private spaces that will be created.

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

The site will provide a variety of housing types and contribute towards the provision of affordable housing in accordance with the District and Metro Plans. Whilst it is noted that Woollahra's housing supply targets are relatively low, it must also be acknowledged that housing completions are very low. The last major residential development constructed in the Edgecliff centre was the 20 apartment development known as 'Element' at 240-246 New South Head Road. Regardless of targets, there needs to be incentive for redevelopment so that the benefits of improved infrastructure and places for the broader community can be realized.

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

As noted above the redevelopment of the site will be a catalyst for these outcomes. More specifically, the proposal will provide monetary contributions for the provision of new

community infrastructure. The heritage values of the site and surrounding areas will be maintained and enhance as detailed in the submitted heritage report (**Appendix F**).

E6 notes that:

*Local centres are a focal point of neighbourhoods and where they include public transport and transport interchanges, they are an important part of a 30-minute city.*

The proposal will be consistent with the Principles for Local Centres outlined in this section. Notably it will provide:

- *additional residential development..... within a 10-minute walk of a centre with city-shaping or city-serving public transport [which] will help to create walkable local centres.*
- *and will not: compromise a centre's primary role to provide goods and services, and the opportunity for the centre's employment function to grow and change over time.*

In this regard a significant amount of non-residential floor space is proposed, more than would be likely under the current controls and much more than presently exists on the site. This will be ensured through the introduction a minimum non-residential floor space provision in the site specific DCP provisions (see **Section 3.5** above).

The height and scale of the proposal in the context of Edgecliff being a local centre within the broader metropolitan hierarchy was an issue addressed in Council's pre-application feedback. Council was of the view that the previous scheme of 18 storey/6.3:1 FSR was excessive having regard to the 'local centre' status of Edgecliff, the existing context and the heights recommended in the ECCS. The proposal has been amended to accord with Council's specific recommendations that the height be limited to 12 storeys and the FSR limited to 5:1.

Council took a similar approach in their assessment of the Planning Proposal for the Edgecliff Centre which proposed a 45 storey/9:1 FSR development. Again, Council was critical of the scale of development proposed having regard to the local centre status of Edgecliff. Group GSA have prepared a comparison of the building height facilitated by the subject Planning Proposal for a 46m building (see **Figure 18**). This is comparable to other local centres in the Eastern City including Strathfield - 58m and Wolli Creek - 70m. Edgecliff also has a large bus interchange unlike the majority of other local centres. Other centres on the Figure are not appropriate for comparison as they either: do not have a train station (eg Drummoyne and Bondi Beach); or have an existing low scale character (Double Bay, Newtown and Marrickville). Edgecliff has numerous existing tall buildings that contribute to its character as indicated in **Figure 19** and discussed below. Further, it is much closer to the CBD than any other centre. These issues are further discussed in the submitted Urban Design Study at **Appendix C**.

As these building heights relate to maximums within each centre and these generally tend to be close to the middle of the centre/near the railway station, it would typically be the case that building heights would transition down as one moves away from the centre. There are also other issues that may be an impediment to the maximum height being achieved or that would affect the nature of the transition of heights to surrounding areas. These are discussed below.

Edgecliff is a local centre but is not a low scale village such as Double Bay or Newtown. Its character is already defined by some very large scale buildings. These include numerous developments of around 10 storeys or more and include:

- 87 New South Head Road (12 storeys);
- 92-106 New South Head Road (10 Storeys);
- the Edgecliff Centre (9 storeys),
- Eastpoint (15 storeys);
- Ocean point (10 storeys); and
- Ranelagh (31 storeys) which adjoins the subject site.

Comparison of maximum height of buildings (HOB) in metres with centre hierarchy

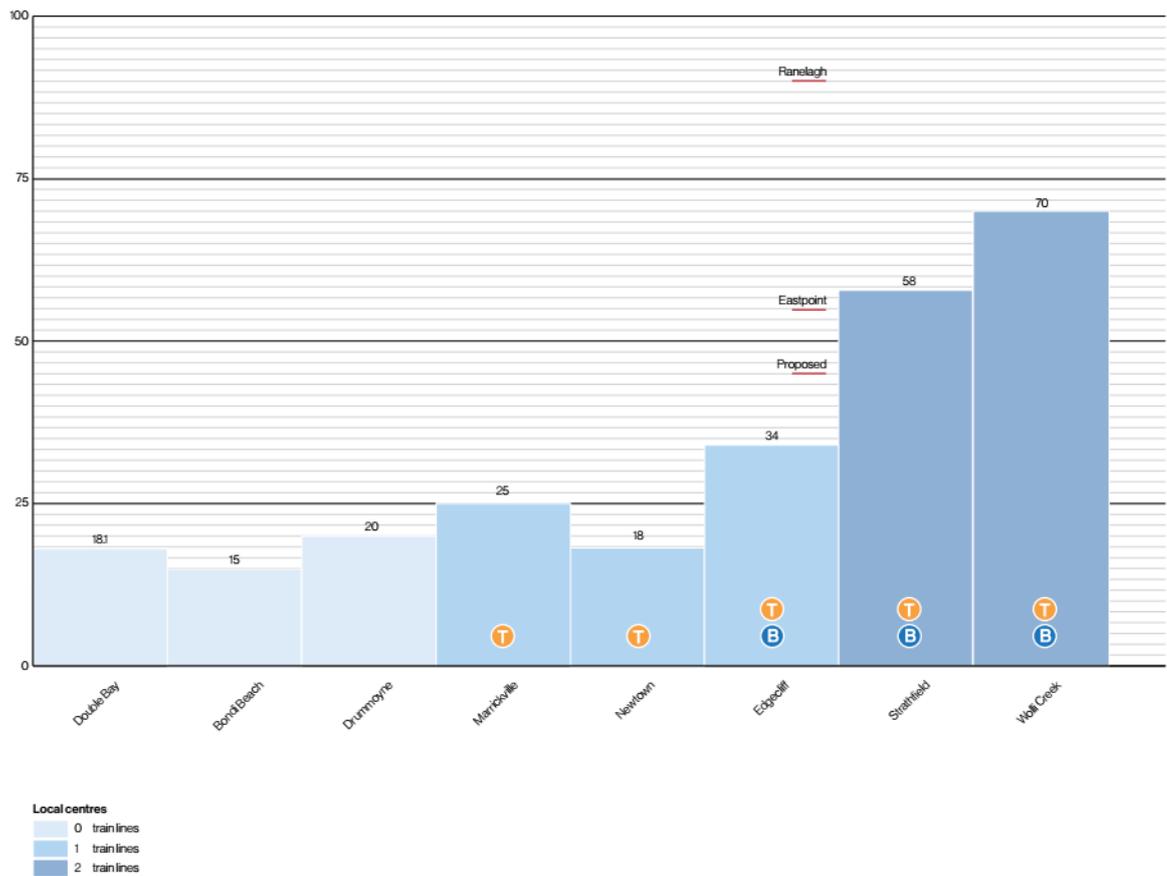


Figure 18 – comparison of proposed building height with other Local Centres

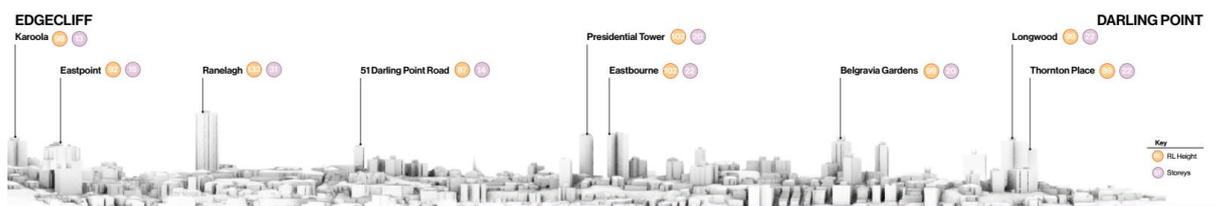


Figure 19 – existing building heights in vicinity of site and indicative building height

There are also many other tall buildings within the visual catchment of the centre or in views of the centre from other vantage points. In this context, a building of 50-60m on the site, would not be out of context. Notwithstanding, it is acknowledged that Council preference is for lower buildings.

Being located between the Edgecliff Centre (the assumed middle of the centre) and Ranelagh (an existing 31 storey building), a building of 12 storeys is considered to be well below the height that is contextually appropriate on the subject site. The indicative building form is shown within this context at **Figure 16**. As can be seen here, within this context the building is only of moderate height.

The proposed height provides a transition from the high point of the centre above the train station to the areas to the north. The indicative concept design also provides further modulation of building height. The podium/tower typology also provides transition to the existing streetwall buildings to the east and west and adjacent heritage buildings associated with Ascham school. The proposed tower setbacks also support a transition to adjacent low scale forms.

Whilst other factors such as overshadowing and view impacts can also potentially limit building heights, as discussed elsewhere, in this case the proposed height does not have unreasonable impacts.

In relation to FSR, the proposed FSR of 5:1 is appropriate having regard to:

- the maximum FSR's of similar higher order local centres such as Strathfield (5:1), Wollri Creek (5:1) and Arncliffe (4:1) which are all much further away from the CBD;
- the FSR of 8:1 for the nearby Strategic Centre of Bondi Junction;
- the FSR's of existing tall buildings in the centre;
- the FSR's proposed in the ECCS which have been considered on site by site basis, not proximity to the railway station but range from 7.5:1 to 2:1;
- the specific characteristics of the site including its relatively large size, location on the southern edge of the Darling Point area and proximity to the railway station. In this regard the indicative concept scheme demonstrates that there is an appropriate 'fit' in the height/FSR relationship as the form of the building meets the requirements of the relevant setback controls.

As can be seen in the UDS (at **Appendix C**), the intended bulk and scale of the building is appropriate to this context, providing a commercial podium and a well proportioned tower that will allow the majority of existing views to be retained and will maintain solar access for important public spaces and adjacent residential uses.

*Planning Priority E7 - Growing a stronger and more competitive Harbour CBD*

*Planning Priority E8- Growing and investing in health and education precincts and the Innovation Corridor*

*Planning Priority E9 - Growing international trade gateways*

*Planning priority E10 – delivering integrated land use and transport planning a 30 minute city*

*Planning Priority E11 - Growing investment, business opportunities and jobs in strategic centres*

*Planning Priority E12 - Retaining and managing industrial and urban services land*

*Planning Priority E13- Supporting growth of targeted industry sectors*

The site will strengthen the CBD by providing additional dwellings for new residents in close proximity. Whilst not a strategic centre, Edgecliff is one of Woollahra's primary commercial centres and the most suitably located to accommodate a growth in employment as required by the Strategic Plans. The site is also within easy reach of two Strategic centres, being the CBD and Bondi Junction.

*Planning Priority E14 Protecting and improving the health and enjoyment of Sydney Harbour and the District's waterways*

*Planning Priority E15 - Protecting and enhancing bushland and biodiversity*

*Planning Priority E16 - Protecting and enhancing scenic and cultural landscapes*

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

*Protect existing street trees and potentially provide a community green space on the rooftop of the existing heritage building*

*Planning Priority E18 - Delivering high quality open space*

The proposal will include payment of monetary contributions towards provision of new high quality open space and improved existing open space in the area. There is no vegetation of significance on the site, and the redevelopment will improve the overall landscape quality of the area.

*Planning Priority E19 - Reducing carbon emissions and managing energy, water and waste efficiently*

The site is located such that there will be able to be less reliance on private transport. BASIX and site specific measures as detailed in the Sustainability Report at **Appendix M** will ensure a sustainable outcome for the redevelopment. Ensuring environmental outcomes can be achieved are embodied in site specific DCP provisions (see **Section 3.5**).

*Planning Priority E20 - Adapting to the impacts of urban and natural hazards and climate change*

The site is not subject to any urban or natural hazards.

#### **Other considerations – Strategic and Site Specific Merit**

The DP&E's Guide to Preparing Planning Proposals includes Assessment Criteria to be considered in the case where the relevant strategy plan does not have Sustainability Criteria. The Eastern City District Plan does not have Sustainability Criteria. These criteria

are the same as the ‘strategic merit’ and ‘site specific’ merit criteria noted as applying to the review process for Planning Proposals in the DP&E ‘Guide to Preparing LEP’s’. In relation to the review process this guide notes that : “There will be a presumption against a Rezoning Review request that seeks to amend LEP controls that are less than 5 years old, unless the proposal can clearly justify that it meets the Strategic Merit Test. In this case, the subject LEP is 7 years old but in any event, the consideration of the criteria is required by the Preparing Planning Proposals Guide and so are noted and commented upon below.

a) Does the proposal have strategic merit? Will it:

- give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or
- give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement; or
- responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans.

The proposal will give effect to the Eastern City District Plan as discussed above. It is within an area noted as appropriate for additional housing and is highly accessible by public transport, providing access to major centres within 15 minutes.

There is no endorsed local strategy however as noted above, the proposal is consistent with the changes proposed in the draft Edgecliff Commercial Centre Planning and Urban Design Strategy (ECCS), currently on public exhibition. Notwithstanding this, even in the event that Council does not proceed with these changes, based on the feedback from Councils’ professional staff, it is agreed that higher density on this site is strategically appropriate having regard to the nature of Edgecliff, being a relatively high density ‘local centre’ in the District and Metropolitan context.

b) Does the proposal have site-specific merit, having regard to the following?

- the natural environment (including known significant environmental values, resources or hazards); and
- the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and
- 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.

The site is not subject to any natural hazards.

The existing use of the site is part commercial and part residential, reflecting the nature of the existing B4 Mixed Use zone. The proposal seeks to support this zoning and enhance the employment generating capacity by including a minimum non-residential floor space (ie ground and first floor levels must be non-residential) as part site specific DCP controls.

Redevelopment in Edgecliff has been stagnant for many years as there is inadequate incentive to encourage replacement of existing substantial buildings with new development. Given that the location is highly suitable for increased density (being on a railway line and close to the CBD) and highly desirable, there has been pressure for changes to the existing controls in recent times. In this regard a Planning Proposal for No 136 New South Head Road (which forms part of the subject site) was submitted but refused by Council in November 2019 (it proposed a 17 storey building on a site of around 626sqm). A Planning Proposal and DA for a 7 storey building at 80-84 New South Head Road was approved in 2017/18. A Planning Proposal for the Edgecliff Centre proposing a building of 45 storeys and an FSR of 9:1 was rejected by Council in February 2021.

In acknowledgement of this pressure and the appropriateness of Edgecliff for higher density development, Council has undertaken an investigation of the redevelopment potential for Edgecliff over the past few years, culminating in the public exhibition of the Edgecliff Commercial Centre Planning and Urban Design Strategy (ECCS). Whilst not yet adopted by Council, it indicates that Council's professional staff are of the opinion that increased densities are appropriate within the Edgecliff commercial area. Further, the feedback given by staff in the pre-application process also indicates that they view the subject site as being appropriate for increased density to the degree put forward in this Planning Proposal.

Council already has s7.11 and s7.12 Plans that provide for the payment of contributions toward community infrastructure. An exhibited draft Plan indicates that this will continue in the form of a s7.12 Plan which levies redevelopment at 1% of the construction cost. The ECCS identifies the additional infrastructure that will be needed as a result of the proposed increase in density in Edgecliff. The proposal will make contributions towards infrastructure already identified in Contributions Plans and towards new infrastructure identified in the ECCS including affordable housing and public art.

Having regard to the above, it is considered that the Planning Proposal adequately satisfies both the Strategic and Site Specific Merit Tests.

4.2.2 Is the planning proposal consistent with the council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan

**Woollahra Local Strategic Planning Statement 2020 (the LSPS)**

The provisions of the LSPS relevant to the proposal are addressed in the following table.

LSPS Element		Consistency
<b>Infrastructure and collaboration</b>		
PP1	Planning for integrated land use and transport for a healthy, connected community, and a 30-minute city	<p>The proposal is consistent with these elements as:</p> <p>It provides a transport orientated development of scale with integrated land uses in a centre and adjacent to a railway station;</p> <p>It supports an increase in people living with easy walking access to a transport and jobs, services and facilities;</p>
PP2	Planning for a community supported by infrastructure that fosters health, creativity, cultural activities, and social connections	
PP3	Working in collaboration with our community, government, businesses, and organisations	
<b>Liveability</b>		
PP4	Sustaining diverse housing choices in planned locations that enhance our lifestyles and fit in with our local character and scenic landscapes	<p>The proposal provides for a range of dwelling types in a location identified as suitable in the ECCS. The building will be in character with the scale of existing buildings and be compatible with scenic landscapes.</p> <p>The proposal will result in the retention and refurbishment of the existing heritage item on the site and will not have any adverse heritage impacts as detailed in <b>Appendix F</b>. As indicated in the indicative concept, the site can contribute to place making within the centre and provide a high quality public domain.</p>
PP5	Conserving our rich and diverse heritage.	
PP6	Placemaking supports and maintains the local character of our neighbourhoods and villages whilst creating great places for people	
PP7	Supporting access to a range of employment opportunities and partnerships	The proposal includes employment activities and the site is close to other employment and transport.
PP8	Collaborating to achieve great placemaking outcomes in our local centres which are hubs for jobs, shopping, dining, entertainment and-* community activities.	As indicated in the indicative concept, the site can contribute to place making within the centre and provide a high quality public domain.
PP9	Supporting and enabling innovation whilst enhancing capacity to adapt and thrive in a rapidly changing digital environment	The ability to deal with societal changes will be enhanced through the provision of new buildings and infrastructure.
<b>Sustainability</b>		
PP10	Protecting and improving the health, diversity and enjoyment of our waterways and water ecosystems.	The proposal is unlikely to have any adverse impacts in this regard.
PP11	Conserving, enhancing and connecting our diverse and healthy green spaces and habitat, including bushland, tree canopy, gardens and parklands.	The proposal will facilitate an increase in green space on the site and will contribute towards additional public open space.

LSPS Element		Consistency
PP12	Protecting and enhancing our scenic and cultural landscapes.	The proposal is consistent with the nature of existing landscapes. The proposal will
PP13	Improving the sustainability of our built environment, businesses, transport and lifestyles by using resources more efficiently and reducing emissions, pollution and waste generation.	The proposal will be suitably sustainable as detail in <b>Appendix M and in Section 3.5.</b>
PP14	Planning for resilience so we adapt and thrive despite urban and natural hazards, stressors and shocks including climate change.	A new development is better placed to deal with changing circumstances than older buildings.

### Woollahra 2030 – The Woollahra Community Strategic Plan

Woollahra 2030 was adopted by Council on 18 June 2018. It details the long-term vision for the Woollahra community and identifies the LGA’s current and future environmental, social, economic and civil challenges and aspirations.

The provisions of the plan have been considered and the proposal is concluded to be consistent with the community’s vision for Woollahra. The most relevant values noted below are specifically supported:

- *Retention and enhancement of the village atmosphere throughout the area, offering a good range of shops and services.*

Comment – the proposal will form part of a broader revitalisation of the Edgecliff commercial centre that will improve its character and range of shops and services.

- *Protection of local history, heritage values and buildings.*

Comment the proposal includes retention and refurbishment of the existing heritage item on the site.

- *No inappropriate high rise and oversize development.*

Comment – in the context of the site, a 12 storey building is not considered to be ‘high-rise’. The adjoining Ranelagh building is 31 storeys.

- *Quality design of new developments.*

Comment – the indicative concept plans indicate that a very high level of design quality can be achieved.

- *Retention of local urban character.*

Comment – the retention of the heritage item and provision of an appropriate building form including a streetfront podium element will ensure that the local character is maintained.

- *Sustainable development.*

Comment – the draft DCP provisions include a commitment to achieving a high level of sustainability for the site.

- *Renewed and upgraded infrastructure, especially footpaths, pedestrian ramps, kerb, guttering, stormwater drainage and local roads.*

Comment – the proposal will be the subject of a Planning Agreement with Council that will include contributions towards the upgrade of public infrastructure in Edgecliff.

- *Reduced traffic congestion*

Comment – the proposal will not unreasonably impact on traffic movement in the area as detailed in **Appendix E**.

- *Improved parking.*

Comment – the proposal will increase the availability of parking on the site and provide a balance between parking needs of residents and workers and the proximity to public transport, generally in accordance with Council’s DCP requirements.

- *Good public transport.*

Comment – the proposal will make use of the excellent access to public transport.

- *Good pedestrian and bicycling access.*

Comment – the proposal will facilitate the creation of an improved pedestrian environment.

#### 4.2.3 Is the planning proposal consistent with applicable state environmental planning policies?

##### *State Environmental Planning Policies*

The only State Environmental Planning Policies (SEPPs) relevant to this planning proposal are discussed below.

SEPP	Consistency
<p><b>SEPP 55 – Remediation of Contaminated Land</b></p> <p>This SEPP aims to promote the remediation of contaminated land for the purposes of reducing risk to human health and/or the environment.</p>	<p>The site has a history of use either low intensity commercial or residential use which are not likely to result in any contamination. The proposal will result in further excavation of the site and if any contamination is present, it is likely to be removed as part of this process. This matter is addressed at <b>Appendix I</b> and would be further investigated as part of the DA process.</p>
<p><b>SEPP (BASIX) 2004</b></p> <p>Building Sustainability Index designed to encourage improved environmental performance and reduced energy consumption.</p>	<p>This SEPP will apply to future proposed apartments and appropriate BASIX documentation will be submitted with any future DA for redeveloping the site. As previously noted, a highly sustainable outcome is sought to be achieved.</p>

SEPP	Consistency
<p><b>SEPP 65 – Design Quality of Residential Flat Development</b></p> <p>This SEPP aims to improve the design quality of residential flat development including better built form and aesthetics and amenity and reduced energy consumption. The SEPP also aims to better satisfy housing demand and the needs of a wide range of people.</p>	<p>This SEPP will apply to the proposed residential component of the future mixed-use building. The concept plan has been prepared having regard to the SEPP 65 Apartment Design Guide (ADG) and achieves general compliance with this Guide and full compliance with the primary design standards as discussed in <b>Appendix D</b>.</p>
<p><b>State Environmental Planning Policy (Infrastructure) 2007</b></p> <p>This SEPP is relevant as the site adjoins a classified road – New South Head Road.</p>	<p>Pursuant to this SEPP consultation with RMS would be required for the development outlined in the concept plans at DA stage. The Traffic Report provided at <b>Appendix E</b> indicates that the proposal would not affect the efficient operation of New South Head Road or nearby intersections.</p> <p>Also whilst the site will be subject to traffic noise from New South Head Road, appropriate design and construction can ensure the relevant amenity standards would be met (see <b>Appendix K</b>).</p>
<p><b>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</b></p> <p>Whilst not technically relevant at this stage, this SEPP will apply when application is made to remove vegetation.</p>	<p>As noted above, whilst some vegetation will need to be removed to facilitate the proposed concept scheme there is no significant trees and there is an opportunity to greatly improve the landscape quality of the site. The existing street trees will be protected and supplemented by further planting.</p>

#### *Regional Environmental Plans*

The only relevant Regional Environmental Plan (REP) applicable to the site is Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. This REP and accompanying DCP are relevant to the proposal. However, the proposal is well removed from the foreshore and will not have any direct impacts. The proposal is of a scale that will ensure that it sits within the existing building context and as such, will not reduce the scenic quality of the area especially when viewed from the harbour. The proposal will not be inconsistent with the Planning Principles for the Sydney Harbour Catchment in Clause 13 of the REP or the relevant matters for consideration in Division 2 including the provisions relating to foreshore and waterways scenic quality and maintenance, protection and enhancement of views. As discussed in **Section 4.3.1** below, the proposal will not have view impacts that are unreasonable in the circumstances.

#### 4.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?

This planning proposal has been assessed having regard for the Section 117 Directions issued to Councils under s9.1 of the *Environmental Planning & Assessment Act 1979* (EP&A Act), relevant to this planning proposal. The findings were as follows:

DIRECTION	CONSISTENCY Yes/No or Not Applicable
<b>1. EMPLOYMENT AND RESOURCES</b>	
<p><b>1.1 Business and Industrial Zones</b> The objectives of this direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones and support the viability of identified strategic centres.</p>	<p>YES - The site is zoned B4 and the proposal does not seek to alter this. The proposal will facilitate the provision of greater employment floor space on the site than presently exists and includes site specific DCP provisions requiring ground and first floor of buildings to provide non-residential floor space.</p> <p>The extent of commercial floor space is not of such significance to threaten the role of nearby Strategic Centres including the CBD and Bondi Junction.</p>
<b>1.2 Rural Zones</b>	Not Applicable
<b>1.3 Mining, Petroleum Production and Extractive Industries</b>	Not Applicable
<b>1.4 Oyster Aquaculture</b>	Not Applicable
<b>1.5 Rural Lands</b>	Not Applicable
<b>2. ENVIRONMENT AND HERITAGE</b>	
<p><b>2.1 Environment Protection Zones</b> The objective of Direction 2.1 is to protect and conserve environmentally sensitive areas.</p>	Not Applicable.
<b>2.2 Coastal Protection</b>	YES - The proposal can potentially improve water quality entering the harbour, improving the coastal environment.
<p><b>2.3 Heritage Conservation</b> The objective of Direction 2.3 is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>	YES – the proposal will result in the retention and refurbishment of the existing heritage item on the site. Further, the proposed changes will not unreasonably impact on nearby heritage items and conservation areas.
<b>2.4 Recreation Vehicle Areas</b>	Not Applicable
<b>3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT</b>	
<p><b>3.1 Residential Zones</b> The objectives of Direction 3.1 are:</p> <p>To encourage a variety and choice of housing types to provide for existing and future housing needs; To make efficient use of existing infrastructure and services.</p>	YES – The proposal will facilitate the provision of over 30 new dwellings and the provision of contributions for ‘affordable’ housing. This increase in population will allow better use of existing infrastructure which is in close proximity to the site.

<b>DIRECTION</b>	<b>CONSISTENCY Yes/No or Not Applicable</b>
To minimise the impact of residential development on the environment and resource lands.	The site is located at the south fringe of a residential area and as such has less potential to have amenity impacts or alter the character of the area.
<b>3.2 Caravan Parks and Manufactured Home Estates</b>	Not Applicable
<b>3.3 Home Occupations</b> The objective of this direction is to encourage the carrying out of low-impact small businesses in dwellings.	YES – this will be permissible.
<b>3.4 Integrating Land Use &amp; Transport</b>  The objective of Direction 3.4 is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the nominated planning objectives e.g. improving access to housing, jobs and services, reducing dependence on cars and supporting efficient public transport.	YES – the proposed increase in development density will improve access to housing in a location which is within convenient walking distance of public transport services that provide access within 30 minutes of Strategic centres.
<b>3.5 Development Near Licensed Aerodromes</b>	Not Applicable
<b>3.6 Shooting Ranges</b>	Not Applicable
<b>4 HAZARD AND RISK</b>	
<b>4.1 Acid Sulphate Soils</b>	YES – the subject site has a low risk rating in relation to acid sulphate soils.
<b>4.2 Mine Subsidence and Unstable Land</b>	Not Applicable
<b>4.3 Flood Prone Land</b>	Not Applicable
<b>4.4 Planning for Bushfire Protection</b>	Not Applicable
<b>5. REGIONAL PLANNING</b>	
<b>5.1 Implementation of Regional Strategies</b> This only applies to South Coast Regional Strategy (excluding land in the Shoalhaven LGA) and Sydney–Canberra Corridor Regional Strategy	Not Applicable
<b>5.2 Sydney Drinking Water Catchment</b>	Not Applicable
<b>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</b>	Not Applicable
<b>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</b>	Not Applicable
<b>5.9 North West Rail Link Corridor Strategy</b>	Not Applicable
<b>5.10 Implementation of Regional Plans</b>	YES - As noted above, the proposal is consistent with the relevant strategic plans.

DIRECTION	CONSISTENCY Yes/No or Not Applicable
<b>5.11 Development of Aboriginal Land Council land</b>	Not Applicable
<b>6. LOCAL PLAN MAKING</b>	
<b>6.1 Approval and Referral Requirements</b> The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	YES- the proposal does not include requirements for the concurrence, consultation or referral of DA's to a Minister or Public Authority and does not identify any development as designated.
<b>6.2 Reserving Land for Public Purposes</b>	Not Applicable (no land is proposed to be reserved for public purposes). However, the corner of the site is reserved for road widening. The proposal does not inhibit this outcome should it be pursued.
<b>6.3 Site Specific Provisions</b> The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls.	YES – whilst the specific method of amending the LEP is yet to be determined, the suggested method is discussed in <b>Section 3.1</b> and will allow suitable flexibility. The overall intention of the proposed changes to the LEP and DCP is to provide Council and the community with certainty about the development outcomes for the site whilst allowing reasonable flexibility in the design of future building form.
<b>7. METROPOLITAN PLANNING</b>	
<b>7.1 Implementation of the Greater Sydney Region Plan – A Metropolis of 3 Cities Plan (Replaces a Plan for Growing Sydney)</b> The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Greater Sydney Region Plan – A Metropolis of 3 Cities.	YES – the proposal is consistent with the implementation of the Metropolitan Plan as detailed in <b>Section 4.2</b> of this Planning Proposal Report.

#### 4.3 Section C – Environmental, social and economic impact

##### 4.3.1 Environmental Considerations

4.3.1(a) Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The site and adjoining lands do not contain any areas of critical endangered ecological communities (CEEC).

4.3.1(b) Are there any other likely environmental effects because of the planning proposal and how are they proposed to be managed?

The environmental impacts of development are partly controlled by the primary planning documents that apply. The applicable State and Regional documents have been discussed above. The remaining relevant documents are Woollahra LEP and DCP. The proposed

changes to the LEP and DCP have been discussed above. The remaining relevant provisions are discussed below.

#### Woollahra LEP

Clause 1.2 Aims of Plan – the proposal is highly supportive of the aims of the plan, in particular the following:

- (a) to ensure that growth occurs in a planned and co-ordinated way,
- (b) to promote the management, development, conservation and economic use of property,
- (c) to provide for an appropriate balance and distribution of land for commercial, retail, residential and tourist development and for recreation, open space, entertainment and community facilities,
- (d) to provide greater population densities in and around centres that are well serviced by public transport,
- (e) to facilitate opportunities, in suitable locations, for diversity in dwelling density and type,
- (f) to conserve built and natural environmental heritage... ..
- (j) to promote a high standard of design in the private and public domain,
- (k) to minimise and manage traffic and parking impacts,
- (l) to ensure development achieves the desired future character of the area... ..

Clause 2.3 Zone objectives and Land Use Table – the proposed uses are permissible in the B4 Mixed Use zone and the Planning Proposal is consistent with the objectives for this zone:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To provide active ground floor uses to create vibrant centres.
- To provide for development of a scale and type that is compatible with the amenity of the surrounding residential area.
- To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.

Clause 5.10 Heritage conservation – the heritage impacts of the proposal have been addressed in the Heritage Report and accompanying letter at **Appendix F**.

Clause 6.2 Earthworks – development facilitated by the proposal will likely require excavation of the site for parking (as detailed in the indicative concept scheme). The Geotechnical Report provided at **Appendix H**, indicates that there is no particular concern with the excavation of the site and that subject to appropriate construction methods, the indicative scheme would be satisfactory in regard to geotechnical issues.

Other potential environmental impacts have been discussed elsewhere in this report and its appendices.. Those that have not been addressed are discussed below.

#### Woollahra DCP

The most relevant provisions of the DCP are addressed below. The proposed site specific DCP controls are shown in **Section 3.6** above and addressed in **Appendix D**.

Chapter D2 – Mixed Use  
D2.2 New South Head Road Corridor

*C16 At ground level, the building may have a zero setback to side and rear boundaries.*

Comment – the proposed site specific envelope controls limit the zero setback to ground floor level. Above this a minimum of 2.4m is required for the podium to ensure that the amenity of adjoining development is maintained.

*C17 A side boundary setback of at least 1.8m applies to the fifth storey and above, if relevant (Note: This control is relevant to sites where the maximum building height is 20.5m in the LEP).*

Comment – the proposed height will be greater than 20.5m. The proposed site specific envelope controls exceed these requirements.

*C18 A rear setback of 2.4m applies to all levels of the building above ground level.*

Comment – this control has been adopted for the podium element of the proposed envelope for the northern and eastern boundaries.

*C19 A 2.4m building articulation area applies at the rear to all levels above the first floor. The articulation area is occupied by a combination of external and internal elements.*

*Note: This articulation area is calculated from the rear setback established in C18 above.*

Comment – given the relationship to the Ranelagh car park at the northern boundary, the proposed envelope controls permit a 2.4m setback above ground level for the whole of the podium structure.

Chapter D3 - General Controls for Neighbourhood and Mixed Use Centres

*C1 Deep soil landscaped area comprises at least 10% of the site area, with the exception of Hopetoun Avenue, where at least 15% of the site area is deep soil landscaped area.*

Comment – the existing development on the site and the vast majority of development within the Edgecliff Mixed Use corridor has little to no landscaping. This is typical of commercial areas. In such locations, greening of the public domain is the most suitable location for the provision of deep soil planting. Additional green space is envisaged in the ECCS and the proposal will contribute to the cost of providing such spaces. Street tree planting around the site will also assist. Notwithstanding, the proposed site specific DCP provisions include landscape requirements to ensure that the site also contributes to the greening of the Edgecliff commercial area.

Chapter E1 Parking and Access

As discussed in **Appendix E**, the site is capable of accommodating parking in accordance with DCP requirements. The indicative scheme provides for less parking than is permitted, supporting sustainability objectives of reducing the need for private vehicles, particularly in areas that are well serviced by public transport.

### *Solar access*

The indicative Concept Plans aim to demonstrate that a development designed having regard to the ADG can meet its solar access requirement of 2 hours for 70% of dwellings at midwinter. As documented in **Appendix D**, 71% of apartments in the indicative concept will achieve the required solar access.

The submitted shadow diagrams that have been prepared indicate that there is no unreasonable overshadowing of the public domain (including Trumper Park) or any residential properties (particularly No 158-160 New South Head Road). In accordance with SEPP 65 and the ADG, the potentially affected apartments in this adjoining building will retain a minimum of 2 hours solar access at midwinter (refer to assessment in **Appendix D**).

### *Privacy Impacts*

Whilst some of the proposed setbacks to the north and east are less than those recommended by the ADG, future development can overcome any potential impacts by providing suitable privacy screens (as necessary). This is considered appropriate as:

- Screening will not overly compromise the amenity of future commercial spaces/apartments. The indicative scheme provides apartment designs that have dual aspect and as such screening on one of their elevations does not unreasonably affect amenity;
- The existing Ranelagh tower to the north is around 35m away and redevelopment of this site is unlikely given that the existing 31 storey building is well beyond the permitted controls.

### *View Impacts*

The Draft Edgecliff Commercial Centre Planning and Urban Design Strategy (ECCS), notes in Section 3.4 that:

*A number of taller apartment buildings in and around the ECC have largely uninterrupted regional views, with different apartments able to see views to the CBD skyline to the west, Harbour to the north, district views to the east, or regional views towards Centennial Park, Paddington and Darlinghurst to the south.*

However, the issue of view loss does not appear to be a determining factor in considering the proposed building height and massing controls of the ECCS. This would indicate an acknowledgement by Council that views are not an 'as of right' amenity and that over time the redevelopment required in order to facilitate orderly growth of the city will have some adverse impact on views. Notwithstanding, the detailed study that is provided as a background report to the ECCS prepared by SJB includes an analysis of the view impacts of 2 options for the redevelopment of the Edgecliff Centre site. In relation to the most affected buildings, ie 'Eastpoint' (at 170 Ocean Avenue) and 'Oceanpoint' (at 180 Ocean Avenue), the preferred option has less impact than the alternative option. However, in both cases, dwellings in these building will lose part of their iconic CBD skyline views. In endorsing the ECCS for public exhibition, Council staff have acknowledged that some view

loss will result from the proposed changes to building heights and that this is acceptable having regard to the wider public benefits provided by the Strategy.

Although the subject site was not part of the analysis undertaken in the ECCS, the same overall rationale should be applied as it is located within the area to which the Strategy applies. In this case, as with the Edgecliff Centre, there will be view impacts on some surrounding buildings. However, given that the proposal will only facilitate a 12 storey building (consistent with the feedback provided by Council), these impacts are not considered to be unreasonable (given that in all cases at least some significant views will be retained) and will be offset by the 'greater good' provided by the proposal. Notwithstanding this, to give better understanding of the potential effect of the proposed changes to building height and FSR, the impacts on the 3 most potentially affected buildings (ie 'Eastpoint', 'Oceanpoint' and 'Ranelagh') have been considered in further detail.

In terms of the manner in which the view impacts are assessed, the comments by Dr Richard Lamb, who prepared a View Impact Analysis for the Edgecliff Centre Planning Proposal, are concurred with. Dr Lamb noted that in the consideration of the Land and Environment Court's *Tenacity* planning principles relating to view sharing, are of only limited applicability to a Planning Proposal, as there are no planning controls against which the 'reasonableness' of the proposal can be measured. Notwithstanding, as with Dr Lamb's report, we will provide a broad assessment of the principles of *Tenacity* (see below) based on the view diagrams contained in **Appendix C**. It is also worth noting that whilst Council rejected the Edgecliff Centre Planning Proposal, the Council assessment of view impacts only raised concern about the impacts on public views from surrounding areas and not private views. This again supports the conclusion that although there will be view impacts from redevelopment of the Edgecliff commercial centre, impacts on a limited number of private dwellings are outweighed by the significant public benefit that redevelopment can provide.

## **Ranelagh**

### *1. assessment of views to be affected*

The upper levels of this building have 360 degree views that include the CBD skyline, the Sydney Harbour Bridge and Opera House, the harbour generally and beyond the ridgeline of Oxford Street to the south. As one moves lower in the levels, the view becomes more restricted by various elements including topography, existing vegetation and buildings including, in close proximity 'Eastpoint', 'Oceanpoint' and the Edgecliff Centre. Also, the view is dependent on the orientation of the dwellings at each level. Only 2 of the 4-5 dwellings at each level of Ranelagh have an outlook towards the site (see **Figure 20**). All units have their primary views toward the CBD, Harbour Bridge or the harbour. The view toward the subject site are district views which at the higher levels extend beyond Oxford Street to the south, at the lower and mid-levels are generally to Oxford Street although at the lower levels, views are obstructed by the Edgecliff Centre development.

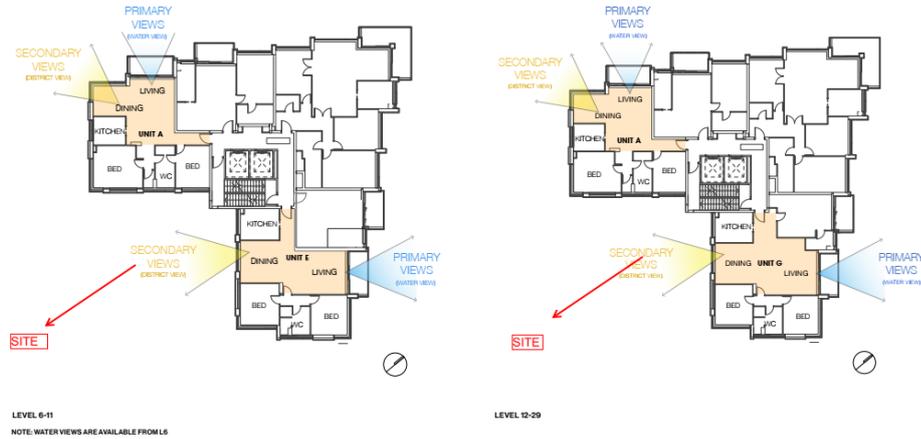


Figure 20 – relationship of Ranelagh apartments and their views to subject site.

2. consider from what part of the property the views are obtained

As indicated above and **Appendix C**, the views impacts relate very much to secondary views only as the affected units have their primary orientation and views to the north-east and north-west towards the Harbour Bridge/CBD and harbour generally. These secondary views are available from a seated and standing position.

3. assess the extent of the impact

The secondary district views are only affected below Level 13, and below Level 9, views are already impacted by the Edgecliff Centre building (see **Figure 21**). Given the retention of the primary and most important views and the retention of part of the southern view, the level of impact on the overall view available is not significant (see **Figure 22**). It should be noted that any significant redevelopment of the Edgecliff Centre site (such as proposed in the ECCS) will impact on these views to a similar degree.

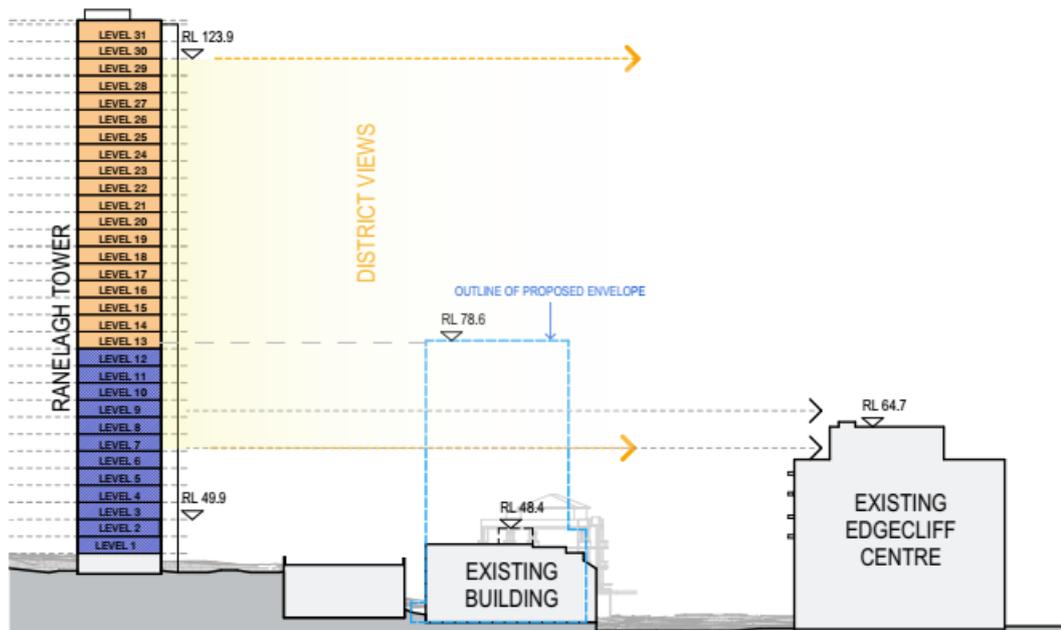
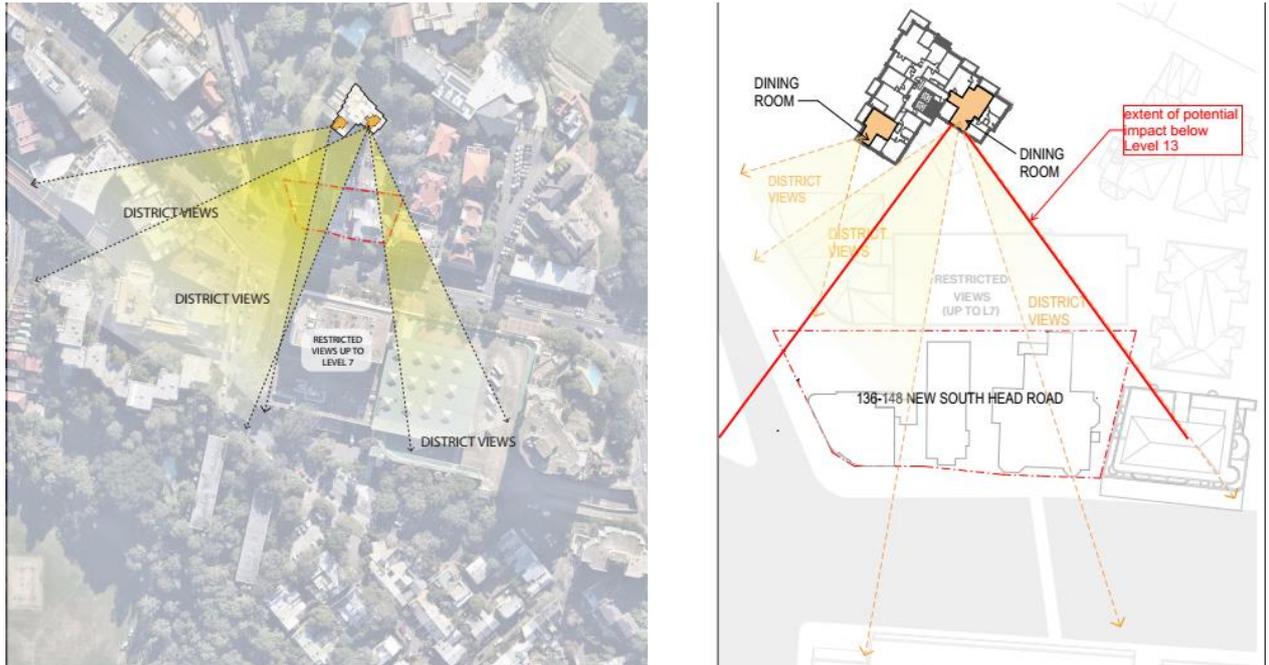


Figure 21 – Levels at which secondary district views are affected in Ranelagh



**Figure 22 – extent of view affected below Level 13 of Ranelagh**

#### 4. assess the reasonableness of the proposal

As noted above there are no relevant controls as the existing controls are intended to be varied. However, the proposed building height has been shown to be ‘reasonable’ in the submitted Urban Design Report having regard to the metropolitan, district and local context and the existing and desired future character of the area (as detailed in Council’s previous ‘Opportunity Sites’ study and the current ECCS). Whilst there are some adverse impacts on a number of individual dwellings, it is considered that the overall benefits that will arise from the proposal, as discussed at length in this report, is sufficient to outweigh these impacts. Also as noted, in all cases, iconic views of the CBD skyline, Harbour Bridge and Opera House and harbour generally are unaffected by the proposal.

Also due to the angle of viewing from ‘Ranelagh’ to the subject site, any feasible redevelopment of the Edgecliff Centre site would block views to a similar extent as the proposal.

#### **Eastpoint**

##### 1. assessment of views to be affected

The upper levels of this building have 360 degree views that include the CBD skyline, the Sydney Harbour Bridge and Opera House, the harbour generally and southward beyond the ridgeline of Oxford Street. The only elements that presently block the views are the ‘Ranelagh’ building directly to the north of the subject site and the ‘Oceanpoint’ building to the south. As one moves lower in the levels the view becomes more restricted by various elements including topography, existing vegetation and buildings. At the lowest habitable level the view is restricted by development on the northern side of New South Head Road and also the existing ‘Edgecliff Centre’ development to the west. Also the view is dependent on the orientation of the dwellings at each level. At levels 8-12 only 5 of the

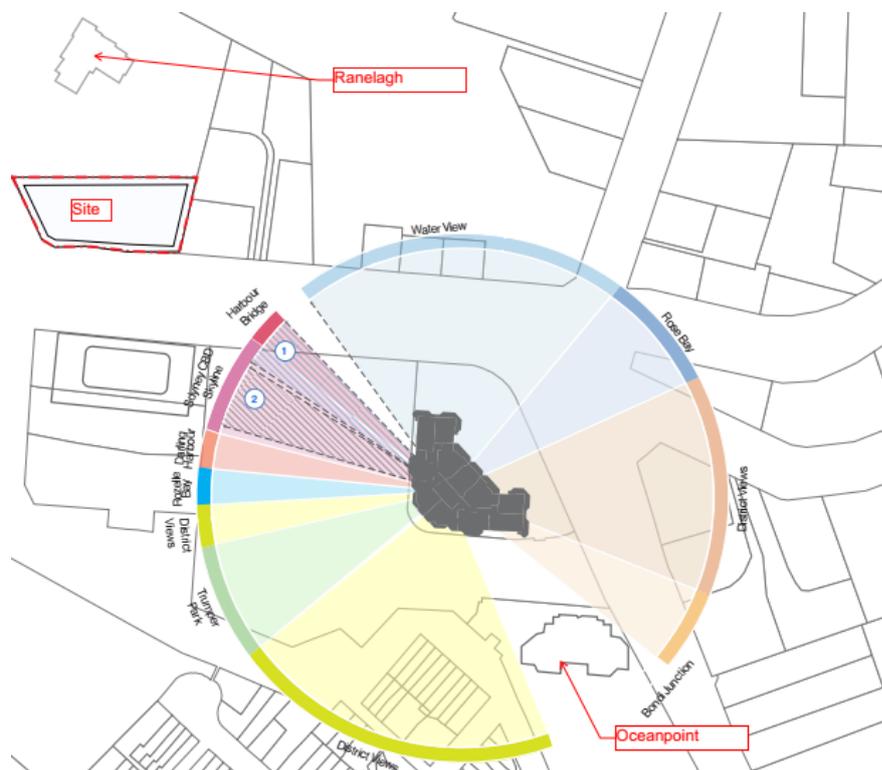
11 dwellings have view toward the CBD and Harbour Bridge that are potentially affected. At levels 13-19, it is 3 of the 6 units.

2. consider from what part of the property the views are obtained

The views are generally available from seated and standing positions and in living areas and balconies and bedrooms of the apartments.

3. assess the extent of the impact

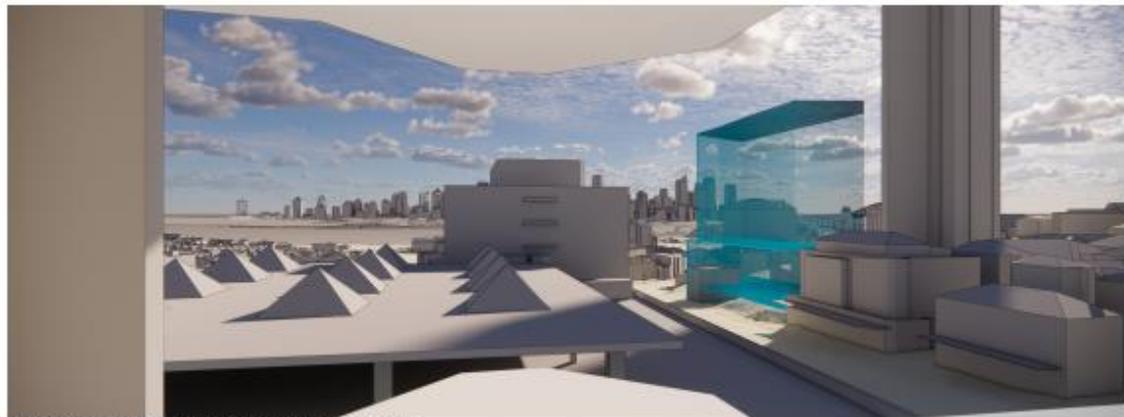
As indicated in the view diagrams at **Appendix C**, the views impacts range from insignificant (such as at Level 18 and Units 3 and 11 at Level 8), to more significant at other levels where Harbour Bridge and Opera House views are affected to varying degrees (see **Figure 23 and 24**). However, in all cases, iconic views of the CBD skyline will be retained. In some cases, harbour views to the north and north-east and views to the south will also be unaffected. The impact of the proposed building envelope only represents a small percentage of the overall view that is available in most cases.



**Figure 23 – extent of views available and affected in Eastpoint by existing buildings and proposed envelope**



CONCEPT IMAGE , WESTERN / PRIMARY VIEW



PROPOSED ENVELOPE, WESTERN / PRIMARY VIEW

**Figure 24 – example of impact (Unit 3 Level 8) indicating that majority of iconic CBD views will be retained**

It should also be noted that the Planning Proposal relates to a building envelope and this has been designed to be 25-30% larger than the actual building to allow for design flexibility. As can be seen in the comparison of the building envelope with the indicative concept design in **Figure 24**, the detailed design process can result in reduced impacts.

#### *4. assess the reasonableness of the proposal*

As noted above there are no relevant controls as the existing controls are intended to be varied. However the proposed building height has been shown to be ‘reasonable’ in the submitted Urban Design Report having regard to the metropolitan, district and local context and the existing and desired future character of the area (as detailed in Council’s previous ‘Opportunity Sites’ study and the current ECCS). Whilst there are some adverse impacts on a number of individual dwellings, it is considered that the overall benefits that will arise from the proposal, as discussed at length in this report, is sufficient to outweigh these impacts. Also as noted, in all cases, iconic views of the CBD skyline are unaffected by the proposal.

It is noted that unlike the ECCS, the Opportunity Site Study included the Edgecliff rail/bus interchange as part of the potential redevelopment area. It is considered that in the longer term, it would be a poor planning outcome for this site not to be redeveloped. Due to the angle of viewing from Eastpoint to the subject site, any feasible redevelopment of the interchange site (even as low as the existing Edgecliff Centre parapet) would block views over the subject site. Even if this site is not redeveloped, to retain existing views, the



### 3. assess the extent of the impact

As indicated in the submitted view diagrams, the views impacts range from zero for the apartments in the north-west corner of the building where views toward the site are already blocked by Eastpoint, to more significant at other locations where Harbour Bridge or Opera House views (or both) are affected to varying degrees. However in all cases, iconic views of the CBD skyline will be retained. In some cases, harbour views to the north and north-east and views to the south will also be unaffected (see **Figure 26**). The impact of the proposed building envelope only represents a small percentage of the overall view that is available in most cases.



WESTERN / PRIMARY VIEW

**Figure 26 – example of impact (Unit 3 Level 4- lowest apartment level) indicating that majority of iconic CBD views will be retained**

### 4. assess the reasonableness of the proposal

As noted above there are no relevant controls as the existing controls are intended to be varied. However the proposed building height has been shown to be ‘reasonable’ in the submitted Urban Design Report having regard to the metropolitan, district and local context and the existing and desired future character of the area (as detailed in Council’s previous ‘Opportunity Sites’ study and the current ECCS). Whilst there are some adverse impacts on a number of individual dwellings, it is considered that the overall benefits that will arise from the proposal, as discussed at length in this report, is sufficient to outweigh these impacts. Also as noted, in all cases, iconic views of the CBD skyline are unaffected by the proposal.

It is noted that unlike the ECCS, the Opportunity Site Study included the Edgecliff rail/bus interchange as part of the potential redevelopment area. It is considered that in the longer term, it would be a poor planning outcome for this site not to be redeveloped. Due to the angle of viewing from Oceanpoint to the subject site, any feasible redevelopment of the interchange site (even as low as the existing Edgecliff Centre parapet) would block views over the site.

#### *Visual impacts (Public views)*

Approaching the site from east along New South Head Road, the proposal will sit between the taller Ranelagh building and the existing Edgecliff Centre (at 7 storeys or the 26 storeys proposed in the ECCS). The proposed 12 storeys is compatible with these heights. Further,

the site is on an important corner – the gateway to the Darling Point peninsula. The proposal will visually reinforce the importance of this corner (see **Figure 27**).



**Figure 27 – proposed envelope in the context of existing buildings and outline of envelopes proposed in the ECCS as viewed from the east on New South Head Road**

From the west, approaching from Rushcutters Bay, the proposal will be predominantly hidden behind existing built form until one is relatively close to the site (see **Figure 28**). When it is visible, again, it will be compatible with the height of existing and potential future buildings.



**Figure 28 – proposed envelope in the context of existing buildings and outline of envelopes proposed in the ECCS as viewed from the west on New South Head Road**

From other area including locations such as Trumper Park or the Paddington conservation area, the building will be visible but will be consistent with the heights of existing and proposed future development (see **Figures 29 and 30**). It will contribute to the creation of a skyline within the Edgecliff commercial centre that will provide a visual marker for this important local centres.

The retention of the existing heritage building and demolition of non-descript buildings, provides the opportunity to achieve the Council aspirations of design excellence for Edgecliff, with a high quality building such as that illustrated in the concept plans. This outcome has the potential to enhance the visual quality of the area.

Further to the above, the proposed changes in height and bulk proposed in the ECCS, will result in more buildings of the scale proposed within the centre, further enhancing the compatibility of the proposed form.

To ensure that the bulk and scale of the building is commensurate with that assessed in this report, it is proposed to include draft provisions that can be included in Council's DCP to provide built form controls as detailed above.



**Figure 29 – proposed envelope in the context of existing buildings and outline of envelopes proposed in the ECCS as viewed Trumper Park**



**Figure 30 – proposed envelope in the context of existing buildings and outline of envelopes proposed in the ECCS as near Cascade and Windsor Streets Paddington**

### *Wind Impact*

A wind impact assessment is provided at **Appendix J**. This concludes that: ‘All locations are expected to meet the safety criterion. These wind conditions would be considered suitable for the intended use’.

### *Acoustic impact*

The acoustic assessment that has been undertaken (see **Appendix K**), indicates that the relevant criteria regarding the impacts on the site from rail and road noise and from the future development on surrounding properties can be met.

### *Heritage*

The site contains a heritage item at No 136 New South Head Road. An assessment of the heritage impacts is provided at **Appendix F**. This concludes that “*Urbis considers that the proposed DCP provisions will ensure that the future development will maintain and enhance the heritage significance of the subject listed building. The indicative concept design is consistent with these principles and confirms that the overall heritage outcome for the site will be a positive one.*”

Further there is an assessment of the other existing buildings on the site and it is concluded that they are not of any notable significance and do not warrant retention or any other heritage measures.

### *Traffic and Parking*

The Planning Proposal is accompanied by a Traffic and Parking Report at **Appendix F**. This report concludes that the Planning Proposal will not have any unacceptable implications in terms of road network capacity or off-street parking/loading.

### *Geotechnical and contamination issues*

Preliminary geotechnical and contamination investigations have been undertaken and conclude that there are no issues that are likely to prevent reasonable redevelopment of the site (see **Appendices H and I** respectively).

## **4.3.2 Economic and Social Considerations**

Has the planning proposal addressed any social and economic effects?

### *Economic effects*

Council’s recent ECCS study does not provide any detailed assessment of the economic impacts of the proposed changes to Woollahra LEP, however it is noted that the changes will reinforce the economic and civic role of the ECC. In relation to the subject site, Hill PDA have prepared a brief economic analysis (see **Appendix L**) which concludes that the proposal will generate economic activity equal to \$270.8M (\$130M of which will be in Woollahra LGA) during construction stage and \$10.4m post-construction. During construction 852 jobs (212 direct jobs) will be created and post-construction this will be 103 additional jobs per annum.

### *Social effects*

The proposal will not result in any adverse social impacts. As discussed in **Section 4.2.2** above, the proposal is supportive of Council's Community Strategic Plan. The proposal will ultimately include an offer to enter into a VPA with Council to ensure that significant contributions for social infrastructure will be provided. This includes contributions towards affordable housing that will provide a significant social benefit in reducing mortgage and rental stress. Discussions with Council on these matters are ongoing.

## **4.4 State and Commonwealth Interests**

### **4.4.1 Is there adequate public infrastructure for the planning proposal?**

#### *Transport*

As noted previously the site has excellent access to public transport being on a major bus route and across the road from a rail/bus interchange. The site has access to regional road and bicycle systems providing numerous transport options for future residents and workers. No upgrade to the road network is required as a result of the proposal and the traffic impacts discussed in **Appendix E** indicate that the operation of the road network will not be unreasonably affected.

#### *Site Services (Water, Sewer, Drainage, Electricity, Gas, Broadband)*

The site is located within an existing developed area that is well catered for in terms of service infrastructure.

We understand that there is capacity within existing service systems for the proposal, subject to appropriate augmentation as necessary. Such augmentation is typically undertaken at the developer's cost and through service charges.

#### *Education and Health Services*

There are many public and private education options within close proximity of the site including the adjacent Ascham School.

#### *Open space and recreation*

The need for additional open space is typically dealt with by way of Council's Contributions Plan and the proposal will result in additional funds paid to Council for this purpose.

In addition to the above, there are a wide range of sporting and leisure opportunities a short distance away at Trumper Park and Rushcutters Bay Park.

### **4.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

Under the Gateway process the views of State and Commonwealth public authorities are not known until after the initial Gateway determination. This section of the planning

proposal will be completed following consultation with those public authorities nominated by the Gateway Determination.

#### **4.5 Community Consultation**

Under the Gateway process the level of community consultation is tailored for each planning proposal by the initial Gateway determination. The proposal has been designed to minimise environmental and amenity impacts on neighbouring properties, having regard to the context of the site which is well separated from established residential areas.

## 5. CONCLUSION

This Planning Proposal seeks amendment of Woollahra LEP 2014 to allow the subject land to accommodate a mixed use development to a height of 46m and an FSR of 5:1.

The proposal has been assessed pursuant to the relevant guidelines and in particular has been found to have both general strategic merit and site specific strategic merit. In this regard it:

- is located directly opposite Edgecliff railway station and bus interchange;
- is consistent with the ‘30 minute city’ objectives of the regional and district plans as numerous major employment centres including Sydney CBD and Bondi Junction within 30 minutes by public transport;
- will maintain and enhance the employment generating potential of the site, whilst providing for a significant number of additional dwellings to meet growing demand;
- has a scale that is consistent with both the existing character of the area and the desired future character of the area as outlined in the Edgecliff Commercial Centre Strategy (ECCS). The scale and form of the building are embodied in site specific DCP provisions that will ensure that the significance of the existing heritage building on the site will be maintained and enhanced and that there is consistency with the existing urban form and streetscape;
- will provide significant monetary contributions to Council for community infrastructure including affordable rental housing to assist in easing rent stress in the locality;
- responds to the precedent for high density living in this precinct and will improve the level of activation of the commercial centre;
- is at the periphery of established residential areas which will minimise impact on existing lower density communities;
- will facilitate redevelopment of the site for a high quality mixed use building that will achieve design excellence and contribute to the creation of an exceptional local centre in Edgecliff.

This location has already been deemed strategically appropriate for such development by Council staff in Council’s ECCS. The proposal is supportive of the objectives of the ECCS and will assist in creating a vibrant Edgecliff commercial centre.

The indicative concept plans that have been prepared demonstrate that the site can be developed with a high quality urban form that meets and exceeds the design requirements of the Apartment Design Guide. The development will contribute significantly to the local economy both during construction and from the influx of new residents and workers.

We are of the view that the Planning Proposal is a logical step in the strategic planning for this site and precinct. The locational attributes of the site mean that it is both highly accessible and impacts on established residential communities can be minimised. A planning agreement with Council will ensure that significant contributions will be paid to provide for any increased demand for community infrastructure and services arising from the future development of the site.

It is recommended that the Planning Proposal proceed through the Gateway determination process and be placed on public exhibition.