

12. General Manager and Officer's Report

Item No: 12.1
Subject: **REQUEST TO BE THE PLANNING PROPOSAL AUTHORITY ROLE FOR THE PLANNING PROPOSAL FOR 136-148 NEW SOUTH HEAD ROAD, EDGECLIFF**
Author: Louise Munday, Consultant Strategic Planner
Approvers: Anne White, Manager - Strategic Planning & Place
Scott Pedder, Director - Planning & Place
File No: 22/166454
Purpose of the Report: To report the decision of the rezoning review for 136-148 New South Head Road, Edgecliff (RR-2022-12).
To recommend that Council takes on the role as Planning Proposal Authority
Alignment to Delivery Program: Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

Note: Councillor Jarvis declared a Non-Significant, Non-Pecuniary Interest in this Item, as Councillor Jarvis is a member of the Sydney Eastern City Planning Panel (SECPP), noting that the matter has come before them. Councillor Jarvis left the meeting, did not participate in the debate or vote on the matter.

Note: Councillor Zeltzer declared a Non-Significant, Non-Pecuniary Interest in this Item, as Councillor Zeltzer is a member of the Sydney Eastern City Planning Panel (SECPP), noting that the matter has come before them. Councillor Zeltzer left the meeting, did not participate in the debate or vote on the matter.

Note: The Council added new Part B, amended Part C and new Part E of the Resolution.

Note: Councillor Jarvis left the meeting, the time being 6.57pm.

Note: Councillor Zeltzer left the meeting, the time being 6.57pm.

(Robertson/Silcocks)

106/22 Resolved:

A. THAT Council notes its resolution of 25 July 2022 in the following terms:

- A. *THAT Council note the advice provided by the Woollahra Local Planning Panel on 22 April 2022 regarding the planning proposal for 136-148 New South Head Road, Edgecliff.*
- B. *THAT consistent with the advice from the Woollahra Local Planning Panel, Council resolves to refuse the planning proposal for 136-148 New South Head Road, Edgecliff which seeks to amend the Woollahra Local Environmental Plan 2014 in the following manner:*
 - (i) *Increase the maximum height of buildings development standard from 14.5m to 46m.*
 - (ii) *Increase the maximum floor space ratio development standard from 1.5:1 to 5:1.*
- C. *THAT the applicant be notified that Council has refused the planning proposal in accordance with Clause 9 of the Environmental Planning and Assessment Regulation 2021.*
- D. *THAT 136-148 New South Head Road, Edgecliff be incorporated into the post exhibition version of the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy as a potential uplift site.*

- B. THAT notwithstanding Part A, that Council note on 18 August 2022, the Sydney Eastern City Planning Panel considered a rezoning review and resolved to recommend the planning proposal be progressed to Gateway, which was contradictory to Council's reason for refusal.
- C. THAT to enable Council's management of the process with a view to ensuring the best outcome for Woollahra residents, Council accepts the role of Planning Proposal Authority for 136-148 New South Head Road, Edgecliff (RR-2022-12) and prepare a planning proposal for the site which seeks to amend the Woollahra Local Environmental Plan 2014 in the following manner:
- i. Increase the maximum building height standard from 14.5 to 46m
 - ii. Increase the maximum floor space ratio from 1.5:1 to 5:1.
- D. THAT the Council finalise, in consultation with the applicant:
- a. *An LEP clause requiring:*
 - i. *A design excellence competition or equivalent*
 - ii. *Amalgamation to ensure no vehicle access to New South Head Road*
 - iii. *Maximum number of storeys, height and floor space ratio*
 - iv. *Affordable housing consistent with Council's adopted Affordable Housing Policy*
 - v. *Provision of, or contribution towards, community infrastructure.*
 - b. *A draft DCP, to be exhibited concurrently, with guidelines for development including:*
 - i. *Massing and number of storeys*
 - ii. *Sustainability measures*
 - iii. *Relationship to local heritage item*
 - iv. *Wind analysis*
 - v. *Minimal overshadowing of public domain, including Trumper Park and plaza areas opposite the site*
 - vi. *Appropriate mix of commercial and residential given characteristics of site*
 - vii. *Car parking, vehicle access and egress.*
- E. THAT due to an existing road reservation being over the corner part of the site, that Council recommends that the issue of the road reservation is resolved by the applicant with Transport for NSW prior to the making of any LEP.
- F. THAT any Planning Agreement proposed by the applicant be prepared in accordance with the adopted Woollahra Voluntary Planning Agreement Policy 2020.
- G. THAT should a Gateway determination be received, the planning proposal, draft development control plan and any draft planning agreement be publicly exhibited.
- H. THAT the applicant pays the relevant planning proposal fees as identified in Council's adopted Fees and Charges for 2022/2023.

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Councillor Cavanagh
Councillor Grieve
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Swan
Councillor Witt

Against the Motion

Councillor Carmichael
Councillor Elsing
Councillor Shields
Councillor Silcocks
Councillor Wynne