

# Request for a Planning Proposal for 136-148 New South Head Road, Edgecliff



## Staff Assessment



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## 1. Assessment

Council staff have undertaken an assessment of the request for a planning proposal in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the relevant NSW Department of Planning, Industry and Environment guidelines.

- Greater Sydney Region Plan and Eastern City District Plan (2018)
- Housing supply, diversity and affordability
- Centres hierarchy
- Public benefit
- Woollahra 2032, Council's Community Strategic Plan
- Woollahra Local Strategic Planning Statement 2020 (LSPS)
- Woollahra Local Housing Strategy (LHS)
- Draft Edgecliff Commercial Centre Strategy (the draft ECC strategy)
- Draft ECC Strategy – strategies and guiding principles

### **Assessment against Woollahra Local Environmental Plan 2014 objectives**

- B4 Zone Objectives
- Height of Buildings
- Floor Space Ratio
- Land Reservation Acquisition

### **Assessment against Woollahra Development Control Plan 2015 principles**

- Desired future character
- Commercial centre objectives
- Heritage
- Solar access
- Views
- Traffic, access and parking
- Residential amenity
- Sustainability

Council staff assessed the request with reference to the NSW Department of Planning and Environment's (DPE) *Local Environmental Plan Making Guideline* (November 2022).

A strategic merit assessment against relevant region, district, and local strategies, including the draft ECC Strategy<sup>1</sup>, considers how the site can contribute to meeting Council's strategic obligations in the context of the NSW Government's objectives for the Eastern City District and Greater Sydney.

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<sup>1</sup> Draft Edgecliff Commercial Centre Planning and Urban Design Strategy exhibited 31 May – 30 September 2021 - establishes a vision for the Edgecliff Commercial Centre (ECC) and provides recommendations on planning controls, urban design, public domain and transport enhancements to guide future development. Refer to Section 1.8 for detail.

A site-specific merit assessment considers local aspects of the planning proposal against the draft ECC Strategy principles, and relevant *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) and *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) objectives and controls.

### **1.1. Greater Sydney Region Plan and Eastern City District Plan (2018)**

The Region Plan objectives include making more effective use of existing regional infrastructure (such as public transport, roads, schools and hospitals). For Woollahra this would include the existing rail, bus and regional road networks. It would also include planned investment in the Eastern Economic Corridor - transport, health, education and cultural facilities - as the District Plan does not identify any planned state upgrades to infrastructure in the Woollahra LGA. The District Plan indicates opportunities should be taken to better align growth with infrastructure by considering the capacity of existing infrastructure and includes the following objective:

*Aligning growth with infrastructure, including transport, social and green infrastructure, and delivering sustainable, smart and adaptable solutions.*

This approach is incorporated in the *Woollahra Local Strategic Planning Statement* (LSPS) and the *Woollahra Local Housing Strategy* (LHS), by focusing growth in areas close to public transport and key centres, and is carried through into the draft ECC Strategy.

Council staff engaged with the Greater Sydney Commission and the then NSW Department of Infrastructure and Industry (now DPE) regarding Woollahra's identified growth to 2036. Both support the idea of focusing Woollahra's growth around Edgecliff Station, and the draft ECC Strategy is a collaborative approach to achieving Council's obligations under the Region and District plans.

Given the subject site is within the ECC, the planning proposal can be considered consistent with the Region and District Plans regarding infrastructure and collaboration, as there is a nexus from the applicant's proposal through the LSPS and LHS to those plans.

However, we note that the planning proposal does not include any social and green infrastructure.

### **1.2. Housing supply, diversity and affordability**

The Region Plan objectives include providing additional housing in areas where there is supporting infrastructure and employment, and the plan states there is unmet need for diverse housing, and housing in locations that are supported by infrastructure, businesses, services and employment.

This approach is incorporated in the LSPS and the LHS, by focusing growth in areas close to public transport and key centres where existing employment can be enhanced, and is carried through into the draft ECC Strategy.

Woollahra's housing target was 300 net new dwellings between 2016 and 2021, and a further 500 net new dwellings between 2021 and 2026. The planning proposal has the potential to produce approximately 41 apartments (35 net gain) and thus contribute to achieving Woollahra's housing targets.

The documentation submitted with the planning proposal suggests a contribution could be made towards affordable housing as part of a planning agreement.

Given the subject site is in the ECC that incorporates Region, District and Local strategies, the planning proposal can be considered consistent with all regarding housing supply. The indicative development concept shows a range of apartment sizes and this can be confirmed in a site specific DCP.

### 1.3. Centres hierarchy

The Region Plan objectives include managing and expanding the network of existing centres to maximise the liveability, productivity and sustainability benefits. The Region Plan states the management of local centres should be informed by a place-based strategic planning process *including an assessment of how, broadly, the proposed hierarchy influences decision-making for commercial, retail and other uses.*

This approach is incorporated in the LSPS and the LHS, by focusing growth in key centres in areas close to public transport, and is carried through into the draft ECC Strategy. The LSPS and LHS refer to the planning review of Double Bay and Edgecliff underway to identify opportunities for increased housing, local businesses, and employment in these key local centres.

The ECC is the only local centre in the Woollahra LGA with a train station and bus interchange. Council is following the Region Plan recommended approach of place based planning in the draft ECC Strategy that identifies how the ECC could be revitalised with density and heights that are appropriate for its key local centre status.

Given the planning proposal has the potential to contribute to the ECC's revitalisation and strengthening as an employment and transport hub, it is considered to be consistent with the Region Plan centres hierarchy objectives.

### 1.4. Woollahra 2032, Council's Community Strategic Plan

*Woollahra 2032, Council's Community Strategic Plan (CSP)*, identifies the strategic direction and integrated planning framework for the Woollahra LGA and the CSP's five themes reflect community values. The applicant's proposal is considered to be consistent with the CSP. In particular, given the planning proposal is within the ECC it is consistent with the theme *quality places and spaces* and:

*Goal 4: Well-planned neighbourhoods*

- *4.1 Encourage and ensure high quality planning and urban design outcomes*
- *4.5 Enhance the form and function of the local business centres*

A building in the proposed envelope could contribute to achieving some of the aims of the draft ECC Strategy by contributing to housing and modern employment space and a revitalised centre. This is consistent with the CSP aims of *protecting our environment from high rise and inappropriate oversized development while balancing the pressure for new housing and jobs, and responding to the housing targets set by the State Government.*

### 1.5. Woollahra Local Strategic Planning Statement 2020 (LSPS)

The LSPS documents a 20-year land use vision and planning priorities for the Woollahra LGA, identifies the ECC as a key local centre and transport hub, and refers to the planning review undertaken to investigate increased housing, local business and employment. A short-term action in the LSPS is to *undertake community consultation on the Edgecliff Commercial Centre Planning and Urban Design Study (due 2020)* with the aim of adopting and implementing a strategy for upgrade of the ECC. The consultation was undertaken in 2021 with the public exhibition of the draft ECC Strategy and supporting documents. The

draft ECC Strategy is consistent with the vision and specific actions in the LSPS including:

*Planning Priority 6: Place making supports and maintains the local character of our neighbourhoods and villages, whilst creating great places for people*

The planning proposal is considered partially consistent with the LSPS as it has the potential to contribute to some aspects of the revitalisation of the ECC in the context of the place based planning for the ECC.

### **1.6. Woollahra Local Housing Strategy (LHS)**

Council approved the Woollahra LHS on 25 October 2021. The report identified that Woollahra's 2016-2021 target of 300 net new dwellings has been achieved, and another 900 dwellings are required by 2036.

The LHS identifies that Woollahra's housing targets will be primarily met in the ECC, it being the only area within the LGA that is capable of accommodating growth without State Government investment in major infrastructure and services.

The planning proposal has the potential to deliver 41 dwellings (35 net new dwellings) that would contribute to achieving Woollahra's housing targets and could reduce the need for redevelopment of other sites in the ECC to the heights envisaged in the draft ECC Strategy.

### **1.7. Draft Edgecliff Commercial Centre Strategy (the draft ECC Strategy)**

The subject site is within the Edgecliff Commercial Centre (ECC) and within the area covered by the *Draft Edgecliff Commercial Centre Planning and Urban Design Strategy* (draft ECC Strategy).

The draft ECC strategy sets a new vision for the ECC and makes recommendations on key built form outcomes including land uses, heritage conservation, maximum building heights, active street frontages, design excellence, and transport. The draft ECC Strategy identifies a number of properties along New South Head Road with potential uplift (additional height and floor space ratio). Refer to **Figures 1 and 2**

Whilst the site falls within the ECC it was not identified for uplift in the draft ECC Strategy. This was because at the time of preparation, the subject site was in multiple ownership and vehicle access was not available to all four properties. However, since the draft ECC Strategy was prepared, the subject site has been brought into single ownership and vehicle access can be obtained to the whole site from Darling Point Road.

Council exhibited the draft ECC Strategy from 31 May – 30 September 2021.

The draft ECC strategy proposes five precincts, and the site is in the Local Commercial Core. This precinct is the focus for employment, retail, community services and apartments where:

*Future development will enhance the employment role of the ECC through high-quality architecture and urban design, and design excellence. Active frontages, new public spaces, urban greening, and public art will promote liveability. 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.*



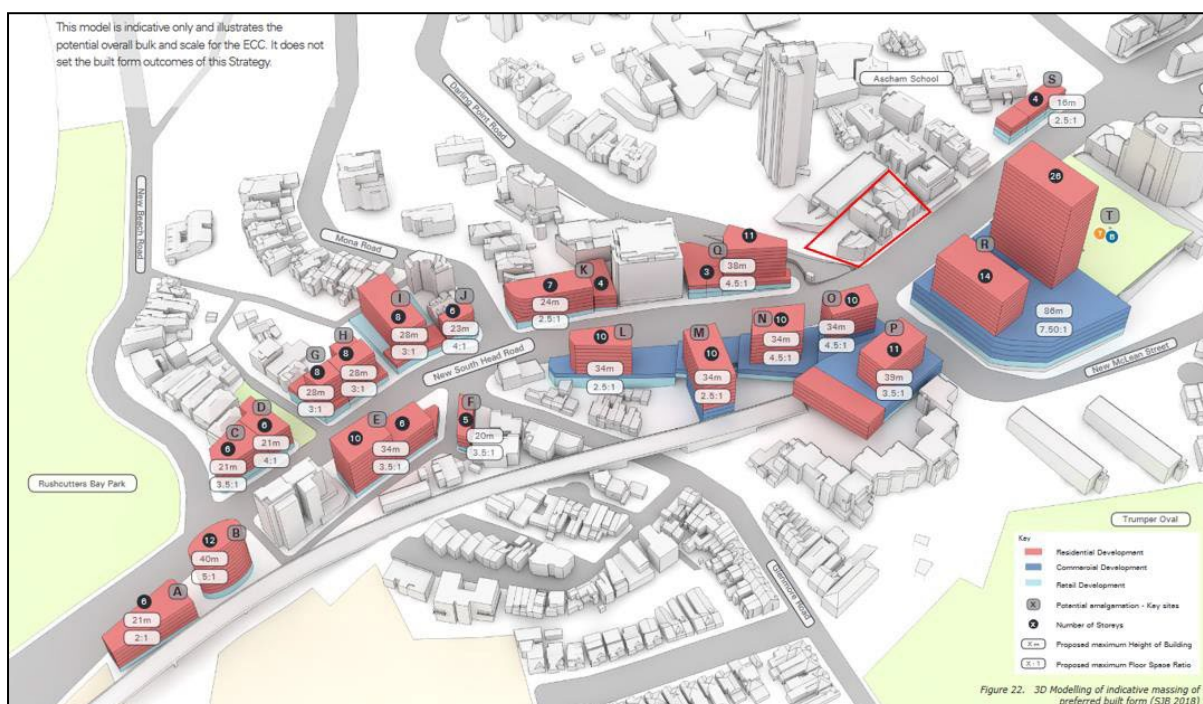
**Figure 1: Draft ECC Strategy area**

The planning proposal and indicative development concept demonstrate consistency with some of the aims of the exhibited draft ECC Strategy as follows:

- Height and floor space ratio (FSR) compatible with those identified on nearby uplift sites
- New non-residential space in a modern commercial setting, adjacent to Edgecliff Station would enhance the employment role of the ECC
- Being close to transport, development of the subject site will be transport oriented and the location-meets criteria to encourage active transport use
- Redevelopment would provide new and improved active frontages, including conservation and refurbishment of the heritage listed building

The planning proposal can, therefore, be considered consistent with the ECC Strategy.

It should be noted, however, that given the issues raised in submissions to the Draft ECC Strategy, Council staff are in the process of refining and amending the draft ECC Strategy. While it is expected uplift sites will be identified in the final ECC Strategy, at the time of writing this report, there is no certainty about what building height and floor space controls will be recommended for each site.



**Figure 2: 3D Modelling of indicative potential built form (Source: SJB 2018) (site highlighted in red)**

## 1.8. Draft ECC Strategy – strategies and guiding principles

Table 2 provides an assessment of the planning proposal and indicative development concept against the strategies and guiding principles of the draft ECC Strategy. While the draft ECC Strategy is not finalised, it is expected similar strategies and principles will be included in the final ECC Strategy.

**Table 2: Assessment against ECC Strategy: Strategies and Guiding principles**

Strategy	Response
5.1 Land Use	The proposal does not seek a change from the B4 mixed use zoning.
5.2 Building height	<p>The approach in the draft ECC Strategy is to highlight the line and slope of New South Head Road, with the taller buildings of 26 and 14 storeys at the Edgecliff Centre and 8-10 storeys transitioning down towards the lowest point at Rushcutters Bay Park. Four storey street wall heights for sites surrounding Edgecliff Station are proposed to concentrate commercial floor space in the Local Commercial Core in podium levels.</p> <p>A 12-storey building on the subject site is consistent with this approach as it would reinforce the higher buildings on the high point of New South Head Road, with a slight step down from the 14 storeys on the Edgecliff Centre, and another step down to the potential 11-storey building on the uplift site to the west (130 New South Head Road).</p>
5.3 Floor Space	<p>The proposed FSR of 5:1 is lower than the 7.5:1 indicated for the Edgecliff Centre, and slightly greater than the 4.5:1 indicated for the uplift site to the west (130 New South Head Road).</p> <p>The planning proposal is consistent with the ECC approach to focus higher density and more employment space adjacent to Edgecliff Station.</p>

5.4 Amalgamation	The amalgamated site would provide a frontage to New South Head Road of around 55m, enabling the benefits of amalgamation noted in the draft ECC Strategy, such as functional floor plates and efficient parking layout. Achievable floor plates would provide flexibility for a range of non-residential uses, no land would be isolated and vehicle access to land that currently does not have vehicle access could be achieved from Darling Point Road.
5.5 Built form	<p>The approach is to follow the sloping topography of the ECC and locate the tallest buildings around Edgecliff Station, with a consistent street wall (vehicle entries from side streets) and one or more levels of non-residential storeys with residential above.</p> <p>The indicative development concept for a 12-storey building on the subject site is consistent with this approach as it would reinforce the focus of taller buildings around Edgecliff Station, increases non-residential space in a 4-storey podium, and presents a consistent street wall to New South Head Road. The built form is consistent with the draft ECC Strategy <i>Built Form Principles</i> (refer to Table 3) and would make a positive contribution to the revitalisation of the ECC.</p>
5.6 Active frontages	The indicative development concept shows the provision of active frontages, with retail at the street frontage. The requirement for active frontages would be confirmed in DCP provisions for the site should the planning proposal proceed.
5.7 Design excellence	The requirement for design excellence can be included in amendments to the Woollahra LEP 2014 should the planning proposal proceed.
5.11 Transport	<p>The proposal does not conflict with any of the transport improvements identified in the draft ECC Strategy. The proposal will:</p> <ul style="list-style-type: none"> <li>• Support mixed use development</li> <li>• Potentially 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>

**Table 3: Assessment against ECC Strategy: Built form guiding principles**

Built Form – Guiding Principles	
G1 Mix of uses with active street frontages at ground level along New South Head Road	
	<p>A mix of uses and active street frontages can be achieved in development of the site under the proposed planning controls. The indicative development concept shows active frontages and two to three levels of non-residential use at the ground and lower levels.</p> <p>A minimum non-residential FSR can be applied to ensure a minimum non-residential component contributes to the ECC's employment role.</p>
G2 The character of HCAs is not negatively impacted by the bulk and scale of the built form	
	<p>New South Head Road and the properties on the southern side of it provide some separation between the site and the Paddington HCA.</p> <p>Development on the site under the proposed controls could be designed to be compatible with existing buildings (as shown in a view of the requested building envelope in <b>Figure 3</b>).</p>

G3 Development must demonstrate design excellence.	
	Should the planning proposal proceed, relevant LEP provisions can include a requirement for design excellence
G5 Comply with State Environmental Planning Policy No 65 -- Design Quality of Residential Apartment Development and the Woollahra DCP 2015 where relevant.	
	The applicant provided an evaluation of the indicative development concept to demonstrate that future development under the proposed development controls can comply with the requirements of SEPP 65, the Apartment Design Guide, and generally with the controls of the Woollahra DCP 2015 relevant to residential amenity.
G6 Surrounding residential areas continue to receive 2 hours of direct sunlight to private open spaces on 21 June.	
G7 Existing public open spaces (including Trumper Park and Oval) and new public open spaces achieve adequate solar access between the hours of 10am and 2pm on 21 June	
	The shadow analysis submitted with the planning proposal shows the additional shadow that would result from the built form constructed under the proposed controls. This analysis indicates the shadows at hourly intervals between 9am to 3pm on 21 June. The analysis concludes that the proposed envelope will not result in any adjoining dwellings failing to meet acceptable standards of solar access. Furthermore, the shadow diagrams indicate that there will be no unreasonable overshadowing of the public domain (including Trumper Park).

## 2. Assessment against Woollahra LEP 2014 objectives

### 2.1. MU1 Zone Objectives

The planning proposal is not seeking to change the MU1 Mixed Use zoning and a mixed use development is permissible. The request is considered consistent with the following relevant objectives of the zone:

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*

A mix of uses can be provided. The indicative development concept shows functional floor plates with up to four levels of non-residential use for retail and commercial purposes.

- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*

A mix of uses and active street frontages can be provided. The indicative development concept shows active frontages and ground level design that can integrate with the public domain of the street.

- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*

The indicative development concept shows retail uses on the ground floor that provide active street frontages.

- *To provide for development of a scale and type that is compatible with the amenity of the surrounding residential area.*

There is a small residential area to the east of the subject site that is two, three and five storeys in height. A development to the height and scale requested could overlook this residential area. Potential impacts include visual and aural privacy, and there would be a significant stepping in height close to the boundary of that residential area. These issues would need to be considered in detail should the planning proposal proceed and measures to protect the amenity of adjacent residential areas incorporated into a site specific DCP.

The background study for the draft ECC Strategy considered the amenity of surrounding residential areas and it includes strategies and guiding principles to ensure development in the ECC would be compatible with surrounding residential areas. These protections are being reviewed and could form the basis of a site specific DCP.

- *To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.*

In the Woollahra DCP 2015, the desired future character for the Edgecliff Centre and Eastpoint complex (opposite the subject site) describes buildings of 8–10 storeys (26m to 34m) stepping down to New McLean Street (to the south) to 2 storeys. For the remainder of the New South Head Road corridor the desired future character describes buildings of 4-6 storeys. The DCP is indicating taller buildings around the station to take advantage of the public transport facilities, and focus employment and residential floor space at this location.

While the planning proposal is two storeys taller than the current LEP standard and DCP guideline for the vicinity, it could be considered consistent with the intent of the desired future character statement which is to increase employment and residential floor space to take advantage of the transport infrastructure, and focus taller buildings at the higher point of the ECC. Furthermore, the height of the Eastpoint residential tower is 14 storeys, and the 12 storey building on the subject site would provide a step down from that high point towards the lower scale in the remainder of the New South Head Road corridor.

The LSPS and LHS identify uplift and revitalisation of the ECC, in line with the relevant Region and District Plan objectives. In this context, uplift on the subject site would be consistent with the desired future character.

- *To maximise public transport patronage and encourage walking and cycling.*

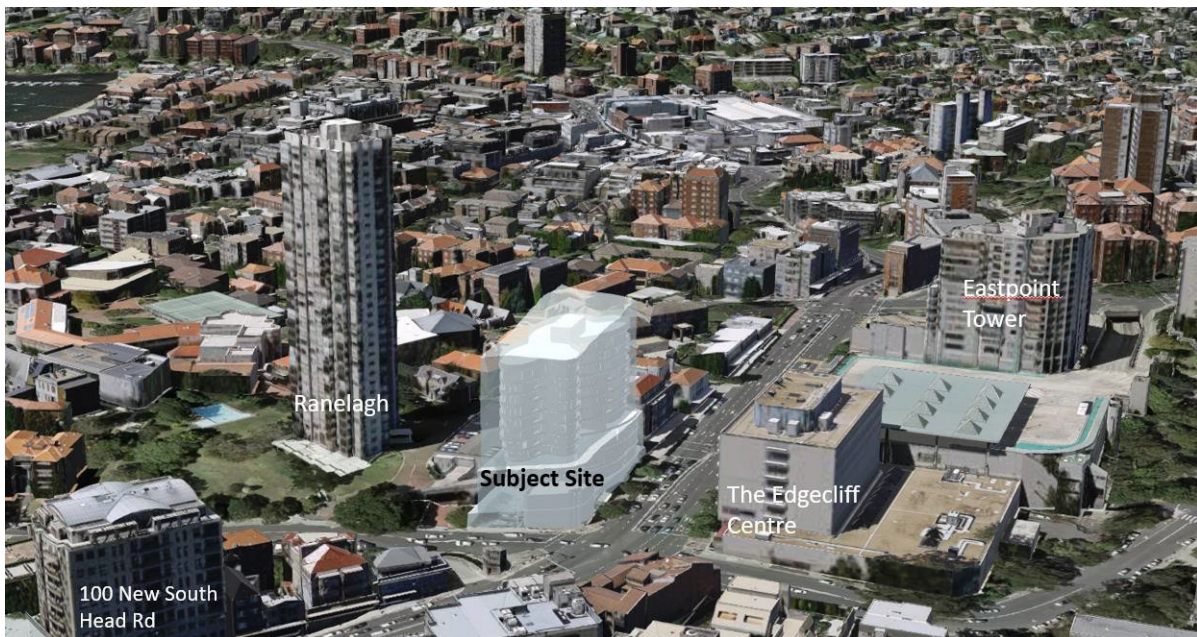
The site's proximity to the Edgecliff Station, bus interchange, and Sydney CBD makes it appropriate for higher density development, particularly if a similar scale is adopted on nearby uplift sites identified in the draft ECC Strategy. The site is well-located to encourage use of public and active transport.

## 2.2. Height of Buildings

The planning proposal seeks an increase in the Height of Buildings development standard from 14.5m to 46m.

**Figure 3** shows the requested building envelope and indicative development concept in the context where its relationship to nearby taller buildings can be seen. Development within the requested envelope would be similar in scale to the existing Eastpoint residential tower to the east. There is a transition in scale to the Edgecliff Centre opposite and to the apartment building to the west (100 New South Head Road).

The applicant relates the request to Ranelagh (31 storeys) adjoining to the north, to suggest the requested height is appropriate within the existing context. However, Ranelagh is listed as intrusive in the Woollahra DCP 2015 and is not an appropriate benchmark for the height of new buildings. Notwithstanding, the bulk of Ranelagh does help to integrate the building bulk on the subject site, particularly when viewed from the lower scale Paddington Heritage Conservation Area to the south, as shown in **Figure 4**.



**Figure 3:** Model of the requested building envelope and indicative development concept in context  
(Source: Woollahra Council 2022)



**Figure 4:** Model of the proposed building envelope and indicative development concept in context, as viewed from the Paddington HCA (Source: Woollahra Council 2022)



**Figure 5:** Model of the proposed building envelope in the EEC Strategy context (Source: Planning Proposal Report, Ingham Planning 2021)

**Figure 5** shows the proposed building envelope within the model of the suggested building envelopes that were included in the exhibited draft ECC Strategy and shows how the proposed enveloped would fit within the context of the foreshadowed uplift in the ECC.

The 46m Height of Buildings is considered consistent with the objectives of the Height of Buildings controls, as follows:

(a) *to establish building heights that are consistent with the desired future character of the neighbourhood*

As discussed above, while the planning proposal is two storeys taller than the current LEP standard and DCP guideline for the vicinity, it could be considered consistent with the intent of the desired future character statement which is to increase employment and residential floor space to take advantage of the transport infrastructure available in this location.

The planning proposal and indicative development concept presents a mixed use building and commercial and residential floor space beyond what is currently permitted. Such a building would contribute to the revitalisation of the ECC, and the taller building makes the additional commercial and residential floor space achievable.

Council's Strategic Heritage Officer commented that *the impact of height on the heritage item is addressed by reducing the overall height (from 18 storeys to 12) and reducing the overhang (as per Council advice). The reduced scale provides a more compatible setting for the heritage item as it will not 'overwhelm' its parapeted form.*

(b) *to establish a transition in scale between zones to protect local amenity*

The site adjoins the R3 Medium Density Residential Zone and a 33 storey building to the north. A transition in this situation is unlikely.

While the rest of the adjoining land is in the same zone, there would be a significant jump in height from the 3 and 4 storey buildings to the east, and no real transition is shown in the indicative development concept. The lower scale buildings are constrained by vehicular access and not identified in the draft ECC Strategy for uplift. Their scale is unlikely to change.

The built form relationship would need to be considered in detail should the planning proposal proceed, and measures to protect the amenity of adjacent residences and measures to achieve an appropriate physical relationship incorporated in a DCP.

(c) *to minimise the loss of solar access to existing buildings and open space*

The shadow analysis submitted with the planning proposal shows the additional shadow that would result from the built form constructed under the proposed controls. This analysis indicates the shadows at hourly intervals between 9am to 3pm on 21 June. The analysis concludes that the proposed envelope will not result in any adjoining dwellings failing to meet acceptable standards of solar access. Furthermore, the shadow diagrams indicate that there will be no unreasonable overshadowing of the public domain (including Trumper Park).

There is outdoor seating (not open space) at the New South Head Road frontage of the Edgecliff Centre that would lose some sun during the mid-winter period. Given this is not open space, and the area could be redeveloped, the increase in overshadowing is not considered an impediment to a taller building on the subject site.

Much of the mid-winter shadow would fall on New South Head Road, the lower levels of the Edgecliff Centre commercial building opposite the subject site and onto the

hardstand of the bus interchange to the south. While the Ranelagh tower casts a long shadow, that cast from the subject site would be wider and fill in current gaps. Given the subject site is in a commercial centre the additional shadow onto the roads and commercial buildings is not considered an impediment to a taller building on the subject site.

- (d) *to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion*

Overshadowing is discussed under point (c)

There is potential for overlooking of the lower scale residential properties to the east of the subject site, but this can be addressed through DCP measures and detailed design measures.

The view analysis submitted with the planning proposal illustrates that there may be some view impacts associated with the proposed envelope. However, these are unlikely to be unreasonable impacts. As the concept is further developed, they will be assessed under the view sharing controls in the Woollahra DCP 2015 (informed by *Tenacity Consulting v Warringah Council* 2004 NSWLEC 140). These controls seek to strike a balance between accommodating new development while providing, where practical, reasonable access to views from surrounding properties.

Furthermore, potential view sharing will be weighed against the strategic objectives of enhancing the ECC's role as a local centre and focusing development in locations close to the Edgecliff Station and bus interchange.

As shown in **Figure 3**, a building within the requested envelope would integrate with existing development and would not be visually intrusive.

### 2.3. Floor Space Ratio

The planning proposal seeks an increase in the FSR from 1.5:1 to 5:1. As shown in **Figure 9**, there are a number of buildings in the vicinity of the subject site that have similar bulk and scale. If additional height is considered acceptable then the additional FSR is acceptable and required to provide the employment space and dwellings to enable Woollahra to meet its Region and District planning obligations.

In light of the changing character of the ECC, the 5:1 FSR control requested is considered acceptable in the existing context, and consistent with the objectives of the FSR controls, as follows:

- (b) *for buildings in Zone E1 Local Centre, and Zone MU1 Mixed Use—to ensure that buildings are compatible with the desired future character of the area in terms of bulk and scale.*

Development within the requested envelope would be similar in scale to Eastpoint residential tower to the east and the residential tower to the west (100 New South Head Road).

As discussed above, the desired future character of the ECC is to focus larger buildings, employment space and residential adjacent to Edgecliff Station and the planning proposal is consistent with the intent of this desired future character.

Also as previously discussed, the ECC is anticipated to change in line with Council's adopted strategic planning documents (LSPS and LHS). The planning proposal

would result in a mixed use building with additional commercial and residential floor space. Such a building would contribute to the focus of housing growth in the ECC as identified in the LSPS and the LHS. A taller building would make the additional commercial and residential floor space achievable.

## 2.4. Land Reservation Acquisition

The Woollahra LEP 2014 identifies a land reservation at the corner of the site (refer to **Figure 6**). The relevant acquisition authority for the reservation is the Roads and Maritime Services (RMS), part of Transport for NSW. The reservation for acquisition was placed under the Woollahra LEP 1995, when the land was identified for road widening purposes as part of the 1958 Road Alignment project. This project was superseded by the Cross City Tunnel that was completed in 2005, and the Eastern Suburbs railway with its rail/bus interchange at Edgecliff Station. The RMS have no apparent plans to acquire the land or to carry out road improvement works using the reserved land.



**Figure 6:** Land acquisition reservation at the corner of the site (Source: Woollahra Council Maps)

### 3. Assessment against Woollahra DCP 2015 principles

#### 3.1. Desired future character

*Part D: Business Centres, Chapter D2 Mixed Use Centres – Edgecliff Road Corridor and Chapter D4 Edgecliff Centre* of the Woollahra DCP 2015 describe the existing character and desired future character for the ECC. Key features of the desired future character are:

- Reinforcing the ECC's role as the focus of retail and business activity and a convenient place for people to meet, work, shop and use services.
- High quality urban environment and pedestrian amenity including human scale and active frontages on New South Head Road and New McLean Street.

The planning proposal would contribute towards achieving these objectives as it would provide modern employment and residential floor space adjacent to Edgecliff Station, and through contributions towards improved quality of the urban environment.

The desired future character in the Woollahra DCP 2015 is generally incorporated in the draft ECC Strategy that aims to enhance the ECC's role as a focus of retail, business and residential activity. The point of departure from the Woollahra DCP 2015 desired future character is the heights (that are discussed previously). The draft ECC Strategy envisions taller buildings along New South Head Road generally up to 8-10 storeys with 26 and 14 storeys on the Edgecliff Centre opposite the subject site and 11 storeys on the property to the west of the site (130 New South Head Road).

Twelve storeys is consistent with the draft ECC Strategy's desired future character as it will contribute to reinforcing the ECC's role as a focus of business and retail activity and reinforce the focus of taller buildings and greater floor space adjacent to the station.

#### 3.2. Commercial centre objectives

The desired future character is similar to that in the above point. With the exception of building heights (8-10 storey) the planning proposal could achieve consistency with the Woollahra DCP 2015 commercial centre guidelines for the ECC including active frontages, façade design, and pedestrian scale at street level.

The Woollahra DCP 2015 requires the design of the lower part of a building to relate to the pedestrian scale and activate the street generally through a setback of the building above a street wall that relates to the context and incorporates active uses such as retail and services.

Given the nature of buildings on the site there is no consistent street wall or active frontage. While the corner building abuts the street and is two storeys, the two apartment/commercial buildings have a one to two storey front wall and no active frontage. Redevelopment would provide an opportunity to introduce a better relationship of the site to the street and activate the frontage.

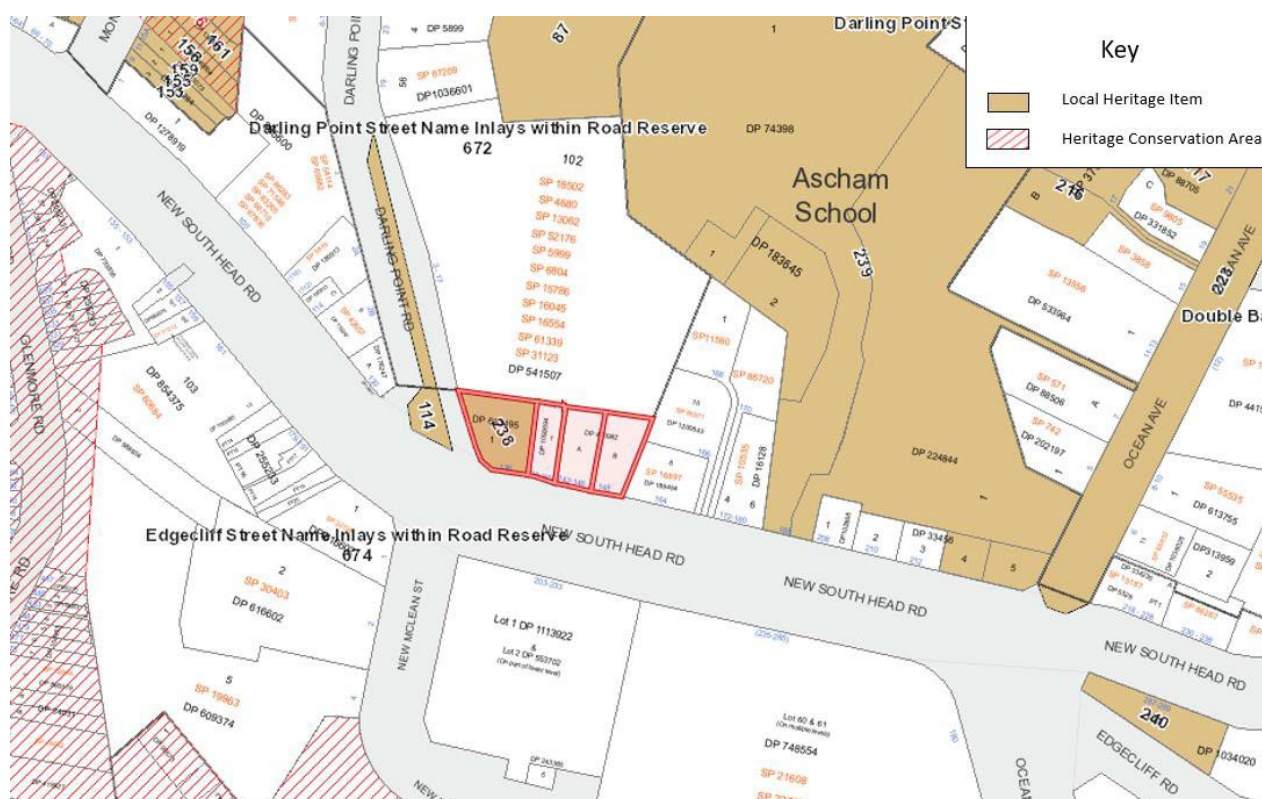
The indicative development concept for a 12 storey building presents a street wall height of 15m (approximately 3-4 storeys) along New South Head Road and has upper storey setbacks and articulation. This is consistent with the Woollahra DCP 2015 guidelines and the draft ECC Strategy that indicates four storey street wall heights for sites adjacent to Edgecliff Station, to allow commercial floor space to be concentrated within podium levels.

The indicative development concept indicates active frontages can be provided with several levels of non-residential space to maintain services and employment (required by the Woollahra DCP 2015 and the draft ECC strategy). These outcomes for the site can be confirmed in a site specific DCP should the request proceed to a planning proposal.

### 3.3. Heritage

The Woollahra LEP 2014 lists 136 New South Head Road as a local heritage item – Building and interiors, Item No. 238. The site is not in a heritage conservation area. The following listed heritage is in proximity to the site:

- 'Concrete balustrade', Item No. 114 (on Darling Point Road)
- Ascham School Precinct, Item No.239
- Paddington Heritage Conservation Area, Item No.C8
- 'Edgecliff (Rushcutters Bay) Viaduct' listed under the Heritage Act on RailCorp Section 170 Heritage Register.



**Figure 7:** Extract from the Woollahra LEP 2014 Heritage Map (site highlighted in red) (Source: Woollahra Council Maps)

Council's Strategic Heritage Officer considered all relevant information and provided the following comment:

*Given the physical separation of the concrete balustrade from the subject site, and given this item's character, it is anticipated that the impact on its significance arising from the proposal will be negligible.*

*The proposed development provides an improvement to the previously proposed pre-planning proposals, given its reduced height and compliance with the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy (the Edgecliff Strategy). Adverse visual impact from the Paddington HCA is considerably reduced, with the proposal aligning*

*with the surrounding built context anticipated by the Strategy.*

*There would be no adverse heritage impact arising from this development to the Edgecliff (Rushcutters Bay) Viaduct, given its listing as a major component of one of the state's largest post-war railway engineering undertakings.*

*The planning proposal has taken into consideration Council's advice in reducing overhanging of the new building over the heritage listed former Commonwealth Bank. The reduced scale provides a more compatible setting for the building and will not 'overwhelm' the parapeted form of the heritage item. The overhang over 136 New South Head Road is not an average of 1/3, which is consistent with the advice previously given.*

*In a view of redeveloping the Edgecliff corridor as a local centre, the proposed height is consistent with the surrounding heights of the new development. It employs a clearly contemporary design, a contemporary palette of materials with soft edges and is respectful of the surrounding heritage items.*

*The proposal also involves the demolition of two residential flat buildings at 138-140 New South Head Road and 142-148 New South Head Road, Edgecliff. Inter-War Residential flat buildings are protected under Clause B3.8.6 of the Woollahra DCP 2015, but the DCP has no statutory weight, it is only a guideline. The heritage assessment report prepared by Urbis in July 2021 has undertaken historic research on the public site, undertaken a heritage assessment in accordance with the NSW heritage criteria and assessed the heritage impact of the proposal. At DA stage, a demolition report is required to be prepared in accordance with the DA Guide.*

*From a review of the heritage assessment report, there seems to be much original intact fabric in both buildings, however they do not meet the threshold for individual heritage significance.*

*Whilst demolition of Inter-War flat buildings is not ideal due to loss of local character, it has been demonstrated that 142-146 and 148 New South Head Road do not meet the threshold for heritage listing.*

The Strategic Heritage Officer recommendation is that:

*The proposal is generally acceptable, provided the following documentation is provided at DA stage:*

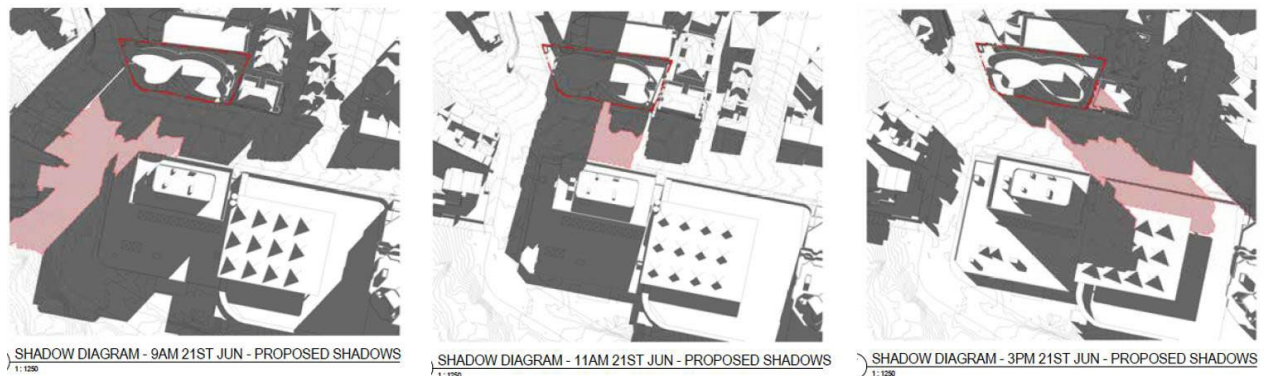
- *A Heritage Demolition Report, prepared in accordance with Council's DA Guide.*
- *An Archaeological assessment of the subject site is to be prepared to assess the significance of the existing brick and sandstone retaining walls and provide recommendations to incorporate them in any future development.*

The Strategic Heritage Officer's requirements can be included in a site specific DCP should the request proceed to a draft planning proposal.

### **3.4. Solar access**

The Indicative Concept Report (Group GSA September 2021) provides solar analysis that indicates dwellings on the site and surrounding land will receive a minimum two hours of sun to living areas mid-winter between the hours of 9am and 3pm, which is a generally accepted standard. The shadow diagrams also show that the open spaces of Trumper Park Oval will not be overshadowed by a development to the scale requested.

The diagrams illustrate the shadows created from existing buildings and the indicative development concept. Where the additional shadow falls outside the Ranelagh tower shadow, it falls largely onto New South Head Road, lower levels of the Edgecliff Centre commercial building, or the hardstand of the bus interchange. The shadows appear not to impact on dwellings in the Paddington HCA to the south of the Edgecliff Centre. (Refer to examples in **Figure 8**)



**Figure 8:** Sample of existing shadows (grey) and from a new building on the site (pink)  
(Source: Planning Proposal Concept Report, GroupGSA 2021)

The draft ECC Strategy requires 2 hours of sunlight to public space (including the draft ECC Strategy proposed outdoor plaza on the Edgecliff Centre) and private open spaces between 10am and 2pm. It is noted, however, that the draft ECC Strategy's public plaza on the New South Head frontage of the Edgecliff Centre is conceptual and may change.

Refer to Urban Design Report Addendum A\_230724 and Planning Proposal Concept Report A\_230724 for solar access information on the adjacent building at 164 New South Head Road (identified as 160 New South Head Road in the applicant's documentation) and solar access to the plaza concept shown in the draft ECC Strategy.

### 3.5. Views

The planning proposal would result in a built form that would be more visible in the ECC skyline, and more visible from parts of the Paddington HCA. However, Council's Strategic Heritage Officer commented *given its reduced height and consistency with the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy, adverse visual impact from the Paddington HCA is considerably reduced. And further that it is considered development on the subject site under the proposed envelope can be designed to be compatible with existing buildings in views from the HCA as the Edgecliff Centre screens much of its bulk.*

The view analysis submitted with the planning proposal illustrates that there may be some view impacts associated with the proposed envelope. However, these are unlikely to be unreasonable impacts. As the concept is further developed, they will be assessed under the view sharing controls in the Woollahra DCP 2015 (informed by Tenacity Consulting v Warringah Council 2004 NSWLEC 140). These controls seek to strike a balance between accommodating new development while providing, where practical, reasonable access to views from surrounding properties. Furthermore, potential view sharing will be weighed against the strategic objectives of enhancing the ECC's role as a local centre and focusing development in locations close to the Edgecliff Station and bus interchange.

The applicant's *Planning Proposal Urban Design Report and View Study* provides an assessment of view impacts from affected residential properties and states:

*'[we] believe that a sensitively designed tower form can reasonably maintain views, including iconic views. The analysis of the view impacts does not have a significant impact on determining the proposed building envelope other than the building height. However, the main consideration in relation to height has been the existing and future building height context within the commercial centre. Higher buildings will have an impact but moderating height will reduce impacts and the analysis undertaken indicates that for a 12 storey building either primary iconic views will not be affected (in the case of Ranelagh) or that some iconic CBD views will be retained for all dwellings (in the case of Eastpoint and Oceanpoint).'*

The following section is an outline of the applicant's analysis of view impacts for each of the main residential properties affected, using some examples provided by the applicant.

### **Ranelagh (refer to Figures 9 and 10)**

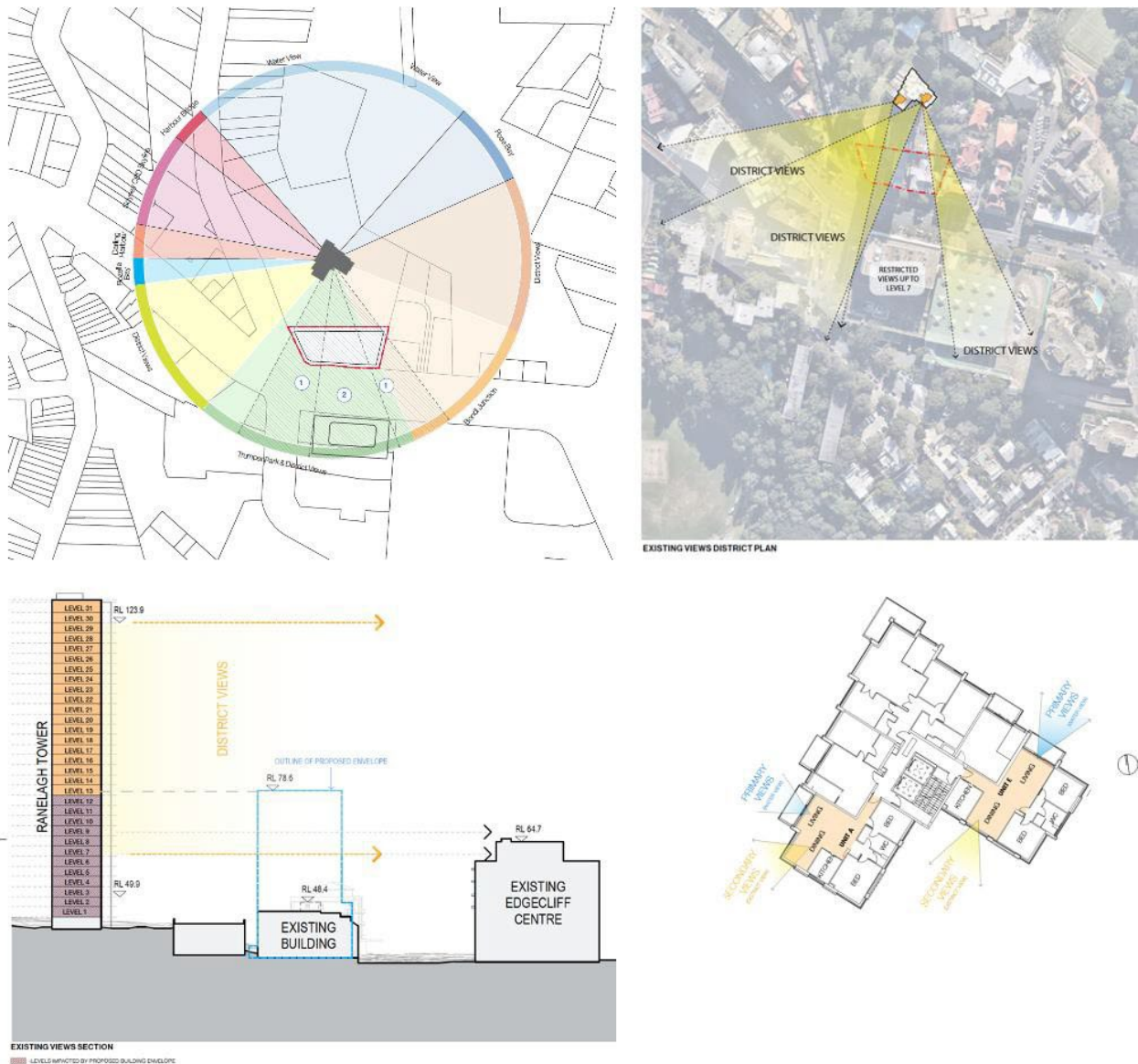
According to the applicant's view analysis, the affected units are on numerous levels and at the southwest (Units A) and southeast (Units E) of the L-shaped building. Units most affected would be above Level 7 to around Level 15 of the 31-level building (as shown in the lower image in **Figure 10**). The analysis identifies the views affected (from dining rooms) as district or secondary views. The views affected are of land, are not iconic and are could, therefore, to be given less weight than the other views afforded to the affected units (from living rooms).

The district views from Units E would be removed, and the district views from Units A would be significantly reduced (as shown at the top image of **Figure 10**). The images below (**Figure 9**) are indicative of the district views that would be affected.



**Figure 9:** Indicative district views from 'Ranelagh' looking south (Source: Google Maps 2022)

The analysis indicates the affected units also have views to the northeast or northwest and identifies these as the primary views from the affected units. These views are from living rooms and include city skyline (Units A) and water views (Units E).



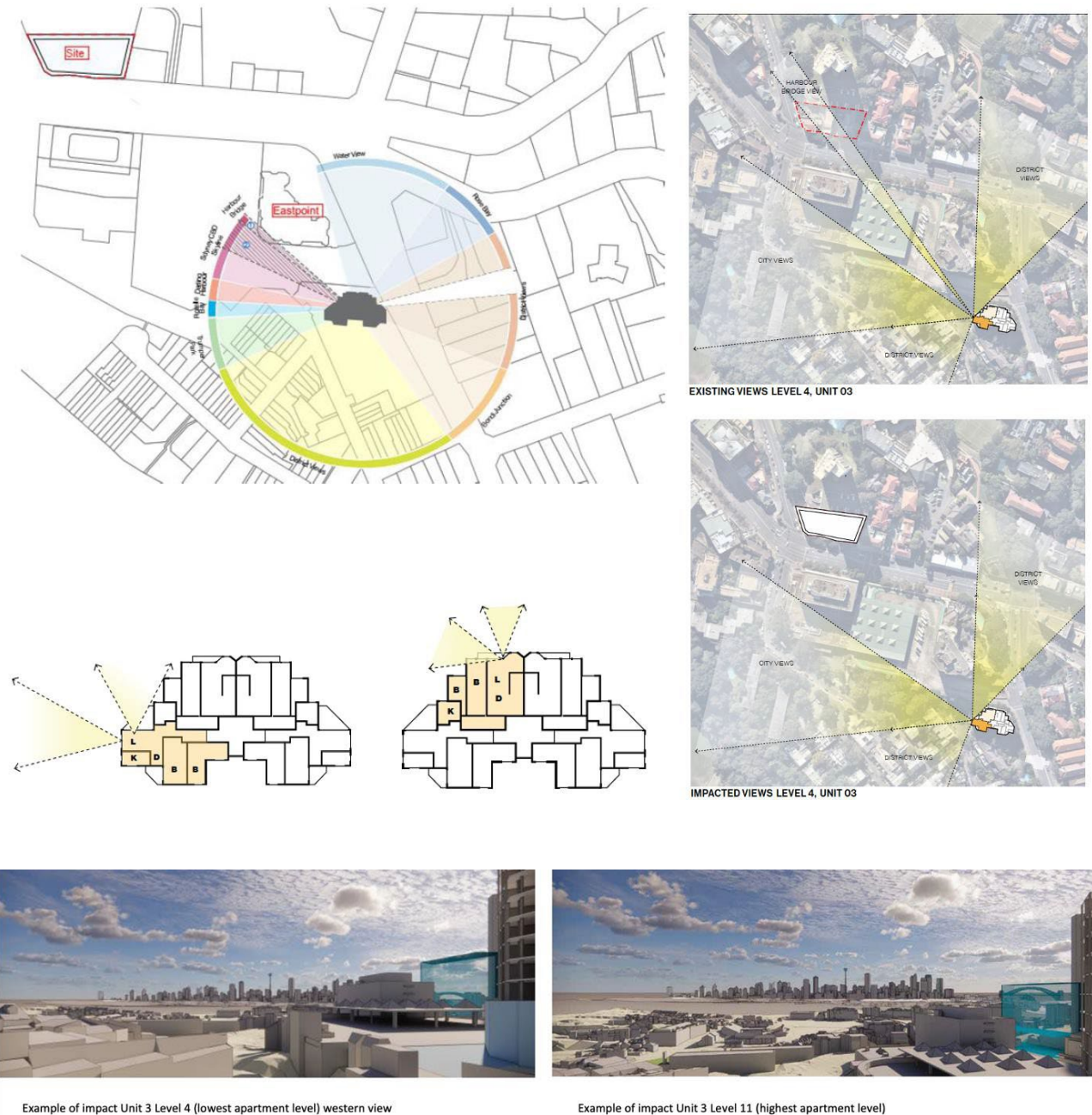
**Figure 10: Ranelagh View Impact (GROUPGSA 2021)**

### **Oceanpoint (Refer to Figure 11)**

According to the applicant's view analysis, affected units are on numerous levels and on the southwest corner of the building (Unit 3 on each level). The analysis shows that Unit 3 on each level will lose views towards the Harbour Bridge. These views have a significant land component and potentially some water component from the upper levels.

The affected units also have views to the north that will not be affected by the proposal. At the lower levels these views are of buildings, at the higher levels there appears to be some water component.

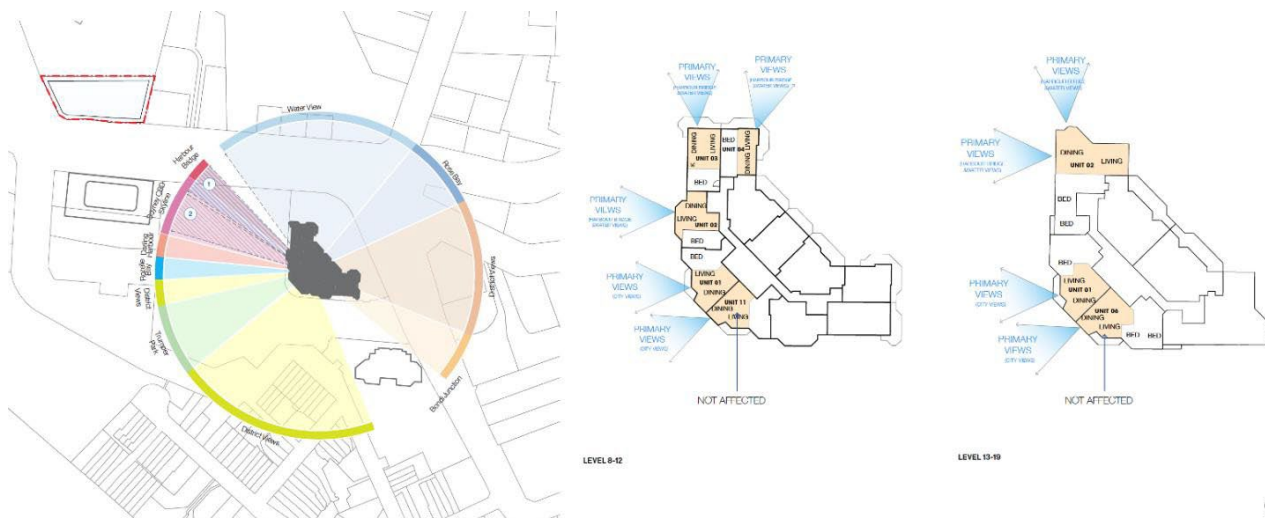
While the affected views are narrow, the view loss could trigger an assessment under *tenacity* as they involve an icon (Sydney Harbour Bridge), and some appear to have a water component (both matters that are given weight in *tenacity*). It would be a matter for assessors to determine the extent of the view loss and weigh this against the views retained.



**Figure 11: Oceanpoint View Impact (GROUPGSA)**

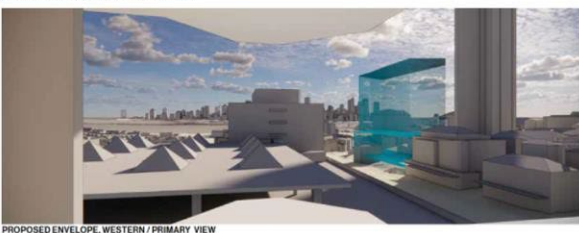
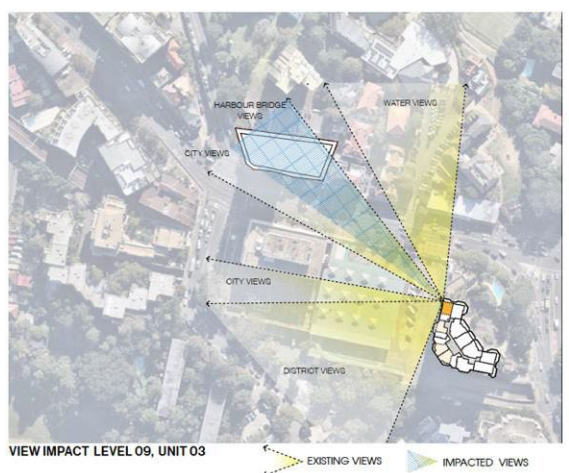
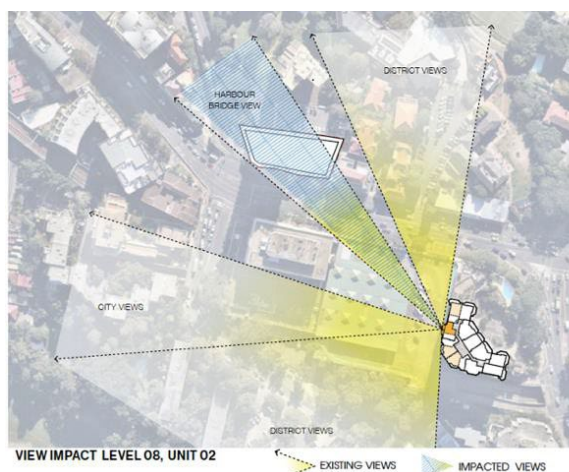
### **Eastpoint (refer to Figure 12)**

According to the applicant's view analysis, 4 of the 11 units on each of Levels 8-12 will be affected (Shown as Units 01, 02, 03 and 04 on the following diagram), and 2 of the 6 units on each of Levels 13-19 will be affected to (Shown as Units 01 and 02).



**Figure 12: Eastpoint View Impact (GROUPGSA)**

Level 8 is the lowest level of residential in the building. At the lowest level in the centre of the building (Unit 02) and north-western corner (Unit 03) existing buildings impact views. Under the proposal, views toward the Harbour Bridge would be affected, and city skyline views would be retained (as shown below). District views to the north and south would be retained. Similar impacts would be experienced up to Level 12 – the layout changes at Level 13. Full analysis is not provided for Unit 01, but it is assumed the impact would be less than that for Unit 02 given it is further to the south and facing slightly more south.



The impact on Units 04 (from the balcony) would be similar to the impact on Units 3, and this impact continues up to Level 12 (lower image below). The extent of the view increases as the levels increase to Level 12, so it could be argued the impact increases for those upper units.



The applicant's view analysis shows impact for Level 16 (Units 1 and 2) and Level 18 (Units 1 and 2). While there is still some impact on views towards the Harbour Bridge, Unit 2 has views north toward the harbour that would be considered primary. Unit 2 will continue to have city skyline views and district views to the south.

### **164 New South Head Road (refer to Figure 13)**

The property to the east of the subject site has ground floor shops and three residential levels above. Unit 13 on Level 3 has a deck around 2 sides and there is a roof top court. According to the applicant's analysis Unit 13, and Units 11 and 12 on Level 2 would be affected by the proposal. For example, the image lower right shows the view impacted from the balcony adjacent the dining room of Unit 13 and the view impacted from the lounge room of Unit 11 respectively.

The affected views are over side boundaries, which are less likely to be supported for retention thought the application of *Tenacity*. Applying the principles of *Tenacity*, it is more likely to support view retention from the primary orientation of units. Further, it is possible that redevelopment beyond the subject site, to the applicable 20.5m height control, would impact on these views.



**Figure 13: 164 New South Head Road View Impact (GROUFGSA 2021)**

### **Summary of view impact**

The view analysis submitted with the planning proposal illustrates that there may be some view impacts associated with the proposed envelope. However, these are unlikely to be unreasonable impacts. As the concept is further developed, they will be assessed under the view sharing controls in the Woollahra DCP 2015 (informed by Tenacity Consulting v Warringah Council 2004 NSWLEC 140). These controls seek to strike a balance between accommodating new development while providing, where practical, reasonable access to views from surrounding properties. Furthermore, potential view sharing will be weighed against the strategic objectives of enhancing the ECC's role as a local centre and focusing development in locations close to the Edgecliff Station and bus interchange.

Views of the ECC skyline, and views from dwellings and public places, are considered in the background study<sup>3</sup> to the draft ECC Strategy. It is stated in the Strategy that the preferred option was chosen as the towers can be located to account for view sharing and create a recognisable skyline that can be easily identified from surrounding areas, create a sense of identity and provide urban wayfinding.

While the site is not one of the nominated uplift sites in the draft ECC Strategy, the same view sharing and skyline objectives can be applied to its development under the requested planning controls, if developed within the context of the draft ECC Strategy. This could result in a redesign of the indicative development concept and a review of the heights and FSR's for the subject site. As noted elsewhere in this report, Council is reviewing the heights and FSRs for the ECC in response to submissions received and the subject site needs to be incorporated into that review.

### **3.6. Traffic, access and parking**

Council's Traffic and Transport officers have commented on the applicant's Traffic and Parking Assessment (Colston Budd Rogers & Kafes May 2021) as follows.

#### **Traffic generation**

The request would generate 41-53 vehicle trips per hour during peak (calculated using a GFA-based generation rate rather than a parking-space-based rate). The request would significantly increase traffic off Darling Point Road access and may cause congestion during peak hours. At the detailed design stage, Council's Traffic Engineers would request the developer design and construct a concrete centre median in Darling Point Road (upper section), at the intersection with New South Head Road, with associated signs and line markings, near the proposed development frontage, to discourage motorists from turning right in or out of the driveway access. This traffic calming measure will improve safety near the intersection and ease congestion. A left-in-left-out access to site will be required.

The required median strip and access/egress arrangements can be included in a site-specific DCP should the planning proposal proceed.

#### **Intersection Performance**

The SIDRA analysis should be revised using the correct traffic generation rate (noted above). Given the location of the driveway and its impact on Darling Point Road that intersects with New South Head Road, Transport for NSW (TfNSW) should also be referred.

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<sup>3</sup> Edgecliff Commercial Centre Study, SJB Architects, September 2018

## **Public Safety**

Noting the New South Head Road corridor consists of a number of residential and commercial high rise properties, and that Edgecliff Station and Ascham School are in proximity, widening of the existing footpath should be considered to improve pedestrian amenity. Council's Traffic and Transport Engineers would like the applicant to explore, where possible, any potential widening of the footpath and the site setback capability.

## **Parking**

The request would yield a maximum requirement of 53 car parking spaces for residential uses and a minimum requirement of 43 parking spaces for non-residential uses, as per Council's DCP. The proposed provision of 77 parking spaces (53 residential and 24 retail/commercial), would result in a shortfall of 19 spaces for commercial/retail. Whilst parking provision for residential development is capped by a maximum rate, provision should not be substantially below the maximum. Concerns are raised for the increase of parking pressures on the surrounding road network.

Parking rates in relation to the request can be refined, should the planning proposal proceed. The draft ECC strategy recommends reduced rates for residential and capping at current provision for non-residential on the Edgecliff Centre, and this option (or a variation) could be explored for the site.

## **Strategic Planning Comment**

### **Parking**

Under the Woollahra DCP 2015, the proposal would need a **maximum** of 52 residential car parking spaces, and a **minimum** of 43 non-residential car spaces (a total of 95 car spaces if the maximum for residential is forced). The indicative concept design shows 77 car spaces.

Council staff support this planning proposal because the subject site is opposite Edgecliff Station and bus interchange and ideally located for higher density development. Given the location it could be considered acceptable to encourage public and active transport use through reduced parking on the subject site, and there is potential to review the parking requirements as the planning proposal progresses.

The draft ECC Strategy suggests capping non-residential parking at what is there now and reducing rates for studio/1 bed from 0.5 down to 0.3 in the commercial core (where the subject site is located). Further, there are precedents nearby where reduced parking has been accepted. For example, when reviewing a planning proposal for 252-254 New South Head Road, Double Bay, the Sydney Eastern District Regional Planning Panel accepted significantly reduced parking rates and suggested no parking at all would be acceptable.

Adequate parking in relation to the planning proposal can be confirmed, should the planning proposal proceed. The draft ECC Strategy recommends reduced rates for residential and capping at current provision for non-residential on the Edgecliff Centre opposite, and this option (or a variation) could be explored for the subject site.

### **Public Safety**

Given the heritage item on No.136 it is not possible to widen the whole of the footpath on the New South Head Road frontage. However, it may be possible to increase pedestrian space through design of the ground floor. A planning agreement could also be used to dedicate footpath area to Council to improve pedestrian safety.

## Traffic Generation and intersection performance

Council staff have requested the applicant amend the Traffic Assessment using the GFA-based generation rate. The amended assessment and referral to Transport for NSW (TfNSW) can be considered should the planning proposal proceed. The draft planning proposal will be referred to TfNSW should the planning proposal proceed, as their approval will be required due to the subject site's proximity to the state road.

### 3.7. Residential amenity

The applicant lodged an assessment of the indicative development concept that indicates that the site can be developed to meet the design requirements of the Apartment Design Guide (ADG) and can achieve the principles in State Environment Planning Policy (SEPP) 65 - Design Quality of Residential Apartment Development.

### 3.8. Sustainability

The applicant indicated the following targets are applicable and they would 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

These are standard response and more is warranted given the site would be receiving significant uplift. In Council's response to the pre-application consultation, and in response to the request as lodged Council's Sustainability Officer commented:

*The scale of development remains out of character with the existing buildings in the area and from a sustainability perspective, a development of this scale should be best practice. Although the report submitted by the applicant titled ESD & NABERS - Concept Advice outlines several sustainability initiatives regarding operational energy and water efficiency, there is little reference to the embodied emissions of the building from materials and construction. Accordingly in order to be best practice, we believe the application should be required to register the project with the Green Building Council of Australia and obtain a Green Star Buildings rating (<https://new.gbca.org.au/green-star/rating-system/buildings/>)*

The Sustainability Officer's requirements are supported and recommended to be included as one of the requirements in the exceptions to height and FSR clause that would be included in LEP amendments should the request proceed to a planning proposal.

**Note:** *The matters to be addressed in the site-specific DCP have been outlined in the planning proposal.*

## 4. Conclusion

This report presents an assessment of a planning proposal against the strategic planning framework and relevant site-specific matters. In summary, the planning proposal has strategic merit in the context of the Region, District and Local planning objectives. Council staff consider the planning proposal has site specific merit in the context of the draft ECC Strategy, the Woollahra LEP 2014 and the Woollahra DCP 2015. Development enabled by the planning proposal has the potential to contribute to achieving Woollahra's employment and housing targets and contributing to the revitalisation of the ECC. The subject site is ideally located to take advantage of the significant public transport investment in the ECC and meets the criteria for encouraging public transport use, walking and cycling.

In terms of strategic merit, Council prepared the draft ECC Strategy to provide a clear framework to guide development in the ECC. The Greater Sydney Commission and DPE acknowledge that the draft ECC Strategy is the next step in implementing Woollahra Council's obligations within the wider strategic planning framework. While the draft ECC Strategy has not been finalised, it is expected uplift sites will be identified in the final ECC Strategy as the ECC is identified as the focus of growth in the Woollahra LGA.

In terms of site specific merit, while the planning proposal does not comply with numerical controls, it is considered to meet the objectives of those controls and is acceptable in the context of existing taller buildings in the vicinity of the subject site. The planning proposal meets the desired future character objectives of reinforcing the ECC's role as the focus of retail and business activity, and increased residential activity. The proposal has the potential to contribute to a high quality urban environment and improved pedestrian amenity through activating the street front and conserving the heritage item.

No issues have been raised in the referrals that would prevent a development within the proposed envelope. Relevant amenity matters have been addressed in the indicative development concept, and measures to protect amenity can be refined and included in a site specific DCP, including refined parking rates, physical relationship to surrounding buildings, views and shadowing