Submissions – Planning Proposal for 136-148 New South Head Road, Edgecliff

No	Name	YourSay Submissions
1	Deborah P	I do not support increasing permitted building height to 46m; the current infrastructure (roads, public transport, parks, schools) could not cope with a huge number of extra residents even with the proposed VPA
2	Robert Boland	I am AGAINST the height increase proposal for the proposed development at 136-148 New South Head Road becuase: * it will create a "CANYON TYPE FEEL" for that part of the busy road, with further affects to be contributed by already planned multi-storey developments of the area on the other side of the road over the bus interchange/ Edgecliff Centre etc. * the planned development for the bus interchange/ Edgecliff Centre area is already a very substantial increase in density, and the development at 136-148 New South Head Road does not need to be as large as proposed in breach of current planning laws. * a number of floors in the Ranelagh building which have units facing southwards will have a much diminished and less attractive outlook
3	Sharon Hurwitz	Planning Proposal and the draft VPA for 136-148 New South Head Road, Edgecliff SC6602 Submissions To whom it may concern I would like to lodge my objection to the above proposal. The main reasons are as follows: 1. This building will be an eyesore and cause further traffic issues for the residents, school, and visitors of Darling Point. 2. The suburb is already heaving with traffic in the early mornings, evenings and even during the day. 3. It will not only cause substantial delays and congestion in Darling Point Road for people trying to access New South Head Road OR trying to get to the Edgecliff Shopping Centre. The traffic lights are not "user friendly" as it usually allows only 1 or 2 cars to cross over or turn right onto New South Head Road. 4. This problem also relates to vehicles in Mona Road and New Beach Road (see attached photo) trying to access New South Head Road. In fact, many vehicles from as far as Vaucluse attempt to reach New South Head Road to get to the CBD via one of these three roads. 5. I have read the traffic survey completed for this project and as far as I can gather, the people who conducted the survey have no idea of the real traffic. I assume that none of them live in the area. I suspect that the survey was done in the school holiday period or at a time later than the Ascham school drop off/pick up. 6. I am aware that the Council rejected this proposal and am pleased that they had the sense to do so on behalf of the people they represent. I am therefore confused as to why this needs to go to another authority for permission. There is already an unsightly building right next to where this one is

		proposed. I refer to Ranelagh Gardens at 3 Darling Point Road. It is obvious that whoever was involved in the approval process for that building, has stained the landscape of our beautiful city. We do not want a repeat of that. 7. As a resident of this suburb I would hope that this proposal will now be looked at fleetingly and subsequently rejected emphatically on behalf of the people who live here, pay taxes and elect Councillors to act in their best interests. 8. Sydney roads through the Eastern Suburbs have remained the same for as far as back as 50 years ago, perhaps even longer. With the influx of substantially more residents and immigrants to the area, including cars, buses, huge trucks using the roads, it is intolerable to enjoy the lifestyle that Sydney provided in the past. 9. I believe the new building should be the same height as the current one on the site at present. I would welcome an explanation as to why the planning proposal seeks to amend the applicable building height and floor space ratio controls under the Woollahra Local Environmental Plan 2014. It is totally excessive for its height, floor ratio and traffic disruption. There is minimal parking available near that intersection and this is also unacceptable to the taxpaying residents of the area. 10. As you are aware, the current development on the corner of Mona Road and New South Head Road is already proving to be a hindrance. This is happening everyday even without the extra cars which will no doubt be exiting from the underground parking onto Mona Road. In Conclusion: I find it deplorable that there are public servants/developers who would want to cause havoc to the area around this gateway to the Eastern Suburbs. I was hoping for the rule of the majority, i.e., Council representatives and residents would prevail. I can only presume if this goes ahead despite all the objections, that it will be for the benefit of financial gain for a few. I am also of the opinion that the planners involved in overseeing the Council's objection and the residents' rejection of this proposal do not live, drive, or work in the immediate area. I suggest they spend a few days (any day Monday to Sunday) driving in the area to make a proper assessment of this and then provide a sincere, frank, and moral response. Sharon Hurwitz
4	Greg Cohen	The existing buildings are an eye sore and need to be replaced. New modern housing and more office space near the train station is needed. Edgecliff is the gateway to the Eastern Suburbs and it needs an appropriate modern building like what is proposed. This is an ideal location for density given all the tall buildings around it. Edgecliff needs some iconic buildings. This will provide that. As a parent of a son with a disability, I am encouraged that new

		development will enhance wheelchair accessibility, which currently is not adequately served.
5	James	A great project that helps revitalise this important part of Edgecliff, modernising the streetscape, providing much needed housing in the area and without pushing over-development. It seems based on a huge amount of rigor in design and planning to cater to the many needs of a lot of different stakeholders.
6	Jason Gellert	I see a number of key benefits to this planning proposal: - There is so much talk of increased housing density in the area, but with high traffic already, having that density located next to a key transport hub is the perfect solution for all parties. The limited capacity to improve road capacity in the area means that villages like Double Bay, Rose Bay and Watsons Bay are already at breaking point in terms of capacity to use the roads - This part of New South Head Road has had no modernisation or reinvestment in buildings for decades and it has created eyesores. - There are already very tall buildings in adjacent areas, so this is the ideal place to restrict tall building to (which is required to improve the much needed housing supply).
7	Arianne Reisner	This is way too dense and tall and will impact amenity for the local area. I am a local resident. There is already too much congestion in the area and it will cast shadows and create a wind tunnel. We don't want Bondi Junction in Edgecliff. Please do not allow this increase
8	Margot Fagan	I live at Edgecliff. I believe that the proposed building, which although well design will change the historic character of Edgecliff. The buildings that are proposed for demolition are actually very attractive and unique and well built and add character to the area - creating a more villagey community feel. The proposed building should be moved further down the hill towards Rushcutters Bay, and demolish buildings of less conservation value.
9	John Macphers on	Development of site long overdue but proposal is too intrusive, too high.
10	Owen Sperling	My wife and I are concerned that the proposal will deleteriously affect the amenity of the area. This will partly be by increasing population density beyond the present (and likely future) capacity of the neighbourhood infrastructure to cope with demand. It will also be because, if accepted, the proposal will inevitably be utilized as an exemplar for further proposals in the neighbourhood. In summary, we think that the proposal exhibits excessive greed on the part of its proponents.

11	Tessa Taylor	Against increased residential buildings or heights or parking.
12	Karla Plehwe	The amenity of the area is being completely destroyed by the continual infiltration of more and more high-rise buildings. During peak hours the arterial roads are becoming stationary car parks and during peak hours the train services are filled to standing room only (if you are lucky) at Edgecliff-the second station on the line. The buildings in these areas are invariably very expensive units which will not help to house disadvantaged citizens.
13	Professor Michael Lawrence	I support the current planning codes for this site. I am totally against the proposed size and impact of the proposal. I don't want Edgecliff turned into a Bondi Junction or Chatswood sized area but wish it to retain a smaller scaled building format.
14	Belinda Nisbet	This location is not suitable for the proposed plan for 136-148 New South Head Rd, Edgecliff 2027. It will cause even further massive congestion at this intersection, 136 should be heritage listed as an exceptional example of the period. It does not add any benefit especially being next to a school blocking arteries to both school roads. As there is no effective public transport to beaches, pubs. cafes and restaurants in the eastern suburbs, all of the residents will likely have two cars which is not suitable to the area. It is not Bondi Junction and does not have the infrastructure to manage such large location and will impact views greater than just those in the next building. We support the Council in opposing this development application and will be very upset if the NSW Government find in favour of the developer without understanding the implications for those living there.
15	Emma	We need to preserve the suburb in alignment with our community values. We do not want our suburb to turn into another Potts Pt or Darlinghurst, with high rises cropping up everywhere. It misaligns with the nature of the suburb.
16	Adam Beasley	The site is on top of a hill with beautiful views of Sydney harbour, right next to a tram station. It is the perfect place for high density providing residents and business owners with much need and long overdue upgrades to residential and business premises.
17	Mr Wong	Increasing the building height and floor space ratio would substantially degrade the visual landscape of the crescent area and set a precedent for more high-rise development. It would also increase traffic, degrade the views from surrounding properties and overshadow existing residences in the area.
18	Charlotte Feldman	The height and size of the Proposal is out of character and overpowering for the area right on the main road which is a freeway at busy times. Encroaching on the public space and choking the land area Ugly building style

RE: Planning proposal 136-148 New South Head Road (NSHR), Edgecliff

Objection to the proposed development, rezoning & uplift in building height from 14.5m to 46m as outlined below.

The Draft Edgecliff Commercial Centre (ECC) Planning & Urban Design Strategy does not recommend any uplift for 136-148 New South Head Road Edgecliff, nor recommend any non-residential FSR for the northern side of New South Head Road.

Height

- As highlighted by the Gateway Determination Report dated April 2023, there is inconsistency pertaining to the description of the maximum alternative height control where this is stated to be both 42m & 46m for 136-148 NSHR.
- Advice from the Woollahra LPP to council highlights "whether the 46m height standard is beyond what is required to accommodate a 12 story building". There is no clear evidence that the premise for subsequent acceptance of the 46m height (in order to achieve the proposed number of stories & roof top area) has been tested adequately or independently assessed. The Gateway Determination Report reflects this stating "A Gateway condition is recommended to require further testing of the adequacy of the 46m height control against the Apartment Design Guide guideline for floor to ceiling heights & the requirements of the National Construction Code"
- documents in the document library linked to this proposal draw comparison of the site-specific proposal for 136-148 NSHR to the indicative heights proposed in the draft ECC development strategy, **which is a proposal that notably has not yet been finalised**
- With the exception of 203-233 New South Head Rd, the heights in the draft ECC development strategy are all **lower** than the 42 (or 46m) proposed for 136-148 NSHR

Table 1: Indicative uplift identified in the draft ECC Strategy, for sites surrounding the subject site

Address	Location	Existing height control	Indicative uplift
203-233 New South Head Rd	Opposite on New South Head Rd	7-8 storeys (6m/26m)	14 to 26 storeys (86m)
2 New Mclean St	Opposite on New McLean St	4 storeys (14.5m)	11storeys (39m)
1 New Mclean St	Opposite corner of New South Head Rd & New McLean St	4 storeys (14.5m)	10 storeys (34m)
130 New South Head Rd	Opposite on northwest corner of New South Head Rd & Darling Point Rd	6 storeys (20.5m)	11 storeys (38m)

- Additionally the proposed development 136-148 NSHR sits on elevated land meaning it will have the visual appearance & other impacts (solar etc) of being even higher in comparison to the uplifts proposed for the buildings in the table above
- To suggest the large scale building proposed for 136-148 NSHR is a suitable build form transition between the draft ECC development proposal (which is not yet finalised) & the adjoining residential neighbourhoods is inaccurate. There is no consideration in bult form or transition in scale in the indicative development concept to protect existing amenity with regards to the adjoining 3-4 story R3 medium density residential zone to the east of the subject site that form the proposed Brantwood Estate Heritage Conservation Area. This is not in keeping with council's goal for transition of scale between zones to protect local amenity.

**Please note I support as part of this objection, an expanded discussion on the impacts of the planning proposal for 136-148 NSHR on the Brantwood Estate Heritage Conservation Area & heritage enclave

on the northern side of New South Head Road which was submitted by Jonathan Walczak Brantwood Hall, [redacted] New South Head Road Edgecliff NSW

- In addition to the significant stepping in height close to the boundary of the residential area to the east, the subject site would overlook surrounding residential areas creating impacts on visual & aural privacy. It would also block views as well as views of the sky from unit windows creating an oppressive & depressing ambiance. There has been no measures to protect the amenity of the adjacent residential areas incorporated into the site specific DCP. It does not achieve an appropriate physical relationship nor is it in keeping with the draft ECC development strategy which proposes development of a scale & type that is compatible with the amenity of the surrounding residential areas
- Not only would the height & bulk of development 136-148 NSHR be visually intrusive & overwhelming, it's design is not in keeping with the character & style of the buildings on the northern side of New South Head Road & it will visually overwhelm the heritage listed building on the corner of Darling Point Road & New South Head Road
- The Draft Edgecliff Commercial Centre (ECC) Planning & Urban Design Strategy discusses this area as a gateway to the LGA. This site-specific proposal's bulk & height are excessive & would be visually dominant, intrusive, unattractive & detract from the framing & character of the area & if designed as per the concepts in the draft, will age poorly from a design perspective.

Overshadowing

The draft ECC development strategy proposes mixed use building with public plaza areas at 203-233 New South Head Rd. There has been inadequate shadow testing for the potential impacts of the proposed 136-148 NSHR development on the proposed build forms on the southern side of New South Head Rd under the draft strategy or on surrounding areas in other directions.

Parking

- Edgecliff is one of the smallest suburbs in Sydney & has a very high percentage of high & medium density dwellings totalling 96.5% of the building stock in the suburb which is almost double that of greater Sydney. The majority of these dwellings rely on street parking with no capacity to increase or create parking on site.
- The Woollahra integrated transport strategy states that reliance on cars has compromised public transport options by adding to traffic congestion & safety concerns, however in contradiction to this the draft ECC planning & urban design strategy states that 46.4% of residents own a car & only 26.4% use a car to travel to work. This indicates that the existing car ownership by residents is not a significant contributing factor to the already unacceptable levels of traffic congestion on the roads surrounding the ECC at peak hours.
- Increasing housing density & commercial space in the area will naturally increase traffic congestion, however the strategy of reducing parking spaces within new developments as per council's proposal (verses providing adequate parking in new development to absorb additional cars in the area as there is in Bondi Junction) will only serve to exacerbate an already stretched availability of street parking & congestion on roads, unfairly burdening the exiting residents in the area surrounding the ECC & 136-148 NSHR disproportionately to the other residents of the Woollahra Council & it will not have significant effect on reducing the increased traffic into the area.
- This is not in keeping with Woollahra's integrated transport strategy 9.4.3, which states "it's important council consider the parking systems are balance to meet the needs of resident, workers & businesses & visitors whilst consider the flow on impact on the traffic network"

- This strategy states "council is unable to increase the supply of on street parking" citing a fair access scheme as a solution. Placing further restrictions on existing limited parking whilst concurrently increasing demand by increasing density to the area & reducing number of parking spaces available in new developments acts in direct contradiction to the goal of improving the situation.
- There are inadequate measures to address impacts on parking for existing residents in the area in the development proposal for 136-148 NSHR plan

Traffic

- New South Head Road is a major arterial road. According to the Woollahra integrated transport strategy 9.4.2, the following locations currently experience an unacceptable level of traffic congestion during weekday & peak periods:

The four functional road classes are typically:

- **Arterial Road**: A main road carrying in excess of 15,000 vehicles per day and over 1,500 vehicles per hour in the peak period. They predominately carry traffic from one regional to another, forming principal avenues for metropolitan traffic movements.
- **Sub Arterial Road**: A secondary road carrying between 5,000 – 20,000 vehicles per day and over 500 and 2,000 vehicles per hour in the peak period. They predominately carry traffic from one sub-region to another forming secondary inter-regional transport links.
- **Collector Road:** A minor road carrying between 2,000 and 10,000 vehicles per day and over 250 and 1,000 per hour in the peak period. They provide a link between local areas and regional areas carrying low traffic volumes. At volumes greater than 5,000 vehicles per day, residential amenity begins to decline. Trunk collector and spine roads with limited property access can carry traffic flows greater than 5,000 vehicles per day.
- **Local Road**: A local street carrying less than 2,000 vehicles per day and 250 vehicles per hour in the peak period. It provides direct access to individual houses and carries low traffic volumes.

Woollahra's existing road network consists of three major arterial road corridors: New South Head Road, Oxford Street and Old South Head Road. The intersecting roads of Ocean Street and O'Sullivan Road also have significant importance for north-south connectivity.

The arterial road corridors carry the majority of the traffic travelling through Woollahra, although traffic levels vary significantly depending on the time of day and direction of travel.

The main sub-arterial roads include Ocean Street, O'Sullivan Road, Ocean Avenue, William Street, Old South Head Road north of the New South Head Road intersection and Barcom Avenue/Boundary Street/Neild Avenue.

Woollahra's road network hierarchy is shown in Figure 9.1.

9.4.2 Traffic Volumes and Midblock Assessment

The following locations currently experience an unacceptable level of traffic congestion during weekday peak periods:

- Edgecliff Road at Bathurst Street (AM/PM)
- New South Head Road at Darling Point Road/New McLean Street/New South Head Road Intersection (AM)
- New South Head Road at Ocean Street/Ocean Avenue/New South Head Road/Edgecliff Road Intersection (AM).

The following locations experience congestion during weekend peak periods:

- Queen Street
- Old South Head Road
- New South Head Road
- Ocean Street.

Fig 9.3 summarises crash information on Council's local road network.

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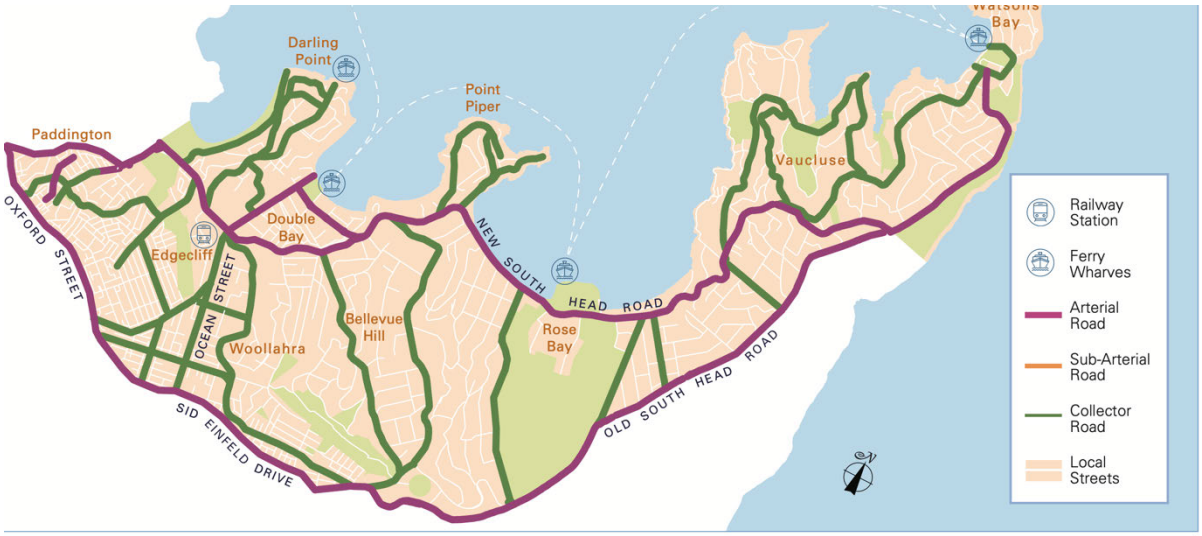

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- In assessing this site specific DA the Woollahra LPP advised there is inadequate site specific merit to proceed with this DA & also highlighted "there remain a number of **unresolved** strategic issues in relation to the capacity of the surrounding road network & the status of the road reservation planning proposal"- council report July 22

- Adding a large scale building at 136-148 NSHR would significantly increase traffic on Darling Point Road & New South Head Road contributing to exiting congestion at peak hours. There does not appear to be any means to address this within this site specific DA. Council's broader recommendations for the area would not remedy this increase in congestion - putting a concrete median centre in Darling Point Road at the intersection with New South Head Rd (to discourage motorist from turning right in or out of the driveway access at the proposed development site) & preventing right hand turns from Darling Point Road onto New South Head Road from Darling Point Road. These 2 strategies would simply divert traffic to Mona Road, adding to the congestion that already occurs on Mona Road at peak hours. It would also cause increased traffic along New South Head Road, left on Ocean Street & left along Green Oaks Avenue for cars heading east from the proposed development parking lot that would drive around the block to do so. This is in contradiction to the intention of the Woollahra integrated transport strategy that states (9.5) one of their aims is to "ease traffic congestion at key intersection across the municipality by improving intersection capacity"
- Darling Point Road & the northern side of New South Head Road already experiences congestion due to Ascham school drop offs /pick ups at peak times in the day. According to the draft ECC planning & urban design strategy "the functioning of the school should be supported in any strategy". Adding a large scale building on the corner of Darling Point Road & New South Head Road acts in direct contradiction to this goal.
- Additionally, the increased traffic along New South Head Rd would add to the already challenging access problems for sites along northern side of New South Head Road on this block.
- Further, adding a large scale building on the corner of Darling Point Road & New South Head Road will add traffic congestion & thus add to challenges for freight /delivery vehicles to the ECC & increase hazards for vulnerable road users such as bicycle riders & pedestrians when crossing roads
- As per the study by Domani.com released in August 2016 Edgecliff was rated 18 out of 555 suburbs in Sydney with room for improvements in crime & main road congestion. The impact of this development will have significantly adverse impacts on liveability with increased pressure on an already strained availability of street parking & increased traffic congestion on arterial roads & other roads surrounding the area.
- If the Edgecliff Commercial Centre is developed as proposed it will attract more cars & people to the area adding to the existing traffic congestion & related burdens. Adding further density by way of another large scale development, such as proposed for 136-148 NSHR, will clearly load onto this issue in a significantly adverse way. The increase in congestion will also have a detrimental impact on air quality due to increased pollution that will carry to surrounding areas with the wind.
- Whilst Edgecliff has the infrastructure of a train station, it does not have the capacity on the surrounding road network or parking to increase the density to the proposed levels. Given New South Head Road is a major arterial road that acts as a connection between the Eastern Suburbs & other parts of Sydney, creating bottle necks on roads around this area will have far reaching impacts back into the connecting suburbs, including impacts on efficiency of public transport to & from those areas such as the bus services which will be affected by increased traffic congestion. There is not the capacity on surrounding roads to develop 135-148 New South Head Road as proposed.

I strongly object to the development & rezoning of 135-148 New South Head Road for the above reasons.

Thank you for giving due consideration to the points made in the submission above.

Yours sincerely,

Margaret Spicer, Owner / Occupier/ Resident of Edgecliff

Yoursay

Woollahra Council

Planning Proposal and the draft VPA for 136-148 New South Head Road, Edgecliff SC6602 Submissions

I wish to submit my **objection** to the above proposal on the following basis;

1. This proposed development far exceeds the Woollahra Local Environment Plan 2014 in terms of

a) Building height by a factor of over **3 times**

b) Floor space ratio by over **3 times**

2. The site is at a key intersection of New South Head Road and Darling Point Road.
3. Traffic at his juncture is already a bottle neck especially in the mornings and afternoons with cars lining up to do school pickups at Ascham.
4. This is a key entry point to the Eastern Suburbs and Woollahra and the road cannot cope with the current volume of traffic.
5. Often the ambulances and fire engines use this route to access the Eastern Suburbs and choking this entry and access point further will lead to very serious consequences.
6. This over ruling of the current Council plans leaves a very dangerous precedent to future overdevelopment in Woollahra area.
7. The voice and will of the local residents are being ignored. Surely people living in the area should have a voice in terms of the environment in which the live?
8. The local infra structure just cannot cope with a development of this size.
9. Local Council is elected to reflect the values of the residents they represent. The Council has rejected this development and it is inconceivable that they can merely be ignored. Why then waste money having local Councils?
10. Bureaucrats from outside the local area should not be able to impose their decisions on local Councils and residents.
11. I do not believe that local residents have properly been informed regarding the size and scale of the development. **The feedback period should be extended.**
12. The traffic impact will have a major effect on the Mona Road flow as well. The access in Mona Road is already heavily congested in the afternoons.

I am not against the development of this site and believe it should be subject to the same building restrictions that are currently in place.

Leon Cohen

From: Elizabeth Sheppard
To: Records
Subject: SC6602
Date: Friday, 6 October 2023 4:02:38 PM

Dear Ms White, re construction of a proposed building at 136-148 New South Head Road, increasing from 14.5 m to 46 m,I would like to object on the grounds that this is the most congested and dangerous intersection in the area, and unless there is a solution proposed, ? a tunnel for the extra cars arriving and departing, the road simply cannot take the extra traffic. There is a school, kindergarten, popular church, with constant marriages, funerals,sailing club, all chaotic at times, and no parking available for owners as well as guests. On school days, the traffic is held up, and all other traffic on the road, confined to 3 lanes, if they manage to get across the lights at all, not to mention any emergency situation, fire brigade. ambulance, police etc. this is a proposal which should not go ahead, unless you have a solution for the extra traffic!

Yours sincerely, Elizabeth Sheppard, [redacted] Mona Rd Darling Point

Sent from my iPhone

From: Clare Caldwell
To: Records
Subject: SC6602 - 136 to 148 New South Head Road, Edgecliff
Date: Sunday, 15 October 2023 4:56:32 PM

To whom it may concern,

Re: SC6602: 136-148 New South Head Road, Edgecliff

I am writing as a resident of Darling Point Road to **strongly object** to the proposed development at 136 New South Head Road, Edgecliff.

Having now lived for 10 years in this location, it has become apparent that the amount of traffic using Darling Point Road as a rat run into the city is increasing each year.

Before any development takes place on this very busy corner of New South Head Road and Darling Point Road, a full assessment of traffic flow would need to happen.

On any given morning, cars can wait up to 7 sets of traffic lights to turn right into New South Head Road towards the city. Add hundreds of new residents and potentially hundreds of cars exiting from this proposed development into Darling Point Road and there will be traffic chaos.

Any assessment of current traffic management at this corner will show that multiple cars at every set of traffic lights run the red. There is often no other way to exit Darling Point Road onto New South Head Road without doing so. On multiple occasions I have rung the RTA to ask them to re-synchronise the traffic lights to a weekday setting so that more than one car can get through the traffic light.

It is sheer lunacy to think that hundreds more cars could be added to this flow and this intersection remain safe.

On other matters, I fail to see how this development will be meeting the “affordable housing“ quotas as required by the state government.

I look forward to your reply.

Your sincerely,
Dr Clare Caldwell
[redacted] Darling Point Rd,
Darling Point, 2027

From: Jeremy Reid
To: Records
Subject: SC6602 Submissions
Date: Wednesday, 18 October 2023 4:45:18 PM

Dear General Manager,

I am writing to express my strong support for the proposed development in the Edgecliff area, particularly along the New South Head Rd corridor. It is my firm belief that this development is both timely and essential for the following reasons:

1. **Modernization of Edgecliff:** It is an undeniable fact that there has been a lack of significant investment in Edgecliff for many decades. Modernizing the area, especially along New South Head Rd, is not just necessary – it is overdue.

2. **Gateway to the Eastern Suburbs:** Edgecliff serves as a vital gateway to the Eastern Suburbs. To present an image befitting this status, it is imperative that we have modern structures and facilities like the ones proposed.

3. **Revitalization of the Corridor:** The New South Head Rd corridor in Edgecliff has been stagnant for a considerable time. This development offers a golden opportunity to give it the much-needed uplift and rejuvenation.

4. **Strategic Density Planning:** It is logical and environmentally responsible to concentrate density around transportation hubs like train stations. This eases the pressure on more village-centric areas such as Double Bay, Rose Bay, and Watsons Bay.

5. **Housing Demand:** The increasing demand for housing in our city cannot be ignored. This development will go a long way in addressing this pressing need, providing homes for many.

I earnestly urge the Woollahra Council to recognize the immense benefits this development brings and to move forward with its implementation. It is a step in the right direction for Edgecliff, the Eastern Suburbs, and our city as a whole.

Thank you for considering my views on this matter. I trust that the council will make a decision that aligns with the best interests of our community.

Warm regards,
Jeremy Reid

From: Tom Curtis
To: Records
Subject: SC6602: Planning Proposal & Draft VPA for 136-148 New South Head Rd Edgecliff
Date: Wednesday, 18 October 2023 7:00:55 PM

I have grown up in the WMC area, am a former commercial property owner in Knox St Double Bay and a long term resident in WMC.

I note WMC is seeking feedback on the planning proposal and draft VPA in relation to the four sites from 136 to 148 New South Head Road Edgecliff.

I'd like to express my strong support for this development. This development is exciting.

For people driving into the east from the city along New South Head Rd it is a shame that the area around Edgecliff Centre, being essentially, the entry point into the beautiful eastern suburbs has such old and ugly buildings.

The Council should not lose this opportunity to work cooperatively with a reputable developer to replace the current four old and ugly buildings with an attractive modern building worthy of such a prime position.

It will create more housing close to the train station which is sorely needed in the area.

It will set a precedent for good design and construction of developments in the immediate area in future years.

Kind regards

Tom Curtis
[redacted] Kambala Road
Bellevue Hill NSW 2023

From:	Tom Pongrass
To:	Records
Subject:	SC6022
Date:	Friday, 20 October 2023 12:47:50 PM
Attachments:	SC6602.docx

Dear General Manager,

Please find attached my submission supporting the above mentioned development proposal in Edgecliff.

Regards,

Tom Pongrass

20th Oct 2023

Woollahra Council
536 New South Head Rd
Double Bay 2028

Attention: General Manager

Dear Sir,

Re: SC6602 Submissions

I refer you to the above proposed development in Edgecliff.

I totally support an uplift in housing density in Edgecliff. While I am totally against an uplift in height and bulk in Double Bay because of its village nature, Edgecliff already has many tall buildings. Edgecliff urgently needs more housing as we are in a housing crisis. Edgecliff needs more modern and iconic buildings as this development would provide. In fact, existing buildings are an eye sore.

Having a bus and rail station opposite, it makes total sense to have more and larger buildings around this and would have little effect on traffic and parking.

Edgecliff is the gateway to the East and is currently an embarrassment of ugly buildings. This development would totally revitalise the area.

Yours sincerely,

Tom Pongrass
[redacted] Knox St
Double Bay NSW 2028
[redacted]

From: Stanley Hurwitz
To: Records
Subject: RE: PSC6602 Submissions - Planning Proposal & Draft VPA for 136-148 New South Head Rd Edgecliff
Date: Thursday, 19 October 2023 9:31:33 AM

To whom it may concern.

I fully support this application.

I work from the Sanwa offices in [redacted] New South Head Road Edgecliff NSW 2027. The Sydney office of Base Capital operates from that location.

I frequent the Edgecliff area most work days and have a personal working understanding of the area.

I support this application for a number of reasons, the key ones are as follows:

1. The existing area needs an upgrade and more importantly an increase in density give the shortage of well located housing.
2. This is an ideal location for housing, retail and commercial space; given it is opposite the train station and bus interchange. When compared to Bondi Junction it is obvious the Edgecliff area is underdeveloped and in need of an upgrade.
3. The "VPA will realise up to $2.7M towards affordable housing and up to $2.3M towards other infrastructure depending on the amount of floor space ultimately approved by the planning proposal."
   This money could be well spent and needed in the Edgecliff area.
   The flow of pedestrian traffic across new south head road does not work well and needs to be improved if possible to activate the area further, maybe some of these funds could be used to solve this.
4. Further underground parking will be a benefit and needed for the area to activate it further as a local business and recreational hub.
5. Density is best located around buss and train stations rather than in village areas.

Please call me to discuss the development in need.

Yours sincerely
Stanley

Stanley Hurwitz
Base Capital Pty Ltd
[redacted] | [redacted] **New South Head Road**
Edgecliff NSW 2027
www.basecapital.com.au

From: Dennis Meyer
To: Records
Subject: SC6602 Submissions - Planning Proposal 136-148 New South Head Rd Edgecliff
Date: Thursday, 19 October 2023 10:12:20 AM

To The General Manager,

I drive past this site every day on my way to work and am strongly in favour of this development proceeding.
The buildings currently on site are unsightly and not very user friendly and the area would be better served by having a modern accessible building that can provide more office space and housing for the area.
If we are looking to increase housing density in the LGA, across the street from the railway and bus interchange makes the most sense.

Regards,
Herman Diego

From:	Paul Fischmann
To:	Records
Subject:	SC6602 Submissions for 136-148 New South Head Rd Edgecliff
Date:	Thursday, 19 October 2023 11:13:14 AM
Attachments:	image001.png

To Whom It May Concern:

Pls note as a Woollahra council resident I am full support of the proposed development.

There are many reasons including the need for regeneration of the Edgecliff precinct with new energy efficient buildings and due to the VPA we understand significant funds will be raised for reinvestment by council into local infrastructure badly needed.

We need the density around the train station and not in the surrounding suburbs!

I can be contacted via below details.

Yours,

Paul Fischmann
M +61 [redacted]

[redacted]
Double Bay 1360
WWW.8HOTELS.COM

From: Anthony Halas
To: Records
Subject: SC6602 Submissions
Date: Thursday, 19 October 2023 11:19:41 AM

To Whom it may concern

Letter of SUPPORT for proposed development at 136-148 New South Head Road, Edgecliff.

In my opinion, the area needs new modern housing close to the train station. Existing buildings in the area are an eyesore and aesthetically, the area needs to be improved. There has been no new development along this area of New South Head Rd for decades.

We encourage the council to approve submission SC6602.

Best Regards
Anthony Halas

Halas Family Investments
AAHF Investments
Thread Together

From: ARIANE FUCHS
To: Records
Subject: SC6602 - SUPPORT FOR EDGECLIFF DEVELOPMENT
Date: Thursday, 19 October 2023 11:38:03 AM

To whom it may concern:

As a resident of Bellevue Hill, I am in strong support of the redevelopment proposed for Edgecliff. The current development of the train station, shopping centre and surrounding buildings are old and in desperate need of an uplift and redevelopment. Double Bay has recently seen a large revamp, making it a wonderful place to shop, dine, live and visit.

Edgeclif should equally have the same opportunity for advancement - a vibrant hub for transport, shopping, working and living.

Access for people with disabilities and the elderly is very difficult, and this needs to be upgraded and updated in line with other new buildings and codes.

I am delighted to read there is a provision for affordable housing, which is so crucial in our community.

Thank you for your time

ARIANE FUCHS
[redacted] Tarrant Avenue
Bellevue HIll NSW 2023
[redacted]

From: Christian McKelvey
To: Records
Subject: SC6602 Submissions
Date: Thursday, 19 October 2023 12:17:53 PM

Dear Sir/Madam,

I am writing to you in SUPPORT of the abovementioned submission.

Edgecliff Station and its surrounds has been an eye-sore for well over 20 years now and the proposed submission will significantly enhance the amenity, use and area. The current buildings are close to derelict and do not exhibit an area that commands newer buildings with greater amenity for the community. The proposed submission is an excellent representation of what developers and councils together should be trying to achieve, creating homes and offices for locals to work, play and live in their local precinct.

Every day there are concerns about housing affordability and the only way to meet demand is deliver greater supply, in doing so throughout Sydney is critical. Furthermore, doing so on train stations and near public transport infrastructure is critical in order to alleviate greater stress on our road networks but deliver more accommodation. COVID has transformed the workplace and negated the need for individuals to work form CBD and other traditional office precincts, the inclusion of office accommodation into a mixed-use development delivers much-needed local options for businesses.

It is a well-thought proposal at a time when further development is required.

Regards,

Christian McKelvey
Local Property Owner

From: Alon Mizrachi
To: Records
Subject: SC6602 Submissions records@woollahra.nsw.gov.au
Date: Thursday, 19 October 2023 9:14:28 PM

Dear council,

We're writing to you in support of the development proposal at 136-148 New South Head Rd Edgecliff.

Reasons my wife & I are in favour include, but are not limited to the following:

- The corridor in question is in desperate need of a facelift
- The current buildings while old, in no way enhance the area whereas the new development certainly will, in our opinion
- Having increased amenity close to the train is sensible
- Parking under the development will aid street congestion

Happy to chat in person should that help.

Regards
Alon & Rachel Mizrachi, Vaucluse

From:	Brett Levy
To:	Records
Subject:	FW: PSC6602 Submissions - Planning Proposal & Draft VPA for 136-148 New South Head Rd Edgecliff
Date:	Friday, 20 October 2023 10:29:47 AM
Attachments:	image001.png image002.png

To whom it may concern.

I would like to put my support behind PSC6602 Submission at 136-148 New South Head Road, Edgecliff. I am a resident at 327 Edgecliff Road, Woollahra & have an office at the Edgecliff Centre.

Having lived in the Council for 50 years I have a very sound knowledge of the area. I believe that currently Edgecliff Station is not utilized enough & strongly support development within proximity to the train station.

The area needs to be upgraded & this proposed development would assist in doing so.

Regards

Brett Levy

Onsite Group Pty Ltd
[redacted] New South Head Road Edgecliff NSW 2027
Tel: [redacted] Fax: [redacted] Mb: [redacted]

Please consider the environment before printing

From: Greg Shand
To: Records
Subject: Planning Proposal & Draft VPA for 136-148 New South Head Rd Edgecliff-SC6602 Submissions
Date: Friday, 20 October 2023 3:27:50 PM

I am a resident in Woollahra Council and have looked at the details of the Planning Proposal with respect to the abovementioned property.
I drive pass this property every day when travelling to and from the city and have been wondering when some positive steps will be taken in relation to its redevelopment .
Buildings in this precinct are very run down and were due to be renewed long ago. Rejuvenation of this area is very much needed.
There is a need to increase office accommodation near to where people live in the east. There is a need to create increased residential accommodation in our local government area as part of meeting demand for a range of housing choices.
The bulk and scale of neighbouring buildings suggests that what is proposed is reasonable.
To have the opportunity for such a development to take place adjacent to a train station makes this planning proposal one which should justifiably be supported.

Regards,

Greg Shand
Barana Group Pty Limited

T: [redacted]
E: [redacted]
W: www.baranagroup.com.au

From:	Eva Fischl
To:	Records
Subject:	SC6602 Submissions
Date:	Friday, 20 October 2023 3:36:15 PM
Attachments:	Outlook-mgwsr0lp SC6602 Submissions– Public Exhibition 136-148 New South Head Rd Edgecliff .docx

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Thank you. Please see attached.

Eva Fischl OAM
President
The Joint Distribution Committee (Australia)
Email: [redacted]
Mobile: [redacted]
Office: [redacted]
Website: thejoint.org.au

<!--[if !vml]--><!--[endif]-->

The General Manager
Woollahra Council
PO Box 61
Double Bay NSW 1360

Via records@woollahra.nsw.gov.au

SC6602 Submissions– Public Exhibition 136-148 New South Head Rd Edgecliff

To whom it may concern

The State Government has said Woollahra needs to provide more housing. It makes sense to do that near a transport interchange and not in our villages. This development can help with that.

The money being provided for affordable housing will also help our community as properly managed affordable housing blocks can be built in appropriate areas rather than a room here and there.

A modern building can help improve the carbon footprint in our area and provide equitable access into premises for those in wheelchairs or with walking difficulties. The existing buildings on the site certainly do not do that.

Nicely designed modern buildings can also focus people's attention away from the ugly Ranelagh building.

I am in favour of this development going ahead.

Mrs. Eva Fischl
[redacted] Wentworth Rd
Vaucluse NSW 2030

[redacted]

From: [redacted]
To: Records
Subject: Re SC 6602 Submissions 136-148 New South Head Rd Edgecliff
Date: Friday, 20 October 2023 4:04:13 PM

Dear Sir/ Madam

In short, Edgecliff needs rejuvenation, this development is one of the first steps to allow this to happen.

The above site presents a major opportunity to allow significant change to occur that will have a positive impact on the local community from a visual and amenities perspective. The developer has been able to create an opportunity for a statement development that will be a value add to the area.

I fully support the sites redevelopment and trust the development is supported.

Andrew Veron
Mob [redacted]

From:	Paul Gabriel Lendvay
To:	Records
Subject:	SC6602
Date:	Friday, 20 October 2023 4:34:22 PM

We need more housing, we are in a housing crisis!
Density like this is smart development around transport nodes.

Dr Paul Lendvay
[redacted] New South Head Road 2029

From: Deb Meyer
To: Records
Subject: SC6602 Submissions - Public Exhibition 136-148 New South Head Rd Edgecliff
Date: Wednesday, 25 October 2023 9:47:06 AM

The General Manager,

I am writing this email to let you know that I have looked at all the documents on Public Exhibition and believe this development is a good thing for the Edgecliff area.

We need more housing and it just makes sense that it be located in an area where there is public transport access nearby (train station and bus interchange in this instance) so we don't have to impact our little village suburbs (like Double Bay, Rose Bay etc)
By locating near transport we at least have a chance to reduce traffic and parking requirements as is shown by the reduced level of parking being provided in this development.

I support this development proceeding in its current form.

Regards,

Debbie Jennens

From:	Pontey, Matt
To:	Records
Subject:	SC6602 Submissions - Planning Proposal & Draft VPA for 136-148 New South Head Rd Edgecliff
Date:	Wednesday, 25 October 2023 9:15:21 AM
Attachments:	image001.png image002.png image003.png image004.png image005.jpg

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To whom it may concern,

I am writing express my support of the planning proposal for the development of 136-148 New South Head Rd Edgecliff. This email seeks to address several key considerations regarding the optimal use of this underutilised location.

Density around train stations is a widely recognised and proven approach for efficient urban development. I believe that concentrating density around transportation nodes, such as Edgecliff's train station, is a more sustainable and practical choice compared to village areas like Double Bay, Rose Bay, Watsons Bay, and others. The presence of numerous tall buildings in the vicinity of Edgecliff station makes this location particularly ideal for high-density development.

Smart development around transport nodes not only enhances accessibility but also contributes to reduced traffic congestion and decreased reliance on private vehicles. By promoting this approach, the developers aim to create a community that is more environmentally conscious and resilient.

In addition, the implementation of underground parking in the development will help alleviate the strain on street parking in the area, further reducing traffic congestion and enhancing the overall appeal of Edgecliff as a convenient and accessible location. The strategic placement of the development opposite the train station and bus interchange will play a crucial role in reducing traffic and parking issues in Edgecliff. It will encourage residents and commuters to opt for public transportation, thus contributing to a more sustainable and efficient urban environment.

Furthermore, this proposal includes a Voluntary Planning Agreement (VPA) that will raise $5 million to support affordable housing initiatives and infrastructure improvements within Edgecliff. This financial contribution will significantly benefit local residents and enhance the overall quality of life in the community.

In conclusion, I strongly urge council to support the planning proposal for 136-148 New South Head Rd Edgecliff as this proposal will benefit the local community and make Edgecliff a more attractive and sustainable place to live and work for future generations.

Thank you for your time and consideration.

Kind regards,

Matt Pontey
Director, Sydney Metro Sales
Investment Services
Direct: [redacted] | Mobile: [redacted]
Main: [redacted] | vCard

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From:	Gary Perlstein
To:	Records
Cc:	Gary Perlstein
Subject:	SC6602 Submissions
Date:	Wednesday, 25 October 2023 5:46:26 PM

To whom it may concern,

I wish to support the Planning Proposal & Draft VPA for 136-148 New South Head Rd Edgecliff for the following compelling reasons:

1. We need a more contemporary Edgecliff that is keeping up with the times – its time this is done. It's been too long!
2. We need more home dwellings – there is not enough to satisfy demand
3. The youth which need more accommodation in this area will also appreciate that new buildings will be more eergy efficient.
4. We need more housing – having this near a train station makes so much sense and is the best place for this compared with other areas on the Eastern Suburbs.

I trust you will take these reasons seriously when considering the application.

Regards

Gary Perlstein

From: Rodney Rosmarin
To: Records
Subject: SC6602 Submissions
Date: Thursday, 26 October 2023 10:42:19 AM

To Whom it may concern,

I am writing to let you know that I am in full support of the development In Edgecliff (136-148 New South Head Road).

The buildings around Edgecliff station need to modernised as there has been very little developments in this area for many years. I also have two daughter who are young adults and there is a shortage of housing for young people around train stations in the Eastern Suburbs and this would be an ideal location.

Regards
Rodney

From: [redacted]
To: Records
Subject: Letter in support of SC6602
Date: Thursday, 26 October 2023 6:01:57 PM

Dear Council

I am writing in support of the planning proposal and a voluntary planning agreement (VPA) for 136-148 New South Head Road, Edgecliff.

I believe that the proposal will be beneficial in a number of ways, including that it will provide a much needed upgrade to any area that appears dilapidated and under-capitalized, it will increase housing capacity near to a transport node and it will increase parking in a busy area where parking is currently limited.

I look forward to the successful commencement of this project.

Yours sincerely

Andrew Silberberg

From:	Keshav Unhelkar on behalf of Nathan Briner
To:	Records
Subject:	SC6602 Submissions
Date:	Friday, 27 October 2023 3:40:00 PM
Attachments:	Letter - General Manager Woollahra - SC6602 Submissions.pdf

Hi

Please see attached regarding SC6602.
Kind regards

Nathan

Nathan Briner | Partner

Arnold Bloch Leibler
[redacted] Chifley Square, Sydney NSW 2000
E: [redacted] | T: [redacted] | M: [redacted] | Vcard

Eora Country

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DisclaimerID:AUUYYGH000012

24 October 2023

Contact
Nathan Briner
C/o [redacted]

General Manager
Woollahra Council
records@woollahra.nsw.gov.au

To Whom It May Concern:

SC6602 Submissions

Planning Proposal and VPA for 136-148 New South Head Rd, Edgecliff

Regarding the proposed VPA and planning proposal submitted by the developer with respect to 136-148 New South Head Rd, Edgecliff, I wanted to please express my support for this.

The area is one of the gateways to the Eastern Suburbs and with many of the buildings in and around Edgecliff being dated, the area would benefit greatly with the addition of refreshed and well-designed new developments with off street parking.

Investing in high density infrastructure near a major transport hub, being Edgecliff Station, would be beneficial for the area and provide much needed additional accommodation with a well thought out and pleasing aesthetic.

Yours sincerely

[redacted]

Nathan Briner
Bellevue Hill NSW 2023
Tel: [redacted]

From: Shirley Bloomfield
To: Records
Subject: SC6602 Submissions
Date: Sunday, 29 October 2023 7:31:49 PM

Dear Sir,

I am glad that Edgecliff can possibly get a face lift.

The development will provide more housing and office space.

Being opposite the station will help reduce parking in the area.

The existing buildings are old and look terrible, there is a mixture of old buildings which bare no value.

We should make Edgecliff interesting once again.

Yours faithfully

George Bloomfield

Business owner Double Bay
[redacted] Knox Street, Double Bay
[redacted]
Ph/ [redacted]

From:	Charlotte Vidor
To:	Records
Subject:	SC6602 Submission 136-148 New South Head Road, Edgecliff
Date:	Monday, 30 October 2023 12:08:00 PM

Dear Council

I have been asked to support this application.

I believe Edgecliff needs to be modernised along New South Head Road. There has been no new investment for decades.

Regards
Charlotte Vidor

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From: Li Sofia
To: Records
Subject: SC6602 Submissions
Date: Monday, 30 October 2023 3:02:47 PM

To whom if may concern:

I am writing to let you know that I, personally, would welcome the new development in Edgecliff area, SC6602 Submissions in particular.

Around Edgecliff station area, the existing buildings are somewhat very old and ugly, we need some new and modern buildings near the train station to uplift the look of New South Head road. The new proposed building looks smart and beautiful, it can well be the future iconic building for the region.

Also, the office space around the station is very limited, the proposed building would provide more convenience for the working parents in this area to have jobs near their home.

It would be great to see council support such wonderful initiatives.

Regards,
Sofia

From: Jacobson
To: Records
Subject: SC6602 submission
Date: Wednesday, 1 November 2023 8:10:01 AM

Dear Sir / Madam

I refer to the abovementioned submission in respect of Planning Proposal and VPA for 136 - 148 New South head Road Edgecliff.

I am a resident of Woollahra Council and have reviewed the planning propola available on the council's website.

I would like to express my support for the proposal for the following reasons:

Housing: We are in the midst of a housing crisis, medium density in this location complements the considerable development happening along Old South head Road from Rose Bay to Vaucluse. This places medium density housing where its needed adjacent to major transport hubs and in close proximity to commercial hubs of Edgecliff, Bondi Junction and the Sydney CBD.

Commercial: covid has precipitated the need and desire for more flexible commercial space and office space closer to where people live as an alternative to the CBD. This proposal contributed to that.

Traffic Management: the proposal makes provision for parking that does not exist in the current use of land and by creating housing proximate to a transport node will take pressure off traffic and parking in the location. Density is better served in locations close to major transport hubs than on narrow and dense residential streets like the narrow Old South head Road arterial.

Aesthetic and Environmental Impact: Edgecliff is the gateway to the Eastern suburbs but the quality and condition of the properties on the site and in the vicinity of the site are old, dilapidated and are not environmentally sound. The proposed development will greatly enhance the streetscape and built environment in a way that is more energy efficient.

I welcome your consideration of this support and seek your support for the Proposal.

Regards

Warren Jacobson

From:	Tony Gellert
To:	Records
Subject:	Ref: SC6602 - Planning Proposal and Voluntary Planning Agreement (VPA) for 136-148 New South Head Road, Edgecliff
Date:	Wednesday, 1 November 2023 12:23:04 AM
Attachments:	Edgecliff PP VPA 136_148 NSH Rd 2023_.pdf

Dear Sir/Madam,

Please refer attached.

Regards
Tony Gellert

Tony Gellert
45 Boronia Road
Bellevue Hill NSW 2023

31 October 2023

The General Manager
Woollahra Municipal Council
PO Box 61
Double Bay NSW 1360

By email: records@woollahra.nsw.gov.au

Dear Sirs,

Re Planning Proposal and Voluntary Planning Agreement (VPA) for 136-148 New South Head Road, Edgecliff.
Ref: SC6602 Submissions

I refer to the above Planning proposal and voluntary planning agreement (the 'Proposal') now on public exhibition. In my view, this Proposal should proceed and I strongly support its approval in further developing this important hub within Woollahra LGA.

It is well recognized that there is a chronic housing shortage across greater Sydney – you need look no further than today's Sydney Morning Herald where our Premier announced priority development zones located near public transport. However, the geography of the Eastern Suburbs presents unique challenges in this regard as there is only limited scope across much of the LGA for such zones to be located and developed. Rather than further increasing the already densely populated and congested villages of Paddington, Woollahra, Double Bay and Rose Bay, the immediate surrounding area in close proximity to the Edgecliff Centre is an obvious location which is crying out for developments such as the Proposal to be given the go ahead, being within a uniquely positioned zone of the LGA.

I do feel that our LGA is also in dire need of improved commercial and retail infrastructure to service our community, particularly with businesses leaving the CBD in droves, and it does make sense to build upon this existing and in large part under-utilised precinct which, it goes without saying, requires a major overhaul. In this regard, I would argue that the buildings currently existing along this part of New South Head Road, whilst aged, offer little to no significant heritage value nor would their removal detract in any way from the look and feel of this section of what is a major arterial roadway for the area. Rather, the injection into the area of a substantial investment in the development of a modern and iconic building in such a prominent location, being a true gateway to the Eastern Suburbs, looks to be a very exciting and enticing prospect giving the area a well-needed facelift which I am all for.

In order for such a precinct to be successful, in addition to the commercial and retail development which will be servicing the broader community in the LGA, particularly with respect to commercial activity (I am only too aware of the shortage of commercial premises in the LGA being a business owner myself with a commercial practice based in the Easts Leagues Tower in Bondi Junction), approving substantial residential development in this zone is also essential.

As such, I am fully in favour of increasing not only the density but heights allowable in this unique area, and would like to see the Proposal proceed. Edgecliff is a natural location for such increased

redevelopment and by increasing the density of residential and commercial stock in this particular part of the LGA in concert with improved retail experience there will be a minimal impact on traffic more broadly in the LGA by supporting shopping experiences that, to a larger extent, will be local in nature and supporting businesses which will be well positioned in order for their staff to best utilise the adjacent transport hub, which at present is so clearly under-utilised.

Further, I attended primary school nearby utilising the bus interchange at this transport hub as well as having relied upon Edgecliff train and bus stations as a gateway over many decades not only to attend school and university in town but when working in the CBD for many years. As such, I have had a long history of frequenting the area, and the Edgecliff Centre in particular, and being so intimately familiar with the area I would gladly welcome and strongly support a much needed redevelopment of the area that would make best use of the precinct and be of great benefit to our community well into the future.

Regards,

[redacted]

Tony Gellert

From: Gavin Krawchuk
To: Records
Subject: SC6602 Submissions
Date: Tuesday, 31 October 2023 10:06:08 PM

Dear Council Members,

I am writing to express my strong support for the proposed new development in Edgecliff, and I believe that this project aligns with several critical community needs and objectives. The following points outline my reasons for advocating this development:

1. Replacing Existing Eyesores: The existing buildings in Edgecliff are deteriorating and have become unsightly, making them an eyesore for the community. Replacing them with modern structures will greatly improve the aesthetics of the area.

2. Ideal Location for Density: Given the prevalence of tall buildings surrounding the proposed site, it is evident that Edgecliff is an ideal location for increased density. This approach aligns with smart urban planning principles and maximizes land use efficiency.

3. Modern Housing near the Train Station: Edgecliff, being a major transport hub, is in need of contemporary housing options to accommodate the increasing demand, especially near the train station, making daily commutes more convenient for residents.

4. Uplift and Modernization: Edgecliff has long been neglected in terms of investment and modernization. This development represents an opportunity to bring the area up to contemporary standards, which it rightly deserves as the gateway to the Eastern Suburbs.

5. Improved Accessibility: The proposed development will prioritize accessibility for all, addressing the issue of ADA accessibility, which is currently lacking in the existing buildings.

In conclusion, the new development in Edgecliff aligns with various critical community needs, and I strongly urge the Council to support this project. It represents a significant opportunity for modernization, accessibility, sustainability, and community improvement.

Warm Regards,

Gavin Krawchuk

From: Tony Levine
To: Records
Subject: SC6602 Submissions
Date: Wednesday, 1 November 2023 10:10:01 AM

Hello, I am a resident in the local area.

I have reviewed the submission, and support the above development proceeding.

Edgecliff needs to be modernised, it is a gateway suburb to the rest of the eastern suburbs, and it could use a facelift. I think the aesthetics and community considerations embodied within the architecture and design, reflect both a philosophy and a space in which community can thrive.

I also note that, being so close to a train station, it makes sense to increase residential density.

I hope to see more from such a responsible developers.

Kind regards,

Tony Levine

From: Peter Li
To: Records
Subject: Support for the Property Development at 136-148 New South Head Rd, Edgecliff [SC6602 Submissions]
Date: Wednesday, 1 November 2023 10:43:46 AM

To whom it may concern,

I hope this email finds you well. I am writing to express my strong support for the proposed property development at 136-148 New South Head Rd, Edgecliff. This project represents a significant opportunity to revitalize and modernize the Edgecliff area along New South Head Road, addressing longstanding issues and contributing to the betterment of our community.

Edgecliff has been in need of modernization and revitalization along New South Head Road for decades. The lack of new investment in this area has been noticeable and has hindered the growth and development of our neighborhood. The proposed property development has the potential to bring much-needed change, benefiting not only the local community but also the broader city.

One crucial aspect of this development is the contribution it can make to local infrastructure. The funds generated from the Voluntary Planning Agreement (VPA) associated with this project can be channeled into enhancing local infrastructure. This investment will be vital in improving the quality of life for Edgecliff residents, providing better amenities, services, and community spaces.

Accessibility is another significant concern that this development aims to address. Currently, people in wheelchairs face challenges in accessing the existing buildings on the site, as they are not ADA accessible. The new buildings proposed as part of this project will be designed with modern accessibility standards in mind, ensuring that everyone, regardless of their mobility, can easily access and utilize these facilities. This inclusive approach is not only ethical but also legally required in many cases.

Furthermore, the new buildings will be constructed with a focus on energy efficiency. Given the growing concerns about climate change and sustainability, an energy-efficient design is not only responsible but also aligns with our shared commitment to reducing our carbon footprint. This development can serve as a model for future construction in our neighborhood, promoting environmentally friendly practices and helping Edgecliff transition to a greener and more sustainable future.

Lastly, the proposed density of this development, especially around transport nodes, reflects smart urban planning. It takes advantage of existing infrastructure, reducing the need for excessive car usage, and promoting public transportation. This aligns with modern urban development principles that aim to reduce traffic congestion, air pollution, and make efficient use of available resources.

In conclusion, I strongly support the property development at 136-148 New South Head Rd, Edgecliff, and I urge you to consider the positive impact it can have on our community. This project is an opportunity to revitalize Edgecliff, address long-standing issues, and contribute to a more accessible, energy-efficient, and well-connected neighborhood.

Thank you for your time and consideration. I believe this development will benefit our community and set a positive precedent for the future of Edgecliff.

Sincerely,

Peter Li

From: Justin Topper
To: Records
Subject: SC6602 SUBMISSIONS
Date: Wednesday, 1 November 2023 12:06:12 PM

Good afternoon

Noting I am in full support of the proposed development under submission SC6602

Increased office space across the road from Edgecliff station will only be beneficial to the area and existing businesses, with this particular proposed building being Iconic which is also needed in the area considering there has been no new development/investment for many decades. Additionally, taking into account the housing crisis, more residential is needed especially in an ideal location which is situated across the road from a transport hub

FYI the current stone wall across the street front looks very unstable

Pls don't hesitate to contact me should you require any further discussion

Kind regards
Justin Topper

Justin Topper | A.I.Topper & Co. | [redacted] | [redacted]

From: Admin User
To: Records
Subject: SC6602 Submissions - development at 136-148 New South Head Road, Edgecliff
Date: Wednesday, 1 November 2023 11:55:45 AM

To whom it may concern,

I am writing to voice my strong endorsement for the proposed property development at 136-148 New South Head Rd, Edgecliff. This project offers a unique opportunity to rejuvenate our neighborhood and usher in a new era of progress for Edgecliff.

Edgecliff has long awaited a transformation along New South Head Road, which has seen minimal investment over the decades. This development promises to breathe new life into our community, addressing the stagnation that has prevailed for far too long.

One compelling aspect of this project is the Voluntary Planning Agreement (VPA) associated with it. It is projected to yield approximately $5 million, which can be allocated toward affordable housing and much-needed infrastructure enhancements. This infusion of funds will be a game-changer, improving the overall quality of life for our residents.

The need for housing tailored to the younger demographic is paramount, and this project is poised to fulfill that need. Situated across from the transit interchange, it offers a strategic housing solution for young professionals and students who rely on public transportation. The location's proximity to the train station ensures a seamless connection to the city's public transport network, making it a highly desirable option for those seeking modern, convenient living spaces.

Moreover, the inclusion of underground parking in the development is a thoughtful and practical feature. It will significantly reduce the burden on street parking, thereby enhancing the overall living experience in Edgecliff. With our streets freed from the congestion of parked vehicles, we can look forward to safer and cleaner surroundings.

In summary, I wholeheartedly support the property development at 136-148 New South Head Rd, Edgecliff. It represents a welcome opportunity to modernize Edgecliff and utilize VPA funds for the betterment of our community. The inclusion of housing for young professionals, its proximity to public transportation, and the reduction of on-street parking through underground facilities are strong arguments in favor of this project.

Thank you for considering these points, and I trust you will make a decision that aligns with the best interests of Edgecliff.

Regards,

Peter

IT Lead
Integra Medical Solutions

From: Taryn Boyarsky
To: Records
Subject: SC6602 submissions
Date: Wednesday, 1 November 2023 1:25:46 PM

Dear Mayor Shields and Members of Woollahra Council,

I am writing to express my strong support for the proposed development project in Edgecliff. As a life long resident and a proud member of the Woollahra community, I believe that this development will bring numerous benefits to our area, enriching the lives of our residents and enhancing the local environment.

First and foremost, this development project has the potential to revitalize and transform Edgecliff into a more vibrant and attractive neighborhood. By providing modern infrastructure and creating new residential and commercial spaces, it can serve as a catalyst for local economic growth. This, in turn, will benefit small businesses, stimulate job opportunities, and bolster the local economy.

Moreover, the project's design and architecture are of high quality, and they respect the heritage and character of Woollahra. I am confident that the development will be carried out with utmost consideration for the area's aesthetics and heritage, maintaining the charm and uniqueness that makes Woollahra such a sought-after place to live.

I also appreciate the efforts made by the developers to engage with the local community and address concerns through quality design. It is evident that they are committed to being responsible stakeholders in the community and are willing to work collaboratively with residents to ensure that the project is in harmony with the neighborhood's interests.

In terms of sustainability, the project is poised to introduce eco-friendly and energy-efficient features, aligning with our commitment to environmental conservation. This is especially important in the context of global climate change, and supporting such initiatives at a local level is critical.

I firmly believe that this development in Edgecliff will ultimately enhance the overall quality of life for residents in Woollahra. It will provide new housing options, retail opportunities, and commercial spaces, making our community even more livable and appealing.

In conclusion, I would like to express my full support for the proposed development in Edgecliff and encourage the Woollahra Council to consider the positive impact it will have on our community. I kindly request that you take my endorsement into account when evaluating this project.

Thank you for your time and dedication to serving our community. I look forward to witnessing the positive changes that this development will bring to Edgecliff and the broader Woollahra area.

Sincerely,

Taryn Boyarsky
Bay St Double Bay

From:	Fred Macdonald
To:	Records
Subject:	136-148 New South Head Road - Planning Proposal Submission
Date:	Thursday, 2 November 2023 3:02:16 PM
Attachments:	Edgecliff submission - Fred Macdonald_vF.pdf

To whom it may concern,

Please see the attached submission in support of the proposed development at 136-148 New South Head Rd, Edgecliff.

Kind regards

Fred

2 November, 2023

Louise Menday
Consultant Strategic Planner
Woollahra Municipal Council
PO Box 61
Double Bay NSW 1360

Dear Louise,

I would like to write a letter of support regarding the Planning Proposal for 136-148 New South Head Road, Edgecliff.

I live in the neighbouring building, 164 New South Head Road. The Edgecliff area has vast potential as a major transport and commercial hub of the Eastern Suburbs. However, its potential has been severely limited for decades due to dilapidated buildings which do not provide appropriate spaces for living, working or playing. The proposed development will be a step in the right direction to allow the Edgecliff area to realise its full potential. In addition to approval of the Planning Proposal it is my hope that Council quickly concludes the Edgecliff study as the whole Eastern Suburbs can only be enhanced by development allowing Edgecliff to achieve its significant potential.

Yours sincerely,

Fred Macdonald

[redacted]

From:	Brett Brown
To:	Records
Subject:	submission to public exhibition of Planning Proposal for 136-148 NSH Rd Edgecliif
Date:	Friday, 3 November 2023 11:56:51 AM
Attachments:	Ingham submission to public exhibition of Planning Proposal 136-148 New South Head Rd Edgecliff.pdf

Hi pleased see attached

Sent from Mail for Windows

INGHAM
PLANNING
Pty Limited

3 November 2023

The General Manager
Woollahra Council
PO Box 61
Double Bay NSW 1360

RE: SC6602 Submissions
Public Exhibition of Planning Proposal and Draft VPA for 136-148 New South Head Rd Edgecliff

Dear Sir,

We act on behalf of the applicant and refer to the documents tabled for Public Exhibition of the above project. We make the following comments in support of this Planning Proposal proceeding.

Planning Proposal Report for 136-148 New South Head Rd Edgecliff dated September 2023

Section 1 Summary on page 6 makes reference to a site specific clause 6.9. Clause 6.9 already exists in the WLEP2014. We assume that the existing clauses 6.9 and 6.10 will be renumbered.

Section 3.1 The Site on page 10 notes that "Lot 2 DP 983678 (a very small lot that forms part of 138-140 New South Head Road) is not owned by Council or the applicant, however the applicant is seeking to purchase the property from a deceased estate". We can now report that the applicant is the registered owner of this lot on title (see **Attachment A**).

Section 6.4 Land Reservation on page 18 notes "the applicant has also proposed to amend the Land Reservation Acquisition Map (Sheet FSR_003) to remove the partial Classified Road (B4) Reservation from 136 New South Head Road, Edgecliff." The applicant is not proposing to remove 136 New South Head Road from the affectation on the Land Reservation Acquisition Map as part of this Planning Proposal. Woollahra Municipal Council has an active Planning Proposal seeking to remove sites in Edgecliff along New South Head Road from the road widening reservations. We understand that Council is continuing to liaise with Transport for NSW regarding this Planning Proposal. As detailed in the legal advice previously provided to Council (see copy at **Attachment B**), even if the Planning Proposal to remove the reservation does not proceed, this does not affect the ability to develop the site n accordance with the subject Planning Proposal for the site.

Section 6.5 Draft Exceptions Clause on pages 18-20 provides details in the intended clause providing a site specific exception to the standard height and FSR standards in Clauses 4.3 and 4.4 respectively for the subject site. Whilst the wording provided generally reflects an agreed position, there are a number of concerns that remains:

Urban and Regional Planning, Environmental Planning and Statutory Planning
[redacted]
Telephone: [redacted] Email: [redacted]
[redacted]
www.inghamplanning.com.au

Objective (b)(iii) – achieves diverse housing

This term is not defined and there is no specific proposed control that supports it. The only reference is the proposed design excellence consideration *"(j) whether the proposed development contains a diversity of residential dwelling types".* Housing diversity is not an issue that is generically an inherent consideration in determining design excellence. It is not a design issue, it is a strategic social planning issue and it is not appropriate to deal with such an issue on a site specific basis. Further, a 'diversity of residential dwelling types' could imply dwelling types other than apartments. Residential uses permitted in the MU1 zone include boarding houses, dwelling houses and shop-top housing. In this context it is mostly likely that the residential use of the site will be in the form of apartments and so it is illogical to suggest that other dwelling types should be provided.

In lieu of any specific Council policy on dwelling types or even the size of dwellings within those types, we remain strongly opposed to the inclusion of any provisions relating to this issue. Such provisions are also unnecessary as the Apartment Design Guide (ADG) would apply to any redevelopment of the site and this includes the following requirement.

Objective 4K-1
A range of apartment types and sizes is provided to cater for different household types now and into the future

Design guidance
A variety of apartment types is provided.
The apartment mix is appropriate, taking into consideration:
- *the distance to public transport, employment and education centres*
- *the current market demands and projected future demographic trends*
- *the demand for social and affordable housing*
- *different cultural and socioeconomic groups*

Flexible apartment configurations are provided to support diverse household types and stages of life including single person households, families, multi-generational families and group households

Pursuant to Clause 29 of the Environmental Planning and Assessment Regulation 2021, any DA subject of SEPP 65 must be accompanied by Design Verification Statement detailing how this objective (and the other objectives in Parts 3 and 4 of the ADG) have been considered.

In addition, we note that proposed subclause (8) which provides for DCP requirements, includes the following provision: *(d) a mix of apartment types, including the number of bedrooms in each apartment*
In this context an objective and design excellence consideration relating to dwelling type is confusing, unnecessary and inappropriate.

In light of the above it is appropriate that the proposed clause be amended to remove objective (b)(iii) and item (j) of subclause (5). Failing this it should be amended to be more consistent with ADG Objective 4K-1 above.

Design excellence consideration - (e) whether the proposed development detrimentally impacts on view corridors and landmarks

We remain opposed to any reference to this issue being referred to as there are sufficient existing planning provisions that would require consideration of view impacts. This includes the objective of the height control:
(d) to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,

By including the proposed wording, it indicates that there is something unique about the site regarding this issue. This is not the case. Being in a harbour side location and close to the CBD means that views are an issue in many DA's in Woollahra. Further the use of the word 'detrimental' implies that any adverse impact could be considered unreasonable. This is contrary to existing provisions such as that noted above and the principle of view 'sharing'.

The use of terms such as 'corridors' and 'landmarks' are also problematic as they are undefined and their meaning is open to wide interpretation.

In light of the above it is appropriate that the proposed clause be amended to remove item (d) of subclause (5). Failing this it should be amended to replace the word 'detrimentally' with 'unreasonably'. This would then allow development to be properly considered having regard to the *Tenacity* Planning Principles which are the accepted methodology of assessing view loss.

In relation to the other Design Excellence considerations , we maintain that any provision which is not relevant or not related to 'design' should be deleted. In this regard:

(f) pedestrian, cycle, vehicular and service access, and circulation requirements, including the permeability of the pedestrian network - the site is small with no utility in being permeable and access to the site will be a consideration regardless. Therefore a specific provision is unnecessary and inappropriate.

(i) whether the proposed development contains a mix of retail, commercial and residential uses - the draft clause includes controls on residential and non-residential FSR and there are existing provisions relation to active frontages that will need to be considered. Land use mix is not a design consideration it is a commercial one that must respond to the relevant controls. A design consideration relating to land use mix is not necessary or appropriate.

Section 8.1 Proposed map on page 25 proposes the introduction of a key sites map and reference to a proposed site specific clause. This mechanism of dealing with this issue has never been discussed with the applicant. This appears to be intended to be a generic clause that may apply to other sites in the future. This is not made clear and we are of the view that the as subject Planning Proposal has always intended to be done in a site specific manner, that it would not be appropriate to include a generic change to the LEP as part of this Planning Proposal. If Council wishes to pursue this method for dealing with similar future proposals, it should create a separate Council-led Planning Proposal. Further, the only reason given for the 'key sites' approach is for 'efficiency' and to avoid repetition by avoiding the need to also amend Clauses 4.3 and 4.4. However, the proposed draft clause negates the need for this, as Clauses 4.3 and 4.4 will continue to apply unless the requirements of the new clause (Clause 6.9) are satisfied. Notwithstanding, if Council seeks to pursue this methodology, the applicant will want to see any draft wording.

Section 10 Project Timeline on page 30 proposes a timeline to completion. The applicant is in support of the proposed timeline. However we note that the footnote at the bottom of page 30 pertaining to Post-Gateway[#], makes reference to inclusion of draft DCP preparation. No draft DCP has ever been provided to the applicant for review or comment and in fact *Section 6.5 Draft exceptions* sub clause (8) suggests a draft DCP has not yet been prepared.

Additional Supporting Documents for relating to buildings at 138-148 New South Head Rd

Please find attached the following additional supporting documents relating to the existing buildings on the site.

- *Structural Condition Report 138-140 New South Head Rd Edgecliff* by Milton Webster Structural Consulting Pty Ltd dated 27 January 2023 (**Attachment C**)
- *Heritage Peer Review Nos 136-148 New South Head Road Edgecliff* by Weir Phillips Heritage and Planning dated 27 March 2023 (**Attachment D**)
- *Peer Review 136-148 New South Head Rd Edgecliff* by GBA Heritage dated May 2023 (**Attachment E**)

Conclusion

Having regard to the above we are of the view that the Planning Proposal remains a reasonable and appropriate use of this highly suitable land, consistent with the previous conclusions of Council staff, the Regional Panel and DPE.

We are concerned that some of the wording of the site specific clause has potential to prevent the concept scheme being realized. Whilst we understand that the Planning Proposal is not as detailed as the concept scheme, the applicant's objectives and controls of the specific clause have been carefully designed to facilitate the concept scheme. As there is no aspect of the concept scheme that has been specifically assessed as problematic, we request the changes to the Planning Proposal outlined above to be undertaken to ensure the concept is able to be realized.

Regards,

[redacted]

Brett Brown
Director, Ingham Planning Pty Ltd

Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 2/983678

SEARCH DATE	TIME	EDITION NO	DATE
2/8/2023	8:39 AM	1	1/8/2023

LAND

LOT 2 IN DEPOSITED PLAN 983678
LOCAL GOVERNMENT AREA WOOLLAHRA
PARISH OF ALEXANDRIA COUNTY OF CUMBERLAND
TITLE DIAGRAM DP983678

FIRST SCHEDULE

EDGECLIFF CENTRAL PTY LTD (YA AS678363)

SECOND SCHEDULE (1 NOTIFICATION)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)

NOTATIONS

NOTE: THE LAND ABOVE DESCRIBED IS THE RESIDUE OF LAND IN VOL 2814 FOL 88 CERTIFICATE OF TITLE MAY HAVE BEEN DESTROYED

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.

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Received: 02/08/2023 08:39:32

Mills Oakley
ABN: [redacted]

Your ref:
Our ref: AJWS/CYCS/3610143

All correspondence to:
[redacted]
AUSTRALIA SQUARE NSW 1215
[redacted] **Market Street**

Contact
Clare Collett [redacted]
Email: [redacted]

Partner
Anthony Whealy [redacted]
Email [redacted]

29 September 2022

Edgecliff Central Pty Ltd
c/o Dennis Meyer
ANKA PROPERTY GROUP
[redacted] New South Head Rd
Edgecliff NSW 2027

By Email: [redacted]

Dear Dennis,

Advice on effect of road reservation on development of 136-148 New South Head Rd, Edgecliff

We refer to your request for advice in relation to your proposed development of 136-148 New South Head Rd, Edgecliff (**the Site**). You have asked us to provide legal advice relating to a road reservation which falls on part of your Site and the impact of this road reservation on your Planning Proposal and proposed development of the Site.

Summary of Advice

In our opinion it is clear that your Planning Proposal, which seeks to amend the FSR and height controls for the Site, can proceed despite the existence of a road reservation. This is primarily because the FSR and height controls apply to the entire site, including the land the subject of the road reservation so that the road reservation is not relevant for these specific controls. Furthermore, the local environmental plan specifically provides that the existence of a road reservation is to be taken into consideration at development consent stage. The Council can therefore have comfort that, regardless of the Planning Proposal, the road reservation must and will be taken into account at the development consent stage, as development consent **cannot be granted** for development within the road reserve, other than for the purpose of roads.

Although it is not strictly necessary to consider the merits of the proposed development at this stage, it is our view that the proposed development which would be facilitated by the Planning Proposal is permissible despite the road reservation. This is because the road reservation only applies to mapped land and the actual area of land mapped (within your site) as subject to the reservation is a small area that is confined to the corner of 136 New South Head Rd. If necessary, you could avoid “development” of the road reservation area through careful design.

We advise more fully as follows.

Background

- In 2020, 4 adjacent lots on New South Head Rd (136, 138-140, 142-146 and 148 New South Head Rd) which now form the Site, were purchased. The lots which make up the Site are shown below.

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Figure 1: 4 lots which make up the Site

- The Site is within the Woollahra Local Government Area and falls under the *Woollahra Local Environmental Plan* 2014 (**WLEP**). The Site is zoned B4 mixed use under the WLEP.

- The "building and interiors" of 136 New South Head Rd are listed as an item of local heritage under the WLEP. 136 New South Head Rd is also mapped on the heritage map under the WLEP, marked as item 238 below. The entire lot comprising of 136 New South Head Rd is mapped.

Figure 2: Extract from WLEP Heritage Map

- This lot (136 New South Head Rd) is also impacted by way of a road reservation. The road reservation is shown on the WLEP map below, with the 4 lots comprising the Site marked in red.

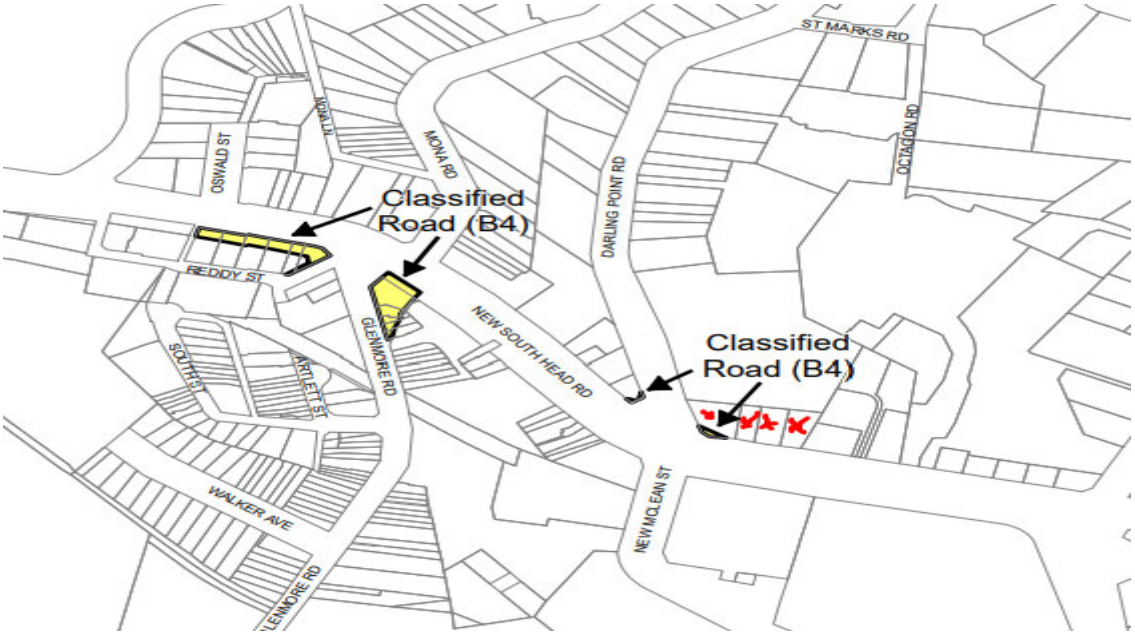


Figure 3: Extract from LEP land reservation acquisition map

- Woollahra Council (**Council**) has sought to remove the land reservation acquisition mapping, to allow the urban renewal of this part of New South Head Rd. Council has even gone so far as to submit a Planning Proposal which seeks to remove the road reservation areas along New South Head Rd, including that situated on your Site. However, Transport for NSW (**TfNSW**) has not agreed to the removal of the mapping, and this position appears to have the support of the Department of Planning and Environment It therefore seems unlikely that the mapping of the land reservation acquisition will be removed.

- There is no detailed surveying as to the exact location of the road reservation. You asked TfNSW for this information and TfNSW was not able to provide survey or similar details. However, TfNSW did provide you with the mark up of an aerial map which shows the approximate location of the road reservation (in the opinion of TfNSW). This photograph provided by TfNSW is shown below:

Figure 4: Marked up photograph from TfNSW showing road reservation

- We have been informed that you have lodged a Planning Proposal PP-2022-1646 (**the Planning Proposal**) which seeks to amend the WLEP to increase the height of buildings from 14.5m to 46m and to increase the FSR from 1.5:1 to 5:1 for the Site.

- You were aware of the road reservation prior to lodging the Planning Proposal. However, as the road reservation runs through a heritage building, you remain uncertain as to whether the land will ever be acquired and a road constructed over the road reservation area (through the heritage item).

- Notwithstanding this, you have designed the concept for your new development so that it does not encroach on the road reservation area of the lot and is structurally independent of the heritage building (even though it cantilevers over it). In addition, the heritage building (being structurally independent) could be demolished if required in the future to allow the road reservation land to be acquired.

- This design is shown in the photograph of the proposal below.

Figure 5: Proposal which shows new building cantilevering over existing heritage building but clear of road reserve

- We have been informed that:
    - Council staff are generally supportive of the proposed development and supported the Planning Proposal (recommending the LEP change in height and FSR proceed to Gateway determination);
    - Councillors were not supportive however, so the Planning Proposal was referred to the Sydney Eastern City Planning Panel (**SECPP**);
    - The SECPP recommended the Planning Proposal go forward for a Gateway Determination; and
    - One recommendation of the SECPP was resolution of the road reservation prior to the making of any LEP. The Record of Decision contains the following statement:

      The Panel notes the existence of a road reservation over the corner part of the site and this should be resolved with Transport for NSW. The effect of the current affectation for the heritage building is unknown at this time and if acquisition of, part or all, is required this will inform not only the final design but any compensation. Therefore, this needs to be resolved prior to the making of any LEP.

- We also understand that Council has submitted its own Planning Proposal, seeking to have a number of road reservations (including the one on your Site) removed from the WLEP to allow the broader area to be developed more fully. Council also noted that removing the road reservations would safeguard heritage items (such as the heritage building on your Site). However, the Department of Planning at this stage does not support Council's Planning Proposal and we have been informed by you that it seems unlikely that the land reservation will be removed from the WLEP, and you are therefore proceeding with the proposed development on this basis.

Please let us know if any of the above is not correct as it may impact on the substance of our advice.

Advice

1. Planning Controls

1.1 As you know, your Site is subject to a road reservation. This road reservation is mapped on the WLEP, as shown above and in more detail below. The actual area of the road reservation is very small (so small in fact that the yellow shading cannot be seen on the WLEP map).

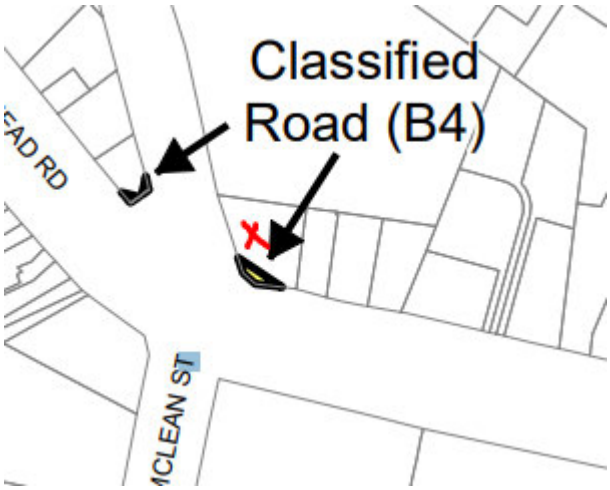


Figure 6: Extract from WLEP land acquisition map with 136 NSH Rd shown with red cross

1.2 The WLEP provides for development on land mapped for acquisition.

1.3 Clause 5.1A is titled "Development on land intended to be acquired for public purposes" and reads as follows:

(1)The objective of this clause is to limit development on certain land intended to be acquired for a public purpose.

(2) This clause applies to land shown on the Land Reservation Acquisition map and specified in Column 1 of the table to this clause and that has not been acquired by the relevant authority of the State specified for the land in clause 5.1.

(3) Development consent must not be granted to any development on land to which this clause applies other than development for a purpose specified opposite that land in Column 2 of that table.

(our emphasis)

1.4 The table in clause 5.1A shows that land zoned B4 mixed use and marked "classified road" on the land acquisition map is to be used for the purpose of "roads".

1.5 Prima facie, clause 5.1A(3) means that development consent must not be granted for land marked on the land reservation acquisition map other than development for the purpose of a road. The clause is therefore powerfully restrictive.

1.6 As an initial comment, **clause 5.1A restricts the granting of development consent for land marked on the road reservation acquisition map. It is not a clause which applies at Planning Proposal stage in relation to a request to change height and FSR controls which already apply. It applies at DA stage only.**

1.7 You have simply submitted a Planning Proposal seeking to change the FSR and height for the Site. The entire Site, including all of 136 New South Head Rd, is currently mapped under the height and FSR maps in the WLEP. For example, an extract of the WLEP FSR map confirms that all of 136 New South Head Rd is mapped with an FSR of 1.5:1. We confirm that all of 136 New South Head Rd, including the area of the road reservation, is mapped on the height of buildings and FSR maps.

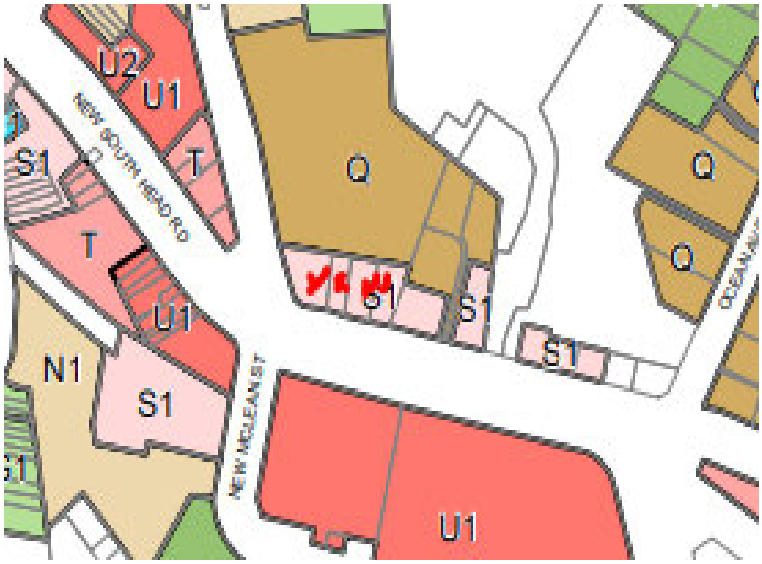


Figure 7: Extract from FSR map under WLEP

1.8 Therefore, the existence of the road reservation is not relevant to a Planning Proposal which simply seeks to amend the FSR and height controls. These controls currently apply to that part of the Site which is subject to the land reservation acquisition and any amendment to the controls would similarly apply to the entire Site. Rather, the existence of the road reservation is something which is relevant at the development consent stage.

1.9 In our opinion, the comment in the Panel report that the road reservation needs to be resolved **prior to the making of the LEP** is incorrect, both legally and practically. The Planning Proposal seeks to change the height and FSR controls which already apply to 135 New South Head Rd, including the road reservation area. The **Planning Proposal would increase the height and FSR standards and these would apply to the Site in the same way that they currently apply. It is not necessary (or appropriate) to resolve the road reservation issue at the Planning Proposal stage.**

1.10 In fact, **clause 5.1A clearly allows the Planning Proposal to proceed (despite the road reservation) as clause 5.1A (which will remain in force) ensures that development is**

limited on the road reservation area. This means that **any consent authority can take comfort that, regardless of the change sought by the Planning Proposal, clause 5.1A will continue to apply and will essentially "protect" the road reservation by preventing the granting of development consent for a purpose other than a road.**

1.11 Although it is not necessary to be covered at this stage, we note that your proposed development could proceed to development consent despite clause 5.1A in the WLEP. This is because clause 5.1A limits "development" on the road reservation area, but your proposed development could (by way of careful design) not include development on the road reservation area for the following reasons:

- Your proposed development involves the construction of a new building on part of 136 New South Head Rd. However, the new building will not be built over the road reservation area. The new building will partly cantilever over the existing heritage building, but will not cantilever over the road acquisition. The existing heritage building, which sits partly over the road reservation, will be retained;
- Your proposed development can proceed without any works taking place on the heritage building, if necessary. It is your preference for the heritage building to be sympathetically upgraded, have an internal fit-out and be incorporated into the broader development. However, this is not essential to the proposed development. Alternatively, any works could be limited to that part of the building which is not mapped as road reservation area;
- The actual part of the Site which is mapped as being a road reservation area is very small and relates to a small corner of 136 New South Heard Rd. The actual area of land impacted by the road reservation is a small area;
- There is already "development" on the heritage building at 146 New South Heard Rd and the building is being used for a commercial use so there will not be any further development on the land.

1.12 We note that your design for the proposed development retains the existing heritage building (which the road reservation runs through) and has been designed so that the heritage building is structurally independent and could be knocked down in the future, should this be required due to the compulsory acquisition of the road reservation area.

2. Road reservation

2.1 We make a number of comments in relation to road reservation generally.

2.2 The road reservation only applies to that part of 136 New South Head Rd that is mapped. This is made clear by clause 5.1A which states that the clause applies to "Land shown on the Land Reservation Acquisition Map".

2.3 The land reservation therefore only applies to mapped land. It does not apply to the entire lot or Site. That is, only the land which is mapped as "land reservation" under the WLEP is subject to clause 5.1A.

2.4 "Land" is defined in the *Environmental Planning and Assessment Act* 1979 (**EP&A Act**) to include:

(a)the sea or an arm of the sea,

(b)a bay, inlet, lagoon, lake or body of water, whether inland or not and whether tidal or non-tidal, and

(c) a river, stream or watercourse, whether tidal or non-tidal, and

(d) a building erected on the land.

2.5 Land is clearly not defined by the lot boundaries and can include part of a lot.

2.6 This has been confirmed by the Courts, where it has been held on many occasions that a reference to "land" is not constrained to lot and DP boundaries. For example, in *Steven Scully and Veronica Scully v Leichhardt Council* (1994) 85 LGERA 109 the Court held:

The word "land" is a word of general meaning. It does not of itself suggest any specific limitation of size or measurement or any specifically identifiable area, such as is suggested by the word

"allotment". It is necessary, then, to consider the context in which the word appears, and the scope and purpose of the relevant statutory provisions, in order to determine how the word "land" is to be construed.

2.7 In this case, it is clear that only land marked on the land reservation map is subject to the reservation constraints (and all of 136 New South Head Rd is not impacted). As shown by the land reservation map, this area is a very small area on the corner of the block.

2.8 We have been provided with a marked up aerial photograph which we understand has been prepared by TfNSW to show the land acquisition area. The area on the photograph marked as the land acquisition area is both different to and larger than the area marked on the WLEP land reservation map.

2.9 We confirm that it is the land mapped under the WLEP which dictates the land subject to the land reservation. The marked up aerial photograph prepared by TfNSW appears to us to be incorrect and, in any case, has no legal weight. Clause 5.1A in the WLEP refers to the land shown on the land reservation map in the WLEP. The photograph which TfNSW is not relevant and only the mapping in the WLEP defines the extent of the road reservation. The Courts have confirmed the primary of maps in local environmental plans (*Mulpha Norwest Pty Ltd v The Hills Shire Council [2020] NSWLEC 74.*

2.10 This means that only a very small portion of your Site, being a small corner of 136 New South Head Rd, is impacted by the road reservation.

2.11 If TfNSW were to compulsorily acquire the road reservation, they would only acquire that part of your Site which is mapped as road reservation. The would not acquire all of 136 New South Head Rd.

2.12 In this case, acquisition of the road reservation and the construction of a future road would require the demolition of at least some of the existing heritage building as this building sits over the road reserve. We have been informed that the heritage building can be demolished without impacting on the proposed building which will sit behind it (and in fact cantilever over it). Therefore, should the road reservation be acquired in the future, your proposed development could still proceed or continue to exist.

2.13 For completeness, we note that the mapping of the land as road reservation does not guarantee that the land will in fact be acquired by TfNSW in the future. It is possible that the land will remain mapped but that TfNSW will never acquire the land and it is possible that the mapping will be changed at some time in the future.

2.14 We also note that the *Land Acquisition (Just Terms Compensation) Act* 1991 provides an avenue for owners to request that reserved land be acquired if the owner would suffer hardship due to the delay in the acquisition of the land (clause 23). This right is referenced in clause 5.1 of the WLEP. We understand that you do not wish to have the road reservation acquired and would prefer to incorporate the heritage building into the proposed development.

3. Other options

3.1 In our view, the Planning Proposal can and should proceed, despite the existence of the road reservation. Furthermore, development consent can be obtained for your proposed development, despite the road reservation for the reasons outlined above.

Conclusion

In our view it is clear that the existence of the road reservation should not limit the progression of your planning proposal in any way. The road reservation currently exists and does not impact on FSR or height control maps and so a Planning Proposal which seeks to amend these controls should not be limited by the road reservation. The road reservation will be relevant at the development consent stage but, for the reasons outlined above, will not unduly constrain your proposed development. The road reservation therefore does not provide any reason to frustrate your Planning Proposal. Furthermore, the road reservation does not need to be dealt with prior to the WLEP amendment. This is because the WLEP already contains clause 5.1A, which provides for the road reservation to be considered despite any change to the height and FSR controls which may be achieved by way of the Planning Proposal.

If you have any questions or require further information, please do not hesitate to contact Anthony Whealy on +61 [redacted] or [redacted] or Clare Collett at [redacted]

Yours sincerely

[redacted]

Anthony Whealy
Partner
Accredited Specialist Local Government & Planning

Milton Webster Structural Consulting Pty Ltd

Consulting Structural Engineers ABN [redacted]

Phone: [redacted] **Email:** [redacted] **Website:** www.miltonwebster.com.au

Date: 27 January 2023

Job No. 23-03

EDGECLIFF CENTRAL PTY LTD
[redacted] New South Head Road
EDGECLIFF NSW 2027

Attention: Dennis Meyer

Dear Dennis,

RE: 138 – 140 NEW SOUTH HEAD ROAD EDGECLIFF
STRUCTURAL CONDITION REPORT

As requested, I inspected the building on 18 January 2023 with yourself and other members of Edgecliff Central Pty Ltd. I understand the inspection was to provide a general overview of the structural condition of the building.

BUILDING DESCRIPTION

The building is a three-storey residential structure understood to be Inter-War in age. **Photograph 1 to 5.** It comprises a residential apartment on the South side at street level and residential apartments set back behind with two residential apartments on each of levels Ground , First and Second floors. A single Roof top apartment is also provided with an exterior terrace on the South side.

The construction is load bearing cavity masonry exterior walls and load bearing masonry interior walls. The internal floors including the Ground Floor are timber framed. The roof is metal deck and or membrane covered roof top terrace. Setbacks of the building facade on the South side has membraned roof areas over timber framed and or reinforced concrete slabs.

The access to the residences on the Ground, First and Second floors is via a reinforced concrete stair on the eastern side and the landing entrance areas at each floor is also reinforced concrete supported on load bearing masonry.

At street level on the Southern side the separate residence area is accessible, that area proud of the main three-storey block which is set back from the street. Immediately adjacent and on the eastern side is an electrical meter room accessible from street level. These areas of the building have reinforced concrete roof supported on load bearing masonry. The floor in this area is concrete on grade.

INSPECTION

The inspection was limited to a walk around gaining access to all the residential flats and viewing the interior without removing floor coverings, ceiling, wall coverings or residual furniture.

The inspection did not access the sub floor area under the Ground Floor which is timber framed or under the concrete floor of the entrance lobby on the Eastern side.

The exterior of the building was viewed from ground level on all sides by the naked eye.

No inspection relating to potential termite activity was made.

OBSERVATIONS

The exterior walls being cavity load bearing double skin masonry in many areas exhibit moisture damage on the interior of the walls. In numerous areas attempts to address the matter is evident by the covering with flat sheet wall panels. Refer **Photographs 8,9,12,15,18, & 19.**

Failed internal wall water proofing between wet area bathrooms and bed rooms is also evident in some residences with attempts to address the matter with recladding with flat sheet wall panels.

On the Second Floor southern flat, the ceiling in the southern room (being the exposed roof due to building profile set back) is reinforced concrete and exhibits sever spalling and reinforcement corrosion. Refer **Photograph 14 & 16.**

The reinforced concrete stair flight between the First and Second exhibits a longitudinal crack against the exterior eastern wall likely to be corroded reinforcement. Refer **Photograph 10**.

The street level residence on the South side with its concrete ceiling to an exterior area above exhibits spalling and cracking indicative of corroded reinforcement, concrete cancer. Refer **Photograph 6**. Supporting masonry walls exhibit vertical and inclined cracking Refer **Photograph 7**.

STRUCTURAL CONDITION.

1. **Exterior masonry walls**

The walls in numerous locations exhibit extensive moisture on the interior side of the walls is indicative of compromised cavity isolation. There can be numerous causes which may be from the quality of the original construction due to corruption of the cavity with mortar and or window flashing failing due to corrosion.

Given the number of areas where the interior walls have been reclad and the extent of the moisture affected it is apparent that that this situation has been affecting the building for a considerable period of time.

A typical aspect affecting buildings of this age and proximity to the coastal is the potential deterioration (corrosion) of brick ties. Determination of this effect is not practical as the degree of deterioration will vary given the extent of the walls. A refurbishment would be to retrofit wall ties with stainless steel Helifix throughout at appropriate centres as defined in AS 3700 Masonry Structures.

A number of window lintels exhibit rupturing due to corrosion these needing to be replaced. **Photograph 5 and 17**.

Where hair line cracking occurs in the exterior masonry walls repair will be required suggested using the Helifix method involving crossing the rupture with stainless steel Helibar embedded and grouted into bed joints and or the masonry units.

2. **Timber floors**

With the interior skin of the exterior masonry walls known to be affected by moisture, the timber floor construction has the floor joists founding on the interior skin of the walls which leads to the potential for dry rot. **Photograph 12**. Investigation for this would involve locally removing floor coverings and floor boards adjacent to the exterior walls in know affected areas to inspect the floor joists.

The timber floors however feel sound under foot i.e., there is no apparent “bounce effect” under foot traffic. If timber dry rot is present at the support points of the joists this would not be noticeable under a “bounce effect”.

Water affected ceilings is also noticeable under some bathrooms due to failure of the water proofing membrane. **Photograph 13**. This also creates the consequence of dry rot in the floor joists.

The ceiling and roof framing under the membraned roof at the southern side of the building is subjected to moisture then with the potential for dry rot. **Photograph 12 and 21**.

3. **Concrete stair First Floor to Second Floor**

A longitudinal crack observed on the soffit of the stair is indicative of reinforcement corrosion and likely to be associated with moisture affecting the near internal skin of the exterior masonry wall. **Photograph 10**.

Whilst not posing an immediate safety issue remediation will require exposing and removing or treating the affected reinforcement and replacing if applicable with an embedded equivalent reinforcement bar.

4. **Window Head Awning**

The window head awning on the Eastern side being reinforced concrete exhibits spalling and corroded reinforcement on the soffit. **Photograph 4**.

Remedial works will involve exposing and removing or treating all affected reinforcement and re-embedding in replacement protective concrete. Patch repair using the stainless steel Helifix Patch Pins system with appropriate concrete mix.

Whilst this is evident at the southern end, the full length of the soffit of the awning feature will need to be inspected.

5. **Internal cracked masonry walls**

Cracked interior masonry walls whilst not of a significant safety concern would require remediation in the form of stitched reinforcement embedded across the affected faces. **Photograph 11**.

6. **Masonry Parapets.**

The building along its East, North and Western sides have free standing masonry parapets **Photographs 22**, and a feature a free-standing parapet on the street frontage Southern Side **Photograph 20**. Parapet construction above roof level usually would have or should have a damp proof barrier across its bed joint on the interior skin to isolate moisture progression to the internal wall below. Such membranes reduce any mortar bond tension capacity to near zero leaving the masonry completely free standing, That issue alone even if mortar bond was present does not render the parapets safe.

Under the current earthquake code of practice AS 1170.4 Structural design actions Part 4. Earthquake actions in Australia, but noting that the original building construction was not required to be built to a similar standard, the parapets pose a potential safety issue. If this building was to be refurbished it would be recommended to have all the parapets laterally restrained with supplementary bracing to prevent sliding, overturning displacement and fall.

The exterior skin of masonry is also susceptible to dislodgement with deficient brick ties between the two skins hence a further reason for brick ties as reference above under “1. Exterior masonry walls”

SUMMARY AND RECOMMENDATIONS

The building due to minimal or no maintenance over a long period of time has experienced failure of water proofing membranes to exterior roof leading to ingress of water causing concrete cancer to concrete ceilings in several residences and deterioration of finishes.

The exterior double skin masonry walls are significantly affected by compromised wall cavities or window lintels and flashings causing deterioration to the interior wall finishes and the potential to affect the timber floors due to dry rot (Prolonged exposure to moisture).

The brick ties in the exterior walls would in some areas likely to have deteriorated and as such replacement with Helfix hardware is required throughout.

Interior walls between wet areas such as bathrooms and bedrooms in some areas exhibit wet wall affects which structurally can have caused dry rot of the timber floors supported by the walls.

Several window lintels exhibit corrosion with spalling and expansion which require replacement. All other window lintels should be checked for corrosion and potential corrosion and replaced if the building was to be refurbished.

Parapets to all faces of the building require lateral restraint to prevent falling in the event of an earthquake event although

Should you require further inspections for the under-floor area of the Ground Floor please advise.

A termite inspection is recommended due to the timber floor construction of the Ground Floor and all upper suspended floors. A specialist should be engaged for this assessment.

Due to the superficial nature of this inspection, other unidentified structural deficiencies may exist.

The building has significant structural issues which would all need to be remediated as it is currently in a compromised condition.

LIMITATION ON REPORT USAGE

This report is prepared for the addressee only and is not to be used by a third party in the event of a transfer of ownership.

To meet Professional Indemnity limitations, the report is not to be relied upon as a complete statement of defects.

The report is superficial with respect to its depth of assessment and as such additional structural deficiencies may exist.

Yours faithfully,

Milton Webster Structural Consulting Pty Ltd

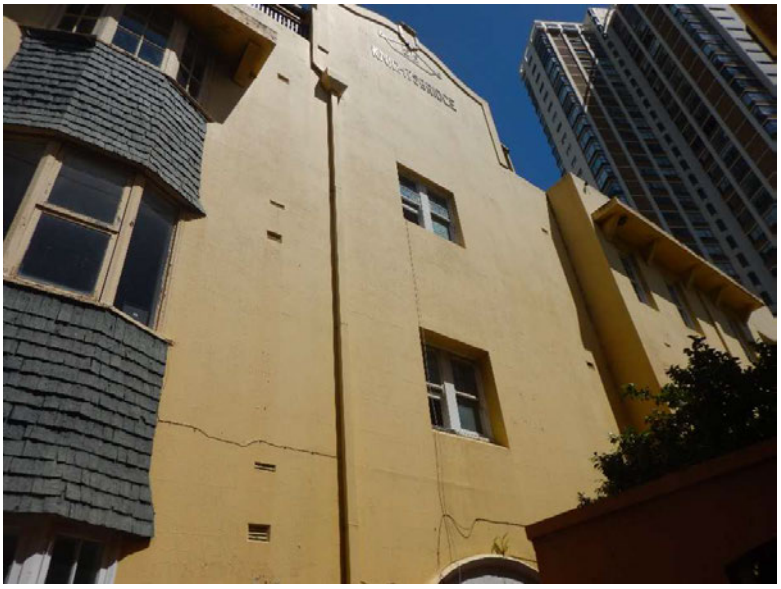
[redacted]

Milton Webster

BE MEng Sc. MIEAust. CPEng. NER MCIRCEA

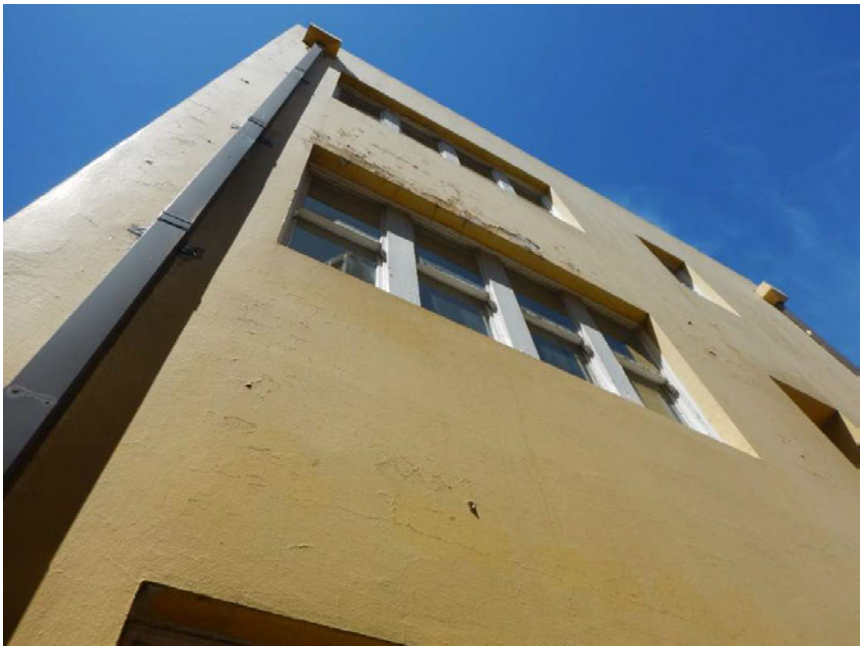
Photograph 1. Southern or Street Elevation

Photograph 2. Eastern facade at Southern end.



Photograph 3. Eastern Facade Central Area.

Photograph 4. Eastern facade Northern End. Note the spalling to the soffit of the concrete window awning at the southern end.



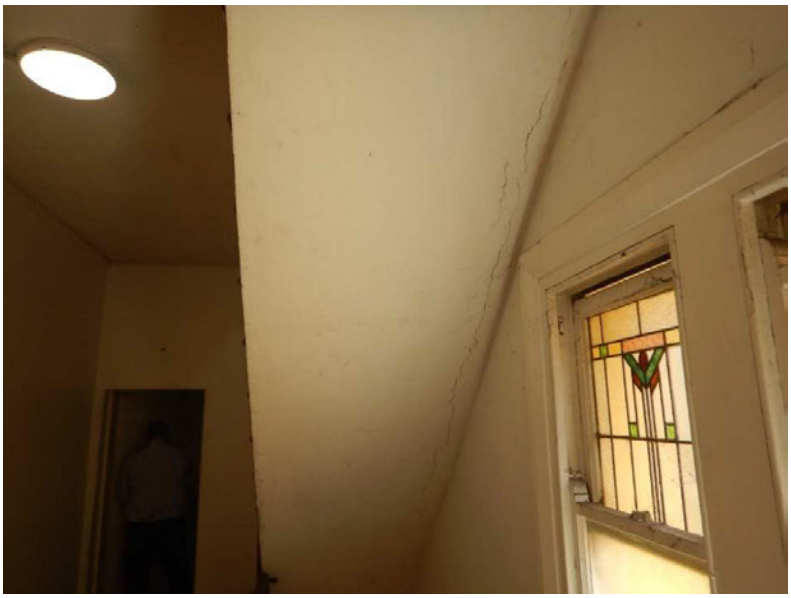
Photograph 5. Northern Facade. Note the spalling of the window head lintel.

Photograph 6. Concrete ceiling and roof slab to the street level Flat. Note the spalling and deterioration of the slab due to moisture ingress from above.

Photograph 7. Electrical meter room at Ground Level Street side. Note the cracked masonry walls and water-stained ceiling / roof slab.

Photograph 8. Ground floor Flat. North side. Note the water damage to the interior masonry wall and potential effect on timber floor framing in contact with the wall. Also note the application of a cover applied to the inside face of the wall.

Photograph 9. Ground floor unit at the Norther Eastern corner. Note the moisture ingress to the inside face of the wall. Structurally relates to the potential effect on timber floor joists supported by the wall.



Photograph 10. Soffit of reinforced concrete stair flight with hair line longitudinally parallel to exterior wall indicative of reinforcement corrosion.

Photograph 11. Cracked internal masonry load bearing wall.

Photograph 12. Internal masonry wall showing moisture effects and potential effect on the timber floor.

Photograph 12. Ceiling showing timber floor construction. Note the timber wall plate founding on the inner skin of masonry. The masonry exhibits signs of moisture ingress with blistering paint. Isolation between the timber wall plate and the masonry is not known.

Photograph 13. Ceiling located below a bathroom showing water damage and potential effect on timber floor framing due to dry rot.

Photograph 14. Concrete ceiling/ exterior roof slab showing sever reinforcement corrosion, concrete cancer.

Photograph 15. Ceiling access covers against the East Exterior Wall due to water ingress. Effect on the timber floor joists which would span between the perpendicular main beams is unknown.

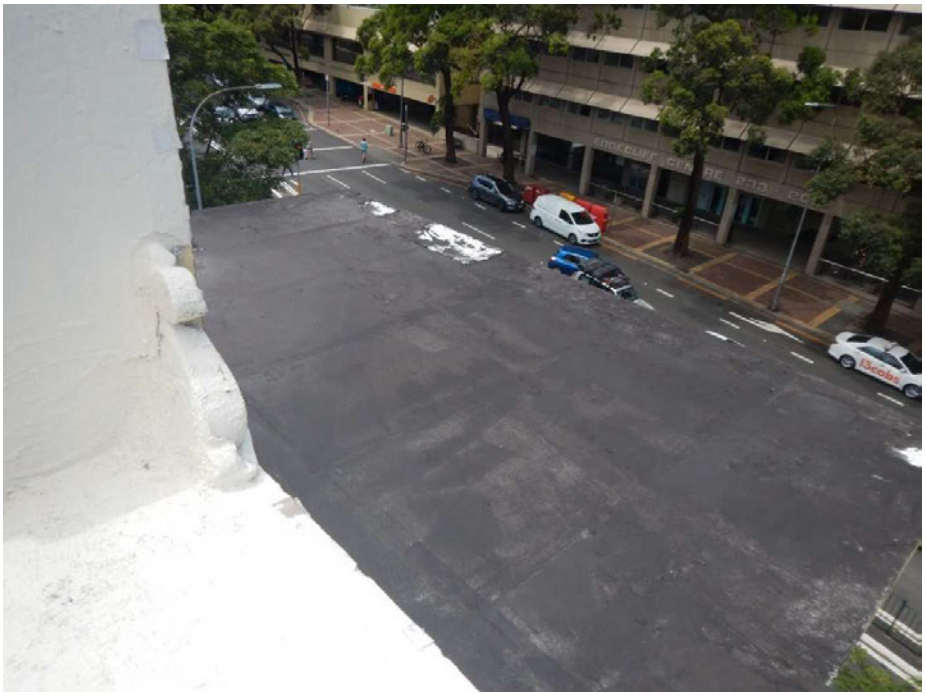
Photograph 16. Ceiling/ roof slab corroded reinforcement where building line steps back.

Photograph 17. Cracked interior skin of exterior masonry wall. Potentially due to lintel corrosion.

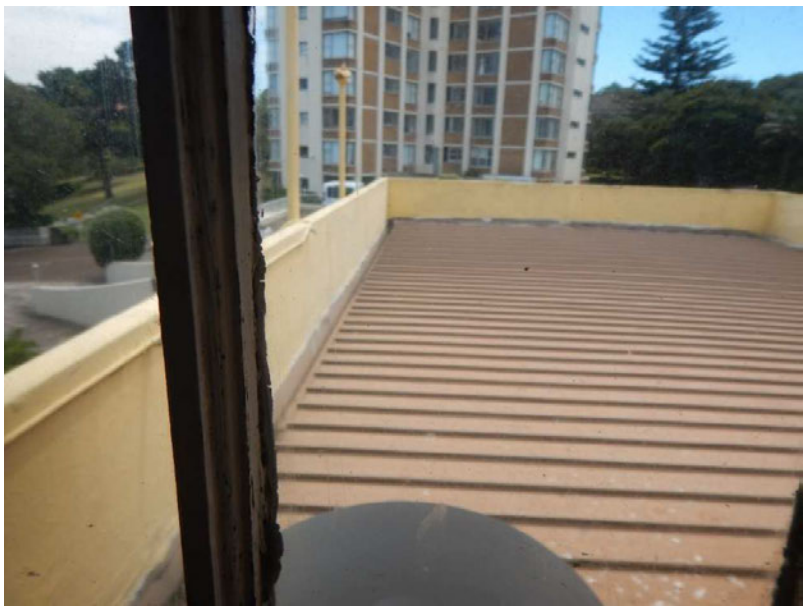
Photograph 18. Water damage to ceiling with potential for timber floor dry rot.

Photograph 19. Extensive addition of cover boarding to the interior face of the exterior wall due to water ingress through the wall.

Photograph 20. Roof top deck area showing masonry parapet walls to the Southern and Western facades.



Photograph 21. Southern side view on membrane roof covering over habitable area under with building stepped set back. Viewed over parapet wall.



Photograph 22. Roof over the Northern area of the building, metal deck with shallow side falls to the East and West. Note the laterally unrestrained parapet walls. Note the shallow and narrow gutters.

27th March 2023 J6233 01

Attention: **Edgecliff Central Pty Ltd**
Per email: [redacted]

Re: **Heritage Peer Review**
Nos. 136-148 New South Head Road, Edgecliff

1 Background to report preparation

I have been engaged by Edgecliff Central Pty Ltd to provide a peer review the Heritage Assessment prepared by Urbis Pty. Ltd prepared for the site Nos. 136-148 New South Head Road, Edgecliff (the site).

The site is located within Woollahra Municipal Council Local Government Area. The principal planning control for the site is the *Woollahra Local Environmental Plan 2014* (LEP 2014). The site includes an item, No.136, which is a heritage item, 'Building and interiors', listed by Schedule 5 Part 1 of the *LEP 2014*. The site is also in the vicinity of heritage items listed by this Plan.

Figure 1 below indicates the allotments comprising the subject site at Nos 136-148 New South Head Road, Edgecliff. The real property descriptions are as follow: No.136 – Lot 1 DP 663495, No.138-140 Lot 1 DP.1092694, Nos142-148 Lot A DP 443992 and No. 148 – Lot B DP.443992.

Figure 1: The subject site and allotments.
SIX Maps 2023

2 Peer Review Responsibilities

I have inspected the site externally and internally and have reviewed the Heritage Assessment by Urbis (Issue 9th March 2023).

I have over twenty-five years of experience as a highly qualified and respected heritage consultant. As a skilled negotiator, I am known for balancing the realities of modern-day development with the sensitivities of heritage sites. My practical solutions to often complex heritage matters deliver successful yet sensitive development outcomes.

As the principal of Weir Phillips Heritage and Planning, my skillset covers numerous associated disciplines. This experience can be extremely helpful when dealing with complex heritage issues and their related impacts on project delivery. These include issues to do with town planning, code compliance (BCA, Fire safety, AS 1428 etc.), Land and Environment Court, building remediation, architectural design, and construction.

I am the preferred heritage consultant to a wide variety of clients, including Commonwealth, Local and State Governments, large multi-national consortiums, local architects and developers, as well as residential owner/occupier renovators. A large part of my work involves acting as an Expert Witness on heritage matters, in both the NSW Land and Environment Court and NSW Supreme Court. I am particularly skilled at negotiating outcomes at s.34 stage of the appeals process, prior to matters reaching a full hearing.

The following peer review has been prepared in accordance with the NSW Department of Planning and Environment *Peer Review Policy* (July 2022), and includes review of the Urbis Pty report:

- Structure
- Content
- Use of documentary evidence
- Use of physical evidence
- Assessment of significance

3 Statutory Listings

The subject site comprises a heritage item of local significance identified in the *Woollahra Local Environmental Plan 2014* (Woollahra LEP), Schedule 5 Environmental heritage as follows:

- 136 New South Head Road, Edgecliff - Building and interiors (Item No: 238).

There is no statement of significance available for this site on the NSW State Heritage Inventory for this item.

The subject site is not located within a conservation area. A heritage item of local significance in the road reserve to the west of the subject site:

- Concrete balustrade, Darling Point Road, near intersection with New South Head Road, Darling Point (Item No: 114).

There is no statement of significance available for this site on the NSW State Heritage Inventory for this item.

In addition, some distance east of the subject site is a heritage item of local significance: Ascham school precinct, 188 New South Head Road Edgecliff (Item No: 239).

4 Peer Review of the Heritage Assessment

The comments below will follow the order of the *Peer Review Policy* (July 2022) Checklist and respond to the findings and recommendations in relation to the heritage significance and proposed development assessment. The column titled as 'Comments' provides both explanation on the respective checklist consideration and component and my views.

Checklist	*Component*	Comments	Status
Structure	*Has the document under review been structured in accordance with the foundational documents to which it refers?*	The structure of the Urbis report follows the methodology for a Heritage Assessment in reference to the NSW Heritage Manual.	Sufficient
	Have the report authors been clearly identified, along with their qualifications and expertise to provide the advice contained within the document (including a short CV)?	The authors of the report are identified on Page 4 of the report.	Sufficient
	Has the location of the item been clearly identified (on plan as well as its real property description), together with any pertinent curtilage?	Location of the site has been clearly identified and supported by cadastral mapping and real property description of the site based on the NSW Land Registry Services in the form of Lot and DP numbers.	Sufficient
	Has the surrounding context been illustrated with plans/maps and photographs?	The HA provides assessment of the site in the form of site description externally as well as its context supported with relevant photographs and aerial maps showing the areas critical in understanding the existing conditions and fabric of buildings and its relationship with the surrounding buildings, heritage items and contributory buildings.	Sufficient
Content	*Has the research of the documentary and physical evidence been undertaken by the appropriately qualified experts?*	The research of the documentary and physical evidence has been undertaken by the Urbis who are qualified experts in both architectural field and heritage conservation.	Sufficient

Checklist	*Component*	Comments	Status
	Is the authorship limited? If so, those limitations must be identified.	The authorship is not limited.	Sufficient
Documentary Evidence	*Are all sources of information used cited? If not, the material in the report cannot be verified and therefore does not pass. Material used in the investigation of documentary evidence must be able to be scrutinized by a peer review process to ascertain that the information quoted has not been misconstrued or taken out of context.*	The report is thorough and comprehensive in terms of documentary evidence providing adequate citing for all primary and secondary resources. Most of the documentary evidence is based on primary sources including certificates of land title, subdivision plans, rate and assessment books, aerial maps, original drawings and newspaper articles.	Sufficient
	Have all the appropriate sources been used?	The ownership history and construction dates of the dwellings are dwellings are well documented. The report takes a general overview of the analysis of alterations and additions to each dwelling in terms of integrity. Photographs of the interior and exterior of the dwelling have been included in the report.	Sufficient
	Are all the sources secondary sources?	Some secondary sources such as biographies have been used to illustrate the lives of various early owners. It is acknowledged that there are likely limited secondary sources relating to the history or additional commentary of these buildings owning their historical use as apartments and treatment rooms.	Sufficient
	Have primary sources been used (e.g., land title records)? Primary sources should take precedence over secondary sources as the basis for factual information.	Land title records, other government documents, maps etc have been consulted in the preparation in this report. Additional primary sources are outlined above.	Sufficient

Checklist	*Component*	Comments	Status
	Have relevant aerial and contemporary photographs been sourced, examined and their evidence explained in the report?	As outlined above, the history of the site provides a general overview of historical photographs.	Sufficient.
	Have the current statutory planning controls (LEP) and non-statutory controls (DCPs, Area Character Statements, etc.) been examined and their constraints/opportunities been cited and assessed?	The report examines all statutory and non-statutory instruments applicable to the site and its wider context then establishes the heritage listings and planning areas applicable to the surrounding area.	Sufficient.
	Have all statutory and non-statutory Registers and lists been consulted and the results of that consultation stated (i.e. is the place on the list or not on the list)? If these elements are missing, the peer review would note such omissions, misinterpretations or misconstructions.	There is no summary of existing statutory and non-statutory heritage listings for the sites. A summary of the statutory and non-statutory listings would be beneficial to understand if any other Governments or other organisations have recognised the heritage significance of the buildings. In summary the sites are **not** listed by the following: Statutory: • World Heritage List • Commonwealth Heritage list • National Heritage List • State Heritage Register Non-Statutory: • National Trust Heritage Register • Register of the National Estate • Australian Institute of Architects	Sufficient but could be improved. .
Physical Evidence	*Does the document include an analysis of important views to, from and within the site or landscape?*	Figures 3-6 provide views of the site from the opposite side of New South Head Road and from Darling Point Road. There is no additional analysis of view corridors. It is recommended a separate subsection under Section 4 Heritage Significance to analysis the significance of views to and from the site, particularly as the sites are located in a prominent location on a busy road.	Partially sufficient

Checklist	*Component*	Comments	Status
	Have accurate documents been prepared to inform the inspection and recording of the physical evidence? • *Such documents may include measured drawings for built structures or sketches of the site showing significant vegetation, site hard works, and other site features.* • *Are all rooms shown accurately in terms of size and placement?* • *Are there elevations of the exterior of the building and relevant cross-sections through the building?* • *Are all building elements shown accurately (e.g. window and door openings, wall thicknesses, roof and floor construction and sizes, joinery details such as architraves, skirtings and cornices, materials of construction – where visible)?*	There are interior plans for No. 136 and Nos 142-154 New South Head Road. The report makes note that that interior plan of No. 140 was not available. There are no complete set of elevations available for any of the buildings.	Sufficient
	Is there a site plan that shows the buildings in relation to the boundaries of the site, the main trees and shrubs as well as any garden beds, paths, retaining walls, etc?	There is no site survey contained within the report, however, the cartographic map and extensive site photographs provide for an understanding of the site conditions	Sufficient
	• *Are there current, comprehensive photographs of the*	The report contains a comprehensive set of photographs of both the interior and exterior. Photographs are appropriately cited. The photographs are not indexed on floor plans but the caption	Sufficient

Checklist	*Component*	Comments	Status
	site and its important elements? • *Have these photographs been appropriately cited with regard to photographer and date as well as being indexed to the site and floor plans in terms of their location?*	descriptions give an indication of their location within the building.	
	Is there an analysis of critical relationships within the broader setting, particularly in a conservation area?	See above. The site is not located within a heritage conservation area.	Sufficient.
	If these elements are missing, the peer review would note such omissions, misinterpretations, or misconstructions.	See above.	See above.
Assessment of significance	*Have the recommended processes and procedures to assess significance been followed? These are:* • *based on an impartial assessment of the documentary and physical evidence of a place or item, the synthesis of that evidence; and* • *the production of a succinct statement of significance from which policies for the management of the place flow.* • *If the assessment has not demonstrated use of NSW criteria or has not demonstrated them in the Statement of*	The report provides a thorough analysis of the buildings within the study area, and comparative analysis of those building in the surrounding area. The report is based on an impartial assessment of the documentary evidence of the item and forms a succinct statement of significance for the study area. The HA demonstrates the use of the NSW Heritage Assessment Criteria throughout the report. .	Sufficient.

Checklist	*Component*	Comments	Status
	Significance, the peer review would note this.		
	Is the assessment of significance a dispassionate assessment of significance having been undertaken without being prejudiced by supporting a particular development?	The HA is a dispassionate assessment of the site significance.	Sufficient
	Has the document thoroughly synthesized the documentary and physical evidence into an understanding of the significance and functioning of the place?	The document has thoroughly synthetised the available documentary evidence to understand the significance of the site.	Sufficient.
	Has the evidence enabled an understanding of the growth and development of the place?	The evidence presented provides an understanding of the site and its development from a dwelling to a dentistry office and the reduced integrity of the site as a result.	Sufficient.
	Does the analysis follow the method in the NSW Heritage Manual with respect to assessment against the standard NSW assessment criteria?	The report provides a detailed analysis of the sites to the NSW Heritage Manual with respect to assessment against the standard NSW assessment criteria.	Sufficient.
	Have the assessment criteria been aggregated to form a succinct Statement of Significance?	Yes. The report concludes with a succinct statement of significance concluding the site does not meet the threshold for listing under any of the criteria.	Sufficient
	Has the physical fabric of the place been examined in order to assess its level of significance and to determine its condition?	The information presented provides a reasonable level of analysis to determine its condition from the information available.	Sufficient

Checklist	*Component*	Comments	Status
Curtilage	*Has a curtilage review been undertaken, which considers the existing curtilage and determines whether it is appropriate and includes all of the significant elements?*	The curtilage of the site has been identified and noted as being of the allotment boundaries.	Sufficient

5 Summary

In summary, the report by Urbis is a thorough Heritage Assessment of the site at Nos 136, 138-140, 142-146 and 148 New South Head Road, Edgecliff. The report follows the *NSW Heritage Manual with respect to assessment against the standard NSW assessment criteria* and provides for succinct summary statement of significance for the site.

The report concludes the following with the regard to the significance of the sites under Schedule 5 Part 1 of the *Woollahra LEP 2014*. These reasons include:

- The existing heritage item at No. 136 New South Head Road, the former Inter-war era Functionalist style bank continues to meet the threshold for listing as a heritage item by Schedule 5 Part 1 of the *Woollahra LEP 2014*. The building contains some areas internally of low integrity with opportunity for sympathetic development. As part of any future works the is an opportunity to undertake restoration works to the exterior with a more appropriate colour scheme to highlight the Inter-war era architectural features.

- The Inter-war era flat building at Nos 138-140 New South Head Road is of low integrity and in a deteriorated condition both externally and internally. The building is an unremarkable example of its type compared to the many heritage listed Inter-war area flat buildings in the locality. The building does not meet the threshold for listing under any NSW Heritage Office listing criteria.

- The site at Nos 142-148 New South Head Road is a relatively intact Semi-detached Federation era Queen Anne style mixed use building. The building externally displays some characteristics of the style, such as faceted bays, timber framed Diocletian windows, a slate roof and face brick frontage (now painted). Internally Nos 142-146 does not contain any fabric of significance. No. 148 is utilised as a dental surgery. Internally there is some extant features including joinery, stained glass windows, ceiling timbers, timber panel doors and hardware and marble fireplaces. While they are reasonable condition, but not notable for having any creative or technical merit. The building does not meet the threshold for listing under any NSW Heritage Office listing criteria.

Weir Phillips Heritage and Planning agrees with these conclusions and supports the recommendation for:

- Retaining the heritage listed status of the former bank at No. 136 New South Head Road. We recommend restoration works are completed as part of any future works.

- Supports the recommendation for retaining the non-heritage listed status of the Inter-war era Flat building at Nos 138-140 New South Head Road owing to its low degree of integrity and poor condition.

- Supports the recommendation for retaining the non-heritage listed status of the Federation Queen Anne style commercial building at Nos 142-148 New South Head Road owing to its limited aesthetic significance and low historical significance.

- We also support the recommendation to salvage site materials include sandstone blockwork, and sandstone entry pillars along New South Head Road and incorporated into any future streetscape development. Other internal fabric at Nos 142-148 New South Head Road joinery, stained glass windows, ceiling timbers, timber panel doors and hardware and marble fireplaces could be salvaged for use in other projects.

We consider that the Heritage Assessment by Urbis follows the required methodology and undertakes the assessment of the existing site conditions are in line with the considerations outlined in the NSW Peer Review Policy, and provides reasonable conclusions, which are supported for the reasons explained above.

Please do not hesitate to contact me on 02 8076 5317 if you have any questions.

Yours faithfully,

[redacted]

James Phillips | Principal

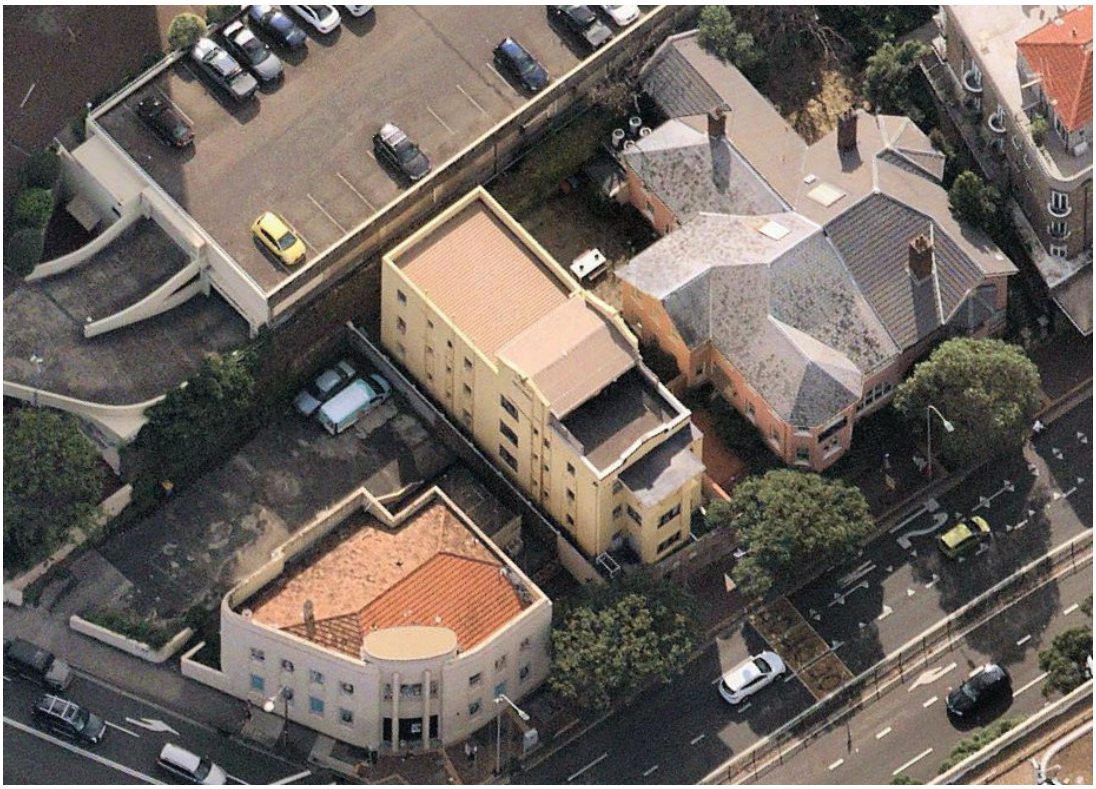
GBA Heritage

PEER REVIEW

136-148 New South Head Road, Edgecliff

May 2023

Edgecliff Central Pty Ltd



136-148 NEW SOUTH HEAD ROAD, EDGECLIFF

ISSUE	DESCRIPTION	DATE	ISSUED BY
A	Final	22/05/23	CH

GBA Heritage Pty Ltd
[redacted] York Street
Sydney NSW 2000, Australia
T: (61) 2 [redacted]
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1.0

INTRODUCTION

1.1 REPORT OVERVIEW

This report has been commissioned by Edgecliff Central Pty Ltd. to undertake an independent peer review of a Heritage Assessment of 136-148 New South Head Road, prepared by Urbis on 16 July 2021.

This report notes a peer review report of Urbis' 2021 report, prepared by Weir Phillips Heritage and Planning in 2023, which supported the findings of the Urbis report.

1.2 SITE IDENTIFICATION

The subject sites at 136-148 New South Head Road are located on the north side of New South Head Road, at the corner of Darling Point Road. The four subject Lots are described by NSW Land Registry Services (LRS) as:

- 136 New South Head Rd - Lot 1, DP 663495.
- 138-140 New South Head Rd - Lot 1, DP 1092694.
- 142-146 New South Head Rd - Lot A, DP 443992.
- 148 New South Head Rd - Lot B, DP 443992.

1.3 REPORT LIMITATIONS

While this report is limited to the investigation of European cultural heritage values, GBA Heritage recognises that for over forty thousand years or more Aboriginal people occupied the land that was later to be claimed as a European settlement.

No GIPA application was submitted to Woollahra Municipal Council. Instead, this report relied on the information and plans provided on previous building and development applications provided in the Urbis 2021 Heritage Assessment.

Some parts of 148 New South Head Road were tenanted at the time of our site visit and were not inspected in the preparation of this report.

Figure 1.1
Location map showing the subject site outlined in red
Source: NSW LRS SIX Maps website

Figure 1.2
Aerial photograph showing the subject site outlined in red
Source: NSW LRS SIX Maps website

1.4 AUTHORSHIP

This report has been prepared by Graham Brooks, Director, and Dr Cameron Hartnell, Senior Heritage Consultant, of GBA Heritage and has been reviewed Graham Brooks. Unless otherwise noted, all of the photographs and drawings in this report are by GBA Heritage.

1.5 HERITAGE MANAGEMENT FRAMEWORK

136 New South Head Road is listed as a heritage item in Schedule 5 of the *Woollahra LEP 2014* as item number 238, *Building and Interiors*.

1.6 ACKNOWLEDGEMENT OF COUNTRY

GBA Heritage acknowledges the Gadigal people as the Traditional Custodians of the land on which this report was written, and on which the subject site is located. We recognise their connection to Country, and pay our respects to Elders, past, present and emerging.

1.7 COPYRIGHT

Copyright of this report remains with GBA Heritage.

Figure 1.3
Woollahra LEP 2014 Heritage Map 3A
Source: www.legislation.nsw.gov.au

2.0

HISTORICAL SUMMARY

The following historical summary draws and expands on the histories provided in the following reports:

- Urbis, *Heritage Assessment 136-148 New South Head Road*, 16 July 2021.
- GBA Heritage, *Statement of Heritage Impact 136 New South Head Road, Edgecliff*, February 2020.

2.1 SUBDIVISION HISTORY

The subject four properties originally formed part of 14 acres granted to Thomas Smith in 1835.

James Ewan became the proprietor of a triangle shaped property consisting of 1 rood, 10 perches and fronting New South Head Road in 1880.[1] The same year, he also purchased 1 acre, 2 roods and 9 1/2 perches, adjacent the aforementioned property, which he converted to Torrens Title in 1888.[2] These properties combined included the area of the subject four properties.

In 1890, James Ewan transferred 34 1/4 perches of land to the Australian Joint Stock Bank, located at the corner of New South Head Road and Darling Point Road.[3] In 1913, the bank sold the property to Calveley McEwen. McEwen subdivided the property in 1917, and sold the western Lot, 136 New South Head Road, to the Commissioners of the Government Savings Bank of NSW, and the eastern Lot, 138-140 New South Head Road, to Edgar Louis Jacobs.[4]

James Ewan sold the remainder of his aforementioned property to George Wadell in 1890. Mr Wadell subdivided the property, creating a Lot of 35 perches fronting New South Head Road in 1892.[5] This property was again subdivided in 1956, creating 142-146 New South Head Road and 148 New South Head Road.[6]

1 HLRV, Volume 508 Folio 114.
2 HLRV, Volume 901 Folio 215.
3 HLRV, Volume 972 Folio 3.
4 HLRV, Volume 966 Folio 177.
5 HLRV, Volume 1052 Folio 32.
6 HLRV, Volume 7196 Folio 64 and Volume 7196 Folio 65.

2.2 136 NEW SOUTH HEAD ROAD

The 1896 Sands Directory is the first to list a building, 'Redbank', on this site, indicating it was built in c.1895. The directory lists two barristers as inhabitants, indicating the structure was probably used as professional offices. It may be that the high brick retaining wall at the north end of the property was constructed at this time across today's 136 & 138-140 New South Head Road, which was then the extent of the property. The sandstone base to the brick wall along the eastern property line may have been part of the original fence to Redbank.

The last listing for 'Redbank' is in 1916. In 1917, the property was transferred to the Commissioners of the Government Savings Bank of New South Wales. A Tender is listed in the *Sydney Morning Herald* on 25 July 1917 for the "Renovations to branch premises of State Savings Bank at Woollahra". The 1918 Sands Directory lists the Government Savings Bank of NSW as the inhabitant, suggesting the building was altered for use as a bank branch.

The Commonwealth Savings Bank of Australia became the registered proprietor of the property in 1932.[7] In 1938, the building was demolished to allow for the widening of Darling Point Road by the Department of Main Roads. The Commonwealth Department of the Interior designed the existing Inter-War Functionalist style building for the Commonwealth Bank in 1940. The ground floor served as the banking chamber while the first floor was likely the bank manager's residence, as was typical of the time.

The bank operated in the building until 1991, after which various tenants have inhabited it.

The interior appears generally intact except the removal of one internal staircase for a ground floor kitchen, the removal of bank fittings, and the addition of some partitions.

7 HLRV, Volume 2782 Folio 68.

2.3 138-140 NEW SOUTH HEAD ROAD - KNIGHTSBRIDGE

Frederick John Woodland purchased this property in 1919 and appears to have built “Knightsbridge” the same year. The flats included at least five individual residences with garage spaces at ground level. The provision of garage spaces was unusual at the time, given the low levels of car ownership.

In 1934, Architect E. Lindsay Paul drafted plans for the conversion of the garages at the front of Knightsbridge into shop premises. The plans, if realised, required major alterations to the makeup of the ground floor.

In the 1940s, the building operated as a depot for Red Cross workers of the Darling Point-Woollahra branch members. The building provided accommodation for members and allowed them to produce pyjamas, dressing gowns, socks and the like for distribution to British seamen and their families.

In 1971, Woollahra Municipal Council approved plans by Newton & Associates for modifications to three flats. This included the construction of built-in wardrobes on the northern wall, alterations to the bathrooms, and renovation of kitchens. External modifications included the removal of several defective window lintels and sashes to each elevation, particularly on the western side. Large areas of the roof were replaced, as were the original box gutters and flashing. On the roof level, new wash tubs and laundry fitouts were installed, and the existing roof decking was replaced with bitumen felt roofing.

Knightsbridge appears to have remained under the ownership of one owner, with the flats individually leased out. The building owners stopped leasing out the flats in c.2022, and the building stands vacant today.

2.4 142-146 & 148 NEW SOUTH HEAD ROAD - MUIRTON & CURRYONG

A sandstone wall fronting New South Head Road and a sandstone retaining wall with stone stairs at the rear (north) of the properties may date to the period when the land was part of the Ranelagh property, prior to 1892.

Alexander MacCormick purchased the property in 1897 and built the semi-detached building soon thereafter. Inhabitants are first noted there in the Sands Directory in 1900, indicating the building was constructed in c.1899. The first inhabitants were Mrs R. DIght at “Muirton” and Richard Binnie at “Curryong”, indicating the structure was originally built for residential purposes. In 1902, Robert Bowker, a surgeon, is listed at Curryong, denoting the first use of the property for professional purposes.

In 1975, architects Clarke Gazzard Pty Ltd, drafted plans for alterations and additions to 148 New South Head Road, to accommodate a new fit-out consisting of the addition of new partition walls. In 1984, ducted air conditioning was added throughout the building.

In recent years, all skirting boards and architraves have been removed from the interior of 142-146 New South Head Road.

3.0

SITE DESCRIPTION

A detailed description of each property is provided in the Heritage Assessment, prepared by Urbis in 2021. The description provided here provides an overview summary of the style and character of each building, and its current condition.

3.1 136 NEW SOUTH HEAD ROAD

136 New South Head Road consists of a two storey former bank building on the property lines to New South Head Road and Darling Point Road, and a 9 space car park on the north side, accessed off Darling Point Road.

The subject building is constructed in the Inter-War Functionalist style with strong vertical elements in the centre and window bays contrasting with regular horizontal bands. The building presents to the street intersection with a somewhat symmetrical design centred on the corner, which is recessed from the side elevations, which have regularly spaced windows. The ground floor windows appear to have been replaced but the first floor appear to be original. The building has a simple pediment on all sides, obscuring views of a double hipped roof clad in terracotta tile. There is a later kitchen with roof terrace addition on the eastern side. The original design of the building exterior is generally intact with only minor alterations evident. The main ground floor entrance is generally flush with the sidewalk to New South Head Road.

The ground floor interior has been altered with the addition of a plasterboard dropped ceiling and later plasterboard partitions but remains generally interpretable as a banking chamber.

The first floor features a complex layout of rooms an hallways, some of which appear to have been added or altered from their original design. While some elements of the first floor have been altered, the floor remains interpretable as a bank manager's residence.

The subject building appears to be in generally good condition with no major maintenance issues readily evident.

Figure 3.1
Aerial photograph of 136 New South Head Road, looking north-east
Source: www.realcommercial.com.au

Figure 3.2
The ground floor banking chamber, now an open plan office. Note the original horizontal lines on the rendered walls. The original ceiling has been covered with a dropped plasterboard ceiling

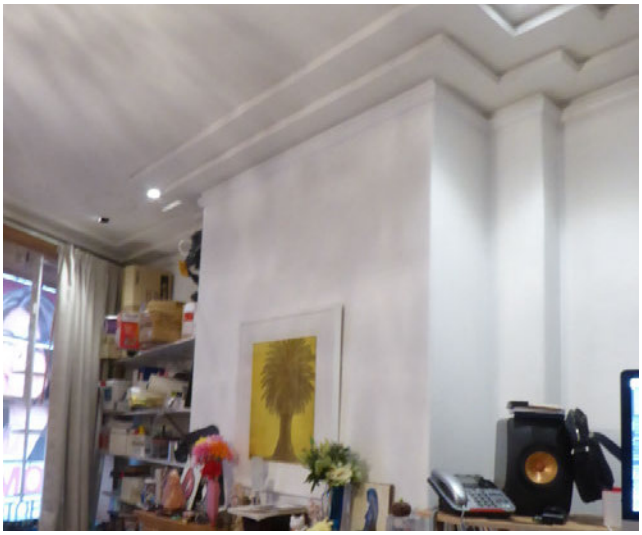

Figure 3.3
Original cornices in the first floor conference room

3.2 138-140 NEW SOUTH HEAD ROAD - KNIGHTSBRIDGE

138-140 New South Head Road is a five storey apartment building built in the Inter-War period of no specific design but with Inter War Free Classical style columns on the ground floor, Queen Anne style bay windows with shingles on the east elevation, and an Arts and Crafts brick entrance arch on the east side. The ground floor is built to the property line and forms a podium to the building, while the rest of the building is set back from the street. The building is of rendered and painted masonry construction.

Access to the main section of the building is via a stair off New South Head Road.

The interior of the building is divided into two flats in each of the first through third floors, while the ground and fourth floors each have a single flat. The building interior generally intact, with evidence of some original joinery, timber framed and decorative fibrous plaster ceilings. The internal stair has been modified with a new balustrade.

There is extensive evidence of localised water ingress, which has degraded the interior fabric. Many ceilings and walls evidence mould and general degradation.

Figure 3.4
138-140 New South Head Road (centre)as seen from across the road

Figure 3.5
Large brickwork entrance arch and bay windows with shingled bay windows on the east elevation of 138-140 New South Head Road

Figure 3.6
Photograph of a flat in 138-140 New South Head Road. Note the pronounced mould on the upper wall, and the collapsed ceiling sections on the floor, caused by water ingress

Figure 3.7
The internal stair. Note the later balustrade but original newel posts

3.3 142-146 & 148 NEW SOUTH HEAD ROAD

These properties contain a two storey semi-detached painted masonry structure. The building dates to c.1899 and was constructed in the Federation Queen Anne style. The building is asymmetrical and is built to near the front property line. The properties are accessed via stairways on the east and west side off New South Head Road to the ground floor, which is relatively high off the street.

The building is a relatively modest example of the Federation Queen Anne style, with modifications to the exterior and interior that has diminished its integrity. It appears that the original roof cladding has been replaced with fibre cement tiles to 142-146 New South Head Road and cement tiles to 148 New South Head Road. An original front balcony to 148 New South Head Road has been enclosed. The large ground floor arched window fronting the street to each property were possibly originally verandahs that have been enclosed. The structure evidences several later additions on the north end of the site, particularly to 142-146 New South Head Road. The sandstone front fence and back retaining wall with stairs may pre-date the construction of the building. The front fence is topped with a later rendered cap with piers.

The interior to 142-146 New South Head Road retains its general original layout, with some additions and a possible enclosed balcony at the rear. The interior, however, has been heavily modified. All original ceilings and cornices have been replaced in recent decades to allow for the introduction of air-conditioning. All skirting boards and architraves have been removed. With the exception of the main entry, all doors are replacements.

The interior to 148 New South Head Road is more intact, and includes original skirtings, architraves, cornices, floors, staircase and a fireplace. Light weight partitions have been introduced to alter the interior spaces but have generally not damaged the original fit out. The original ceilings have been removed throughout and replaced by plasterboard in some places or otherwise left exposed. The stained glass windows at the front entry have been removed.

Figure 3.8
142-146 & 148 New South Head Road (centre) viewed from across the street

Figure 3.9
The skirtings and architraves have been removed from 142-146 New South Head Road, and the ceiling is later plasterboard

Figure 3.10
The original ceiling to 148 New South Head Road has been removed, leaving the floor joists above exposed

4.0

ASSESSMENT OF CULTURAL SIGNIFICANCE

4.1 INTRODUCTION

Heritage, or "cultural" value, is a term used to describe an item's value or importance to our current society and is defined as follows in *The Australia ICOMOS Burra Charter,* 2013, published by Australia ICOMOS (Article 1.0):

Cultural significance means **aesthetic, historic, scientific** or **social** or **spiritual value** for past, present or future generations.[1]

This section establishes the criteria which are used to understand significance and identifies the reasons for the cultural value of the site and its components.

Significance may be contained within, and demonstrated by, the fabric of an item; its setting and relationship with other items; historical records that allow us to understand it in terms of its contemporary context, and in the response that the item stimulates in those who value it.[2] The assessment of significance is not static. Significance may increase as more is learnt about the past and as items become rare, endangered or illustrate aspects that achieve a new recognition of importance.

Determining the cultural value is at the basis of all planning for places of historic value. A clear determination of significance permits informed decisions for future planning that will ensure that the expressions of significance are retained and conserved, enhanced or at least minimally impacted upon. A clear understanding of the nature and degree of significance will determine the parameters for, and flexibility of, any future development.

A historical analysis and understanding of the physical evidence provides the context for assessing the significance. These are presented in the preceding sections. An assessment of significance is made by applying standard evaluation criteria to the facts of the item's development and associations.

1 *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance,* 2013, p.2
2 ie "social", or community, value

4.2 ANALYSIS OF CULTURAL SIGNIFICANCE

The following discussion includes the Statement of Significance for each subject structure from the Heritage Assessment prepared by Urbis in 2021, and provides commentary on whether the buildings meet the criteria for listing in schedule 5 of the *Woollahra LEP 2014*, based on the findings in this report.

4.2.1 136 NEW SOUTH HEAD ROAD

While listed in schedule 5 of the *Woollahra LEP 2014,* the NSW Heritage Inventory does not include a Statement of Signficance or heritage assessment for 136 New South Head Road, Database number 2711280.

The Urbis 2021 Statement of Significance for 136 New South Head Road is as follows:

> *The former Commonwealth Savings Bank of Australia building, at 136 New South Head Road has aesthetic significance as an example of the Inter-War Functionalist architectural style. It was designed by the Commonwealth Department of the Interior and completed in 1940. The building demonstrates a number of key characteristics of the style, including asymmetrical massing, simple geometric shapes, expression of horizontal and vertical massing, parapet roof and rounded corner. The former Commonwealth Savings Bank of Australia building has landmark qualities due to its location on the corner of New South Head Road and Darling Point Road and distinctive architectural style.*
>
> *The subject site has historical significance for its continuous use for banking purposes, including the former Australian Joint Stock Bank (AJS) established 1890 and the Government Savings Bank of NSW, established in 1918 and the Commonwealth Savings Bank of Australia, which occupied the site from 1940. The former Commonwealth Savings Bank of Australia, constructed in 1940 in the Inter-War Functionalist*

style, is representative of the architectural typology used for branch building by the Governments Savings Banks branch buildings in the Inter-War period.

GBA Heritage Comment:
136 New South Head Road is already listed as a heritage item in Schedule 5 of the *Woollahra LEP 2014*. The Urbis 2021 Statement of Significance is supported. 136 New South Head Road meets criteria (a), (c) and (g) for listing in schedule 5 of the LEP.

4.2.2 138-140 NEW SOUTH HEAD ROAD

The Urbis 2021 Statement of Significance for 138-140 New South Head Road is as follows:

> *The subject three-storey flat building at 138-140 New South Head Road was designed as an infill development in 1919 within an area principally associated with commercial use. The subject flat building was designed in the Inter-War Free Classical style, although is not a good example of that style.*
>
> *The building forms part of a period when residential flat buildings were constructed in the Darling Point / Edgecliff area. The exterior presentation of the subject building is a simplified version of Inter-War Free Classical style. However, the building does not represent the creative achievement or technical excellence of that style. In addition, the interior of the building has deteriorated and lost much of the original fabric and detailing. The subject Inter-War flat building at 138-140 New South Head Road does not meet the criterion for heritage listing.*

GBA Heritage Comment:
GBA Heritage's historical research has found that the subject area of New South Head Road was built as a mix of residential and commercial development.

GBA Heritage supports the assertion that the subject building is not a distinctive example of the Inter-War Free Classical Style. This report finds that the building exhibits limited elements that represent that style, and also exhibits minor elements from the Queen Anne style and the Arts and Crafts style. As such, the building is an example of mixed styles but does not combine into a distinctive architectural presentation. The building is not a distinctive representative of Inter-War apartment building development in the local area.

The interior of the building has deteriorated through water ingress in several localised areas, causing damage to fabric and areas of mould. This diminishes the significance of the structure as a whole.

138-140 New South Head Road does not meet any criteria for listing in schedule 5 of the *Woollahra LEP 2014.*

4.2.3 142-146 & 148 NEW SOUTH HEAD ROAD

The Urbis 2021 Statement of Significance for 142-146 & 148 New South Head Road is as follows:

> *The subject building, comprising 142-146 and 148 New South Head Road, presents to the public domain as a somewhat intact pair of semi-detached professional suites and residences. While its original form and scale have been retained, there have been a number of external and internal changes which have diminished its overall integrity. A degree of original internal fabric and spaces remains, there have also been modifications which have diminished the building's architectural finishes and detailing. The Federation Arts and Craft style semi-detached building would not be considered a fine, intact, representative example of this typology. This has diminished the integrity of the pair.*
>
> *Research has made associations with the original and early owners of the property, notably, the surgeon, Sir Alexander MacCormick, and solicitor and company director, Edward Telford Simpson (family law firm of, "Minter, Simpson, & Co"). For the first 50 years, these persons and their families, were the principal owners of the building. However, the prominent professionals did not occupy the professional suites and lived in other suburbs. MacCormick had a passion for property development and was responsible for numerous properties in Sydney. For these prominent citizens, the building provided an income from the rental of the place.*
>
> *On the whole, the subject building does not exhibit any particular architectural, creative or technical merit which would deem it worthy of listing.*

GBA Heritage Comment:
142-146 & 148 New South Head Road is a relatively modest example of a Federation Queen Anne style building whose integrity is diminished though internal demolitions and a limited number of external alterations. The structure is not a distinguished example of a Federation Queen Anne building.

Given the building is raised above street level, significant interventions into original fabric would be necessary to meet contemporary equitable access regulations.

GBA Heritage supports the Urbis finding that the building at 142-146 & 148 New South Head Road does not meet any criteria for entry in schedule 5 of the *Woollahra LEP 2014*.

5.0

CONCLUSIONS

5.1 CONCLUSIONS

- 136 New South Head Road is listed as an item of local heritage significance in Schedule 5 of the *Woollahra LEP 2014*.
- 138-140 New South Head Road does not meet any criteria for listing in Schedule 5 of the *Woollahra LEP 2014*.
- 142-146 and 148 New South Head Road does not meet any criteria for listing in Schedule 5 of the *Woollahra LEP 2014*.

6.0

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NSW LRS SIX Maps, www.six.nsw.gov.au

NSW Heritage Inventory, https://www.environment.nsw.gov.au/topics/heritage/search-heritage-databases

Spatial Collaboration Portal, Historical Imagery Viewer, https://portal.spatial.nsw.gov.au/portal/apps/sites/#/homepage/pages/map-viewers

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Urbis, *Heritage Assessment 136-148 New South Head Road*, 2001

Weir Phillips Heritage and Planning, *Heritage Peer Review Nos. 136-148 New South Head Road, Edgecliff*, 2023

From:	William Clark
To:	Records
Cc:	Ben Miller
Subject:	[#230940] SC6602 Submissions - SP21608 Eastpoint Tower
Date:	Friday, 3 November 2023 12:07:55 PM
Attachments:	image001.png image002.png image003.png image004.png image005.png 230940 Planning Objection v2 Final.pdf

---

Dear Sir / Madam,

Please find attached to this email a submission letter, prepared on behalf of the Owners Corporation of SP21608 (180 Ocean Street, Edgecliff) in relation to the planning proposal for 136-148 New South Head Road, Edgecliff.

Kind regards,

William Clark
Graduate Town Planner

E: [redacted]
W: www.brs.com.au
P: [redacted]

ENGINEERING | PLANNING | SURVEYING | CERTIFICATION | PROJECT MANAGEMENT

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PROJECT MANAGEMENT

ABN [redacted]

Our Ref:230940

3 November 2023

The General Manager
Woollahra Municipal Council
PO Box 61
Double Bay NSW 1360

Attn: Anne White, Chinmayi Holla

Dear Sir / Madam,

SC6602 – Submission to Planning Proposal (PP-2022-1646)
136-148 New South Head Road, Edgecliff

Introduction

This letter of objection has been prepared by Barker Ryan Stewart on behalf of the Owners Corporation of SP21608 ('Eastpoint Tower'), located at 180 Ocean Street, Edgecliff. The submission is in response to Woollahra Municipal Council's notice and invitation for feedback on 26 September 2023 for an owner-initiated planning proposal for 136-148 New South Head Road, Edgecliff (PP-2022-1646) and an associated draft voluntary planning agreement (VPA). An aerial view in Figure 1 below identifies the relationship of our client's property to the subject site of the planning proposal.

It is understood that the planning proposal seeks to amend the Woollahra Local Environmental Plan 2014 to include a site-specific clause that would apply to the following allotments:

- Lot 1 DP663495 (No. 136)
- Lot 1 DP1092694 (No. 138-140)
- Lot 2 DP983678 (No. 138-140)
- Lot A DP443992 (No. 142-144)
- Lot B DP443992 (No. 146-148)

This site specific LEP amendment seeks to increase the permitted building height and floor space ratio for a single mixed-use development that would amalgamate these allotments, increasing the maximum building height on the site from 14.5m to 46m (approximately 12 storeys) and the maximum floor space ratio (FSR) from 1.5:1 to 5:1 (including 1:1 to 2:1 of non-residential floor space). The amendment would require preparation of a site-specific development control plan (DCP) and consideration of Design Excellence at DA stage subject to the advice of a design advisory panel established by Council. The amendment also appears to prohibit vehicle access to New South Head Road. The achievement of all relevant controls would then enable the development of a mixed-use building up to 12 storeys with a gross floor area (GFA) of approximately 8,700m² subject to a future DA.

The planning proposal also identified the proponent's concept building design, however this is subject to a future DCP / concept development application (DA) and supporting documentation. This concept design provided an indicative mix of 41 apartments, three (3) levels of basement parking, and 2,851m² of non-residential GFA.

It is understood that Council and the Woollahra Local Planning Panel were not in support of the planning proposal given the insufficient site-specific merit for the stand-alone planning proposal identified, providing 35 new dwellings, outside of a broader precinct planning strategy.

Barker Ryan Stewart have undertaken a review of the planning proposal, and have identified concerns with the LEP amendment and the potential development outcomes it would facilitate, including the following:

- Insufficient traffic and parking impact assessment;
- Inconsistency of the stand-alone planning proposal with strategic planning framework; and
- View loss, residential amenity and consequent financial impacts to the locality.

Detailed discussion for these issues is provided under subheadings below.

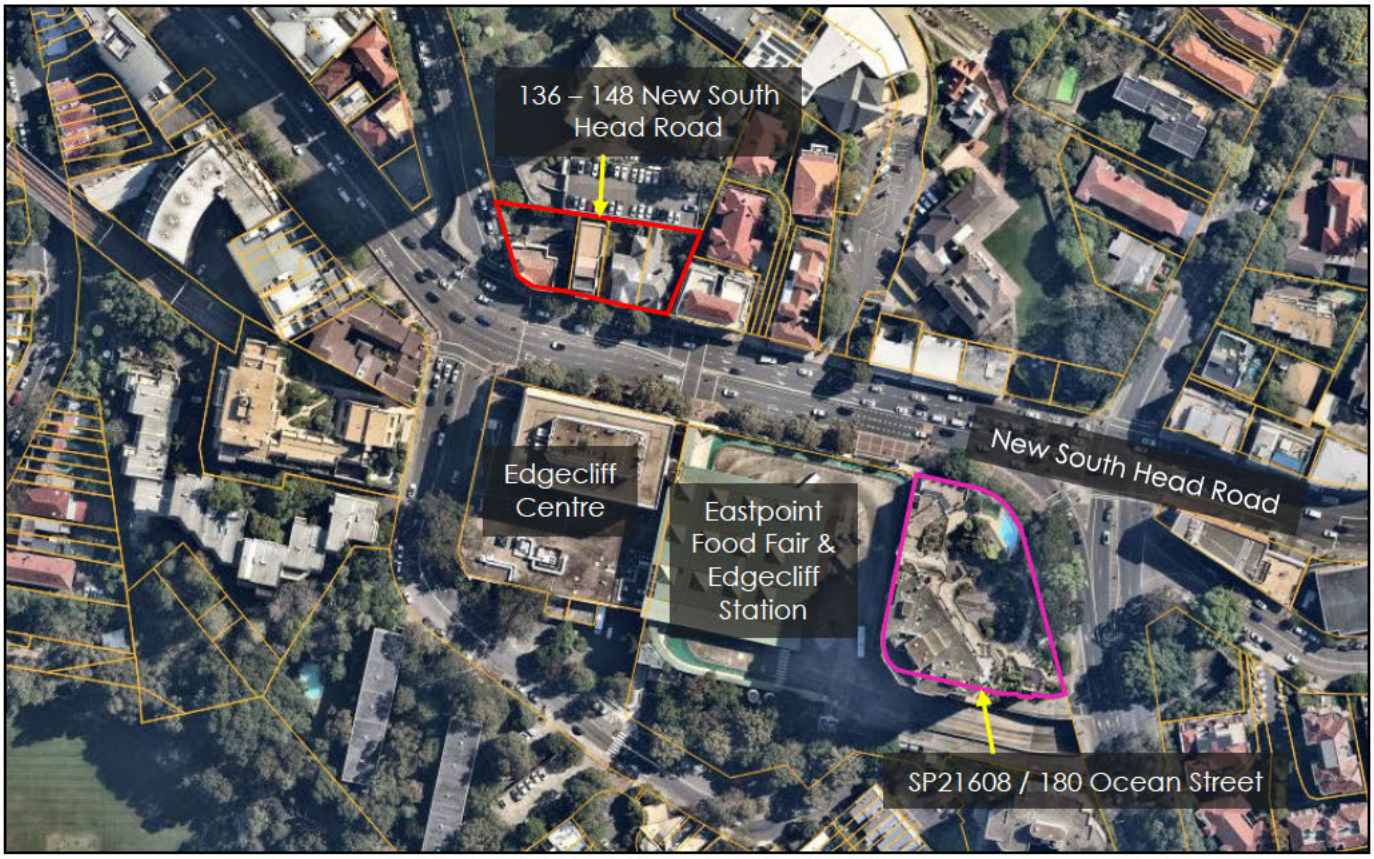

Figure 1: Aerial view of subject site and surrounds (Nearmap, 2023)

Traffic & Parking Impact Assessment

It is understood that Council and the local planning panel have raised concerns about parking. The mixed-use concept design resulted in a parking noncompliance of 7 spaces (97 to be provided where the applicable DCP would require 104). It is noted that this would need to be assessed at DA more specifically when the land uses are proposed, however these cumulative non compliances with parking requirements can create major issues in a broader precinct capacity, particularly given twenty other sites have been strategically earmarked for development uplift.

The supplementary traffic assessment prepared for the planning proposal has been reviewed and whilst the proponent's consultant indicates the proposed development uplift is unlikely to generate significant impacts to traffic and parking, the performance of Darling Point Road/ New South Head Road intersection is currently identified as Level of Service D which in traffic engineering terms is an intersection that is generally approaching its capacity. This needs to be considered carefully from a strategic sense given Council earmarked other sites in the area for uplift whilst this site was not identified as a "*site that provides opportunity for future uplift*" in the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy (ECC Strategy).

With respect to the traffic assessment publicly available for review, it doesn't appear that consideration of

queue lengths and degree of saturation are provided in the SIDRA discussions, and it is therefore not realistically possible at this stage to calculate the potential traffic impacts of the concept development. Clarification or further assessment certainly must be undertaken, and the broader strategic traffic impacts adequately resolved prior to the intensification of development adjoining this significant intersection. It is also important that further analysis includes the cumulative impacts of the other sites identified in the ECC for future intensification so that the real impact of future development is known. It is seriously queried what the intersection performance of Darling Point Road / New South Head Road may look like if the other twenty sites strategically earmarked for uplift were included in the analysis given the intersection is already a bottleneck in peak times.

We believe that additional traffic and parking demand in the local road network can reasonably be expected to present not only amenity impacts for residents and patrons of the local centre, the subject future mixed-use development, and our client's property, but potential safety risks for motorists and pedestrians given that this is in proximity to a significant local rail station and public transport hub.

Traffic impacts must be assessed at a macro level for the Edgecliff Commercial Centre and appropriate measures introduced to assist with mitigating impact in the greater centre, rather than specific sites. Traffic assessment of ad hoc planning proposals does not factor in future cumulative impacts as addressed above and the LEP amendments should not be supported.

Inconsistency with Strategic Planning Framework

In addition to traffic impacts, the owner-initiated planning proposal would facilitate a fragmented uplift of the commercial centre to occur outside of a coordinated and study-based precinct strategy.

As evident in Figure 2, the lots at 136-148 New South Head Road were not identified in the ECC Strategy as '*sites that provide an opportunity for future uplift*'. Excluded sites included those which had maximised their development potential and other relevant built form constraints applying to these sites were as follows:

- *Heritage listed items and buildings located in a heritage conservation area should be retained.*
- *Sites fronting New South Head Road with no secondary street access have restricted servicing arrangements.*

It is queried whether the proposed development to be enabled by the LEP amendment is appropriate in the context of the existing heritage item within the site and whether the scale of development is appropriate within the immediate curtilage of this item. It is unclear that adequate consideration has been given to the impacts of excavation for basement parking. Despite the assurances provided by the proponent's heritage consultant, it is apparent that the future concept development as indicatively proposed will impact the understanding and significance of the heritage item within the site.

It appears inappropriate to allow a stand-alone planning proposal that intensifies development potential on these lots to proceed, contrary to the wider precinct strategy and without sufficient assessment of and resolution of constraints. Given that the allotments are proposed to be consolidated into a single development, adequate vehicle and service access and traffic and parking arrangements should be a prerequisite to an increase in permitted floor space.

The significant height increase outside of the precinct-based Urban Design Strategy approach is inconsistent with strategised principles of view sharing and the development is likely to impact iconic views from 180 Ocean Street toward the Sydney CBD, Harbour Bridge and harbour / water views. This is discussed further below.

The merit of the stand-alone proposal is considered to be additionally limited by the low yield of dwellings (41 apartments in total) and lack of affordable housing in concept designs for a future mixed-use development, given the significant increase in permissible building height and floor space.

We recommend that the lands subject to this planning proposal instead be incorporated for further review

in the planning and urban design strategy where a consistent approach to development in the centre can be established. Should the subject site again be deemed unsuitable for potential uplift, it will become apparent that development of this scale in this location should not be supported.

Further review of the subject sites in the context of the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy (ECC Strategy) is likely to result in a more harmonious relationship between development on this site, the streetscape and neighbouring properties.

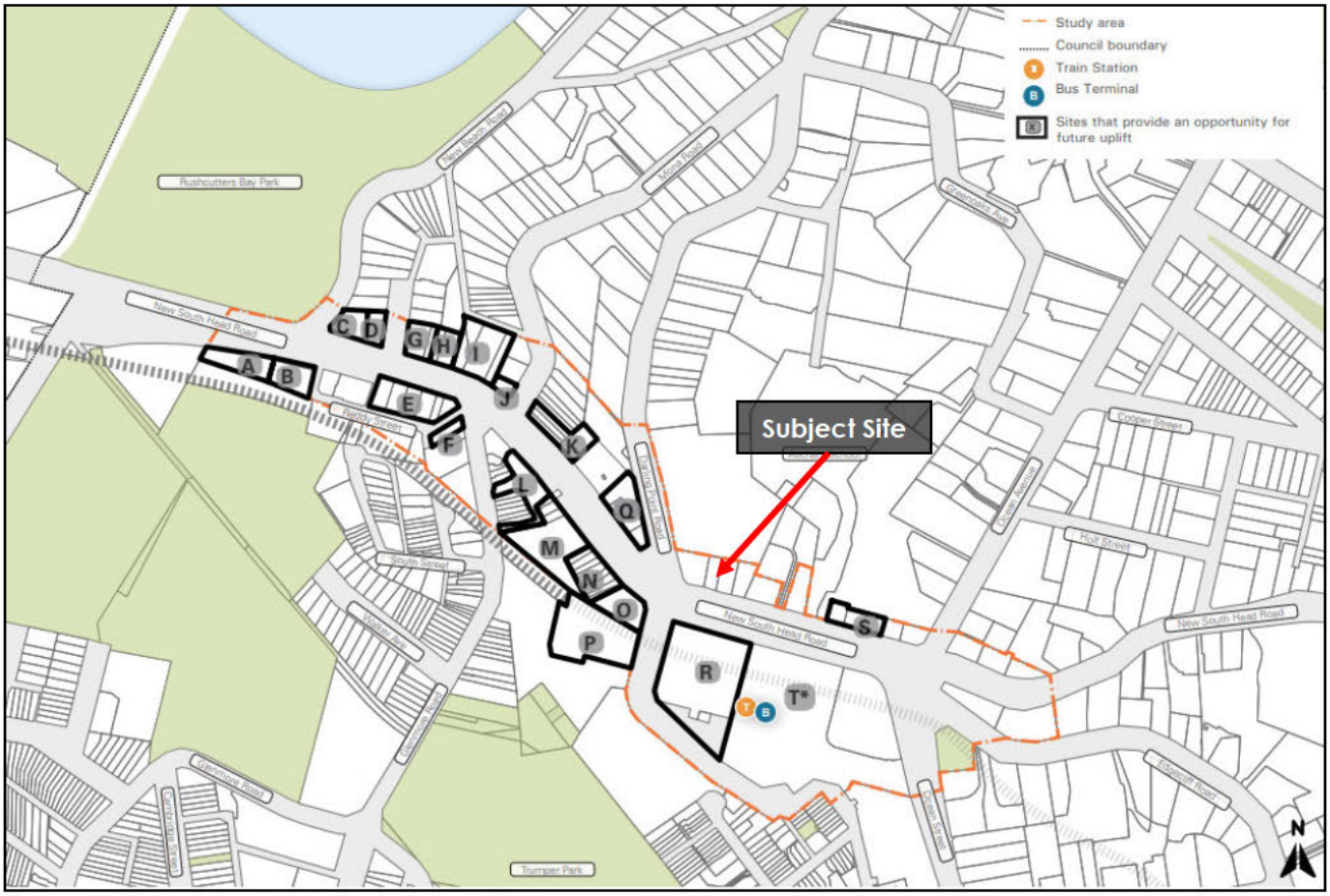

Figure 2: Extract from the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy (ECC Strategy) identifying sites that provide an opportunity for future uplift

Potential Impacts to Residents of Eastpoint Tower

Given the insufficient assessment and lack of resolution of traffic, parking and access issues discussed above, local amenity impacts to be generated by an increase to the potential building envelope on the subject site are considered to be unacceptable. These include increased pressure on the local road and transport network, visual impacts of a potential development with increased height and bulk, and view impacts.

The planning proposal included a view assessment prepared by Group GSA dated August 2021. The view assessment submitted with the proposal indicates that increased maximum building height and significant changes to existing bulk would impact Eastpoint Tower's iconic views of the Sydney Harbour Bridge, CBD skyline, and harbour / water views, ultimately affecting the views of at least forty-six (46) units. Of note, up to thirty-four (34) of these units in Eastpoint Tower would be the subject of view loss that was considered by Group GSA to be a 'notable degree' which is not wording consistent with the NSW Land and Environment Court (LEC) Planning Principles guidelines.

The View Impact Studies included in the subject planning proposal identified Eastpoint Tower as a site that would be impacted (including the property's views of the Sydney Harbour Bridge and CBD) and made the following assessment:

> ***Existing Views***
> *Eastpoint & Oceanpoint Towers currently sit higher than much of their surrounding context and, therefore, enjoy panoramic views from upper levels, with views to Bondi Junction, Sydney Harbour, Manly, Paddington, North Sydney, Sydney CBD and various district views being possible.*
>
> *In addition to both buildings being an obstruction to one another's views, the tower forms of 3-17 Darling Point Road ('Ranelagh'). 203-233 New South Head Road ('Edgecliff Centre'), 442-446 Edgecliff Road and a cluster of towers on the Darling Point Peninsula also form minor blockages at various levels in the wide and generous view cones from these towers.*

This analysis indicates that the proposed increases to building height and scale would result in a cumulative impact on the views afforded to Eastpoint Tower. The views afforded to all floors up to Level 18 of Eastpoint Tower are to be variably impacted and concept design renders indicate that views of the Sydney Harbour Bridge between existing towers from Eastpoint Tower are to be lost or obstructed.

The views afforded to these properties are already obstructed by the existing Edgecliff Centre and Ranelagh tower, and the planning proposal would enable significant cumulative view impacts for the residents of Eastpoint Tower. This would result in significant losses in land value for unit owners of the strata. Refer to an extract from the planning proposal's view assessment in Figures 3 and 4 that identifies potential view impacts from Levels 9 and 16 within the Eastpoint Tower.

Note these views are considered to be significant and iconic views as defined by relevant NSW LEC planning principles. Given view sharing was discussed in the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy (ECC Strategy) and this site was not identified for uplift due to existing constraints, the cumulative view impacts associated with the uplift sites and this standalone proposal must be assessed in tandem in to determine if view sharing is being appropriately achieved. Of note, the draft ECC Strategy confirmed the following in relation to its assessment of potential uplift sites, building heights and views:

> *The proposed building heights respond to the local context and the sloping topography. View sharing from existing residential buildings and significant views from public spaces and roads in the ECC were considerations for the proposed building heights.*

Given that these cumulative impacts would result in significant view loss, residential amenity and consequent financial impacts for our clients, it is considered that a substantial justification for the height increase and its impacts via a stand-alone planning proposal should be provided. Such a justification should be prepared with consideration of the NSW LEC planning principles established by *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140 ('Tenacity'), in order for future development to be consistent with local amenity and the ECC Strategy.

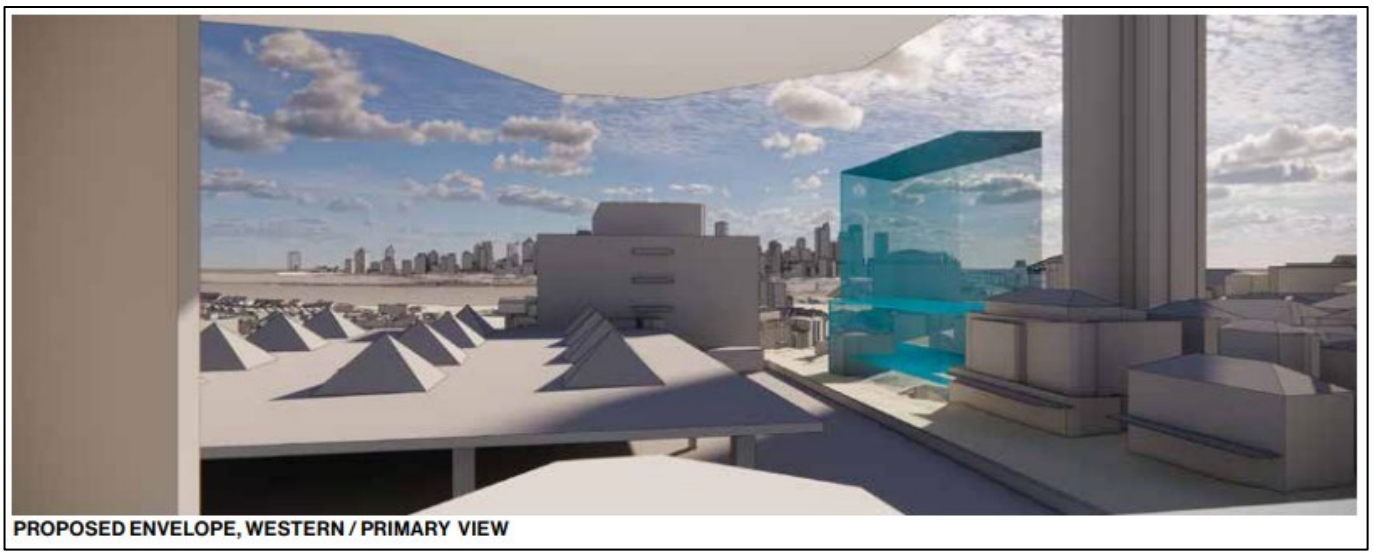

Figure 3: Extract view assessment from Level 9 Unit 3 of Eastpoint Tower (Group GSA, 2021)

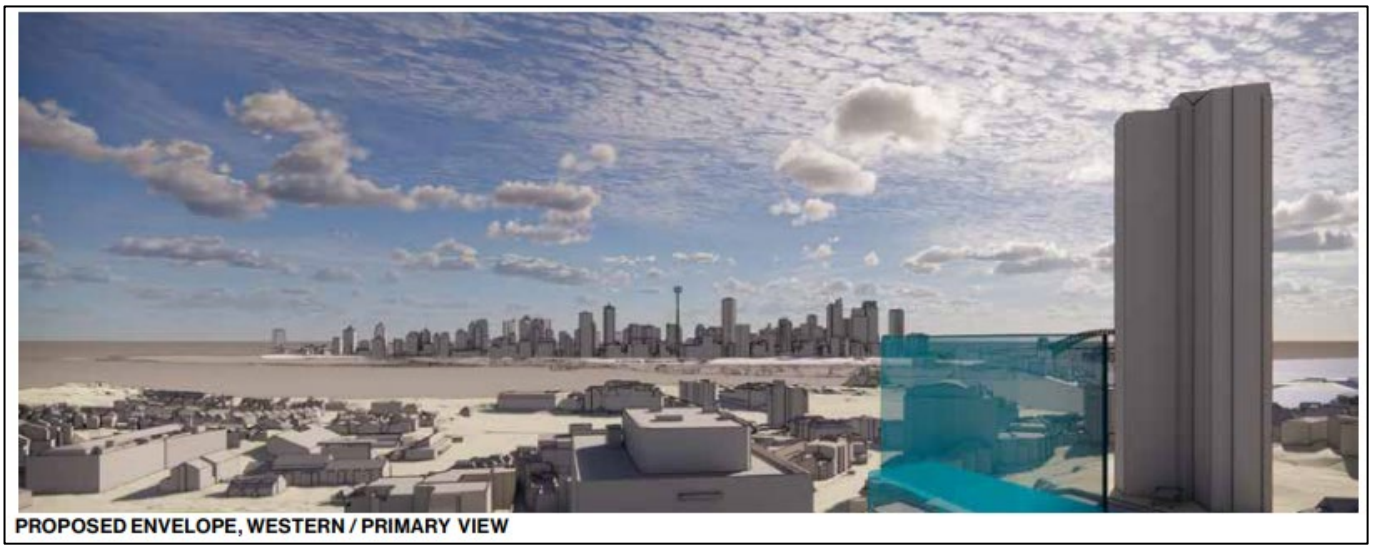

Figure 4: Extract view assessment from Level 16 Unit 2 of Eastpoint Tower (Group GSA, 2021)

Conclusion

The Draft Edgecliff Commercial Centre Planning and Urban Design Strategy (ECC Strategy) provided recommendations on key built form outcomes including land uses, heritage conservation, maximum building heights, active street frontages, affordable housing, design excellence, community infrastructure and transport. The Strategy was prepared to limit the impacts of ad-hoc planning proposals which can result in a fragmented and uncoordinated approach to planning.

Whilst the site was included in the Study Area in the ECC Strategy, it was not identified as a site with development potential as shown in Figure 2. The site was not deemed suitable for uplift due to constraints such as heritage, view loss and access, and the planning proposal documentation has not appropriately justified that future development impacts can be mitigated or managed. This is particularly relevant if the twenty (20) sites that were earmarked for uplift realise that development potential following broader amendments to the LEP density controls.

Given the level of inconsistency with the recommendations of the draft ECC Strategy, the lack of functional merit (parking, traffic and access/servicing issues) and the likely financial and amenity impacts (view loss) on the Eastpoint Tower and surrounding development, it is recommended that the planning proposal does not proceed. It is recommended that the draft ECC Strategy be finalised and Council implement an

overarching framework for Edgecliff through LEP amendments prior to any planning proposal for this site be considered if at all. As referenced in the draft ECC Strategy, ad hoc planning proposals in this area will significantly impact the planned coordination of development in Edgecliff. The ad hoc proposals will create broader traffic, parking, amenity, built form and view loss issues that would be avoided through implementation of the recommendations identified in the draft strategy.

If you wish to discuss this submission to the planning proposal further or have any questions, please contact the undersigned or our office.

Yours faithfully,

William Clark | Graduate Town Planner
Barker Ryan Stewart Pty Ltd

Ben Miller | Senior Town Planner
Barker Ryan Stewart Pty Ltd

From: Andrew Stringer
To: Records
Subject: Planning Proposal & Draft VPA: 136-148 New South Head Rd Edgecliff
Date: Friday, 3 November 2023 2:30:03 PM

SC6602 Submissions

I have reviewed the docs and I support and approve this project.

Edgecliff is OLD and TIRED.
I have worked in Edgecliff for the past 14 years.
What better location then across from a train station and bus interchange.
The old buildings are awful.
The VPA is providing badly needed funds. These funds need to be managed/ allocated/ used for the right purposes.

We need vision and leadership so progress can happen.
No more NIMBY.

Thank you.

Andrew Stringer

From: Andrea Stringer
To: Records
Subject: SC6602 – Planning proposal
Date: Friday, 3 November 2023 5:41:05 PM

My husband and I spend a lot of time in Edgecliff. We have for the past decade and more. Everything is old and tired and badly needs improving.

Reviewing this opportunity, Council should be doing all it can to support and encourage improvement and development in the Edgecliff area.

Edgecliff is a major train station just a few kms from the city. It's just common sense to put housing nearby.

I support this project and encourage others to do the same.

Andrea Stringer

From: Ben Stewart
To: Records
Subject: SC6602 Submissions
Date: Friday, 3 November 2023 3:52:18 PM
Attachments: image001.png

Dear Council

Please take this as my letter of support for the proposed development at 136-148 New South Head Rd, Edgecliff.

Based on my experience within the residential projects and project marketing space, there is a high demand for brand new apartments in this position. Edgecliff is the gateway to the Eastern Suburbs and it needs an appropriate modern building, just like what is being proposed.

With is location opposite the Edgecliff Train Station, there is significant demand from downsizers and owner occupiers, in particular young families to be situated close to the Train Station for use of public transport and together with the easy access to Edgecliff Centre. People in wheelchairs cannot get into the existing buildings, as they are not ADA accessible.

I firmly believe the Edgecliff / New South Head Road corridor needs an uplift and new modern housing near the train station. The proposed new building will have underground parking and can reduce the load on the street parking and traffic. In addition the VPA will raise $5M for affordable housing and infrastructure to improve Edgecliff.

Should you wish to discuss anything further, please do not hesitate to contact me.

Kind regards
Ben

Ben Stewart

CBRE Projects | Stewart Residential
Plaza Building Australia Square
[redacted] Pitt Street, Sydney NSW 2000
M: [redacted]
E: [redacted]

From: Mia Boyarsky
To: Records
Subject: SC6602 submission
Date: Friday, 3 November 2023 7:37:43 PM

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to whom this may concern,

I support the development in edgecliff as i believe it will not only improve the existing quality of the built environment but will further provide easy access to public transport for students and workers (due to the bus and train station within walking distance)

Furthermore the proposal provides more housing within the eastern suburbs that is no doubt needed and valued.

This proposal is both iconic and affordable, appeasing to those who live within the area and those who are seeking to do so.

I strongly support this proposal.

Mia Boyarsky
Bay street double bay

Sent from my iPhone

From:	Arek Drozda
To:	Records
Subject:	Sumision re: Planning Proposal & Draft VPA for 136-148 New South Head Rd, Edgecliff (ref. SC6602)
Date:	Sunday, 5 November 2023 12:21:52 PM
Attachments:	Submission_SC6602_136-148_New_South_Head_Road_Edgecliff.pdf

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Please find attached a submission regarding the proposed development for 136-148 New South Head Rd. Edgecliff (ref SC6602) and related draft VPA.

Kind regards,

Arek Drozda
m: [redacted]
address for correspondence: [redacted]. Weetangera ACT 2614

SUBMISSION RE: PLANNING PROPOSAL AND A DRAFT VOLUNTARY PLANNING AGREEMENT FOR 136-148 NEW SOUTH HEAD ROAD, EDGECLIFF

Reference: SC6602 Submissions

Authored by:
Mr Arek and Celina Drozda
164 New South Head Rd., Edgecliff Strata Committee member
owners of a property directly affected by the proposed development
dated 04.11.2023

Position statement:

We oppose this development on the basis that:

- The proposed development does not comply with Woollahra Local Environmental Plan (LEP) 2014 Clause 4.3 – Height of Buildings and Clause 4.4 – Floor Space Ratio. To proceed, the development would require amendments to existing planning regulations. These amendments would result in several unfavourable consequences for the residents of adjoining properties, the local community, and Woollahra Council. Specific details are provided in the final section.

- If amendments to planning regulations are approved, they would be enacted without any consideration for compensation to the most affected stakeholders. This compensation could be monetary (to address the loss of value of directly affected properties, as well as their amenity and utility to existing residents) and also could be related to necessary changes in the design of the proposed building to bring tangible enhancements to the redeveloped area. These enhancements would benefit not only the new residents and workers in the building but also the local community, including other residents, employees of local businesses, and visitors to the area. Further details are provided in the next section.

Guiding Principles:

In principle, the situation where a few owners of properties located at 136-148 New South Head Road, Edgecliff (hereafter referred to as "the developers") benefit financially at the expense of the residents of the surrounding properties, also wider Woollahra community which has a stake in preservation of the heritage of the area, and the Council which is effectively unable to enforce its own regulations and hence cannot manage that heritage into the future, is morally wrong and socially unacceptable.

So, the decision about this development must be evaluated in a wider context of considerate urban renewal of old, and often historically significant, streetscapes and collections of buildings which dominate Woollahra council area as it will create a precedence affecting all the residents and potentially expose the Council to many future litigations.

Moreover, it must be taken into account that granting approval for this development will violate future rights of the owners of adjacent properties – that is, the right to redevelop and further improve the amenity of the area, in the similar fashion, and exactly on the same favourable conditions that will be granted on this occasion. It creates a dangerous precedent that "whoever is first, gets all the benefits"…

Therefore, an important part of the consideration regarding whether to amend the planning regulations should involve an assessment of whether the development would have been allowed to proceed if there were already a building or buildings of equal proportions on the adjoining property. Only then a truly informed and properly weighted decision can be made. If the approval for this building precludes approval of another building of similar characteristics in its vicinity, then the design is not appropriate for the location and should be rejected.

The rules and regulations put in place apply to all equally, else there would be chaos and favouritism of some over others. Therefore, the rules and regulations in question cannot, and should not, be changed at the vagary of a few, to benefit only a few, without balancing the interests of all stakeholders.

The fundamental point we want to make is that there is nothing contentious about profit objectives of the developers, or State and local government objectives to increase housing supply in the area (including affordable housing), or the desire to increase commercial and retail space close to a major transport hub. But all these objectives can be achieved within the limits of existing planning regulations, hence "no change" option should be enforced as this decision will deliver the most benefit and for the widest range of stakeholders.

The Council has already made a conscious determination not to change existing planning regulations regarding frontage of the New South Head Rd opposite the Edgecliff train station in its *Draft Edgecliff Commercial Centre Planning and Urban Design Strategy* released for public consultation in 2021. It gives the council options regarding future decisions on preservation of the character of this part of Edgecliff. Activities are already underway regarding heritage listing of a group of adjoining properties, hence preservation of building height in the area is paramount to retain the character of the streetscape. Therefore, this development proposal should be rejected.

If, despite the strong arguments to the contrary, this development approval is pushed through, then as a minimum:

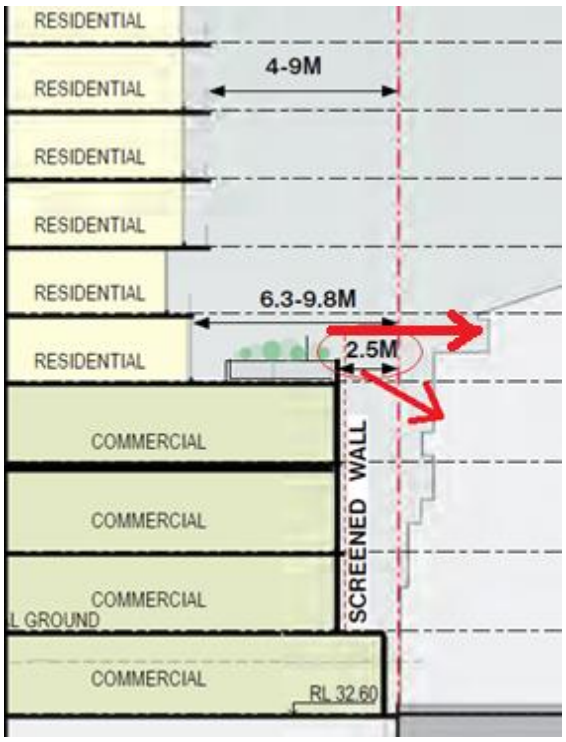
<+> Firstly, the Voluntary Planning Agreement (VPA) must include a provision for compensating owners of adjoining properties for the permanent and irreversible loss of value of those properties. This provision should compel developers, as a committed party in the VPA, to reach an agreement with ten individual owners of apartments directly facing the new development about the distribution of monetary compensation to be determined by an independent valuer.

Today, it is socially unacceptable to have a situation in which one private party benefits from changes to the Council's planning regulations, incurring no costs, while other parties face significant losses, including property values and amenity. So, the profit margin of the developer that will be realised as the result of those changes has to be shared: with the community and the council (as per the provisions agreed to in the VPA) but also with the most affected residents of adjoining properties (which are currently not considered in the agreement). It is time to set a precedent that, in the context of urban renewal in old residential areas, profits should also be shared, not only costs. This will deliver tangible benefits to all the ratepayers of Woollahra Council for years to come.

<++> Secondly, amendments to the proposed design must be enforced for the eastern part of the building to address privacy issues for adjacent residences as well as to enhance amenity, utility and heritage status of the boundary area (i.e. area between the proposed building and existing residences to the east).

The developers have already recognised the problem but addressed it only partially – that is, the design makes provision for a small but rather inaccessible courtyard at the north part of the east wall. However, to address the problem comprehensively the footprint of the building should be recessed west to at least the outline of the main residential tower (i.e. the structure should be lowered in that part of the building to at least the first level but ideally all the way to the ground

level which is already elevated from the street level, and as the result increasing the offset of the building footprint on the east from the current "claustrophobic" 2.4m to a distance of at least 12m). [*Apartment Design Guide – Part 3 Siting the development* specifies that separation, if building is taller than 25m, should be 12m if habitable rooms and balconies are present, and additionally 3m wider when the building is adjacent to a different zone that permits only lower density development - so 15m in total is the recommended norm.]



Excerpt from the developers' proposal illustrating what will be the actual separation distance between buildings; arrows indicate direct line of sight into living areas of adjacent building.

Creating this space will introduce physical (and visual) separation between the buildings with different architectural styles (i.e. modern vs interwar functionalist) and will provide the opportunity for creation of a publicly accessible, off street, green refuge - for the benefit of the residents of the tower, workers employed in the building, but also residents and people employed in the surrounding buildings.

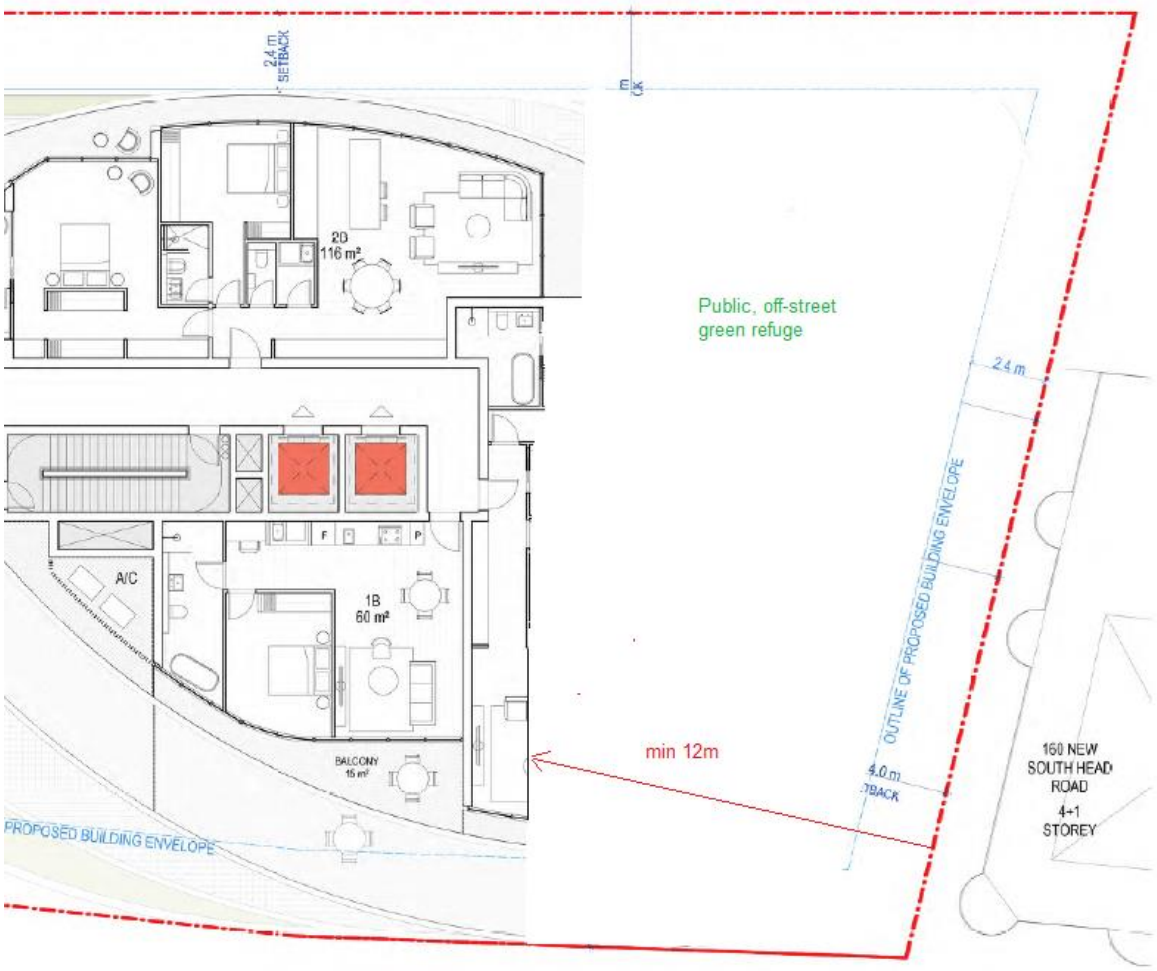


Illustration of how much space can be created between the buildings if the minimum recommended separation distance is enforced.

Currently, there is no public green space within a 400-meter radius of this location. If this development is approved, the expected public benefit is the creation of *'recreation and open space, urban greening, and outdoor spaces*'. This is what the Council's staff response recommends for inclusion in the VPA with the developers (p.7).

This will also allow for the reorientation of windows on levels 1 to 4 of the proposed building towards the north, thereby addressing the design flaw of a direct line of sight between the interiors of the proposed building and adjacent residences (the buildings are barely 3m apart according to the current proposal).

Opportunities for enhanced profits for the developers, which will be enabled by enacting changes to planning regulations, have to be balanced with tangible benefits expected by the wider community as the result of accepting the cost of that decision. To achieve optimal outcomes, we would like to participate in further consultations with the Council and the developers as representatives of the most affected stakeholders.

The following section contains information in support of the position presented above.

Information in support of our position:

The simple fact is that the proposed development does not comply with Woollahra Local Environmental Plan (LEP) 2014 Clause 4.3 – Height of Buildings and Clause 4.4 – Floor Space Ratio and existing planning limits will be exceeded by a substantial margin, if it goes ahead. Enacting changes to planning regulations to accommodate this development proposal will lead directly to a series of negative consequences for the residents of adjoining properties and the wider Edgecliff community. In no particular order:

1. "Devastating" loss of views

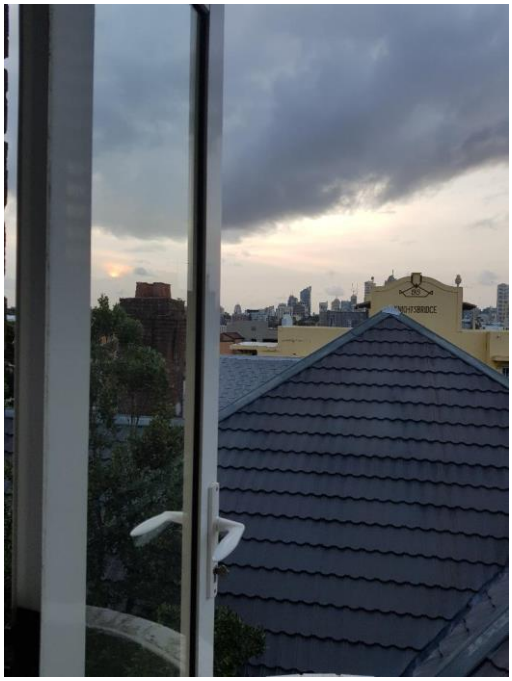
If an application is made to a council for development which has the potential to impact on neighbouring views, then it is desirable that the council assess the impact on views in accordance with the 4 step process set out in Tenacity (*Tenacity Consulting v Warringah Council (2004) NSWLEC 140 ("Tenacity")*), including determining whether the impact is negligible, minor, moderate, severe or devastating.

The concept of 'view sharing' occurs when a property currently enjoys existing views, and a proposed development would 'share' that view by partially obstructing it. This is an acceptable principle in approving new developments. However, in the case of the proposed development, if approved, it will entirely obstruct the existing view. The crucial point is that the views would remain unaffected if the development adhered to the existing planning regulations.

The developers' application downplays the impact of the proposed building on the views of adjoining properties. To illustrate, here are existing views from Unit 12 of 164 New South Head Rd, Edgecliff, taken from the dining area (pic 1), living area (pic 2), and master bedroom (pic 3):

Pic 1.

Pic 2.



Pic 3.

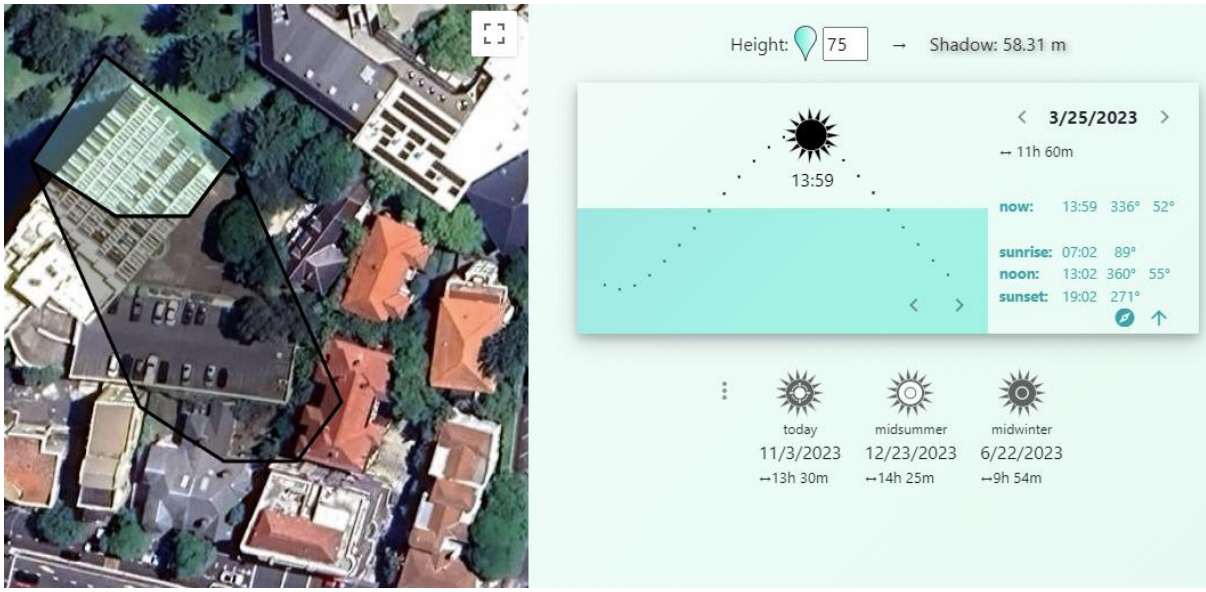
These views will be replaced with this view if the development is approved as is (for illustration purposes only):

A closely related concept to views is 'space,' which, in the case of West-facing apartments at 164 and 166 New South Head Rd, is virtually 'out to the horizon' right now. However, it will be restricted to just a few meters if the development is approved (the proposed building's east wall is just 2.4 meters away from the boundary!).

2. Material (50%) loss of solar access

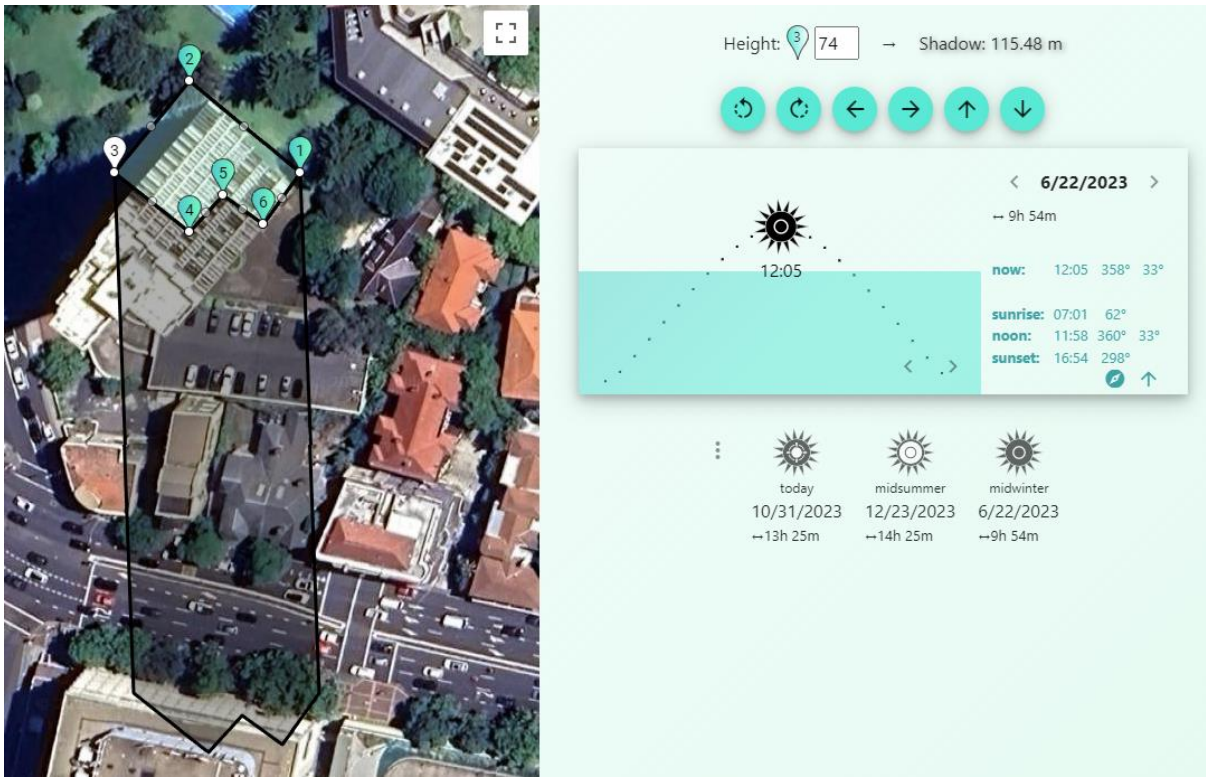
Between 25th March and 18th September apartments facing west (including the penthouse) at 164 and 166 New South Head Rd, Edgecliff lose up to 3 hrs of sunshine due to their position relative to Ranelagh building (maximum shadow duration is on 22nd June solstice).

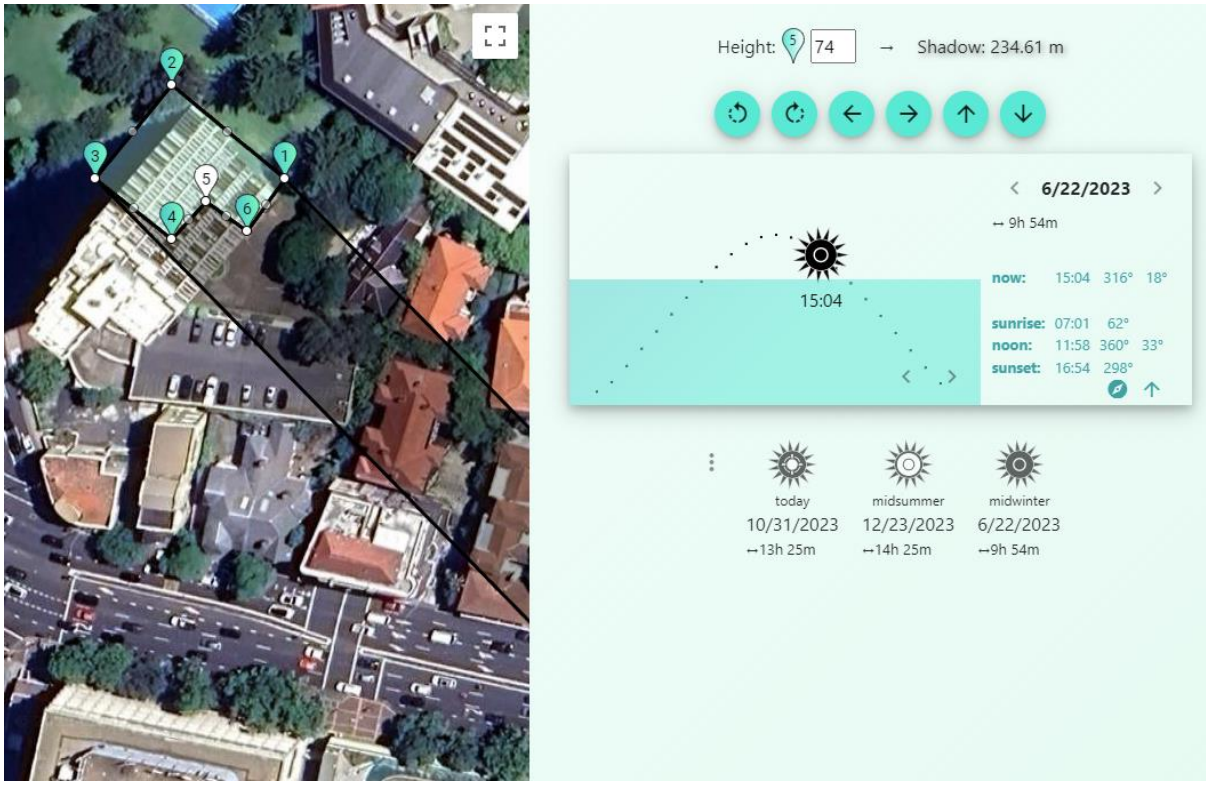
Illustration of the impact of the shadow from Ranelagh building on 164 and 166 New South Head Rd.



Shadow from Ranelagh building on 25th March

Winter shadow from Ranelagh building impacting 164 New South Head Rd. building: start time (~12pm) and end time (~3pm).

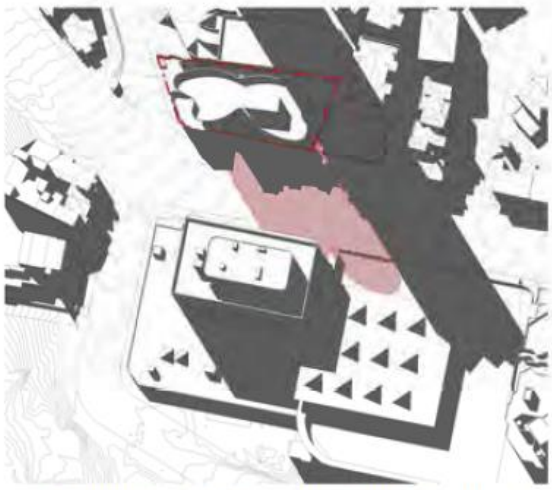




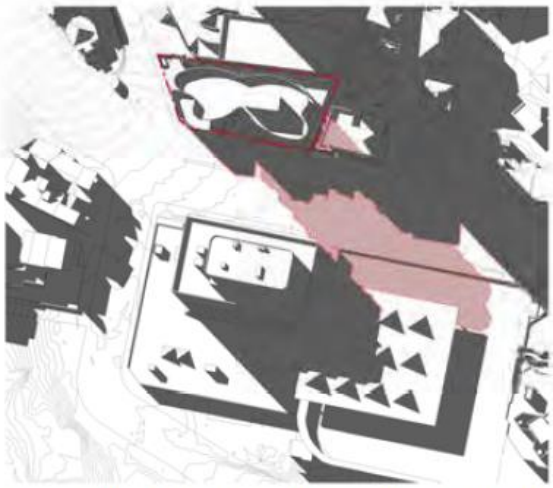
Full sun exposure continues from around 2 to 3 pm until sunset, providing 2 to 4.5 hours of afternoon sun exposure to the buildings (2 hours on the 22nd June solstice). If the proposed development goes ahead, this afternoon exposure will be completely eliminated.

In particular, the studies provided by the developers indicate there will be “a small window” of sunshine between the two tall buildings but the study doesn’t mention that total exposure time may be limited to just 10 minutes.

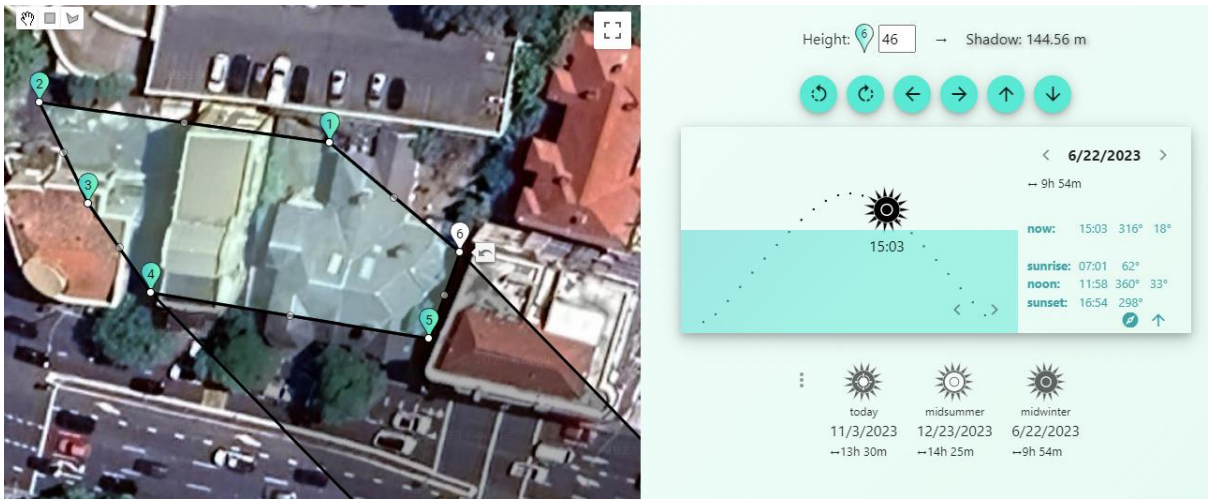
1500 - View From Sun - 21 Jun



6 SHADOW DIAGRAM - 2PM 21ST JUN - PROPOSED SHADOWS
1 : 1250

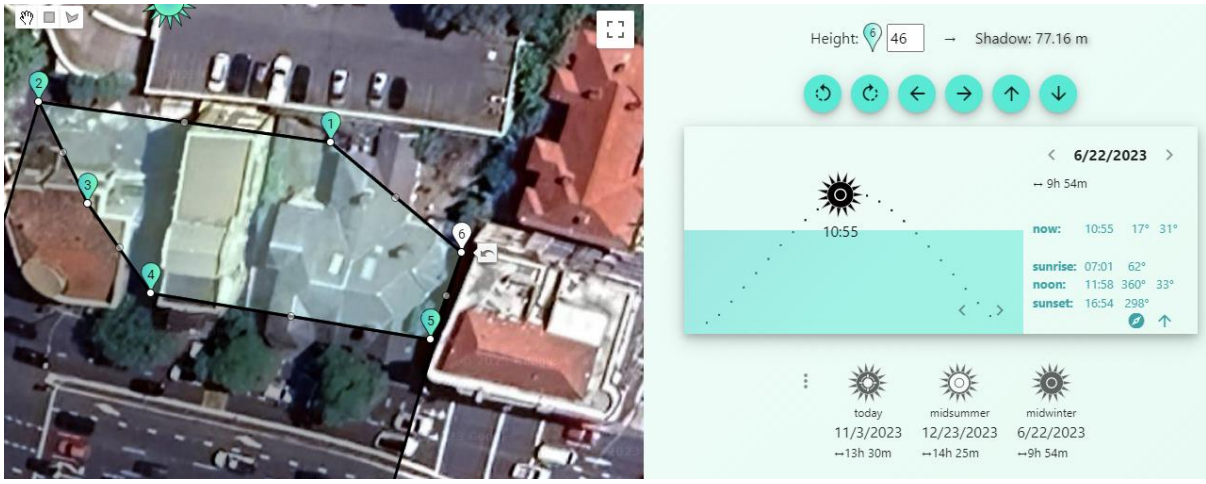


7 SHADOW DIAGRAM - 3PM 21ST JUN - PROPOSED SHADOWS
1 : 1250



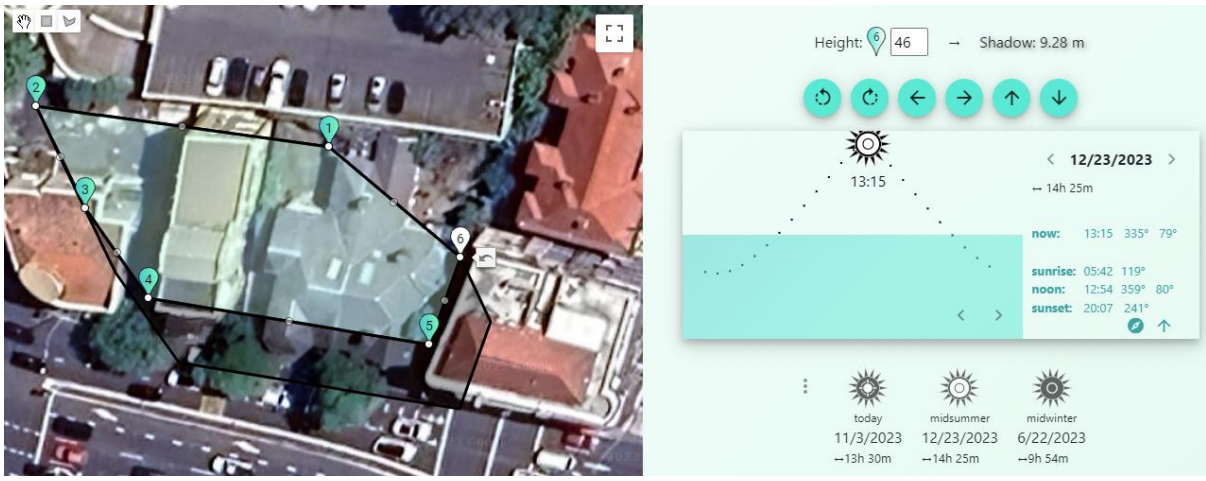
Note: when Ranelagh building shadow ends at ~15:00 the proposed building shadow is already on the affected buildings.

The height of the proposed building will totally eliminate afternoon sun exposure regardless of the season. Moreover, due to sun angles during morning hours, the sunshine will not penetrate into the interiors of living areas of the affected buildings at all, hence potentially creating “shadowy slums”.



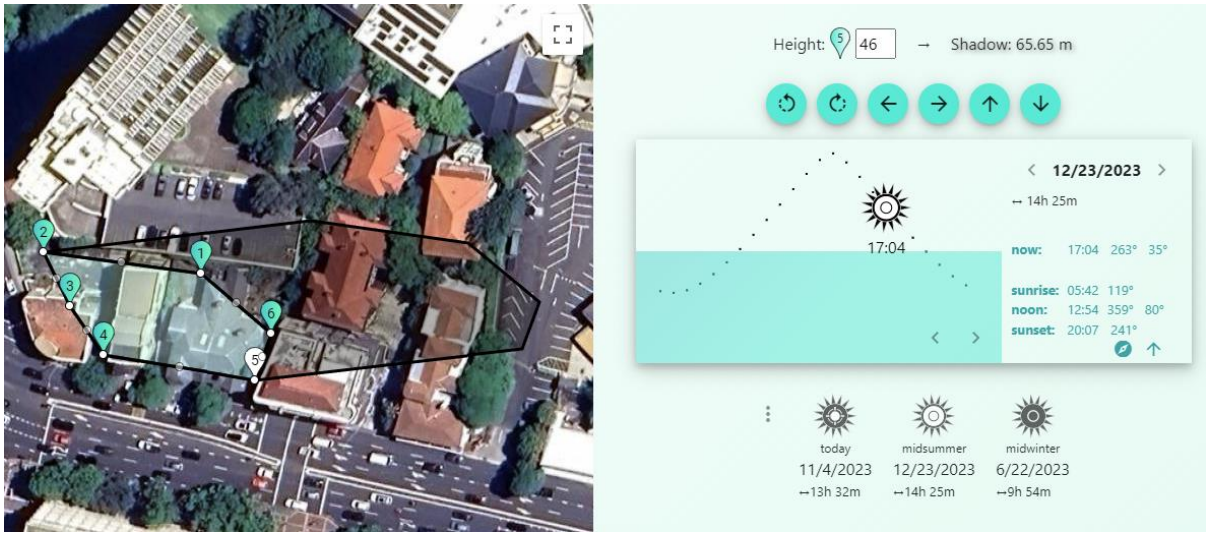
The proposed building will start overshadowing 164 New South Head Rd. building from as early as 11am in winter.

There is also a high probability that the proposed building will begin to cast shadows over the 164 New South Head Rd building as early as 11 am in the morning, reducing the overall sun exposure from the current 7 hours on the 22nd of June (5 morning hours plus 2 hours in the afternoon) to only 4 hours in the morning, which is a reduction of 43%. In the summer, when there is no overshadowing from the Ranelagh building, sun exposure will be limited from approximately 1 pm onwards, resulting in a reduction of 50%.



The proposed building will start overshadowing 164 New South Head Rd. building from approx. 1pm in summer.

Properties located at 170 and 172-180 New South Head Rd, Edgecliff, will also experience reduced sun exposure, but to a lesser extent. Specifically, they will not be directly affected in winter, but they may have up to 3 hours less sunshine during the summer months.



Shadows over 170 and 172-180 New South Head Rd. in summer.

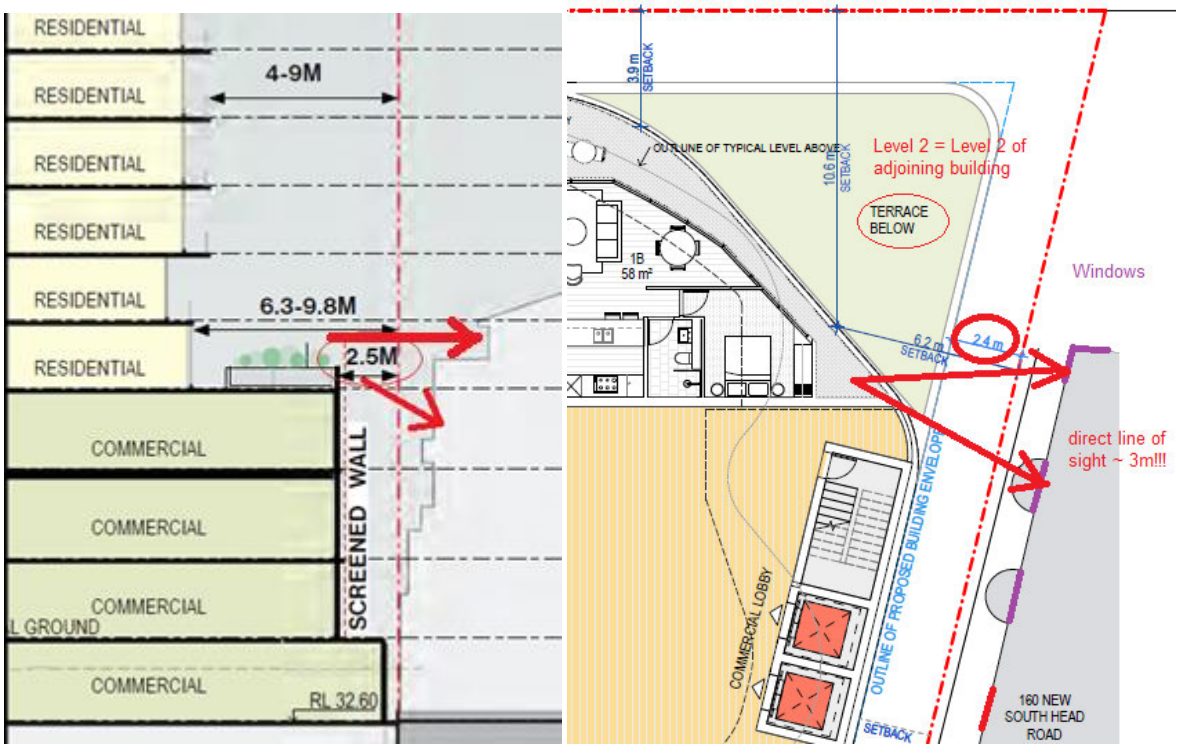
Loss of sunshine will result in economic loss to affected owners - due to extra cost of lighting and heating of the properties, but also due to inability of owners to utilise photovoltaic technology, which will directly contribute to climate change problems. Those environmental costs of approval of the proposed development should also be considered in the decision.

The *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65)* clearly states that "*direct sunlight into living rooms and private opens spaces is a key factor influencing residential amenity of the apartments*". Therefore any decision that limits that amenity for existing apartments should be weighted towards minimising the damage.

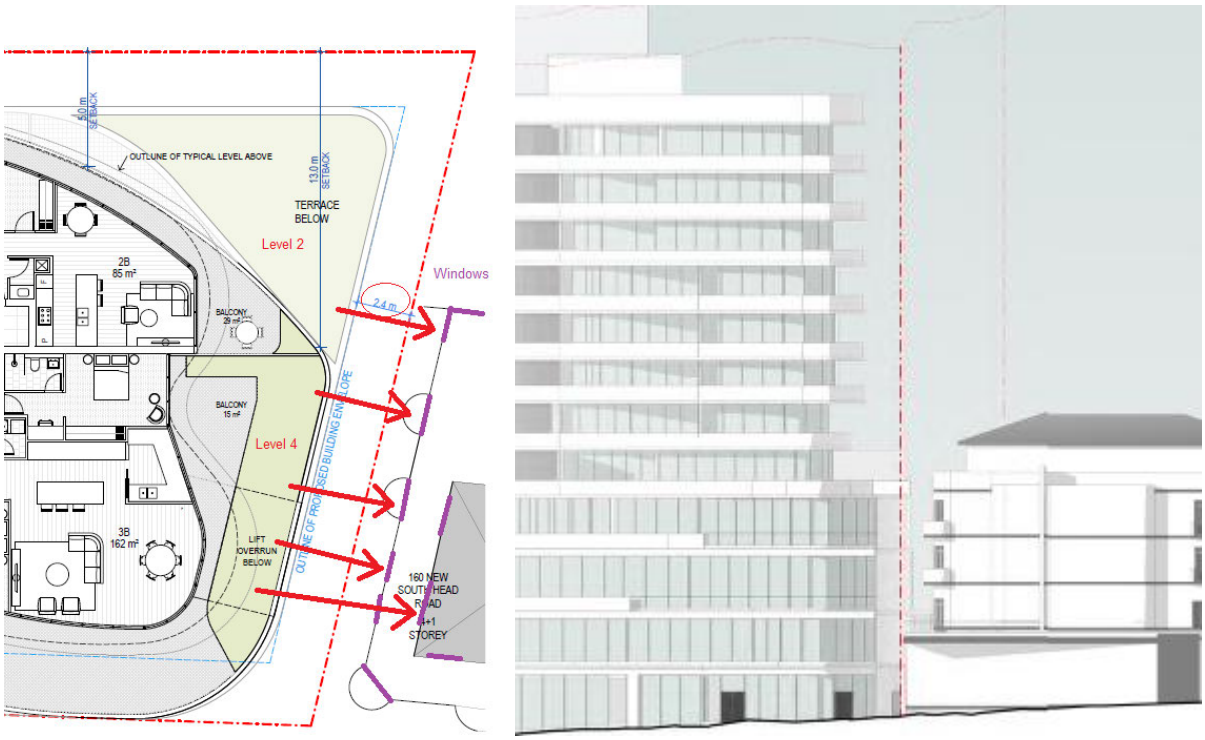
3. Total loss of privacy

The proposed development will have 4 levels of commercial space with a roof terrace on top, and the structure will be situated just 2.4/2.5 meters from the eastern boundary. Although the developers indicate that 'privacy shutters' will be installed on the windows facing the adjoining buildings, there will be a total loss of privacy for the residents of 164 and 166 New South Head Rd buildings. Such an outcome is entirely unacceptable and contradicts the design guidelines for apartments.

Illustration of impact of the proposed development on the adjoining building.



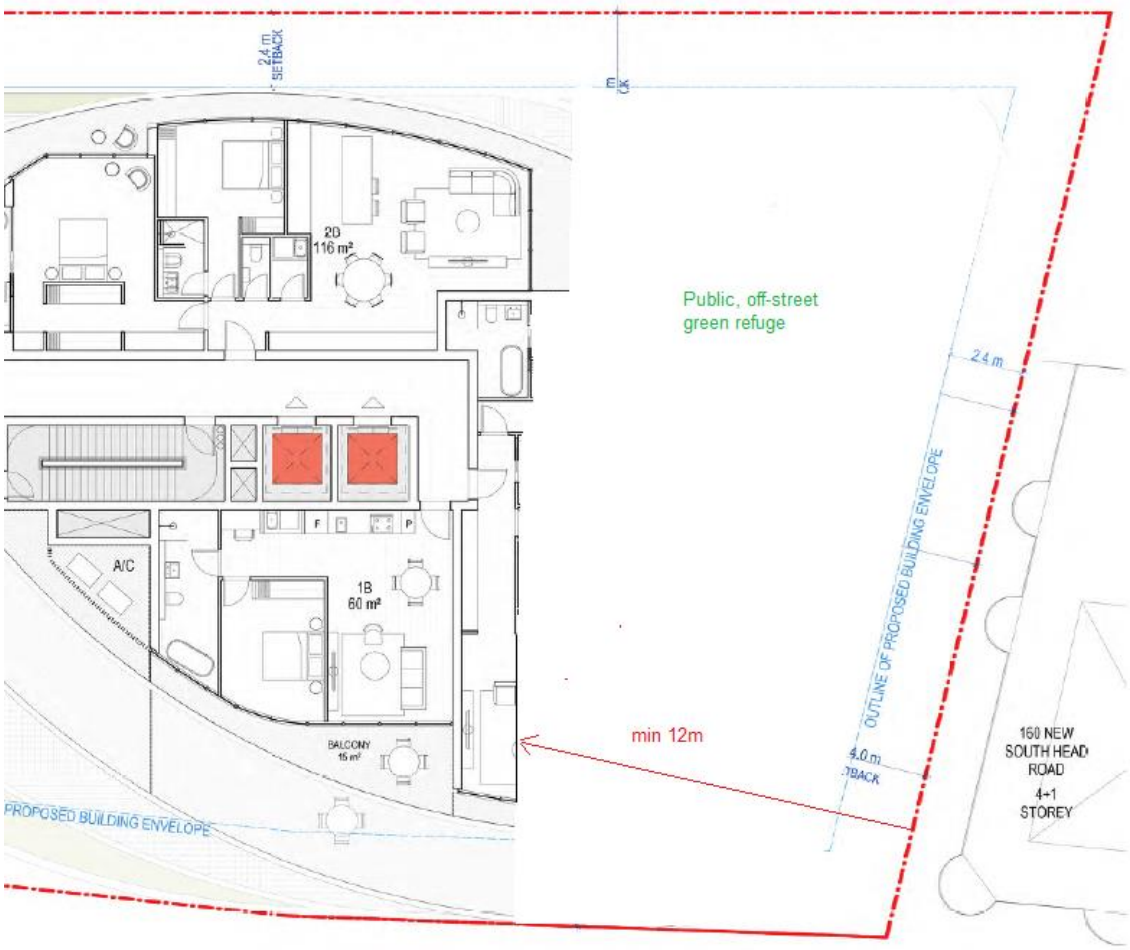
Residential and commercial windows of the proposed building will be in direct line of sight of the adjoining property, at the distance of 2.4-3.0 meters.



In particular, according to presented plans, from level 4 terrace there will be a direct line of sight into the living areas and bedrooms located on the third and fourth floor of adjacent buildings. There will be a direct line of sight into living areas and bedrooms located on the first and second floor from level 2 terrace. And residential balconies on level 5 and 6 will be overlooking the communal roof terrace and penthouse bedrooms and terrace from close proximity.

The Apartment Design Guide – Part 3: Siting the development specifies that the separation between buildings should be at least 12m if habitable rooms and balconies are present and the building is higher than 25m. Additionally, there should be at least 3m added to that separation when the building is adjacent to a different zone that permits only lower density development, which is the case here. Therefore, the minimum **separation between the buildings should be 15m**. The Council should take the responsibility to enforce these design guidelines in the interest of existing residents and the local community, even if the decision to increase the allowable height of the building is made in favour of the developers.

Enforcing these guidelines will also enhance the amenity for all stakeholders. For example, enforcing the separation will create space for a public, off-street green refuge, which is lacking in this area. The closest similar area is 400m away from this location. There is, in fact, a recommendation from the council's staff assessment of the proposal for the inclusion of provisions related to *'Recreation and open space, urban greening, and outdoor spaces'* in the VPA with the developers (p.7).



Note: Suggestion for the location of green space.

4. Substantial loss of value:

A tangible consequence of amending planning regulations to allow this development to proceed is the loss of value of adjacent apartments. Courts have acknowledged that views from a person's home can have considerable value (some researchers estimate that views can reasonably add as much as 17-60% to the price of a property). The loss of direct sunshine and privacy will also play a significant role, as few people are enthusiasts of 'dark and confined spaces.' The key point is that the owners of those 10 west-facing apartments (7 at 164 and 3 at 166 New South Head Rd, Edgecliff) will experience a genuine economic loss if the development is approved as is.

The estimate of the value of that loss is beyond the scope of this submission, but it suffices to say that it can be assessed by a professional valuer and that collectively, it will be substantial and should be at least partially borne by the developer. Making a reference to it in the VPA would be a logical solution.

There would be no issue if the new development met existing planning regulations and followed all the guidelines, but that is not the case. Due to the changes required to make it happen, there must be a mechanism for compensating all the stakeholders, including individual owners of adjacent properties. There must also be a mechanism for the developers to share their profit margins, so that all stakeholders gain and lose proportionately from the decision.

In this case it is easy to determine that the developer's economic gain from the decision to amend the planning regulations will be the marginal profit on sale of 51 apartments that otherwise would not be permitted to be built. So it should be reasonable for the developers to factor extra compensation cost in their overall project viability calculations.

5. Additional crowding due to lack of parking in the area

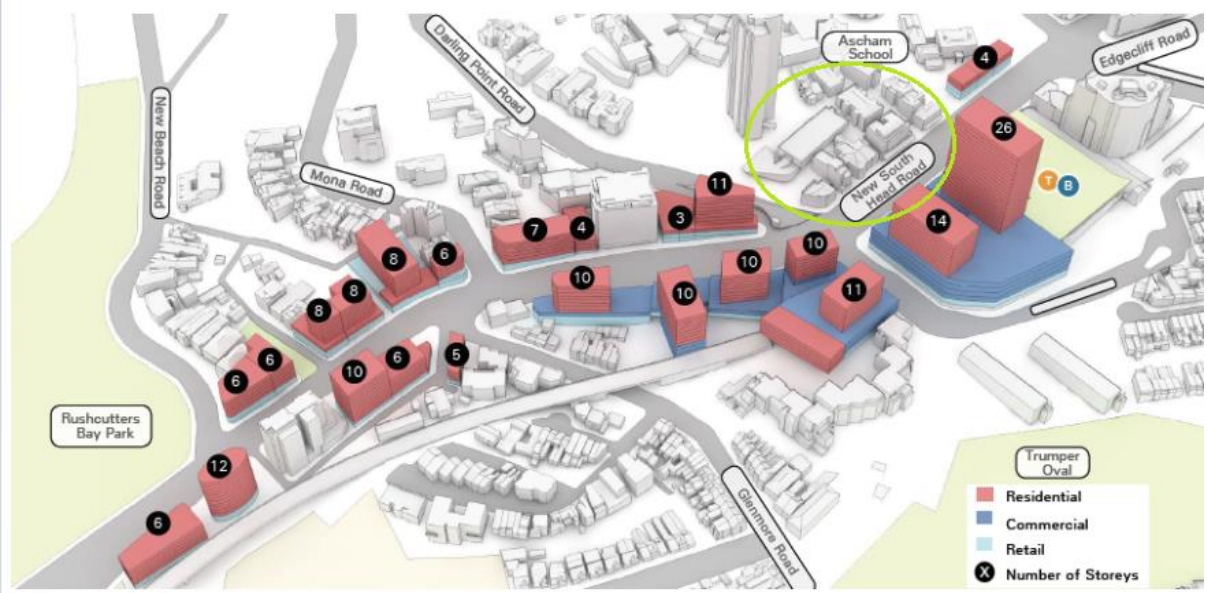
The locality lacks adequate parking spaces. There is only one commercial (paid) parking area located in the vicinity (approx. 170m away). There is no possibility of parking on the main road (New South Head Road) since the implementation of extended clearway times and side street parking is limited to 2 hrs for non-residents (and it is mostly full during the day).

The proposal includes provision for underground parking on 3 levels. *Appendix E Traffic and Parking Assessment* indicates that only 97 parking spaces are considered out of the required 103 for the residential plus mixed-use option. However, we could only count 83 parking spaces on the provided plans, and the *Council Staff Assessment of the planning proposal* talks about an even lower number: *'The proposed provision of 77 parking spaces (53 residential and 24 retail/commercial) would result in a shortfall of 19 spaces for commercial/retail.*' (p.30)

The point is that this development, if approved, will not improve the car parking situation in the area, meaning it will not enhance the area's amenity. Instead, its residents will place additional demands on the already limited stock of parking spaces in that location. Furthermore, neither the Council nor the local community will be compensated for this. Therefore, the Floor Space Ratio of the building should be reduced to comply with the requirements.

6. Over-imposing upon heritage listed properties

Recognising historical significance of the properties located along the New South Head Rd opposite the Edgecliff train station, the Council made a determination in its *Draft Edgecliff Commercial Centre Planning and Urban Design Strategy* that it would not implement any changes to existing planning regulations for this area. The Strategy was released for public consultation in 2021. This approach gives the council options regarding future decisions on preservation of the character of this part of Edgecliff.



3D Modelling of preferred built form (SJB 2018)

Green outline represents the area which the Council determined will not be a subject to planning regulation amendments. Residential towers are considered for the other side of the street.

Simultaneously with the development of the strategy, the Council conducted a heritage assessment of properties along New South Head Rd. This assessment led to the recommendation of creating the Brantwood Estate Heritage Conservation Area and individual heritage listing for properties within it.

Proposed Brantwood Estate Heritage Conservation Area with individual heritage listed properties (green), existing heritage listed properties (brown) and proposed development site (blue)

It should be noted that the proposed development site is surrounded by low-rise, heritage-listed properties. Therefore, the approved design should not detract from the overall character of the streetscape in this location, nor should it overly impose (due to the volume of the structure or its design) on the existing structures. Consequently, the development should be limited to 4 levels only, with a design that matches the historic nature of the area, meaning it must adhere to existing planning guidelines. This is necessary to preserve the character of the area while allowing for improvements in its amenity.

From:	nik angus
To:	Records
Subject:	Comments for planning proposal at 136-148 New South Head Rd, Edgecliff
Date:	Sunday, 5 November 2023 1:56:20 PM

General Manager,
I support this proposal.
There is a lacking supply of apartments near the train station.
This proposal should be approved so more people can live in a convenient location, the current buildings are tired and a complete waste of space - they need to go!

Best,

N

From: Liz Angus
To: Records
Subject: Submission for 136-148 New South Head Road, Edgecliff
Date: Sunday, 5 November 2023 1:51:16 PM

Dear Sir/Madam,

I support this proposal at 136-148 New South Head Road.

I have been frequenting this area for over 60 years, it needs to change. It is tired and needs new life.

Edgecliff Station now has lifts which is great, but the steps to the dentist at 148 New South Head Road from the street were too difficult and dangerous. The building was too hard to walk up to and it was a stuffy rabbit warren inside, not fit for use.

New fresh buildings here will be better designed so more people can access them. The area needs new street level shops and services, the old ones need to be replaced with new stylish ones.

It is also a very convenient location for apartments and I would like to move there.

Regards,

Elizabeth

From:	Adam William
To:	Records
Subject:	Planning proposal & VPA for 136-148 New South Head Rd, Edgecliff
Date:	Sunday, 5 November 2023 1:34:04 PM

To the General Manager,

Re: Planning proposal & VPA for 136-148 New South Head Rd, Edgecliff NSW 2027

Planning Proposal:

The proposal should proceed; or be improved by increasing in height and floor space, akin to other tall buildings in the direct vicinity. A 30-storey building is located next door to the proposal. More widely, there are tall building clusters of a similar size dispersed across the adjacent suburb of Darling Point, one of the desirable suburbs in Sydney. A tall building here would visually fit in and also offer more opportunity for people to live in the area.

On page 16 of the 22 April 2022 Woollahra Local Planning meeting it says the original proposal was for 18-storeys, but Council advised that a 12-storey building was more appropriate. This was because of a possible future concept called the Edgecliff Commercial Centre (ECC) Strategy to provide more housing. This ECC Strategy has not progressed. At the time of writing this submission of support for 136-148 New South Head Rd (November 2023), it has been more than 2 years since the public exhibition for the ECC Strategy closed (30 September 2021). This stalled "strategy" is reminiscent of the last time there was a Council driven "strategy" for the Edgecliff Centre and New South Head Road corridor back in circa 2013. It has been a decade (yes, that's 10 years) since the previous strategy stalled.

It is completely nonsensical to force any proposal to attempt to fit in with a potential future strategy that has stalled. Especially in the context of the prolonged housing crisis in Sydney. It should be assessed on its own merits. The simple merit of the proposal is that it keeps the art-deco heritage building whilst providing housing, which is located literally across the road from the railway station, a significant bus interchange and is located on a well-connected major road.

The proposal is textbook transit-oriented development. Edgecliff is located just 2 train stops from Martin Place. If the proposal's location is not suitable for the in-fill development of a tall building that we need – which location is? The NIMBY attitude of objectors to such proposals are selfish and are a key contributing factor to the ongoing housing crisis.

NIMBY objectors should not rule over what is good planning or what the silent majority in the community want. For context, I point to the successful reinvigoration of the Kiaora Lands development in Double Bay. Located on the same New South Head Road as the proposal, it has reinvigorated and greatly improved the area. Since completion, many of the previous objectors to that project now think it's great and use the area for their shopping and socialising. The lack of vision of a few should not stop progress in society.

The proposal at 136-148 New South Head Road contains four buildings, three of which significantly detract from the area. With the exception of the art-deco building on the corner, the other buildings are grotty, are walled off to the public and contribute nothing to the area. They are occupying land which needs to do much more than what it is.

This proposal should be approved at 18-storeys or more – subject to overshadowing analysis of impacts to other residences.

VPA:

If a taller building with more floor space is approved, both the Council and the community will benefit.

A larger building will provide more units for a range of people to live in the area and become a part of the local community.

A larger building will require the developer to pay a larger funds to Council, allowing more services to be put back into the community.

The proposal and the VPA are a win for the community and what the area needs.

Regards,

AW

From:	Jonathan Walczak
To:	Records
Subject:	SC6602 Submissions
Date:	Sunday, 5 November 2023 1:02:02 PM
Attachments:	Rezoning Objection Final.pdf

Hello,

RE: SC6602 Submissions

Please find attached my submission/ objection to the Planning Proposal and draft VPA for 136-148 New South Head Road, Edgecliff.

For awareness, this has also been lodged with NSW Government.

Regards,
Jonathan Walczak

Planning Proposal – 136 to 148 New South Head Road, Edgecliff
Objection to the proposed uplift in building height from 14.5m to 46m

Context and Executive summary

- The Gateway determination report – PP-2022-1646, dated April 2023 refers to the properties located between 136-148 New South Head Road, Edgecliff.
- The site is located on the north side of New South Head Road, opposite the Edgecliff Centre, in the block stretching between Darling Point Road on the west and Ocean Avenue on the east.
- The Planning Proposal before the NSW Department of Planning and Environment seeks to amend the Woollahra Local Environmental Plan 2014 by increasing the maximum:
    - Height of buildings control from 14.5m to 46m and,
    - Floor space ratio control from 1.5:1 to 5:1.
- This objection to the rezoning proposal outlines several key factors that haven't been appropriately considered and addressed through the Planning Proposal, Gateway determination report and Edgecliff Commercial Centre Heritage Study.

Incomplete heritage assessment

Woollahra Council has engaged GML Heritage Consultants to provide a heritage significance assessment of the Edgecliff Commercial Centre (ECC) study area. GML's final report is dated 9 August 2023. The report was presented at the Woollahra Local Planning Panel meeting - 20 October 2023 - Edgecliff Heritage Study.

The GML heritage report recommended that the group of 5 residential flat buildings, 164 to 172 New South Head Road, referred to as the Brantwood Estate Heritage Conservation Area (HCA), be heritage listed as a conservation area. These properties adjoin Ascham School on the east side (already heritage listed) and 136 – 148 New South Head Road on the west side (136 is already heritage listed).

The report was accepted and in the minutes of the WLLP meeting, it was resolved to put Brantwood Estate HCA forward for heritage listing, including interiors and gardens.

The heritage recommendations in this report do not appear to have been incorporated into this Planning Proposal. Any heritage impact assessment is incomplete and inaccurate without considering Brantwood Estate HCA and the character of all the buildings on the north side of New South Head Road, between Darling Point Road and Ocean Avenue.

Heritage impact of the proposed height increase

The Brantwood Estate HCA directly adjoins the proposed development on the eastern side. In the reports provided there's little reference to these buildings, and no assessment of the heritage context of these properties or the overwhelming visual, privacy and shadowing impact a 46m tower will have on the residents of this heritage enclave.

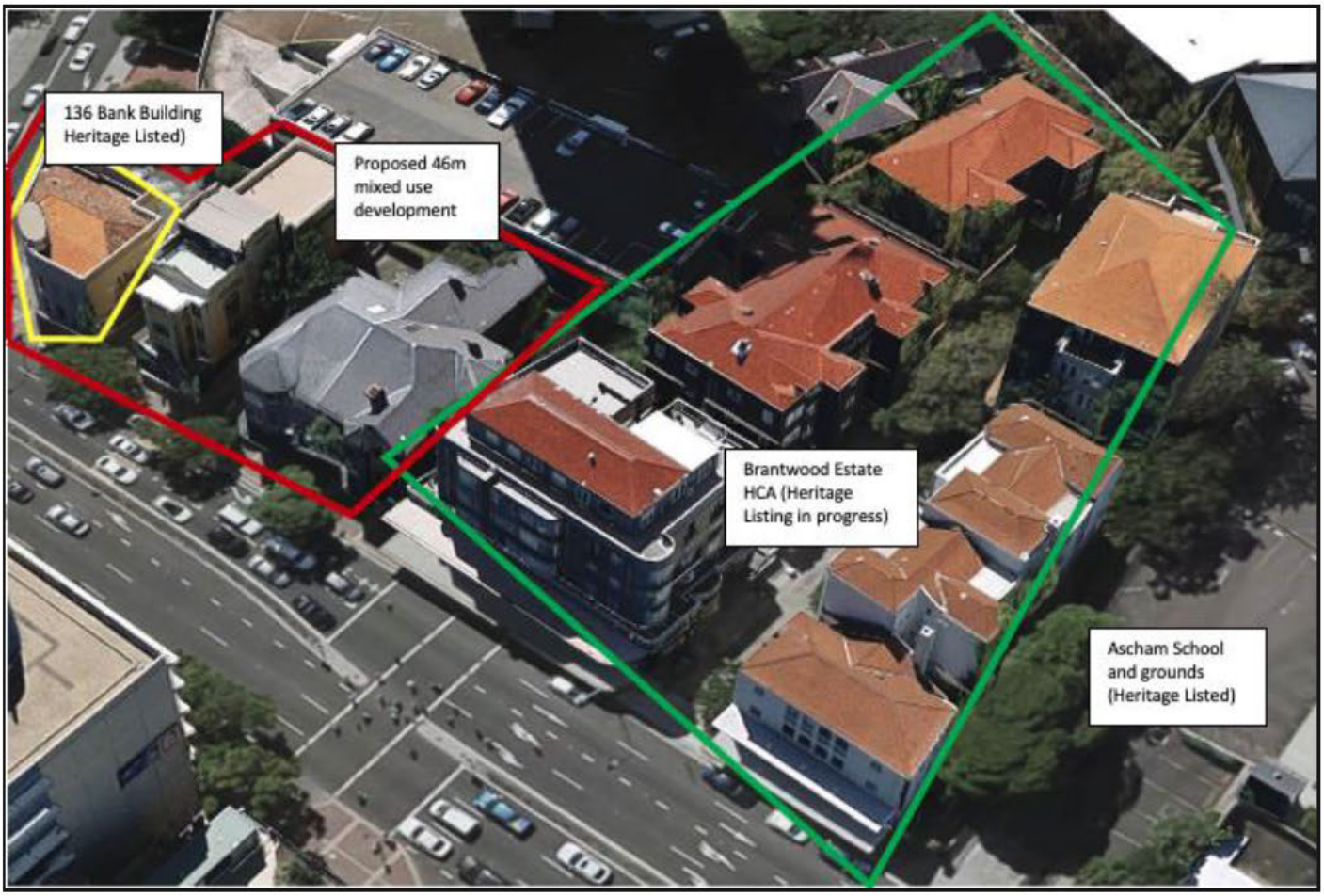
Each of the buildings fronting the north side of New South Head Road in this block, have a different architectural style. This individuality, the era in which they were built, their height, adaptation and form, all represent the unique character of this precinct.

Rezoning of the proposed development at 136 - 148 New South Head Road, with the imposition of a 46m building, will dominate the stretch of road, permanently change the character of the landscape and surroundings and will undermine the heritage value of the remaining buildings (which includes a direct impact on the proposed Brantwood HCA).

In the Draft Edgecliff Commercial Centre Urban Design Strategy it's noted this area was not identified for any uplift in the strategy's structure plan. Given the context and character of the area, and the now

completed heritage assessment of the Edgecliff Commercial Centre study area, this seems entirely appropriate.

Below are visuals of the buildings and character on the north side of New South Head Road, most of which are heritage listed (or are in the process of being heritage listed, e.g. Brantwood Estate HCA). As a heritage listed row of properties, building height along this whole block will never be uplifted to more than 14.5m and it's therefore inappropriate to allow a single 46m tower style building to dominate this heritage enclave.



The following is a photograph of buildings and unique garden setting of Brantwood Estate (from Council's ECC heritage study)

The following is an extract from the Brantwood Estate HCA Heritage Data Form detailing the uniqueness of the Estate.

Rarity SHR criteria (f)	The Brantwood Estate has a unique setting because of its internal courtyard that is addressed by representative interwar flat buildings. The interwar group of flat buildings and central courtyard setting are rare, if not exclusive, within any identified HCAs and the broader Woollahra LGA. The focus on the central court and landscape area, shared by a collection of contemporaneous interwar residential flat buildings, is a unique surviving example of an intact interwar flat development. The flat buildings within the former Brantwood Estate address a courtyard and central garden space rather than a street in a broader streetscape setting. This relationship between buildings and central space is rare in the Woollahra LGA. The courtyard and elements of the garden, including the significant large Podocarpus specimen, date from at least the subdivision of the Brantwood Estate and the construction of the flat buildings. Each element of the garden and courtyard, including trees, plantings, sandstone flagging, stairs, garden bed and fountain element, together with the five representative examples of residential flat buildings in various interwar styles, contributes to a significant space. The courtyard and garden elements connect the five residential flat buildings and are all complementary. The group of flat buildings and grounds form a cohesive, rare and aesthetically unique site in the Woollahra LGA. As individual elements, the five flat buildings and the courtyard are not rare elements, but as a group the setting created by the relationship between these elements is assessed as rare. Brantwood Estate HCA has cultural significance at a local level under this criterion. Brantwood Estate HCA does not have cultural significance at a state level under this criterion.

Following are extracts from the Rezoning Review – Briefing Report attached to this Proposal.

> *Heritage*
>
> *Also, there will be no impact on nearby heritage items (due to separation distances) and the lower height of the proposed building envelope reduces the potential for adverse visual impacts from the Paddington HCA. This is further detailed in the applicant's Heritage Report at* ***Attachment 7****.*

The above comments in relation to heritage impact are incomplete as there is no reference or consideration to the adjoining 5 buildings comprising Brantwood Estate HCA (proposed) or the fact that this whole block on the north side of New South Head Road is / will be heritage listed, except for 3 of the 4 buildings in this

Planning Proposal. Consideration of visual impacts from the Paddington HCA are called out above, however the dominating visual impact on the adjoining proposed Brantwood HCA is not mentioned at all.

> *The site is located within the Edgecliff local centre and is zoned B4 Mixed Use.*
>
> *The surrounding context of the site is characterised by a mix of office, retail, residential and educational buildings. To the west of the site, within the Darling Point Road reserve, is a concrete balustrade listed as a local heritage item (I114). The area north of the site is zoned R3 Medium Density Residential, including the adjacent 31-storey "Ranelagh" apartment building. North-east of the site is Ascham School, which consists of several local heritage items, but does not share a boundary with the site. To the south of the site, the opposite side of New South Head Road is zoned B2 Local Centre, containing Edgecliff railway station and bus interchange within the East Point mixed-use development and a commercial building known as "Edgecliff Centre".*

Brandwood Estate HCA does share a boundary with the site, however in the above extract there is no reference or acknowledgement of that fact. This Planning Proposal therefore provides inaccurate information regarding the context of the site and the direct impact on heritage items and their occupants.

Building design and character assessment doesn't consider context and character of its surroundings, failing to meet its stated objectives

For context, the Gateway Determination Report, Clause 1.2 states:

> *The objectives of the planning proposal are:*
>
> - *To put in place exceptions to the envelope controls that would allow redevelopment of the site for a 12-storey mixed use development.*
> - *To facilitate a built form that is compatible with the existing and emerging context and character of the locality.*
> - *To ensure the scale of development is commensurate with the capacity of existing and planned infrastructure.*

The Proposal provides detail on the building design and character, the materials used, height and how it fits in with the existing and emerging character of the locality. However, much of this is documented from the perspective of how it fits in with the Edgecliff Commercial Centre redevelopment (which is on the south side of New South Head Road) rather than whether it's compatible with the immediate surrounding – and adjoining properties – on the north side of New south Head Road.

The report references the surrounding context of the site as being characterised by a "mix of office, retail, residential and educational buildings" and only draws reference to the heritage items of the concrete balustrade within Darling Point Road, and the several local heritage items within the Ascham School which is north-east of the proposed site.

While the report references the need for heritage conservation in the area, it makes no mention of the adjoining properties of Brantwood Estate HCA. Given this, the report fails to address how the proposed development is compatible with and fits within the character of the locality. The proposed height, design, and use of material is not in character with the surrounding and neighbouring properties.

Misalignment with Council's Strategic Assessment

The site is within the Eastern City District and the Greater Cities Commission Plan released on 18 March 2018. The Plan contains planning priorities and actions to guide the growth of the district while improving its social, economic, and environmental assets.

Clause 3.2 of the Plan

The Planning Proposal states that it's consistent with the Woollahra Local Strategic Planning Statement (LSPS) 2020 plans and endorsed strategies, but fails to outline and demonstrate how, particularly in respect of the following extracts.

> *5: Conserving our rich and diverse heritage.*
>
> The proposal is supported by a heritage assessment, which states that only the existing heritage item at 136 New South Head Road is worthy of retention. The concept scheme demonstrates that the above item can be conserved and integrated into the future development, with the new building incorporating a cantilever across a portion of the heritage item and setbacks to minimise its visual impact. The

Given the proposed development overshadows and fails to acknowledge the heritage setting of the adjoining Brantwood Estate, and the whole block between Darling Point Road and Ocean Avenue, the proposal fails to demonstrate how it's 'conserving our rich and diverse heritage'.

> *6: Placemaking supports and maintains the local character of our neighbourhoods and villages whilst creating great places for people.*
>
> The proposal would facilitate a development with commercial uses at ground and podium levels that activate the public domain. The proposed local provision would also contribute to design excellence of the future development. A site-specific DCP could provide further design guidance to enhance place-making and conservation of heritage.

The design and size of the proposed building is not in keeping with the heritage character of the adjoining heritage conservation area, but is reflective of the modern designs proposed for the future Edgecliff Commercial Centre on the opposite side of the road which has different zoning. This is noted through the below artist's impressions of the future Edgecliff Centre and the site at 136 – 148 New South Head Road

Figure 25. Artist's impression of the Edgecliff Centre site viewed from New South Head Road looking South-East (SJB 2018)

Artist impression of the proposed development at 136 – 148 New South Head Road

This 46m tower style development is not in any way sympathetic to the context and heritage of the surrounding buildings on the north side of New South Head Road or the Brantwood HCA next door. More broadly, the proposal is not in sympathy with the heritage significance of this precinct on the north side of New South Head Road, where the whole block, with the exception of 3 of the properties making up part of this rezoning proposal, are already heritage listed or are in the process of listing.

The rezoning Proposal, with the imposition of a 46m building, will permanently change the character of the landscape and surroundings and will undermine the heritage value of the remaining buildings.

Conclusion and points of objection

It's apparent that timing issues between this Planning Proposal and the ECC Heritage Study have resulted in a situation where critically relevant heritage information – impacting this Planning Proposal and the owners of the Brantwood Estate HCA – is missing.

The Planning Proposal to triple the height of buildings from 12.5m to 46m must not be considered in isolation of the ECC Heritage Study.

I / we strongly object to the rezoning for the following reasons:

1. Uplifting of building height to 46m would create a dominating visual impact upon the Brantwood Estate HCA.

2. The defining character of Brantwood HCA is its unique and rare central courtyard and garden setting. Uplift of the adjoining building will permanently change the character of the landscape and surrounds.

3. The entire block on the north side of New South Head Road from Darling Point Road in the west to Ocean Avenue in the east, will be heritage listed except for 3 of the 4 properties making up this proposal.

4. Therefore, building height along this whole block will never be uplifted to more than 14.5m and it's therefore out of character and inappropriate to allow a single 46m tower style building to dominate the heritage enclave.

5. The 46m development will have unacceptable privacy and shadowing impacts on the neighbouring residential low rise flat buildings making up Brantwood HCA. Given the HCA listing, these properties will have no ability to make changes or adapt to the dominating landscape around them. This significant impact must be considered when assessing the proposed development.

6. The design of the proposed development is aligned to the modern style of the Edgecliff Commercial Centre on the south side of New South Head Road and is not in keeping with the heritage context of the surrounding and neighbouring buildings on the north side of New South Head Road, most of which are heritage listed and will therefore remain unchanged.

Thank you for giving due consideration to the points raised above.

Yours sincerely,

Jonathan Walczak

Owner / Occupier / Resident
Brantwood Hall
[redacted] New South Head Road
Edgecliff NSW

From:	William Clark
To:	Records
Cc:	Ben Miller
Subject:	[#230913] SC6602 Submissions - Eastpoint Food Fair / 235-285 New South Head Road
Date:	Sunday, 5 November 2023 11:53:03 AM
Attachments:	image001.png image002.png image003.png image004.png image005.png 230913 Planning Objection for Tanert v2 Final.pdf

---

Dear Sir / Madam,

Please find attached to this email a submission letter, prepared on behalf of the owners of the Eastpoint Food Fair (235-285 New South Head Road, Edgecliff) in relation to the planning proposal for 136-148 New South Head Road, Edgecliff.

Kind regards,

William Clark
Graduate Town Planner

E: [redacted]
W: www.brs.com.au
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BARKER RYAN STEWART

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ABN[redacted]

Our Ref:230913

5 November 2023

The General Manager
Woollahra Municipal Council
PO Box 61
Double Bay NSW 1360

Attn: Anne White, Chinmayi Holla

Dear Sir / Madam,

SC6602 – Submission to Planning Proposal (PP-2022-1646) 136-148 New South Head Road, Edgecliff

Introduction

This letter of objection has been prepared by Barker Ryan Stewart on behalf of Tanert Pty Ltd, who are the owners of the 'Eastpoint Food Fair', a commercial shopping centre located at 235-285 New South Head Road, Edgecliff (Lot 61 DP748554).

The submission is in response to Woollahra Municipal Council's notice and invitation for feedback on 26 September 2023 for an owner-initiated planning proposal for 136-148 New South Head Road, Edgecliff (PP-2022-1646) and an associated draft voluntary planning agreement (VPA).

An aerial view in Figure 1 below identifies the relationship of our client's property to the subject site of the planning proposal.

It is understood that the planning proposal seeks to amend the Woollahra Local Environmental Plan 2014 to include a site-specific clause that would apply to the following allotments:

- Lot 1 DP663495 (No. 136)
- Lot 1 DP1092694 (No. 138-140)
- Lot 2 DP983678 (No. 138-140)
- Lot A DP443992 (No. 142-144)
- Lot B DP443992 (No. 146-148)

This LEP amendment seeks to increase the permitted building height and floor space ratio for a single mixed-use development that would amalgamate these allotments, increasing the maximum building height on the site from 14.5m to 46m (approximately 12 storeys) and the maximum floor space ratio (FSR) from 1.5:1 to 5:1 (including 1:1 to 2:1 of non-residential floor space). The amendment would require preparation of a site-specific development control plan (DCP) and consideration of Design Excellence at DA stage subject to the advice of a design advisory panel established by Council. The amendment also appears to prohibit vehicle access to New South Head Road. The achievement of all relevant controls would then enable the development of a mixed-use building up to 12 storeys with a gross floor area (GFA) of approximately 8,700m² subject to a future DA.

The planning proposal identified the proponent's concept building design subject to a future DCP and concept development application (DA). This concept design provided an indicative mix of 41 apartments, three (3) levels of basement parking, and 2,851m² of non-residential GFA.

Barker Ryan Stewart have undertaken a review of the planning proposal on behalf of Tanert, and have

identified a number of concerns with the proposal and the potential development outcomes it would facilitate, including the following:

- Insufficient traffic and parking impact assessment; and
- Inconsistency of the stand-alone planning proposal with strategic planning framework, and associated issues.

Detailed discussion for these issues is provided under subheadings below.

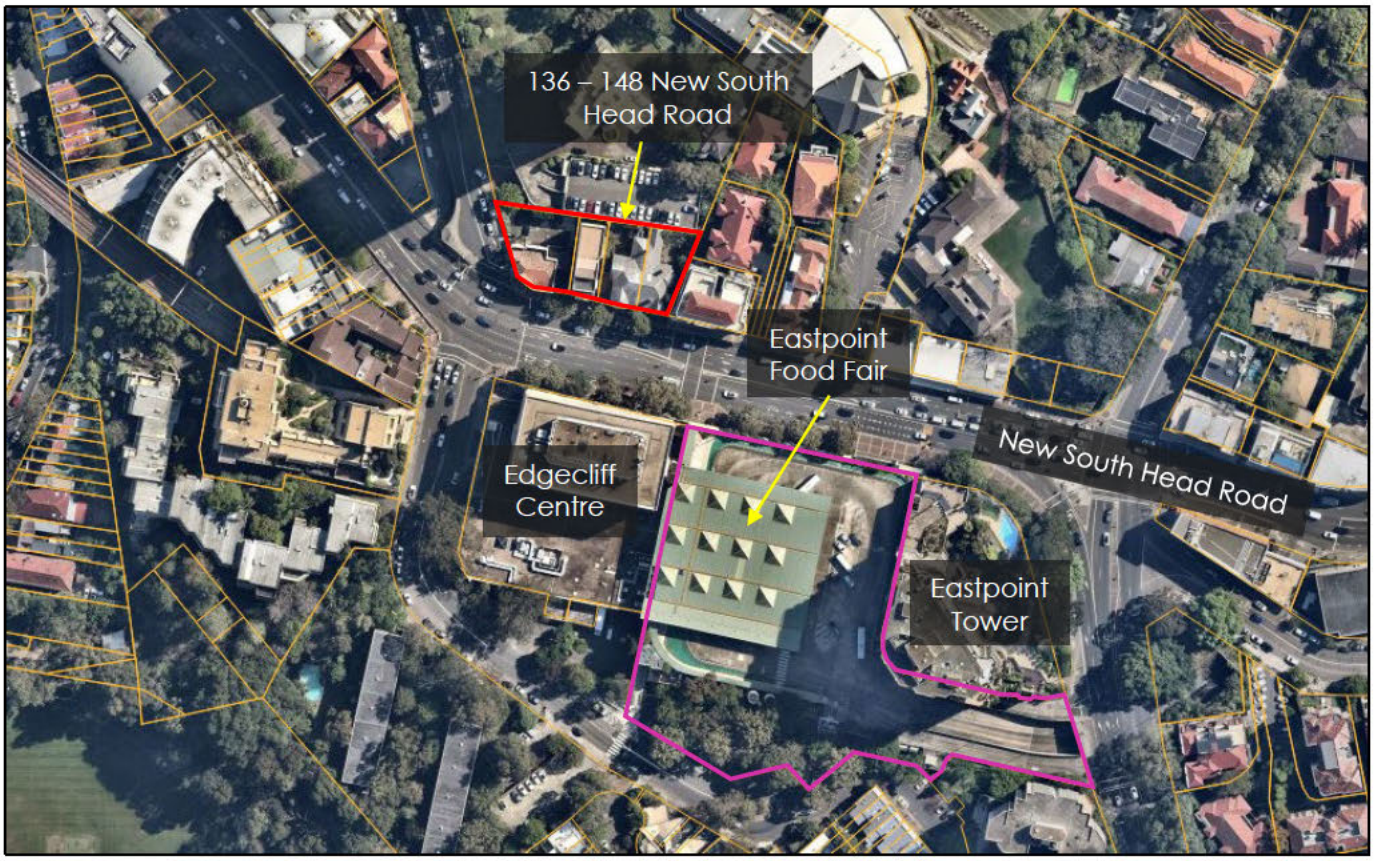

Figure 1: Aerial view of subject site and surrounds (Nearmap, 2023)

Traffic & Parking Impact Assessment

Our client is particularly concerned about the sufficiency of the traffic and parking assessment submitted with the proposal given the development site is located on a significant intersection and will intensify the traffic generation and parking demand. Future development that is unable to satisfy its parking demands on-site will reduce parking availability within the centre and consequently impact commerce and transport feasibility.

The supplementary traffic assessment prepared for the planning proposal has been reviewed – whilst the proponent's consultant indicates the proposed development uplift is unlikely to generate significant impacts to traffic and parking, the performance of Darling Point Road/ New South Head Road intersection is currently identified as Level of Service D which in traffic engineering terms is an intersection that is generally approaching its capacity. This needs to be considered carefully from a strategic sense given Council have earmarked other sites in the area for uplift, whilst this site was not identified as a "*site that provides opportunity for future uplift*" in the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy (ECC Strategy). Darling Point Road/ New South Head Road intersection already is identified as a local bottleneck and development that is likely to exacerbate this must be the subject of stringent assessment.

With respect to the traffic assessment publicly available for review, it doesn't appear that consideration

of queue lengths and degree of saturation are provided in the SIDRA discussions, and it is therefore difficult to accurately identify the potential traffic impacts of the concept development. Clarification or further assessment should be undertaken, and the broader strategic traffic impacts adequately resolved prior to the intensification of development adjoining this significant intersection. It is also important that further analysis includes the cumulative impacts of the other sites identified in the ECC for future intensification so that the real impact of future development is known. It is seriously queried what the intersection performance of Darling Point Road / New South Head Road may look like if the other twenty sites strategically earmarked for uplift were included in the analysis given the intersection is noted to be a bottleneck in peak times.

We believe that additional traffic and parking demand in the local road network may present not only amenity impacts for tenants/patrons of the local centre, the subject future mixed-use development, and our client's property, but potential safety risks for motorists and pedestrians given that this location is a significant commercial and public transport hub for the Edgecliff/Double Bay area, including both the Edgecliff Railway Station and a bus depot. Pedestrian activity and traffic along the New South Head Road corridor is anticipated to increase as a result of future strategised uplift and population growth in both the Edgecliff and Double Bay local centres.

There is reasonable concern that traffic generating developments such as that enabled by this proposal may result in adverse conflict between pedestrian and vehicle traffic in the adjoining intersection, affecting transport and businesses. These impacts may be otherwise mitigated by the application of a precinct-wide planning strategy and suitable upgrades to the road corridor which are not proposed in this application for a site specific LEP amendment.

We believe that a planning proposal comprising such a significant intensification in this prominent location along the road corridor should comprehensively consider and design for the cumulative impacts of development that is likely to be realised as a result of the Council strategy currently in draft form. Traffic impacts must be assessed at a macro level for the Edgecliff Commercial Centre and appropriate measures introduced to assist with mitigating impact in the greater centre, rather than smaller sites. Traffic assessment of ad hoc planning proposals does not factor in future cumulative impacts as addressed above and the LEP amendments should not be supported.

Inconsistency with Strategic Planning Framework

In addition to traffic impacts, the owner-initiated planning proposal would facilitate a fragmented uplift of the commercial centre to occur outside of a coordinated and study-based precinct strategy.

The intensification of the subject site incorporates a stand-alone mixed residential and commercial uplift, increasing the potential FSR for commercial and residential floor space on the site. We query the extent of the increases in floor space proposed to be permitted, given the site's constrained vehicle access and servicing locations being located on a major intersection with limited secondary road access.

As evident in Figure 2, the lots at 136-148 New South Head Road were not identified in the ECC Strategy as '*sites that provide an opportunity for future uplift*'. Excluded sites included those which had maximised their development potential and other relevant built form constraints applying to these sites were as follows:

- *Heritage listed items and buildings located in a heritage conservation area should be retained.*
- *Sites fronting New South Head Road with no secondary street access have restricted servicing arrangements.*

It is queried whether the proposed development to be enabled by the LEP amendment is appropriate in the context of the existing heritage item within the site and whether the scale of development is appropriate within the immediate curtilage of this item. It is unclear that adequate consideration has been given to the impacts of excavation for basement parking. Despite the assurances provided by the proponent's heritage consultant, it is apparent that the future concept development as indicatively

proposed will impact the understanding and significance of the heritage item within the site.

It appears inappropriate to allow a stand-alone planning proposal that intensifies development potential on these lots to proceed, contrary to the wider precinct strategy and without sufficient assessment of and resolution of constraints. Given that the allotments are proposed to be consolidated into a single development, adequate vehicle and service access and traffic and parking arrangements should be a prerequisite to an increase in permitted floor space.

As above, we contend that the traffic and parking assessment included in the planning proposal has not adequately accounted for the cumulative impacts of both the proposed mixed-use development and the additional traffic to be generated by the strategized uplift of the wider Edgecliff Commercial Centre precinct in the ECC Strategy.

Traffic and parking functionality within the locality and the visual catchment of commercial office spaces are key to the commercial viability of the Eastpoint Food Fair and similar local developments, and the uplift sight in this ad hoc planning proposal is likely to result in potential amenity and financial impacts to our client, their tenants and patrons.

The merit of the stand-alone proposal is considered to be additionally limited by the low yield of dwellings (41 apartments in total per the provided concept design) and lack of affordable housing in concept designs for a future mixed-use development, given the significant increase in permissible building height and floor space.

We recommend that the lands subject to this planning proposal instead be incorporated for further review in the planning and urban design strategy (ECC Strategy) where a consistent approach to development in the centre can be established. Should the subject site again be deemed unsuitable for potential uplift, it will become apparent that development of this scale in this location should not be supported. Further review of the subject sites in the context of the ECC Strategy is likely to result in a more harmonious and practical relationship between development on this site, the streetscape and neighbouring properties.

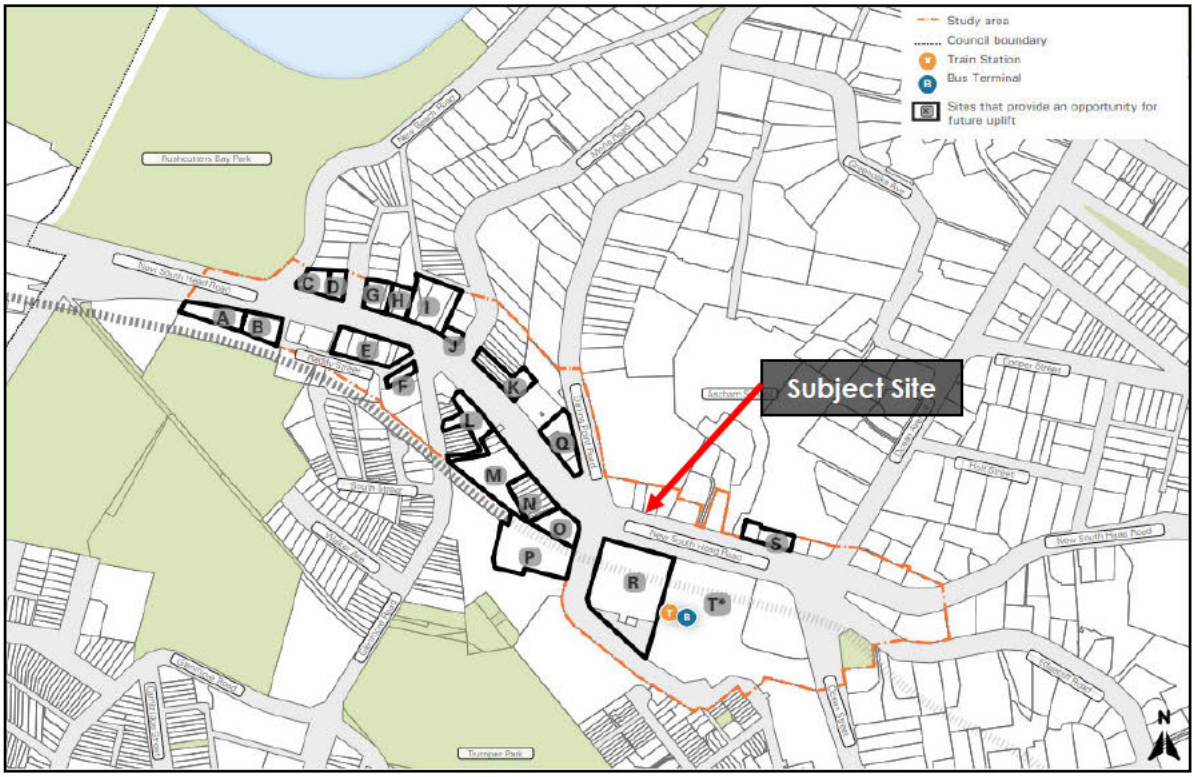

Figure 2: Extract from the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy (ECC Strategy) identifying sites that provide an opportunity for future uplift.

Conclusion

The Draft Edgecliff Commercial Centre Planning and Urban Design Strategy (ECC Strategy) provided recommendations on key built form outcomes including land uses, heritage conservation, maximum building heights, active street frontages, affordable housing, design excellence, community infrastructure and transport. This ECC Strategy was prepared to limit the impacts of ad-hoc planning proposals which can result in a fragmented and uncoordinated approach to planning.

Whilst the site was included in the Study Area in the ECC Strategy, it was not identified as a site with development potential as shown in Figure 2. The site was not deemed suitable for uplift due to constraints such as heritage, view loss and access, and the planning proposal documentation has not appropriately justified that future development impacts can be mitigated or managed. This is particularly relevant if the twenty (20) sites that were earmarked for uplift realise that development potential following broader amendments to the LEP density controls.

Cumulative traffic and parking impacts and potential conflict between pedestrian and vehicle traffic flows in the Darling Point Road / New South Head Road intersection are of particular concern for local amenity and the viability of the Eastpoint Food Fair.

The Eastpoint Food Fair has raised additional concerns over the proposed intensification of the retail usage on the subject site. It is understood that the retail usage in the local Edgecliff and Double Bay precincts are already being heavily intensified through developments such as the Woolworths store in Double Bay, which has been asserted to have a dramatic impact on business in Edgecliff. The owners of the Eastpoint Food Fair therefore further object to expanding the retail usage on the subject site, given the locality already possesses an oversupplied and tough retail market.

Given the level of inconsistency with the recommendations of the draft ECC Strategy, the lack of functional merit (parking, traffic and access/servicing issues) and the likely financial and amenity impacts on surrounding development, it is recommended that the planning proposal does not proceed. It is recommended that the draft ECC Strategy be finalised and Council implement an overarching framework for Edgecliff through LEP amendments prior to any planning proposal for this site to be considered if at all. As referenced in the draft ECC Strategy, ad hoc planning proposals in this area will significantly impact the planned coordination of development in Edgecliff. The ad hoc proposals will create broader traffic, parking, amenity, built form and view loss issues that would be avoided through implementation of the recommendations identified in the draft strategy.

If you wish to discuss this submission to the planning proposal further or have any questions, please contact the undersigned or our office.

Yours faithfully,

William Clark | Graduate Town Planner
Barker Ryan Stewart Pty Ltd

Ben Miller | Senior Town Planner
Barker Ryan Stewart Pty Ltd

From: Vivian Zeltzer
To: Records
Subject: SC5174 Submissions
Date: Tuesday, 24 October 2023 11:27:45 AM

To whom it may concern

We refer to the above submission and write to advise our feelings on the proposed development.

We believe that this proposal satisfies our vision for the area and how it could benefit us and the Eastern Suburbs community in general.

We have often advised our children when they were looking for living premises or investment opportunities to buy a place near the Edgecliff Interchange as it is a gateway to the City and the Eastern suburbs. They could not find affordable decent modern housing near the train station especially on New South Head Road.

This proposal is an ideal location for density given all the tall buildings in the area and the intended additional parking will always be welcome.

Edgecliff needs an appropriate modern building as is proposed.

Yours sincerely,

Gregory & Vivian Zeltzer
[redacted] Towns Road
Vaucluse NSW 2030

Sent from my iPad

From: [redacted] Records
Cc: Barbara Rooke; [redacted]
Subject: Planning Proposal & Draft VPA for 136-148 New South Head Road, Edgecliff.
Date: Saturday, 11 November 2023 9:27:32 AM

THE DARLING POINT SOCIETY INC.
ABN 88 141 102 701

24th October 2023

Craig Swift-McNair
General Manager
Woollahra Municipal Council
[redacted]

Dear Sir

Planning Proposal & Draft VPA for 136 -148 New South Head Road, Edgecliff

The Darling Point Society opposes the above development for the following reasons.

New South Head Road is a major regional road, being a major link between the Eastern Suburbs and the Sydney CBD and beyond given its connection with Sydney's freeway systems. Traffic congestion is already a major issue. This location is a major transport hub for the area servicing schools including Double Bay Public School, Ascham, Cranbrook, Scots, Kambala, etc.

This development would significantly add to this congestion with its accompanying parking for both residential and commercial occupants as well as service vehicles. Road access for the development would be at Darling Point Road right at the intersection with New South Head Road. The unique geographically conditions in this location make any solutions to increase capacity problematic. Whilst Council has been working with Transport for NSW for several years to improve capacity at this location, no solution has yet been found.

This development would make a difficult situation worse.

The proposal would also have a negative impact on the amenity of the area. Overshadowing, loss of privacy, noise amplification and most importantly wind tunnelling would all be major issues for this development.

Finally, the proposal does not include affordable housing. Given its ideal location to transport, shopping and workplaces, it would be preferrable to include this in the project as an immediate solution rather than as a contribution for another project which may or may not, ever eventuate.

We trust serious consideration be given to refuse this proposal and VPA.

Cheers
Robert

Robert Pompei
President
Secretary/Public Officer
Darling Point Society
[redacted]

Please consider the environment before printing this email.

14 October 2023

Mrs C Bennett
[redacted] Leigh Place
West Pennant Hills
2025 NSW

General Manager
Woollahra Council
PO Box61
Double Bay NSW 2028

Re: SC6602 Submissions – Edgecliff Development

Dear Sir / Madam

Being an elderly person who has a desire to live in the area I would like to advise that I support the proposed development that is across the road from the station at Edgecliff.

Apart from this proposed development, Edgecliff is an ideal part of the Shire to have increased density for residential development.

I believe it takes appropriate advantage of the rail network, meaning it is good for the community and the environment.

I have been keeping an eye on these development issues and its time that Council be a bit more proactive about making some of these larger developments occur where appropriate and I believe Edgecliff is appropriate.

Yours faithfully

[redacted]

Mrs C Bennett

14 October 2023

Mr D Bennett
[redacted] Leigh Place
West Pennant Hills
2025 NSW

General Manager
Woollahra Council
PO Box61
Double Bay NSW 2028

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Yours faithfully

[redacted]

Mr D Bennett

Transport for NSW

10 November 2023

TfNSW Reference: SYD23/01072/01
Council References: Ref-2431 for Planning Proposal PP-2022-1646

Mr Craig Swift-McNair
General Manager
Woollahra Municipal Council
PO Box 61
DOUBLE BAY NSW 2028

Attention: Mr Lyle Tamlyn

RE: PLANNING PROPOSAL for 136-148 NEW SOUTH HEAD ROAD, EDGECLIFF

Dear Mr Swift-McNair,

Thank you for referring the above planning proposal to Transport for NSW (TfNSW) on 25 September 2023. Transport for NSW (TfNSW) appreciates the opportunity to provide comment on the Planning Proposal.

TfNSW notes the Planning Proposal seeks the following amendments to the Woollahra Local Environmental Plan (WLEP) 2014:

- A site-specific clause to allow exceptions to the mapped Height of Buildings maximum of 14.5m (to a maximum of 46m) and to the mapped FSR maximum of 1.5:1 (to a maximum of 5:1) subject to certain conditions.
- Removal of the Land Reservation Acquisition Map (Sheet FSR_003) Classified Road reservation that applies to 136 New South Head Road, Edgecliff.

The indicative development concept is for a 12-storey mixed use building comprising:

- Total GFA of 8723m2 with the following distribution: 5872m2 residential, 2851m2 non-residential – includes 339m2 heritage building, 2253m2 office, 155m2 retail;
- Forty-one apartments with the following mix: 9 x1 bedroom, 18 x 2 bedroom, 12 x 3 bedroom, 1 x 4 bedroom, and 1 x 5 bedroom;
- Three levels of basement parking accessed off Darling Point Road, with capacity for 77 car spaces and 8 motorcycle spaces with the following allocation: 53 car spaces and 6 motorcycle spaces (residential), 24 car spaces and 2 motorcycle spaces (non- residential).

TfNSW has reviewed the submitted documentation. Detailed comments are provided in **Attachment 'A'** for Council's further consideration.

For any further enquiries, please contact Stephen Briant – Land Use Planner on mobile [redacted] or email: [redacted]

Yours sincerely,

[redacted]

Carina Gregory
Senior Manager Strategic Land Use (Eastern)
Land Use, Network & Place Planning

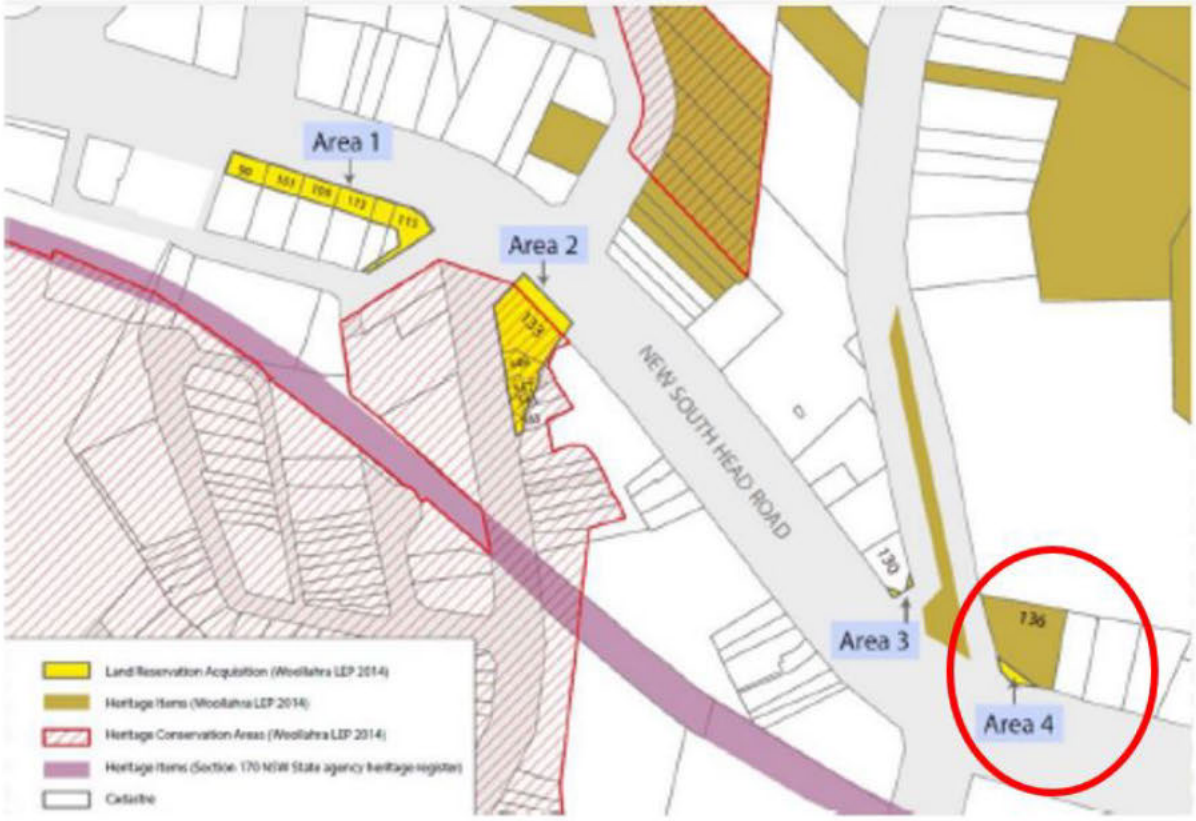
Attachment A – TfNSW Comments on Planning Proposal PP-2022-1646

1. Removal of Land Reservation for future acquisition, 136 New South Head Road, Edgecliff

- It is noted that the applicant has proposed to amend the Land Reservation Acquisition (LRA) Map of the Woollahra LEP to remove the Classified Road reservation that applies to No 136 New South Head Road, Edgecliff.

- TfNSW has previously advised Woollahra Council in relation to Planning Proposal PP-2021-6740 which proposed the removal of four (4) areas of road reservations along New South Head Road (Attachment 'B' – 21 April 2020), and through its representations to the Independent Planning Commission (IPC), that it has no plans to remove any of the land reservations along New South Head Road, including Area 4. Further to this, we also understand that the Department of Planning and Environment has written to Council (as indicated in the letter to TfNSW, Attachment 'C' - dated 12 April 2023), to explain its position following the release of the IPC's advice report (10 October 2022), and that a Gateway determination was issued (8 June 2022) for PP-2021-6740 to not proceed.

- New South Head Road and the subject reserved land (Area 4, refer figure below) is part of an important public transport corridor from Darlinghurst to Bondi. One of the strategic visions in the corridor's road network plan for the next 20 years is to provide a safe and reliable corridor that encourages the use of sustainable transport modes with efficient public transport services and high-quality active transport facilities.



- The Department's 12 April 2023 letter confirmed the requirement to maintain the land reservations (see Attachment 'C') stating:

  > *"The Department is satisfied that TfNSW, as the relevant public authority, does not grant consent to the removal of any of the reserved land……"*
  >
  > *"The Department acknowledges the importance of identifying and safeguarding land for transport and other infrastructure, which is stated in Priority E1 and E10 of the Eastern City District Plan. As the subject land reservation has been identified by TfNSW as being required to implement future public and active transport improvements, the Department supports its retention for future acquisition by TfNSW……"*

  Further, in relation to the heritage item that occupies 136 New South Head Road and as it relates to both Areas 2 and 4, the Department's letter states:

  > *"The status of the relevant sites in these two areas as heritage items should not preclude reservation of the land for transport purposes. The local heritage listing provides the basis for the consent authority to consider the effect of future changes, including alteration, moving and demolition, on the heritage significance of the items concerned. It does not mean the listing should constrain public authorities from acquiring the land for public purposes"*

- There has been no change to the TfNSW position as it relates to the retaining of the land reservation acquisitions along New South Head Road at Edgecliff and applying to part of 136 New South Head Road. We **do not** therefore provide our approval under Section 9.1 of the Environmental Planning & Assessment Act 1979 Ministerial Direction *5.2 Reserving Land for Public Purposes* (refer to Attachment 'D') for the alteration or removal of the existing reservation as part of this Planning Proposal.

- TfNSW does not support the construction of any new buildings or substantial structures on or above the land affected by the land reservation (including "air rights"). However, the TfNSW policy is that it would not object to normal maintenance and repairs, nor to minor alterations and additions.

- The intended use of the land reservation in Area 4 is to be clarified including showing details of how any proposed new building, building setbacks or alteration to the heritage building, and how this accommodates the retention of the land reservation. From the application it is unclear if the proposed development would impact upon the land reservation. The applicant must show how any new building on the site relates to the land designated as land reservation including all floor levels (including maintaining the reservation "air rights").

2. Vehicle access

- All vehicular access / egress for the site to be from Darling Point Road with no vehicular access / egress for the site from / to New South Head Road.

- TfNSW recommends the proposed location of any vehicular access to be located as far as possible from the traffic signals at New South Head Road and Darling Point Road.

- Left in/left out (LILO) movement is expected in this location given the high traffic volume experienced on this road and the intensification of the traffic generated from this site. Future Development Applications should consider whether median or any associated treatments can be provided to enforce this LILO movement. The investigation and delivery of any road treatment would be undertaken at the developer's expense.

3. Other transport/traffic issues and public benefit works

- The development should design streets that are reflective of NSW Futures and NSW Active Transport Strategy including:

  - Delivering integrated land use and transport planning connecting people to their local metro centre and strategic centres within 30 minutes by public transport.
  - Enable 15-minute neighbourhoods.
  - Deliver connected and continuous cycling networks.
  - Promote safer and better precincts and main streets.

- It is recommended that a Green Travel Plan (GTP) be provided to demonstrate a commitment to sustainable transport and modal shift. It is recommended that a Travel Access Guide (TAG) be prepared and included as an appendix in the GTP.

- Council is recommended to constrain parking supply for the development by adopting maximum parking rates to encourage sustainable transport such as public transport and active transport in alignment with the excellent access to public transport of the site and reflective of the low vehicle traffic generation assumed for the site. It is noted that the amount of commercial and retail parking for the site would appear excessive.

- It is noted that this site is in close proximity to current and proposed safe walking and cycling connections including:

  - A walking and cycling link which forms part of **Strategic Cycleway Corridors network's** Sydney CBD – Double Bay – Rose Bay.
  - Connection to Edgecliff Station.

- The provision of suitable active transport connections both internally and to the site, are paramount. Please refer to:

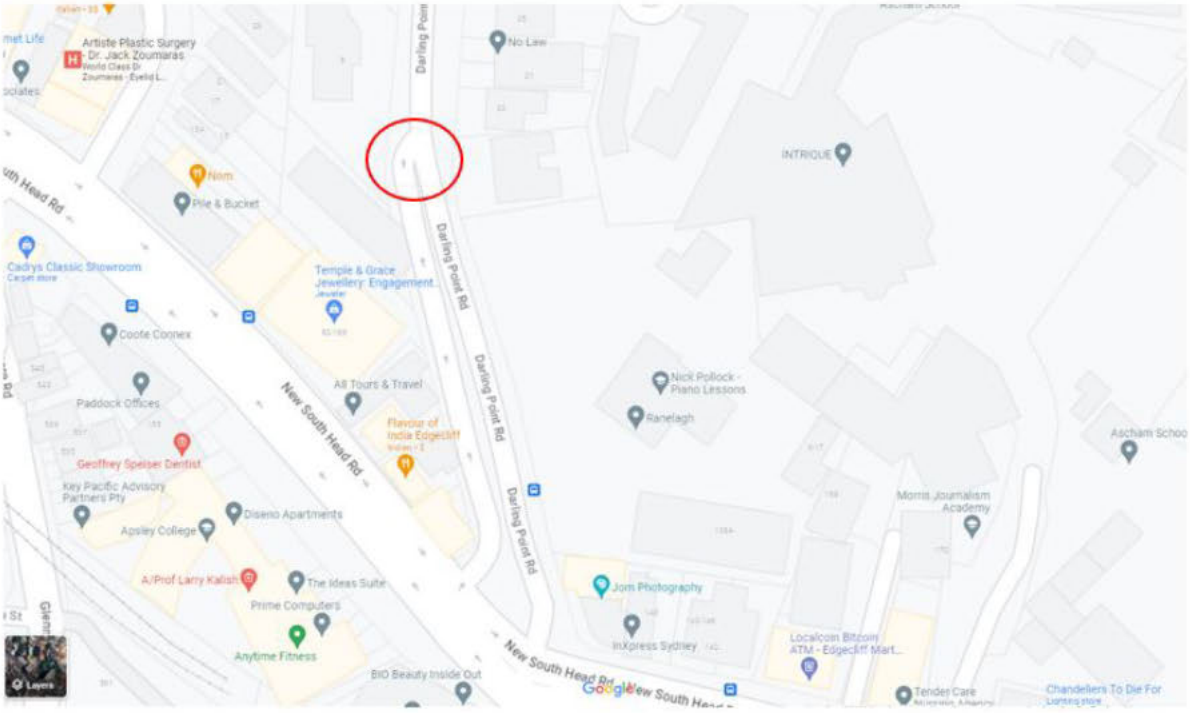
  - Cycleway Design Toolbox (2020) outlines best-practice guidance on how to design for cycling and micro-mobility including facility types and widths and;
  - Walking Space Guide (2020) provides a set of standards and tools to assist those responsible for designing Walking Spaces on streets, to ensure that sufficient space is provided to achieve comfortable environments which encourage people to walk.

- Bicycle parking and end of trip facilities are to be designed to the quantity and quality of design that reflect Transit Orientated Development design. For bicycle parking and end of trip facilities, the layout, design and security of bicycle facilities must comply with the minimum requirements of:

  - Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities,
  - 'Austroads Bicycle Parking Facilities: Guidelines for Design and Installation', and;
  - Councils DCP.

- TfNSW has a concern regarding the impact of additional traffic generated by the development on the intersection of Darling Point Road and Darling Point Road located approximately 150m north of the site (see map below). There is potential for additional right turn movements into

Darling Point Road (southbound) for vehicles to access the site. As Darling Point Road is a local Council road, this matter is brought to Council's attention for appropriate consideration.



- It is proposed that as the Planning Proposal progresses, the public benefit offer will be formalised, and details of the overall community benefit will be included in a Planning Agreement.

- It is noted that the status of any agreement for additional works related to a public benefit offer, is unclear at this stage and needs to be clarified with Council and TfNSW. This is to include (but is not limited to):

    - Any upgrades to the public domain along New South Head Road and Darling Point Road.
    - Opportunities to improve the pedestrian and cycling infrastructure.

Attachment B –Parliamentary Secretary for Roads and Transport letter to Council

Ms Eleni Petinos MP
Parliamentary Secretary for Transport and Roads

Our Ref: 00984019

Councillor Susan Wynne
Mayor
PO Box 61
DOUBLE BAY NSW 1360

Dear Cr Wynne

Thank you for your correspondence to the Minister for Planning and Public Spaces, which was referred to the Minister for Transport and Roads, about land reservations along New South Head Road, Edgecliff. The Minister has asked me to respond on his behalf.

I understand you also wrote to the Minister for Transport and Roads directly regarding this matter, and I trust you will accept this as a response to both approaches.

I note the reasons which prompted you to write, however Transport for NSW has no plans to remove the land reservations at this time.

Removing the land reservations may allow for future developments on this site, which may hinder the public transport possibilities for this key corridor.

I am advised New South Head Road and the reserved land is part of an important public transport corridor from Darlinghurst to Bondi. One of the strategic visions in the corridor's road network plan for the next 20 years is to provide a safe and reliable corridor that encourages the use of sustainable transport modes with efficient public transport services and high-quality active transport facilities.

If you have any further questions, Mr Murray Cleaver, Network Development Leader at Transport for NSW, would be pleased to take your call on (02) 8849 2177.

I trust this information is of assistance.

Yours sincerely

[redacted]

21/04/2020

Eleni Petinos MP
Parliamentary Secretary for Transport and Roads

GPO Box 5341, Sydney NSW 2001