



**Council Ref:** Pre-application consultation 1/2023 [23/108133]

02 August 2023

Paolo Razza  
Longhurst Property Group  
Level 6  
203-233 New South Head Road  
Edgecliff NSW 2000

Dear Mr Razza

**Re: Pre-application consultation response**

**Meeting No:** 1/2023  
**Meeting date:** 06 June 2023  
**Property:** Edgecliff Centre site - 203-233 New South Head Road,  
Edgecliff  
**Applicant:** Longhurst Property Group

Thank you for attending the meeting on 6 June 2023 to discuss your potential request for a planning proposal at 203-233 New South Head Road and part of the adjoining Council-owned road reserve fronting New McLean Street (collectively referred to as the 'site').

Attached is our response to the information you submitted prior to the meeting and key issues discussed at the meeting and your further correspondence. We hope this response will assist in deciding how to progress your project.

The comments provided in this letter and the attached response are made in regard to a pre-application for a planning proposal request. The comments do not represent a notification under clause 9 of the *Environmental Planning and Assessment Regulation 2021*.

The pre-application consultation aims to identify issues that need to be addressed prior to requesting Council to prepare a planning proposal. However, it is only after a detailed assessment of a request that all issues can be identified and fully considered. Please note the disclaimer at the end of the response.

In summary, the pre-application submission seeks the following changes to the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014):

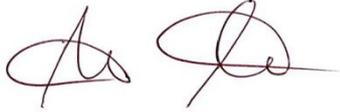
- Amendment to the maximum building height standard from 0m, 6m and 26m to between 132m - 136m;
- Amendment to the maximum floor space ratio (FSR) standard on 203-233 New South Head Road, Edgecliff from 2.5:1 to 9:1;
- Amendment to the maximum floor space ratio (FSR) standard on the Council-owned part of the site from 0:1 to 3.5:1; and
- Introduction of a site-specific provision to provide a minimum 3:1 FSR for non-residential uses.

Given the site's strategically important location in the Edgecliff Commercial Centre, Council staff support reviewing the planning controls for this site. However, the proposed increase in both the maximum building height and FSR controls is significant in the context of the site. In summary, it would create a building envelope which is excessive in height and bulk. Council staff consider that the extent of the proposed increase is not currently justified on either strategic or site-specific merits. Therefore, Council staff do not support the proposal in its current form. These key issues, as well as other matters, are detailed in the attached advice for your consideration.

Further information on planning proposal requests is available on Council's website at: [www.woollahra.nsw.gov.au/building\\_and\\_development/development\\_rules/requests\\_for\\_planning\\_proposals](http://www.woollahra.nsw.gov.au/building_and_development/development_rules/requests_for_planning_proposals). If you lodge a planning proposal, please indicate on the form that you had a pre-application meeting and include the reference provided at the top of this letter.

I hope this service has been of use to you. Please contact Chinmayi Holla if you require any further assistance on (02) 9391 7140.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Anne White', written in a cursive style.

Anne White  
**Manager, Strategic Planning and Place**

## PRE -APPLICATION CONSULTATION RESPONSE

<b>Reference no.</b>	Pre-application 1/2023
<b>Address</b>	Edgecliff Centre site - 203-233 New South Head Road, Edgecliff
<b>Meeting date</b>	6 June 2023
<b>Pre-application officer</b>	Chinmayi Holla, Strategic Planner and Lyle Tamlyn, A/ Team Leader Strategic Planning
<b>Applicant</b>	Longhurst Property Group
<b>Present at meeting</b>	<p><b>Woollahra Council</b></p> <p>Scott Pedder – Director Planning and Place                  Anne White – Manager Strategic Planning and Place                  Maya Jankovic – Coordinator, Community &amp; Culture                  Lyle Tamlyn – A/ Team Leader Strategic Planning                  Chinmayi Holla – Strategic Planner                  Diana Griffiths – Director, Studio GL</p> <p><b>Applicant</b></p> <p>Paolo Razza – Longhurst Group                  Dimitri Roussakis – Longhurst Group                  Sean McPeake– FJC Studio                  Arcangelo Antoniazzi – Ethos Urban</p>

### 1 Information submitted

The following documents were provided to Council:

- Completed pre-application consultation form with owners consent;
- Urban design report;
- Pre-lodgement scoping report; and
- Updated shadow diagrams and view analysis submitted on 30 June 2023.

### 2 The site and context

#### 2.1 The site

The site comprises 203-233 New South Head Road and part of the adjoining Council-owned road reserve fronting New McLean Street. It is located on the south-eastern side of the intersection of New South Head Road and New McLean Street, Edgecliff.

The site contains a commercial building commonly known as the 'Edgecliff Centre'. The site is located in a business centre referred to as the Edgecliff Centre under Chapter D4 of the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015), which aligns to the E1 Local Centre zone under the Woollahra LEP 2014, and borders land zoned MU1 Mixed Use zone under the Woollahra LEP 2014.

To avoid confusion between references to the building and the land use centres the following terms are used in this document:

- Edgecliff Centre refers to the existing building on the site;
- Edgecliff Local Centre refers to the land zoned E1 Local Centre under the Woollahra LEP 2014;
- Edgecliff Mixed Use Centre refers to the land zoned MU1 Mixed Use under the Woollahra LEP 2014; and

- Edgecliff Commercial Centre (ECC) refers to the combined land zoned E1 Local Centre and MU1 Mixed Use Centre under the Woollahra LEP 2014.

The site is legally described as:

- Lot 203 in DP 1113922 and Lot 5 in DP 243380, owned by Longhurst Investments No 1 Pty Ltd; and
- Lot 2 in DP 553702, owned by Rail Corporation New South Wales. This lot runs in an east-west direction across the site and applies to land below RL 27.51 (approximately the existing ground level) to an unlimited depth below. This lot lies below and beside the subterranean sections of Lot 203 in DP1113922 and services the Eastern Suburbs railway line.
- An unregistered piece of land which forms part of the road reserve.

The site is irregular in shape with a total area of 4,910sqm on the Edgecliff Centre parcel and approximately 1000sqm on the Council-owned road reserve. The site has a moderate slope of approximately 1 in 12 from its north-east corner (RL 33.69m) to its southern boundary (approx. RL 28m). The site is located on a visually prominent location at the top of the rise of New South Head Road from Rushcutters Bay, and near the top of the Edgecliff ridge line.

## 2.2 Existing development

The Edgecliff Centre currently comprises a seven storey building dating from the 1970s and contains a range of commercial premises including retail at the ground level and office premises above.

The Council-owned road reserve comprises access to a number of loading docks, an exit ramp from the Level 1 public carpark of the Edgecliff Centre to New Mclean Street, and access to the lower level car park of the Edgecliff Centre and the Eastpoint Tower car park.

## 2.3 Surrounding development

The site is part of the wider ECC along New South Head Road. The ECC contains a mix of commercial and residential uses with a mix of heights, scales and building typologies. More specifically, the site is surrounded by the development outlined below.

### East

Directly adjoining the site to the east is a large mixed use development at 235-285 New South Head Road and 180 Ocean Street. The development incorporates:

- Eastpoint Shopping Centre, with a one to three storey frontage along New South Head Road;
- Edgecliff Station below ground;
- A bus interchange on the roof of the shopping centre; and
- 'Eastpoint Tower', a 16 storey residential tower on the south-western corner of the New South Head Road and Ocean Street, with heavily landscaped, mature vegetation along both street frontages.

### South

Development on the southern side of New McLean Street, opposite the site, consists of:

- The 'Cameron Court' residential flat buildings at 8-10 New McLean Street. The buildings are set amongst heavily landscaped, mature vegetation. The buildings are three storeys fronting New McLean Street and five storeys at the rear of the site;
- Heavily vegetated slopes, further south of 'Cameron Court', which form the northern boundary of Trumper Park.; and
- Two storey terraces that are located along Cameron Street and Bowes Avenue.

### North

Development on the northern side of New South Head Road, opposite the site, consists of:

- A number of mixed use and residential buildings ranging from two to four storeys;
- The Ascham School and grounds; and
- Further north, the 'Ranelagh' residential tower at 3 Darling Point Rd, Darling Point. It is located on a large landscaped lot and the tower is approximately 91m (32 storeys).

### West

Development on the western side of New McLean Street, opposite the site, consists of:

- Commercial development at 1 New McLean Street known as 'Edgecliff Mews' and mixed use commercial and residential development at 2 New McLean Street called 'Edgecliff Court'. Both buildings are built to the street frontage and are approximately two to four storeys to the street, and up to eight storeys at the rear; and
- The 'Wimbledon' residential flat building at 4 New McLean Street. The building is approximately four storeys to New McLean Street and up to six storeys at the rear, where the site fronts Glenmore Road.

## **2.4 Transport and access**

The site benefits from excellent public transport access, being located adjacent to the Edgecliff station and bus interchange. Trains and buses from this location connect to various locations in the Woollahra Local Government Area (LGA), the wider Eastern suburbs, Bondi Junction, the Sydney CBD and the Greater Sydney metropolitan area.

A taxi rank is located on New South Head directly to the northern frontage. A kiss and ride stand is located on New McLean Street directly to the south frontage.

The site is located on New South Head Road, which is a major arterial route connecting the Sydney CBD to the Woollahra LGA and more broadly to the eastern suburbs. The surrounding intersections at Darling Point Road, New McLean Street, New South Head Road and Ocean Street have been identified in the *Draft Woollahra Integrated Transport Strategy 2021* (Draft Woollahra ITS 2021) as experiencing high traffic congestion during weekday peak periods.

The Draft Woollahra ITS 2021 identifies the local area as having no dedicated cycle lanes, largely due to the unavailability of space in road reserves and the high speed of traffic in the New South Head Road corridor.

The main pedestrian access to the site is from New South Head Road. Vehicular access to a single level public car park within the site is available from a driveway on the western street frontage on New McLean Street. Egress from this car park is to the south on New McLean Street. Vehicular access to a tenant car park and loading docks is also available from the south on New McLean Street.

## **2.5 Heritage**

The site is not listed as a heritage item in the Woollahra LEP 2014, nor is it located within a heritage conservation area (HCA). However, the site is close to a number of heritage items and HCAs listed in Woollahra LEP 2014, including:

- Item 238: 136 New South Head Road (opposite the site to the north) – building and interiors;
- Item 239: 188 New South Head Road (opposite the site to the north-east) – Ascham school precinct;
- Item 114: Concrete balustrade on Darling Point Road, near intersection with New South Head Road (opposite the site to the north);
- HCA C8: Paddington HCA (opposite the site on New McLean Street to the south);
- HCA C6: Mona Road HCA (approximately 200m to the north-west); and
- HCA C15: Woollahra HCA (approximately 250m to the south-east).

The site is located above the subterranean Eastern Suburbs Railway and Edgecliff Station, both listed on the Sydney Trains Section 170\* register.

*\*Note: Under Section 170 of the NSW Heritage Act 1977, all state government agencies must keep and administer a database of heritage assets called a Section 170 Heritage and Conservation Register.*

### 3 Description of the planning proposal request

A request for a planning proposal would involve the following changes to the Woollahra LEP 2014:

- Amendment to the maximum building height standard from 0m, 6m and 26m to between 132m - 136m;
- Amendment to the maximum floor space ratio (FSR) standard on 203-233 New South Head Road from 2.5:1 to 9:1;
- Amendment to the maximum floor space ratio (FSR) standard on the Council-owned parcel from 0:1 to 3.5:1; and
- Introduction of a site-specific provision to provide a minimum 3:1 FSR for non-residential uses.

The indicative concept to be facilitated by these controls comprises a 36 storey (plus plant) mixed use development, constructed over a basement of seven levels with 301 car spaces.

An urban design report has been prepared by *fjstudio*, with three-dimensional sketches and an indicative floorplate layouts for some levels.

### 4 State legislation

#### 4.1 Environmental Planning and Assessment Act 1979

Section 3.33 of the *Environmental Planning and Assessment Act 1979* (the Act) sets out what information a planning proposal must include when submitted for a Gateway determination. The *Department of Planning and Environment* (DPE) has published the *Local Environmental Plan Making Guideline December 2021* (the guideline) (updated September 2022) to help applicants meet the requirements of the Act. The guideline stipulates a planning proposal must demonstrate the strategic merit and the site-specific merit of the proposed LEP amendments.

#### 4.2 Greater Sydney Regional Plan: A Metropolis of Three Cities

*The Greater Sydney Region Plan: A Metropolis of Three Cities* (the Region Plan) establishes a vision of three cities: the Western Parkland City, the Central River City and the Eastern Harbour City. Edgecliff is located in the Eastern Harbour City, which is envisioned to become a more innovative and globally competitive city.

Ten directions are set out within the Region Plan, which establish the aspirations for the region over the next 40 years. These directions are a core component of the vision and a measure for the Region Plan's performance.

The Region Plan also establishes a three-level hierarchy of centres – metropolitan, strategic and local centres – reflecting their role in the overall economic geography of Greater Sydney. Objectives to create and support local employment opportunities in these centres are included in the Region Plan.

Any future request for a planning proposal must demonstrate full compliance with relevant directions and actions of the Region Plan.

### **4.3 Eastern City District Plan (2018)**

The *Eastern City District Plan* (2018) (the District Plan) is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. It contains the planning priorities and actions for implementing the Regional Plan at a district level and is a bridge between regional and local planning.

Edgecliff is identified as a local centre in the District Plan. Its role is to provide local jobs and services for the local catchment in contrast to strategic or metropolitan centres which service much larger catchments. We note that the District Plan encourages urban renewal in centres with frequent high capacity public transport to allow more people to live in areas with access to jobs and services. The Region Plan also contains principles to ensure development and renewal in centres is undertaken through a place-based approach.

The District Plan identifies that there is an unmet need for diverse housing. It recommends providing a range of dwellings comprising different types, sizes and price points to help improve affordability and suggests that 5-10% of new residential floor space is affordable rental housing.

A request for a planning proposal must demonstrate full compliance with the vision and relevant priorities and actions of the District Plan.

### **4.4 Future Transport Strategy and the Greater Sydney Services and Infrastructure Plan**

The *Future Transport Strategy* (which replaces the *Future Transport 2056*) contains strategic directions for transport across NSW, which are aligned with the Six Cities Region vision and *Infrastructure NSW's State Infrastructure Strategy*. It provides an integrated vision for the state.

The *Greater Sydney Services and Infrastructure Plan* is the 40-year plan for transport in Sydney, and supports *Future Transport 2056* (now replaced by *Future Transport Strategy*) and the Region Plan. The *Greater Sydney Services and Infrastructure Plan* establishes the specific outcomes transport customers in Greater Sydney can expect, and identifies the policy, services and infrastructure initiatives to achieve these.

The plan focuses on enabling people and goods to move safely, efficiently and reliably around Greater Sydney, including having access to their nearest centre within 30 minutes by public transport, seven days a week. It also envisages that the transport system will support the liveability, productivity and sustainability of places on our transport networks. Achieving this will require more efficient modes of transport (i.e. public transport, shared transport, walking and cycling) to play a greater role.

A request for a planning proposal must address the relevant issues in the *Future Transport Strategy* and the *Greater Sydney Services and Infrastructure Plan*.

### **4.5 State Environmental Planning Policy 65: Design Quality of Residential Apartment Development (SEPP 65)**

A request for a planning proposal must address the relevant matters in SEPP 65 and the associated *Apartment Design Guide* (ADG). Sections particularly relevant to the indicative concept include:

- Section 2E – Building depth;
- Section 3E – Deep soil zones;
- Section 3F – Visual privacy;
- Section 3J – Bicycle and car parking;
- Section 4K – Apartment mix; and
- Section 4S – Mixed use

## 5 Council's strategic plans and studies

### 5.1 Woollahra 2032

*Woollahra 2032*, Council's community strategic plan (CSP), identifies the strategic direction and integrated planning framework for the LGA. Council is committed to revitalising its centres, to deliver vibrant villages that provide local access to a range of employment, shops and services.

Any request for a planning proposal must demonstrate compliance with relevant CSP goals.

### 5.2 Woollahra Local Strategic Planning Statement

The *Woollahra Local Strategic Planning Statement 2020* (Woollahra LSPS 2020) sets out a 20-year land use vision and planning priorities that will support and guide Council's planning controls to help ensure the Woollahra LGA continues to be a great place to live, work, plan and visit.

The Woollahra LSPS 2020 describes the ECC as providing employment, local businesses and services. The LSPS identifies Edgecliff as a key local centre (along with Double Bay, Rose Bay and Rose Bay North) for its employment component and significant transport infrastructure.

The Woollahra LSPS 2020 indicates that the Edgecliff and Double Bay local centres will be the focus of employment and housing growth, and it is envisaged Edgecliff will comprise a range of business, employment, community facilities and housing.

The Woollahra LSPS 2020 also notes the importance of protecting the character and amenity of Woollahra's residential precincts, open spaces and natural areas and the need to protect these from the impacts of higher density development.

Any request for a planning proposal must demonstrate full compliance with all relevant planning priorities of the Woollahra LSPS 2020, and not rely solely on those relating directly to the ECC for justification.

### 5.3 Draft Woollahra Integrated Transport Strategy

The Draft Woollahra ITS 2021 sets out a vision for a more accessible LGA where active, sustainable and efficient modes of transport are the most convenient choice for most trips. Council recognises the importance of a transport strategy that reduces dependence on private vehicles by developing a system of viable, public and active transport alternatives.

The Draft Woollahra ITS 2021 sets out the objectives, background analysis, challenges, opportunities, policies and actions with regard to four themes:

- Access, Mobility and Liveable Places: Supporting people in Woollahra to get around, regardless of age or ability.
- Public Transport: Working with the State Government to make public transport a more competitive alternative to car use.
- Active Transport: Making walking and cycling the most convenient option for most trips.
- Roads and Parking: Managing the road network to support all users and reducing traffic congestion, noise and speeding.

We note that the site is located within the ECC, which is a transport node for train, bus, vehicular and pedestrian movement.

Any request for a planning proposal must address the relevant objectives and themes in the draft Woollahra ITS 2021. A copy of the draft is available at <https://yoursay.woollahra.nsw.gov.au/its>.

### 5.4 Draft Woollahra Active Transport Plan

The *Draft Woollahra Active Transport Plan* sets out Council's commitment to making active transport a safe, easy and enjoyable option for as many people as possible, while also helping to

meet our emission reduction targets. The goal of this 10-year plan is to create a high quality connected walking and cycling networks. The plan includes an action list with 10 priority projects, including some in Edgecliff.

Any request for a planning proposal must address the relevant actions in the *Draft Woollahra Active Transport Plan*. A copy of the draft is available at <https://yoursay.woollahra.nsw.gov.au/active>

### **5.5 Woollahra Local Housing Strategy 2021**

The Woollahra Local Housing Strategy 2021 (Woollahra LHS 2021) sets out objectives and actions for housing across the Woollahra LGA.

The Woollahra LHS 2021 identifies that any request for a planning proposal must demonstrate:

- How it will substantially contribute to the delivery of public benefits, including publicly accessible open space, public domain improvements, and affordable housing
- A sensitive response to heritage and local character
- Compliance with the objectives of the Woollahra LHS 2021, and planning priorities of the Woollahra LSPS 2020.

Any request for a planning proposal must address the relevant objectives and actions in the Woollahra LHS 2021. A copy of the Woollahra LHS 2021 is available at:

[https://www.woollahra.nsw.gov.au/\\_data/assets/pdf\\_file/0007/252457/Woollahra-Local-Housing-Strategy-2021.pdf](https://www.woollahra.nsw.gov.au/_data/assets/pdf_file/0007/252457/Woollahra-Local-Housing-Strategy-2021.pdf)

### **5.6 Draft Edgecliff Commercial Centre Planning and Urban Design Strategy**

The *Draft Edgecliff Commercial Centre Planning and Urban Design Strategy* (Draft ECC Strategy) sets a new vision for Edgecliff and makes 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. Its aim is to provide a clear and coordinated approach to planning that will prevent ad-hoc development.

The subject site lies within the study area for the Draft ECC strategy. The Draft ECC Strategy recommends a maximum of 26 storeys (86m) on the site with a maximum FSR of 7.5:1. Staff recommend that the Draft ECC Strategy is considered in any request for a planning proposal on the site. A future planning proposal should refer to the relevant objectives and actions in the Draft ECC Strategy and supporting documents. A copy of the Draft ECC Strategy and supporting documents is available at: <https://yoursay.woollahra.nsw.gov.au/edgecliff>

Edgecliff is strategically targeted for housing and employment growth under the Draft ECC Strategy. In addition to addressing housing targets, the Draft ECC Strategy aims to revitalise Edgecliff and facilitate transport-oriented development that has a mix of residential and non-residential uses, and that is supported by enhanced community infrastructure.

A future planning proposal should provide an appropriate mix of uses, including additional housing and employment space, and supporting community infrastructure (including community centre, public open space and affordable housing).

## **6 Woollahra Local Environmental Plan 2014**

### **6.1 Clause 2.1 Land use zones**

The site is currently zoned E1 Local Centre under the Woollahra LEP 2014. The zone objectives include:

- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*
- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*

- *To provide for development of a scale and type that is compatible with the amenity of the surrounding residential area.*
- *To ensure development is of a height and scale that achieves the desired future character of the local centre.*
- *To encourage development that is compatible with the local centre's position in the centres hierarchy.*
- *To ensure development provides diverse and active ground floor uses to contribute to vibrant and functional streets and public spaces.*
- *To maximise public transport patronage and encourage walking and cycling.*

While the proposed uses are consistent with the objectives of the zone, the resulting development on the subject site would not be of a scale that aligns with the desired future character of the neighbourhood. This is further elaborated under Section 8.1.

However, if a request for a planning proposal is submitted, it must be fully justified through an assessment against the zone objectives, particularly with regard to the height, bulk and scale, and their effect on the desired future character of the neighbourhood. This includes the character of the HCA, Trumper Park and Oval, and the tree canopy cover along the southern side of New McLean Street.

## **6.2 Part 4.3: Height of buildings**

The existing controls permit a split maximum building height of 6m and 26m. The pre-application submission seeks a maximum building height of 136m, which is an increase of over 400%.

The building height objectives of clause 4.3 of Woollahra LEP 2014 are:

- to establish building heights that are consistent with the desired future character of the neighbourhood,*
- to establish a transition in scale between zones to protect local amenity,*
- to minimise the loss of solar access to existing buildings and open space,*
- to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,*
- to protect the amenity of the public domain by providing public views of the harbour and surrounding areas.*

In considering the proposed building height, staff note the following:

- The proximity of the site to the zone boundaries between the B2 Local Centre, B4 Mixed use, R2 Low Density Residential and R3 Medium Density Residential zones;
- The prominent location of the site near the top of the Edgecliff ridge line; and
- The surrounding built form context generally ranging from two to fourteen storeys.

Development permitted under the proposed controls would be inconsistent with the objectives identified above. In particular the controls would not:

- Establish a transition in scale between zones to protect local amenity;
- Minimise the loss of solar access to existing buildings and open space (including the dwellings in the Paddington HCA and the open space of Trumper Park); and
- Minimise the impacts of new development on adjoining or nearby properties from overshadowing or visual intrusion.

Whilst staff are supportive of uplift on the site, we do not support an increased height limit of 136m, which is greater than what is recommended by the Draft ECC Strategy. The height is considered to be unsuitable for a local centre and does not reflect the desired future character envisaged for Edgecliff. This is further explained under *Section 8.1*.

Any request for a future planning proposal must respond to the objectives above, and provide appropriate justification with regard to matters such as the effect on bulk and scale, solar access,

views, loss of privacy, overshadowing, visual intrusion and public amenity. Additional information about some of these issues is detailed later in this response.

### **6.2.1 Prescribed airspace**

A prescribed airspace control applies to the site. Under the Commonwealth *Airports Act 1996* and *Airports (Protection of Airspace) Regulations 1996*, the prescribed airspace for Sydney (Kingsford-Smith) Airport is defined by the 'Obstacle Limitation Surface' (OLS) (building height contour) map published by the Sydney Airport Corporation limited (SACL). The OLS map imposes a height contour of 156m AHD (RL) for the site. The proposed amendment to the building height control above the OLS height is considered a 'controlled activity' and is subject to Commonwealth Government approval.

Accordingly, Commonwealth Government consultation and approval is required by the Ministerial direction (section 9.1) - *3.5 Development near regulated airports and defence airfields*.

### **6.3 Part 4.4: Floor space ratio**

The existing controls permit a maximum FSR of 2.5:1. The pre-application submission seeks a maximum FSR of 9:1. This represents an increase of more than 260% of the existing control.

The relevant objectives of clause 4.4 of Woollahra LEP 2014 include:

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

Having considered the site and its context, the proposed FSR would permit development which would be inconsistent with the objectives identified above and the desired future character outlined by the Draft ECC Strategy. The proposed amendment would facilitate development of excessive bulk and scale that is incompatible with the character of surrounding land. This would also impact on the environmental amenity of the surrounding properties.

Any request for a planning proposal must fully justify the requested FSR control for the site. This must include analysis of the impacts of increasing FSR from the existing control to the requested control. The request must also address whether a change in maximum FSR may require associated changes to the Woollahra DCP 2015.

#### **6.3.1 Non-residential FSR**

In general, staff are supportive of a minimum non-residential FSR as part of a future planning proposal as this will facilitate retention of employment opportunities within the ECC.

At a minimum, this means development should facilitate:

- Employment generating land uses;
- Active ground floor retail and business uses such as cafes, shops, hairdressers and restaurants; and
- Non-residential uses, such as business, office, medical services and community uses.

Please note that for the purposes of this approach car parking and serviced apartments are not included as non-residential floor space.

## **7 Woollahra Development Control Plan 2015**

### **7.1 Chapters D4: Edgecliff Centre**

The site is subject to *Part D: Business Centres, Chapter D4 Edgecliff Centre* of the Woollahra DCP 2015. Any request for a planning proposal must have regard to the desired future character and objectives of the centre, which envision reinforcing the ECC's role as a focus of retail and business activity.

## 7.2 Chapter E1: Parking and Access

Any request for a planning proposal must be accompanied by a traffic and transport report based on the *maximum* permitted development under the requested planning controls. The report must address access, parking, traffic generation, and public and active transport.

## 7.3 Chapter E3: Tree Management

Any request for a planning proposal, regardless of the scale, must have regard to Council's desired future character objectives and controls relating to trees, specifically *Chapter E3 Tree Management* of Woollahra DCP 2015.

## 7.4 Chapter E4: Contaminated Land

Any request for a planning proposal must be accompanied by a contamination report to demonstrate that the site is suitable for the proposed development under *State Environmental Planning Policy (Resilience and Hazards) 2021*.

## 7.5 Chapter E5: Waste Management

Any request for a planning proposal must be accompanied by a waste management strategy to demonstrate how waste will be serviced within the site.

# 8 Referral officers comments

## 8.1 Strategic Planning

### 8.1.1 Role of a local centre

As outlined previously, the strategic plans identify Edgecliff to have a local centre status. The building height of the indicative concept and resulting scale of built form would not reflect the role and character of Edgecliff as a local centre as identified in the District Plan and Woollahra LSPS 2020.

Staff note that the pre-application scoping report compares the site to strategic and metropolitan centres such as St Leonards, Kings Cross (included in the metropolitan centre of Sydney CBD) and Green Square. To date, all buildings constructed of similar heights in Greater Sydney are located in metropolitan and strategic centres, including the Sydney CBD, Parramatta CBD, Chatswood, North Sydney, and St Leonards. These centres have much larger catchments and a greater number of existing high-density development compared to Edgecliff, which is identified as a local centre. Whilst it is noted that the applicant identifies that the ECC is an emerging strategic centre, there is no existing evidence in the pattern of surrounding development, or strategic intent that has been identified by the regional, district, and local strategies to support this.

The context of Edgecliff is different to the examples given as it is surrounded by HCAs in Edgecliff, Darling Point and Paddington. If the justification for additional density relies on a comparison to other centres, it should focus on centres with similar hierarchy status, heritage and character.

Due to the significant potential uplift on this site, it is important that the site is considered from the immediate and district-wide. A future planning proposal should be supported by an urban design analysis of the proposed height that demonstrates:

- An analysis of the proposed height control when compared to the CBD skyline silhouette along the Eastern Suburbs Railway corridor. The analysis should consider the centre hierarchy from the Sydney CBD (Hyde Park) to Kings Cross (in a strategic location), Edgecliff and the Double Bay Centre; and
- The response of the proposed height control to the role of the ECC as a local centre, including a comparative height analysis of local centres with a similar urban structure to Edgecliff.

### **8.1.2 Building height**

Located adjacent to the Edgecliff Station, the Draft ECC Strategy site identifies the site as an appropriate location for the tallest height in the ECC. However, the indicative concept would set an undesirable precedent for neighbouring sites in terms of its bulk and height. At 136m tall, the proposal exceeds the height limit proposed in the Draft ECC Strategy by 50m, and indicates a much wider envelope. We note that the proposed maximum building height of 136m is also significantly greater than the maximum building height of:

- 39m (11 storey) proposed for some of the surrounding sites in the ECC as identified in the Draft ECC Strategy; and
- 60m permitted under *Waverley Local Environmental Plan 2012* at Bondi Junction, which is designated as a strategic centre.

The site has a prominent location near the top of the Edgecliff ridgeline. This means that any tall building will be highly visible throughout much of the wider area, as is the case for the already existing Ranelagh to the north, the top of which is at RL127.200, compared with RL159.350 of the subject proposal.

Without being too specific, any height proposed on the site should demonstrate:

- Appropriateness to the local centre status of the ECC (rather than a strategic centre such as Bondi Junction) and consistency with the strategic intent set by the regional and district plans;
- A sympathetic transition in scale from the surrounding development;
- An appropriate interface with the Paddington HCA, Trumper Park and the residential development to the south and of the site; and
- Minimise the impacts of new development on adjoining or nearby properties relating to disruption of views, loss of privacy, overshadowing or visual intrusion (further outlined below).

### **8.1.3 Floor space ratio**

The Draft ECC Strategy recommends a maximum FSR of 7.5:1 be applied, achieving an overall GFA of approximately 44,000sqm. The indicative concept proposes to locate its GFA entirely on the Edgecliff Centre site which, as it is smaller, would require an FSR of 9:1. We note that the requested FSR of 9:1 is greater than the maximum FSR of:

- 8:1 permitted under *Waverley Local Environmental Plan 2012* in the centre of Bondi Junction, which is designated as a strategic centre; and
- 4.5:1 recommended for land in the vicinity of the site in the Draft ECC Strategy.

As outlined previously, the indicative concept presents a bulk and scale that is inconsistent with the desired future character of the ECC (as envisaged in the Draft ECC Strategy) and would result in adverse amenity impacts and potentially unacceptable traffic generation.

The development of a single identifiable commercial building, as shown in the indicative concept, is supported. This would result in a higher quality floorplate than commercial uses located in a deep floorplate podium. Previous studies have indicated that a balanced mixed use approach to this site is needed. High quality, well located commercial floor space is rare in the Woollahra LGA and plays a critical role in ensuring the long term viability of centres.

The recommendation in the scoping report to require a minimum FSR for non-residential purposes is supported. However, the Draft ECC Strategy recommends that 3:1 or 40% of the total FSR should be non-residential. The pre-application submission proposes to increase the FSR to 9:1 but maintains the FSR of the non-residential component at 3:1, reducing the overall proportion of the non-residential floor area to 30% of the total FSR.

The residential tower in the indicative concept proposes no setback from the Council-owned site, with windows and balconies located on the boundary. The roof of the community building on the Council-owned site is proposed to be an outdoor space for residents of the apartments. In effect,

the indicative concept proposes to relocate the development potential of the Council-owned site onto its site, and restricts the long term development opportunities of the Council-owned site. The acquired value created by these assumptions should be factored into any future planning proposal on the site.

We note that the maximum building envelope proposed (indicated as 'PP envelope' in the overshadowing and view analysis diagrams) is much wider than the indicative concept. The indicative concept is impacted by overshadowing, impact on views, and setbacks from boundaries. This would be further exacerbated by the extent of the maximum building envelope. In establishing building envelopes, Part 2D of the ADG outlines that FSR should not reflect the maximum capacity of the building envelope and the allowable GFA should only 'fill' approximately 70% of the building envelope. This allows for flexibility in design excellence or building articulation.

It is recommended that a future planning proposal on the site:

- Should clearly identify not only a maximum overall FSR but also a minimum non-residential FSR;
- Increase the percentage of non-residential FSR to 40% (or 3.6:1) of the FSR, as proposed in the Draft ECC Strategy. At a minimum, the proposed non-residential FSR should be fully justified; and
- Allows sufficient flexibility for design excellence in the proposed building envelope.

#### **8.1.4 Forecast**

For reporting purposes to the DPE, a future planning proposal must include a statement which, based on the maximum potential development as well as the indicative concept, identifies the:

- Number and size of existing and proposed dwellings;
- Number of potential new residents;
- Size of existing and new non-residential gross floor area in square metres;
- Number of existing and new jobs that will be accommodated in the non-residential area; and
- Number and type of existing and proposed car parking spaces.

## **8.2 Urban Design**

### **8.2.1 Bulk and Scale**

Generally, the scale of the proposal and the distribution of bulk on the site needs to be reconsidered. The applicant should be required to demonstrate, through the development of options, the best outcome for the site and its context. The analysis should address all of the issues raised below in relation to maximum building height, bulk and scale, view sharing, solar access and overshadowing, streetscape, public domain, heritage, tree preservation and sustainability.

The analysis should be based on the maximum building envelope enabled by the requested planning controls, rather than the building envelope shown in the indicative concept (although this may be included in addition to the maximum building envelope analysis).

### **8.2.2 Views**

The vision to enhance and maintain key views into and from to the site is supported as is the approach to break the built form into a series of distinct and well composed parts. The proposed arrangement of built form into two buildings either side of the railway corridor is logical and allows the southern building to have direct lift access into a basement for loading and servicing. Further justification is needed as to why the taller of the two buildings is not located on New South Head Road and is closer to the Paddington HCA. However, it is understood that a commercial building with an address and frontage to New South Head Road and a residential building with an address off New McLean Street is a logical approach.

The indicative concept provides a detailed assessment of the impact of the proposed development on views, especially the high value views to the city, Harbour Bridge and the harbour from private apartment buildings around the site. Staff note that while the indicative concept allows for views between the buildings, the residential tower developed to the extent of the maximum building envelope sought (referred to as 'as 'PP envelope' in the overshadowing and view analysis diagrams) would have a significant impact on the private views from surrounding buildings.

Any request for a planning proposal should recognise that as one of the tallest buildings in the area it will become a local landmark and a building that will be viewed "in the round". As outlined previously, it is recommended that a future planning proposal consider the impact on local and regional skyline views from key streets and open spaces such as New South Head Road heading east and from Trumper Oval as well as the impact on views from private apartment buildings around the site. An assessment of these impacts must be based on the *maximum* building envelope created by the requested planning controls, not the building envelope of the indicative concept (although this may be included in addition to the maximum building envelope, for example, shown as "wire frame" superimposed on a photograph).

### **8.2.3 Solar Access and Overshadowing**

Any request for a planning proposal must address solar access impacts on surrounding properties and open space, and provide an accurate and comprehensive shadow analysis. In particular, ensuring solar access is maintained to Trumper Park Oval at 10.00am in mid-winter should be a requirement of any development on this site. The Oval requires natural sunlight to ensure turf management is maintained. Any overshadowing would have a significant effect for the community who utilise the oval for sports and recreation. It is noted that the overshadowing impacts of the indicative concept is much larger when compared to the Draft ECC Strategy, which will need to be justified by a future planning proposal.

Achieving ADG solar compliance is a requirement of the ADG and the SEPP 65. It is noted that the indicative concept is capable of meeting the requirements of the SEPP.

### **8.2.4 Streetscape**

The vision to create a welcoming and accessible space for the public that blurs the boundary between the indoors and outdoors is strongly supported. However, the indicative concept appears to prioritise publicly accessible areas within the development to the detriment of the overall accessibility of the public domain. Further opportunities should be explored to enhance the quality of public domain and streetscape interface along New South Head Road and New McLean Street.

The ground level retail spaces and commercial lobby facing New South Head Road in the indicative concept appears to provide good activation. Further opportunities to continue this around the corner to New McLean Street should be investigated. In particular, the following elements need to be reconsidered to activate the public domain along New McLean Street:

- The community space on the "ground floor" is described as "hovering over the carpark access below". As this carpark access provides all vehicle and servicing for the proposed development and the Eastpoint residential tower it is likely to result in a vehicular dominated environment with little activation or surveillance;
- The proposed community space is shown extending to the edge of New McLean Street. This creates narrow pinch points along the street, especially around the existing Kiss and Ride shelter and pull in bay;
- The indicative concept indicates no ground level retail spaces to the west (New McLean Street) or activation along New McLean Street; and
- The location of the proposed residential entry off New McLean Street is supported however the indicative concept shows a deeply recessed colonnade, well back from the

street with no surrounding retail or community activation. This entry should be smaller and brought closer to the edge of the street.

At a minimum, it is recommended that a future planning proposal on the site should:

- Extend the Design Principles beyond the boundaries of the site and focus on how the proposed development will be successfully integrated into its location;
- Aim to expand and enhance the public domain and increase the tree canopy of the area;
- Encourage the use of publicly accessible links and open spaces;
- Include a detailed design of the adjoining footpath along New South Head Road and New McLean Street and clearly show extent and design of footpath crossings, the width of all footpaths and the possible location of street trees and any proposed level changes;
- Maintain an active frontage along New South Head Road and maximise active frontage along New McLean Street with retail shop fronts that have direct access from the street and large operable windows that allow activity to spill on to the footpath; and
- Facilitate active retail frontages that step down the slope. This may require higher floor to floor heights and the removal of a section of the carpark shown in the indicative concept.

### **8.2.5 Design Excellence**

Given the high visibility of the site, and its important status as a gateway site, it is important that a future planning proposal delivers on design excellence. This will not only require that it is responsive to Country but also responsive to the local context and heritage of the area.

A design advisory panel will be established by Woollahra Municipal Council to provide Woollahra Municipal Council officers with independent expert advice and expertise on urban design, architecture, landscape architecture, art, and sustainability; to inform the assessment of the development application for the development. A future planning proposal should include a site-specific provision that requires development consent from a design advisory panel on the design excellence.

It is recommended that the following factors be considered in a design excellence provision:

- Standard of architectural design, materials and detailing;
- Form and external appearance of the development;
- Improvements to the quality and amenity of the public domain;
- Response to the environmental and built characteristics of the site, and relationship with other buildings;
- Sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency;
- View sharing principles;
- Heritage issues and streetscape constraints, including principles for responding to the significance of Rushcutters Bay Park and the neighbouring HCAs;
- Bulk, massing and modulation of buildings;
- Principles of ecologically sustainable development; and
- Improvements to pedestrian, cycle, vehicular and service access, circulation and requirements.

Public Art would be expected to be part of any request for a future planning proposal of this scale and especially around the publicly accessible spaces. While a detailed public art plan would not be required at the planning proposal stage, a strategy for how public art will be commissioned and an indication of the type of art and how it will respond to the Country, context and heritage of the area would be useful. In particular, the proposed level of commitment to public art should be reflected in the future planning proposal.

### **8.2.6 Sustainability**

A site-specific DCP should be submitted as part of a future planning proposal, which includes provisions for best practice sustainability standards and environmental mitigation measures for any development on the site. It is recommended that the site-specific DCP include minimum standards for:

- Urban greening e.g. green walls and roofs, tree canopy target, diversity of vegetation planted, planting of local natives;
- Impact to native and threatened species e.g. flying-fox friendly design, stop work provisions etc;
- Mandatory Green Star rating for all buildings which covers impacts from construction e.g. embodied emissions;
- Water efficiency e.g. rainwater/stormwater harvesting;
- EV chargers, e-bike chargers and end of trip facilities;
- Solar panels/renewables and all electric buildings (no gas); and
- Design specifications for passive heating/cooling, ventilation, and lighting

## **8.3 Transport Planning**

### **8.3.1 Traffic generation**

The intersection of New McLean Street and New South Head Road is approaching or at capacity. Any planning proposal request for this site should address the traffic impacts on this intersection with measures to address how it resolves the existing traffic issues at this location.

To ensure the adequate provision of car parking, servicing facilities on the site and to minimise the impact on adjoining traffic and parking generated by proposed development, the applicant must submit a Traffic and Parking Report.

The report is to assess the implications of the proposal on existing traffic, parking and transport conditions surrounding and within site. The report must be produced by a suitably qualified and experienced traffic engineer and must include (but not be limited to) the following:

- Expected traffic generation rates and their impact on the surrounding road networks;
- Intersection SIDRA modelling surrounding the site, and consideration should be referred to Transport for NSW (TfNSW), noting New South Head Road is a State Road;
- Impact on existing parking conditions and transport requirements in the surrounding area.
- Consideration referred to the *Draft Woollahra Active Transport Plan* to include all existing and proposed walking and cycling links surrounding the area;
- Assessment of any vehicle access and accommodation proposed; and
- Compliance with Council's off-street parking requirements (Council's DCP).

### **8.3.2 Accessibility**

The vision to create an easily accessible multi-level building that provides connections to the elevated bus interchange and public spaces is welcomed. This principle should be expanded to include connections between surrounding streets, the retail and commercial spaces and the train station.

Any request for a planning proposal on the site needs to consider the constraints created by the existing rights of access, including those that support access to the Eastpoint residential tower car park. The indicative concept consolidates all vehicular access to one location off New McLean Street. While consolidation is supported this would create a very complex intertwining of servicing, private vehicles and access to Eastpoint residential tower car park. Successful resolution of this challenge will be critical to the success of this proposal. It may be necessary to split access for loading from private vehicles. To minimise impacts on the street and car park layout, loading and servicing may need to have a mechanised turntable. Any carpark or loading access needs to be carefully designed to ensure pedestrian access is prioritised along the footpath. A future planning proposal must also provide evidence to ensure that car park access dimensions can adequately accommodate the movement of a sufficiently-sized loading vehicle.

In general, a future planning proposal would benefit from an approach that considers the lower levels of the building as an expansion of the transport interchange. Useful principles to follow include providing clear intuitive wayfinding, using daylighting to help guide people through the building and locating and orienting pedestrian entries where they respond to pedestrian desire lines.

## **8.4 Heritage**

As outlined previously, the site is located within the vicinity of a number of heritage items and HCAs listed in Woollahra LEP 2014.

A request for a planning proposal must include a robust analysis of the heritage impacts of the requested controls and potential development. This must be submitted to allow a complete heritage assessment.

The size and height of the indicative concept is such that its visual impacts will extend well beyond the site and the Edgecliff Local Centre. This extended impact of the proposal would alter views to, from and within local and State heritage items particularly Rushcutters Bay Park, and the Paddington, Mona Road and Woollahra HCAs. This extended impact must be fully considered in the heritage impact statement submitted with a planning proposal request.

Shade across the adjacent HCAs should be as limited as possible, and may require alterations in form as well as height to achieve a satisfactory outcome. Excessive shadow from a development on this site would have an aesthetic impact, but it also risks impacts on the continued use of these areas and buildings as residences, and the viability of their existing street trees. If a condition arises where they are shaded for much of the day, there is a risk that some homes within the area could become disused.

The indicative concept achieves an inadequate transition between the proposed 136m envelope and the neighbouring HCA, save for the proposed community centre on Council land. It is understood that it would be difficult to achieve a satisfactory transition from the height proposed across this one site, however the dramatically increased height compared with that of the Draft ECC Strategy exacerbates this issue considerably.

## **8.5 Open space and Tree Management**

### **8.5.1 Public domain**

The provision of a public open space, as shown in the indicative concept, would help revitalise the ECC and is fully supported. However, a future planning proposal should ensure that the open space meet the needs of the community and is highly accessible. Future design needs to ensure the spaces are not semi-privatised but have full public access. Parameters around this can be included in a site-specific DCP. However, staff recommend that further information on this aspect should be included in a future planning proposal, noting that open space is of key importance to our Council and the community.

The location of the public open space, being visible from New South Head Road, is supported as it contributes to its visual accessibility. Further opportunities to integrate the public spaces with the surrounding pedestrian network should be explored. These include providing additional and improved through-site links that run north-south, providing pedestrian access from New McLean Street (extending from Trumper Park) to the first level open space, and further integrating the public open space with the community centre.

The vision and plan outlined for open space in a future planning proposal should be further refined to include possible recreational facilities and play elements. This should be consistent with Council's *Draft Play Space Strategy* which can be found at <https://yoursay.woollahra.nsw.gov.au/playspace-strategy>.

### **8.5.2 Urban Greening**

We recommend that urban greening improvements and its integration into the new development be an important aspect of a future planning proposal on this site. These could include landscaping elements such as modular planters, façade greening, and green walls that soften the impact of existing hardscape surfaces and improve visual aesthetics. Some of the green character along New McLean Street will be impacted by a future development on the Council owned land, so initiatives to provide greenery on and adjoining this land should be explored. Plans for further greening opportunities along New McLean Street and New South Head Road can be made in consultation with Council's Open space and Trees team and should refer to Council's *Draft Urban Forest Strategy* which can be found at <https://yoursay.woollahra.nsw.gov.au/ufs>.

### **8.5.3 Street and Private Trees**

The indicative concept would necessitate the removal of existing trees from the Council-owned land along New McLean Street that contribute to the landscaped character and canopy. The applicant must engage an arboricultural consultant early in the planning phase to determine the retention value of all of the existing trees and vegetation, especially along New South Head Road.

A future planning proposal should provide opportunities to replace this canopy or provide deep soil on the site that could accommodate canopy trees. It is important that medium to large trees are planted in regular spacing to offset the bulk of the development (both on public and private land). Setbacks for tree planting and landscape should be identified and used to guide the constraints and opportunities analysis of the site and inform building envelope controls.

## **8.6 Community Services**

The community infrastructure indicated in the indicative concept would make a valuable contribution to the revitalisation of the ECC and would be needed to support any uplift on the site. An appropriate mechanism is needed to ensure any proposed community infrastructure is achieved. Staff recommend exploring further opportunities to integrate the community centre with the rest of the development to ensure it is delivered.

It is recommended that any request for a planning proposal:

- Ensure that the development meets Child Safe design principles;
- Is designed to be active, inviting, safe and inclusive for all members of the community and all ages;
- Outline the parking provisions for the attendees of the community facility, including easy drop off / pick up for parents / carers;
- Improve access to the community facilities and provide connections to the public open space; and
- Consider the ongoing management of the community facility, including office space.

Relevant Council staff would welcome discussions with the applicant to discuss opportunities for the community facility including identifying potential uses.

## **8.7 Affordable Housing**

The indicative concept indicates the provision of affordable housing, which is supported. Whilst we note that a community facility is being proposed as part of the future planning proposal, a development of the scale proposed should include affordable housing as a minimum of 10% of the new residential GFA achieved in accordance with Council's adopted Affordable Housing Policy that sets an aspirational target of 10%.

## **9 Voluntary planning agreement**

The *Woollahra Voluntary Planning Agreement Policy 2020* (VPA Policy) was adopted by Council on 10 February 2020. Under this policy, Council would consider entering into a VPA where there

is an opportunity to secure public benefits alongside changes to controls that substantially increase the development potential of a site (some of which may be addressed earlier in this response).

However, we emphasise that the strategic merit of a future planning proposal would need to be fully justified and Council would need to support the requested changes. Furthermore, the VPA Policy seeks to separate the role of Council as an asset manager and planning authority to ensure probity. In this regard, please contact the Director – Infrastructure & Sustainability to discuss any requirements for a VPA, noting that no information is to be provided to Strategic Planning staff.

## 10 Information required with a request to prepare a planning proposal

Should you submit a request for a planning proposal, the core documents listed in 10.1 below, are required. Additional documents may be required at the time a request to prepare a planning proposal is lodged.

### 10.1 Documents

- Completed application form;
- Land owner's consent;
- Request to prepare a planning proposal addressing the matters in the *Local Environmental Plan Making Guideline 2022*; In particular, "Section 2: The Planning Proposal" and "Attachment C: Supporting Technical Information";
- Concept plans, including elevations and sections illustrating the distribution of land uses and building bulk;
- Results of any consultation with surrounding property owners;
- Disclosure statement (relating to political donations and gifts);
- Survey plan; and
- Studies, investigations and reports supporting the requested changes and relating to the *maximum* requested building height / FSR envelope, as well as the concept plan envelope, including:
  - Planning report justifying the requested amendments to the height and FSR controls, including the following information:
    - Number and size of existing and proposed dwellings
    - Number of potential new residents
    - Size of existing and new commercial gross floor area
    - Number of existing and new jobs that will be accommodated in the commercial area
    - Number and type of existing and proposed car parking spaces.
  - Photomontage and site photographs
  - 3D Model in the format required by Attachment 9: 3D Digital Model Technical Requirement of Council's DA Guide.
  - View analysis (including local and regional skyline views)
  - Shadow diagrams in plan and elevation
  - Traffic and parking assessment
  - Urban design analysis (including streetscape study and figure-ground study)
  - Heritage impact statement
  - Arboricultural report
  - Geotechnical investigation
  - Acoustic assessment
  - Wind impact assessment
  - A statement addressing the issues of 'controlled activity' and 'prescribed airspace' under the Commonwealth *Airports Act 1996* and *Airports (Protection of Airspace) Regulations 1996* and Ministerial direction (section 9.1) - 3.5 Development near regulated airports and defence airfields.

*Notes:*

- *Images must show the maximum building height / FSR envelope of the proposal, as well as the concept plan envelope may include, for example, a “wire frame” superimposed on a photograph or another image; and*
- *Further reports, studies or documentation may be required once the request has been submitted.*

## 11 Fees

As a consequence of the proposed amendments to the development standards, a planning proposal of the nature discussed at the meeting is considered to be a complex planning proposal. Consistent with Council’s adopted [2023/24 Fees and Charges](#) the cost for this request is outlined below. Please note that an additional charge will be applied to allocate Council’s resources to customise/ modify the site-specific DCP to be consistent with Council’s standard approach and format.

### **Complex planning proposal**

More complex zone amendments and/or variations to development standards of greater than 20% \$107,000\*  
(GST exempt)

**Note:** An hourly rate of \$324.00 applies to any additional unforeseen tasks and functions.

\*Should the planning proposal not proceed to public exhibition, 30% of the fee (including any additional fees charged to draft a site-specific DCP) will be refunded.

*The above fees are relevant for the 2023/24 financial year only. Any fees payable outside this period will be subject to the adopted fees and charges for the relevant financial year.*

## 12 Next steps

Should you choose to lodge a planning proposal, fees are not payable on submission. Council staff would first review the planning proposal and supporting documentation to ensure all the required information had been provided to allow a full assessment.

Once we were satisfied that all the required information had been provided, an invoice would be issued to the applicant. Lodgement is recorded from the date payment is received by Council.

Once all required documentation and payments were received, we would commence the detailed assessment of the request. Further information could be required once this process commences. The planning proposal would then be reported to the Woollahra LPP for advice. This would then be reported to Council’s Environmental Planning Committee for consideration, before being heard at a full meeting of Council.

## 13 Conclusion

The pre-application submission seeks the following changes to the Woollahra LEP 2014:

- Amendment to the maximum building height standard from 0m, 6m and 26m to between 132m - 136m;
- Amendment to the maximum floor space ratio (FSR) standard on 203-233 New South Head Road from 2.5:1 to 9:1;
- Amendment to the maximum floor space ratio (FSR) standard on the Council-owned parcel from 0:1 to 3.5:1; and
- Introduction of a site-specific provision to provide a minimum 3:1 FSR for non-residential uses.

As identified above, Council staff support reviewing the planning controls for this site. However, the proposed increase in both maximum building height and FSR controls are significant in relation to the site and its context and would create a building envelope which would permit development of an excessive height and bulk. Additionally, issues surrounding transport planning, and public domain treatments require further consideration to mitigate against adverse planning outcomes.

We would welcome the opportunity to further assist you with this project, and would be pleased to arrange a further meeting once you have had the opportunity to consider this advice.

However, if a request for a planning proposal is lodged with Council, it must fully justify the changes being sought to the building height and FSR controls and include an appropriate associated minimum non-residential FSR control. The request must also be accompanied by all the documentation identified under *Section 10* of this response.

#### **14 Disclaimer**

The aim of a pre-application meeting is to provide a service to applicant who wish to obtain the comments of Council staff prior to lodging an application. The advice can then be addressed or at least known, prior to lodging an application.

This has the following benefits:

- It allows a more informed decision about whether to proceed with a request for a planning proposal; and
- It allows issues to be addressed, especially issues of concern, prior to requesting Council to prepare a planning proposal. This could then save time and money once the request for a planning proposal is lodged.

All efforts are made to identify issues of relevance and likely concern with the preliminary request. However, the comments in this response are based on the information submitted for preliminary assessment and our discussion at the pre-application meeting.

You are advised that:

- The comments expressed may vary once detailed information is submitted and formally assessed, or as a result of issues contained in submissions by interested parties if a planning proposal is exhibited;
- Statements contained in this report must not be taken to represent Council staff's support for the indicative concept in its current or altered form; and
- If a request to prepare a planning proposal is received by Council, nothing contained in a pre-application response binds Council staff, the elected Council members, or other bodies beyond Council in any way.

The comments provided in this response are made in regard to a pre-application for a request for a planning proposal. The comments do not represent a notification under clause 9 of the *Environmental Planning and Assessment Regulation 2021*.

We hope this service has been of use to you. Please contact Chinmayi Holla if you require any further assistance on (02) 9391 7140.



Chinmayi Holla  
**Strategic Planner**



Anne White  
**Manager - Strategic Planning and Place**