



Environmental Planning Committee

Monday 5 February 2024
6.30pm

Agenda



Environmental Planning Committee (EPC)

Woollahra Council will be holding Committee meetings (i.e. Environmental Planning (EP), Finance, Community & Services (FC&S) and Strategic & Corporate (S&C) with The Mayor, Councillors and staff will be participating in person. Members of the public are invited to attend the Committee meeting in person or watch and/or listen to meetings live (via Council's website).

A copy of the Agenda is available on Council's website:

https://www.woollahra.nsw.gov.au/council/meetings_and_committees/committees/environmental_planning_committee_ep/ep_agendas_and_minutes

To register to address the Committee, please email your name, phone number and Item number to records@woollahra.nsw.gov.au by **10.00am on the day of the meeting**, indicating if you will be attending in person or wish to address the meeting via teleconferencing technology. Please note, instructions on how to join the meeting will be forwarded to person who have pre-registered to make a submission/address the Committee, via email on the day of the meeting via email.

Late correspondence may be submitted for consideration by the Committee. All late correspondence must be received by 10.00am on the day before the meeting. Late correspondence is to be emailed to records@woollahra.nsw.gov.au

Minutes of the Environmental Planning Committee (EP) will be posted to Council's website once finalised.

If you are experiencing any issues please call Council's Governance department on (02) 9391 7001.

The audio recording and late correspondence consider at the meeting will be uploaded to Council's website by 5.00pm on the next business day.

Outline of Meeting Protocol & Procedure:

- The Chairperson will call the Meeting to order and ask the Committee Members and/or Staff to present apologies and/or late correspondence.
- The Chairperson will commence the Order of Business as shown in the Index to the Agenda.
- At the beginning of each item the Chairperson will invite member(s) of the public who registered to speak to address the Committee.
- Members of the public who have registered to address the Committee, will be allowed four (4) minutes in which to address the Committee. One (1) warning bell will be rung at the conclusion of three (3) minutes and two (2) warning bells rung at the conclusion of four (4) minutes. Please direct comments to the issues at hand.
- If there are persons representing both sides of a matter (e.g. applicant/objector), the person(s) against the recommendation speak first.
- At the conclusion of the allocated four (4) minutes, the speaker will take no further part in the debate unless specifically called to do so by the Chairperson.
- If there is more than one (1) person wishing to address the Committee from the same side of the debate, the Chairperson will request that where possible a spokesperson be nominated to represent the parties.
- After considering any submissions the Committee will debate the matter (if necessary), and arrive at a recommendation (R items which proceed to Full Council) or a resolution (D items for which the Committee has delegated authority).

Disclaimer:

Councillors, staff and members of the public are advised that meeting are being lived streamed, accessible via a link from Council's website.

By speaking at a Committee Meeting members of the public consent to their voice, image and personal information (including name and address) being recorded and publicly available on Council's website. Accordingly, please ensure your address to Council is respectful and that you use appropriate language and refrain from making any defamatory statements or discriminatory comments.

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Any part of the meeting that is held in closed session will not be recorded.

People connecting to this meeting by conferencing technology are reminded that under the *Local Government Act 1993*, the recording of meetings by a member of the public using any electronic recording device including a mobile phone or video camera is not permitted. Any person found recording without the permission of Council may be expelled from the meeting.

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Recommendation **only** to the Full Council ("R" Items):

- Such matters as are specified in Section 377 of the Local Government Act and within the ambit of the Committee considerations.
- Broad strategic planning matters including those initiated at State and Federal Government level.
- Urban design studies.
- Planning proposals and local environment plans.
- Development control plans and guidelines.
- Development contribution plans.
- Heritage conservation studies, assessments and controls.
- Commercial centres' studies.
- Residential studies and strategies.
- Parks and Reserves Plans of Management (Strategies, Policies and Objectives).
- Flood Management Strategies.
- Recreation Policies and Strategies.
- Sustainability Policies and Strategies.
- Transport Strategies.
- Tree Policies and Strategies.
- Matters requiring the expenditure of moneys and in respect of which no Council vote has been made.
- Matters requiring supplementary votes to Budget.
- Matters not within the specified functions of the Committee.
- Matters reserved by individual Councillors in accordance with any Council policy on "safeguards" and substantive changes
- Matters reserved by individual Councillors in accordance with any Council policy on "safeguards" and substantive changes

Delegated Authority to be determined at Committee level ("D" Items):

- To require such investigations, reports or actions as considered necessary in respect of matters contained within the Business Agendas (and as may be limited by specific Council resolutions).
- Confirmation of the Minutes of its Meetings.
- Statutory reviews of Council's Delivery Program and Operational Plan
- Any other matter falling within the responsibility of the Environmental Planning Committee and not restricted by the Local Government Act or required to be a Recommendation to Full Council as listed above.

Environmental Planning Committee Membership: 7 Councillors

Quorum: The quorum for Committee meeting is 4 Councillors

Woollahra Municipal Council

Notice of Meeting

1 February 2024

To: His Worship the Mayor, Councillor Richard Shields ex-officio
Councillors Sean Carmichael (Chair)
Sarah Swan (Deputy Chair)
Lucinda Regan
Matthew Robertson
Isabelle Shapiro
Merrill Witt
Susan Wynne

Dear Councillors,

Environmental Planning Committee – 5 February 2024

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Environmental Planning Committee** meeting to be held in the **Thornton Room (Committee Room), 536 New South Head Road, Double Bay, on Monday 5 February 2024 at 6.30pm.**

Members of the Public may:

- Register to address the meeting (via Zoom or in Person) by completing the relevant form available on Council's website: https://www.woollahra.nsw.gov.au/council/meetings_and_committees/having_your_say_at_meetings and email the completed form to records@woollahra.nsw.gov.au **by 10.00am on the day of the meeting.**
- Submit late correspondence for consideration by Councillors by emailing records@woollahra.nsw.gov.au **by 10.00am on the day of the meeting.**

Watch and listen to the meeting live via Council's website:

https://www.woollahra.nsw.gov.au/council/meetings_and_committees/committees/environmental_planning_committee_ep/ep_agendas_and_minutes

An audio recording of the meeting will be uploaded to Council's website following the meeting by 5.00pm on the next business day.

If you have any difficulties accessing the meeting please contact (02) 9391 7001.

Regards,

Craig Swift-McNair
General Manager

Environmental Planning Committee

Agenda

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Item No: D1 Delegated to Committee
Subject: **CONFIRMATION OF MINUTES OF MEETING HELD ON 4 DECEMBER 2023**
Author: Sue O'Connor, Governance Officer
File No: 23/224488
Purpose of the Report: The Minutes of the Environmental Planning Committee of 4 December 2023 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

Recommendation:

THAT the Minutes of the Environmental Planning Committee Meeting of 4 December 2023 be taken as read and confirmed.

Executive Summary:

This report presents the Environmental Planning Committee Minutes of 4 December 2023 for confirmation by the Environmental Planning Committee.

The minutes of the meeting are presented as **Attachment 1** for adoption by the Environmental Planning Committee.

Options:

Submission of minutes to the Environmental Planning Committee is a procedural matter for the adoption of the minutes.

Community Engagement and / or Internal Consultation:

No internal or external consultation has taken place in the preparation of this report.

Policy Implications:

There are no direct policy implications as a result of this report.

Financial Implications:

There are no direct financial implications as a result of this report.

Resourcing Implications:

There are no direct resourcing implications as a result of this report.

Conclusion:

The minutes are presented for confirmation by the Environmental Planning Committee.

Attachments

1. Unconfirmed EP Minutes - 4 December 2023 [!\[\]\(57134200e042c5784522d4f74054d599_img.jpg\) !\[\]\(75dbeb46822477f54d6fb53bc5c7cce8_img.jpg\)](#)



Environmental Planning Committee

Monday 4 December 2023
6.30pm

Minutes

Unconfirmed

Environmental Planning Committee Minutes

Monday 4 December 2023

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Unconfirmed

Woollahra Municipal Council
Environmental Planning Committee Minutes

4 December 2023

Environmental Planning Committee

Minutes of the Meeting held on 4 December 2023 at 6.30pm.

Present: His Worship the Mayor, Councillor Richard Shields ex-officio

Councillors: Sean Carmichael (Chair)
Sarah Swan
Lucinda Regan
Matthew Robertson (via Zoom) (joined during Item R1 at 6.48pm)
Isabelle Shapiro (via Zoom)
Merrill Witt

Staff: Paul Fraser (Manager – Open Space & Trees)
Micaela Hopkins (Team Leader – Environment & Sustainability)
Wai Wai Liang (Strategic Planner)
Carolyn Nurmi (Governance Officer)
Sue O'Connor (Governance Officer)
Scott Pedder (Director – Planning & Place)
Andrew Simpson (Team Leader – Tree Department)
Lyle Tamlyn (Acting Team Leader – Strategic Planning)
Kristy Welfare (Acting Team Leader – Heritage)
Anne White (Manager – Strategic Planning & Place)

Also in Attendance: Roy Lumby (Consultant) (via Zoom)

1. Opening

The Chair declared the Environmental Planning Committee of 4 December 2023 open and welcomed Councillors, staff and members of the public who are watching and listening to this evenings meeting.

2. Acknowledgement of Country (Gadigal People and Birrabirragal People)

The Chair read the following Acknowledgement of Country:

I would like to acknowledge that we are here today on the land of the Gadigal and Birrabirragal people, the traditional custodians of the land. On behalf of Woollahra Council, I acknowledge Aboriginal or Torres Strait Islander people attending today and I pay my respects to Elders past, present and emerging.

3. Acknowledgement of the Sovereign of the Day (King Charles III)

The Chair read the following Acknowledgement of the Sovereign of the Day (King Charles III):

I also acknowledge King of Australia, King Charles III.

4. Apologies and Applications for Leave of Absence or Attendance by Audio-Visual Link by Councillors

An apology was received and accepted from Councillor Wynne and leave of absence granted.

General 4.1 Audio-Visual Link

(Regan/Witt)

Resolved:

THAT in accordance with clause 5.23 of Council's Code of Meeting Practice, Council approves the following Councillors participation in the Environmental Planning Committee of 4 December 2023 via Audio-Visual Link:

- Councillor Robertson
- Isabelle Shapiro

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Councillor Carmichael
Councillor Regan
Councillor Shapiro
Councillor Shields
Councillor Witt

5/0

Against the Motion

Nil

5. Late Correspondence

Late correspondence was submitted in relation to Item R2

6. Disclosures of Interest

Councillor Shapiro declared a Non-Significant, Non-Pecuniary Interest in Item R1 (Post Exhibition Report for Draft DCP (Amendment No. 25) - Controls for Gas Appliances and Solar Energy Systems), as Councillor Shapiro knows the speaker, Janet Barlow who is a member of the Liberal Party. Councillor Shapiro remained in the meeting debated and voted on the matter.

Councillor Carmichael declared a Non-Significant, Non-Pecuniary Interest in Item R1 (Post Exhibition Report for Draft DCP (Amendment No. 25) - Controls for Gas Appliances and Solar Energy Systems), as Councillor Carmichael knows the speaker, Janet Barlow who is a member of the Liberal Party. Councillor Carmichael remained in the meeting debated and voted on the matter.

Councillor Swan declared a Non-Significant, Non-Pecuniary Interest in Item R1 (Post Exhibition Report for Draft DCP (Amendment No. 25) - Controls for Gas Appliances and Solar Energy Systems), as Councillor Swan knows the speaker Janet Barlow who is a member of the Liberal Party. Councillor Swan remained in the meeting debated and voted on the matter.

Councillor Robertson declared a Non-Significant, Non-Pecuniary Interest in Item R1 (Post Exhibition Report for Draft DCP (Amendment No. 25) - Controls for Gas Appliances and Solar Energy Systems), as Councillor Robertson knows Donald White & David Howarth both people are members of the Woollahra Greens Party and were named in the submissions. Councillor Robertson remained in the meeting debated and voted on the matter.

Item No: R1 Recommendation to Council
Subject: **POST EXHIBITION REPORT - PLANNING PROPOSAL FOR 136 - 148
NEW SOUTH HEAD ROAD, EDGECLIFF**
Authors: Wai Wai Liang, Strategic Planner
Chinmayi Holla, Strategic Planner
Lyle Tamlyn, Acting Team Leader Strategic Planning
Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place
File No: 23/200934
Purpose of the Report: To report on the public exhibition of the planning proposal for 136 – 148
New South Head Road, Edgecliff
Alignment to Delivery Program: Strategy 4.1: Encourage and plan for sustainable, high quality planning
and urban design outcomes.

Recommendation:

THAT Council:

- A. Notes the matters raised during the public exhibition of the planning proposal for 136-148 New South Head Road, Edgecliff.
- B. Forwards the submissions, post exhibition report and amended planning proposal for 136-148 New South Head Road to the Department of Planning, Housing and Infrastructure as the local plan-making authority, with a request that the Minister (or delegate) makes the local environmental plan under section 3.36 of the *Environmental Planning and Assessment Act 1979*.

Executive Summary:

The purpose of this report is to provide information on the public exhibition of the planning proposal for 136-148 New South Head Road, Edgecliff. The planning proposal seeks to amend the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) to introduce a local provision that allows an alternative maximum building height and floor space ratio (FSR) on the site if certain requirements are met.

The existing maximum building height and FSR controls are 14.5m and 1.5:1 respectively. The proposed alternative controls of 46m and 5:1 are proposed to be enabled by a site specific clause in the Woollahra LEP 2014. A concept design was provided with the planning proposal which indicates a 12 storey mixed use building could be accommodated within the proposed amended controls. The applicant has indicated that this would facilitate 41 apartments and 2,851m² of non-residential floor space.

On 21 April 2023, a Gateway determination was issued by the then Department of Planning & Environment (DPE), recommending that the planning proposal proceed. Having considered the issues raised in the Gateway conditions, amendments were sought by Council staff. These amendments were supported, and a Gateway alteration was issued on 11 September 2023.

The planning proposal and supporting material were placed on public exhibition for 41 days. During this period, Council received 76 submissions. Staff have considered the issues raised in submissions, and recommend that Council requests the Minister to make the local environmental plan under section 3.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The associated voluntary planning agreement (VPA) was exhibited concurrently, and a post exhibition summary is subject to a separate report on the agenda for the Environmental Planning Committee (EPC) of 5 February 2024.

Discussion:

The site at 136-148 New South Head Road, Edgecliff is located in the Edgecliff Commercial Centre (ECC), on the northern side of New South Head Road and is zoned MU1 Mixed Use zone under the Woollahra LEP 2014. A 3D image of the subject site is shown in **Figure 1** below.



Figure 1: 3D view of site (highlighted in red) from the west (source: Woollahra Council Maps).

The subject site is in the area covered by the *Draft Edgecliff Commercial Centre Planning and Urban Design Strategy* (Edgecliff Strategy). Council exhibited the Edgecliff Strategy from 31 May to 30 September 2021. At the time, the subject site was not identified for uplift in the Edgecliff Strategy due to the lots being under different ownerships and vehicle access not being available to all four properties. Since the Edgecliff Strategy was prepared, the subject site has been brought into a single ownership and vehicle access can be obtained to the whole site from Darling Point Road.

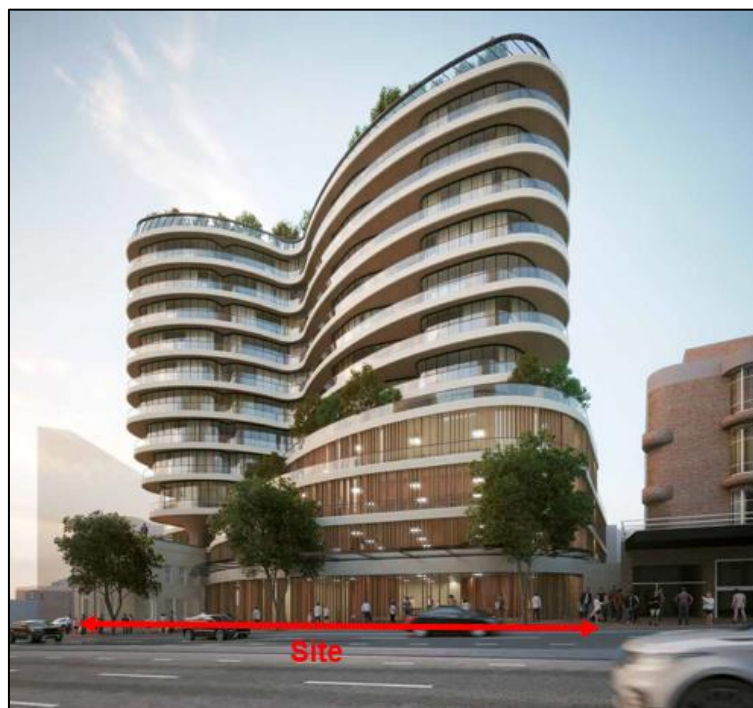


Figure 2: Indicative Concept Design for 136-148 New South Head Road (Source: Group GSA)

On 13 October 2021, a planning proposal was lodged by Edgecliff Central Pty Ltd. The planning proposal seeks to amend the Woollahra LEP 2014 as follows:

- Increase the maximum height of buildings control from 14.5m to 46m; and
- Increase the maximum FSR control from 1.5:1 to 5:1.

The objective of the planning proposal is to increase the development potential of the subject site to facilitate a 12 storey mixed use building. An indicative design was submitted with the planning proposal, which shows what could be built under the proposed controls (see **Figure 2**). The applicant has indicated that this would facilitate 41 apartments and 2,851m² of non-residential floor space.

The planning proposal was referred to the Woollahra Local Planning Panel (LPP) on 22 April 2022 where they provided the following advice:

- A. *THAT the Woollahra Local Planning Panel advises Council that the planning proposal for 136-148 New South Head Road, Edgecliff does not have sufficient strategic or site specific merit to proceed as a stand-alone planning proposal, and that it should be incorporated into the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy.*
- B. *THAT should Council resolve that the planning proposal for 136-148 New South Head Road, Edgecliff should proceed to a Gateway determination, the Woollahra Local Planning Panel advises Council that:*
 - I. *It does not support the site specific amendments to increase the Height of Buildings to 46m and the Floor Space Ratio to 5:1 without further urban design and traffic analysis including:*
 - a. *whether the 46m height standard is beyond what is required to accommodate a 12 storey building; and*
 - b. *defining in a draft Development Control Plan a building envelope that does not exceed a Floor Space Ratio of 5:1 and is in the form of a podium with tower.*
 - c. *the cumulative traffic and transport implications of the proposal and measures that are to be undertaken to mitigate impacts e.g. reduced car parking provision.*
 - II. *The planning proposal should provide for a site specific clause to be included in the Woollahra Local Environmental Plan 2014 which would increase the maximum height of buildings and the maximum Floor Space Ratio, but only if certain matters are satisfied. These matters should include, but not be limited to:*
 - a. *Site amalgamation.*
 - b. *Retention and conservation of the Heritage Item in a manner which retains the scale of the building and ensures that the item is not overwhelmed by the proposed new building.*
 - c. *Specifying a minimum quantum of non-residential Floor Space Ratio*
 - d. *Provision of Affordable Housing consistent with Council's adopted policy.*
 - e. *Design Excellence and commitments to sustainability beyond those required by BASIX.*
 - III. *Any planning agreement proposed by the applicant is to be prepared in accordance with the adopted Woollahra Voluntary Planning Agreement Policy 2020.*
 - IV. *Should a Gateway determination be received, the planning proposal, site-specific draft development control plan and any draft Planning Agreement be publicly exhibited concurrently.*

We note that the Woollahra LPP provided the following reasons for its decision:

The Panel has considered the planning proposal, and advises Council that it is premature to proceed at this stage to Gateway prior to the adoption of the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy (ECC Strategy). In particular, there remain a number of unresolved strategic issues in relation to the capacity of the surrounding road network and the status of the road reservation planning proposal, the provision of community infrastructure upgrades, and the overall bulk and form of the Centre. The benefit of providing 35 net new dwellings does not provide sufficient justification to proceed, prior to the ECC Strategy being adopted.

The Panel advises Council that the planning proposal does not have sufficient site specific merit to proceed as a standalone planning proposal, particularly as it proposes to significantly increase the Height and Floor Space Ratio development standards with no mechanisms within the LEP to ensure the delivery of the benefits proposed in the concept design. These matters include but are not limited to:

- *Site amalgamation.*
- *Retention and conservation of the Heritage Item in a manner which retains the scale of the building and ensures that the item is not overwhelmed by the proposed new building.*
- *Specifying a minimum quantum of non-residential Floor Space Ratio.*
- *Provision of Affordable Housing consistent with Council's adopted policy.*
- *Design Excellence and commitments to sustainability beyond those required by BASIX.*

On 4 July 2022, the EPC considered a report with the advice of the Woollahra LPP (see **Attachment 4**). Subsequently, on 25 July 2022, Council resolved the following:

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

In summary, Council resolved not to support the request because it considered that the site-specific and strategic merit were insufficient to support a standalone planning proposal. Consistent with the advice of the Woollahra LPP, Council resolved that any proposed uplift for the site should be incorporated into the Edgecliff Strategy.

Rezoning review

In response to Council's decision, a rezoning review was lodged by the applicant. On 18 August 2022, the Sydney Eastern City Planning Panel considered the rezoning review request and recommended that the planning proposal proceed to Gateway. In the *Rezoning Review Record of Decision* (see **Attachment 3**), the Sydney Eastern City Planning Panel stated the following:

The Panel is satisfied this PP is consistent with the District Plan and the objectives for the revitalisation of the Edgecliff centre by providing an uplift of commercial space and residential in very close proximity to a major bus/rail interchange. In this regard it is also consistent with the LSPS and Local Housing Strategy.

The Sydney Eastern City Planning Panel required the following to be included in the planning proposal:

- a clause requiring a design excellence competition or equivalent.
- a clause requiring the subject site to be amalgamated to ensure no vehicle access to New South Head Road.
- a clause for maximum number of storeys/ height and Floor Space Ratio
- a draft DCP to be exhibited concurrently with guidelines for future development including massing; number of storeys; sustainability measures; relationship to local heritage item; wind analysis; minimal overshadowing of the public domain, including Trumper Park and plaza areas opposite and the appropriate mix of commercial and residential given characteristics of site.

On 12 September 2022, Council considered a report on the Sydney Eastern City Planning Panel's rezoning review and resolved the following, which includes Council's resolution to accept the role of Planning Proposal Authority (PPA):

- A. THAT Council notes its resolution of 25 July 2022 in the following terms:
- A THAT Council note the advice provided by the Woollahra Local Planning Panel on 22 April 2022 regarding the planning proposal for 136-148 New South Head Road, Edgecliff.
 - B THAT consistent with the advice from the Woollahra Local Planning Panel, Council resolves to refuse the planning proposal for 136-148 New South Head Road, Edgecliff which seeks to amend the Woollahra Local Environmental Plan 2014 in the following manner:
 - (i) Increase the maximum height of buildings development standard from 14.5m to 46m.
 - (ii) Increase the maximum floor space ratio development standard from 1.5:1 to 5:1.
 - C THAT the applicant be notified that Council has refused the planning proposal in accordance with Clause 9 of the Environmental Planning and Assessment Regulation 2021.
 - D THAT 136-148 New South Head Road, Edgecliff be incorporated into the post exhibition version of the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy as a potential uplift site.
- B. THAT notwithstanding Part A, that Council note on 18 August 2022, the Sydney Eastern City Planning Panel considered a rezoning review and resolved to recommend the planning proposal be progressed to Gateway, which was contradictory to Council's reason for refusal.
- C. THAT to enable Council's management of the process with a view to ensuring the best outcome for Woollahra residents, Council accepts the role of Planning Proposal Authority for 136-148 New South Head Road, Edgecliff (RR-2022-12) and prepare a planning proposal for the site which seeks to amend the Woollahra Local Environmental Plan 2014 in the following manner:
- i. Increase the maximum building height standard from 14.5 to 46m
 - ii. Increase the maximum floor space ratio from 1.5:1 to 5:1.
- D. THAT the Council finalise, in consultation with the applicant:
- a. An LEP clause requiring:
 - i. A design excellence competition or equivalent
 - ii. Amalgamation to ensure no vehicle access to New South Head Road
 - iii. Maximum number of storeys, height and floor space ratio
 - iv. Affordable housing consistent with Council's adopted Affordable Housing Policy
 - v. Provision of, or contribution towards, community infrastructure.

- b. *A draft DCP, to be exhibited concurrently, with guidelines for development including:*
- i. Massing and number of storeys*
 - ii. Sustainability measures*
 - iii. Relationship to local heritage item*
 - iv. Wind analysis*
 - v. Minimal overshadowing of public domain, including Trumper Park and plaza areas opposite the site*
 - vi. Appropriate mix of commercial and residential given characteristics of site*
 - vii. Car parking, vehicle access and egress.*
- E. *THAT due to an existing road reservation being over the corner part of the site, that Council recommends that the issue of the road reservation is resolved by the applicant with Transport for NSW prior to the making of any LEP.*
- F. *THAT any Planning Agreement proposed by the applicant be prepared in accordance with the adopted Woollahra Voluntary Planning Agreement Policy 2020.*
- G. *THAT should a Gateway determination be received, the planning proposal, draft development control plan and any draft planning agreement be publicly exhibited.*
- H. *THAT the applicant pays the relevant planning proposal fees as identified in Council's adopted Fees and Charges for 2022/2023.*

In response to Parts A, B and C of the above resolution, a letter from Council staff was sent to the DPE on 26 September 2022 to accept the role of PPA. This was followed by a request for a Gateway determination lodged on 28 November 2022.

In accordance with part D, the planning proposal submitted by Council as the PPA contained the following requirements in a site specific Woollahra LEP 2014 clause requiring:

- A design advisory panel to provide advice before the granting of development consent, which was considered an equivalent to a design excellence competition;
- Lot amalgamation and no vehicle access provided to New South Head Road;
- Maximum height (in m) and FSR; and
- The achievement of affordable housing, and provision of community infrastructure.

A maximum height in storeys was not included in the clause, as consultation with the DPE indicated no such requirement would be supported in a Standard Instrument LEP.

The site specific clause can be found on pages 18-20 of **Attachment 1**.

A draft development control plan (DCP) is currently being prepared by Council staff. It was not prepared earlier and exhibited concurrently with the planning proposal, as lengthy Gateway conditions necessitated substantial changes to the exhibition version of the document. During the finalisation process, the now *Department of Planning Housing & Infrastructure* (DPHI) will be responsible for reviewing and endorsing the changes. Any final amendments coming from this could have implications for the draft DCP controls, and accordingly it would have been premature to finalise the draft DCP controls earlier.

The draft DCP will include the following matters in accordance with Part D:

- Massing and number of storeys;
- Sustainability measures;
- Relationship to local heritage item(s);
- Wind analysis;
- Minimal overshadowing of public domain, including Trumper Park and plaza areas opposite the site;
- Appropriate mix of commercial and residential given characteristics of site; and

- Car parking, vehicle access and egress.

The draft DCP will be reported to a future meeting of Council prior to public exhibition.

In response to Part E, this issue has been resolved. The road reservation is no longer proposed for removal, and this is satisfactory to both the applicant and Transport for NSW (TfNSW) (see **Tables 4 & 5** below).

In response to Part F & G, a VPA has been prepared. The VPA was exhibited concurrently with the planning proposal. Furthermore, all fees have been paid as per Part H.

Gateway determination

On 21 April 2023, the then DPE issued a Gateway determination (see **Attachment 2**). The Gateway determination included conditions which requested, amongst other matters, that Council staff revise the planning proposal prior to exhibition. **Table 1** below shows each of these conditions, and a response from staff.

Table 1: Summary of original Gateway conditions

Condition	Council staff response
<i>a) Provide a plain-English explanation of the planning proposal that covers all aspects of the site-specific provision. An updated draft clause may be provided with an advisory note that it is an example only and will be subject to legal drafting by Parliamentary Counsel, should the proposal progress to finalisation.</i>	Council staff amended the planning proposal accordingly.
<i>b) Clarify that the proposal seeks to introduce a local provision that allows alternative maximum height of buildings and floor space ratio (FSR) if certain requirements are met, as such the existing maximum height of buildings and FSR controls will remain in the LEP as base controls.</i>	Council staff amended the planning proposal accordingly.
<i>c) Remove reference to “urban design and planning strategy and public domain plan” as a matter of consideration from the design excellence provision.</i>	Council staff amended the planning proposal accordingly.
<i>d) Remove all references to community infrastructure and affordable housing requirements (which include the recoupment of cost of provision) from the proposal.</i>	Staff expressed Council’s opposition to this condition, as such references provided increased security for the capture of public benefits. However, upon receiving further advice, we were satisfied that the VPA could be successfully progressed and finalised concurrently with the planning proposal.
<i>e) Remove the site-specific heritage conservation requirement as this is already addressed via Clause 5.10 Heritage conservation of the Standard Instrument LEP.</i>	Council staff amended the planning proposal accordingly.
<i>f) Amend the proposed minimum non-residential floor space ratio from 3:1 to 1.6:1; and remove the proposed maximum non-residential FSR of 3.5:1. Provide an economic analysis to test the feasibility of a minimum nonresidential FSR of 1.6:1 or a higher quantum that takes into consideration the growth scenarios in the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy.</i>	Council staff opposed this condition and raised concerns with the DPE. The removal of a maximum value for non-residential floor space would have the capacity to facilitate a fully commercial building on the site. This would fundamentally undermine the strategic merit of the planning proposal by not delivering residential accommodation. Council staff then liaised with the applicant and mutually agreed to support a non-residential FSR of 1:1 and a maximum of 2:1.

Condition	Council staff response
	<p>The minimum non-residential FSR is consistent with the permissible uses in the subject MU1 zone, which generally facilitates residential development in the form of shop top housing. A maximum non-residential FSR of 2:1 would facilitate the indicative development concept scheme submitted with the planning proposal.</p> <p>A Gateway alteration was sought, and later received. It amended the condition accordingly (as shown in Attachment 2).</p>
<p><i>g) Amend the proposed alternative height of buildings control from 42m to 46m, subject to further design testing of the floor-to-floor heights currently shown in the indicative concept scheme against the floor-to-ceiling heights provisions of the Apartment Design Guide, the requirements of the National Construction Code and the outcomes of the economic testing outlined in item f) above.</i></p>	<p>Council staff commissioned further urban design testing of the building height control. It found that 46m was appropriate for the site, particularly when having regard to the desired mix of uses. Accordingly, the planning proposal was amended by staff.</p>
<p><i>h) Outline the matters to be addressed in the site-specific Development Control Plan.</i></p>	<p>Council staff amended the planning proposal to address the matters that should be raised in the site-specific DCP.</p>
<p><i>i) Clarify Council’s intent to establish a “design review panel” or “design advisory panel” to ensure design excellence is achieved for future development and utilise consistent terminology throughout the document.</i></p>	<p>Council staff amended the planning proposal to include further information on the design advisory panel.</p>
<p><i>j) Replace existing reference to “business” zones (i.e. “B” zones) with the new employment zones (i.e. “E” and “MU” zones) as a result of the Department’s Employment Zones Reform work.</i></p>	<p>Council staff amended the planning proposal accordingly.</p>
<p><i>k) Include extracts of relevant existing LEP maps that apply to the site, including Land Zoning, Floor Space Ratio, Height of Buildings, Heritage and Land Acquisition Reservation maps.</i></p>	<p>Council staff amended the planning proposal accordingly.</p>
<p><i>l) Explain the reasons for identifying the site on a new Key Sites Map; or alternatively, remove any reference to such a map if it is not required.</i></p>	<p>The planning proposal was amended to include a justification for identifying the site on a Key Sites Map.</p> <p>This map is commonly used in Standard Instrument to identify parcels of land that are subject to site specific provisions.</p>
<p><i>m) Include commentary that addresses the relevant provisions of the Woollahra Local Housing Strategy and relevant requirements of the Department’s approval of the Strategy.</i></p>	<p>Council staff amended the planning proposal to include relevant information.</p>
<p><i>n) Confirm whether the site is identified as “flood-prone land” as defined in the NSW Floodplain Development Manual 2005 when addressing section 9.1 Direction – 4.1 Flooding.</i></p>	<p>Council staff amended the planning proposal accordingly, indicating the site was not on flood prone land.</p>
<p><i>o) Provide an updated discussion to demonstrate that the inconsistency with section 9.1 Direction 1.4 – Site Specific Provisions is justified in accordance with the terms of the direction.</i></p>	<p>Council staff amended the planning proposal accordingly.</p>
<p><i>p) Provide written explanation of the potential overshadowing impacts on the property at 160 New South Head Road to supplement the “sun-eye diagrams” in the concept scheme; and include additional shadow analysis relating to the proposed built forms and public plaza areas on the southern side of New South Head Road under the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy.</i></p>	<p>An additional written explanation was included in the planning proposal. An additional overshadowing analysis was also supplied by the applicant and deemed sufficient. All of these documents were available for review as part of the exhibition period.</p>

Condition	Council staff response
<p>q) <i>Confirm the location of the apartments within 235-287 New South Head Road (known as “Eastpoint tower”) to which the view sharing modelling in the concept scheme relates to.</i></p>	<p>The <i>Staff Assessment</i> included information on units that may be affected by the proposal, specifically addressing those in ‘Eastpoint’, ‘Oceanpoint’ and ‘Ranelagh’. Each of these buildings is represented in the same way in the applicant’s supporting documentation. Accordingly, the submitted information already responded to the issue raised in this condition and it was unclear why the Eastpoint tower had been singled out.</p> <p>Staff sought a Gateway alteration and this was supported by the DPE and the condition removed.</p>
<p>r) <i>Update the project timeline in accordance with the requirements of the Gateway determination.</i></p>	<p>Council staff amended the planning proposal accordingly.</p>

The DPE issued a Gateway alteration on 11 September 2023. The alteration included the following:

1. *Delete:*
“Condition 1.f)”
and replace with:
a new Condition 1.f):
“*The development is to include a minimum non-residential floor space ratio (FSR) of 1:1 and a maximum non-residential FSR of 2:1.*”
2. *Delete:*
“Condition 1.q)”

Attachment 2 contains both the Gateway determination and subsequent alteration. We note that the Gateway determination did not identify Council as the local plan-making authority (LPMA).

All conditions of the Gateway determination (as amended by the alteration) have been addressed in the planning proposal, prior to public exhibition.

Draft Heritage Study of the ECC

In August 2022, Council staff engaged GML Heritage to undertake a Heritage Study of the ECC and surrounding areas. The study provided information on the historic values of the area and the final draft study recommended the listing of six individual items and one heritage conservation area (HCA). Relevant to the subject site is the proposed draft Brantwood HCA at 164-180 New South Head Road, Edgecliff which comprises five buildings. The five buildings are shown in **Figure 3** below, and it was recommended by GML that these buildings are listed in the Woollahra LEP 2014 as an HCA.



Figure 3: Location of proposed HCA relative to site (source: Woollahra Maps).

On 20 October 2023, the Heritage Study and the accompanying planning proposal was reported to the Woollahra LPP for advice. The Woollahra LPP supported the planning proposal with the following advice:

1. *Proceed with the planning proposal to list the following six local heritage items in Schedule 5 and on the Heritage Map of the Woollahra Local Environmental Plan 2014:*
 - a. *'Gruzman House, including interiors' at 4 and 6–8 Oswald Street, Darling Point (Lot 12, DP 3893 and Lot 3, DP 1197166).*
 - b. *'Winston House, including interiors' at 20 New South Head Road, Edgecliff (SP 20728, SP 31826).*
 - c. *'Portland Hall, including interiors and gardens' at 48 New South Head Road, Edgecliff (Lot 1, DP 82089; Lot 1, DP 1107185; Lot 1, DP 921798).*
 - d. *Victorian Georgian Terrace group – three cottages at 543–547 Glenmore Road, Edgecliff (Lots 34, 35 and 36, DP 255233).*
 - e. *Phoenix Palms in Oswald Street Reserve, Oswald Street, Darling Point (Road Reserve).*
 - f. *The Brantwood Estate group - five residential flat buildings, including interiors and gardens at 164-180 New South Head Road, Edgecliff:*
 - 164 New South Head Road (SP 16897)*
 - 166 New South Head Road (SP 90371)*
 - 168 New South Head Road (SP 11580)*
 - 170 New South Head Road (SP 86720)*
 - 172-180 New South Head Road (SP 10535)*
2. *Also consider adding 26-32 New South Head Road, Edgecliff (SP15051) as an individual heritage item.*
3. *The Heritage Inventory Sheets for each item are to include a general description of the elements of each item that are of significance, where known, and any relationship of the items to any others items.*

The Woollahra LPP provided advice, contrary to the staff recommendation, that the Brantwood Estate be listed as a heritage item group rather than a HCA given the intact nature and inter-relationship of the whole group, the landscaping, and certain interiors. The study and its recommendations are currently being revised by the consultants based on the advice of the Woollahra LPP. The study and planning proposal will be reported to a Council meeting in the first half of 2024. Notwithstanding the advice from the Woollahra LPP, Council staff will be recommending some form of heritage listing for the five properties at 164-180 New South Head Road, Edgecliff

Public exhibition

The planning proposal and supporting material were exhibited for 41 days, from Tuesday 26 September 2023 to Sunday 5 November 2023 (inclusive), consistent with the requirements of the EP&A Act, the *Environmental Planning and Assessment Regulation 2021* (the Regulation), the *Woollahra Community Participation Plan 2019*, relevant guidelines, and the conditions of the Gateway determination. Staff note that the supporting material did not include the draft DCP, for reasons previously discussed in this report.

The exhibition included the following:

1. Six notices in the Wentworth Courier newspaper providing details of the exhibition, appearing on 27 September 2023, 4, 11, 18 and 25 October 2023 and 1 November 2023.
2. A public exhibition webpage for the planning proposal and supporting material on *Your Say Woollahra*. This webpage was visited by 394 people during the exhibition period.
3. A notification letter or email was sent to the stakeholders and government agencies, including: the subject property owners, adjoining and nearby property owners; Sydney Water; TfNSW ; Heritage NSW; Ausgrid; and community organisations being the Darling Point Society, Double Bay Residents' Association, Edgecliff Residents' Association and the Paddington Society.

Submissions

A total of 76 submissions were received during exhibition. This included 48 submissions in support, 24 in objection and four submissions from the following state agencies: Ausgrid, Heritage NSW, Sydney Water and TfNSW. Heritage NSW, Ausgrid and Sydney Water did not raise any objections at the planning proposal stage. The issues raised by TfNSW are addressed below.

A redacted copy of all the submissions can be viewed at:

<https://yoursay.woollahra.nsw.gov.au/136-148-new-south-head>

under the **Document Library** on the right hand side of the page – **Consultation Feedback**.

The names of the submitters are in **Table 2** below.

Table 2: List of submitters

Submissions of support		Submissions of objection
<ul style="list-style-type: none"> • Adam Beasley • Adam William • Alon Mizrachi • Andrea Stringer • Andrew Silberberg • Andrew Stringer • Andrew Veron • Anthony Halas • Ariane Fuchs • Ben Stewart • Ingham Planning (on behalf of applicant) • Brett Levy • C & D Bennett • Charlotte Vidor • Christian McKelvey • Debbie Jennens • Elizabeth Angus • Eva Fischl • Fred Macdonald • Gary Perlstein • Gavin Krawchuk • George Bloomfield • Greg Cohen • Greg Shand 	<ul style="list-style-type: none"> • Herman Diego • James • Jason Gellert • Jeremy Reid • Justin Topper • Matt Pontey • Mia Boyarsky • Nathan Briner • Nik Angus • Paul • Paul Fischmann • Paul Lendvay • Peter • Peter Li • Rodney Rosmarin • Sharon Hurwitz • Sofia Li • Stanely Hurwitz • Taryn Boyarsky • Tom Curtis • Tom Pongrass • Tony Gellert • Tony Levine • Warren Jacobson 	<ul style="list-style-type: none"> • Alldis & Cox (on behalf of owners of 168 New South Head Road) • Arek Drozda • Arianne Reisner • Belinda Nisbet • Clare Caldwell • Darling Point Society • David Terry (on behalf of owners of 3-17 Darling Point Road) • Deborah P • Elizabeth Sheppard • Emma • John Macpherson • Jonathan Walczak • Karla Plehwe • Leon Cohen • Margaret • Margot Fagan • Mr Wong • Owen Sperling • Michael Lawrence • Robert Boland • Tessa Taylor • William Clark (on behalf of owners of Eastpoint Tower) • William Clark (on behalf of owners of Eastpoint Food Fair) • Charlotte Feldman

On behalf of the applicant, Ingham Planning provided a submission, which is considered later in this report.

Consistent with requirements of the DPE’s *Local Environmental Plan Making Guideline* dated August 2023, copies of the submissions were provided to the applicant. They provided a response to some issues raised in submissions, which are summarised in **Table 3**.

Submissions of support raised the following matters, which have been noted by Council staff:

- The planning proposal will encourage the renewal of older building stock;
- It will provide a new supply of residential and commercial floor space near the train station;
- The new building will enhance accessibility for people with disabilities and elderly;
- A building built under the proposed controls will deliver more housing in the local area; and
- The proposal will take pressure off nearby lower density residential areas, with respect to delivering housing.

A summary of objections to the planning proposal, along with staff responses, is provided in **Table 3**.

Table 3: Summary of issues raised by objectors and responses from staff

Topic	Comment	Council staff response
Excessive building height	The proposed building height is excessive in the context of the existing four storey buildings east of the site.	Council staff consider that the proposed height of up to 12 storeys will facilitate an appropriate height transition between the ECC and the surrounding residential neighbourhoods. The height has been extensively tested and will not produce unreasonable environmental impacts.

Topic	Comment	Council staff response
Loss of harbour views	The concept design indicates some loss of harbour views for adjoining residential properties.	<p>Consistent with the principles in <i>Tenacity Consulting v Warringah Council [2004] NSWLEC 140</i>, view sharing will be considered during the assessment of any future development application (DA) for the site.</p> <p>View corridor testing has been undertaken, and staff do not consider the likely impacts to be unreasonable in the context.</p>
Overshadowing of adjoining properties	The concept design indicates adverse overshadowing impacts on nearby properties.	<p>The design report submitted by the applicant dated September 2021 suggests that shadows created by the concept scheme will have negligible impacts on surrounding properties, particularly as the shadows overlap with those of the 'Ranelagh' building behind the subject site.</p> <p>The impacts of shadows will be further addressed during the DA stage. The detailed design will be assessed against the <i>Woollahra Development Control Plan 2015</i> (Woollahra DCP 2015) and <i>Apartment Design Guide</i> (ADG), both of which require the reasonable protection of solar access to adjoining properties.</p>
Loss of privacy as the result of insufficient building separation	The concept design indicates that insufficient setbacks on the eastern boundary of the site will cause visual privacy impacts.	Any visual privacy impacts associated with a future DA will be considered by Council staff at the time of the DA assessment. The ADG and the Woollahra DCP 2015 have provisions regarding privacy that must be considered before granting consent. These will ensure that impacts are addressed.
Lack of consideration of impacts on draft Brantwood Heritage Conservation Area	Council has recently proposed to establish the Brantwood HCA. The planning proposal documents do not consider the potential impacts of the proposed uplift on the draft Brantwood HCA.	<p>The proposed listing of the Brantwood HCA was presented to the Woollahra LPP on 20 October 2023, which was after the planning proposal for 136-148 New South Head Road was prepared and placed on exhibition. The exhibition of the planning proposal for 136 -148 New South Head Road started on 26 September 2023 and finished on 5 November 2023. Amendments to the planning proposal for 136-148 New South Head Road can only be made as post-exhibition amendments after the exhibition period.</p> <p>Council's Heritage Officer has reviewed the planning proposal and determined that potential impacts to the Brantwood group can be suitably managed through formulating site specific DCP controls, regardless of whether the buildings are listed as individual items or an HCA. DCP controls may include requirements for setbacks, bulk and scale modulation, fenestration arrangements and the sensitive use of materials.</p> <p>These controls would address the following:</p> <ul style="list-style-type: none"> • The interface between the future development of the subject site and the Brantwood group; • The bulk and scale of future development; and • Encourage a future development that is sensitive and sympathetic to its surrounding heritage context.

Topic	Comment	Council staff response
		<p>This approach is supported by the findings of the heritage study, which suggest that the heritage and aesthetic significance of the Brantwood group is primarily associated with the inward-facing relationship between the buildings themselves and less about the historic character of the New South Head Road streetscape.</p> <p>Council staff are satisfied that as a result of the submissions, due consideration has been given to the impacts on the Brantwood group.</p> <p>Furthermore, any impacts will be assessed in detail at DA stage, having regard to Council's robust heritage controls (inclusive of new DCP provisions). The draft DCP will be reported to a future meeting of Council prior to public exhibition.</p>
Potential impacts of excavation on heritage item	Basement excavation works may destabilise the heritage item.	The merit of any excavation works will be considered at DA stage, having regard to the detailed design of the building and any engineering reports supplied by the applicant. Consent will not be granted unless staff are satisfied relevant issues have been addressed.
Inconsistency with the Edgecliff Strategy and Draft Woollahra Integrated Transport Strategy	The site was not identified for uplift in the Edgecliff Strategy. The transport outcomes from the proposal also do not align with the <i>Draft Woollahra Integrated Transport Strategy</i> .	<p>The site falls within the ECC. However, at the time of preparing the Edgecliff Strategy, the subject site was in multiple ownerships and did not have vehicular access. These constraints resulted in the site not being identified for uplift.</p> <p>With a consolidated ownership and vehicular access to Darling Point Road made possible, staff and the Sydney Eastern City Planning Panel considers that there is merit in supporting a site specific planning proposal for the site.</p> <p>The proposal also suitably addresses traffic concerns and therefore aligns with the <i>Draft Woollahra Integrated Transport Strategy</i>.</p>
Creation of wind tunnel	The building resulting from the planning proposal may contribute to the formation of a wind tunnel.	Council staff have reviewed this issue and, do not consider a single 12 storey building would create a wind tunnel.
Traffic impacts of vehicular access to site	Vehicles accessing the site from Darling Point Road will create congestion issues.	<p>Council staff have reviewed the congestion issues in relation to site access. This issue can be addressed by locating the access point as far as possible from the intersection with New South Head Road, and mandating a left in/left out only movement from the site. This will be further considered at the DA stage, when the design of the building will be under a detailed assessment (see also response to submission from TfNSW in Table 5 below).</p> <p>Staff will also be seeking to include site specific parking provisions in the DCP applying to the site. These will limit the amount of parking to ensure any development does not cause undue strain on the nearby intersection. The proposed controls will be subject to a separate report to a meeting of Council.</p>

Topic	Comment	Council staff response
Insufficient traffic assessment	The proposal may add to local traffic and reduce street parking supply. The submitted assessment also may not be valid, particularly due to the cumulative effects from the Edgecliff Strategy should it proceed.	Council's traffic engineer reviewed the applicant's traffic assessment, and was satisfied with its contents. Staff acknowledge that the proposal may cause an increase in local traffic, and accordingly will be pursuing Woollahra DCP 2015 provisions to restrict the amount of parking on the site. Impacts from traffic generated by identified uplift sites in the Edgecliff Strategy are being considered in a transport study specific to the strategy. This will account for any sites identified for uplift either in the Edgecliff Strategy or in a standalone planning proposal.
Affordable housing not provided	The planning proposal does not provide affordable housing on site.	The draft VPA for the site seeks to obtain a share of the land value increase facilitated by the planning proposal for community infrastructure and affordable housing. The draft VPA is subject to a separate report to a meeting of Council.

Ingham Planning made a submission on behalf of the applicant, which supported the proposal but requested a series of changes. These are detailed in **Table 4** below, with a response from Council staff.

Table 4: Summary of issues raised by applicant and responses from Council staff

Topic	Applicant's Comment	Council staff response
Renumbering the site specific clause	Site specific clause 6.9 already exists in the Woollahra LEP 2014, which will require the renumbering of the proposed new clause.	This is an administrative post exhibition change. At the time of preparing the planning proposal, clause 6.9 was not in use. Before finalisation, the clause will be renumbered.
Lot 2 DP 983678 acquired by the applicant	The reference to Lot 2 DP 983678 as a property from a deceased estate should be removed . The applicant confirmed that they are now the registered owner of the land.	Council staff have made post-exhibition amendments to the planning proposal to reflect that the applicant has acquired ownership of this lot.
Remove reference of applicant proposing to amend the Land Reservation Acquisition Map	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 and therefore any references to it should be removed.	This information was retained in the planning proposal in error. Council staff have made post-exhibition amendments to the planning proposal to delete any reference to the removal of the lands reserved for acquisition.
Remove references to housing diversity and dwelling types under the design excellence clause	Under the proposed design excellence clause, objective (b)(iii) and subclause (5)(j) should be removed as there are sufficient existing provisions for housing diversity and dwelling types.	Council staff support the proposed provisions in the planning proposal, as their inclusion in the clause will further ensure the strategic objectives of the planning proposal are realised. However, staff acknowledge that 'diversity of dwelling types' could be misinterpreted as dwelling types other than apartments. As such, we recommend a post exhibition amendment to the site specific clause being subclause 5(j) to state as follows:

Topic	Applicant's Comment	Council staff response
		<p><i>In considering whether a development exhibits design excellence, the consent authority must have regard to the following matters:</i></p> <p>.....</p> <p><i>(j) whether the proposed development contains a diversity of residential dwelling types a range of apartment types and sizes.</i></p> <p>See page 19 of Attachment 1.</p> <p>Staff will also be seeking to include site specific provisions in the DCP regarding unit mix.</p>
<p>Replacing the word 'detrimentally' to 'unreasonably' for the impacts of view corridor under the proposed design excellence clause</p>	<p>The use of the word 'detrimental' in subclause 5 under the design excellence clause implies that any adverse impact could be considered unreasonable. It is contrary to the principle of view 'sharing'.</p>	<p>Council staff disagree. Council staff support the existing wording of this subclause 5(e) in the planning proposal. The use of the term 'detrimental' is consistent with the NSW Land and Environment Court's view sharing principles. This will ensure the fair and consistent assessment of any issues pertaining to view sharing at the DA stage.</p>
<p>Deleting item (f) and (i) under proposed design excellence clause</p>	<p>Items (f) and (i) should be deleted.</p> <p>Item (f) is in relation to 'pedestrian, cycle, vehicular and service access, and circulation requirements, including the permeability of the pedestrian network'. Permeability is not relevant given the small size of the site.</p> <p>Item (i) is in relation to 'i) whether the proposed development contains a mix of retail, commercial and residential uses'. Land use mix is a commercial consideration and not a design one.</p>	<p>Council staff disagree. Staff support the retention of item (f), but agree that the issue of permeability for the pedestrian network is not strictly relevant. Through site links are unlikely to be employed, given the relatively small size of the site. Accordingly, we support changing the term 'permeability' to 'quality', to instead focus on the relationship of the site to the public domain. The planning proposal has been amended accordingly (see page 19 of Attachment 1)</p> <p>However, Council staff support the provisions as drafted for land use mix. The incorporation of a satisfactory land use mix is important in fulfilling the strategic intent of the planning proposal. A mix of uses will contribute to the evolving role of the ECC, and ensure a diversity of employment opportunities and housing close to a major transport hub.</p>
<p>Key Sites Map</p>	<p>The proposed introduction of a Key Sites Map appears to be a generic clause intended to apply to other sites in the future. The existing draft clauses will negate the need to create a Key Sites Map.</p>	<p>Council staff disagree. A map identifying the land to which the clause applies is preferred by staff. It is considered a simpler and clearer way of identifying that there is a site specific clause applying to the site.</p> <p>Council staff have made post exhibition amendments in the planning proposal to include references to the Key Sites Map in the draft clause. This has enhanced the linkage between the map and the site specific clause.</p>
<p>Reference to finalisation of draft DCP under project timeline</p>	<p>The timeline suggests that a draft DCP has been provided to the applicant for review. This has not occurred.</p>	<p>Council staff agree. The applicant will be formally notified and invited to provide comments when the draft DCP is placed on exhibition.</p> <p>The reference in the project timeline has been updated by Council staff (see Page 30 of Attachment 1).</p>

Consultation with TfNSW

On 10 November 2023, TfNSW made a submission in support of the planning proposal but objected to parts of the planning proposal that mentioned the removal of the land reserved for acquisition at 136 New South Head Road. Council staff acknowledge that it was not the applicant's intent to remove the acquisition area and that the position of TfNSW on retaining the land reservation acquisition has not changed.

In response, Council staff provided an email update to TfNSW dated 28 November 2023, indicating that all references to the applicant seeking amendment to the Land Reservation Acquisition Map will be removed in the planning proposal. On 21 December 2023, TfNSW formally withdrew their objection to the planning proposal and indicated their support for finalization. The correspondence from TfNSW is contained in the package of submissions available on Council's website.

Other issues raised by TfNSW are summarised in **Table 5** below.

Table 5: Summary of issues raised by TfNSW and responses from Council staff

Topic	Comment	Council staff response
Vehicle access	All vehicular access/egress for the site to be from Darling Point Road and to be located to as far away as possible from the traffic signals at New South Head Road and Darling Point Road.	Council staff agree in principle with these suggestions. Such design elements can be incorporated into the detailed design and assessed at DA stage.
Left in/left out movements should be used	These movements should be implemented to manage congestion, and reinforced through the use of a median strip.	Council staff agree with these suggestions. Such design elements can be incorporated into the detailed design and assessed at DA stage.
Provision of a Green Travel Plan	It is recommended that a Green Travel Plan and a Travel Access Guide be prepared.	Council staff agree with these suggestions. Council staff consider that these can be implemented through the DA process.
Restrict parking supply	Onsite parking should be reduced to encourage active and public transport use.	Council staff agree that parking rates should be reviewed, having regard to the site's close proximity to the train station. This will be considered in the preparation of a site specific DCP, which will be reported to a future meeting of Council.

Post exhibition amendments

Having considered the matters raised in the submissions, staff recommend the following post exhibition amendments to the planning proposal (see **Attachment 1**):

- Update the numbering of the proposed site specific clause to 6.11 (page 6 and 18).
- Delete the ownership information for Lot 2 DP 983678 (page 10).
- Remove all references to the proposed amendment to the Land Reservation Acquisition Map (page 18).
- Amend clause 6.11 to include references to the Key Sites Map (page 18).
- Amend item (j) of subclause 5 to include "a range of apartment types and sizes" in the sentence (page 19).
- Amend item (f) of subclause 5 to replace 'permeability' with 'quality' on page 19.
- Update the project timeline and remove references to the DCP being finalised concurrently with the planning proposal and the draft VPA (page 30 and 31).

Staff also suggest the following two minor post exhibition administrative amendments:

- Update the business zone names in the planning proposal to reflect the recent employment zone reforms that came into effect on 26 April 2023 (page 11 and 16)
<https://yoursay.woollahra.nsw.gov.au/employment-zone-reform>
- Update the project timeline to reflect that Council is not the LPMA (page 30).

The proposed amendments are of a minor or administrative nature only, and do not change the objective of the planning proposal. Therefore, the post-exhibition amendments do not warrant re-exhibition.

The planning proposal post-exhibition amendments are highlighted in **yellow** with deletions shown in **red-strike through** and text inserted shown in **blue underline** in **Attachment 1**. Staff recommend that Council supports the planning proposal as amended.

Options:

As a consequence of this report Council may resolve to do one of the following:

1. Support the planning proposal with the recommended amendments by staff, noting that they are administrative and minor in nature, and accordingly advise the Minister to make the local environmental plan under sections 3.35(1) & (2) and section 3.36 of the EP&A Act.
2. Support the planning proposal without amendments and request that the Minister make the local environmental plan under section 3.36 of the EP&A Act.
3. Not support the planning proposal and request the Minister to determine that the matter not proceed under section 3.35(4) of the EP&A Act.

Community Engagement and / or Internal Consultation:

Refer to the 'Discussion' section of this report

Policy Implications:

Should the DPHI as the LPMA resolve to make the plan under the EP&A Act section 3.36 (2)(a), the Woollahra LEP 2014 will be amended.

Consistent with Council's resolution dated 12 September 2022 and the draft Woollahra LEP 2014 clause, a site specific DCP will also be prepared, exhibited and adopted prior to the issue of any development consent for the site.

Financial Implications:

There will be costs associated with the preparation and exhibition of a site specific DCP.

Resourcing Implications:





Should the DPHI finalise the planning proposal, staff resources will be associated with liaising with the DPHI and preparing the site specific DCP.

Conclusion:

The planning proposal for 136 – 148 New South Head Road, Edgecliff was placed on exhibition in accordance with the Gateway conditions and Council's statutory obligations. A total of 76 submissions were received during the exhibition period. Key issues raised by the community related to building design, heritage conservation and traffic management. The applicant and NSW Government agencies also queried the wording of the draft provisions and the treatment of the road reservation. Council staff have reviewed all these issues and support the finalisation of the planning proposal, subject to minor amendments.

Having considered all other matters raised in the submissions, staff recommend that Council resolves to support the planning proposal as amended at **Attachment 1** and forward the planning proposal to the Minister (or delegate) to make the local environmental plan under section 3.36 of the EP&A Act.

Attachments

1. Planning Proposal (with post-exhibition amendments) - January 2024 [↓](#) 
2. Gateway Determination & Alteration - September 2023 [↓](#) 
3. Rezoning Review Record of Decision - 18 August 2022 [↓](#) 
4. Report to Environmental Planning Committee (Attachments Removed) - 4 July 2022 [↓](#) 

Item No: R2 Recommendation to Council
Subject: **POST-EXHIBITION REPORT - VOLUNTARY PLANNING AGREEMENT FOR 136-148 NEW SOUTH HEAD ROAD, EDGECLIFF**
Author: Richard Pearson, Development Manager
Approver: Tom O'Hanlon, Director Infrastructure & Sustainability
File No: 23/218390
Purpose of the Report: To provide an update of the exhibition of a VPA
Alignment to Delivery Program: Strategy 5.1: Enhance council provided community facilities to foster connections between people and place and enhance quality of life.

Recommendation:

THAT Council:

- A. Note the report which provides an analysis of submissions received on the draft Voluntary Planning Agreement (VPA).
- B. Note that no changes to the draft VPA are proposed.
- C. Authorise the General Manager to enter into the VPA prior to gazettal of the Planning Proposal.

Executive Summary:

This report provides an analysis of submissions received on the draft Voluntary Planning Agreement following its public exhibition. The VPA was supported by the majority of submissions received and is recommended to be finalised as per the draft exhibited VPA.

The VPA will provide revenue of up to \$5m to Council to enable the provision of affordable housing and community infrastructure associated with the Planning Proposal.

Should the Planning Proposal not proceed, or be reduced in scale, the VPA will correspondingly not proceed or reduce in amount.

Discussion:

At its meeting on 10 July 2023, Council resolved to exhibit the draft Voluntary Planning Agreement and Explanatory Note (**Attachment 1**) and Planning Proposal for 136-148 New South Head Road, Edgecliff. Exhibition of the VPA and Planning Proposal took place jointly from 26 September – 5 November 2023.

Depending on the amount and mix of floor space ultimately approved by the Planning Proposal, the draft VPA will deliver benefits to Council worth up to \$5,017,500, in addition to Section 7.11 or Section 7.12 contributions. The VPA was prepared consistently with Council's VPA Policy and reviewed and amended by Council's legal advisor Dr Lindsay Taylor prior to exhibition and consideration by Council. The VPA proposes \$2.7m to be allocated to affordable housing and \$2.3m to be allocated to other infrastructure provision in the Edgecliff Precinct.

Consistent with Council's Voluntary Planning Agreement Policy, the VPA is being progressed by Council's Infrastructure and Sustainability Division at arms-length from assessment of the Planning Proposal. This includes separate consideration of submissions as they relate to the VPA.

Submissions:

A total of 29 submissions were received in relation to the VPA, with 17 in support and 12 opposing. **Attachment 2** provides a summary of all submissions received on the VPA. Submissions were mainly received from individuals or resident/strata groups. A submission was also received from Transport for NSW suggesting transport initiatives the VPA might be directed to.

It should be noted that the majority of submissions made to the exhibition concerned the Planning Proposal rather than the VPA, with the VPA generally not a contentious item. Many submissions made in relation to the VPA provided supportive or negative comments on the broader planning merits of the Planning Proposal, rather than providing specific reasons for supporting or opposing the VPA.

Table 1 provides an analysis of submissions made supporting the VPA:

Main reason for support	Number	Percentage
Will provide significant benefits to the area	10	59
Specific initiatives which could be funded	1	6
Broader planning reasons	5	29
No reasons	1	6
	17	100

Table 1 – Analysis of supportive submissions

Table 2 provides an analysis of submissions opposing the VPA:

Main reason for opposing	Number	Percentage
VPA not sufficient/affordable housing should be directly provided	5	42
Broader planning reasons	4	33
VPA used to allow over-development	2	17
VPA should include compensation to affected adjoining landowners	1	8
	12	100

Table 2 – Analysis of opposing submissions

The submissions made in support of the draft VPA are noted but do not require any amendments to be made to the VPA or further commentary. The suggestions by TNSW for initiatives which might be funded by the VPA can be further considered as the infrastructure plan for the precinct is progressed.

With regard to comments in opposition, it is noted that a number of submissions felt the amount of money being obtained was not adequate for the scale of development proposed, or that affordable housing should be directly provided rather than a cash contribution.

As outlined in the report to Council prior to exhibition, the VPA amount proposed has been derived from the methodology in Council's VPA Policy which enables Council to obtain a share in the value uplift from the Planning Proposal. It was also reviewed by Council's commercial advisors Deloitte who confirmed the amount being obtained was consistent with the policy. No adjustment of the amount sought is therefore proposed. It should also be noted that Council will remain eligible for contributions under Section 7.11 or 7.12 as these are explicitly not set aside by the VPA.

With regard to suggestions that affordable housing should be provided directly as part of the development, it is considered that obtaining a contribution and pooling it with other contributions received from other developments will enable a more strategic approach to the provision of affordable housing in the LGA and/or region. This is also in keeping with the management methodology of community housing providers, likely to manage Council's affordable housing stock, who prefer dwellings to be clustered rather than scattered throughout the LGA.

The small number of submissions that suggest the VPA is being used to allow development in excess of what should be allowed are rejected. The Planning Proposal and VPA are being separately assessed on their merits and indeed should the Planning Proposal ultimately not proceed, or be reduced in scale, the VPA will either not proceed or be reduced in amount.

Finally, one submission suggested that the VPA would be an appropriate mechanism to allow compensation of a group of adjoining land owners from impacts associated with the development. This is specifically not the purpose of the draft VPA, which is to allow Council to capture a share of the benefits of the proposal, to enable the provision of needed affordable housing, as well as other infrastructure in the Edgecliff Precinct.

On balance, it is considered that no changes are required to the exhibited draft VPA and that Council's General Manager should be authorised to enter into the VPA prior to gazettal of the Planning Proposal, should it proceed. If the Planning Proposal does not proceed, or is reduced in scale, the VPA will correspondingly not become operational or will be for a proportionately lesser amount, based on a formula in the VPA linked to the amount and mix of floor space achieved.

Options:

Council has no other option than to pursue a VPA if it is to secure additional community benefits from the rezoning, noting that Section 7.11 or 7.12 contributions will continue to be payable.

Community Engagement and / or Internal Consultation:

The report provides an analysis of submissions received in relation to exhibition of the draft VPA.

Under Council's VPA Policy the report has been prepared by Council's Infrastructure and Sustainability Division at arms-length from Council's strategic planning team, responsible for progressing the Planning Proposal. However, process and timing updates have been shared.

Policy Implications:

There are no policy implications as a result of this report.

Financial Implications:

As per Council's VPA Policy, the costs for preparing, executing, stamping and registering the planning agreement are to be met by the developer. Council's costs in negotiating, assessing, reviewing, administering and enforcing the planning agreement are also proposed to be met by the developer. Invoices have been provided to and paid by the proponent progressively.

Resourcing Implications:

As above.



Conclusion:

The draft VPA was supported by the majority of submissions received and no significant issues were raised requiring its amendment.

The VPA will provide revenue of up to \$5m to Council to enable the provision of affordable housing and community infrastructure, associated with the Planning Proposal.

Should the Planning Proposal not proceed, or be reduced in scale, the VPA will correspondingly not proceed or reduce in amount.

Attachments

1. Voluntary Planning Agreement & Explanatory Note - As Exhibited [↓](#) 
2. Attachment 2 - VPA submissions table [↓](#) 

Item No: R3 Recommendation to Council
Subject: **POST EXHIBITION REPORT - PLANNING PROPOSAL TO LIST THE ST GEORGE GREEK ORTHODOX CHURCH, ROSE BAY AS A LOCAL HERITAGE ITEM**
Authors: Eleanor Banaag, Senior Strategic Heritage Officer
Kristy Welfare, Acting Team Leader Heritage
Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place
File No: 23/231325
Purpose of the Report: To report on the public exhibition of the planning proposal to list the St George Greek Orthodox Church, Rose Bay as a local heritage item.
Alignment to Delivery Program: Strategy 4.2: Conserving our rich and diverse heritage.

Recommendation:

THAT Council:

- A. Finalise the planning proposal at **Attachment 1** of the report to the Environmental Planning Committee of 5 February 2024 to list the *St George Greek Orthodox Church and war memorial complex and setting, including interiors and moveable relics* at 90-92 Newcastle Street, Rose Bay (Lots 15 & 16, Sec D, DP 5092) as a local heritage item in Schedule 5 and on the Heritage Map of the *Woollahra Local Environmental Plan 2014*.
- B. Make the local environmental plan under section 3.36(2) of the *Environmental Planning and Assessment Act 1979*.

Executive Summary:

This report relates to the public exhibition of a planning proposal to list the *St George Greek Orthodox Church and war memorial complex and setting, including interiors and moveable relics* at 90-92 Newcastle Street, Rose Bay (Lots 15 & 16, Sec D, DP 5092) as a local heritage item in Schedule 5 and on the Heritage Map of the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014).

The planning proposal was placed on public exhibition from 15 November to 17 December 2023 and in response we received five (5) submissions. The planning proposal is included at **Attachment 1**. Having considered the issues raised in submissions, it is recommended that Council resolves to make the amending local environmental plan under section 3.36(2) of the *Environmental Planning and Assessment Act 1979* (the EP&A Act).

Discussion:

Background

On 6 March 2023 the Environmental Planning Committee (EPC) considered a report on the outcomes of the Places of Worship Heritage Study, and the advice of the Woollahra Local Planning Panel. Subsequently, on 27 March 2023 Council resolved (in part):

- E. *THAT Council receives and notes the recommendation for the St George Greek Orthodox Church, and staff further investigate the heritage significance of the complex having regard to the issues raised regarding religious freedoms, and that the community are engaged to establish if there are elements of the building that are appropriate for heritage listing, investigates whether there is an active Development Application (DA) for the site on the corner of Old South Head Road and Newcastle Street, Rose Bay and/or if further legal advice is required.*

In response, Council staff implemented a community engagement strategy which took place from 24 May 2023 to Friday 9 June 2023 (inclusive). In response to the engagement, we received 17 individual submissions, with 12 submissions (70%) in support of the heritage listing of the St George Church. A report on the submissions and discussions regarding the matter of religious freedoms (as requested by the above resolution) was considered by the Environmental Planning Committee on 3 July 2023, and on 10 July 2023 Council resolved the following:

- A. *THAT Council defer the planning proposal to list the St George Greek Orthodox Church and war memorial complex and setting, including interiors and moveable heritage at 90-92 Newcastle Street, Rose Bay (Lots 15 & 16, Sec D, DP5092) as a local heritage item in Schedule 5 and on the Heritage Map of the Woollahra Local Environmental Plan 2014 pending a site visit (being conducted within one months' time) for Councillors and Council staff.*
- B. *THAT this matter be reported direct to full Council for consideration.*

The purpose of the site visit was for Councillors and staff to view the internal and external areas of the church to further inform the significance assessment of the Church made in the *Places of Worship Heritage Study* prepared by Council staff. The site visit took place on Wednesday 19 July 2023 at 4:45pm. The site visit was attended by Councillors, Woollahra Council Staff, Fr Gerasimos Koutsouras and members of the Church Parish Board. Access to internal and external areas was provided.

Having being able to inspect the site and the buildings' internal features, Council staff maintained their recommendation that Council proceed with a planning proposal to list the St George War Memorial Church as a local heritage item.

A report on the site inspection was presented to a meeting of Council on 14 August 2023. Subsequently, Council resolved:

- A. *THAT Council endorse the preparation of a planning proposal to list the St George Greek Orthodox Church and war memorial complex and setting, including interiors and moveable relics at 90-92 Newcastle Street, Rose Bay (Lots 15 & 16, Sec D, DP 5092) as a local heritage item in Schedule 5 and on the Heritage Map of the Woollahra Local Environmental Plan 2014 and resolve to forward this to the Department of Planning and Environment with a request for a Gateway determination to allow public exhibition.*
- B. *THAT Council request the Minister for Planning and Public Spaces (or delegate) authorise Council as the local plan-making authority in relation to the planning proposal, to make the local environmental plan under section 3.36 of the Environmental Planning and Assessment Act 1979.*
- C. *THAT Council endorse that the planning proposal include recommendations for the owner to prepare additional conservation management documentation (such as a Moveable Heritage Schedule or Conservation Management Plan or Strategy) to ensure that future management of the place is appropriate to the community's religious observances.*
- D. *THAT Council note its gratitude to the Father of the Greek Orthodox Church for opening the Church to Council for a site visit.*

Gateway Determination and Public Exhibition

In response to Part B of the Council resolution from 14 August 2023, the planning proposal was submitted to the (then) Department of Planning and Environment (DPE) requesting a Gateway determination to allow public exhibition. The Gateway determination was issued on 18 October 2023 (see **Attachment 2**). The DPE classified the planning proposal as 'standard' as described in the *Local Environmental Plan Making Guidelines* (DPE 2023). Council was authorised to exercise the local plan-making authority functions in relation to the planning proposal. Prior to exhibition, the planning proposal was amended to acknowledge the Gateway determination (see **Attachment 1**).

The planning proposal was placed on public exhibition from 15 November to 17 December 2023 (inclusive) consistent with the requirements of the EP&A Act, *Environmental Planning and Assessment Regulation 2021* (the Regulations), Woollahra Community Participation Plan 2019, relevant guidelines and the conditions of the Gateway determination.

The exhibition included the following:

1. Five notices in the Wentworth Courier, appearing on 15, 22, and 29 November 2023, and 6 and 13 December 2023.
2. A page on Council's YourSay Woollahra webpage, which was visited by 32 people during the exhibition period;
3. Public exhibition on the NSW Planning Portal website from 15 November to 17 December 2023;
4. Notification emails were sent to the following government agencies or community groups;
 - the (then) Department of Planning and Environment NSW – Environment and Heritage Group (Heritage NSW);
 - the National Trust of Australia (NSW);
 - Vaucluse Progress Association;
 - Watsons Bay Association;
 - Watsons Bay and Vaucluse Social History Group;
 - Double Bay Residence Association;
 - The Paddington Society;
 - Woollahra History and Heritage Society;
 - Rose Bay Residents Association;
 - Darling Point Society;
 - Rose Bay Public School;
 - Rose Bay Secondary College.
5. Notification letters were sent to the owner, and owners of properties in the vicinity of the site.
6. Notification letters and emails were sent to Greek Orthodox parishes and community organisations in the wider Sydney and Inner West areas.
7. Notification letters and emails were sent to individuals who made submissions during the May/June community engagement.

All the information that was placed on exhibition is available at the following link, which includes the original Places of Worship Heritage Study, all relevant EPC and Council meeting, agenda reports and minutes as described in the above background discussion:

<https://yoursay.woollahra.nsw.gov.au/community-engagement-st-george-church-rose-bay>

Submissions

In response to the public exhibition, there were five submissions received from the community. No submissions were received from Heritage NSW, the National Trust of Australia NSW, or any other community organisation. Of the five community submissions, three were in support of the planning proposal, and two were in objection. It is noted that no submissions were received from, or on behalf of, the owner. The issues raised in submissions are summarised below, with a response from Council staff. A redacted copy of the submissions is included at **Attachment 3**.

Issues raised in submissions	Staff response
James Stevens	
<p>Mr Stevens made a submission by email <u>in objection</u> to the heritage listing.</p> <p>He comments that the heritage listing is an unnecessary heritage order and constraint. He further comments that the majority of church parishioners, who are predominantly silent about the heritage listing, are nonetheless against it. People who are vocal in support of heritage listing are a minority and not involved in the Church (presumably meaning as an organiser or parishioner).</p>	<p>Council staff note the two objections.</p> <p>Notwithstanding the petition compiled by the Church during the community engagement stage, based on submissions received through the public exhibition, there is no evidence to suggest that the majority of parishioners do not support the proposal to heritage list the church.</p> <p>Furthermore, heritage listing does not aim to constrain use, development or change to a place. The owners of heritage-listed places are still in charge of managing their properties within the necessary planning frameworks. The LEP controls for heritage aims to manage changes to a building so that they appropriately conserve the significance of a place. This may mean that alterations, upgrades, and new developments like additions and extensions are guided and considered in their design to be more sensitive to the heritage building.</p>
Dean Haritos	
<p>Mr Haritos has made a submission via the Council YourSay page <u>in objection</u> to the heritage listing.</p> <p>The submission comment is quoted as follows:</p> <p><i>“The overwhelming majority of parishioners who signed a petition early this year (over 1,000 signatures) are against a heritage listing. The listing puts unnecessary restrictions on our Church.”</i></p>	<p>Council staff maintain that the heritage listing is supported, as the St George Church meets six (of the seven) criteria for heritage significance, for its historical, associational, aesthetic, social, rare, and representative values.</p>
Rozy Dorizas	
<p>Ms Dorizas made a submission <u>in support</u> of the heritage listing.</p> <p>She comments that the church is an important place of worship, solace and serenity for its community, as well as providing security and constancy for people who have made many memories there.</p> <p>She acknowledges the significance of the places as a war memorial, and the association between Australians and Greeks and their shared military service that this building honours.</p> <p>The submission also acknowledges that the building maintains its architectural value despite alterations and modifications over the past. These alterations have been designed with great care to be tasteful and sympathetic to the existing style of the building interiors and exteriors.</p>	<p>Comments of support are noted. This is consistent with the planning proposal and the information contained in the Heritage Inventory Sheet.</p>

Nick Andriotakis	
<p>Mr Andriotakis made two duplicate submissions – one submitted to Council directly by email, and a second submitted via the Council YourSay page for the proposal.</p> <p>Mr Andriotakis has made a submission <u>in support</u> of the heritage listing.</p> <p>The submission provides a lengthy, detailed outline of the Australian military campaigns in Greece and the Mediterranean region, and the connection between Greece and Australian in terms of ANZAC soldiers serving and dying there. These military ties were the inspiration for the St George Greek Orthodox Church to also be dedicated as a War Memorial.</p> <p>The submission also supports the claim the while the church is a modernist approach and simple reflection of Byzantine styles, this is a reflection of a migrant community wanting to “make Australia home whilst also reflecting their Greek Orthodox heritage”.</p> <p>He states that, as he is a parishioner himself, many fellow parishioners have verbally expressed their support of the heritage listing.</p> <p>He recommends that should the church be heritage listed, and in future the congregation were to relocate or leave the site, the Holy Relics of the church be allowed to be removed in accordance with the Greek Orthodox Rites.</p>	<p>Comments of support are noted. This is consistent with the planning proposal and the information contained in the Heritage Inventory Sheet. This includes recommendations for the appropriate management of moveable relics to be managed by the Church following the preparation of a Moveable Heritage Schedule.</p> <p>In response to the comment regarding the management of moveable relics, Council agree in principle and believe the management of moveable relics should lie with the organisation.</p> <p>The Heritage Inventory Sheet has recommended that a Moveable Heritage Schedule be prepared by the church organisation and with the expertise of a heritage consultant, so that individual moveable heritage items and relics can be assessed and an appropriate management recommendation (which may involve removal in accordance with the Greek Orthodox Rites) is developed at an individual level.</p>
George Vardas	
<p>Mr Vardas has made a submission via the Council YourSay page <u>in support</u> of the heritage listing.</p> <p>In addition to the previous submission made by Mr Vardas as part of the earlier community engagement in July 2023, he has made additional comments with regard to the role of the St George Church in the wider community and its significance as a war memorial church. He outlines the notable public figures such as Sir Robert Menzies, Sir Thomas Playford and NSW Premier R J Heffron who all made statements about the enduring bonds between Greece and Australia through its shared military history, and that the St George Church reinforces this bond as a dedicated war memorial in addition to being a place of worship.</p>	<p>Comments of support are noted. This is consistent with the planning proposal and the information contained in the Heritage Inventory Sheet.</p>

Minor administrative change following feedback from the Parliamentary Counsel

It should be noted that the proposed title of the local heritage item (as contained in this report) is now being proposed as follows:

St George Greek Orthodox Church and war memorial complex and setting, including interiors and moveable relics at 90-92 Newcastle Street, Rose Bay.

The term “moveable relics” is proposed to replace the exhibited term “moveable items”. On the advice of the Parliamentary Counsels Office for the heritage listing of four Places of Worship in the Woollahra LGA (being finalised at the time of preparing this report), it was recommended that “relics” is a clearer and more inclusive term. This term is based on the definition of “Heritage Item” in the Woollahra LEP 2014, as a “heritage item” includes a relic. This recommendation will be adopted for the finalisation of the Places of Worship heritage listings, and for consistency we propose to adopt it for the heritage listing of the St George Church. The recommendation of this report, the planning proposal and the heritage inventory sheet have been updated accordingly.

This is a minor post exhibition administrative change, and does not amend the objective of the planning proposal. Post exhibition administrative changes in the planning proposal (**Attachment 1**) and heritage inventory sheet (**Attachment 4**) have been highlighted in **yellow**.

Options:

In response to the issues raised during exhibition, staff recommend that the planning proposal is finalised with one minor administrative change. In response to issues raised in submissions, no additional changes have been made to the heritage inventory sheet (see **Attachment 4**). A final inventory sheet will be submitted to the Department of Planning, Housing and Industry (DPHI, formerly DPE) with the planning proposal.

Should Council resolve to proceed, Council staff will arrange to finalise the local environmental plan in accordance with section 3.36 (2) of the Act. Alternatively, if Council decides not to finalise the planning proposal, Council should resolve to write to the Minister requesting that the planning proposal not proceed, under section 3.35(4) of the EP & A Act.

Community Engagement and / or Internal Consultation:

Refer to the Discussion section of this report.

Policy Implications:

Should Council resolve to progress the planning proposal to finalisation, there will be policy implications by amending the Woollahra LEP 2014, Schedule 5 Part 1, and Map (Sheet 8500_HER_COM_006).

Financial Implications:

As this assessment was prepared by staff, there are no financial implications.





Resourcing Implications:

Staff resources will be associated with finalising the planning proposal and liaising with the DPHI and Parliamentary Counsel.

Conclusion:

A planning proposal to list the *St George Greek Orthodox Church and war memorial complex and setting, including interiors and moveable relics at 90-92 Newcastle Street, Rose Bay* as a local heritage item in Schedule 5 and on the Heritage Maps of the Woollahra LEP 2014 was placed on public exhibition in accordance with our statutory obligations and the conditions of the Gateway determination. Five submissions were received during the exhibition period. Having considered the matters raised in the submissions, staff recommend that Council resolves to proceed with the planning proposal and that the LEP is finalised.

Attachments

1. Planning Proposal - St George Orthodox Church - January 2024 [↓](#) 
2. St George Orthodox Church- Gateway determination - October 2023 [↓](#) 
3. Submissions to the planning proposal - redacted [↓](#) 
4. St George Orthodox Church - Heritage Inventory Sheet - January 2024 [↓](#) 

Item No: R4 Recommendation to Council
Subject: **DELIVERY PROGRAM 2022/23 - 2025/26 & OPERATIONAL PLAN 2023/24 PROGRESS REPORT - DECEMBER 2023**
Author: Petrina Duffy, Coordinator Strategy & Performance
Approvers: Sue Meekin, Director Corporate Performance
Tom O'Hanlon, Director Infrastructure & Sustainability
Scott Pedder, Director Planning & Place
Patricia Occelli, Director Community & Customer Experience
File No: 24/13267
Purpose of the Report: To review the status of the Priorities and Actions in Council's Delivery Program 2022/23 – 2025/26 and Operational Plan 2023/24 for the six months ending 31 December 2023.
Alignment to Delivery Program: Strategy 11.1: Build an efficient organisation that places customers and the community at the heart of service delivery.

Recommendation:

THAT Council receives and notes the December 2023 Progress Report on Council's Delivery Program 2022/23 to 2025/26 and Operational Plan 2023/24.

Executive Summary:

Council adopted its Operational Plan 2023/24 on 26 June 2023 and a revised Delivery Program 2022/23 to 2025/26 on 28 November 2022 in accordance with the Integrated Planning and Reporting (IPR) Legislation for NSW Local Government. The Delivery Program (DP) and Operational Plan (OP) are two of the strategic planning documents that comprise Council's IPR Framework.

It is a requirement under the IPR Legislation that Council report on the progress of its Delivery Program at least every six months. This progress report is for the six month period July 2023 to December 2023.

Discussion:

The progress report is attached as **Attachment 1**.

The framework for the progress report is presented by Key Service Areas:

- Environment & Climate Change
- Waste & Cleansing
- Parks, Trees & Recreation
- Land & Building Services
- Transport & Engineering
- Development Assessment
- Strategic Planning, Heritage Conservation & Place
- Compliance
- Governance
- Corporate Services
- Community Services, Culture & Arts
- Library Services
- Customer Experience & Engagement
- Woollahra Preschool.

The full progress report is being presented to both the Finance, Community & Services and the Environmental Planning Committees. The progress report is being tabled as an 'R' item i.e. a Recommendation to Council, with the same Recommendation being tabled at each of the above-mentioned Committees as follows:

THAT the December 2023 Progress Report on Council's Delivery Program 2022/23 to 2025/26 and Operational Plan 2023/24 be received and noted.

Once approved by Council the final document will then be uploaded to Council's website as a record of Council's achievements for the period July - December 2023.

The progress report refers to the 2023 Customer Satisfaction (CSAT) Survey. An overview of the results of the survey is attached as **Attachment 2**.

Options:

This report is for noting only.

Community Engagement and / or Internal Consultation:

This report has been compiled using information provided by Directors and Managers in relation to their area of budget responsibility. Once approved by Council the final document will be uploaded to Council's website as a record of Council's achievements for the period July to December 2023.

Policy Implications:

There are no direct policy implications arising from this report.

Financial Implications:

There are no direct financial implications arising from this report.



Resourcing Implications:

Resourcing implications are outlined within the report.

Conclusion:

This report draws together progress comments from the respective Council officers on the December 2023 progress of Council's Delivery Program 2022/23 to 2025/26 and Operational Plan 2023/24. It is presented to inform the Committee and community of Council's progress in implementing the actions in its Delivery Program and Operational Plan.

Attachments

1. Delivery Program 2022/23 - 2025/26 and Operational Plan 2023/24 Progress Report - July - December 2023 [↓](#) 
2. 2023 Customer Satisfaction (CSAT) Survey Overview [↓](#) 

Political Donations: Matters to be considered by Councillors at Council and/or Committee Meetings

