

Our Ref:240641

27 February 2025

Department of Planning, Housing and Infrastructure
Submission: Via NSW Planning Portal

Dear Sir / Madam,

Submission in Objection to SSD-76855210 & SSD-77608714 – Mixed-use Development with Infill Affordable Housing

This submission has been prepared on behalf of the Owners Corporation of SP 21608 ('Eastpoint Tower' at 180 Ocean Street, Edgecliff). The submission refers to the Concept State Significant Development proposal (SSD-76855210) submitted for 136 – 148 New South Head Road, Edgecliff and the detailed State Significant Development proposal (SSD-77608714) for the same site.

It is understood that the proposed development is largely compliant with the height and FSR controls under the Woollahra LEP and the State Environmental Planning Policy (Housing) 2021, however there are concerns that the proposal has not sufficiently addressed the following concerns:

- Traffic and Parking;
- Inconsistencies with the Woollahra Development Control Plan 2015 (WDCP) raising issues relating to height, heritage impacts and bulk and scale; and
- View loss.

Below is an overview of each of these concerns in relation to both the concept and detailed SSD applications.

Traffic and Parking

Traffic in Edgecliff remains an ongoing issue which this application does not adequately address. The Traffic Impact Assessment provided relies on the assumption that staff and visitors to the commercial and retail component of the development will travel to the site via alternative means of transport, along with many of the residents. As such, the impact to traffic and the surrounding intersections is considered to be minimal, with most intersections remaining at a satisfactory level of service by the TIA based on an expectation of 11 vehicle movements in the AM peak period and 9 vehicle movements in the PM peak period. Given that there are 74 parking spaces provided for 62 units, these traffic movements seem unlikely, and subject to fluctuation based on the needs of the residents.

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Additionally, the proposal provides no parking for the retail and commercial units specifically to encourage alternative modes of transportation. The proposed development triggers a requirement for 107 parking spaces based on the WDCP and Housing SEPP requirements, and yet only 74 parking spaces are provided, which is a variation of 33, or 30.8%. The variation to the retail and commercial parking requirements appears to be based on the assumption that many staff and visitors will use other forms of transport, engage in 'linked trips', use car sharing alternatives, or live within walking distance of the site. These assumptions do not appear to be backed up by any transport studies in the area, or an assessment of alternative public parking areas in the vicinity of the site. As such, there remains significant concerns that the proposed development will result in a significant increase in traffic generation and congestion and will increase on-street parking in the area. It is not appropriate that there is no parking related to the commercial or retail component of the development and is not in keeping with the DCP provisions which require a minimum of 28 spaces for the retail and commercial component.

The issue of traffic and parking has been consistently raised by the local community in a number of applications relating to strategies for the area, planning proposals and development applications. This however appears to have been largely ignored with a reliance on public transport use and lack of actual studies and surveys. The residents and business owners of Edgecliff are faced with ongoing and increasing traffic and parking issues on a day to day basis and their voices are not being heard.

Inconsistencies with the Woollahra Development Control Plan 2015

It is understood that the concept SSD was lodged to satisfy clause 6.11(4) of the Woollahra Local Environmental Plan 2014 (WLEP), which requires a DCP to be prepared for the site. As per Section 4.23 of the Environmental Planning and Assessment Act 1979, the requirement for a DCP to be prepared for a site may be satisfied by a concept DA. However, Chapter G10 for 136-148 New South Head Road, Edgecliff (the subject site) was adopted by Woollahra Municipal Council on 25 November 2024 and commenced on 2 December 2024. Nothing in Section 4.23 of the EP&A Act allows for a concept DA to replace an existing site specific DCP, and therefore the continued necessity of a separate concept DA is questioned.

Height and built form

It is noted that the proposed development is not generally consistent with the DCP in regards to the built form, apartment mix, and heritage controls. Under Chapter G10 of the WDCP, the number of storeys permissible for the site is 12. The proposed development proposes 17 storeys, which far exceeds this control. This height exceeds results in the development being significantly taller than many of the surrounding structures.

G10.2.2 requires consideration to be given to the built form and design to ensure that there is a high standard of design that is appropriate for the area and the relationship of the development with existing or proposed developments on neighbouring sites. The proposal does not appear to have adequately considered this. The main tower is located within the eastern side of the site and provides no stepped design or consideration of the adjoining development. This provides a disjointed transition from the lower-density development to the proposed high-density development which will overwhelm the existing development east of the subject site in particular. This can be seen in **Figure 1** below

It should be noted that although it is generally consistent with the FSR provisions, the excessive height and view loss (detailed below) accentuates the bulk and scale of the building which is not in keeping with the locality and creates adverse impacts to nearby existing residents. Consideration should be given to narrowing of the building bulk to allow view sharing, appropriate parking and minimise impacts to the locality.



Figure 1: Photomontage of the proposed development from the entry of the Edgecliff Centre (Source: Ethos Urban)

Apartment mix

G10.2.6 requires development to meet the apartment mix outlined in table 1 , which is reproduced in **Figure 2** below, with the proposed apartment mix provided in **Figure 3**.

Table 1 Apartment Mix

Apartment Type	Minimum	Maximum
Studio/1 Bedroom	20%	50%
2 Bedroom	-	50%
3 Bedroom or more	-	30%
Required bedrooms are to be rounded up to the nearest whole number		

Figure 2: Apartment mix requirements within Chapter G10 of the WDCP

Dwelling Mix	Dwelling Type		Quantity
	1 bedroom		0
	1 bedroom (Affordable)		16
	2 bedroom		1
	2 bedroom (Affordable)		2
	3 bedroom		32
	3 bedroom (Affordable)		2
	4 bedroom		9
	Total		62

Figure 3: Apartment mix for the proposed development (Source: Ethos Urban)

The proposed development is not consistent with this, noting that 69.35% of the units will have three bedrooms or more. Excluding affordable housing this would still result in 41 units, or 66.13% of the total units, which far exceeds the 30% maximum.

Heritage

G10.2.4 provides a number of controls which seek to ensure future development appropriately consider heritage items and the historic setting of the site, ensure the significance and prominence of the heritage item at 136 New South Head Road is maintained and enhanced, and ensure that proposed development appropriately respects this item.

The proposed development has sought to maintain the heritage item at 136 New South Head Road, however the overall design is not consistent with the requirements of Chapter G10 and appears to overwhelm the heritage item.

The WDCP has included a diagram showing a 'no build zone' and 'transition zone' around the heritage item for future development, which is seen in **Figure 4** below. The proposed development does not appear to respect this, as shown in **Figure 5 and 6** below. This does not appear to be consistent with the objectives or controls of Chapter G10 given it overwhelms the heritage item, encroaches on the 'no build zone' and does not position the heritage item as a significant building in the streetscape.

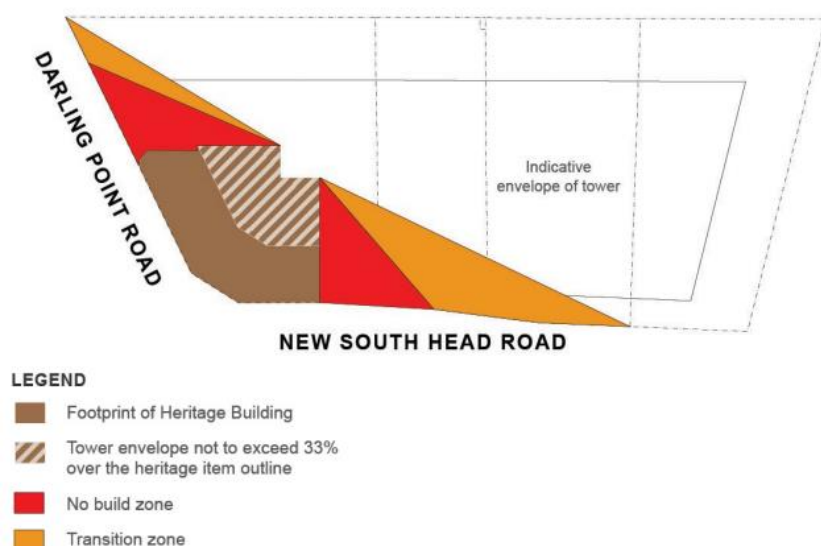


Figure 4: Extract of heritage requirements from Chapter G10 of the WDCP

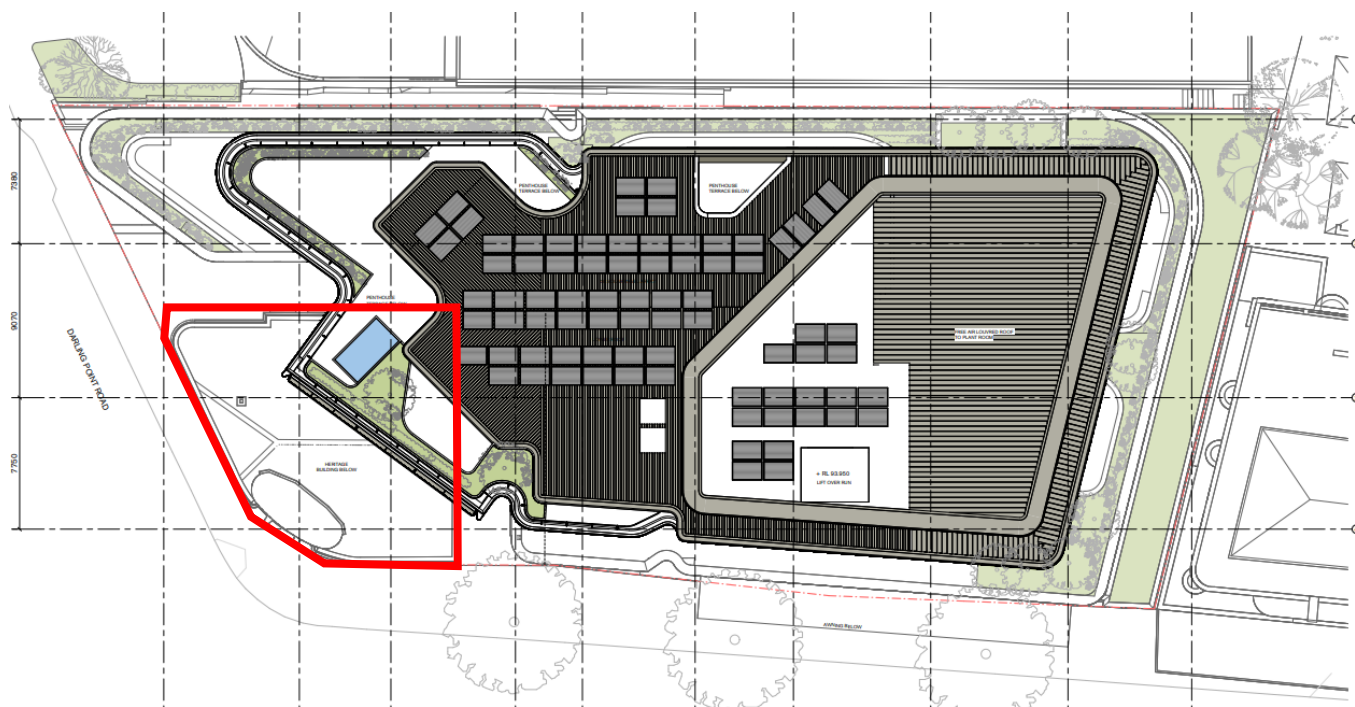


Figure 5: Extract of Site Plan (Source: Tzannes)

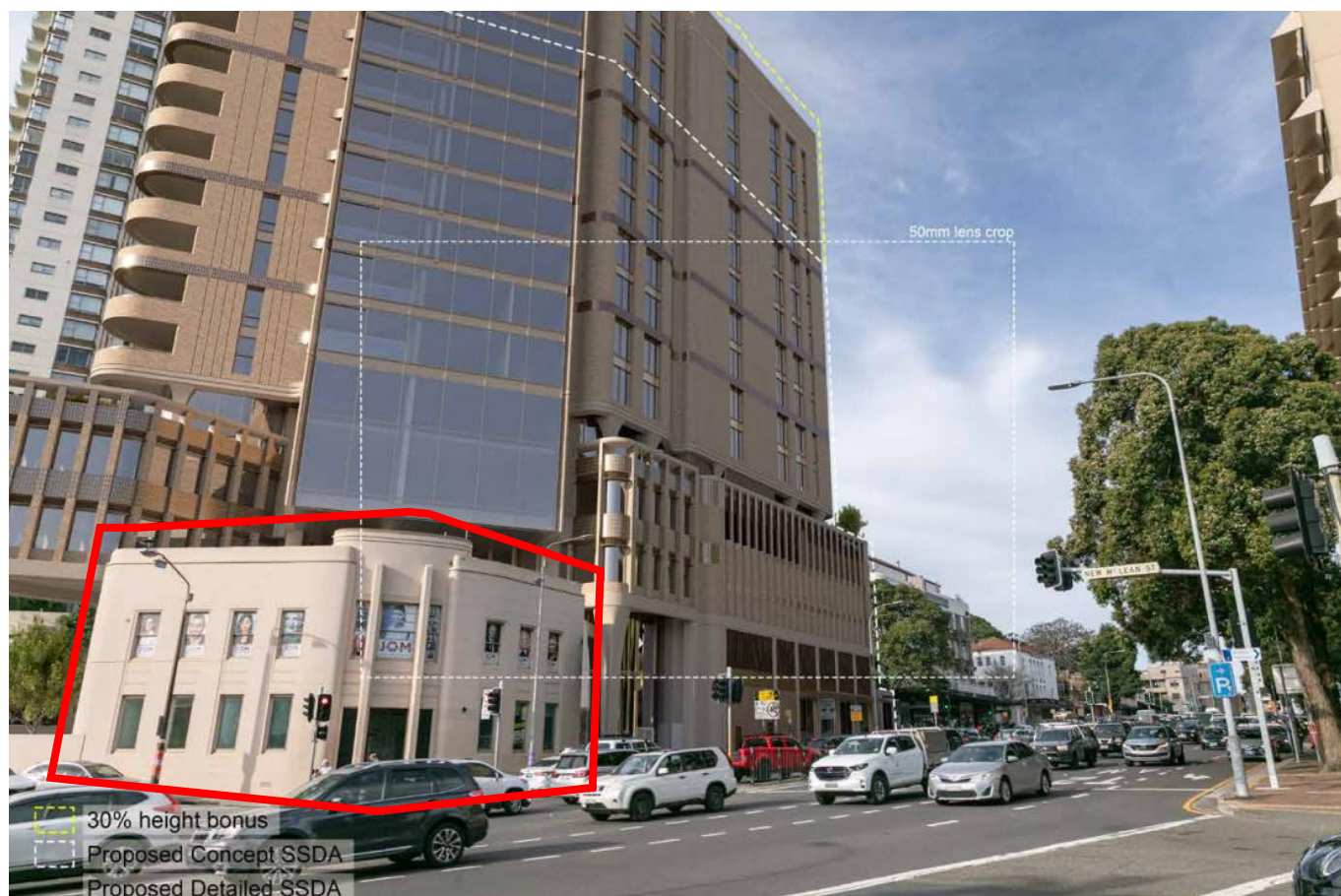


Figure 6: Photomontage of the proposed development from New McLean Street, Edgecliff (Source: Ethos Urban)

View loss

The proposed development will have a significant impact on the views from Eastpoint Tower, which does not appear to have been adequately considered within the View and Visual Impact Assessment. The VVIA considered the impacts to the view from a range of units within Eastpoint Tower but ultimately considered the view loss to be moderate despite all units losing their existing view of the Sydney Harbor Bridge, as seen in **Figure 7 and 8** below.

The Sydney Harbor Bridge is considered an 'iconic view' under the Tenacity Consulting v Waringah [2004] NSWLEC 140 judgement and is therefore of high value. The retention of alternative views of the Sydney skyline does not significantly mitigate the loss of an iconic view, as suggested in the VVIA. Based on the figure 15 of the VVIA, reproduced in **Figure 9** below, it appears that a design compliant with the WLEP height limit, being 46m, may allow for a partial retention of views, however this does not appear to have been considered or discussed within the VVIA. In addition to this, the photomontages provided within the VVIA clearly show how the proposed development will dominate the skyline of the area.

The VVIA should have also considered the potential cumulative view impacts from not only this proposal but the other potential proposals in the Edgecliff centre. It is important that the view impacts are not considered in isolation as this reduces the significance of the impacts. For example, if the Harbour Bridge view is lost by this development, with the justification that they still have the city view, but then when the next development loses the city view then all views will be lost, and no view sharing has occurred. This is not acceptable.



Figure 7: Existing view from Eastpoint Tower, apartment 1301 (Source: Ethos Urban)



Figure 8: Proposed view from Eastpoint Towers, apartment 1301 (Source: Ethos Urban)

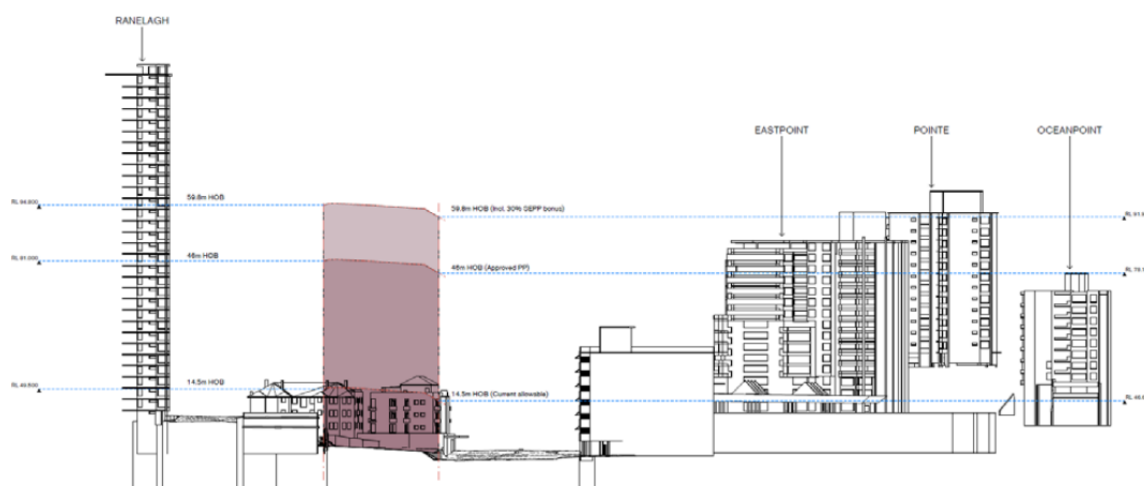


Figure 15. Storeys impacted (Source: Tzannes)

Figure 9: Figure 15 of the VVIA identifying the storeys of surrounding developments likely to have their view impacted (Source: Ethos Urban)

Conclusion

The concept SSD appears to be used as a method of discarding the DCP applicable to the site required by Clause 6.11 of the WLEP, which would allow for a concurrent detailed SSD to disregard several key controls relating to height, apartment mix, and heritage. Given this DCP chapter has only recently been endorsed by Council, disregarding the DCP so completely could set a concerning precedent in the area that allows for the existing and desired future character to be eroded by development inconsistent with the objectives of the WLEP and WDCP.

As stated above, the view loss proposed by this development is considered to be significant by residents who will lose an iconic view in its entirety, and the development is expected to contribute to traffic congestion and parking loss in the area. It is considered that a more appropriate outcome which includes provision of parking for retail and commercial tenancies and a reduction in the height, bulk and scale of the building would be more appropriate and reduce the extent of potential impacts.

It is requested that a thorough review of the planning merit of both SSD applications, particularly regarding the issues raised, be carried out, and consideration be given to amending the design to be more consistent with the relevant requirements and the character of the area.

If you wish to discuss this submission further, or have any questions, please contact our office on 02 4966 8388.

Kind regards,

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