



Removal of land acquisition reservations in Edgecliff planning proposal

Gateway Review

Agenda

- Opening Statement (Panel Chair)
- DPE
 - Overview of the proposal and Gateway determination
 - Status and background of planning proposal for listing of 133 New South Head Rd and 549 Glenmore Rd, Edgecliff
 - Update on any other planning proposals in the vicinity and along the corridor
- TfNSW
 - Overview of proposed active transport purposes, including
 - Likely public domain works / outcomes
 - Anticipated timeframes / thresholds for implementation
 - Is TfNSW identified as the acquisition authority for and/or does TfNSW own any other land corridor (other than existing roads) that would connect to the subject land
- Next steps



Planning proposal overview

The planning proposal sought to amend the Woollahra LEP 2014 to remove several land acquisition reservations on New South Head Road and Glenmore Road, Edgecliff.

The stated objectives of the proposal were to:

- **remove redundant road reservation affectations** from the LEP;
- **ensure** that the buildings of **heritage significance** on the affected properties are **protected** from any future demolition; and
- allow Council to invest in the **long-term place making** of Edgecliff.

Gateway determination was issued on 8 June 2022 to not proceed with the planning proposal.

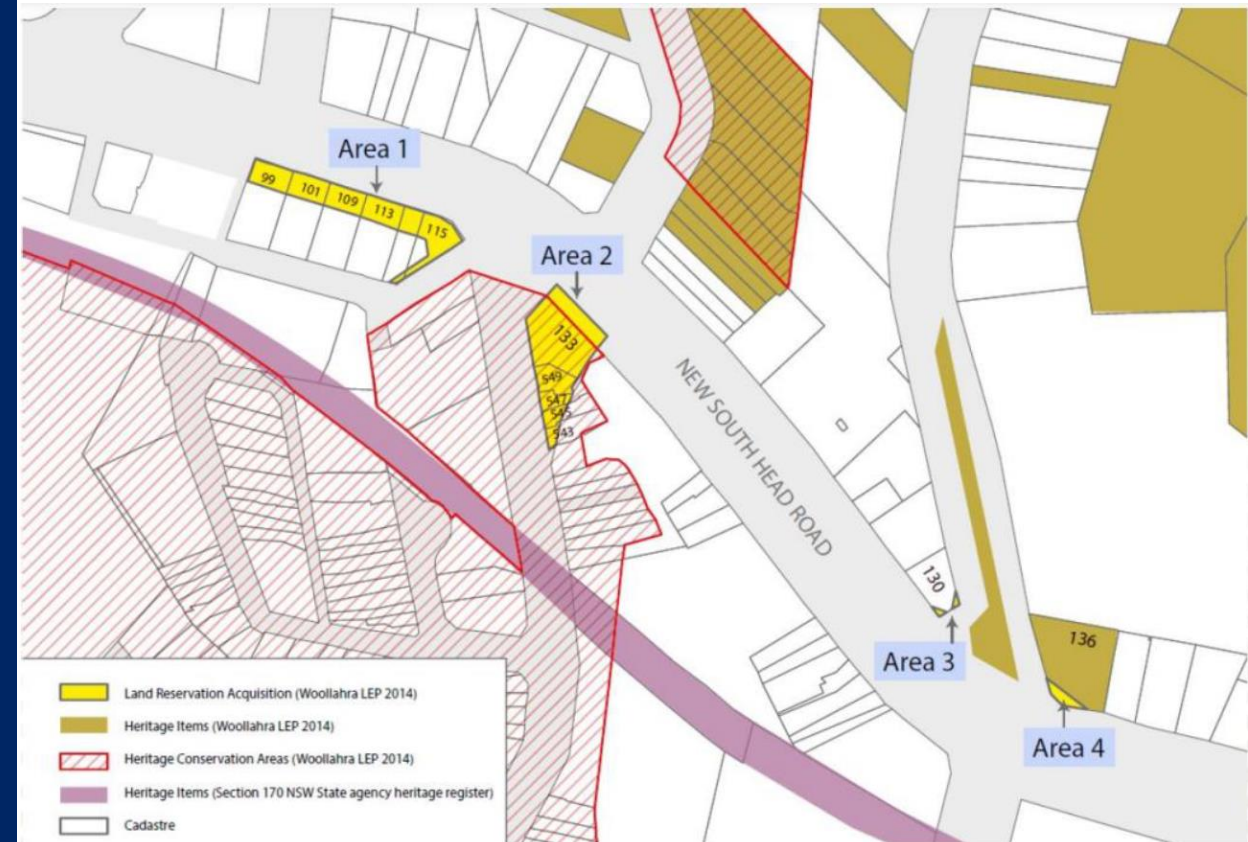


Planning proposal – key aspects

- Remove land reservations on **New South Head Road** and **Glenmore Road** in Edgecliff, which are identified as Classified Road (B4), from the Land Reservation Acquisition (LRA) Map (LRA_003) of the Woollahra LEP 2014.
- Subject lands under the Land Reservation Acquisition are:
 - **Area 1** - Parts 99, 101, 109, 113 and 115 New South Head (NSH) Road, Edgecliff
 - **Area 2** - 133 NSH Road, 549 Glenmore Road and parts 543-547 Glenmore Road, Edgecliff
 - **Area 3** - Part 130 NSH Road, Edgecliff
 - **Area 4** - Part 136 NSH Road, Edgecliff

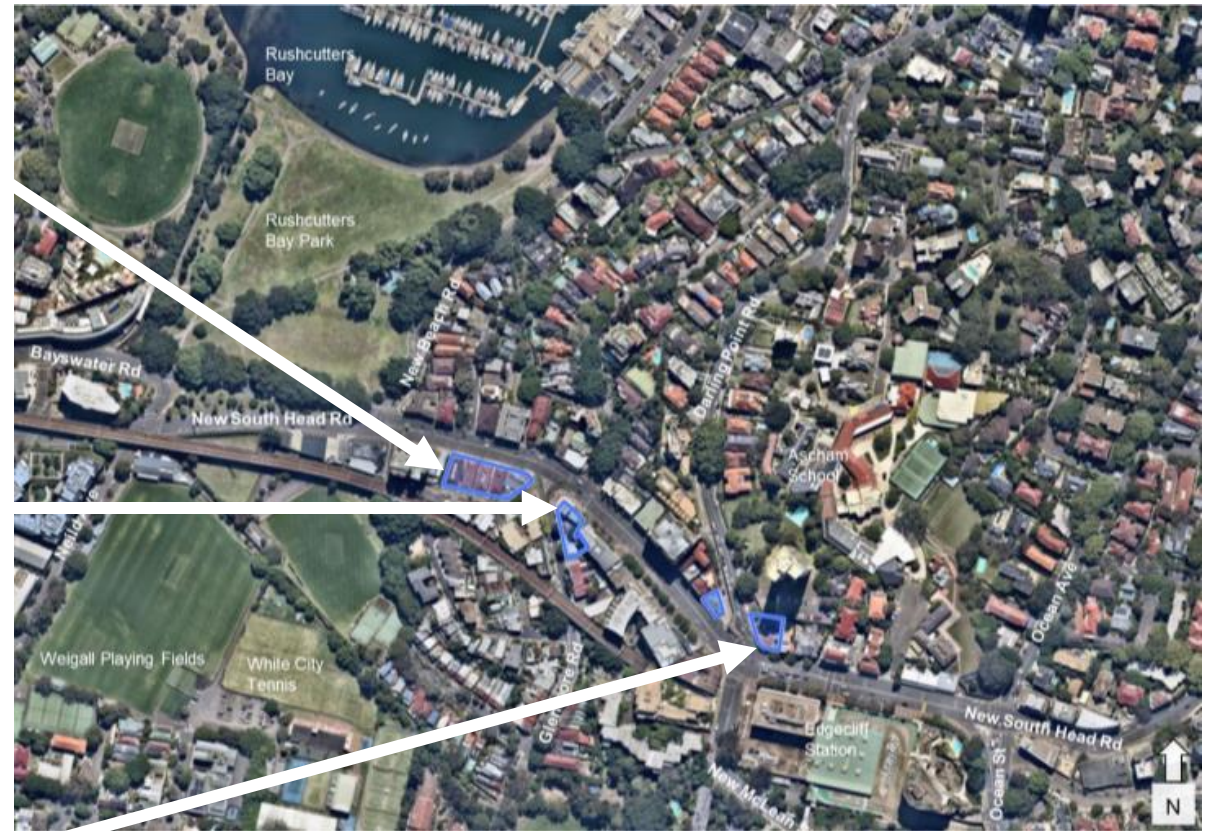
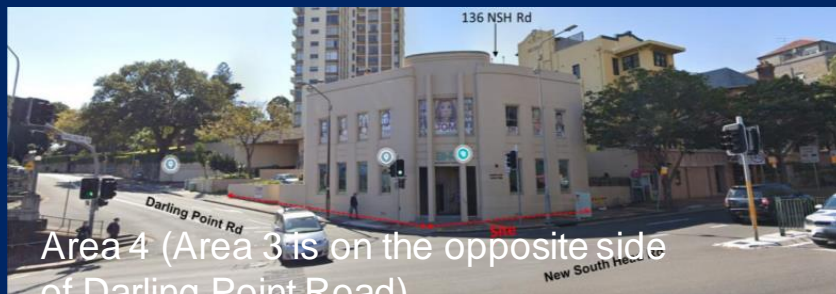
Land Reservation Acquisition Sites

- 12 parcels of land, grouped in four separate areas
- Located approximately 2.4 – 2.7 km from Sydney CBD
- Zoned **B4 Mixed Use** and within the Edgecliff Commercial Centre (ECC) which contains a mix of commercial, retail, entertainment and residential uses
- Sites are **mostly occupied** by building footprints
- One site (136 New South Head Road – item 238) is a **local heritage item**
- A **planning proposal** to list two properties (133 NSH Road and 549 Glenmore Road) as heritage items is **being finalised**
- Some of the sites fall within the **Paddington Heritage Conservation Area (HCA) (C8)**



Map showing the LRA overlaid with heritage items and conservation areas

Site Context (sites in blue)



Gateway determination reasons under review

1

Transport for NSW, the authority of the State that is the relevant acquisition authority for the subject land reservations pursuant to clause 5.1 of the Woollahra LEP 2014, does not support the planning proposal as the reservations are required to be retained for future public and active transport purposes

2

New South Head Road and the subject reserved land have been identified by Transport for NSW as part of an important public transport corridor between Darlinghurst and Bondi. The planning proposal does not safeguard opportunities for future public and active transport improvements.

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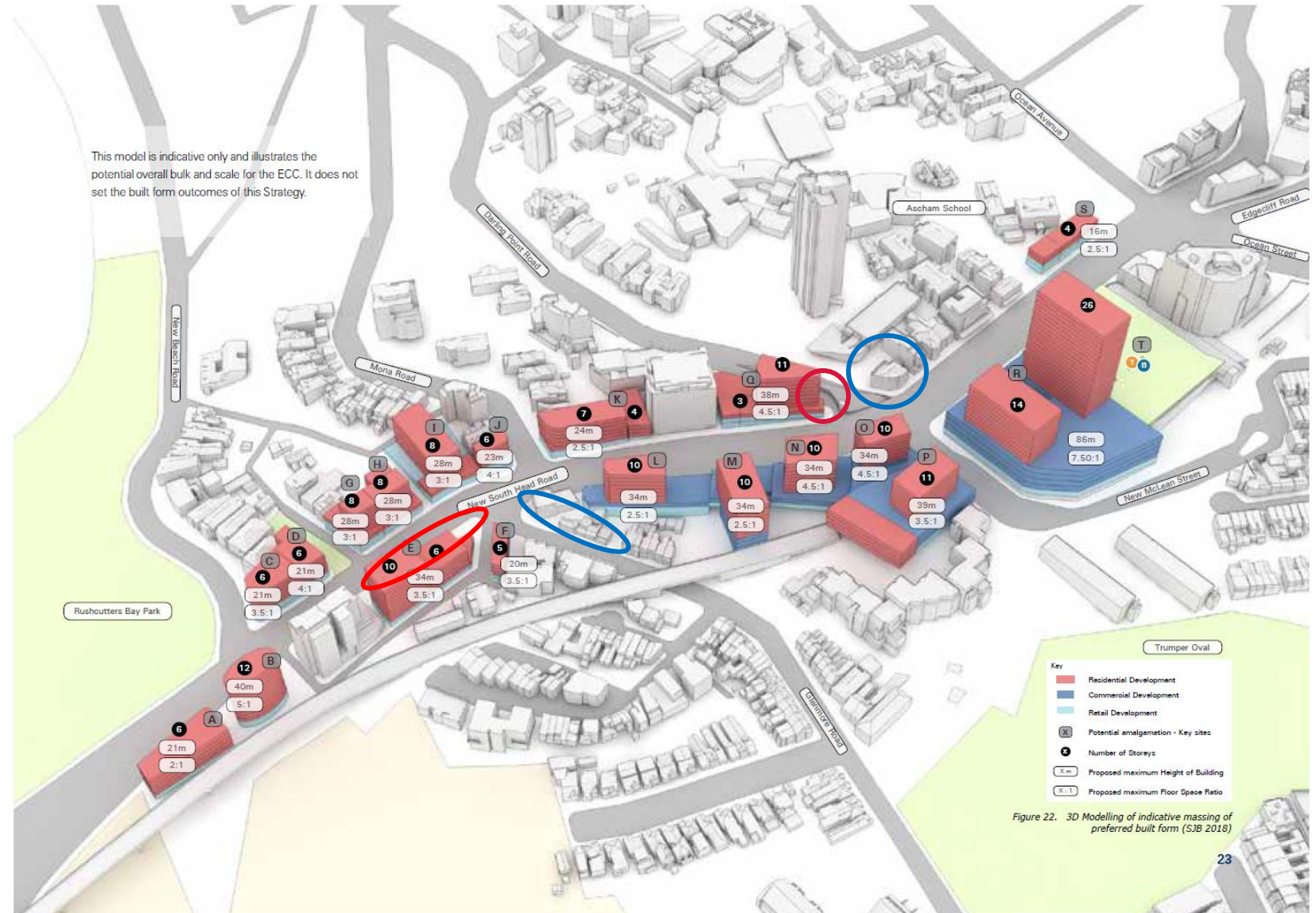
The proposal is inconsistent with the relevant aims, objectives, or actions of the following Priorities in the Eastern City District Plan:
(a) Planning Priority E1: Planning for a city supported by infrastructure; and
(b) Planning Priority E10: Delivering integrated land use and transport planning and a 30-minute city

4

The proposal is inconsistent with section 9.1 Ministerial Direction 5.2 Reserving Land for Public Purposes as Transport for NSW, the relevant public authority, has not agreed or provided approval to facilitate the removal of the reservations.

Draft Edgecliff Commercial Centre Planning and Urban Design Strategy

- **Exhibited** May to September 2021
- **All 12 parcels of land** fall within the Strategy's study area
- Council has commissioned a heritage study, the findings will inform revision to the Strategy, which will be reported back to the Strategic & Corporate Committee and then the full Council
- **Local Housing Strategy** approval – a planning proposal for all or part of the ECC to be lodged with DPE for Gateway by Dec 2024, to contribute to housing capacity beyond 2026



Planning Proposal – Heritage listing – 133 NSH Rd & 549 Glenmore Rd

- Local heritage listing of 2 properties
- Within 'Area 2' of the existing road reservations
- Cadry's building (former Rushcutters Bay Hotel) at 113 New South Head Road and Early Victorian sandstone cottage at 549 Glenmore Road, Edgecliff
- At finalisation stage and being processed by DPE as local plan-making authority – draft LEP received and section 3.36 consultation with Council completed
- TfNSW 'does not prefer' the listing and advises that these properties may be acquired in future when details of the transport improvements are confirmed



Planning Proposal – 136-148 NSH Rd, Edgecliff (Area 4)

Control	Existing	Proposed
Zoning	B4 Mixed Use	B4 Mixed Use - no change
Height	14.5m	46m
FSR	1.5:1	5:1
Heritage	No. 136 New South Head Rd (Item No. 238)	No. 136 New South Head Rd (Item No. 238) – no change
Road reservation	Corner of No. 136	Corner of No. 136 – no change



136-148 NSH Rd, Edgecliff

- 12-storey mixed-use development
- Gross floor area (GFA) of 8,723sqm (5,872sqm residential and 2,851sqm non-residential)
- 41 apartments (net increase of 35), 77 car parking spaces
- Retention and refurbishment of heritage building

Sydney Eastern City Planning Panel Decision

- 18 August 2022 – should proceed to Gateway as the proposal demonstrates strategic and site-specific merits.
- *The Panel notes the existence of a road reservation over the corner part of the site and this should be resolved with Transport for NSW.*
- *The effect of the current affectation for the heritage building is unknown at this time and if acquisition of, part or all, is required this will inform not only the final design but any compensation. Therefore, this needs to be resolved prior to the making of any LEP.*

Status

- 12 September 2022 - Council resolved to accept the PPA role
- Council recommends that the issue with road reservation be resolved by the applicant with TfNSW prior to the making of any LEP

Planning Proposal – 252-254 New South Head Rd, Double Bay

- Outside the study area of the draft Edgecliff Centre Planning Strategy
- Spot rezoning to facilitate 33 new dwellings (net increase 25 dwellings)
- Increase building height from 13.5m to 22m, increase FSR from 1.3:1 to 2.6:1
- Introduce a secondary height control of RL 45.9 at the street frontage



Council's Justification

- **The land reservations are redundant**, and their removal will:
 - Give Council and the community certainty about the future use of the land
 - Enable Council to invest in long-term public domain and active transport improvements
 - Safeguard buildings of statutory or potential heritage significance from future demolition
- The 1958 Road Alignment Project that identified land reservations has been **superseded by the Cross City Tunnel Project**
- **TfNSW has not provided any evidence**, plans or strategies to demonstrate that the reserved land is needed for future transport improvements
- The **Road Network Plan 47** Darlinghurst to Bondi (internal TfNSW document) **does not identify any major transport upgrades** within or in close proximity to the Darlinghurst to Bondi corridor
- **Inhibit Council's progression of active transport and public domain improvements** identified in their draft Edgecliff Centre planning strategy
- Retaining the reservations will **lead to a vehicular transport dominant future** for the area

TfNSW is the acquisition authority under cl. 5.1 of Woollahra LEP, who does not support removal of the road reservations, as they are to be retained for future public & active transport improvements

TfNSW's advice on the need for the land has been consistent and has not changed

TfNSW's strategic vision for the corridor includes encouraging the use of sustainable transport modes, with efficient public transport and high quality active transport facilities

Department's assessment considerations

There are opportunities for Council to collaborate with TfNSW on active public transport improvements or place-making initiatives for the corridor

The proposal is inconsistent with the planning priorities of the District Plan (E1 and E10) – which emphasise proactive and early safeguarding of transport corridors for future infrastructure investments and maximising utility of existing assets

The proposal is inconsistent with Section 9.1 Ministerial Direction – 5.2 *Reserving land for public purposes* – which requires: a planning proposal must not create, alter or reduce zonings or reservations of land for public purposes without approval of the relevant public authority and Secretary of the Dept

TfNSW's comments

- TfNSW maintains its position that road widening reservation must be retained and refutes the justifications, logic and planning arguments presented by Council asking for it to be extinguished. Transport, would address Councils justifications at the IPC, should this be required.
- TfNSW is willing to work with the Council to investigate the productive use of the road reservation for active transport until such time as additional road infrastructure will be required.

Department's recommendation

- The **planning proposal should not proceed.**
- The **reasons in the Gateway determination should remain unchanged.**
- The subject land for **road reservations should remain identified for future transport uses** to ensure opportunities for public and active transport improvements in the New South Head Road corridor are safeguarded and future-proofed.
- If there is a **change in position from TfNSW** in the future then a **further planning proposal** could be considered.



Amanda Harvey

Executive Director, Metro East and South

Laura Locke

Director, Eastern and South Districts

amanda.harvey@planning.nsw.gov.au

laura.locke@planning.nsw.gov.au

Department of Planning and Environment