



IRF21/4669

# Gateway determination report – PP-2021-6740

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Removal of land acquisition reservations in Edgecliff

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Planning proposal – November 2021

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	<b>Woollahra Local Government Area</b>
<b>PPA</b>	Woollahra Municipal Council
<b>NAME</b>	Removal of land acquisition reservations in Edgecliff
<b>NUMBER</b>	PP-2021-6740
<b>LEP TO BE AMENDED</b>	Woollahra Local Environmental Plan (LEP) 2014
<b>ADDRESS</b>	Part: 99 New South Head (NSH) Road, 101 NSH Road, 109 NSH Road, 113 NSH Road, 115 NSH Road. 133 NSH Road and 549 Glenmore Road. Part: 543-547 NSH Road, 130 NSH Road and 136 NSH Road.
<b>DESCRIPTION</b>	Part: Lot A DP 341458, SP 11555, SP 12507, SP 71681, Lot 9 and 10 DP 15833. Lot 1 DP 255233 and Lot 37 DP 255233. Part Lot 34 - 36 DP 255233. Part Lot A DP 176247, Lot 1 DP 176977 and Lot 1 DP 663495.
<b>RECEIVED</b>	5/11/2021
<b>FILE NO.</b>	IRF21/4669
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The stated objectives of the planning proposal are to:

- remove redundant road reservation affectations from the Woollahra LEP 2014;
- 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

The objectives of this planning proposal are clear. As will be discussed in the report, it is not considered that the road reservation affectations are redundant.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Woollahra LEP 2014 by removing the 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).

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

### Road reservation acquisition

The land reservation is for acquisition for the purposes of road widening of New South Head Road, which is a Classified Road under the *Roads Act 1993*.

According to Clause 5.1 of the LEP, the acquisition authority is Transport for NSW (TfNSW). Clause 5.1A prescribes that development consent must not be granted to any development on reservation acquisition affected land if it has not been acquired by the relevant authority, unless it is for the identified acquisition purpose (i.e. roads).

## 1.4 Site description and surrounding area

The planning proposal applies to 12 parcels of land on New South Head Road and Glenmore Road in Edgecliff, grouped in four separate areas (**Figure 1**). The sites are located approximately 2.4 - 2.7km east of the Sydney Central Business District (CBD) and 1.7 - 2km north-west of Bondi Junction strategic centre.

The sites are zoned B4 Mixed Use and are in the Edgecliff Commercial Centre (ECC), which contains a mix of commercial, retail, entertainment, and residential uses. The sites are mostly occupied by building footprints (described in **Table 3**).

Most sites are located on New South Head Road, which is a main arterial/classified road providing access from Sydney city through the eastern suburbs to Vaucluse. The sites are located along a ridgeline that rises from Rushcutters Bay towards Edgecliff along New South Head Road.

One of the sites at 136 New South Head Road, is a local heritage item under Schedule 5 of the Woollahra LEP 2014 with local significance. Some of the sites also fall within the Paddington Heritage Conservation Area (HCA) (C8).

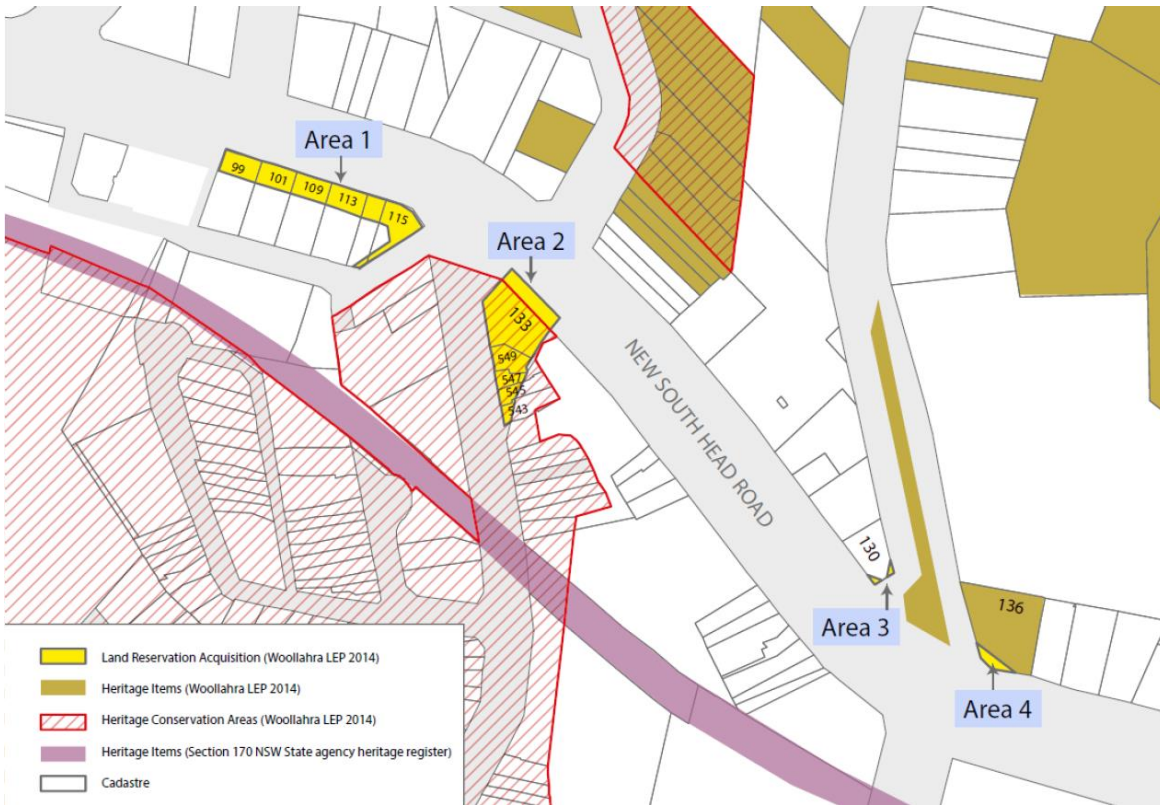


Figure 1 Subject sites, with the land reservations in yellow (source: Planning proposal)



Figure 2 Site context (sites in blue) (Base source: Nearmap)

Table 3 Addresses and lot numbers of the sites

Street Address	Legal Description	Current use
<b>Area 1</b>		
Parts 99 - 113 New South Head (NSH) Road	Parts: Lot A DP 341458, SP 11555, SP 12507 and SP 71681	Four inter-war residential flat buildings (RFBs) of three storeys and ground floor garages
Part 115 NSH Road	Part: Lots 9 and 10 DP 15833	Car service station



**Figure 2 Sites along New South Head Road 'Area 1' (Base source: Google Maps)**

<b>Area 2</b>		
133 NSH Road	Lot 1 DP 255233	Part one/three-storey commercial building known as the Cadry's building (formerly used as a pub and currently accommodates retail/commercial uses) ( <b>Figure 4</b> ). This site and 549 Glenmore Road are subject to a planning proposal for heritage listing and are in the Paddington Heritage Conservation Area (HCA). See Section 1.6 for further details.
549 Glenmore Road	Lot 37 DP 255233	A two-storey early Victorian sandstone cottage used in association with the Cadry's building ( <b>Figure 5</b> ).
Parts 543 - 547 Glenmore Road	Parts: Lots 34, 35 and 36 DP 255233	Group of three early Victorian era single storey workers' cottages ( <b>Figure 5</b> ). On 5 July 2021 Council resolved to investigate the cottages to determine whether these buildings fulfil the criteria for heritage listing.



Figure 4 Site at 133 New South Head Road 'Cadry's building' 'Area 2' (Base source: Google Maps)



Figure 5 Sites along Glenmore Road 'Area 2' (Base source: Google Maps)



**Area 3**

Part 130 NSH Road	Parts: Lot A DP 176247 and Lot 1 DP 176977	Three-storey shop top housing development – ground floor retail premises.
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**Figure 6 Site at 130 New South Head Road ‘Area 3’ (Base source: Google Maps)**

**Area 4**

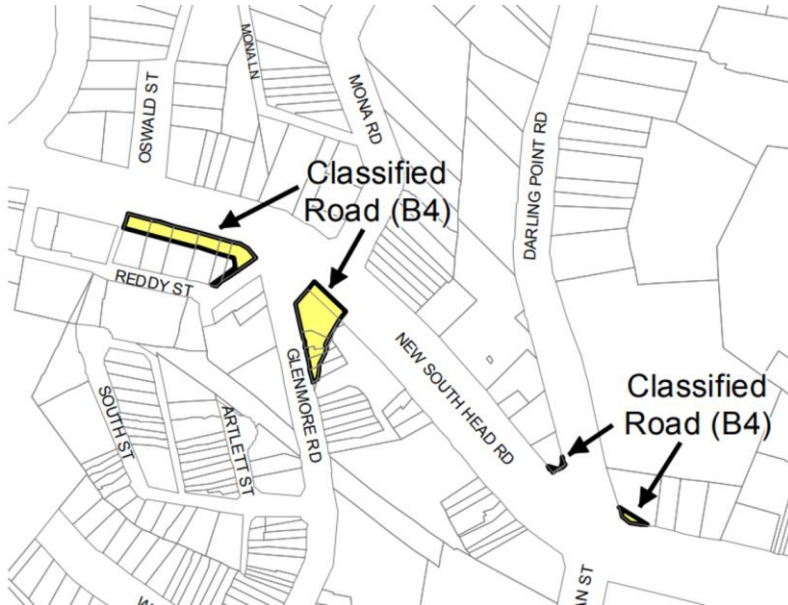
Part 136 NSH Road	Part: Lot 1 DP 663495	Two-storey historic bank building and interiors, listed as a local heritage item in Schedule 5 of the LEP (item 238). A proponent-led planning proposal for this and adjoining sites was submitted to Council in October 2021.
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**Figure 7 Site at 136 New South Head Road ‘Area 4’ (Base source: Google Maps)**

## 1.5 Mapping

The planning proposal includes mapping showing the existing Land Reservation Acquisition Map (Sheet LRA\_003). A proposed map has not been provided however as the properties are simply proposed to be removed from the existing map, this is considered suitable for community consultation purposes.



**Figure 8 Excerpt from current land reservation acquisition map**

## 1.6 Background

Council states these parcels were previously reserved for acquisition under the Woollahra LEP 1995, and it is understood that the land was originally identified for road widening purposes as part of the 1958 Road Alignment project initiated by the State Roads agency of the time. Council states this project was superseded by the Cross City Tunnel project which was completed in 2005.

Council indicates at the time of preparing the current 2014 LEP, TfNSW (then known as Roads and Maritime Services) were consulted with about the need to retain the reservations and they stated that the reservations had to be retained.

Since then, there have been various discussions relating to these parcels and key discussions are outlined below.

### Pre planning proposal lodgement

- On 16 January 2020, Councillor Susan Wynne, Mayor of Woollahra Council, wrote to the Hon. Rob Stokes MP, former Minister for Planning and Public Spaces seeking assistance in the removal of the land reservations.
- On 4 February 2020, the then Deputy Secretary, Greater Sydney Place and Infrastructure at the Department replied advising that the need for removal of the land reservations will be discussed as part of the implementation of the Eastern City District Plan and the Woollahra Local Strategic Planning Statement (LSPS).
- On 26 February 2020, Councillor Susan Wynne, Mayor of Woollahra Council, wrote to the Hon Andrew Constance MP, former Minister for Transport and Roads, requesting support for the removal of the land reservations prior to the release of the *Draft Edgecliff Commercial Centre Planning and Urban Design Strategy*.

- On 21 April 2020, Council received a letter from Eleni Petinos MP, former Parliamentary Secretary for Transport and Roads, stating that TfNSW had no plans for removal of land acquisition provisions applying to the subject sites at this time and stated that “*Removing the land reservations may allow for future developments on this site, which may hinder the public transport possibilities for this key corridor*”.
- The letter states that the subject road reservation is part of an important public transport corridor between Darlinghurst and Bondi. It advises that one of the strategic visions in the road network plan for the corridor in the next 20 years is to encourage the use of sustainable transport mode and provide efficient public transport services.
- On 5 July 2021, Council resolved to prepare a planning proposal to remove the land acquisition reservation from the subject sites.

#### Post planning proposal lodgement

Discussions between Council, TfNSW and the Department have also taken place following Council’s lodgement of the planning proposal for Gateway determination.

The Department’s Planning Delivery Unit (PDU) facilitated and chaired several meetings and discussions between Council and TfNSW. The outcome of these was that TfNSW reaffirmed the need for the subject land reservations for future public and active transport purposes consistent with the advice of the Parliamentary Secretary’s letter to Council dated 21 April 2020.

On 5 April 2022 the Department wrote to Council advising it cannot support the planning proposal due to TfNSW’s requirement for the reservations to remain and requested that the proposal be withdrawn

On 14 April 2022 Council responded that staff do not support withdrawing the planning proposal and will not be doing so as this action would not facilitate the protection of heritage or provide Council with certainty to confidently invest in improvement works along NSH Road.

#### Planning proposal – Cadry’s building and 549 Glenmore Road

On 10 February 2020, Council resolved to research 133 NSH Road (the Cadry’s building) to see if it is worthy of heritage listing in the Woollahra LEP 2014. On 5 July 2021, Council resolved to prepare a planning proposal to list the Cadry’s building (including interiors) as a local heritage item. Council also resolved that the cottages at 543-549 Glenmore Road should be investigated to determine whether they fulfill the criteria for heritage listing.

On 2 November 2021, Council lodged a planning proposal (PP-2021-6545) for the local heritage listing of the Cadry’s building at 133 NSH Road and an early Victorian cottage at 549 Glenmore Road, Edgecliff with the Department for Gateway determination. These sites are subject to land reservation affectations and are in ‘Area 2’. On 24 December 2021, the Department issued a Gateway determination to proceed subject to conditions, including that prior to public exhibition, consultation must be undertaken with TfNSW and the response provided to the Department.

In late March 2022, TfNSW advised Council that both these properties are in the area identified for future transport improvements and its preference is to not list these buildings as heritage items. TfNSW advised Council that it ‘...*may acquire these two land parcels, if required, in the future once the type and extent of transport improvements are determined.*’ The proposal was publicly from 6 April to 20 May 2022.

#### Planning proposal – 136-148 New South Head Road

A proponent-led planning proposal for redevelopment of 136-148 New South Head Road was submitted to Council in October 2021. The existing building at 136 NSH Road is within ‘Area 4’ and is a local heritage item. The Woollahra Local Planning Panel (LPP) advised at its meeting of 22 April 2022 that it does not support the proposed site-specific amendments to increase the height of buildings and floor space ratio without further urban design and traffic analysis, and that a site-specific clause is to be included to require certain matters (such as site amalgamation, heritage

and minimum non-residential floor space, etc.) to be addressed in order to support uplift, among other things. At the time of writing, this proposal has not been reported to the Environmental Planning Committee or Council Meeting.

## 2 Need for the planning proposal

The planning proposal states it is a result of the *Draft Edgecliff Commercial Centre Planning and Urban Design Strategy* and *Draft Edgecliff Commercial Centre Public Domain Plan*. These strategies, however, are not endorsed by Council, and enquires by Council on the future of the road reservations pre-date the completion of the above draft strategies for exhibition.

The proposal also states that it is a result of the *Assessment of Heritage Significance* (June 2021) for the Cadry's building and cottage at 549 Glenmore Road and that it will ensure that buildings with heritage significance are protected, including from future demolition.

Council further advised that the planning proposal was prepared due to reasons, including:

- Council is currently unable to invest in long term place making improvements along NSH Road
- There is uncertainty around the protection of heritage affected by the road reservation acquisition affectations
- Landowners are unable to make improvements to, or redevelop properties
- TfNSW has no known plans to undertake road widening along NSH Road

Clause 5.1A in the Woollahra LEP 2014 prescribes that development consent must not be granted to any development on land reservation acquisition (LRA) affected land if it has not been acquired by the relevant authority, unless it is for the identified acquisition purpose (i.e. roads). The implications of this clause are acknowledged, in that it does not allow for improvements that require development consent. The Department acknowledges the justification of the proposal provided by Council in this regard and the benefit of having a greater level of certainty around the future transport needs for these parcels.

However, TfNSW does not support the removal of the road reservations and advised they are to be retained for future public and active transport improvements. TfNSW's advice over the years has been consistent and has not changed in this regard. The planning proposal makes reference to the road reservation affectations as 'redundant' and for 'unnecessary road widening purposes', however this is contrary to TfNSW's advice.

To ensure opportunities for public and active transport improvements in the NSH Road corridor are safeguarded and future-proofed, the Department considers the road reservations should remain, and does not support the planning proposal to progress further in this instance.

Council believes that a planning proposal is the best and most appropriate means of achieving its objective. It is acknowledged that a planning proposal is the only way to amend the maps of the Woollahra LEP 2014. However, the proposal is not supported for reasons outlined above.

## 3 Strategic assessment

### 3.1 District Plan

The sites are within the Eastern City District and the Greater Cities Commission (formerly Greater Sydney Commission) released the Eastern City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for liveability in the plan and has inconsistencies with priorities for infrastructure as outlined below.

The following table includes an assessment of the planning proposal against relevant directions and actions.

**Table 4 District Plan assessment**

District Plan Priorities	Justification
<p>Planning Priority E1: Planning for a city supported by infrastructure</p> <p>Planning Priority E10: Delivering integrated land use and transport planning and a 30-minute city</p>	<p>The proposal has inconsistencies with these Priorities. Discussion in the District Plan on these Priorities emphasises the importance of proactive and early safeguarding of transport corridors for future infrastructure investments and maximising the utility of existing infrastructure assets.</p> <p>It is stated on p. 74 that <i>'The NSW Government is planning for long-term transport needs of Greater Sydney by identifying and protecting corridors of land that can be used to deliver transport and infrastructure in the future when it is needed.'</i></p> <p>NSH Road is a key classified road and TfNSW has indicated that this road including the reserved land is part of an important public transport corridor from Darlinghurst to Bondi.</p> <p>One of the strategic visions in the corridor's road network plan for the next 20 years is to provide a safe and reliable corridor that encourages the use of sustainable transport modes with efficient public transport services and high-quality active transport facilities.</p> <p>Removing these land reservation affectations would be inconsistent with Priority E1's Objective 1 'Infrastructure supports the three cities' and Priority E10's Action 34 'Investigate, plan and protect future transport and infrastructure corridors.'</p>
<p>Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage</p>	<p>The planning proposal is consistent with this Priority, particularly Action 20 around identifying, conserving and enhancing environmental heritage, as it seeks to conserve the heritage values of some of the sites within the subject road reservations.</p> <p>The proposal intends to facilitate public domain works and conserve and protect certain buildings and their interiors that have been identified as having local heritage significance.</p> <p>In this way the proposal also states it is consistent with the Greater Sydney Region Plan, particularly Objective 13: 'Environmental heritage is identified, conserved and enhanced.'</p> <p>Although this proposal is not supported by the Department, there is a separate planning proposal for heritage listing of 133 NSH Road and 549 Glenmore Road, which falls within 'Area 2' and has been issued a Gateway determination.</p>

## 3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

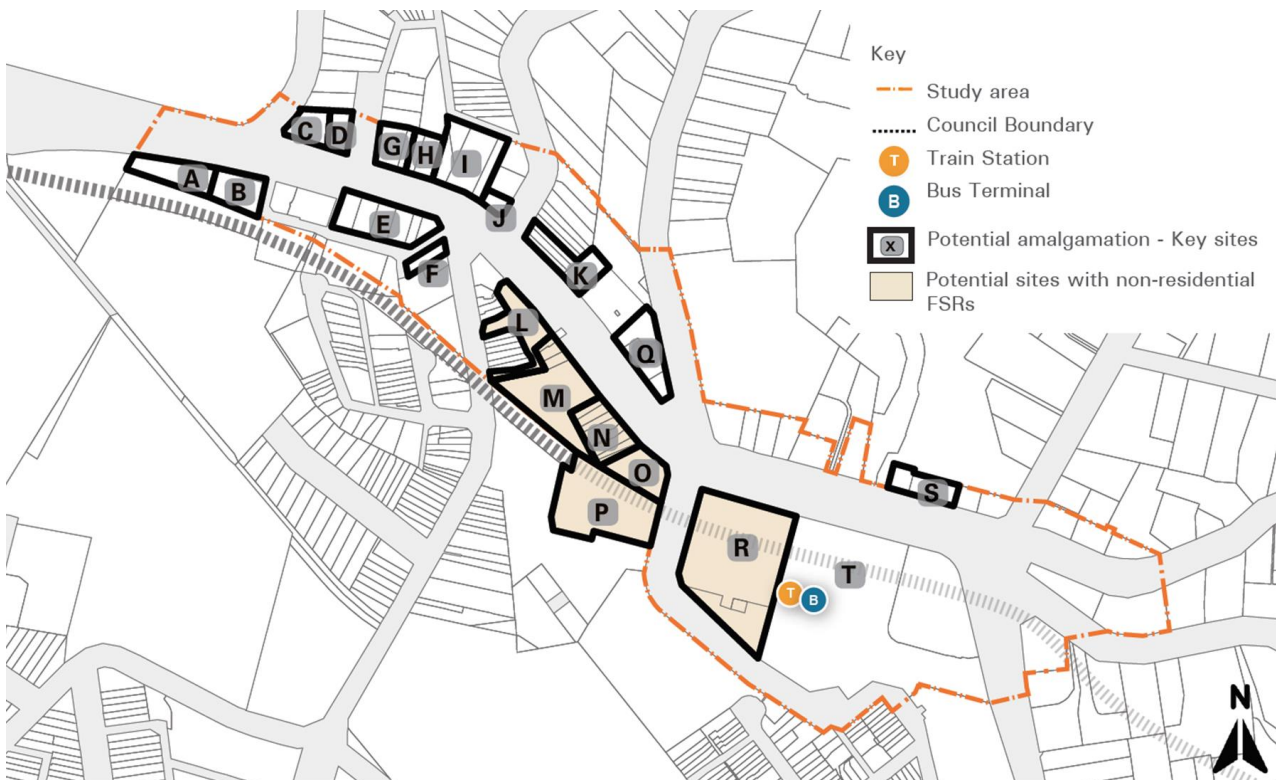
**Table 5 Local strategic planning assessment**

Local Strategies	Justification
Local Strategic Planning Statement (LSPS) 2020	<p>The Woollahra LSPS was finalised by Council in March 2020 and subsequently assured by the then Greater Sydney Commission. The LSPS sets out a 20-year land use vision to guide land use planning for the LGA.</p> <p>The planning proposal is consistent with the LSPS Planning Priority 5 - <i>Conserving our rich and diverse heritage</i> for the reasons in Table 4 above.</p>
Community Strategic Plan (CSP) 2030	<p>The Woollahra CSP 2030 identifies the strategic direction and integrated planning framework for the LGA. The planning proposal states it is consistent with Goal 4 (Well planned neighbourhoods) 4.3 <i>Protect our heritage, including significant architecture and the natural environment</i>.</p>

**Draft Edgecliff Commercial Centre Planning and Urban Design Strategy and Public Domain Plan**

The sites are within the study area boundary of Council’s draft ‘*Edgecliff Commercial Centre [ECC] Planning and Urban Design Strategy*’ (‘draft ECC Strategy’) which was on exhibition from 31 May to 30 September 2021. The draft ECC Strategy states it ‘*establishes a vision for the ECC and provides recommendations on planning controls, urban design, public domain and transport to guide future development.*’ It should be noted that the Draft ECC Strategy is in draft form and has not been endorsed by Council.

The Draft ECC Strategy identifies sites that provide an opportunity for future uplift. This includes some of the subject land reservation affection sites being the parcels in Area 1 (marked in the draft ECC Strategy as ‘E’) and Area 3 (marked in the draft ECC Strategy as ‘Q’) (**Figure 9**). For these sites, the draft ECC Strategy provides indicative maximum building heights and floor space ratios (FSRs) where development met certain criteria (such as suitable site amalgamation, design excellence, delivery of community infrastructure and consistency with the Strategy).



**Figure 9 Proposed amalgamation pattern of the ECC opportunity sites (Source: Draft ECC Strategy)**

The Draft ECC Public Domain Plan was prepared in response to the ECC Strategy's aim to enhance the streetscape and public domain of the ECC. The Plan identifies opportunities to facilitate a range of public domain improvements in the ECC on both public and private land. They include opportunities to enhance active transport connections along NSH Road, the green character of the ECC through landscaping and urban tree canopy, as well as supporting walking by providing high quality pathways and urban furniture. There are public domain improvement projects located along the kerbs on either side of NSH Road, which are currently subject to the land reservations. Around Area 1 the draft ECC Strategy identifies a new linear park along the southern side of NSH Road to improve amenity and enhance urban greening. Street trees are also proposed along NSH Road, including along the frontage of Areas 1, 2 and 3.

The proposal highlights that the road reservation affectations inhibit Council's future ability to implement these place making improvements. TfNSW has advised it is willing to work with Council to progress active and public transport improvements along NSH Road however noted these improvements may need to be re-purposed or removed once TfNSW has completed its planning for the corridor.

### 3.3 Local planning panel (LPP) recommendation

On 16 September 2021, the Woollahra LPP considered a report on the planning proposal for the removal of the twelve land acquisition reservations in the Edgecliff Commercial Centre. The LPP recommended (three votes for, one against) Council proceed with the proposal and forward it to the Department for a Gateway determination. The reasons were *'to retain the buildings of heritage significance, and to facilitate works to the public domain that have been identified in the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy.'*

Council accepted the LPP's advice at its meeting of 25 October 2021.

### 3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 6 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
7.1 (formerly 1.1) Business and Industrial Zones	Consistent	This Direction applies as the proposal will affect land within an existing business zone (B4). The proposal is consistent with this direction as it does not seek to rezone the B4 land or reduce the total potential floor space area for employment uses.
3.2 (formerly 2.3) Heritage Conservation	Consistent	<p>This Direction requires that a planning proposal contain provisions which facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage of the area.</p> <p>All heritage items, heritage conservation areas and archaeological sites that are listed in the LEP will be retained.</p> <p>The removal of the land reservation acquisition affectations will not impact on heritage values or their protection. Where affectations are on existing</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		or proposed heritage items, their removal may strengthen protection and recognition of the items. The proposal is in accordance with this Direction.
4.4 (formerly 2.6) Remediation of Contaminated Land	Consistent	<p>Direction 4.4 aims to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered at the planning proposal stage.</p> <p>The planning proposal does not seek to change the existing B4 Mixed Use zoning of the sites or any applicable development standards.</p>
5.1 (formerly 3.4) Integrating Land Use and Transport	Consistent	<p>Direction 5.1 aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve specified planning objectives relating to transportation integration.</p> <p>The Direction applies as the planning proposal seeks to alter a provision relating to land zoned for business purposes. The proposal will not have a significant material impact that would trigger an inconsistency with this Direction.</p>
5.3 (formerly 3.5) Development Near Regulated Airports and Defence Airfields	Consistent	<p>This Direction applies to a planning proposal for land near a regulated airport. The subject sites are affected by the Sydney Airport Obstacle Limitation Surface map. However, the proposal does not increase the development potential of the site (e.g. maximum building height or FSR) and is consistent with the Direction.</p>
4.5 (formerly 4.1) Acid Sulfate Soils	Consistent	<p>Direction 4.5 aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. The sites are mapped under the Woollahra LEP 2014 as containing Class 5 acid sulfate soils.</p> <p>Clause 6.1 in the Woollahra LEP 2014 is considered adequate to prevent environmental damage arising from the exposure of acid sulfate soils and the proposal does not seek to alter this existing provision.</p>
4.1 (formerly 4.3) Flooding	Consistent, new Ministerial Direction not addressed	<p>Direction 4.1 aims to ensure appropriate consideration of flood prone land in line with government policies and plans when a planning proposal seeks to create, remove or alter a zone or a provision that affects flood prone land.</p> <p>The Direction applies as the proposal seeks to alter a provision that affects flood prone land, with</p>



Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>115 NSH Road and 543-547 NSH Road being identified as within a flood planning area.</p> <p>The planning proposal refers to the former 4.3 'Flood prone land' direction. Regardless, the proposal is consistent with the current Direction as it does not rezone land or contain any provisions contrary to the Direction.</p>
5.2 (formerly 6.2) Reserving Land for Public Purposes	Inconsistent	<p>Under this Direction, a planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Secretary of the Department.</p> <p>The proposal seeks to remove reservations of land for public purposes however TfNSW has indicated it still requires these parcels of land for potential future active and public transport needs. The planning proposal is inconsistent with this Direction as TfNSW, the relevant public authority, has not agreed or provided approval to facilitate the removal of these reservations.</p>

### 3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs.

## 4 Site-specific assessment

### 4.1 Environmental

The amendments in the planning proposal involve removing the need to acquire certain parts and/or parcels of land which is unlikely to result in adverse environmental impacts.

### 4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

**Table 9 Social and economic impact assessment**

Social and Economic Impact	Assessment
Social	The planning proposal is unlikely to result in any adverse social impact. The proposed removal of land reservation affectations may result in positive impacts on heritage and allow Council to implement place making and public domain improvements in the ECC.

Social and Economic Impact	Assessment
Economic	It is acknowledged that the road reservations constrain Council's ability to invest in the long-term place making of Edgecliff, with the risk that works undertaken by Council may be removed in future. It is understood that the proposal may have positive economic implications for the private landowners of these parcels due to current restrictions on making improvements as a result of Clause 5.1A.

## 4.3 Infrastructure

The planning proposal does not seek any increased density or uplift and will not place additional demand on infrastructure for roads, sewer, transport, and other services.

The proposal does not support future ready infrastructure as outlined in **Table 4** above. NSH Road is a key classified road and TfNSW has indicated that this road and the reserved land are part of an important public transport corridor from Darlinghurst to Bondi. Removing the land reservation affectations whilst TfNSW has advised these are still required to be retained is considered premature and may jeopardise this important transport corridor. The Department considers that the proposal should not progress in order to safeguard future active and public transport improvement opportunities in this corridor.

## 4.4 Community

The planning proposal is not recommended to proceed to community consultation.

## 4.5 Agencies

The planning proposal is not recommended to proceed to agency consultation.

### Previous correspondence

As outlined earlier, Council has on multiple occasions sought support from TfNSW on the proposal however has been unable to gain support.

## 5 Timeframe

No timeframe is required as the planning proposal is not recommended to proceed.

## 6 Local plan-making authority

The planning proposal is not recommended to proceed and so nomination of a local plan-making authority is not required.

## 7 Assessment summary

It is recommended that the planning proposal is not supported to proceed for the following reasons:

- 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.
- 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 would negate the purpose of the land reservations and would not safeguard opportunities for future public and active transport improvements.

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

## 8 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should not proceed for the reasons above.



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