



IRF25/673

# Gateway Determination Report – PP-2023-1648

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8-10 New McLean Street, Edgecliff

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# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

## Contents

<b>1</b>	<b>Planning proposal.....</b>	<b>1</b>
1.1	Overview .....	1
1.2	Objectives of planning proposal.....	1
1.3	Explanation of provisions.....	2
1.4	Site description and surrounding area .....	3
1.5	Mapping .....	5
1.5.1	Height of Building Mapping .....	5
1.5.2	Floor Space Ratio Mapping .....	6
1.5.3	Key Sites Mapping.....	7
1.6	Background .....	9
<b>2</b>	<b>Need for the planning proposal .....</b>	<b>11</b>
<b>3</b>	<b>Strategic assessment .....</b>	<b>11</b>
3.1	Regional Plan .....	11
3.2	District Plan .....	11
3.3	Local Strategies.....	12
3.4	Local planning panel (LPP) recommendation .....	14
3.5	Section 9.1 Ministerial Directions.....	15
3.6	State environmental planning policies (SEPPs) .....	21
<b>4</b>	<b>Site-specific assessment .....</b>	<b>22</b>
4.1	Environmental .....	22
4.2	Social and economic .....	29
4.3	Infrastructure .....	30
<b>5</b>	<b>Consultation.....</b>	<b>31</b>
5.1	Community .....	31
5.2	Agencies .....	31
<b>6</b>	<b>Timeframe .....</b>	<b>31</b>
<b>7</b>	<b>Local plan-making authority .....</b>	<b>31</b>
<b>8</b>	<b>Assessment summary .....</b>	<b>32</b>
<b>9</b>	<b>Recommendation.....</b>	<b>32</b>

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

<b>Attachment</b>	<b>Relevant reports and plans</b>
<b>A</b>	Planning Proposal
<b>B</b>	Urban Design Report
<b>C</b>	Rezoning Review Meetings
<b>D</b>	SJB Independent Design Review
<b>E</b>	Secretary's Environmental Assessment Requirements
<b>F</b>	Woollahra Local Planning Panel Minutes
<b>G</b>	Woollahra DCP – Paddington Heritage Conservation Area
<b>H</b>	Heritage Impact Assessment
<b>I</b>	Heritage Assessment Peer Review
<b>J</b>	Preliminary Site Investigation
<b>K</b>	Visual Impact Assessment
<b>L</b>	Acoustic Report
<b>M</b>	Arboricultural Impact Assessment
<b>N</b>	Biodiversity Assessment
<b>O</b>	Wind Assessment
<b>P</b>	Draft Site Specific DCP
<b>Q</b>	Transport Assessment

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	<b>Woollahra Municipal Council</b>
<b>PPA</b>	Sydney Eastern City Planning Panel (the Planning Panel)
<b>NUMBER</b>	PP-2023-1648
<b>LEP TO BE AMENDED</b>	Woollahra Local Environmental Plan 2014 (WLEP 2014)
<b>ADDRESS</b>	8-10 New McLean Street, Edgecliff
<b>DESCRIPTION</b>	SP 20548
<b>FILE NO.</b>	IRF25/673
<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>	The Department met with registered Third Party Lobbyist lemma Patterson Premier Advisory Group (IPPA) in regards to this proposal.

## 1.2 Objectives of planning proposal

The planning proposal (**Attachment A**) contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to facilitate redevelopment of the subject site (SP 20548) for the purpose of a residential apartment building containing approximately 246 dwellings.

### Reference Scheme

The planning proposal is based on a reference scheme (**Attachment B**) prepared by the proponent (**Figure 1**) that features the following:

- An eighteen-storey residential building with basement parking and loading bay.
- Communal open spaces for residents.
- 3 basement levels containing up to 278 car parking spaces including 49 visitor spaces, 271 bicycle spaces including 25 visitor spaces, and a loading bay.
- 2.76% of total gross floor area allocated to affordable housing in perpetuity.
- A total residential gross floor area of 26,736sqm.

The planning proposal states the following objectives:

- Contribute towards the growth and revitalisation of Edgecliff by enhancing the architectural appearance and urban design to reinforce the importance of the Edgecliff Local Centre;
- Concentrate urban growth adjacent to a local centre and the only mass transit hub in the Woollahra Council LGA;

- Ensure development is of a scale, location and design to have a positive impact in the visual amenity of the locality whilst being compatible with the surrounding built and natural environment;
- Deliver much needed affordable housing within the Edgecliff locality;
- Create a built form and public domain which will create liveable communities by virtue of the increased density;
- Protect the surrounding public open space and developments; and
- Deliver the highest standards of urban planning and excellence in architectural design.

The objectives of this planning proposal are clear and adequate.



**Figure 1 Architectural perspective of the concept design scheme (Source: Urban Design & Architecture Report)**

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Woollahra LEP 2014 (WLEP 2014) to facilitate residential uplift of the subject site as identified below:

**Table 3 Current and proposed controls**

Control	Current	Proposed
Maximum height of the building	10.5m	RL 91m
Floor space ratio	0.75:1	3.7:1
Number of dwellings	106	246

The planning proposal seeks to amend Part 6 of the WLEP 2014 to introduce a local provision applicable to 8-10 New McLean Street, Edgecliff.

The land subject to this provision will be identified via the creation of “Area 2” on the local Key Sites Map. The planning proposal states that the provision would establish the following requirements for the subject site:

- Redevelopment of the site will not result in a net dwelling loss;
- 2.76% of the gross uplifted floor area of a proposed redevelopment must be dedicated to affordable housing;
- The relevant consent authority must be satisfied that any redevelopment proposed for the site contains an appropriate mix of apartment types; and
- Development of the subject site must be supported by a site-specific DCP which addresses the following matters:
  - Podium heights
  - Tower location and height
  - Maximum tower footprints
  - Setbacks
  - Tree retention
  - Mix of apartment types, including the percentage mix; and
  - Parking and access.

Additionally, the planning proposal seeks to make the following map amendments:

- Amend *Height of Buildings Map Sheet HOB\_003* to increase the maximum building heights for the subject site to RL91 for the tower, RL63 within the western portion of the site and RL51.5 within the eastern portion of the site; and
- Amend *Floor Space Ratio Map Sheet FSR\_003* to increase the maximum floor space ratio for the subject site to 3.7:1.

The Department is satisfied that the objectives of this planning proposal are generally clear and adequate. Notwithstanding the above, to improve the clarity of provisions proposed in accordance with the Planning Panel’s Record of Decision (**Attachment C**), it is recommended that the planning proposal and supporting documentation is updated in accordance with the below changes as conditions of gateway:

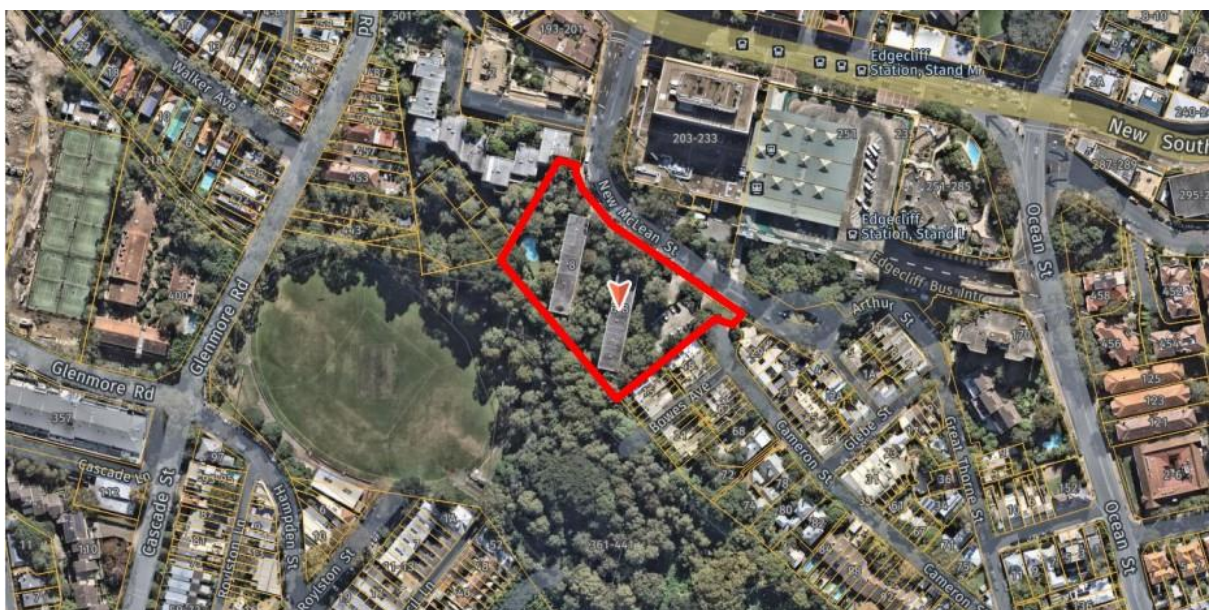
- Clarify that the Height of Buildings map amendment would introduce a height limit of RL 91m across the subject site;
- Remove references to an alternative height and FSR controls within the additional local Provision; and,
- Correct minor inconsistencies with regard to:
  - Removal of through-site link; and,
  - Removal of non-residential uses.

## 1.4 Site description and surrounding area

The subject site is 8-10 New McLean Street, Edgecliff, legally referred to as SP 20548. The subject site has a land area of approximately 7226sqm and is zoned R3 Medium Density Residential. The site is located on flood-prone land and has a steep topography, with a high-point along New McLean Street which slopes downwards in south and southwestern directions. The site has a height control of 10.5m and an FSR limit of 0.75:1.



The site is occupied by two residential flat buildings and an associated swimming pool for residents constructed circa 1970. Vehicular access is located on the northern boundary of the property, providing a connection to the local road network via New McLean Street. The remainder of the site is occupied by landscaping and vegetation.



**Figure 2 Subject site outlined in red (source: Planning Proposal)**



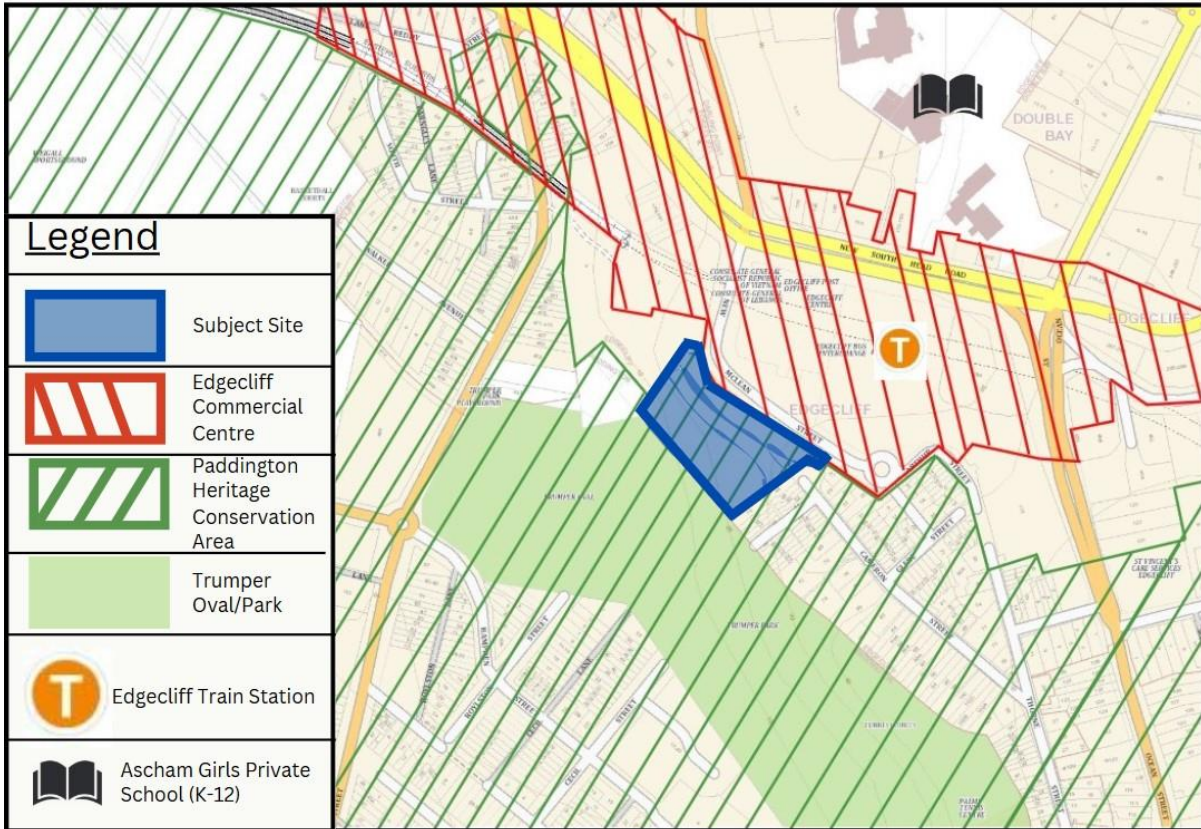
**Figure 3 Existing built form on subject site (source: Planning Proposal)**

Edgecliff train station and bus interchange is located opposite the subject site to the north, Trumper Oval and Park border 8-10 New McLean Street to the southwest, while terrace housing and residential flat buildings border the site to the south-east and northwest respectively. The site is located within the northern fringe of the Paddington Heritage Conservation Area and adjoins the



southern boundary of the Edgecliff Commercial Centre. It is noted that Council has concurrently progressed planning for adjoining Edgecliff Commercial Centre, a planning proposal to implement Council's Strategy is currently under assessment by the Department.

The site is in walking distance to Ascham Girls School, which is a private K-12 educational establishment.



**Figure 4 Site context**

## 1.5 Mapping

### 1.5.1 Height of Building Mapping

The planning proposal seeks to amend the current height of building map, shown in **Figure 5**. Recommended conditions described above in Section 1.3 of this report require the planning proposal to be updated to state that it would introduce a new building height of RL 91m across the site. The Department notes that the planning proposal does not contain mapping showing proposed changes. **Figure 5** and **Figure 6** were generated by the Department.

A condition has been included in the gateway, requiring the planning proposal package to be updated prior to exhibition to include a proposed height of buildings mapping.



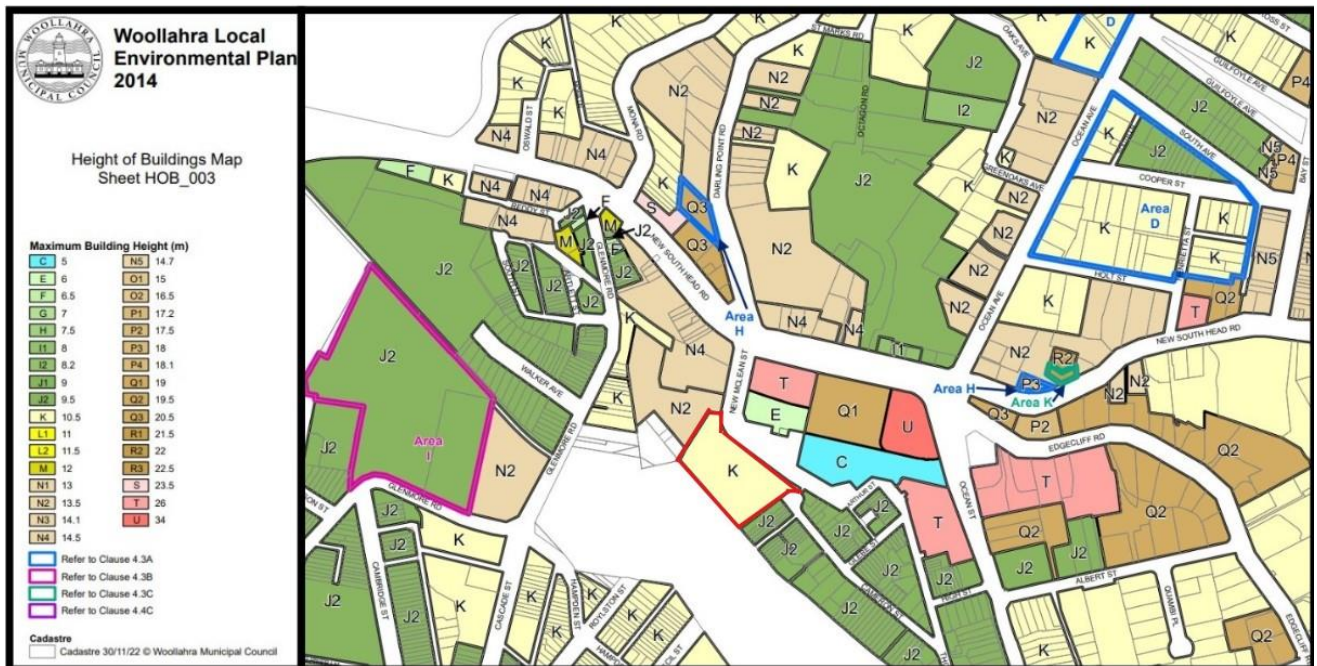


Figure 5 Current height of building map excerpt, subject site outlined in red

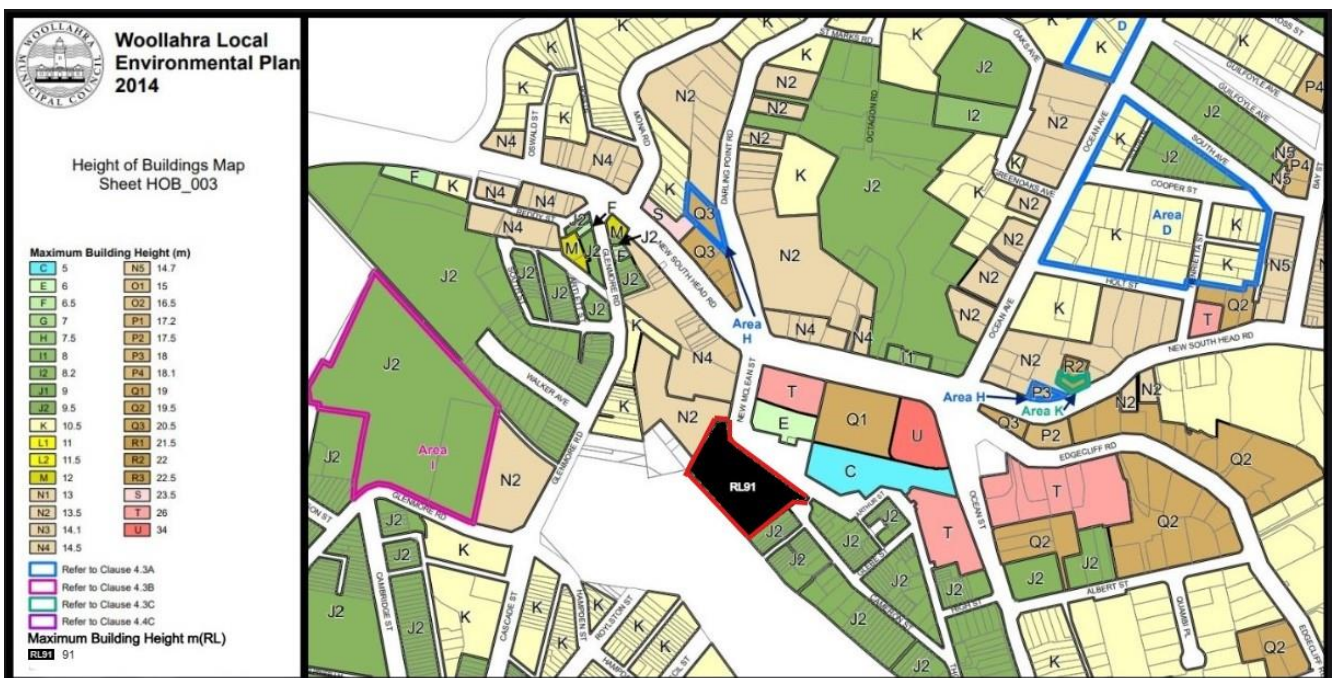


Figure 6 Proposed height of building map excerpt, subject site outlined in red

### 1.5.2 Floor Space Ratio Mapping

The planning proposal seeks to amend the floor space ratio map, as shown in **Figure 7** and **Figure 8**. The planning proposal would introduce a new FSR limit of 3.7:1. The Department notes that the planning proposal does not contain maps showing current proposed floor space ratio controls. **Figures 7 and 8** have been generated by the Department.

A condition has been included in the gateway, requiring that the planning proposal package be updated prior to exhibition to provide supporting FSR maps.



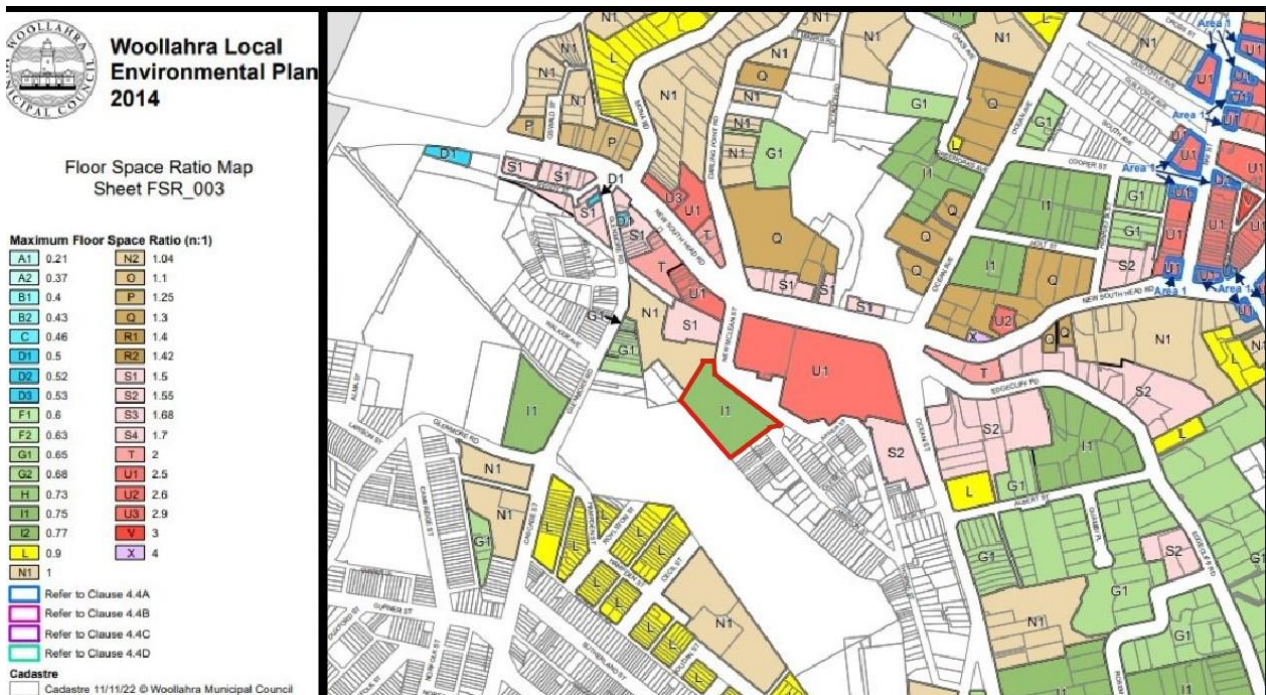


Figure 7 Current floor space ratio map excerpt, subject site outlined in red

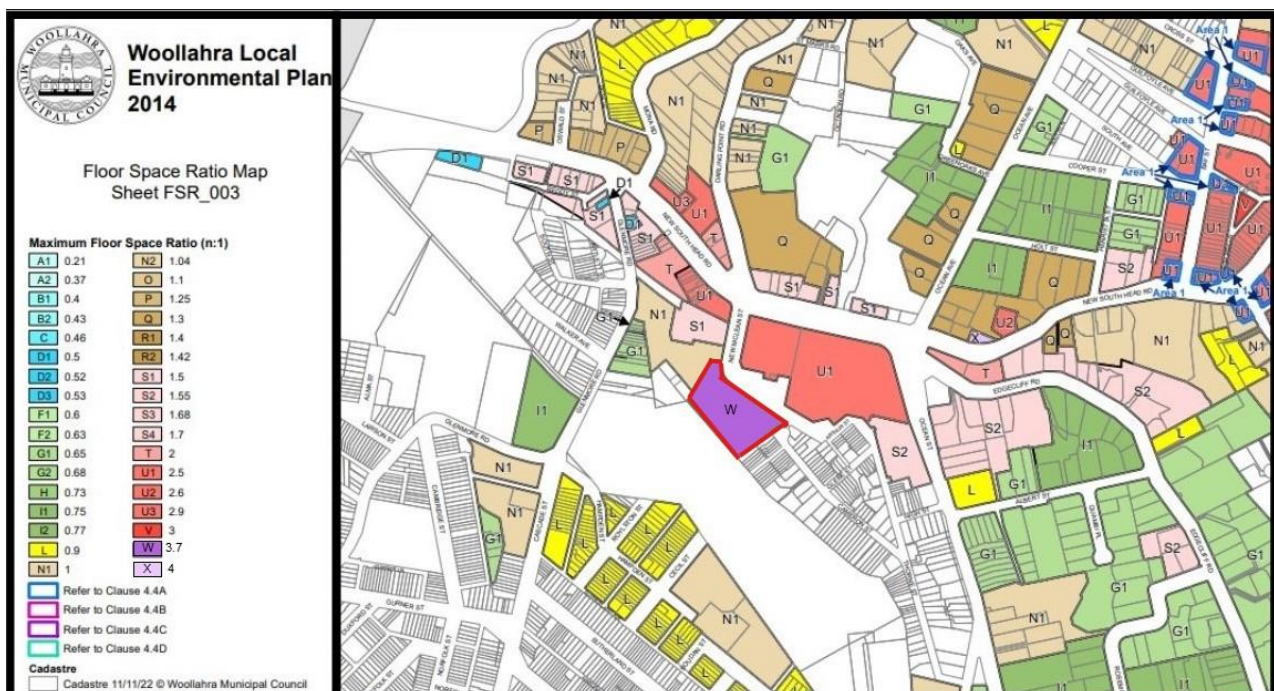


Figure 8 Proposed floor space ratio map excerpt, subject site outlined in red

### 1.5.3 Key Sites Mapping

The planning proposal seeks to amend the key sites map, as shown in **Figure 9** and **Figure 10**. The planning proposal would introduce a new area referred to as “Area 2” which would link the site to the proposed local provision. The Department notes that the planning proposal does not contain mapping to support the proposed changes to key sites provisions and that the figures generated under section 1.5.3 have been generated by the Department.

A condition has been recommended in the Gateway determination, requiring that the planning proposal package is updated prior to exhibition to include supporting key sites mapping.

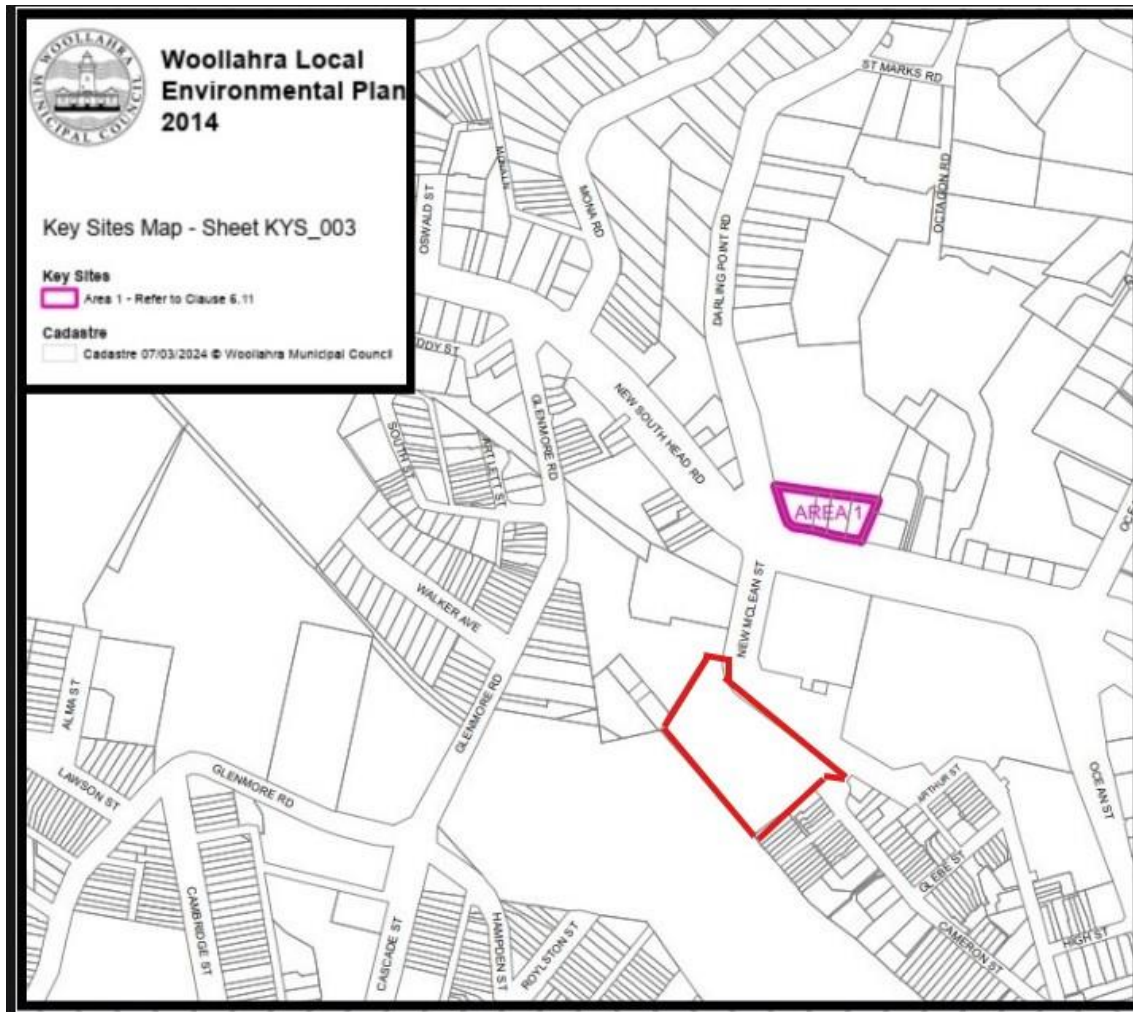


Figure 9 Current key sites map excerpt, subject site outlined in red



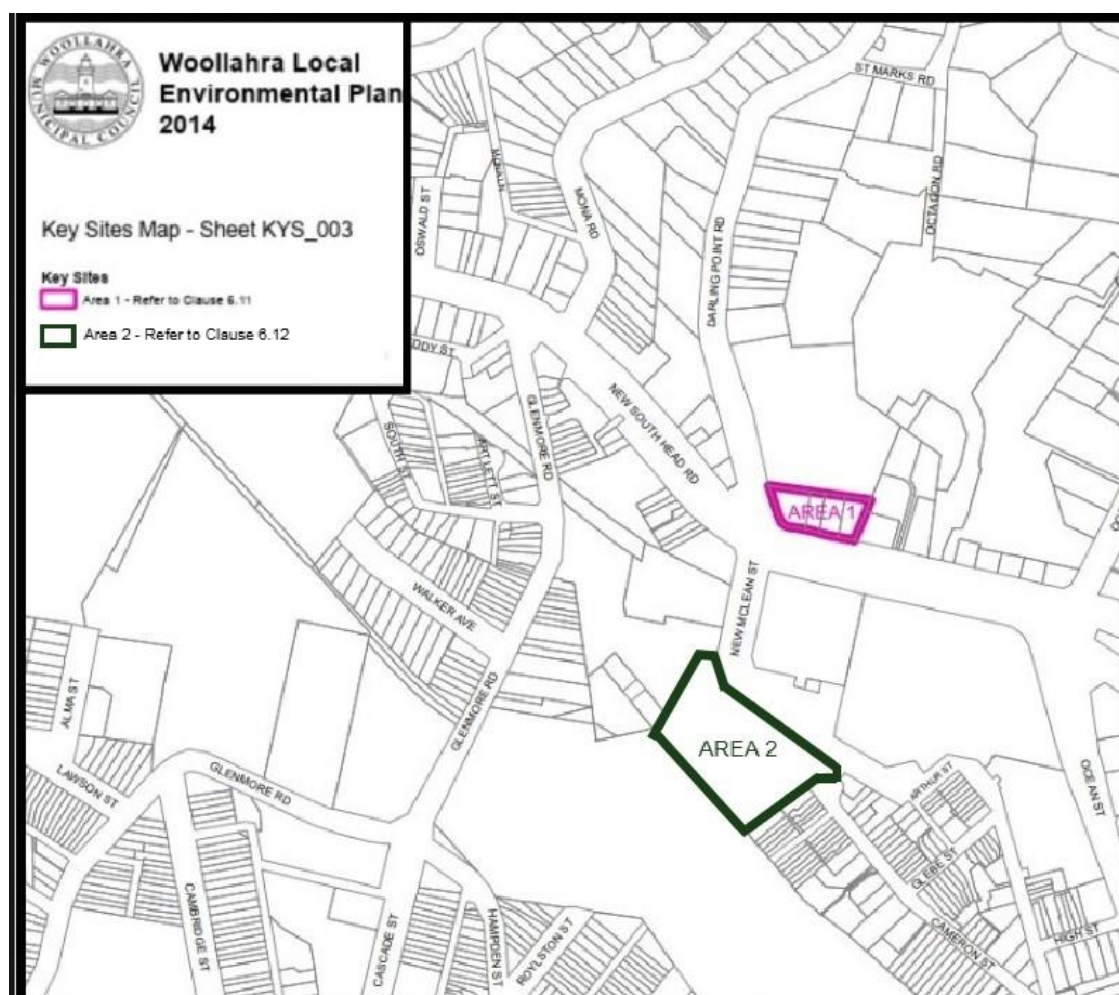


Figure 10 Proposed key sites map excerpt

## 1.6 Background

On 11 August 2023, a planning proposal for the site was lodged with Woollahra Municipal Council. Council failed to indicate support for the proposal within 115 days, subsequently, the proponent lodged a request for a rezoning review with the Department on 4 December 2023. The rezoning review (**Attachment C**) was held by the Planning Panel on 26 March 2024. The Panel determined that residential uplift of the site held strategic merit, however further work would be required to prove site specific merit of the proposed height and FSR limits. The Panel endorsed the proposal, subject to an independent design review which would be used to inform proposed built form controls.

On 14 August 2024, the Panel reconvened to assess the findings of the independent urban design review prepared by SJB on 12 July 2024 (**Attachment D**). The independent design review recommended an FSR of up to 3.7:1 and a height of up to 18 stories (equivalent to approximately RL 91m). Consequently, the Panel determined that the planning proposal could be lodged with the Department for gateway, subject to the revisions recommended within the review. Design outcomes informed by the design review are denoted in **Table 4** with an asterisk.

On 17 January 2025, the Planning Panel resolved to endorse the revised version of the planning proposal for gateway determination. A summary comparing the controls contained within the original proposal versus the revised controls endorsed by the Planning Panel is shown in the table below.



**Table 4 Comparison of planning controls**

Control	Existing Controls	Original PP	Revised PP
FSR	0.75:1	4.5:1	3.7:1*
Height	10.5m	RL 110m	RL 91m*
Additional Permitted Uses	Nil	Recreation facility (indoor), medical centre	Nil
Affordable Housing Rate (Uplift Only) & Other Public Benefits	Nil	5% affordable housing rate (provided for 15yrs) Through-site link	2.76% affordable housing rate (provided in perpetuity)
Additional Local Provision Requirements	Nil	Creation of a site-specific DCP.	Creation of a site-specific DCP  Affordable Housing  No net dwelling loss  Apartment mix

*\*Informed by Urban Design Review*

On 19 February 2025 the site was declared State Significant Development (SSD) at the recommendation of the Housing Development Authority (HDA). Secretary's Environmental Assessment Requirements (SEARs) were issued on 10 March 2025 (**Attachment E**).

## 2 Need for the planning proposal

*Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?*

The planning proposal is not the result of a plan or strategy. Nevertheless, the record of decision issued by the Planning Panel on 26 March 2024 determined that the planning proposal has merit and should proceed to gateway determination.

The planning proposal seeks to respond to the housing context of New South Wales and proposes to deliver an additional 140 dwellings within the Woollahra Local Government Area (LGA), including a 2.76% affordable housing rate applied to the total uplifted floor area.

Following consideration by the Panel, the planning proposal has been revised to facilitate built form outcomes that respond to the site's context including Council's plans for adjoining Edgecliff Commercial Centre at the time of the SJB independent urban design review (July 2024). The independent design review tested the solar and view impacts of built form on the site in conjunction with that proposed for Edgecliff Commercial Centre. Further discussion on the proposals alignment with Edgecliff Commercial Centre is provided within Table 6 of this report and results of urban design testing are discussed in Section 4.1.

*Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Yes. Increasing the height and FSR limits applied to the site under the WLEP 2014 is the best way to facilitate residential uplift and enable a higher dwelling yield on the subject site.

## 3 Strategic assessment

### 3.1 Regional Plan

The Greater Sydney Region Plan – *A Metropolis of Three Cities* (the Region Plan), released in 2018, integrates land use, transport and infrastructure planning and sets a 40-year vision for Greater Sydney as a metropolis of three cities. The Region Plan contains objectives, strategies and actions which provide the strategic direction to manage growth and change across Greater Sydney over the next 20 years.

Under section 3.8 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* a planning proposal is to give effect to the relevant District Plan. By giving effect to the District Plan, the proposal is also consistent with the Regional Plan. Consistency with the District Plan is assessed in section 3.2 below.

### 3.2 District Plan

The site is within the Eastern City District and the Eastern Harbour City District Plan was released on 18 March 2018. The District 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 infrastructure and collaboration, and liveability, in the plan as outlined below. The following table includes an assessment of the planning proposal against relevant directions and actions.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with Section 3.8 of the EP&A Act.

**Table 5 District Plan assessment**

District Plan Priorities	Justification
Planning Priority E1 – Planning for a city supported by infrastructure	<p>The planning proposal will facilitate efficient land use by increasing density within a highly accessible location near numerous services, facilities and public transport options.</p> <p>The planning proposal is consistent with this priority.</p>
Planning Priority E5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport	<p>The planning proposal would deliver new planning controls that would allow an additional 140 dwellings on the subject site.</p> <p>The planning proposal would introduce an affordable housing rate of 2.76% applicable to the total amount of uplifted floorspace. The affordable housing requirement is to be applied in perpetuity.</p> <p>The site is highly accessible to jobs, noting that it adjoins the boundary of the Edgecliff Commercial Centre. Additionally, the site is close to transport infrastructure, noting that Edgecliff train station and bus interchange are located opposite the site's frontage along New McLean Street.</p> <p>The planning proposal is consistent with this priority.</p>

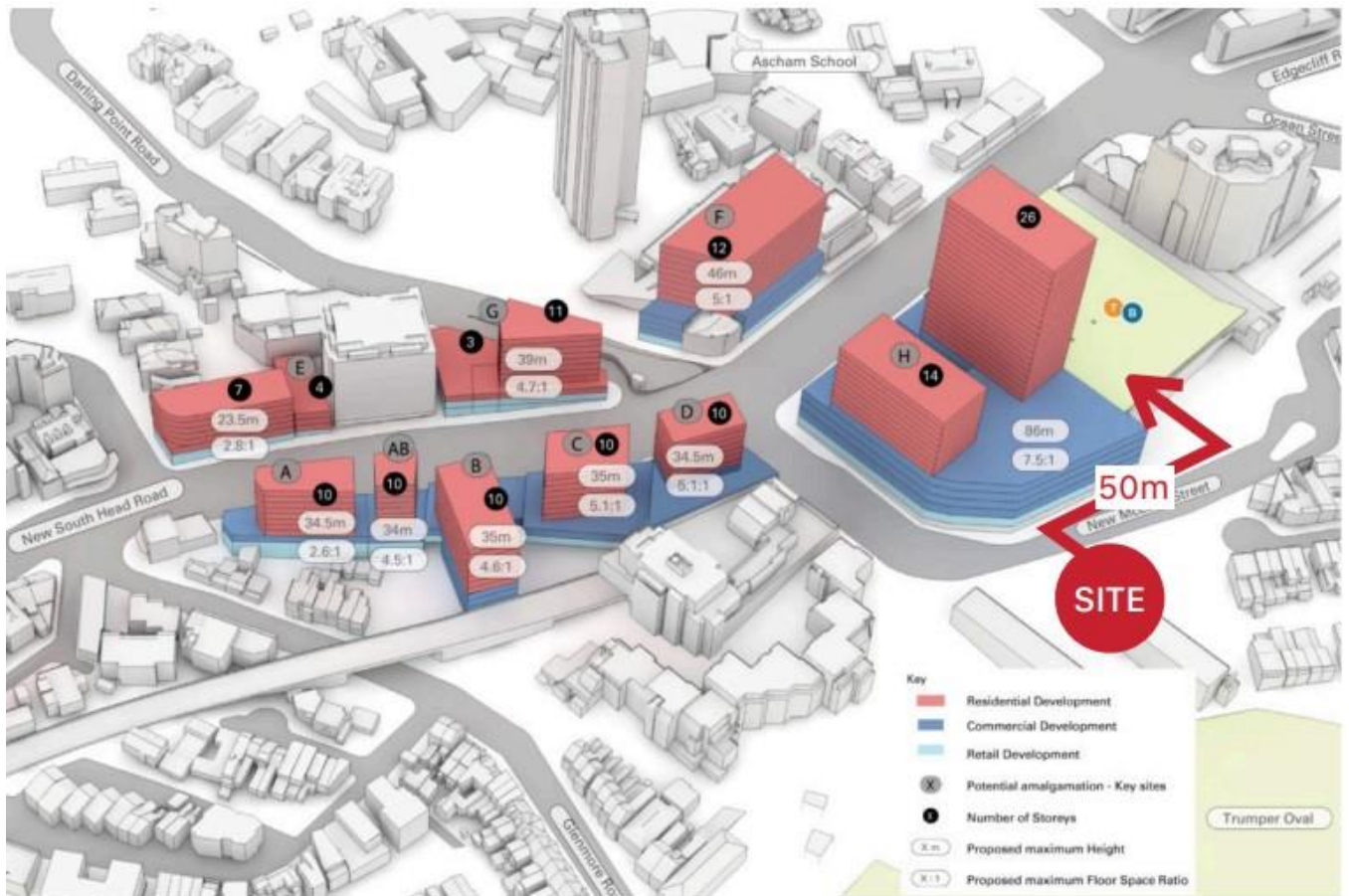
### 3.3 Local Strategies

The planning 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 6 Local strategic planning assessment**

Local Strategies	Justification
Woollahra Local Strategic Planning Statement (LSPS)	<p>Priorities 1 and 2 of the LSPS aim to promote development supported by social and transport infrastructure. The Department notes that the subject site is located opposite Edgecliff train station and bus interchange.</p> <p>Priority 6 of the LSPS seeks to maintain the landscape character of local neighbourhoods and villages. The Department refers to the assessment provided within this table, which identifies how the planning proposal is generally compatible with the Edgecliff Commercial Centre Planning and Urban Design Strategy.</p> <p>Priority 7 of the LSPS seeks to support access to employment opportunities. The Department notes that the site adjoins Edgecliff Commercial Centre.</p> <p>The Department considers the planning proposal to be consistent with the Woollahra Local Strategic Planning Statement.</p>

Local Strategies	Justification
<p>Woollahra Community Strategic Plan (WCSP)</p>	<p>Goal 4 of the WCSP promotes the creation of well-planned neighbourhoods, through facilitating increased local activity whilst also conserving local heritage. It is noted that the reference scheme would deliver an additional 140 dwellings opposite the Edgecliff Centre complex, thereby supporting local commercial activity. Additionally, as identified within <b>Table 7</b> of this report, the subject site is not considered to contain any significant heritage value.</p> <p>Goal 6 of the WCSP seeks to improve safe active transport options and reduce traffic congestion within the Woollahra LGA. It is noted that the reference scheme contains 278 car parking spaces. Notwithstanding proposed parking, it is also noted that the site is located within proximity to Edgecliff train station and bus interchange. The proximity of the site to public transport infrastructure will reduce the car-dependency of future residents and encourage the use of active transport.</p> <p>The Department considers the planning proposal to be consistent with the Woollahra Community Strategic Plan.</p>
<p>Edgecliff Commercial Centre Planning and Urban Design Strategy (ECCPUDS)</p>	<p>While the planning proposal does not contain land within the Edgecliff Commercial Centre (ECC), it is noted that the subject site adjoins the southern boundary of the commercial centre.</p> <p>The ECCPUDS presents a vision for the potential bulk and scale of future development within the ECC. <b>Figure 11</b> provides an illustration of the future ECC built scale surrounding the subject site.</p> <p>The Department considers the planning proposal to be generally compatible with the urban design outcomes presented within the ECCPUDS, noting this is subject to a separate planning proposal currently under assessment for Gateway determination.</p>



**Figure 11 Indicative Future Massing of Edgecliff Commercial Centre (Source: Urban Design & Architecture Report)**

### 3.4 Local planning panel (LPP) recommendation

On 22 February 2024, the Woollahra LPP provided the following advice (**Attachment F**):

- A) *Not to support the current planning proposal for 8-10 New McLean Street, Edgecliff.*
- B) *The site has strategic merit for increased residential development. However, to achieve strategic and site-specific merit, the planning proposal should be consistent with the following...*
- C) *The provision of affordable housing through the voluntary planning agreement should be clarified to dedicate 5% of the gross floor area of the development.*
- D) *Should a Gateway determination be received:*
  - i. *Any planning agreement proposed by the proponent be prepared in accordance with the adopted Woollahra Voluntary Planning Agreement Policy 2020.*
  - ii. *The planning proposal and any draft voluntary planning agreement should be exhibited concurrently.*



## 3.5 Section 9.1 Ministerial Directions

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

**Table 7 9.1 Ministerial Direction assessment**

Directions	Consistent	Reasons for Consistency or Inconsistency
1.4 Site Specific Provisions	Justifiably Inconsistent	<p>This Direction seeks to discourage unnecessarily restrictive site-specific planning controls in LEPs.</p> <p>While the planning proposal will introduce site-specific provisions into the WLEP 2014, inconsistency with the Direction is considered minor and justified. This is because the site-specific provisions, which have been recommended by the Planning Panel, are the most appropriate mechanism to ensure optimal urban design outcomes.</p> <p>The Department considers the planning proposal to be justifiably inconsistent with this Direction.</p>
3.2 Heritage Conservation	Yes	<p>The planning proposal seeks to alter the provisions of a site located within a heritage conservation area. Therefore, this Direction applies. The planning proposal pertains to a site within the Paddington Heritage Conservation Area (HCA), as identified by the WLEP 2014.</p> <p>In accordance with Direction 3.2, the planning proposal must facilitate the conservation of any places, buildings, and or precincts of significance within the applicable heritage area.</p> <p>The Woollahra Development Control Plan (DCP) (<b>Attachment G</b>) describes the HCA as having a <i>predominant Victorian built form [which] is an excellent representative example of the phenomena of land speculation and a 'boom' building period between 1870 and 1895.</i></p> <p>Development occupying the site of the planning proposal, was constructed circa 1970, and therefore does not adhere to the dominant architectural style of the HCA. Notwithstanding this, the DCP does identify later forms of development within the HCA containing significant heritage values.</p> <p><i>...historical and social associations extend to the periods of occupancy by immigrant groups and minority groups including the Chinese market gardeners, the Jewish community around the turn of the century, the European immigrants in the 1950s and an alternative artistic and intellectual population in the 1960s and 1970s.</i></p> <p>A Heritage Impact Assessment of the site was conducted by Curios (<b>Attachment H</b>) and peer reviewed by Urbis (<b>Attachment I</b>) to form part of the planning proposal package. The study concluded that the characteristics of the site's built form did not present any aesthetic, social, or historic evidence that the development is contributory toward the landscape character of the HCA. Furthermore, the study identified that the current development is intrusive development, noting that the DCP describes intrusive development as <i>... 20th century buildings constructed after World War II... characterised by scale, proportions, materials and design idioms which are inappropriate to the significant historic character of Paddington.</i> One of the recommended strategies presented by the DCP to manage intrusive development is through redevelopment.</p>

Directions	Consistent	Reasons for Consistency or Inconsistency
		<p>The Department considered the heritage study provided, and the conservation strategies presented within the DCP, including the management of intrusive development. Any future development application will need to further consider heritage and Clause 5.10 Heritage conservation provides suitable requirements to guide this. The Department is satisfied that the planning proposal is consistent with the terms of this Direction.</p>
4.1 Flooding	No	<p>This Direction applies to planning proposals that seek to alter a provision applicable to flood prone land. As identified within Appendix A, Map 5.2 <b>(Figure 12)</b> of the Preliminary Site Investigation <b>(Attachment J)</b>, the subject site of the planning proposal is classified as flood prone land. Therefore, Direction 4.1 applies.</p> <p>In accordance with section 3(d) of this Direction <i>A planning proposal must not contain provisions that apply to the flood planning area which permit a significant increase in the development and/or dwelling density of that land.</i></p> <p>Modelling conducted within Council's Paddington Catchment Area flood study, indicate that water levels would likely reach up 2m within a probable maximum flooding scenario. Stormwater infrastructure in the vicinity is noted to be at capacity during certain flood events in the flood study. Flood waters are of high velocity as they move across the site to Trumper Oval. The modelling indicated that flooding was largely contained to the footprint of existing development on the site. Flood levels were found to be higher within the western half of the site compared to the eastern portion of the site.</p> <p>Noting that the planning proposal would enable an increase in development density within a flood planning area, the proposal must be considered inconsistent with this Direction.</p> <p>As a condition of gateway, the planning proposal is required to be updated prior to exhibition to include a Flood Impact Risk Assessment (FIRA). Once this condition has been satisfied, the proposal may be considered justifiably inconsistent with this Direction.</p>
4.5 Acid Sulfate Soils	Justifiably Inconsistent	<p>This Direction applies to planning proposals that seek to alter a provision applicable to land containing acid sulfate soils. As shown within Council mapping <b>(Figure 14)</b>, a portion of the subject site has been identified as containing Class 3 Acid Sulfate Soils. Consequently, Direction 4.5 applies.</p> <p>The Department notes that the planning proposal seeks to intensify residential land use on the subject site through increasing FSR and height of building provisions. In accordance with Direction 4.5, a planning proposal seeking to intensify the land use of a site containing acid sulfate soils, must</p>

Directions	Consistent	Reasons for Consistency or Inconsistency
		<p>be supported by an Acid Sulfate Soil Study, which assesses land use intensification against the soil condition of the site.</p> <p>SEARs issued on 10 March 2025 (<b>Attachment E</b>), require that an Acid Sulfate Study be conducted for the site to support redevelopment.</p> <p>The Department also notes that Clause 6.1 of the WLEP 2014 includes provisions for the consideration of acid sulfate soils.</p> <p>The Department is satisfied that inconsistency with this Direction is minor noting that the consideration will be given to this matter at DA stage.</p>
5.1 Integrating Land Use & Transport	Yes	<p>This Direction applies to planning proposals that seek to alter a provision relating to urban land. The planning proposal seeks to alter floor space ratio and height of building provisions associated with an urban land use. Therefore, this Direction applies.</p> <p>The planning proposal will generate residential uplift in proximity to transport infrastructure, specifically Edgecliff train station and bus interchange.</p> <p>The Department considers the planning proposal to be consistent with this Direction.</p>
6.1 Residential Zones	Yes	<p>This Direction applies to planning proposals that impact land zoned for residential use. The subject site of the planning proposal is zoned R3 Medium Density Residential. Therefore, Direction 6.1 Residential Zones applies to the planning proposal.</p> <p>Direction 6.1 Residential Zones stipulates that a planning proposal must not reduce the permissibility of residential uses and must encourage increased housing availability and must encourage development which facilitates the efficient use of existing infrastructure.</p> <p>The planning proposal seeks to increase housing availability delivering additional 140 dwellings on the subject site based on the reference scheme. The new dwellings will be serviced by Edgecliff train station and bus interchange, located opposite the subject site.</p> <p>The Department considers the planning proposal to be consistent with this Direction.</p>



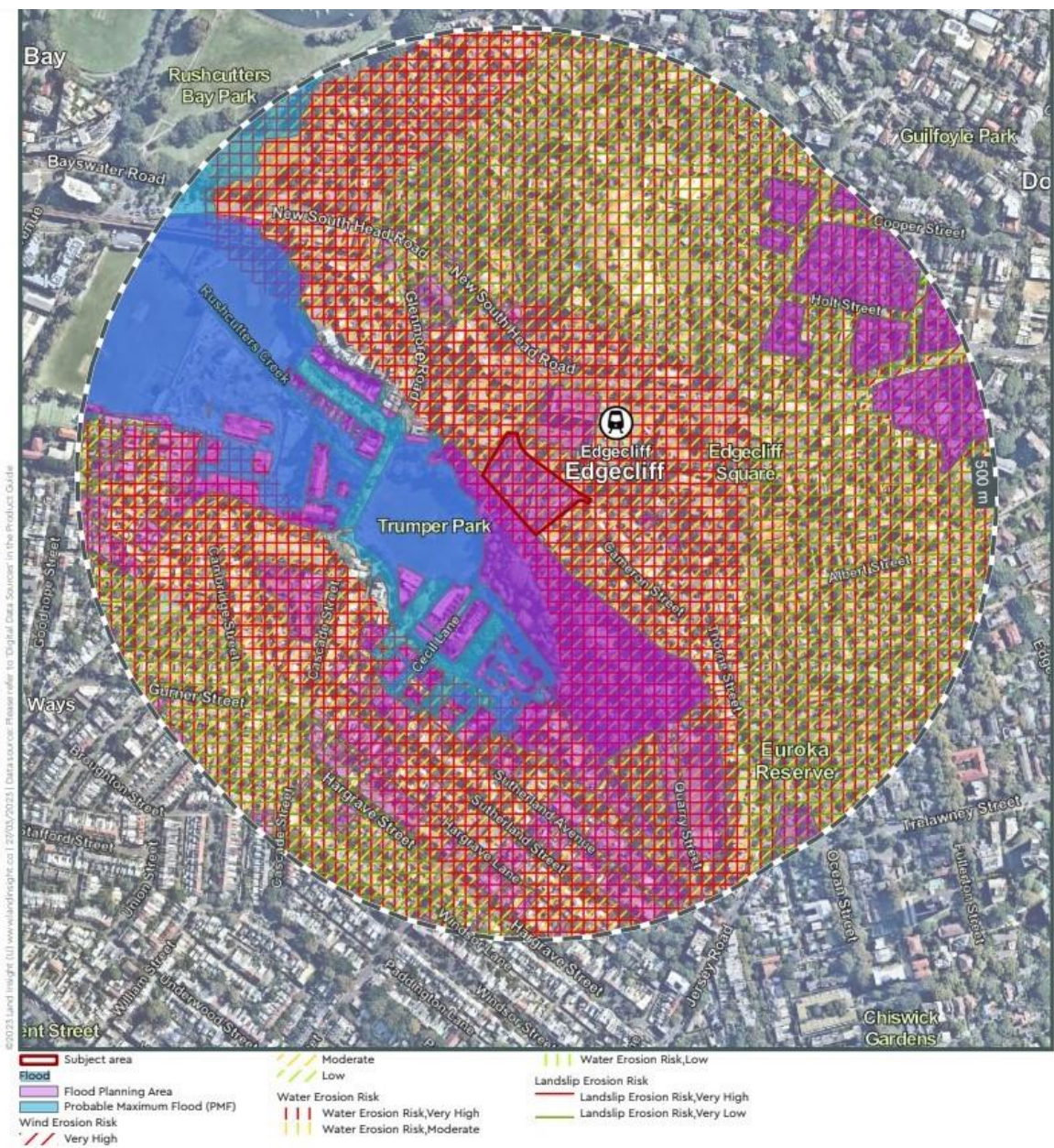
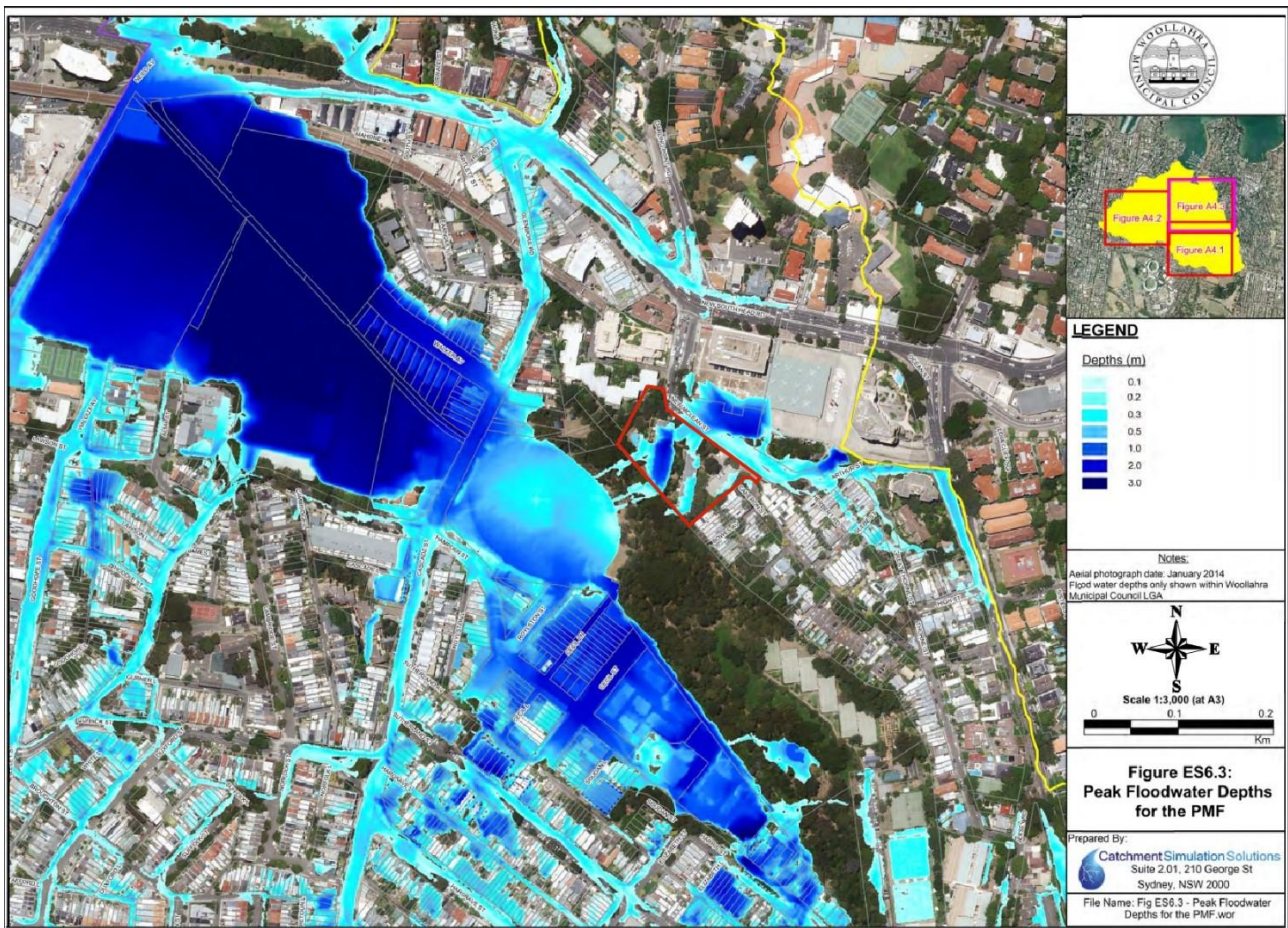


Figure 12 Flood Prone Land Map (Source: Preliminary Site Investigation)





**Figure 13 Flood modelling of PMF scenario, subject site outlined in red (Source: Paddington Catchment Flood Study, Woollahra Municipal Council)**





Figure 14 Acid Sulphates Map (Source: Preliminary Site Investigation)

### 3.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

**Table 8 Assessment of planning proposal against relevant SEPPs**

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Housing) 2021	Chapter 4 – This chapter aims to improve the design quality of residential apartment development in NSW.	Yes	<p>The planning proposal notes that the reference scheme is generally consistent with the relevant design objectives of the Apartment Design Guide.</p> <p>The Department notes that compliance with this SEPP will be further considered during the development assessment stage.</p>
SEPP (Transport & Infrastructure) 2021	This SEPP aims to provide well designed and located transport and infrastructure integrated with land use.	Yes	<p>The reference scheme associated with this planning proposal seeks to redevelop the subject site to include basement parking with a capacity for 278 cars.</p> <p>In accordance with the SEPP, any development application which includes a carpark with a capacity that is equal to or greater than 200 parking spaces must seek consultation from TfNSW.</p> <p>The Department notes that compliance with this SEPP will be considered through the development application stage.</p>



## 4 Site-specific assessment

### 4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 9 Environmental impact assessment



Environmental Impact	Assessment
Building Height and Density	<p>The proposed increase to building heights and floor space respond to the context of the site within an existing commercial centre.</p> <p>The Urban Design Report prepared by FJC (<b>Attachment B</b>) notes the higher built form elements are concentrated towards the New McLean Street frontage and Edgecliff train station. The building heights transition down towards Trumper Park and respond appropriately to the topography and interface of the lower scale residential properties within the Paddington HCA. This is articulated through a lower podium height facing the Cameron Street terraces.</p> 

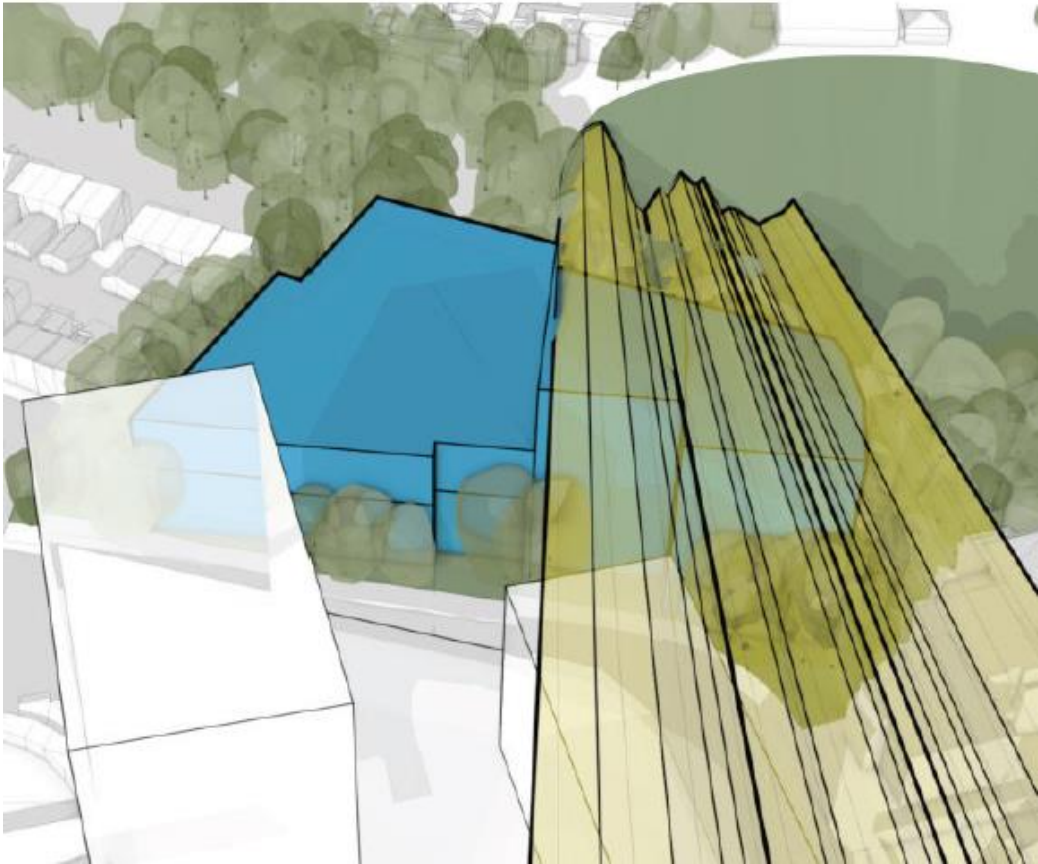
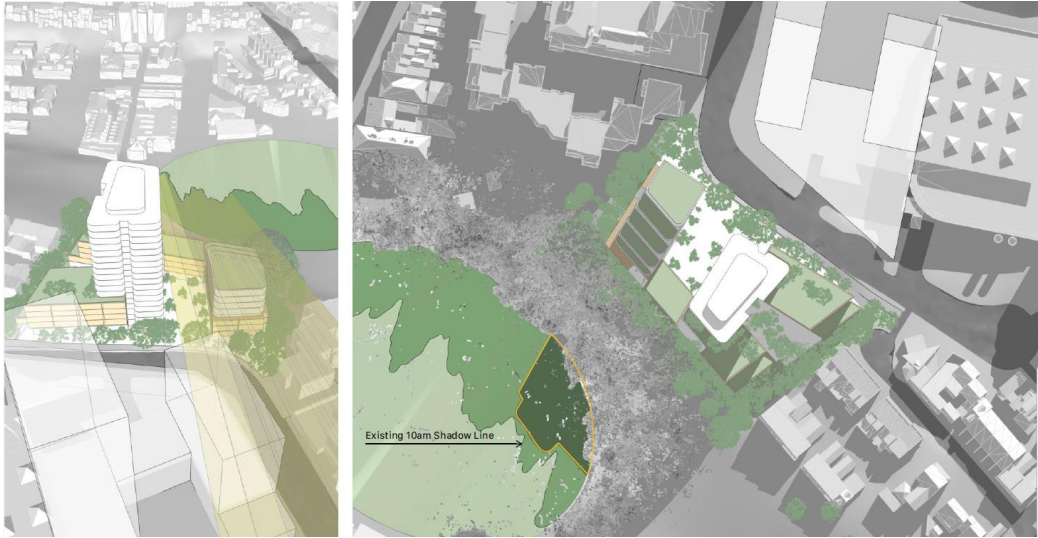
Figure 15 Tower heights as proposed in context (Source: FJC Urban Design Report)


Environmental Impact	Assessment
	 <p data-bbox="411 992 1465 1055"><b>Figure 16 Artist Impression of the indicative / reference scheme from New McLean Street showing the street interface. (Source: FJC Urban Design Report)</b></p> <p data-bbox="411 1084 1465 1261">In accordance with the recommendations of the Planning Panel, SJB was engaged by the Department (PPA team) to undertake an independent urban design review of the planning proposal and associated reference scheme. SJB's urban design study and preferred building envelope was presented to the proponent for review and the opportunity to respond.</p>

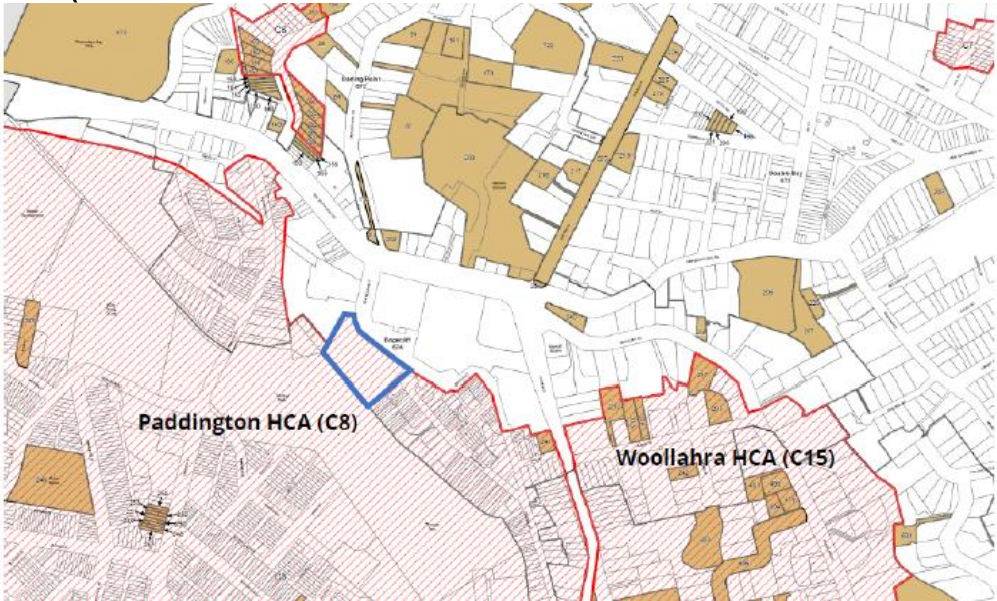
Environmental Impact	Assessment
	<div></div> <p><b>Figure 17 Final proposed building envelope (Source: FJC Urban Design Report)</b></p> <p>The proposed FSR (3.7:1) and building height (RL 91) (<b>Table 4</b>) development standards as part of this proposal have been reduced from the original proposal as result of the findings in the independent Urban Design Review prepared by SJB. These standards allow for an appropriate built form outcome which responds to the local context including the HCA and Trumper Park.</p>
Zoning	<p>The planning proposal does not seek to change the existing zone R3 Medium Density, consistent with the SECPP’s determination on 26 March 2024 (<b>Attachment C</b>).</p> <p>Noting the scale of development that would be permissible under the controls presented within this planning proposal, the Department considered whether R4 High Density Residential zoning would be a more appropriate land use zone for the subject site.</p> <p>There is currently no R4 zoned land in the Woollahra LGA, therefore no R4 zone in the LEP. The Department considered the proposal’s objectives against those of the R4 zone within the standard instrument, including “to provide for the housing needs of the community within a high density residential environment”. Additionally the Department considered the range of permissible uses with the R4 zone in the standard instrument most notably neighbourhood shops and shop-top housing.</p> <p>The SECPP determined on 26 March 2024 (<b>Attachment C</b>) that non-residential uses included in the original planning proposal should be removed having regard to the site’s location, outside the boundary of Council’s plan for Edgecliff Commercial Centre.</p> <p>Noting that the planning proposal seeks to prioritise residential land uses, R3 zoning is considered most appropriate for this site.</p>



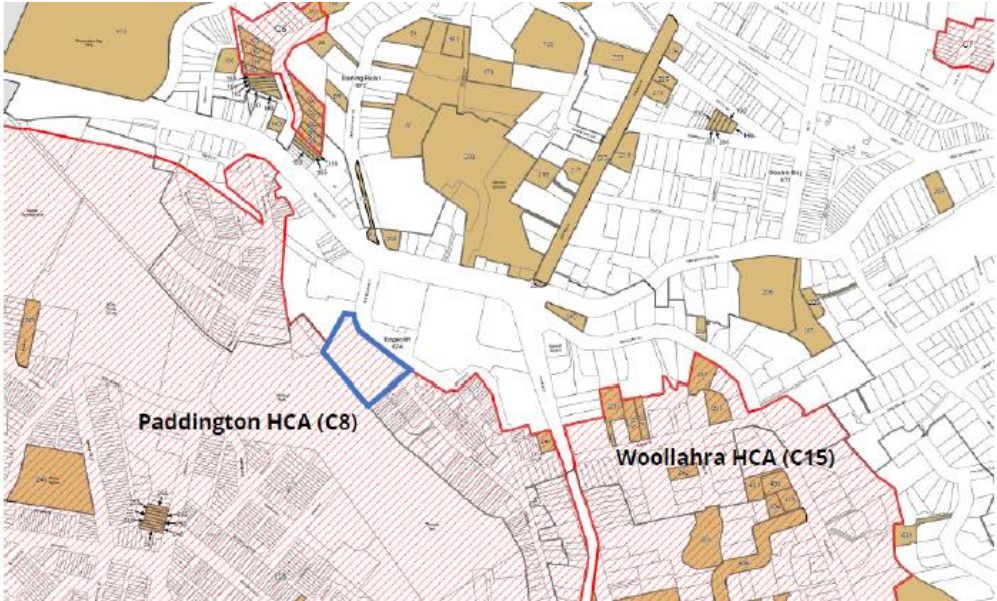
Environmental Impact	Assessment
Views	<p>The proponent has undertaken a View Impact Assessment (<b>Attachment K</b>). This assessment notes the proposal will not have any adverse view impacts on the surrounding developments or public domain. The planning proposal also notes the proposed built form is designed to provide a slender tower which will form part of the existing Edgecliff skyline.</p> <p>The Visual Impact Assessment concludes that the view impact is minor to moderate and is in keeping with the future desired character of the area.</p>
Overshadowing and Solar Access	<p>The planning proposal is supported by shadow diagrams illustrating the shadows cast by the built form shown in the Urban Design Report prepared by FJC (<b>Attachment B</b>).</p> <p>The planning proposal notes the proposed development will retain adequate solar access to the neighbouring properties and Trumper Park. Whilst the proposed uplift will result in a degree of additional overshadowing, this is appropriately managed through design measures.</p> <p>The shadow diagrams detail that the anticipated envelopes of the reference scheme between 9am and 3pm during Winter Solstice. The diagrams indicate the development will have no additional adverse impact on Trumper Oval during this time. The planning proposal notes the proposed building envelopes have been strategically located and shaped as to avoid any adverse additional overshadowing to Trumper Oval, when including the existing shadows cast by the vegetation and any ancillary structures.</p> <p>The planning proposal also notes the extent of overshadowing to the surrounding properties has been considered by the Urban Design Report and reference scheme. The reference scheme manages impacts on the low-density housing to the south and south-east through the appropriate implementation of design, separation distances and orientation of the tower and built forms.</p> <p>The Urban Design Report demonstrates that solar access can be maintained for more than 2 hours for those existing residential properties to the south and east.</p> <p>Extracts of the shadow diagrams are shown in <b>Figures 18-19</b> below.</p>

Environmental Impact	Assessment
	 <p data-bbox="411 1189 1453 1256"><b>Figure 18 Trumper Park Oval Solar Access Plane 10 am June 21 (Source: FJC Urban Design Report)</b></p>  <p data-bbox="411 1895 1453 1962"><b>Figure 19 Shadow impacts to Trumper Park and Oval at 10am, mid-winter (Source: FJC Urban Design Report)</b></p>

Environmental Impact	Assessment
	 <p><b>Figure 20 Solar Access Diagrams (Source: FJC Urban Design Report)</b></p>
Flooding	An assessment against the provisions of Section 9.1 Direction 4.1 Flooding is in Section 3.6 of this report.
Acoustic	<p>The planning proposal is supported by an Acoustic Assessment (see <b>Attachment L</b>). The assessment considered road noise impacts from New South Head Road and rail noise and vibration impacts from Edgecliff train station. The assessment concludes noise environment surrounding the site is not dissimilar to typical urban environments where high density mixed developments have been effectively implemented with low risk to adverse noise impacts.</p> <p>The Department notes that any future development applications would consider any noise and vibration impacts having regard to <i>Development Near Rail Corridors and Busy Roads – Interim Guideline</i> (2008) and the Transport and Infrastructure SEPP.</p>
Heritage	The site does not contain any items of heritage significance but is located within the Paddington Heritage Conservation Area (C8) and in the vicinity of several heritage

Environmental Impact	Assessment
	<div>items (</div> <div><p>The map displays a residential area with various streets and property boundaries. Two Heritage Conservation Areas are highlighted: the Paddington HCA (C8) in the lower-left and the Woollahra HCA (C15) in the lower-right. A specific site is outlined in blue, located between these two areas. The map also shows other streets and buildings in the surrounding neighborhood.</p></div> <div>Figure ).</div> <div>The closest of these items are:</div> <div><ul style="list-style-type: none"><li>• I114 – Concrete balustrade, Darling Point Road, near New South Head Road intersection, Darling Point (Local significance)</li><li>• I223 – 3 Norfolk Island Pines, 2 Moreton Bay Figs, 2 Port Jackson figs and a Candlenut Tree, Ocean Avenue within Road reserve, Double Bay (Local significance)</li><li>• I238 – Building and Interiors, 136 New South Head Road, Edgecliff (Local significance)</li></ul></div> <div>The site is also in the vicinity to Heritage Conservation Areas as follows:</div> <div><ul style="list-style-type: none"><li>▪ The Mona Road Heritage Conservation Area (C6)</li><li>▪ The Woollahra Heritage Conservation Area (C15)</li></ul></div>



Environmental Impact	Assessment
	 <p><b>Figure 21 Padding Heritage Conservation Area and surrounding heritage items (Source: Urbis, 2003)</b></p> <p>The Heritage Impact Statement (see <b>Attachment H</b>) notes supporting the planning proposal to have:</p> <ul style="list-style-type: none"> <li>• No direct impact on individual heritage items in the vicinity</li> <li>• The proposed built form would have minor built form and visual impacts</li> </ul> <p>The Heritage Impact Statement (<b>Attachment H</b>) and Heritage Peer Review (<b>Attachment I</b>) both recommend:</p> <ul style="list-style-type: none"> <li>• Mitigation of the visual impacts of the towers through involvement of heritage specialist at the detailed design stage.</li> <li>• Incorporate heritage advice on the proposed massing at podium and tower levels, façade articulation, materiality and finishes of proposed developments on site.</li> <li>• Development of integrated landscaping throughout the site.</li> <li>• Development of a Heritage Interpretation Strategy and Heritage Interpretation Plan which captures and highlights the history of the site and its place in the Paddington HCA.</li> </ul> <p>The Department is satisfied that the Development Assessment will address the recommendations above, noting that the SEARs issued 10 March 2025 included a requirement for a Heritage Impact Statement.</p>
Acid Sulfate Soils	An assessment against the provisions of Section 9.1 Direction 4.5 Acid Sulfate Soils is in Section 3.6 of this report.
Vegetation	The proposed built form requires removal of existing vegetation on the site. The planning proposal is supported by an Arboricultural Impact Assessment prepared by Urban Arbor and Biodiversity Assessment prepared by Biosis ( <b>Attachments M &amp; N</b> ).

Environmental Impact	Assessment
	<p>These assessments address the amount of vegetation that is required to be removed and concludes that the significance of the vegetation is varying and will not have any adverse impact to the flora and fauna network of the locality.</p> <p>The proposed built form has also been designed to allow for existing vegetation around the periphery of the site to be retained where possible.</p>
Wind	<p>In support of the planning a Wind Assessment has been submitted (<b>Attachment O</b>). The assessment considered the existing site conditions and proposed site arrangement. The assessment noted mitigation measures including landscaping and wind breaks to minimise wind impacts. The wind impacts will also be addressed as part of the preparation of the EIS for SSD (SSD-80626208) as the SEARs issued requests environmental amenity including wind impacts must be demonstrated.</p>
Contamination	<p>A Preliminary Site Investigation prepared for the site (<b>Attachment J</b>) found there to be a low risk of contamination at the site and recommended the site is suitable for a residential development.</p>

## 4.2 Social and economic

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

**Table 10 Social and economic impact assessment**

Social and Economic Impact	Assessment
Social	<p>The planning proposal has a positive social impact by providing:</p> <p><b>Affordable Housing</b></p> <p>As an outcome from the SECPP decision, the planning proposal will provide affordable housing for the subject site. This will equate to 2.76% of the upside GFA to be allocated for affordable housing in perpetuity.</p> <p><b>Housing</b></p> <p>Enabling the delivery of new able homes close to infrastructure, jobs, services and public transport, including Edgecliff train station.</p>
Economic	<p>It is not expected that development resulting from the planning proposal will have adverse economic impacts.</p> <p>The planning proposal will facilitate the provision of additional housing adjacent to the Edgecliff Commercial Centre.</p> <p>The original proposal included some ground floor retail. This was not supported by the Planning Panel. The proposal is not supported by a retail needs analysis. A condition has been included requiring the planning proposal to be updated to reflect removal of non-residential uses prior to exhibition.</p>

## 4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the planning proposal.

**Table 11 Infrastructure assessment**

Infrastructure	Assessment
Public Transport	<p>The site is located within a highly accessible location near key road corridors, bus stops, and Edgecliff train station and bus interchange. The site is just south of New South Head Road which provides bus access to the surrounding suburbs and Sydney CBD.</p> <p>The site is approximately 200m walking distance from Edgecliff train station, which provides train and bus access to Bondi Junction, Sydney CBD and surrounding suburbs.</p>
Traffic and Car parking	<p>A Transport Assessment (<b>Attachment Q</b>) was submitted with the planning proposal. The assessment concludes that the proposal will result in a low traffic generation and would not have noticeable effects on the operation of the surrounding road network as:</p> <ul style="list-style-type: none"> <li>• The sites proximity to the public transport network and pedestrian links will encourage the use of sustainable transport modes.</li> <li>• The key intersection of New South Head Road and New McLean Street retains its Level of Service when compared to a 'future base' scenario.</li> <li>• On-site car parking (approximately 278 car spaces) will be provided. This is consistent with the Woollahra DCP car parking provision.</li> </ul> <p>A condition for consultation with TfNSW is recommended.</p>
Utilities and Services	<p>The site is located within an existing local centre which is serviced by water, sewer services, electricity, gas and telecommunications. Consideration of servicing requirements for any proposed expansion and intensification will be subject to detailed assessment at DA stage.</p> <p>As the planning proposal will result in an intensification of development on the subject site. A condition has been included in the Gateway determination requiring the Planning Panel to consult with utility and service providers during public exhibition.</p>

## 5 Consultation

### 5.1 Community

The planning proposal is categorised as standard under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

## 5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Transport for New South Wales
- Department of Climate Change, Energy, the Environment and Water
- Utility Providers, including Sydney Water

## 6 Timeframe

The Planning Panel proposes a 9 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard.

The Department recommends an LEP completion date of 5 December 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for the Planning Panel in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

## 7 Local plan-making authority

As the Planning Panel has nominated themselves as Planning Proposal Authority (PPA), the Department will remain the local plan-making authority for this proposal.



## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It is consistent with the strategic planning framework and gives effect to the District Plan and Woollahra LSPS.
- It is generally consistent with the relevant section 9.1 Directions, noting the justifiable inconsistency with Directions 1.4 Site Specific Provisions and 4.5 Acid Sulphate Soils.
- It is consistent with relevant SEPPs.
- It will facilitate housing within a local centre close to existing transport infrastructure.
- It supports the NSW Government commitment to housing affordability as the proposal includes 2.75% of GFA as affordable housing.
- the proposal has given consideration to the likely environmental, social and economic, and infrastructure and further assessment will be undertaken at DA stage.

## 9 Recommendation

It is recommended the delegate of the Secretary:

- Note that the inconsistencies with Directions 1.4 Site Specific Provisions and 4.5 Acid Sulphate Soils are justifiable.
- Note that the inconsistencies with Direction 4.1 Flooding remains unresolved until the planning proposal is updated in accordance with the recommended gateway conditions.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Prior to community consultation, the planning proposal is to be updated to:
  - clarify that the amendment would introduce a building height limit of RL 91m across the subject site.
  - Remove references to alternative height and FSR controls.
  - Correct minor inconsistencies with regard to:
    - Remove through-site link; and
    - Remove non-residential uses.
  - Provide maps to show proposed mapping amendments.
  - Include a Flood Impact Risk Assessment (FIRA).
2. Consultation is required with the following public authorities:
  - Transport for New South Wales
  - Department of Climate Change, Energy, the Environment and Water
  - Utility Providers, including Sydney Water
3. The planning proposal should be made available for community consultation for a minimum of 20 working days.



(Signature)

28 March 2025

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7 April 2025

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Assessment officer

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