

Exhibition of Planning Proposal 8-10 New McLean Street, Edgecliff (PP-2023-1648)

This document answers frequently asked questions about the Planning Proposal at 8-10 New McLean Street, Edgecliff.

What is a planning proposal?

A planning proposal (or “PP”) explains the intended effect of a proposed LEP or proposed amendments to an LEP. It describes the intended outcomes and proposed LEP provisions, identifies and addresses the potential impacts that the changes may have and provides justification for making the LEP.

A planning proposal is a key part of the LEP making process because it describes how a new or amended LEP will ‘give effect’ to strategic and site-specific planning outcomes. It is the first step in making the statutory link between strategic plans and planning controls which apply to development.

Note: Any physical development of the land occurs under separate planning processes.

What is an LEP?

An LEP provides a statutory framework for the way land can be developed and used.

An LEP contains land use zones which establish where residential, commercial, recreation and other uses can occur. It has development controls for buildings and land, including controls for maximum building heights, floor space, subdivision and lot size.

LEPs also include provisions which address local matters, hazards and constraints, such as flooding, protection of biodiversity, heritage conservation, or land that is being reserved by the government to build more public infrastructure in the future.

An LEP is made under the *Environmental Planning and Assessment Act 1979*.

What are the Council's, the Sydney Eastern City Planning Panel (Panel) and the Departments role in the process?

The Council's role for this planning proposal

This planning proposal originally was submitted to Woollahra Council (Council) in August 2023. On 4 December 2023, the proponent lodged a rezoning review request for the proposal as Council failed to provide support for the proposal in the mandatory time period. The Panel supported the proposals progression for Gateway determination in January 2025 and appointing itself as the Planning Proposal Authority (PPA). Council is now considered a key stakeholder and will be consulted as part of the public exhibition.

Sydney Eastern City Planning Panel's role for this proposal

The Sydney Eastern City Planning Panel acts as the independent body in rezoning reviews within the Woollahra Local Government Area. Given Council did not support the progression of the planning proposal, the Panel was requested by the proponent to review the rezoning request.

The Panel determined that the proposal demonstrated strategic and site-specific merit and should proceed to Gateway determination. The Panel was appointed as the Planning Proposal Authority and is therefore responsible for preparing the package of planning proposal documents for public exhibition and running the public consultation. The Panel will consider public submissions on the planning proposal prior to making a decision about whether the planning proposal should proceed to finalisation.

The Department's role for this planning proposal

The Department assesses and guides planning proposals through the LEP making process. This includes active management of the planning proposal through the LEP making process, issue resolution, and finalising the LEP (if the Minister is the local plan-making authority).

On 4 February 2025, the planning proposal was submitted to the Department for Gateway determination. An assessment of the proposal was undertaken, and a Gateway determination was issued on 7 April 2025 stating the proposal should proceed subject to the conditions, including the public exhibition of the proposal.

A final assessment of the planning proposal will be undertaken by the Department after the public exhibition. At this stage further amendments may be made to respond to matters raised by community members or public authorities. The Department is the local plan-making authority and will determine if the LEP amendment will be made.

What is a Local Plan-Making Authority (LPMA)?

The LPMA is the authority responsible for making the LEP as identified by the Gateway determination. This may be the Minister (or delegate) or the relevant council. The LMPA undertakes the statutory functions in making the LEP.

What is a Planning Proposal Authority (PPA)?

In the planning proposal process, the PPA is responsible for preparing the package of planning proposal documents and submitting them to the Department for a Gateway determination.

A Gateway determination is an approval required before the proposal can proceed to public exhibition. This approval is usually subject to conditions.

The PPA is responsible for satisfying the conditions of the Gateway determination, public exhibition of the planning proposal, and finalisation.

An alternate PPA may be appointed under certain circumstances, where directed by the Minister. As the planning proposal is the result of a rezoning review, the Sydney Central City Planning Panel is the PPA and the Department will be the Local Plan-Making Authority.

Has the site been approved for State Significant Development (SSD)?

On 19 February 2025, the Housing Delivery Authority (HDA) considered an Expression of Interest (EOI) for the redevelopment of the site consistent with the planning proposal's reference scheme. The proposal was declared State Significant Development (SSD-80626208) and Planning Secretary's Assessment Requirements (SEARs) were issued on 10 March 2025.

Will the heritage impacts of this proposal be considered by the Department?

The planning proposal seeks to alter the provisions on a site located within the Paddington Heritage Conservation Area (HCA), as identified by the Woollahra Local Environmental Plan 2014. The site itself does not contain any heritage items. A Heritage Impact Assessment of the site was conducted by Curios and peer reviewed by Urbis to form part of the planning proposal package.

Any potential heritage impacts will be considered post-exhibition by the Panel and the Department prior to finalisation.

Will the potential flood risk of this proposal be considered by the Department?

The Gateway assessment of the proposal noted that the site is located on flood prone land, as identified in Council's Paddington Catchment Area flood study. As a result of this, the Gateway contained a condition that required the planning proposal be updated prior to exhibition to include a Flood Impact Risk Assessment (FIRA). The proponent has submitted a FIRA to support the planning proposal and address the Gateway Condition.

As part of the Gateway Assessment, it was recommended that the proposal be forwarded to NSW Department of Climate Change, Energy, the Environment and Water for comment. This consultation will be undertaken as part of the public exhibition process and will be considered post-exhibition by the Panel and the Department prior to finalisation.

What will happen next?

Feedback received during the exhibition period will inform the finalisation of the plan. A submission report outlining how the feedback was taken into consideration will be developed. A decision on the proposed rezoning will be made in 2025.