



Your ref: SSD-79316759
Our ref: DOC25/275573

Mr Justin Keen
Senior Planning Officer
Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street
PARRAMATTA NSW 2124

2 May 2025

Subject: Environmental Impact Statement – Concept Proposal for Mixed Use with Affordable Housing – 45-53 Macleay Street, Potts Point (SSD-79316759)

Dear Mr Keen

Thank you for your referral received 1 April 2025 seeking comments from the Conservation Programs, Heritage and Regulation Group (CPHR) in the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) regarding the Environmental Impact Statement (EIS) for the above State significant development (SSD).

CPHR has reviewed the EIS and relevant supporting technical reports and provides its comments and recommendations at Attachment A. In summary:

- the post-construction flood level is predicted to increase by approximately 100 mm in a small section of kerb area in Macleay Street. This could be minimised with tie-in works to the existing footpath across the front of the adjoining property
- the project description provided in the EIS is consistent with the Biodiversity Development Assessment Report waiver for this SSD that was granted on 26 February 2025
- Section 10 General Tree Protection Notes from the Arboricultural Impact Assessment be included as conditions of consent.

Please note that CPHR should not be given a role in any conditions of consent without prior agreement.

Should you have any queries regarding this matter, please contact Angela Stewart, Senior Conservation Planning Officer, at angela.stewart@environment.nsw.gov.au.

Yours sincerely

Louisa Clark
Director
Regional Delivery - Greater Sydney Branch
Conservation Programs, Heritage and Regulation Group

CPHR advice on EIS – Concept Proposal for Mixed Use with Affordable Housing – 45-53 Macleay Street, Potts Point (SSD-79316759)

Documents Reviewed

CPHR has reviewed the following reports:

- *EIS* (Urbis, 27 March 2025)
- *Appendix AA – Architectural Plans – Reference Scheme* (SJB, 10 March 2025)
- *Appendix H – Design Report* (SJB, February 2025)
- *Appendix P – Landscape Architecture Report* (Black Beetle, 18 February 2025)
- *Appendix Q – Arboricultural Impact Assessment* (Arboreport, 14 February 2025)
- *Appendix V – Flood Impact and Risk Assessment* (Arcadis, 13 March 2025).

Key Assessment Issues

Flooding

The provided information addresses the Secretary Environmental Assessment Requirements (SEARs) for flood risk. The Flood Impact Risk Assessment (FIRA) was conducted using Council's adopted Woolloomooloo Flood Study TUFLOW Model (prepared by WMA Water, July 2013), with the appropriate design changes to demonstrate the proposed flood impacts and establish the required flood planning levels.

The proposed development will replace an existing residential flat building with a mixed-use commercial and residential development building, that has a reduced number of residential dwellings compared to the existing development. The FIRA adequately demonstrates the proposed development would have no flood impact on adjacent properties. Additionally, CPHR notes the proposed development is located in a low flood risk area at the top of the catchment, with low flood hazard in the adjacent roads.

CPHR recommends the following be addressed as a condition of consent.

1.	<i>Flood levels in Macleay Street exceed recommended increases</i>	<p>The FIRA indicates that the post-construction flood level will increase by approximately 100 mm in a small section of kerb area in Macleay Street. This increase is attributed to changes in the footpath profile to meet Council's required footpath and flood planning levels for the development. CPHR considers that this impact could be mitigated by appropriate tie-in works to the existing footpath across the front of the adjoining property.</p> <p>Recommended action:</p> <ol style="list-style-type: none"> 1. The conditions of consent include a requirement for tie-in works between the proposed raised footpath and the existing footpath on Macleay Street to minimise increases in the roadway's flood level.
	<i>Extent and Timing</i>	Determination during detailed design.

Biodiversity

CPHR notes the project description provided in the EIS is consistent with the Biodiversity Development Assessment Report (BDAR) waiver for this SSD that was granted on 26 February 2025. If the proposed development is changed so that it is no longer as described in Schedule 1 of the determination, the proponent will need to lodge a new BDAR waiver request or prepare a BDAR.

Tree removal

CPHR recommends that Section 10 General Tree Protection Notes from the Arboricultural Impact Assessment be included as conditions of consent.

End of Submission