



# Environmental Impact Statement

*45-53 Macleay Street, Potts Point*

March 2026

Prepared for: T&P Chimes Development Pty Ltd



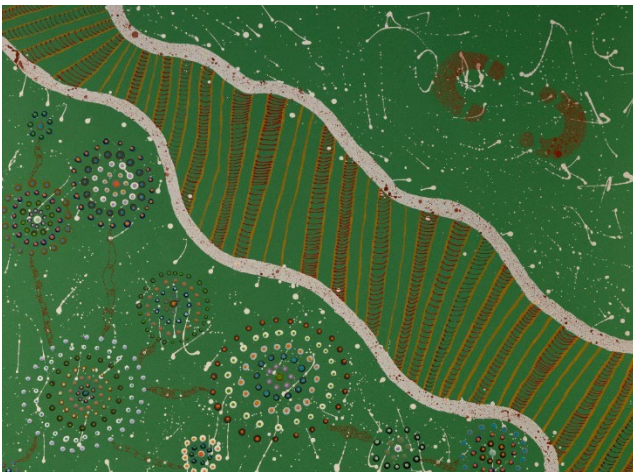
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Project Code            P0035022  
Report Number        Lodgement V2

## *Acknowledgment of Country*

Urbis acknowledges the Traditional Custodians of the lands we operate on. We recognise that First Nations sovereignty was never ceded and respect First Nations peoples continuing connection to these lands, waterways and ecosystems for over 60,000 years. We pay our respects to First Nations Elders, past and present.

Urbis is committed to incorporating our respect for First Nations cultures, peoples and storytelling in our work across the Country. We are proud to have partnered with Darug Nation artist, **Hayley Pigram**, and to profile her artwork – **Sacred River Dreaming**.



*The river is the symbol of the Dreaming and the journey of life. The circles and lines represent people meeting and connections across time and space. When we are working in different places, we can still be connected and work towards the same goal.*

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Environmental Impact Statement – 45–53 Macleay Street, Potts Point

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# EIS Declaration

Project Details		
Project name	Detailed Design for mixed-use development with infill affordable housing	
Application number	SSD-83867719	
Address	45-53 Macleay Street, Potts Point	
Applicant details		
Applicant name	T&P Chimes Development Pty Ltd	
Applicant address	264 George Street, Sydney NSW 2000	
Environment Impact Statement (EIS) prepared by		
Name	Annika Hather – Senior Consultant	Joanna Kontogiorgis – Consultant
Qualification	Bachelor of City Planning (Honours) – University of New South Wales	Bachelor of City Planning (Honours) – University of New South Wales
Declaration		
Name	Andrew Harvey – Partner	
Qualification	Bachelor of Planning (UNSW) Hons; Registered Environmental Assessment Planner (REAP)	
Registration number	73066	
Organisation registered with	Planning Institute of Australia	
The undersigned declares that this EIS:		
has been prepared in accordance with Part 8 Division 5 of the Environmental Planning and Assessment Regulation 2021.		
<ul style="list-style-type: none"><li>contains all available information relevant to the environmental assessment of the development, activity or infrastructure to which the EIS relates.</li><li>does not contain information that is false or mis-leading;</li><li>addresses the Planning Secretary’s environmental assessment requirements (SEARs) for the project.</li><li>identifies and addresses the relevant statutory requirements for the project, including any relevant matters for consideration in environmental planning instruments.</li><li>has been prepared having regard to the Department’s State Significant Development Guidelines – Preparing an Environmental Impact Statement.</li><li>contains a simple and easy to understand summary of the project as a whole, having regard to the economic, environmental and social impacts of the project and the principles of ecologically sustainable development.</li><li>contains a consolidated description of the project in a single chapter of the EIS;</li><li>contains an accurate summary of the findings of any community engagement; and</li><li>contains an accurate summary of the detailed technical assessment of the impacts of the project as a whole.</li></ul>		

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Signature

A handwritten signature in blue ink, appearing to read 'A. Harvey', is centered on a light blue rectangular background.

**Andrew Harvey (REAP)**

**27 March 2026**

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# Glossary and Abbreviations

Reference	Description
<b>ACHAR</b>	Aboriginal Cultural Heritage Assessment Report
<b>ADG</b>	Apartment Design Guide
<b>AEP</b>	Annual Exceedance Probability
<b>AHD</b>	Australia Height Datum
<b>ASS</b>	Acid Sulphate Soils
<b>BC Act</b>	Biodiversity Conservation Act 2016
<b>BCA</b>	Building Code of Australia
<b>B&amp;C SEPP</b>	State Environmental Planning Policy (Biodiversity and Conservation) 2021
<b>BDAR</b>	Biodiversity Development Assessment Report
<b>CBD</b>	Central Business District
<b>CHP</b>	Community Housing Provider
<b>CPTMP</b>	Construction Pedestrian Traffic Management Plan
<b>DCP</b>	Development Control Plan
<b>DES</b>	Design Excellence Strategy
<b>DIP</b>	Design Integrity Panel
<b>DPHI</b>	New South Wales Department of Planning, Housing and Infrastructure
<b>DSI</b>	Detailed Site Investigation
<b>EDC</b>	Estimated Development Cost
<b>EIS</b>	Environmental Impact Statement
<b>EP&amp;A Act</b>	Environmental Planning and Assessment Act 1979
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2021
<b>EPBC Act</b>	Environment Protection and Biodiversity Conservation Act 1999
<b>EPA</b>	New South Wales Environment Protection Authority
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>FIRA</b>	Flood Impact and Risk Assessment
<b>FSR</b>	Floor Space Ratio
<b>FPL</b>	Flood Planning Level
<b>GANSW</b>	Government Architect New South Wales

Reference	Description
<b>GFA</b>	Gross Floor Area
<b>GTIA</b>	TfNSW 2024 Guide to Transport Impact Assessment
<b>GTP</b>	Green Travel Plan
<b>HAIA</b>	Historical Archaeology Impact Assessment
<b>HARDEM</b>	Historical Archaeological Research Design and Excavation Methodology
<b>HCA</b>	Heritage Conservation Area
<b>HIS</b>	Heritage Impact Statement
<b>Housing SEPP</b>	State Environmental Planning Policy (Housing) 2021
<b>HPC</b>	Housing and Productivity Contribution
<b>ICNG</b>	Interim Construction Noise Guideline
<b>KHA</b>	Kerry Hill Architects
<b>LEP</b>	Local Environmental Plan
<b>LGA</b>	Local Government Area
<b>LSPS</b>	Local Strategic Planning Statement
<b>NML</b>	Noise Management Level
<b>NSW</b>	New South Wales
<b>NVIA</b>	Noise and Vibration Impact Assessment
<b>RAP</b>	Remediation Action Plan
<b>R&amp;H SEPP</b>	State Environmental Planning Policy (Resilience and Hazards) 2021
<b>RL</b>	Reduced Level
<b>PMF</b>	Probable Maximum Flood
<b>PSI</b>	Preliminary Site Investigation
<b>Planning Systems SEPP</b>	State Environmental Planning Policy (Planning Systems) 2021
<b>PPAS</b>	Preliminary Public Art Strategy
<b>SB SEPP</b>	State Environmental Planning Policy (Sustainable Buildings) 2022
<b>SEARs</b>	Secretary's Environmental Assessment Requirements
<b>SEPP</b>	State Environmental Planning Policy
<b>SIA</b>	Social Impact Assessment
<b>Site</b>	45-53 Macleay Street, Potts Point (SP 934)
<b>SLEP</b>	Sydney Local Environmental Plan 2012
<b>SP</b>	Strata Plan

<b>Reference</b>	<b>Description</b>
<b>SSD</b>	State Significant Development
<b>SSDA</b>	State Significant Development Application
<b>T&amp;I SEPP</b>	State Environmental Planning Policy (Transport and Infrastructure) 2021
<b>TfNSW</b>	Transport for New South Wales
<b>TIA</b>	Traffic Impact Assessment
<b>VIA</b>	Visual Impact Assessment
<b>VSR</b>	View Sharing Report
<b>WMP</b>	Waste Management Plan

# Executive Summary

## Purpose of this Report

This Environmental Impact Statement (**EIS**) has been prepared by Urbis Ltd (**Urbis**) on behalf of T&P Chimes Development Pty Ltd (Time & Place) (**the Applicant**). The EIS is submitted to the NSW Department of Planning, Housing and Infrastructure (**DPHI**) in support of a State Significant Development Application (**SSDA**) for the site at 45-53 Macleay Street, Potts Point (**the site**).

The site is located on Gadigal Country and the project team acknowledges the Gadigal people, their elders past and present and their deep and continuing connection to their land. In preparing this EIS, the project team acknowledges the importance of a Country-centred approach to the design, guided by Aboriginal people.

## Project Overview

SSD-83867719 seeks approval for the detailed design, construction and operation of a shop top housing development comprising:

- Four levels of basement car parking accessed from MacDonald Street.
- A 16-storey (RL 83.6 including plant) shop-top housing development comprising:
  - 121 sqm of ground floor retail (for food and beverage use).
  - 23 apartments across two-storeys of podium to be managed as affordable housing by a registered Community Housing Provider (**CHP**) for a 15-year period.
  - 589 sqm of communal open space on level 3.
  - 21 market housing units across 12-storeys.
- Significant landscaping and open space at the ground level in the form of the 'Chimes Garden'.

## Statutory Context

The project has an estimated development cost (**EDC**) of \$95,900,000 (excluding GST) and proposes 15% of the gross floor area as affordable housing. The project is therefore classified as a State Significant Development (**SSD**) under Schedule 1(26A) of the *State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)*.

This EIS has been prepared in accordance with the Environmental Planning and Assessment Act 1979 (EP&A Act), Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) and the Secretary's Environmental Assessment Requirements dated 7 February 2025.

The project follows the concept approval (SSD-79316759) which establishes the framework for future mixed-use development on the site and grants consent for Stage 1 demolition works comprising demolition of the existing building and structures on the site. SSD-79316759 was approved by the delegate of the Minister for Planning and Public Spaces on 18 December 2025.

## Strategic Context

All levels of strategic planning seek to facilitate additional housing supply (including diverse and affordable housing) and 'transit oriented development' through the '30 minute city' concept. The proposal meets these objectives, given it:

- Will provide 5,405 sqm of residential floor space, including 15% of the total gross floor area as affordable housing, offering housing choice in an accessible location

- Proposes high amenity residential accommodation in an accessible area. The site is located approximately 750m from the Kings Cross Station and proximate to several bus stops on Macleay Street. These transport services provide access to Greater Sydney, including key employment centres.
- Will contribute to a more balanced and resilient housing mix in Potts Point by increasing the supply of larger dwellings and affordable housing in an area characterised by a predominance of smaller apartments, directly responding to identified housing supply and affordability challenges.
- Provides employment generating, non-residential floor space on the ground floor to activate the ground plane and provide a balanced mix of land uses, as envisaged by the City of Sydney LSPS for the Macleay Street and Woolloomooloo Village.

## Community and Stakeholder Engagement

Engagement has been undertaken by the Project Team in the preparation of the SSDA having regard to the *Undertaking Engagement Guidelines for State Significant Projects 2024*. This includes direct engagement and consultation with traditional custodians, adjoining landowners and occupants, and government, agency and utility stakeholders.

The outcomes of this engagement have been addressed and incorporated into the project where practicable and are discussed in detail at Section 5 and **Appendix F** of this EIS.

## Assessment of Impacts

The proposal follows concept approval (SSD-79316759) and results in a more slender building footprint which improves solar access, view sharing and public domain outcomes in comparison to the concept approval. Impacts associated with the concept approval have already been contemplated, assessed and approved by the Department.

As discussed in **Section 6** of the EIS, the project will not result in significant environmental impacts and any residual impacts can be appropriately mitigated as summarised below:

- The proposal achieves design excellence and is the outcome of a competitive design process and subsequent design integrity panel review which has resulted in an improved built form outcome in comparison to the concept approval.
- The built form integrates with the character of the surrounding heritage conservation area and delivers a high level of amenity onsite and in surrounding areas, achieving ADG benchmarks for solar access, natural ventilation and privacy.
- The proposal delivers a net public benefit in comparison to the concept approval through improved solar access to 33 dwellings in the vicinity of the site.
- View sharing outcomes are acceptable and result in an improvement on the concept proposal due to a more slender tower footprint, providing some improved CBD views.
- High-quality landscaping, communal open spaces and deep soil areas will be provided to support the needs of future residents and the broader community.
- The proposal will deliver high positive social benefits associated with the substantial provision of dedicated affordable housing, improved housing quality and contribution to diversity in the predominant housing typology in Potts Point.
- Operational impacts relating to traffic, noise, waste, stormwater and flooding have been assessed as acceptable and will be appropriately managed to avoid adverse impacts on neighbouring properties.
- Construction-related impacts such as noise, traffic, waste, access and geotechnical matters will be temporary and appropriately managed through robust mitigation measures.

- The proposal will have a positive economic impact by creating 160 construction jobs and 12-13 operation jobs.

## Justification of the Project

The project represents a well-considered evolution of the approved concept, informed by the design excellence process to result in an improved built form outcome that improves solar access and view sharing outcomes for neighbouring properties.

The project is consistent with the objects of the Environmental Planning and Assessment Act 1979, particularly in promoting the orderly and economic use of land by revitalising a site where the existing housing stock is no longer fit for purpose and has reached its useable end of life. The project will also facilitate the delivery of housing and employment generating retail floorspace, whilst protecting the environment through the application of mitigation measures.

The project will deliver significant and measurable public benefits, such as the provision of additional housing, including 23 dedicated affordable housing units (over 50% of the units provided on site), public and communal open spaces, through site links and approximately 160 construction and 12-13 ongoing jobs.

In addition, the inclusion of 121 sqm of retail floorspace (for food & beverage use) will generate long-term employment opportunities and activate the public domain.

On balance, the project demonstrates strong strategic and site-specific merit, delivers clear social, economic and environmental benefits, and will not result in any significant environmental impacts, subject to the implementation of the mitigation measures described in this report and supporting documents.

The project is therefore considered to be in the public interest and should be approved.

# 1 Introduction

This Environmental Impact Statement (**EIS**) has been prepared by Urbis Ltd (**Urbis**) on behalf of Time & Place (**the applicant**). The EIS is submitted to the NSW Department of Planning, Housing and Infrastructure (**DPHI**) in support of a State Significant Development Application (**SSDA**) for the site at 45–53 Macleay Street, Potts Point (**the site**).

The EIS has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act), *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) and the Secretary's Environmental Assessment Requirements dated 16 May 2025.

The site is located on Gadigal Country and we acknowledge the Gadigal people, their elders past and present, and their deep and continuing connection to their land. In preparing this EIS we acknowledge the importance of a Country-centred approach to the design, guided by Aboriginal people.

## 1.1 Applicant Details

The applicant details for the proposed development are listed in the **Table 1**.

Table 1 Applicant Details

Proponent	T&P Chimes Development Pty Ltd (Time & Place)
Postal Address	Suite 34.02, 264 George Street, Sydney, NSW 2000
ACN	83647909073 / 647909073
Nominated Contact	Justyn Ng, Time & Place 0402 036 378 Justyn.ng@timeplace.com.au

## 1.2 The Project

The proposal seeks consent for the construction of an in-fill affordable housing residential development on the site under Chapter 2 Part 2 Division 1 of the State Environmental Planning Policy (Housing) 2021 (**Housing SEPP**). A brief description of the proposed development is provided below:

SSD-83867719 seeks approval for the detailed design, construction and operation of a shop top housing development comprising:

- Four levels of basement car parking accessed from McDonald Street.
- A 16-storey (RL 83.6 including plant) shop-top housing development comprising:
  - 121sqm of ground floor retail (for food and beverage use).
  - 23 apartments across two-storeys of podium to be managed as affordable housing for a 15-year period .
  - 589 sqm of communal open space on level 3.
  - 21 market housing units across 12-storeys.
- Significant landscaping and open space at the ground level in the form of the 'Chimes Garden'.

The proposal will include 15% of the gross floor area for affordable housing to be managed by a registered community housing provider for a 15-year period to utilise the height and floor space bonuses made available under the infill available housing provisions in the Housing SEPP.

## 1.3 Project Objectives

The intended outcome of the project is to provide a high-quality shop top housing development which provides both market-housing and purpose-built affordable housing in an accessible location. The project responds positively to the surrounding character and context, provides generous communal open space and an activated ground plane. This will provide a highly sustainable built form outcome with high residential amenity for future occupants, and which carefully manages impacts on surrounding properties.

## 1.4 Project Background

In the last five years, the NSW Government has recognised the need to build more homes for the State's growing population, boosting housing supply and improving affordability.

Under the National Housing Accord, NSW is tasked with delivering approximately 376,000 new well-located dwellings, including approximately 15,800 social and affordable dwellings by 2029.

In November 2023, the NSW DPHI released a policy initiative to incentivise and support the delivery of affordable housing under Chapter 2, Part 2, Division 1 of the Housing SEPP. This brings together all levels of government, investors, and the private sector to unlock quality affordable housing supply over the medium term.

The site is also strategically positioned proximate to transport corridors, services, Sydney CBD and recreational facilities, making it an ideal location to deliver fit for purpose affordable and market housing in accordance with the recent NSW Government policy direction.

### 1.4.1 Concept State Significant Development Application

A Concept SSDA was submitted to the Department of Planning, Housing and Infrastructure (DPHI) on 10 March 2025 (SSD-79316759) for demolition of existing structures and construction of a 13-storey mixed-use development comprising:

- Maximum gross floor area of 5,529.8 sqm including:
  - Retail – maximum 250m<sup>2</sup>
  - Residential – 5,279 m<sup>2</sup> including minimum 15% GFA for affordable housing
- Maximum building height of 50.05m (RL 78.12) or 13 storeys (*inclusive of 30% affordable housing bonus and 10% design excellence bonus*)
- Maximum floor space ratio of 4.29:1 (*inclusive of 30% affordable housing bonus and 10% design excellence bonus*)
- Ground floor retail and commercial uses with 12 storeys of residential tower above
- Three basement levels for parking, services and storage
- Vehicular and loading access from McDonald Street.

The Concept SSDA was publicly exhibited by the Department of Planning, Housing and Infrastructure (DPHI) from 2 April 2025 to 29 April 2025, and was later exhibited from 12 September to 25 September 2025 following an amendment to the scope of the proposal to include demolition of existing structures on the site. SSD-79316759 was approved by the delegate of the Minister for Planning and Public Spaces on 18 December 2025.

Consent for the demolition of existing structures on the site (comprising a two-storey car park and ten-storey brick and concrete residential tower) was granted as part of the Concept Approval (SSD-79316759).

### 1.4.2 Design Excellence and Integrity

In accordance with the Part 6, Division 4 of the Sydney Local Environmental Plan (LEP) 2012 and the endorsed Design Excellence Strategy (DES) for the site, a Design Competition was held for the proposal between January and March 2025. Five architectural teams were invited to participate:

- SJB
- Bates Smart
- Smart Design Studios
- FJC Studio
- Kerry Hill Architects.

The Jury unanimously resolved that the scheme prepared by Kerry Hill Architects (KHA) best demonstrated the ability to achieve design excellence as per Part 6, Division 4 of the SLEP and the competition brief requirements and therefore awarded the KHA scheme as the winner.

The KHA scheme has since undergone design development which has been reviewed by the Design Integrity Panel (DIP) established for the project to ensure that the principles of design excellence from the winning proposal are retained and / or improved in the SSD scheme. A comparison of the design competition winning scheme and the proposal is provided in **Figure 1** and **Figure 2**. Refer to **Section 6.1** and the Design Integrity Report (**Appendix J**) for a more detailed discussion of design excellence.

*Figure 1 Comparison of the competition winning scheme (left) and proposed SSDA (right) viewed from Macleay Street*



Source: KHA

Figure 2 Comparison of design competition winning scheme (left) and proposed scheme (right) viewed from McDonald Lane



Source: KHA

### 1.4.3 Restrictions and Covenants

No easements or covenants were identified on the Title Certificate.

# 2 Strategic Context

This section of the EIS describes the key features of the site and its relationship to its local context. It also discusses how the project aligns with relevant strategic planning policy. It identifies other projects that should be considered in assessing the cumulative impacts of the project and also outlines the potential feasible alternatives explored by the applicant.

## 2.1 Key Features of Site and Locality

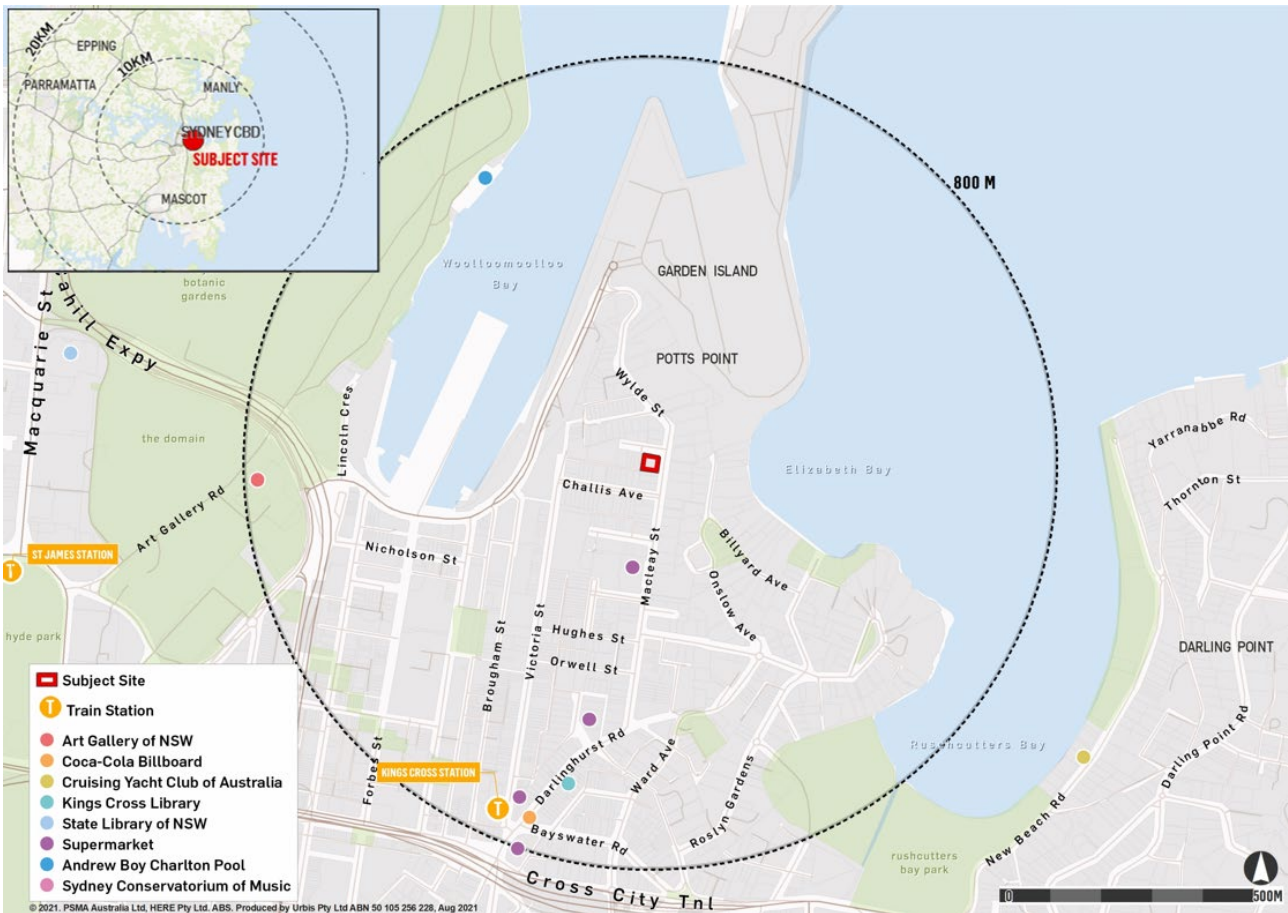
The location of the site is illustrated in **Figure 3**. A map of the site in its regional setting is provided at **Figure 4**. The key features of the site are described in **Table 2** below. Photographs of the current site condition are provided in **Figure 5**.

Figure 3 Local Context Map



Source: Urbis

Figure 4 Regional Context



Source: Urbis

Table 2 Site and Locality Description

Characteristic	Description
<b>Key Site Features</b>	
Country	Gadigal Country
Address	45-53 Macleay Street, Potts Point NSW 2011
Legal Description (Title Particulars)	SP 934
Zoning	MU1 Mixed Use (Sydney LEP 2012)
Existing Use / Structures	The existing building was constructed in the 1960s and comprises a 12-storey residential flat building. The existing building is positioned in the north-east corner of the site, with parking situated on the remainder of the ground floor and Level 1. Consent for the demolition of these existing structures has been granted under the Concept SSDA for the site (SSD-79316759).
Site Area	Approximately 1,289 sqm
Land Ownership	T&P Chimes Investment Pty Ltd
Site Frontage	The site has a primary frontage to Macleay Street (which accommodates pedestrian access to the building), a secondary

	frontage to McDonald Street (which provides vehicular access) and a laneway frontage to McDonald Lane.
Site Width	<ul style="list-style-type: none"> <li>▪ 31.09m to McDonald Street</li> <li>▪ 32.03m to Macleay Street</li> <li>▪ 36.55m to Southern boundary</li> <li>▪ 33.41m to McDonald Lane</li> </ul>
Vehicular/Site Access	The site has a primary frontage to Macleay Street (which accommodates pedestrian access to the building), a secondary frontage to McDonald Street (which provides vehicular access) and a laneway frontage to McDonald Lane.
Adjacent land uses North	On the opposite side of McDonald Street are 3 and 4-storey residential flat buildings.
Adjacent land uses East	On the opposite side of Macleay Street are several residential flat buildings, including the 10 level Macleay Regis apartment building.
Adjacent land uses South	Directly adjacent is a 4-storey hotel known as the “Whitehouse”, “The Yellow House” heritage building at 57-59 Macleay Street, and further south, various 3-storey residential buildings with retail on the ground floor.
Adjacent land uses West	On the opposite side of McDonald Lane are a series of predominantly 2-4 level Victorian era terrace housing and small apartment buildings.
Topography	The site is situated on relatively flat topography.
Vegetation	The site contains minimal vegetation, mostly overgrown plants. Surrounding streets support varying densities of street tree planting, in particular along Macleay Street and McDonald Street.
Stormwater and Flooding	The 1% AEP flood level varies from 29.053m AHD at the South-East Corner of the site adjoining Macleay Street to 27.474m AHD at the north-west corner of the site adjoining McDonald Street.
Heritage	<p>The site is not listed as a local or State heritage item, however it is within the C51 Potts Point Heritage Conservation Area (<b>HCA</b>). The site is mapped as a ‘detracting item’ to the Potts Point HCA within the Sydney DCP 2012. The Sydney DCP 2012 defines detracting buildings as buildings intrusive to the HCA which do not represent a key period of significance and detract from the character of a HCA.</p> <p>The site also adjoins several heritage items, listed below:</p> <ul style="list-style-type: none"> <li>▪ Item 1139 – Terrace house “<i>Santa Fe</i>” including interior.</li> <li>▪ Item 1140 – Former artists’ studio “<i>The Yellow House</i>” including interior.</li> <li>▪ Item 1141 – Flat building “<i>Wirrawa</i>” including interior.</li> <li>▪ Item 591 – Flat building “<i>Macleay Regis</i>” including interior.</li> <li>▪ Item 1198 – Flat building including interior.</li> </ul>

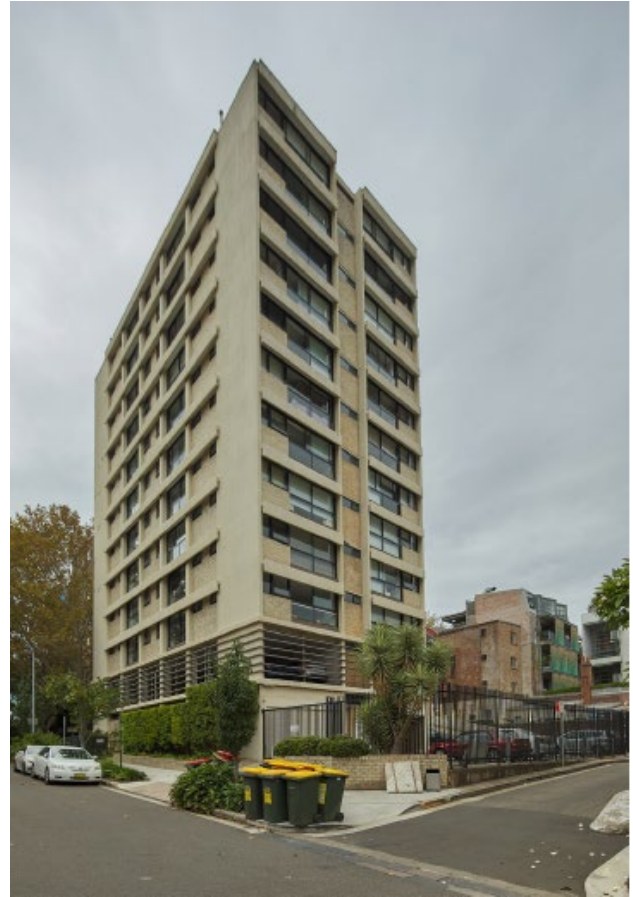
Aboriginal Archaeology	An Aboriginal Cultural Heritage Assessment Report ( <b>ACHAR</b> ) was prepared by Urbis Heritage which concludes that the archaeological potential of the site is nil to very low, given the high level of historical ground disturbance.
Bushfire	The site is not mapped as bushfire prone.
Geotechnical	The site is underlain by Hawkesbury Sandstone.
Acid Sulfate Soils	Class 5
Contamination	<p>A Preliminary Site Investigation (<b>PSI</b>) and a Detailed Site Investigation (<b>DSI</b>) were undertaken by JK Environments (<b>Appendix Z</b> and <b>Appendix AA</b>) which identified potential contamination sources from fill material, pesticides, hazardous building materials and current and historical dry cleaners within proximity of the site.</p> <p>The findings of the PSI and DSI have been considered in detail in <b>Section 6</b> below.</p>
<b>Surrounding Locality</b>	
Public Transport	<p>The subject site is located 750m from Kings Cross Station which provides direct services into the Sydney CBD as well as key centres such as Bondi Junction, Redfern, Kogarah and Hurstville.</p> <p>Bus stops are located adjacent to the site on Macleay Street, servicing the 311 route. The 311 runs every 10 minutes on average throughout the day and provides a connection between Potts Point, Central Station and Barangaroo.</p>
Surrounding Roads	Vehicular traffic is contained to the linear connection of Cowper Wharf Road, Wylde Street and Macleay Street. This street system is two way and carries both private vehicles and public transport.
Social Infrastructure (Schools/Hospitals etc.) and Open Space	The site is in Potts Point, which is well serviced by public amenities such as a supermarket, cafes, destination retail shops and a library. Further afield is the Sydney CBD and the Royal Botanic Gardens to the west, and Elizabeth Bay and Rushcutters Bay to the east. Community facilities such as swimming pools, tennis courts, active open space are easily accessible, as are arts institutions such as the Gallery of New South Wales and the Darlinghurst Theatre.
Utility Services	The site is located within an established urban area. All utility services already service the surrounding locality and are capable of being augmented to accommodate the proposed development.
Any other key regional characteristics	The site is located approximately 12km north of Sydney Airport.

Figure 5 Site and Locality Photographs



Picture 1 View from North (Macleay Street)

Source: Urbis



Picture 2 View from North West (McDonald Street)

Source: Urbis

## 2.1.1 Demographic context

ABS data indicates that Potts Point is one of the most densely developed and apartment-dominated suburbs in NSW, with residential flat buildings accounting for approximately 87% of the local housing stock. The area is characterised by a predominance of smaller dwellings, with studios, one- and two-bedroom apartments comprising the overwhelming majority of housing in the suburb and a comparatively limited supply of larger, family-sized apartments.

This demographic and dwelling profile reflects both the established urban character of Potts Point and the limited opportunity for traditional low-density housing forms. As a result, redevelopment activity within the suburb typically involves the renewal of existing apartment buildings nearing the end of their economic life, rather than greenfield or low-rise infill development. In this context, new residential development plays an important role in responding to changing household needs and supporting residents to remain within the area as their circumstances evolve.

## 2.2 Other development in the area

The site is located within the suburb of Potts Point in Sydney's CBD. Approved and likely future major projects which may be relevant in the cumulative impact assessment of the proposal are summarised in **Table 3**.

Table 3 Nearby Projects / Development

SSDA Reference	Development Description	Current Status
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SSD-78363487	134 William Street, Woolloomooloo Part 12 and part-14 storey mixed-use development with affordable housing.	SEARs issued 20 December 2024
SSD-84718460	203-225 Victoria Street, Potts Point Mixed use development comprising residential accommodation and associated retail. This project has been endorsed by the Housing Delivery Authority and will be accompanied by a concurrent rezoning proposal.	SEARs issued 27 May 2025
SSD-88739961	91-93 Macleay Street & 10-12 Hughes Street, Potts Point Construction of a part six storey and a part 11 storey mixed-use development with in-fill affordable housing containing approximately 64 apartments (of which approximately 28 will be affordable housing apartments) and basement car parking.	SEARs issued 25 July 2025
D/2024/524	117 Victoria Street, Potts Point Construction of a residential flat building comprising 25 apartments	Approved September 2025
D/2024/568	23 Hughes Street, Potts Point Demolition of existing building and construction of a five-storey co-living development	Approved June 2025
D/2024/947	90-98 Brougham Street, 169 Victoria Street and 171-173 Victoria Street Potts Point Shop top housing development comprising 5 dwellings	Approved April 2025
D/2024/493	2 Macleay Street, Potts Point Alterations and additions to the existing dwelling known as Jenner House, including conservation and restoration works, landscaping, extension of the existing basement, new glass house and reinterpretation of the stables.	Approved January 2025
D/2022/1251	95 Macleay Street, Potts Point Demolition of existing building and construction of six (6) storey shop top housing development including basement, ground floor commercial, and residential uses above.	Approved February 2024
D/2022/1363	61-63 Macleay Street, Potts Point Alterations and additions to the existing building, including excavation and construction of a new basement level, new ground floor extension, two storey addition, ground floor restaurant and hotel accommodation at levels 1-4.	Approved May 2024
D/2024/1237	89 Macleay Street, Potts Point Substantial demolition of existing contributory building and construction of a 6-storey mixed use development	Under appeal

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comprising retail and residential uses on the ground floor, with 5 levels of residential above and rooftop communal open space and pool.

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The potential cumulative impacts of the project are addressed in **Section 6** of the EIS in accordance with the DPHI *Assessing Cumulative Impacts* guidelines.

## 2.3 Agreements with Other Parties

No agreements have been made with other parties at the time of writing this EIS.

## 2.4 Feasible Alternatives

Clause 192(1)(c) of the *Environmental Planning and Assessment Regulation 2021* (**the Regulation**) requires an analysis of any feasible alternatives to the proposed development, including the consequences of not carrying out the development.

The project team examined several feasible alternatives to the proposed development as outlined in **Table 4**.

Table 4 Project Alternatives

Option	Discussion
Option 1 – Do Nothing	A 'do nothing' approach would fail to maximise on the site's locational amenity and proximity to Sydney CBD. This approach would fail to provide an improved interface with both the public domain and surrounding neighbourhood, and would limit the potential to provide purpose-built affordable housing in a highly accessible area. Consent has also already been granted for the demolition of the existing building on the site, so a 'do nothing approach' would not realise the building envelope and land use mix which has already been assessed and supported by DPHI.
Option 2 – Alternative Location	The site has been determined to be the most suitable location for the development, as it will enable the renewal of a building reaching the end of its life, which provides a significant opportunity for redevelopment. The site will also result in a highly favourable development outcome as it enables the location of affordable housing in close proximity to public transport, social infrastructure, public open space and Sydney's CBD which aligns with strategic and policy directions set out by the NSW Government.
Option 3 – Alternative Designs	The design development process involved a design competition in accordance with NSW Government Architect Guidelines. Five reputable Australian architectural were invited to prepare concept designs for the project. The design competition jury selected Kerry Hill Architects as the preferred architect for the project, determining that their design was the most capable of achieving design excellence.
Option 4 – The proposal	The proposed development is considered the most appropriate and feasible option for the site for the reasons outlined above and listed below: <ul style="list-style-type: none"><li>▪ The site has been strategically identified as suitable for the provision of new homes, located in an accessible area with high amenity and serviced by existing infrastructure.</li><li>▪ The provision of new market and affordable homes in this location will meet local and State demand for housing delivery and affordability.</li></ul>

- The proposed development will ensure the delivery of quality affordable housing dwellings with a high level of amenity and accessibility.

## 2.5 Strategic Planning Alignment

The proposed development is aligned with the State, district and local strategic plans and policies applying to the site as outlined in **Table 5** below.

Table 5 Strategic Planning Consistency

Plan	Detail
National Housing Accord	<p>The National Housing Accord sets an aspirational target to deliver 1 million well-located homes between mid-2024 and 2029. The National Housing Accord was established by the Australian Federal Government and sets the policy platform for state planning departments to enact housing and planning policy reforms. Under the National Housing Accord, NSW is tasked with developing approximately 377,000 new well-located dwellings, including approximately 15,800 social and affordable dwellings by 2029.</p> <p>In November 2023, the DPHI released a policy initiative to incentivise and support the delivery of infill affordable housing under <i>State Environmental Planning Policy (Housing) 2021 (Housing SEPP)</i>. The proposed development is eligible for and makes use of the infill affordable housing provisions.</p> <p>Importantly, the proposal delivers a substantial increase in residential floor space within an established, accessible inner-city location. The development will provide 44 new high-quality market and affordable apartments. The existing building on the site (which has consent for demolition under the approved Concept SSD) contains approximately 2,900 sqm of residential GFA. By contrast, the proposed development delivers approximately 5,407 sqm of residential GFA, representing an increase of approximately 86%. Of this total, 15% of residential GFA is dedicated to purpose-built affordable housing in perpetuity.</p> <p>Through both the quantum of new residential floor space and the provision of dedicated affordable housing, the proposal makes a meaningful and direct contribution to the objectives of the National Housing Accord and the NSW Government’s housing supply and affordability agenda, while also activating the ground plane through the provision of a retail tenancy in a highly accessible location.</p>
Greater Sydney Region Plan – A Metropolis of Three Cities	<p>The Greater Sydney Region Plan (Regional Plan) is the overarching strategic plan that seeks to shape future development for the Sydney metropolitan area over the next 40 years. Under the Region Plan, the site is located within the Eastern City District, which forms as part of the Eastern Harbour City.</p> <p>The project is consistent with the Regional Plan for these reasons:</p> <ul style="list-style-type: none"> <li>▪ <b>Objective 10 – Greater Housing Supply:</b> The proposal will contribute to housing supply and affordability in a location with access to jobs, services and public transport and in close proximity to the Sydney</li> </ul>

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CBD. The proposal also includes 15% affordable housing provision to assist in meeting the area's affordable housing targets.

- **Objective 11 – Housing is more diverse and affordable:** The proposal includes 23 units that will be dedicated as affordable housing to be managed by a registered Community Housing Provider for a 15 year period which will assist in meeting the significant demand for affordable housing in Sydney's CBD. ABS data indicates a pronounced imbalance in the local housing mix in Potts Point, with a significant undersupply of larger apartments. The proposed 21 three and four bedroom market apartments will assist in meeting the strong latent demand for larger dwellings, particularly for families, multi-generational households and residents seeking to remain in the area as their housing needs change.
- **Objective 14 – Integrated land use and transport creates walkable and 30-minute cities:** The proposal is located on a well-located site within walking distance of train and bus services providing access to Sydney CBD and other neighbouring suburbs.
- **Objective 22 – Investment and business activity centres:** Through the integration of ground floor retail, the proposal will support the activation of urban areas and promote economic activity.

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Eastern City District Plan

The Eastern City District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to implement the objectives of the Greater Sydney Region Plan.

The project is consistent with the Eastern City District Plan for these reasons:

- **Planning Priority E3 – Providing services and social infrastructure to meet people's changing needs:** The proposal supports the provision of much needed well-located and diverse housing in accordance with the National Housing Accord.
- **Planning Priority E5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport:** The proposal will provide housing supply, including both market and affordable housing, in close proximity to the economic centre of Sydney and in a location with strong public transport accessibility and social infrastructure.
- **Planning Priority E10 – Delivering integrated land use and transport planning and a 30-minute city:** The proposal is located on a well-located site within walking distance of train and bus services providing access to Sydney CBD and other neighbouring suburbs.

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NSW Housing Strategy: Housing 2041

In March 2021, the NSW Housing Strategy: Housing 2021 was released. It sets out a long-term (20 year) strategy for better housing outcomes across NSW. High density housing and affordable housing was identified as an important housing typology to expand housing choice across the state.

This proposal is well positioned to deliver both housing choice and affordability through the varied apartment types and the delivery of 23 affordable housing studio apartments.

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City Plan 2036: Local Strategic Planning Statement

The City of Sydney Council Local Strategic Planning Statement (**LSPS**), *City Plan 2036* identifies a 20-year vision for managing growth and change in land use in the local area and is intended to shape and inform how the

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*Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 will evolve over time to facilitate strategic planning objectives.*

City Plan 2036 includes 13 priorities and a series of actions under five key themes:

- A city for people;
- A city that moves;
- An environmentally responsive city;
- A lively, cultural and creative city; and
- A city with a future-focused economy.

As identified in the LSPS, the site is located within the Macleay Street and Woolloomooloo Village (**Village**). The LSPS provides a vision for the Village to develop 1,000 dwellings and deliver 600 jobs by 2036. The proposal will be able to help accommodate the goals and desired strategic outcomes of the Village through the delivery of 44 new dwellings in an accessible location. The proposal relates to a mixed-use development that will deliver a diverse mix of housing typologies, including an infill affordable housing element. The site is well-located for new housing within a walkable neighbourhood close to public transport and Sydney CBD. The development demonstrates design excellence, provides excellent residential amenity and ground floor retail that will contribute to street activation and vibrancy of the area.

The proposal ultimately contributes to the LSPS's goal of achieving 11,000 affordable housing dwellings by 2036.

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Housing for All – City of Sydney Local Housing Strategy

Housing for All – City of Sydney Local Housing Strategy provides a plan to increase housing supply, diversity, and affordability to meet the needs of current and future residents.

The proposal is consistent with the Housing Strategy as it will contribute to the increase in housing supply and diversity through the provision of 21 market and 23 affordable housing units. The proposal assists in increasing the housing diversity offering in Potts Point through the provision of larger market housing units to meet the identified need for families and multi-generational households. This aligns with the strategy's emphasis on providing affordable and innovative housing solutions to meet the needs of diverse community groups. Additionally, the integration of ground-level retail supports the creation of sustainable and liveable communities, enhancing the overall quality of life for residents and fostering vibrant, mixed-use urban environments.

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Sustainable Sydney 2030-2050

Sustainable Sydney 2030-2050 outlines the vision and strategic framework for the city's sustainable development over the next three decades. The plan focuses on creating a green, global, and connected city, addressing key areas such as environmental sustainability, economic resilience, social equity, and cultural vitality.

The proposal is consistent with the key directions of Sustainable Sydney 2030 – 2050, particularly Direction 10, 'Housing for all' as it aims to increase housing diversity and affordable housing in the LGA.

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Future Transport Strategy

The NSW Future Transport Strategy is a long-term plan for transforming the transportation landscape in New South Wales. It aims to create a modern, efficient, and customer-focused transport system that can adapt to

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emerging technologies and cater to the evolving needs of a growing population.

The strategic location of retail and market and affordable housing units in the suburb of Potts Point which is an approximately 10-minute train ride to Sydney's CBD from Kings Cross station delivers economic benefits for Sydney by enhancing connectivity between businesses, dwellings and people. The proposal provides an opportunity to boost the city's productivity by allowing residents to access jobs faster and more reliably. The proximity of the site to community services, open space and public transport infrastructure encourages the use of existing active transport networks to reduce automobile reliance, to decrease congestion and to reduce environmental impacts.

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#### Better Placed

Better Placed is an integrated design policy for the built environment developed by the NSW Government Architect. The policy aims to enhance the quality of life for the people of New South Wales by promoting good design in the planning, design, and construction of buildings, spaces, landscapes, and neighbourhoods.

The project is consistent with the seven key Better Placed objectives as it has been subject to an extensive design review that involved a collaborative, cyclical and iterative process. The final design outcome accommodates a built form that is sustainable, functional, sensitive to its context and visually distinctive as encouraged by the objectives of Better Placed.

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#### Connecting to Country Framework

The NSW Government Architect's "Connecting to Country" framework aims to integrate Aboriginal cultural knowledge into the planning, design, and development of the built environment. It seeks to foster a deep respect and understanding of the Aboriginal connection to Country, promoting its recognition and celebration in contemporary design and planning. The framework serves as a guide to create spaces that are culturally inclusive, sustainable, and reflective of Australia's rich Aboriginal heritage.

The proposed detailed Landscaping has been informed by Connecting with Country principles including through the landscape elements and endemic planting.

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## 2.6 Justification Summary

The project is considered to be aligned with the overall strategic context for these reasons:

- By leveraging the site's strategic location and applying the Housing SEPP's infill affordable housing provisions, the proposal delivers 44 high-quality dwellings, including 23 affordable units, that directly contribute to NSW's target of 377,000 well-located homes under the National Housing Accord. The proposal will also provide 5,405 sqm of residential floor space, which represents approximately 2,496sqm of additional residential floor space in comparison to the existing building on the site.
- The project has considered the wider locality including surrounding infrastructure, public transport and the cumulative impacts of other projects in accordance with DPHI's Cumulative Impact Assessment Guidelines for State Significant Projects. The development of the proposal has taken into consideration other projects within Central Sydney including the management of any concurrent construction impacts.

- A comprehensive alternatives analysis found that only the proposed scheme delivers a high-amenity and feasible outcome. The proposal maximises the site's strategic location near the CBD, renews an ageing building that cannot meet current design standards, and provides a balanced mix of market and affordable housing that responds to changing market conditions and State policy priorities.
- The project is strongly aligned with State and local strategic planning frameworks, delivering a well-located mix of market and affordable housing that addresses identified supply and diversity gaps, supports walkable access to jobs and services and activates the public domain with ground floor retail.

# 3 Project Description

The following section of the EIS summarises the key numeric components of the proposed development and describe the demolition, site preparation, construction and operational phases in further detail.

## 3.1 Description of the proposal

The key components of the project are summarised in **Table 6**. A copy of the architectural plans is included at **Appendix G**.

Table 6 Project Summary

Project Element	Summary
Description of the proposal	A 16-storey shop top housing development comprising ground floor retail, 44 residential apartments (23 of which will be managed as affordable housing for a 15-year period), four (4) levels of basement car parking, landscaping and communal open space.
Gross Floor Area (GFA)	Total 5,529m <sup>2</sup> , comprising: <ul style="list-style-type: none"> <li>▪ Residential: 5,407m<sup>2</sup> <ul style="list-style-type: none"> <li>– Market dwellings: 4,547m<sup>2</sup></li> <li>– Affordable dwellings: 860m<sup>2</sup></li> </ul> </li> <li>▪ Retail (food and beverage): 121m<sup>2</sup></li> </ul>
Apartments and mix	44 units comprising 23 affordable housing units and 21 market units. The dwelling mix comprises: <ul style="list-style-type: none"> <li>▪ Studio – 23 apartments (52.3%)</li> <li>▪ 3 bedroom – 19 apartments (43.2%)</li> <li>▪ 4 bedroom – 2 apartments (4.5%).</li> </ul>
Building height	16 storeys (RL 83.6 including plant)
Floor space ratio (FSR)	4.29:1
Parking	<ul style="list-style-type: none"> <li>▪ 60 car parking spaces will be provided in the basement, comprising: <ul style="list-style-type: none"> <li>– Residential: 52 spaces</li> <li>– Visitor: 6 spaces</li> <li>– Retail: 2 spaces</li> </ul> </li> <li>▪ Of the 60 spaces, 8 comprise accessible spaces.</li> <li>▪ 6 motorcycle parking spaces will also be provided in the basement.</li> <li>▪ 53 bicycle parking spaces on Basement Level 2.</li> </ul>
Loading dock	<ul style="list-style-type: none"> <li>▪ The loading dock includes a single loading bay.</li> </ul>
Vehicular access	<ul style="list-style-type: none"> <li>▪ Vehicle access to the loading dock and basement car park is provided off McDonald Street.</li> </ul>
Pedestrian access	<ul style="list-style-type: none"> <li>▪ Residential access to the ground floor retail is provided off Macleay Street.</li> </ul>

	<ul style="list-style-type: none"> <li>Residential access to the tower and podium lobbies is provided off the communal open space accessed via Macleay Street.</li> </ul>
Associated works and landscaping	<ul style="list-style-type: none"> <li>Excavation, retention and piling works</li> <li>96 sqm of communal open space located at Level 2</li> <li>589 sqm of communal open space located at Level 3</li> <li>324 sqm 'Chimes Garden' at the ground level which comprises 174 sqm (14% of the site area) as deep soil</li> </ul>
Operation	<ul style="list-style-type: none"> <li>The fit out and operation of the retail tenancy on the ground floor will be subject to separate detailed applications.</li> </ul>
Affordable housing	<ul style="list-style-type: none"> <li>The proposal will deliver 15% of the residential GFA as affordable housing for a 15-year period. The affordable housing will managed by Evolve Housing who are a registered Community Housing Provider.</li> </ul>
Jobs	<ul style="list-style-type: none"> <li>160 full time equivalent construction jobs</li> <li>12 full time equivalent operational jobs</li> </ul>
Estimated Development Cost (EDC)	<ul style="list-style-type: none"> <li>\$95,900,000</li> </ul>
Construction staging	<ul style="list-style-type: none"> <li>The construction will be undertaken in stages as follows: <ul style="list-style-type: none"> <li>Bulk excavation and piling: 7 months</li> <li>Structural works: 18 months.</li> </ul> </li> </ul>
Construction hours	<ul style="list-style-type: none"> <li>The project seeks consent for the following construction hours: <ul style="list-style-type: none"> <li>Monday to Friday: 7am to 6pm.</li> <li>Saturday: 8am to 1pm.</li> <li>Sundays and public holidays: No works.</li> </ul> </li> </ul>

## 3.2 Amendments to the Concept Proposal

The following table and **Figure 6** summarises the amendments to the concept SSD (SSD-79316759) proposed as part of this application.

Table 7 Summary of Concept SSD Amendments

Project Element	Concept SSD	Concept SSD (with design excellence bonus)	Detailed SSD	Difference
Building Height	<ul style="list-style-type: none"> <li>45.5m (RL 73.54)</li> </ul>	<ul style="list-style-type: none"> <li>50.05m (RL 78.12)</li> </ul>	<ul style="list-style-type: none"> <li>56.01m (RL 83.6)</li> </ul>	<ul style="list-style-type: none"> <li>+RL 5.96</li> </ul>
GFA / FSR	<ul style="list-style-type: none"> <li>3.9:1 (5,029.05sqm)</li> </ul>	<ul style="list-style-type: none"> <li>4.29:1 (5,529.8sqm)</li> </ul>	<ul style="list-style-type: none"> <li>4.29:1 (5,529sqm)</li> </ul>	<ul style="list-style-type: none"> <li>-0.8sqm</li> </ul>
<b>Setbacks</b>				
North (McDonald Street)	<ul style="list-style-type: none"> <li>Ground to Level 2: nil</li> <li>Levels 3-12: 3m</li> </ul>		<ul style="list-style-type: none"> <li>Ground to Level 3: nil</li> <li>Levels 4 to 15: 1.9m</li> </ul>	<ul style="list-style-type: none"> <li>Varied</li> </ul>

East (Macleay Street)	<ul style="list-style-type: none"> <li>Basement levels: 2m</li> <li>Ground to Level 3: 2m</li> <li>Levels 4 to 12: 3m</li> </ul>	<ul style="list-style-type: none"> <li>Ground to Level 3: 1.5m</li> <li>Levels 4 to 15: 3.4m</li> </ul>	
South (neighbouring property)	<ul style="list-style-type: none"> <li>Ground to Level 3: nil setback where aligned with neighbouring terrace, 6m for levels 1 to 2 where not aligned with neighbouring terrace</li> <li>Level 4: 6m</li> <li>Levels 5 to 12: 9m</li> </ul>	<ul style="list-style-type: none"> <li>Ground to Level 3: 9m</li> <li>Levels 4 to 14: 10.5m</li> <li>Level 15: 18m</li> </ul>	
West (McDonald Lane)	<ul style="list-style-type: none"> <li>Ground to Level 3: 3.8m</li> <li>Levels 4 to 12: 5.3m</li> </ul>	<ul style="list-style-type: none"> <li>Ground: 0.9m</li> <li>Levels 1 to 3: 3.8m</li> <li>Levels 4 to 15: 5.6m</li> </ul>	
Basement Extent	3 levels of basement.	4 levels of basement.	<ul style="list-style-type: none"> <li>+1 basement levels</li> </ul>

Figure 6 Proposal with concept envelope overlaid



Source: KHA

# 4 Statutory Context

This section of the report provides an overview of the key statutory requirements relevant to the site and the project, including:

- *NSW Biodiversity Act 2016 (BC Act)*
- *Environmental Planning and Assessment Act 1979 (EP&A Act)*
- *Environmental Planning Assessment Regulation 2021 (the Regulations)*
- *State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP)*
- *State Environmental Planning Policy (Resilience and Hazards) 2021 (R&H SEPP)*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021 (B&C SEPP)*
- *State Environmental Planning Policy (Sustainable Buildings) 2022 (SB SEPP)*
- *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)*
- *Sydney Local Environmental Plan 2012*

Consideration is also required to be given to the following matters:

- Concept State Significant Development Application Consent (SSD-79316759)
- Sydney Development Control Plan 2012

It identifies the key statutory matters which are addressed in detail within the EIS, including the power to grant consent, permissibility, other approvals, pre-conditions and mandatory considerations.

## 4.1 Statutory Requirements

The following sections provide a summary of the relevant statutory requirements having regard to the *State Significant Development Guidelines*. A detailed statutory compliance table for the project is provided at **Appendix C**.

### 4.1.1 Power to Grant Approval

The legal pathway under which the consent is sought, why this pathway applies, and the relevant consent authority is outlined in **Table 8**.

Table 8 Power to Grant Approval

Matter	Consideration
<b>Declaration of SSD</b>	<p>Under Schedule 1(26A) of the Planning Systems SEPP, residential development with at least 10% affordable housing that has an Estimated Development Cost (EDC) of more than \$75 million is classified as SSD.</p> <p>The residential component of the proposed development has an estimated EDC of \$94,290,000 (<b>Appendix E</b>). The proposal also proposes 15% GFA as affordable housing. As such the proposal is SSD.</p>
<b>Consent Authority</b>	Under section 4.5 of the EP&A Act

### 4.1.2 Permissibility

The permissibility of proposed development is outlined in **Table 9**.

Table 9 Permissibility

Matter	Consideration
Land use(s)	Shop top housing comprising ground floor retail (food and beverage) with residential above (including affordable housing).
Land use zone(s)	MUI Mixed Use under the Sydney LEP 2012
Permissibility	Development for the purpose of shop top housing is permitted with consent in the MUI zone.

### 4.1.3 Other Approvals

The other approvals required to carry out the project are outlined in **Table 10** below.

Table 10 Other Approvals

Matter	Consideration	Applies (Y/N)
Consistent approvals s4.42 of the EP&A Act 1979	<b>Act</b>	
	Fisheries Management Act 1994 (s144)	N
	Coal Mine Subsidence Compensation Act 2017 (s22)	N
	Mining Act 1992 (380A)	N
	Petroleum (Onshore) Act 1991 (s24A)	N
	Protection of the Environment Operations Act 1997 (s43)	N
	Roads Act 1993 (s138)	N
	Pipelines Act 1967	N
EPBC Act	<p>The Environmental Protection and Biodiversity Conservation Act 1999 (<b>EPBC Act</b>) protects and manage nationally and internationally important flora, fauna, ecological communities, and heritage places. Bilateral Agreement 18 allows for the streamlining of environmental assessments and approvals between the Australian Government and the states and territories, ensuring both levels of government work together to protect Australia's unique environment while reducing duplication in the approval process.</p> <p>A Biodiversity Development Assessment Report (<b>BDAR</b>) Waiver has been granted for the proposal, confirming that the proposed development is not likely to significantly impact any EPBC Act listed threatened species or communities, or any Matters of National Environmental Significance. Therefore, it will not need a referral under the EPBC Act.</p>	
Other Approvals	None required.	
Approvals etc. that do not apply	Fisheries Management Act 1994 – permit under s201,205 or 219	
	Heritage Act 1977 – approval under part 4 or excavation permit under s139	
	National Parks and Wildlife Act 1974 – an Aboriginal Heritage Impact Permit, s90	

Rural Fires Act 1997 – a bush fire safety authority under s100B

Water Management Act 2000 – a water use approval s89, water management work approval s90 or activity approval (other than an aquifer interference approval) s91.

## 4.2 Pre-Conditions to Granting Consent

**Table 11** outlines the pre-conditions to exercising the power to grant approval which are relevant to the project and the section where these matters are addressed within the EIS.

Table 11 Pre-Conditions

Statutory Reference	Pre-Condition	Section in EIS
Resilience and Hazards SEPP – clause 4.6(1)	Potential sources of contamination exist at the site but are not expected to preclude the proposed development.  Under the SEPP a consent authority must be satisfied that the land is suitable in its contaminated state – or will be suitable, after remediation – for the purpose for which the development is proposed to be carried out.	<b>Section 6.11</b> and <b>Appendix AA.</b>
EP&A Act – Section 4.24 Concept Development Consent	A concept development consent (SSD-79316759) applies to the site.  Determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site.	<b>Appendix B.</b>
SEPP Housing Chapter 2 Part 2 Div 1 Infill Affordable Housing	Section 20 requires that the consent authority consider whether the residential development is compatible with the desirable elements of the character of the area or for precincts undergoing transition, the desired future character of the precinct.  Section 21 requires that the consent authority must be satisfied that the affordable housing component will be maintained for at least 15 years and that it will be managed by a registered housing provider.	<b>Section 3,</b> <b>Appendix H</b> and <b>Appendix L.</b>

## 4.3 Mandatory Considerations

**Table 12** outlines the relevant mandatory considerations to exercising the power to grant approval and the section where these matters are addressed within the EIS

Table 12 Mandatory Consideration

Statutory Reference	Mandatory Consideration	Section in EIS
<b>Consideration under the EP&amp;A Act and Regulations</b>		
Section 1.3	The relevant objects are:  (a) <i>to promote the social and economic welfare of the community and a better environment by the proper</i>	<b>Appendix B</b>

management, development and conservation of the State's natural and other resources,

- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- (c) to promote the orderly and economic use and development of land,
- (d) to promote the delivery and maintenance of affordable housing,
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
- (g) to promote good design and amenity of the built environment,
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
- (j) to provide increased opportunity for community participation in environmental planning and assessment.

<p>Section 4.15 (1)(a)(i) Relevant environmental planning instrument</p>	<p>All relevant EPIs will be addressed in the EIS, these include;</p> <ul style="list-style-type: none"> <li>▪ Resilience and Hazards SEPP</li> <li>▪ Planning Systems SEPP</li> <li>▪ Transport and Infrastructure SEPP</li> <li>▪ Housing SEPP – Infill Affordable Housing</li> <li>▪ Sustainable Building SEPP</li> <li>▪ Sydney Local Environmental Plan 2012</li> </ul>	<p><b>Appendix B</b></p>
<p>Section 4.15 (1)(a)(ii) Relevant draft environmental planning instrument</p>	<p>Relevant proposed instruments include</p> <ul style="list-style-type: none"> <li>▪ Sydney Local Environmental Plan – Policy and Housekeeping Amendments 2023 (PP-2024-709)</li> </ul>	<p><b>Appendix B</b></p>
<p>Section 4.15 (1)(a)(iii) Relevant development control plan</p>	<p>In accordance with clause 2.10 of the Planning System SEPP, the provisions of the Sydney Development Control Plan 2012 do not apply to this development.</p>	<p>N/A</p>
<p>Section 4.15 (1)(a)(iii) any planning agreement or draft planning agreement</p>	<p>None relevant to the proposed development.</p>	<p>N/A</p>

Section 4.15 (1)(a)(iv) relevant matters prescribed by the Regulations.	Not relevant to the site or proposed development.	N/A
Section 4.15(1)(b) the likely impacts of that development,	The likely impacts of the development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	<b>Section 6</b>
Section 4.15(1)(c)	The suitability of the site for the development	<b>Section 7.6</b>
Section 4.15(1)(d)	Any submissions made in accordance with the Act or regulations	<b>Section 7</b>
Section 4.15(1)(2)	The public interest	<b>Section 7.7</b>
Section 4.24(4)	<p>Concept SSD (SSD-79316759) applies to the site.</p> <p>In accordance with Section 4.24(4) of the EP&amp;A Act, a future development application may be inconsistent with the concept consent if the consent authority grants conditions of consent which modify the concept approval.</p> <p>An assessment of the proposal's consistency with the concept approval is included at <b>Appendix C</b>. Amendments are proposed to the concept proposal as detailed in <b>Section 3.2</b>.</p>	<b>Appendix C</b>

#### Mandatory relevant considerations under EPIs

R&H SEPP	Section 4.6 – Contamination and remediation to be considered in determining development application.	<b>Section 6.11 and Appendix BB.</b>
Housing SEPP	Chapter 2 Division 1 Infill affordable housing Chapter 4 – Design of residential apartment development	<b>Appendix B</b>
B&C SEPP	Chapter 2 – Vegetation in non-rural areas.	<b>Section 6.6 and Appendix B.</b>
Sustainable Buildings SEPP	Chapter 2 – Standards for residential development – BASIX	<b>Section 6.11 and Appendix R.</b>

#### Considerations under other legislation

Biodiversity Conservation Act 2016 Part 7 and Part 8 (2) (BC Act)	<p>The BC Act protects native vegetation, species of threatened flora and fauna, endangered populations and endangered ecological communities and their habitats in NSW. Section 7.9 requires a development application for SSD to be accompanied by a BDAR, unless it is determined that the proposed development is not likely to have any significant impact on biodiversity values.</p> <p>A BDAR waiver has been obtained and therefore a BDAR is not required as part of the SSDA.</p>	<b>Section 6.11 and Appendix T.</b>
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#### Development Control Plan

Sydney Development Control Plan 2012	Clause 2.10(1) of the Planning Systems SEPP provides that the provisions of Development Control Plans do not apply to SSD. As such, there is no requirement for assessment of the project against the SDCP 2012.	N/A
<b>Concept Approval</b>		
Concept Approval – SSD-79316759	<p>In accordance with Section 4.24(4) of the EP&amp;A Act, a future development application may be inconsistent with the concept consent if the consent authority grants conditions of consent which modify the concept approval.</p> <p>An assessment of the proposal’s consistency with the concept approval is included at <b>Appendix C</b>. Amendments are proposed to the concept proposal as detailed in <b>Section 3.2</b>.</p>	<b>Appendix C</b>
<b>Development Contributions</b>		
City of Sydney Development Contributions Plan 2015	The City of Sydney Development Contributions Plan (2015) applies to areas in the City of Sydney LGA outside of Central Sydney, which includes the site. However, as the proposal does not result in a net population increase, the contributions plan does not apply.	N/A
City of Sydney Affordable Housing Program 2023	<p>The City of Sydney Affordable Housing Program 2023 sets targets and mechanisms to increase the supply of affordable rental housing in the City of Sydney LGA.</p> <p>The site sits within the “residual land” area under the AH Program, which is subject to the following affordable housing levy contribution:</p> <ul style="list-style-type: none"> <li>3% of the total floor area of the development that is intended to be used for residential purposes, and</li> <li>1% of the total floor area of the development that is not intended to be used for residential purposes.</li> </ul>	N/A
Housing and Productivity Contributions	<p>The <i>Environmental Planning and Assessment Amendment (Housing and Productivity Contributions) Bill 2023</i> was assented on 13 July 2023, which changed how contributions for regional infrastructure are levied, by establishing a Housing and Productivity Contribution (<b>HPC</b>).</p> <p>Regional infrastructure includes public amenities or public services, affordable housing, transport infrastructure, regional or State roads and measures to conserve or enhance the natural environment. The contribution rate for residential flat buildings in the Greater Sydney Region is \$10,812.18 per dwelling or lot and \$32.44 per new sqm of GFA.</p> <p>Affordable housing that is required by conditions of development consent to be managed by a registered community housing provider is exempt from the HPC regime.</p>	N/A

## 4.4 Planning Proposals Under Consideration

### 4.4.1 City of Sydney Policy and Housekeeping Planning Proposal

In April 2024, Council lodged a planning proposal to amend the Sydney LEP 2012 to update the planning controls including for deep soil zones, car parking, sun access planes, design excellence and affordable housing contributions (PP-2024-709). An overview of the amendments relevant to the project are provided in detail at **Appendix B**.

Of particular relevance to this proposal are the amendments proposed to the application of design excellence bonuses.

Section 6.21D(3) of the SLEP allows a 10% bonus to either height or FSR where a proposal has been through a competitive design process and demonstrates design excellence. Planning Proposal PP-2024-709, which is in its finalisation stage, seeks to allow this bonus to apply to both height and FSR. This EIS assumes that PP-2024-709 will be gazetted before determination. Accordingly, at the time of lodgement of this application, the relevant LEP amendment has been through public exhibition, supported by Council (post-exhibition), and is currently awaiting gazettal and has appropriate legal weight.

# 5 Community Engagement

The following sections of the report describe the engagement activities that have been undertaken during the preparation of the EIS and the community engagement which will be carried out if the project is approved.

## 5.1 Engagement Carried Out

Community and stakeholder engagement has been undertaken by Brilliant Logic in the preparation of the SSDA. Consultation was also undertaken with key stakeholders outlined below to inform the detailed assessment of key matters. The engagement carried out for the project is outlined in Appendix F.

Engagement was undertaken with:

- Local residents and neighbours
- Community and interest groups
- Department of Planning, Housing and Infrastructure (DPHI)
- Government Architect NSW (GANSW)
- City of Sydney Council
- Community Housing Providers
- Registered Aboriginal parties.

The following engagement activities were undertaken:

- Focus group (attended by seven community members)
- Online webinar
- Online survey (completed by six people)
- Feedback form
- Electronic newsletter
- Postcard delivered by letterbox distribution
- Project website updates.

The City of Sydney Council, DPHI and GANSW were engaged throughout the design competition process and provided comments on the Design Competition Brief to inform the detailed design of the proposal.

The project team also met with the City of Sydney's assessment team on 5 February 2025 to present an overview of the proposal and seek preliminary feedback. Council advised that it would provide consolidated comments and formal feedback on the proposal following lodgement of the development application with DPHI.

## 5.2 Community Views

The key issues raised by the community and key stakeholders are summarised in the table below. A detailed community engagement table is provided as **Appendix F** which details the way in which these issues have been addressed in the EIS.

*Table 13 Community feedback and project response table*

Theme	Issue Summary	Project Response
<b>Building height &amp; bulk</b>	Concerns regarding proposed building height and relationship with surrounding area	The proposal has adopted a slender building form with increased setbacks to reduce visual impact and improve solar access, as discussed in detail at <b>Section 6</b> .
<b>Setbacks &amp; overshadowing</b>	Desire for greater separation from neighbouring properties and minimised overshadowing of street	The proposal has incorporated increased setbacks on upper levels and a stepped built form to reduce overshadowing to the street and neighbours.
<b>Affordable housing</b>	Support for inclusion but concern that 15% for 15 years is insufficient.	The proposed affordable housing provision is consistent with the Housing SEPP requirements.
<b>Apartment size and liveability</b>	Concern that new apartments may be too small; desire for larger, more functional units	The proposed affordable housing studios are consistent with the minimum apartment sizes in the Apartment Design Guide. A number of these are larger (35sqm) in comparison to the existing units. The proposed affordable housing also includes improved layouts and amenity.
<b>Retail tenancy preferences</b>	Strong preference for independent cafés, restaurants and high end retail; opposition to fast food outlets, vape shops, convenience stores	No approval is sought for a specific ground floor retail use, noting that the space has been designed for flexibility.
<b>Public realm / landscaping</b>	Desire for more greenery, deep soil planting and high-quality streetscape design	The proposal includes increased deep soil landscaping and landscaped setbacks and upgraded public realm finishes
<b>Sustainability measures</b>	Requests for passive design, sustainable materials and long-term environmental performance.	The proposal integrates passive solar design, natural ventilation, energy-efficient systems and durable materials.
<b>Parking (underground, EV charging)</b>	Support for all parking to be located underground; requests for EV charging in all car spaces	All parking will be located underground. The basement includes provision of EV charging infrastructure.
<b>Bike parking &amp; bike share</b>	Requests for bike parking or public bike-share station.	The proposal includes secure resident bike parking within the basement.
<b>Pet-friendly facilities</b>	Requests for pet-friendly design and facilities	The proposal includes sufficient communal open space which can be used by pets.
<b>Construction impacts</b>	Concerns about noise, dust and disruption during construction.	The Applicant will prepare and implement a Construction Environmental Management Plan which will include measures to mitigate construction impacts. The proposed construction works will comply with the permitted hours and relevant noise standards.

Theme	Issue Summary	Project Response
<b>Neighbourhood character &amp; heritage alignment</b>	Desire for design to respect Potts Point's historic and aesthetic character	The proposed façade materiality references the local materials and proportions of Potts Point, refer to <b>Section 6</b> .
<b>Dwelling number reduction from existing building</b>	Concern that the proposal reduces the total dwelling numbers from 80 to 45, reducing affordable options overall	<p>The Concept SSD has approved the demolition of the existing residential building on the site.</p> <p>The existing building was defined as a 'detracting' item within the Conservation Area, and is being replaced by a new, purpose-built, shop-top housing scheme which includes new affordable housing (including over 50% of the mix being studio apartments managed by a Community Housing Provider).</p>

### 5.3 Engagement to be Carried Out

The Applicant will continue to keep stakeholders and the community informed of the approval process through the exhibition and determination phases by:

- Ongoing project milestone communications, such as following lodgement and notification of public exhibition, and ongoing planning approvals processes as the project progresses.
- Continued engagement with existing and any newly identified stakeholders who did not provide any pre-lodgement feedback, should interest arise during the public exhibition period.
- Maintain dedicated community relations contact during construction (should the project be approved), for residents and stakeholders to provide feedback, ask questions and raise any concerns regarding site works. This would be opportune to demonstrate an ongoing commitment to working with neighbours to manage construction-related impacts.

# 6 Assessment of Impacts

This section describes the way in which the key issues identified in the SEARs have been assessed. It provides a comprehensive description of the specialist technical studies undertaken regarding the potential impacts of the proposed development and recommended mitigation, minimisation and management measures to avoid unacceptable impacts.

## 6.1 Design Excellence

Clause 6.21 of the SLEP and Condition A8 of the Concept Approval outline the design excellence requirements for the redevelopment of the site and require:

- Preparation of a design excellence competition design brief and an architectural design competition to be undertaken in accordance with the Concept Approval Design Excellence Strategy and the Government Architect NSW (GANSW) design excellence competition guidelines
- Establishment of a Design Integrity Panel (DIP) to ensure design integrity in the detailed building design
- DIP review of the application prior to lodgement and retention of the DIP to oversee the project through the assessment and post approval processes.

A competitive design process was undertaken between January and March 2025 with five architectural teams. The Competition Jury unanimously resolved that the scheme prepared by Kerry Hills Architects (KHA) best demonstrated the ability to achieve design excellence. The Competition Jury's determination was based on the success of the clear urban strategy, thoughtful planning, quality public realm and high amenity affordable housing.

A Design Integrity Panel (DIP) has been appointed to ensure that the integrity of the KHA scheme is maintained throughout all stages of the proposal from the SSDA and through to construction stages. The DIP comprises members of the Competition Jury, including a GANSW and Council representative, which are tasked with reviewing the project at key milestones and providing independent expert and impartial advice.

The DIP reviewed the proposal on two occasions prior to the lodgement of the application. The DIP provided its endorsement of the proposal confirming design excellence would be achieved subject to further design refinement of the following aspects of the development:

- The ground plane and Chimes Garden are well resolved, subject to the resolution of the booster location.
- Further design refinement is required to improve the amenity of affordable housing units, including corridor widths, acoustic separation from plant and services, solar access, outlook and adaptability.
- The landscape design is well resolved, however there are concerns regarding the winter amenity of the Level 3 communal open space.
- The penthouse floorplate should be reduced, landscaping reinstated to soften the form, and the height of the lift overrun, and egress stairs should be minimised to enhance tower slenderness – a key element of the competition winning scheme.
- Further refinement of material selections and greater cohesiveness in the façade is required.

In response, the Design Team updated the architectural package to address the outstanding matters raised by the DIP as discussed in detail in the Design Integrity Report (**Appendix J**) and summarised below:

- Relocated the booster from the corner of Macleay Street and McDonald Street to the location identified by the DIP on Macleay Street
- Improved the amenity of the affordable housing apartments by increasing the width of the east-west corridor, adding glazing to corner studios and introducing mechanical louvres with tensile wire for vertical landscaping to screen plant

- Reduced the extent of the penthouse floorplate to the south back to the competition scheme line and reinstated landscaping to improve the slenderness of the tower
- Refined the proposed materiality and reduced the use of colourback glass on the tower façade.

A comparison of the competition winning scheme and the proposal is provided in **Figure 6** and **Figure 7**.

*Figure 7 Comparison of the competition winning scheme (left) and proposed SSDA (right) viewed from Macleay Street*



Source: KHA

*Figure 8 Comparison of design competition winning scheme (left) and proposed scheme (right) viewed from McDonald Lane*



Source: KHA

A detailed consideration of the proposal against Clause 6.21C of the Sydney LEP is included at **Appendix B**. The Applicant is committed to ensuring that design excellence is maintained throughout the design development and subsequent phases of the project as detailed in the Design Integrity Report (**Appendix J**).

## 6.2 Built Form and Urban Design

### 6.2.1 Height and density

Building height and floor space ratio (FSR) for the site are set by the Sydney LEP 2012 (SLEP), the Housing SEPP, and the approved built form envelope under SSD-79316759.

Under the SLEP, the site has a maximum FSR of 3:1 and a maximum building height of 35 metres. Section 6.21D(3) of the SLEP allows a 10% bonus to either height or FSR where a proposal has been through a competitive design process and demonstrates design excellence. Planning Proposal PP-2024-709, which is in its finalisation stage, seeks to allow this bonus to apply to both height and FSR. This EIS assumes that PP-2024-709 will be gazetted before determination. Accordingly, at the time of lodgement of this application, the relevant LEP amendment has been through public exhibition, supported by Council (post-exhibition), and is currently awaiting gazettal and has appropriate legal weight.

As detailed in **Section 6.1** above, the proposal has undergone a competitive design process and has been endorsed by the Design Integrity Panel as demonstrating design excellence. On this basis, the applicable maximum height is 38.5m and the maximum FSR is 3.3:1.

The Housing SEPP provides a further 30% increase to both height and FSR where 15% of the gross floor area is dedicated to affordable housing. The proposal provides 15% of its GFA as affordable housing, thereby resulting in a maximum permissible FSR of 4.29:1 and a maximum height of 50.05m.

The approved concept envelope (SSD-79316759) complies with these controls, inclusive of the design excellence and affordable housing bonuses. The current proposal seeks an FSR of 4.29:1 and a maximum height of 56.01m (to top of plant) which sits comfortably within the surrounding built form context.

The height strategy has been informed by a detailed analysis of the local context, which includes buildings ranging from 3-4 storey townhouses to 21-storey residential buildings (**Figure 8**).

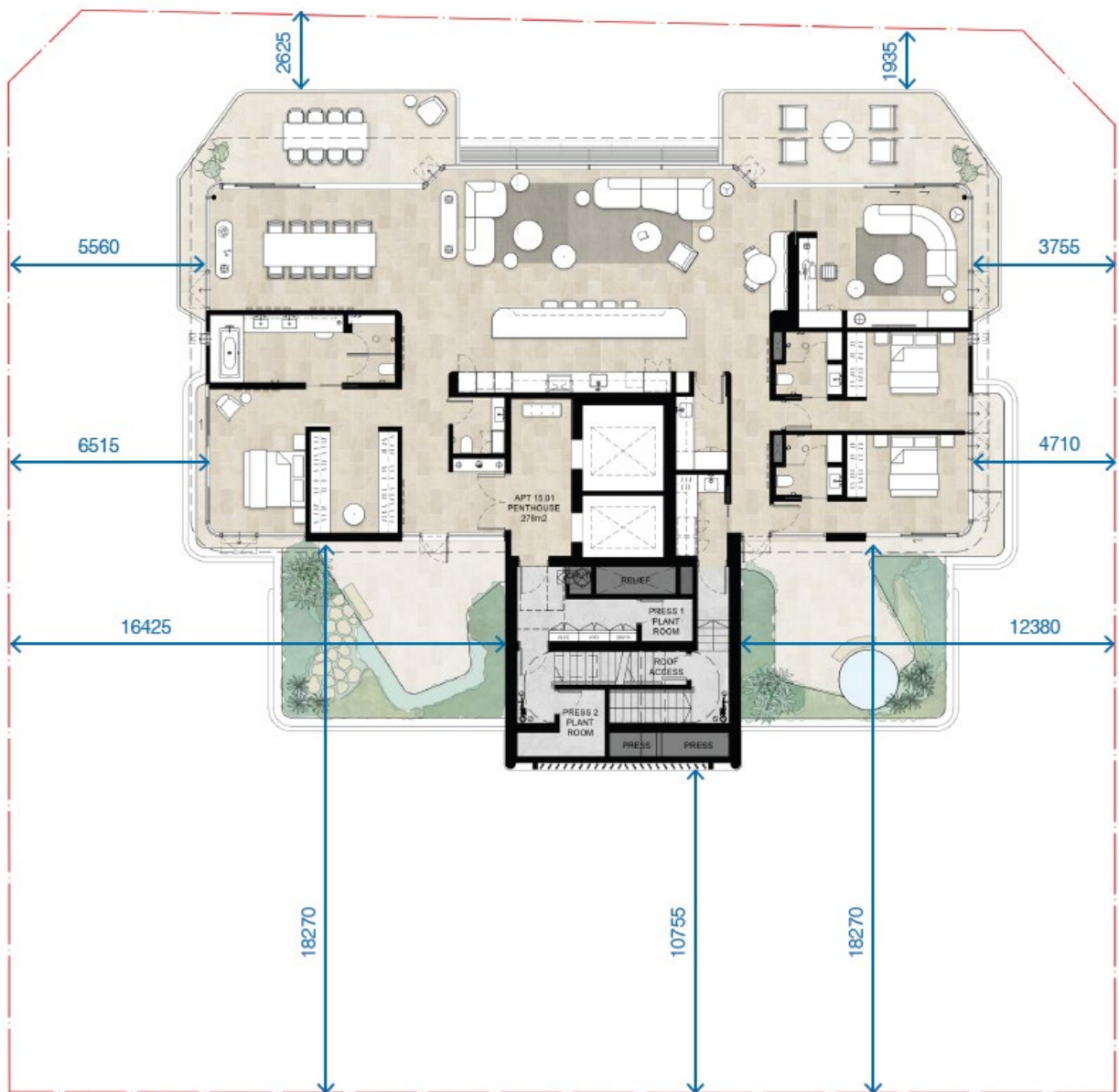
Figure 9 Height context surrounding the site



Source: KHA

The additional height has been carefully designed by the architects by being setback from the southern façade, angled in response to the sun path and only using a portion of the Level 15 floorplate to minimise overshadowing and ensure it is not readily perceptible from street level (**Figure 9** and **Figure 10**).

Figure 10 Floorplate of the Level 15 penthouse showing setback of the built form to the south



Source: KHA

Figure 11 Artist impression of the penthouse showing setback of the built form from the southern facade



Source: KHA

The proposed height allows the building to adopt a slender tower form while maintaining the approved GFA. This approach delivers several urban design benefits, including:

- Improved view sharing for surrounding residences, opening up oblique view corridors for neighbouring properties and revealing more of the Sydney CBD skyline compared to a compliant built form
- Improved solar access to neighbouring properties by concentrating floor space vertically, resulting in a narrower, faster-moving shadow than a broader compliant form
- Maintaining the approved GFA maximises the amount of GFA that is dedicated to and managed by a registered affordable housing provider for a 15 year period.

The additional height is not readily perceived from street level and is consistent with the evolving built form character of Potts Point (**Figure 9**). A Clause 4.6 variation request has been prepared to justify the height exceedance and is provided at **Appendix K**.

Figure 12 Potts Point built form context



Source: KHA

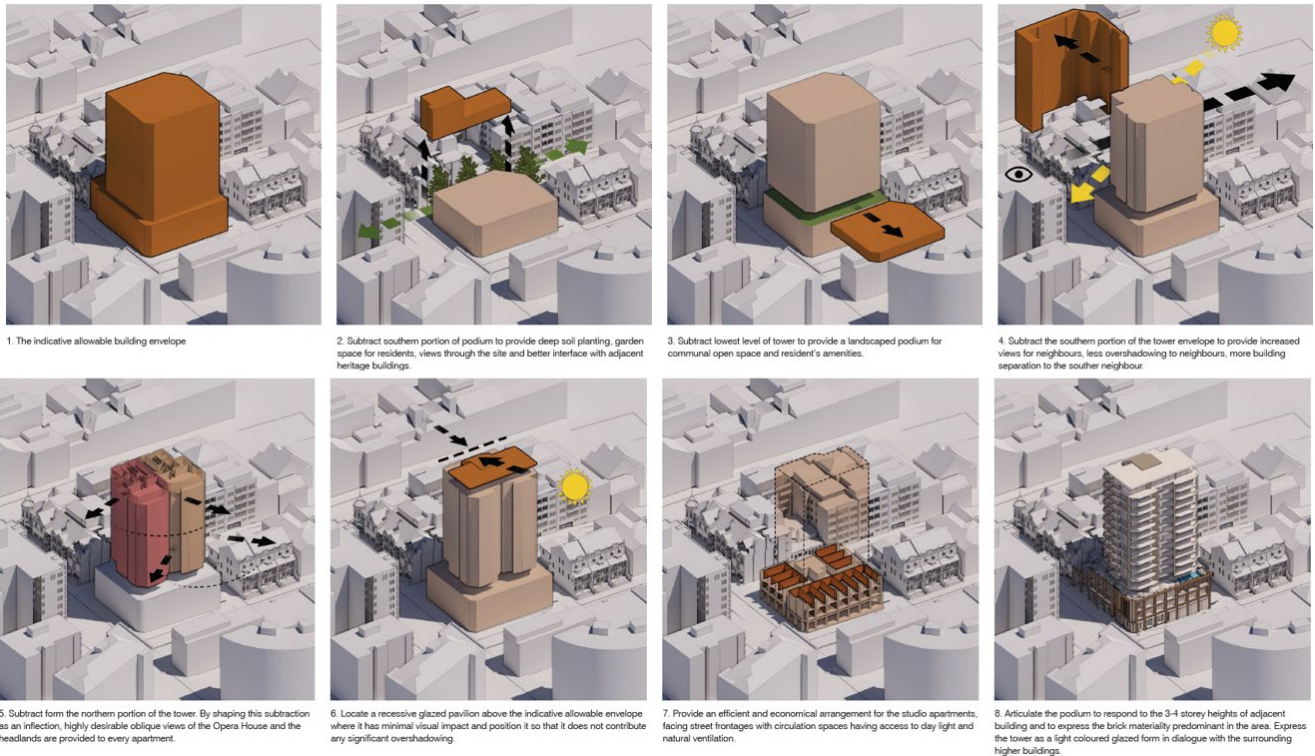
## 6.2.2 Built form and massing

The massing strategy has been deliberately developed to respond to the site's surrounding streetscape, protect key view corridors, and maintain acceptable overshadowing outcomes for surrounding buildings. It balances the delivery of the approved GFA with a form that reduces visual bulk and enhances amenity for both residents and neighbours.

The approved concept envelope prepared by SJB Architects has formed the basis of the detailed SSDA proposal designed by KHA. The current proposal refines this envelope through targeted amendments to improve amenity and contextual fit (**Figure 10**), including:

- Increasing the building separation and setbacks to the adjoining heritage building at 55 Macleay Street to respect the heritage curtilage and reduce visual privacy impacts
- Reducing the tower footprint to enhance view corridors and increase solar access to neighbouring properties
- Additional deep soil planting along the southern boundary
- Articulated tower form with vertical volumes and indents to break down the scale, add visual interest and reduce the perceived mass.

Figure 13 Amendments to the concept building envelope proposed by this SSDA

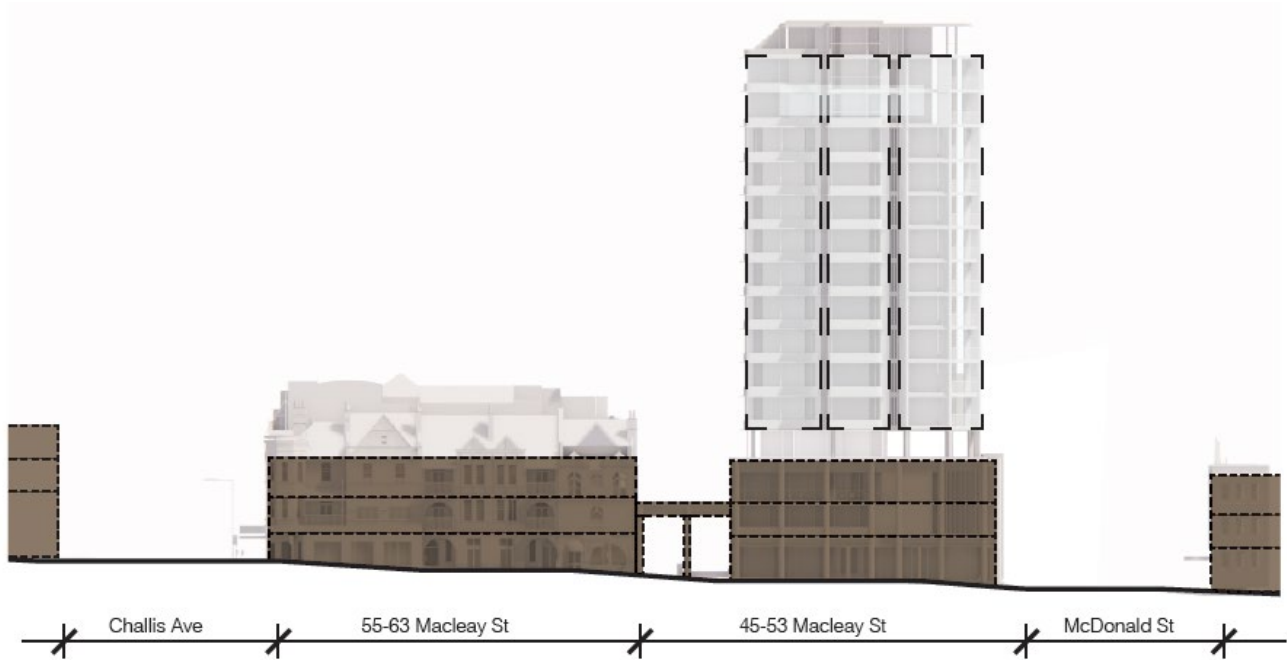


Source: KHA

As a result of these amendments, the proposal comprises a 16-storey building with a three-storey podium and street wall presentation, a recessed communal open space at level three and a 12-storey residential tower above.

The podium adopts the established three-storey street wall presentation along Macleay Street aligning with the predominant datum at 61-63, 57-59 and 55 Macleay Street (Figure 11). The proposal adopts the 1.5m setback to Macleay Street, consistent with the concept approval. Replacing the existing at-grade car park with active retail uses and the 'Chimes Garden' communal open space at the ground level will significantly improve streetscape activation and pedestrian amenity.

Figure 14 Proposed podium massing strategy and alignment with neighbouring buildings



Source: SJB

The tower is set back from the podium below and adopts a more slender profile than the concept proposal, reducing bulk and improving outlook and solar access for neighbouring buildings. Vertical volumes and indents articulate the façade, while the additional southern setback ensures clear visual separation between the podium mass and the heritage fabric of 55 Macleay Street.

### 6.2.3 Facades and materiality

The proposed materiality has been designed to respond sensitively to the established built form and heritage character of Potts Point, while introducing a contemporary expression appropriate to the site's role in the evolving urban context.

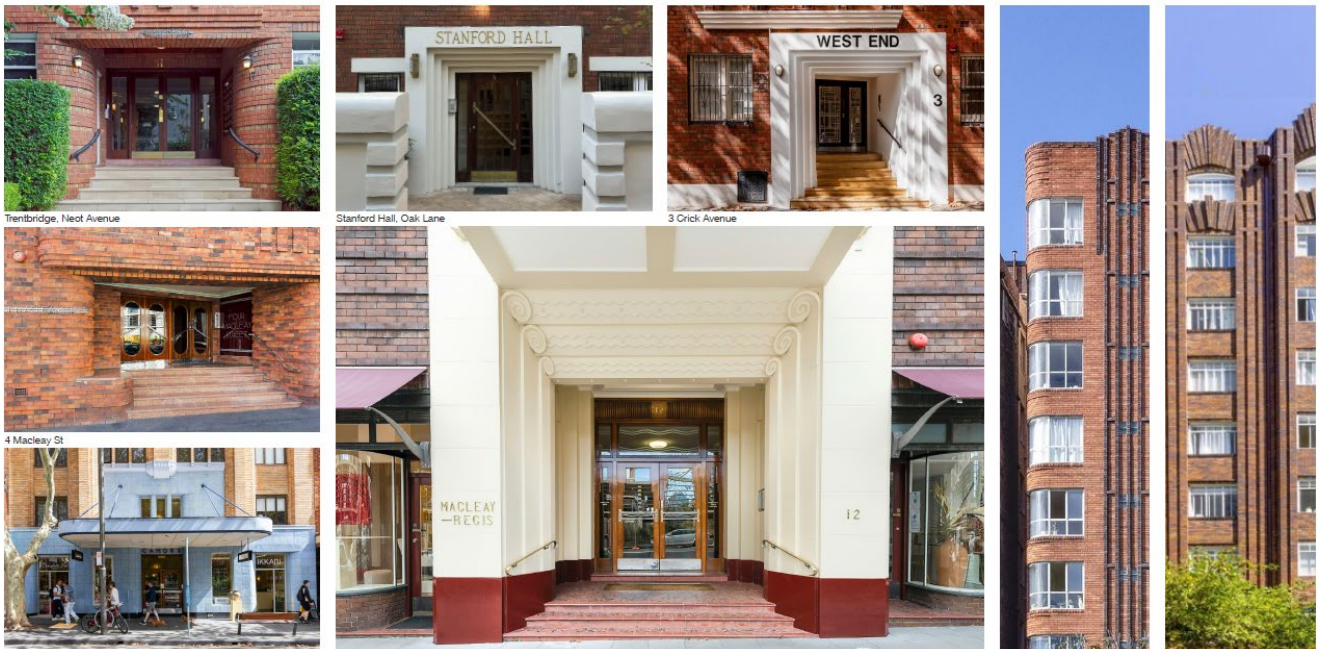
At podium level, the material palette comprises brickwork and bronze metal detailing to reference the distinctive dark brick tones of nearby heritage buildings (**Figure 12**). Rectangular brick columns frame the studio balconies, reinforcing the vertical rhythm established by the adjoining building to the south. The podium materiality, alongside the height matching the masonry datum of surrounding buildings, supports streetscape continuity and reinforces the established character (**Figure 13**).

Figure 15 Podium facade materiality



Source: KHA

Figure 16 Potts Point podium and streetscape materiality context



Source: KHA

The tower materiality draws inspiration from the light-coloured art deco buildings characteristic of Potts Point, as well as the lighter palette of the site's previous built form (**Figure 14** and **Figure 15**). The tower's façade composition, comprising glazing, mixed warm beige masonry and shading elements in light tones, is designed to optimise daylight while reducing solar gain.

Figure 17 Tower facade materiality



Source: KHA

Following feedback from the DIP, the tower façades have been refined to incorporate additional vertical and horizontal shading, greater solidity, warm beige masonry materiality and a reduced use of colourback glass. These changes have sought to improve energy efficiency and strengthen the building’s visual relationship with its surroundings.

Overall, the proposed materiality achieves a balance between contextual reference and contemporary identity. The podium reinforces the heritage streetscape, while the tower is expressed as a distinct, modern addition, contributing to the architectural diversity of Potts Point without diminishing its established character.

## 6.3 Environmental Amenity

### 6.3.1 Solar access and overshadowing

The detailed design of the proposal has resulted in a reduced building footprint and increased slenderness of the tower compared to the approved concept envelope. These changes result in improved solar access outcomes for neighbouring residential developments.

The overshadowing associated with the concept proposal was previously accepted by DPHI on the basis that some overshadowing to properties to the south and south-east is unavoidable given the site’s orientation and high-density context, that all affected apartments would continue to receive some direct sunlight to living areas or private open space on 21 June, and that the assessed impacts represent a worst-case mid-winter scenario. In this context, the detailed proposal provides an overall improvement in solar access for neighbouring properties compared with the approved concept.

KHA have prepared shadow diagrams and sun eye views at 15-minute intervals between 9am and 3pm (inclusive) on 21 June (mid-winter solstice) which compare the concept approval and proposed development with respect to shadow impacts on neighbouring properties in accordance with the guidance in the NSW Apartment Design Guide (ADG).

This analysis has undertaken a detailed analysis in relation to the following potentially affected properties in the vicinity of the site:

- 10-12 Macleay Street
- 14 Macleay Street
- 57-59 Macleay Street
- 12-16 Challis Avenue
- 10C Challis Avenue.

The ADG recommends living rooms and private open space areas of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter. The KHA solar analysis demonstrates that the proposal does not reduce the number of apartments in surrounding buildings that meet this standard when compared to the concept approval, as shown in Table 14.

Table 14 Solar analysis comparison for surrounding residences

Apartment	Solar access	Existing	Concept	Proposal
<b>10-12 Macleay Street (Macleay Regis)</b>	<2 hrs	16	16	16
	>2hrs	16	16	16
<b>14 Macleay Street (The Pomeroy)</b>	<2hrs	27	28 (+1)	28
	>2hrs	7	6 (-1)	6
<b>57-59 Macleay Street</b>	<2hrs	0	0	0
	>2hrs	5	5	5
<b>12-16 Challis Avenue</b>	<2hrs	1	2 (+1)	2
	>2hrs	6	5 (-1)	5
<b>10C Challis Avenue</b>	<2hrs	0	0	0
	>2hrs	8	8	8

Importantly, the more slender building form results in 33 assessed apartments in surrounding buildings receiving between 15 and 30 minutes of additional sunlight during mid-winter, as detailed in Table 15. As these results represent the most constrained solar access conditions, it is expected that these apartments will experience greater levels of additional sunlight during other times of the year.

Table 15 Summary of solar access improvements

Apartment	Solar access improvement compared to concept
<b>10-12 Macleay Street (Macleay Regis)</b>	<ul style="list-style-type: none"> <li>▪ 8 apartments (25% of those assessed) will receive an additional 15 minutes sunlight to both living areas and private open space</li> </ul>
<b>14 Macleay Street (The Pomeroy)</b>	<ul style="list-style-type: none"> <li>▪ Approximately 39% of apartments assessed that will receive less than 2 hours sunlight as a result of the concept proposal will experience additional solar access due to the proposal as detailed below: <ul style="list-style-type: none"> <li>– 10 apartments receive an additional 15 minutes sunlight to living areas</li> <li>– 1 apartment receives an additional 15 minutes sunlight to both living areas and private open space.</li> </ul> </li> </ul>

<b>57-59 Macleay Street</b>	<ul style="list-style-type: none"> <li>▪ 100% of assessed apartments gain solar access improvements due to the proposal, including: <ul style="list-style-type: none"> <li>– 1 apartment receives an additional 30 minutes sunlight to both living areas and private open space</li> <li>– 4 apartments receive an additional 15 minutes sunlight to private open space areas.</li> </ul> </li> </ul>
<b>12-16 Challis Avenue</b>	<ul style="list-style-type: none"> <li>▪ 1 apartment will receive an additional 30 minutes solar access to living areas and private open space.</li> </ul>
<b>10C Challis Avenue</b>	<ul style="list-style-type: none"> <li>▪ 8 apartments (100% of those assessed) will receive an additional 15 minutes solar access to living areas and private open space.</li> </ul>

Overall, the proposal delivers a clear net public benefit in comparison to the approved concept envelope through materially improved solar access outcomes to surrounding dwellings. As a result of refinements to the building massing and bulk, 33 of the 87 assessed dwellings (close to 40%) experience an increase in solar access relative to the concept building envelope. In a dense inner-city context, achieving improved solar outcomes for this proportion of surrounding dwellings is inherently challenging and represents a strong positive planning outcome.

Of the 87 apartments assessed, only two apartments (Units 203 and 801 at 14 Macleay Street) experience a minor reduction in solar access, limited to 15 minutes at the most constrained time of the year (mid-winter). The impact to Unit 801 is negligible, as the apartment continues to receive substantially more than the minimum 2-hour benchmark to both living areas and private open space, achieving approximately 6 hours and 5.75 hours respectively. Unit 203 is a lower-level apartment where solar access is inherently more difficult to protect in a highly urbanised setting, and the minor reduction represents a conservative worst-case mid-winter scenario that would not occur throughout the rest of the year.

Overall, the proposal results in a net increase of approximately 13.5 cumulative hours of solar access to surrounding properties during mid-winter. This represents a meaningful improvement when compared to the approved concept, whose solar access impacts have already been assessed and accepted.

### 6.3.2 View loss and View Sharing

A View Sharing Report (**VSR**) has been prepared by Urbis (**Appendix O**) which provides an assessment of the private domain view impacts of the proposal, comparing the existing condition, the approved Concept envelope and the proposal. The visual impacts associated with the concept SSDA, which incorporates a materially larger building footprint and overall massing, have already been considered and accepted by DPHI. The DPHI considered visual impacts to neighbouring properties to be acceptable as the proposal is consistent with the desired future and existing planning controls for the site, and the most affected apartments retain reasonable views, including of the Sydney CBD skyline and other iconic elements.

In this context, the proposal represents a refinement of the approved concept and results in equal or improved visual outcomes when compared to the endorsed envelope. Any residual view impacts have already been contemplated as part of the concept SSD approval.

19 dwellings were inspected and documented by Urbis. Multiple view places in each dwelling were independently surveyed by Craig & Rhodes registered surveyors. 15 views from four dwellings were selected by Urbis for modelling and further analysis using photomontages to show the extent of visual effects generated by the proposal (**Figure 16**). The photomontages also provide a comparison of the visual effects of the proposal against the approved concept building envelope.

Based on fieldwork observations, locations where view loss would be limited in quantitative and qualitative terms, for example, lower-level units at Macleay Regis, Selsdon and Pomeroy flat buildings, were excluded by Urbis from the modelling. The assessment of view loss and view sharing outcomes for potentially affected

dwelling excluded from modelling is based on analysis of similar views from adjoining units above or below, where views are characterised by similar compositions.





Figure 18 Viewpoint location map of views assessed in the VSR



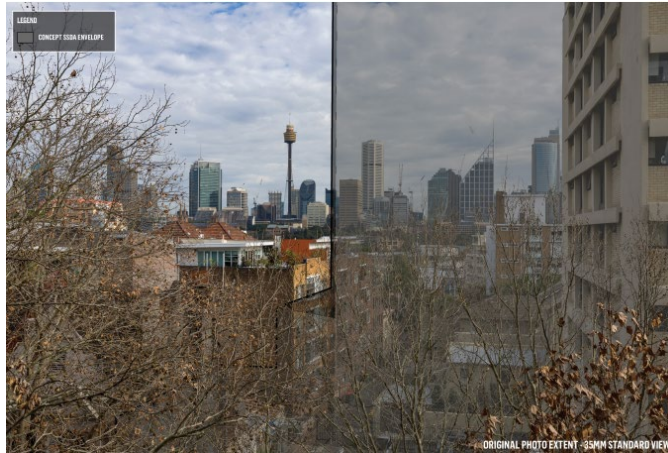
Source: Urbis

Urbis has applied the principles established by Tenacity Consulting Vs Warringah [2004] NSWLEC 140 to 14 dwellings as a representative sample of the types of views and compositions potentially affected. Of the 14 dwellings assessed, two were rated as negligible-minor, six were rated as minor, and one was minor-moderate (Unit 801/14 Macleay Street) when considering all relevant factors required by Tenacity and for the whole dwelling (not just the view modelled) (**Table 14**). The highest impact rating in this assessment was Minor-moderate, which is a low-ranking order using the Tenacity view impact rating scale.

Table 16 Summary of visual impact from identified private domain viewpoints

View	Viewpoint Location	Approved view	Proposed view	Impact rating for whole dwelling
<b>10-12 Macleay Street, Potts Point (Macleay Regis)</b>				
<b>View 05</b>	Unit 703			Minor
<b>View 06</b>	Unit 203			Negligible – minor

**View 07** Unit 602



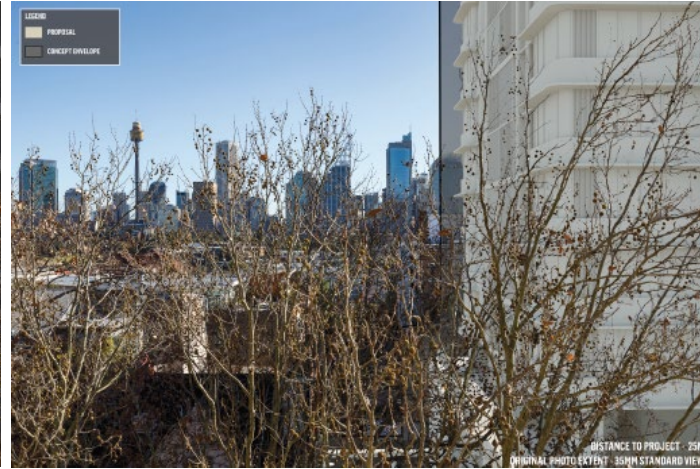
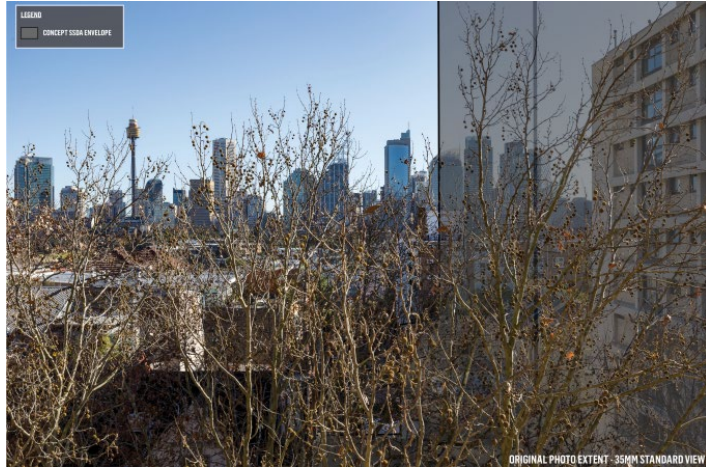
Minor

**View 08** Unit 901



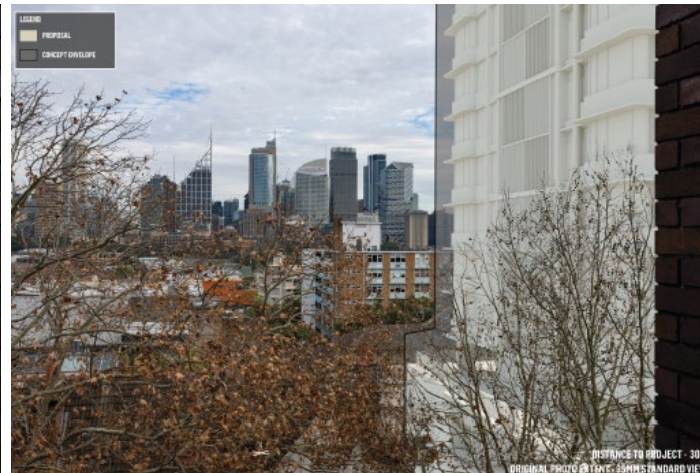
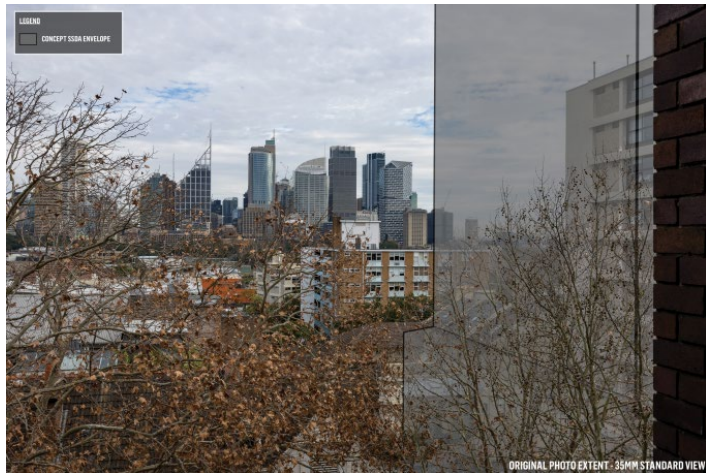
Minor

**View 09** Unit 701



Minor

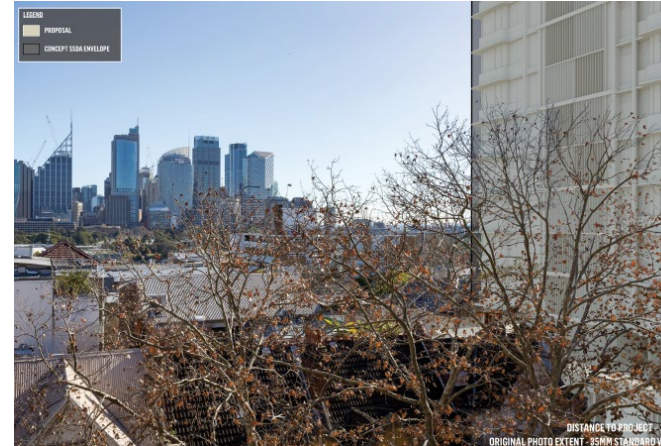
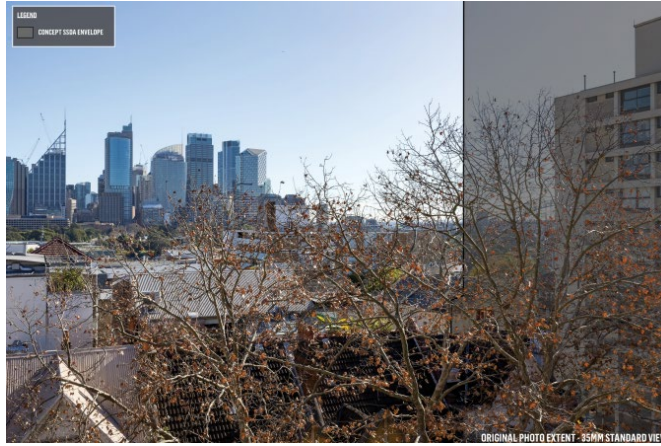
**View 10** Unit 700



Negligible – minor

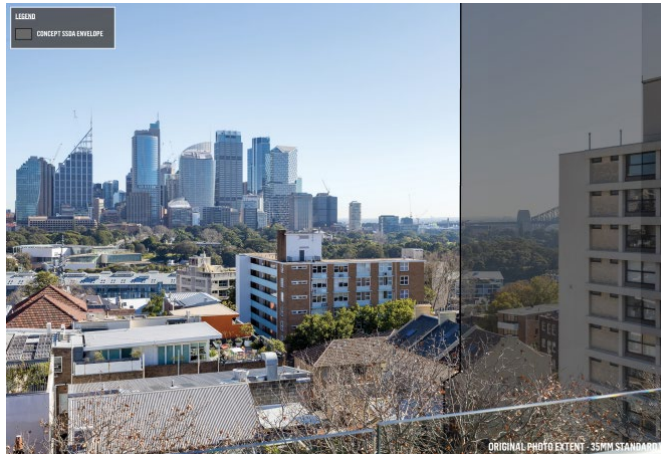
**14 Macleay Street (Pomeroy)**

**View 11** Unit 601



Minor

**View 12** Unit 801



Minor-  
moderate

**View 13** Unit 801 –  
master  
bedroom



Minor-  
moderate

**16 Macleay Street, Potts Point (Selsdon)**

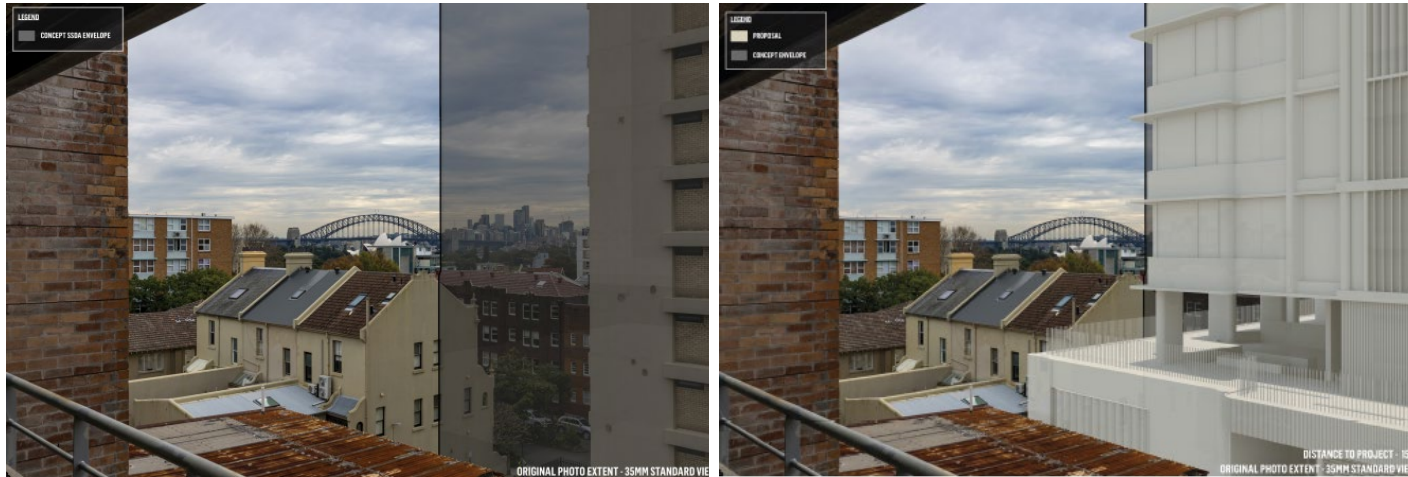
**View 14** Unit 60



Negligible

**57-59 Macleay Street, Potts Point (Yellow House)**

**View 15**



Minor

There are also alternative views available from each of the properties assessed above, many of which include access to icons and scenic elements, as shown in the figures below.

Figure 19 Unaffected views from Unit 703, Macleay Regis



Figure 33 View north-east from balcony (standing), towards Sydney Harbour Bridge and Sydney Opera House.



Figure 34 View east from study (standing), towards unaffected views of Sydney Harbour and scenic and highly valued items.

Source: Urbis

Figure 20 Unaffected views from master bedroom of Unit 801, Pomeroy



Figure 78 View west from kitchen (standing), from northern end of kitchen island.



Figure 79 View south-west (standing) from kitchen.

Source: Urbis

The VSR concludes that all view loss to surrounding residences is caused by built form within the approved concept envelope and has therefore already been anticipated, assessed and supported by DPHI through the concept approval process. That assessment was undertaken on the basis of a substantially larger building envelope to that which is currently proposed.

The detailed SSDA represents a refinement of the approved concept, with a narrower and more slender built form that reduces perceived bulk and improves view sharing outcomes when compared to the concept envelope. The VSR confirms that the additional height proposed above the approved concept envelope does not result in any additional view loss to private dwellings.

The VIA further identifies that the refined building form allows for greater visibility of the Sydney CBD skyline typology when compared to the approved concept, resulting in an overall improvement to the quality and distribution of views for affected dwellings within the Macleay Regis. Based on representative modelled views, the limited number of dwellings affected and the reduction in perceived bulk relative to the approved concept, the VIA concludes that the overall view sharing outcome is reasonable and acceptable in the context of the approved concept envelope.

Accordingly, the proposed development can be supported on view sharing and visual impact grounds, and no additional mitigation measures are required.

### 6.3.3 Visual privacy

A detailed analysis of the approved Concept SSD building envelope was undertaken by DPHI in their assessment of that application. The proposed detailed SSD built form outcome improves upon the approved

envelope, and results in greater building separation which is a positive response arising out of the competitive design process.

The Apartment Design Guide (ADG) recommends building separation distances to protect visual privacy between habitable room windows and balconies on adjoining sites. In accordance with Objective 3F-1 of the ADG, the following recommended separation distances from proposed buildings to the side and rear boundaries are as follows:

Building height	Habitable rooms and balconies	Non-habitable rooms
Up to 12m (4 storeys)	6m	3m
Up to 25m (5-8 storeys)	9m	4.5m
Over 25m (9+ storeys)	12m	6m

The proposal achieves a minimum 9m separation between habitable rooms on podium levels and the adjoining four-storey heritage building at 55 Macleay Street, which is built to the southern boundary. This separation exceeds the ADG recommendations and represents a material improvement on the approved concept SSD, which was built to the boundary at ground level and provided only a 6-metre setback at levels 1 to 3.

Above the podium, the proposed tower form has been further refined and reduced, relative to the approved concept envelope. An additional 1.5m setback above the podium results in a minimum separation of approximately 10.5m to the southern boundary across the majority of upper levels. The penthouse level, which incorporates private open space oriented towards the southern boundary, is setback to 18 metres, aligning with the ADG recommended separation range. This represents a clear improvement when compared to the approved concept, where Levels 5 to 12 were setback approximately 9 metres.

Importantly, the northern façade of the adjoining heritage building contains no habitable room windows or balconies facing the proposal, significantly limiting opportunities for direct overlooking. Given the adjoining building is a listed heritage item, substantive redevelopment to a height comparable with the proposal is unlikely, and the site is not reasonably anticipated to redevelop in a manner that would introduce new habitable rooms and balconies facing upper levels of the proposal.

Within the proposal, windows and balconies are oriented primarily to the north and west, optimising views to the harbour and enhancing solar access and cross-ventilation, while minimising direct outlook towards neighbouring properties. At upper levels, the southern interface is primarily characterised by lift cores, circulation spaces and offset dual-aspect apartments, rather than primary living rooms or principal balcony spaces. These design responses, alongside the reduced building envelope and increased setbacks, materially minimise visual privacy impacts and deliver a significant improvement over the approved concept.

Overall, the proposal demonstrates consistency with the intent of the ADG and delivers improved visual privacy outcomes when compared to the approved Concept SSD.

### 6.3.4 Wind

A Pedestrian Wind Assessment has been prepared by CPP Wind Engineering Consultants (**Appendix N**) to assess the pedestrian wind environment within and around the proposed development. The assessment was based on physical wind tunnel testing of a 1:200 scale model of the proposed development and surrounding context, incorporating existing and approved buildings within an approximate 290m radius of the site.

Wind conditions were tested for 16 approach directions, with wind speeds measured at 29 pedestrian level locations representing key access routes, entries, outdoor seating or recreation areas. The assessment assesses the measured wind speeds against the Lawson (1990) pedestrian wind comfort and safety criteria.

The assessment concludes that all locations are expected to satisfy the safety criteria. From a comfort perspective, wind conditions at ground level in the public domain, including the Chimes Garden, are anticipated to be suitable for pedestrian standing or walking, which is appropriate for public accessways and short-term stationary activities (**Figure 21**).

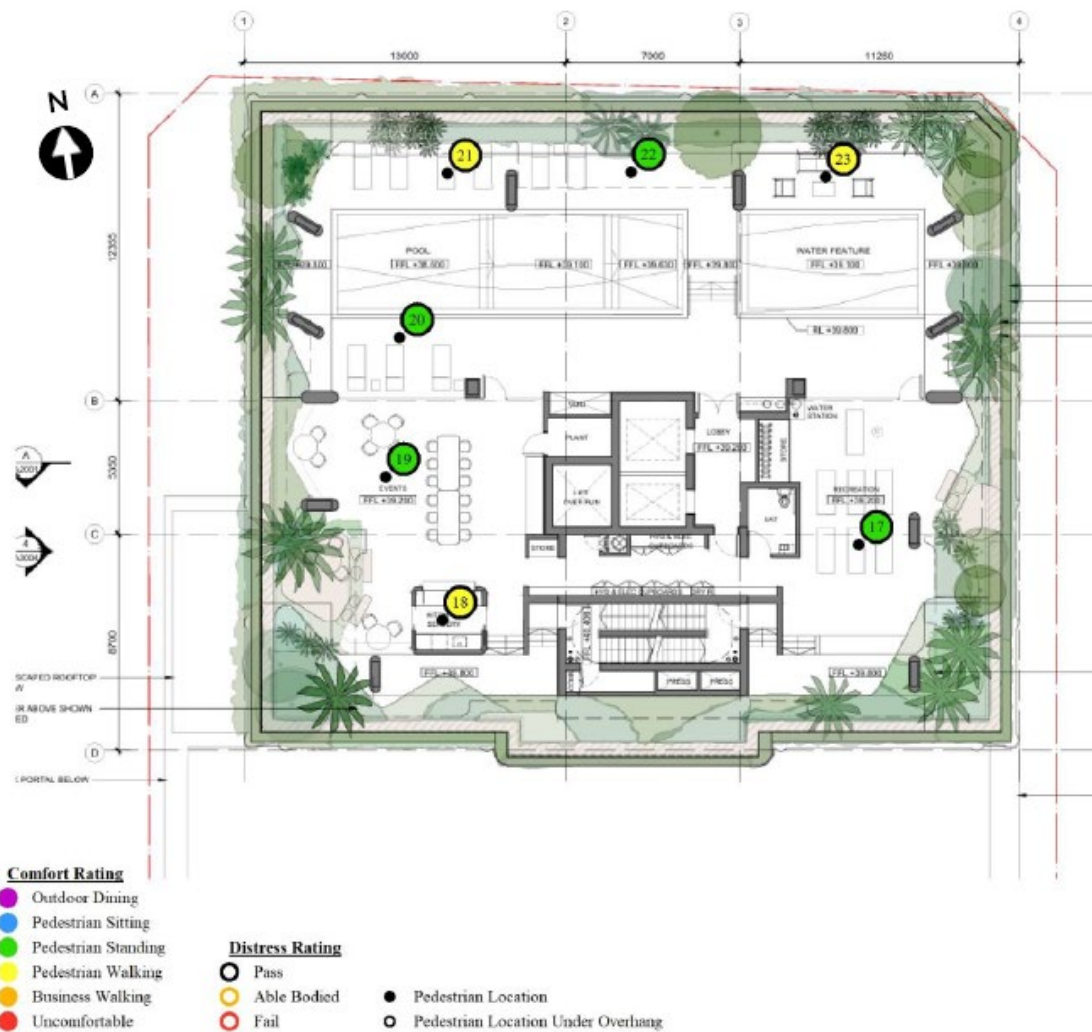
Figure 21 Proposed ground floor wind conditions



Source: CPP Wind Engineers

Wind conditions on the podium-level terrace are also considered suitable for pedestrian standing and walking (Figure 22). The Wind Report notes that users of the recreational podium spaces are likely to occupy calmer areas during stronger wind events and indicates that wind mitigation measures are optional. Should additional comfort be desired, screening elements could be incorporated on an as needed basis.

Figure 22 Proposed wind conditions on the podium terrace



Source: CPP Wind Engineers

Within private open spaces, including the rooftop terrace and north facing balconies, wind conditions are expected to meet standing comfort criteria, including suitability for typical balcony use.

Accordingly, the proposal is considered acceptable from a wind comfort and safety perspective.

### 6.3.5 Crime Prevention Through Environmental Design (CPTED)

A Crime Prevention Through Environmental Design (**CPTED**) Report has been prepared by Notting Hill Advisory for the proposed development (**Appendix KK**). The CPTED Report undertakes an assessment of the potential for crime in the local area and sets out CPTED principles and strategies to inform the design of the development.

The following CPTED principles have been incorporated into the proposal to ensure a safe environment is created:

#### Surveillance

- Ground floor retail with glazed facades fronting Macleay Street and McDonald Street will create active street frontages and enable clear visibility into and out of the development

- The Chimes Garden will provide a residential communal space with clear sightlines and pedestrian-scaled access gates that balance permeability, visibility and security.
- Lighting design and landscaping will promote safety, with illuminated pathways, high tree canopies and clear wayfinding to improve visibility and comfort for residents and visitors.
- Residential living area, balconies and communal open space areas are oriented to overlook the public domain and surrounding streets
- The residential lobbies will front onto Chimes Garden, providing visibility and surveillance of this space.

#### Access Control

- Secure entries and safe pedestrian routes are provided through the Chimes Garden. The gates are proposed to be locked out of hours to secure the communal open space from any antisocial activities, with an after-hours access gate provided for residents only.
- Residential apartments will be accessed via secure lobbies off the Chimes Garden and are separated from commercial entries.
- Entries to both residential lobbies and the retail tenancy are clearly identifiable, providing safe access.
- Loading dock and basement access is through a lifting metal door which will conceal basement and loading areas and provide secure access control.

#### Territorial Reinforcement

- Separate residential and retail entries will guide people to the appropriate areas.
- The development is clearly delineated from the public domain by landscaping and the design of Chimes Garden, including the gated access.

#### Space Management

- The building presents a high standard design and materiality with a strong commitment to green space for the benefit of residents and the community.
- Future building management will oversee site upkeep, including cleanliness, removal of graffiti, and landscaping.

The CPTED report recommends the following measures to further improve the safety and security of the development, including:

- Installation of CCTV through external areas and building entries and lobbies and appropriate site lighting
- Implementation of an Electronic Access Control System for access to building entries, carpark, elevators and residential lobbies
- Landscaping to maintain clear sightlines, including low shrubs, high canopies and ongoing maintenance in accordance with CPTED principles
- Application of appropriate treatments to pedestrian gates and perimeter fencing to discourage climbing and unauthorised entry
- Installation of clear signage which identify access restrictions
- Implementation of an ongoing site maintenance program to ensure cleanliness and timely removal of graffiti
- Provision of adequate waste and recycling facilities to minimise littering and support a well-managed public domain.

Therefore, CPTED principles have clearly informed the design of the proposal, and the ongoing management of the site will ensure safety is maintained during operation, including through the implementation of the identified recommendations and mitigation measures.

## 6.4 Residential Amenity

### 6.4.1 Solar access and ventilation

The ADG requires that living rooms and private open space of at least 70% of apartments are to receive a minimum of 2 hours direct sunlight between 9 am and 3 pm in mid-winter. The ADG also seeks to ensure that a maximum of 15% of apartments proposed in a building receive no direct sunlight between 9am and 3pm at mid-winter.

Living rooms and private open spaces of 79.5% of apartments are expected to receive a minimum of two hours of direct sunlight between 9am and 3pm at mid-winter and therefore comply with this requirement of the ADG. This also represents an increase in comparison to the reference scheme submitted with the concept envelope. Further, zero apartments achieve no direct sunlight in mid-winter.

The ADG requires at least 60% of apartments to be naturally cross ventilated in the first nine storeys of a building. All apartments within the proposal are capable of achieving natural cross ventilation. A ventilation hopper is proposed above each of the studio apartment entry doors to enable natural cross-ventilation through the external breeze-way circulation space.

### 6.4.2 Apartment mix and size

The proposal includes an appropriate range of apartment types and scales, and all apartments achieve the minimum apartment areas outlined in the ADG, including the studio apartments. Table 15 provides an overview of the indicative apartment size, quantum and proportion. The indicative apartment sizes comply with the minimum requirements of Objective 4D-1 of the ADG.

Table 17 – Apartment size and mix

Apartment Type	Number of Apartments	Proportion	Size Range
Studios	23	52.3%	35sqm or greater
3-bedroom	18	40.9%	178-360sqm
4-Bedroom (sub-penthouse)	2	4.5%	
Penthouse (3-bedroom)	1	2.3%	

Seven apartments (15.9% of the total) are proposed to be designed as adaptable housing which exceeds the Sydney DCP control which requires 15% of apartments to be adaptable. An additional two apartments can achieve the silver level liveable housing standard to exceed the guidance of 20% described in the ADG. The adaptable apartments are spread across the studio, 3-bedroom and penthouse apartments to achieve a range of sizes.

ABS data highlights a pronounced imbalance in the local housing mix within Potts Point, characterised by a significant undersupply of larger, family-sized apartments. Studios comprise approximately 14.4% of the local housing stock, around 20 times the NSW average. In comparison, only 7.1% of apartments in Potts Point have three or more bedrooms, compared with 68.6% across NSW. This disparity highlights strong latent demand for larger dwellings to support families, multi-generational households and residents seeking to remain in the area as their housing needs evolve.

While the Sydney DCP 2012 does not technically apply to SSDs, the proposed dwelling mix has been informed by, and is consistent with, both the intent of the current DCP and the Draft Sydney DCP 2012 – Policy and Housekeeping Amendments. The current DCP encourages a greater proportion of 2- and 3-bedroom dwellings and limits the proportion of studio apartments, while the Draft DCP strengthens this direction through a specific objective to ensure housing suitable for families with children, including a minimum 20% provision of 3-bedroom (or larger) apartments.

In this context, the proposed development not only aligns with the strategic intent of the current and draft DCP provisions but also directly responds to demonstrated market and demographic evidence. By increasing the supply of larger apartments in an area characterised by a dominance of small dwellings, the proposal makes a meaningful contribution to addressing established housing supply challenges and delivering a more balanced housing mix within Potts Point.

### 6.4.3 Affordable Housing

The proposal is supported by a letter from Evolve Housing (**Appendix L**) which confirms that Evolve Housing is willing to assume management or ownership of the affordable housing dwellings once completed.

The amenity of the affordable housing units has been prioritised and developed, in consultation with the DIP, to ensure that future residents benefit from high residential amenity, including sufficient solar access, adequate cross ventilation and access to private and communal open space.

The affordable housing units comprise 100% studio apartments to meet the needs of young professionals and key worker renters given the site's location in proximity to Sydney's CBD. Evolve Housing acknowledge that there is a significant shortage of rental affordability in Potts Point, especially for workers in the health, education, retail, hospitality and other essential worker sectors located in the inner Eastern Sydney precinct. Therefore, the proposed dwelling type of affordable housing will cater to the demands of this population in a highly accessible inner-city location while providing high levels of amenity.

### 6.4.4 Private open space

The ADG provides guidance on the minimum size and dimensions of private open space to enhance residential amenity.

The proposal is generally consistent with the ADG private open space requirements as:

- The typical studio apartments on levels 1 and 2 have a 4sqm balcony with a minimum 1m depth which meets the ADG criteria
- 3-bedroom apartments from Levels 4 to 12 are provided with an approximately 22sqm balcony with 3m depth
- 4-bedroom sub-penthouse apartments are provided with two primary balconies with an approximate 22sqm area and 3m depth
- The 3-bedroom penthouse apartment has four balconies including the two terraces on the south with 24sqm area and 3m depth.

Two studio apartments on levels 1 and 2 have smaller 2.6sqm balconies due to the angled corner of the building which restricts the available balcony space. However, this is considered acceptable due to the access to the communal area on level two and the significant ground level communal open space in the 'Chimes Garden' ensuring the objective of the ADG criteria is met regarding residential amenity.

## 6.5 Visual Impact

A Visual Impact Assessment (**VIA**) has been prepared by Urbis (**Appendix O**) to evaluate the visual impacts associated with the project.

DPHI has already assessed and supported the visual impacts of a substantially larger concept building envelope from public domain views. The proposal results in a narrower and more slender building form that does not materially alter previously accepted view outcomes.

### 6.5.1 Methodology

The methodology adopted for the VIA is informed by a number of published methods including the Guidelines for Landscape and Visual Impacts Assessment 3rd edition, published by the Landscape Institute and Institute

of Environmental Management and Assessment, the Environmental Impact Assessment practice note EIA - NO4 prepared by RMS in December 2018, and bespoke approaches developed by Sydney University.

The Urbis methodology identifies objective information about the existing visual environment, analyses the extent of visual effects on those baseline characteristics and unlike other methods, considers the importance of additional relevant factors including view place sensitivity, compatibility with existing and desired future character and visual absorption capacity.

Indicative massing models prepared by KHA Architects have been used in the preparation of four accurate and certifiable photomontages from four view places which demonstrate a range of representative sample views from within the site's visual catchment. Photomontages have been prepared in a manner that satisfies the practice direction established by the Land and Environment Court of NSW.

The photomontages assessed in the VIA reflect the SSDA scheme as shown on the architectural plans prepared by KHA.

## 6.5.2 Existing Environment

The existing visual environment is characterised by:

- Unique and varied architectural styles and ages and a substantial canopy offered by mature street trees along either side of the road on Macleay Street.
- Predominantly Victorian, Federation and Inter War architecture in the form of residential flat buildings and terrace dwellings in Potts Point
- The Potts Point Heritage Conservation Area and several heritage items in the vicinity of the site
- A low to medium scenic quality of the site as it does not include any features or visual compositions of high scenic quality.

To Urbis' knowledge, there is no historical evidence that views to and from the Sydney Modern or The Domain toward the Potts Point ridgeline or particular buildings such as the Macleay Regis, were deliberately intended, or should be afforded any particular significance of view corridor protection.

## 6.5.3 Impact Assessment and Cumulative Impact

Of the 19 public domain view places surveyed by Craig & Rhodes, Urbis has selected and assessed four view places for further analysis based upon a desktop review and fieldwork of the site. The selected views are identified in **Figure 17** and an assessment of the view impact at each location is summarised in Table 16.

*Figure 23 Viewpoint location map of views assessed in the VIA*



Source: Urbis

Table 18 Summary of visual impact from identified viewpoint locations

View	Viewpoint Location	Existing View	Proposed View	Visual Impact Rating
<p><b>View 01</b></p>	<p>View south-east towards the site from north-western corner of McDonald Street.</p>			<p>Low</p>
<p><b>View 02</b></p>	<p>View north towards site from south-west corner of intersection between Challis avenue and McDonald Street.</p>			<p>Low</p>

**View  
03**

View north-east  
towards site  
from southern  
entry of The  
Domain carpark.



Low

**View  
04**

View east  
towards site  
from Sydney  
Modern  
museum (no exit  
Path).



Low

Urbis have applied weighting factors (sensitivity, visual absorption capacity and compatibility) to assess the overall level of visual impact of the proposal and concludes that the visual effects and overall visual impact is considered low as:

- The majority of close views are likely to be for short periods of time from moving viewing situations. In close views from the surrounding streetscape the proposal is highly compatible with the existing visual context.
- The extent of visual change in close views from Macleay Street and Challis Avenue is limited, where access to distinctive foreground buildings within the streetscape (including heritage items) is maintained.
- From more distant, sustained and sensitive viewing locations such as The Domain, the proposal forms part of a wider composition and is seen in the context of dense built form including low and medium height building development and isolated mid-height tower forms which occupy the Potts Point peninsular.
- The proposal introduces a new, distinguishable elements in some easterly views that is compatible with the predominant character of the Potts Point Peninsular.
- The proposed development is of similar height, bulk and scale to buildings within the immediate and broader streetscape. A small amount of built form sits above the height of the approved concept envelope, however is immaterial to the overall visual impact.
- Access to views to and from heritage items are not altered to any significant extent and the proposal does not block visual access to any listed heritage items from places of high sensitivity.

It is noted that the approved Concept SSDA already established and assessed the visual envelope for the site. The proposed built form remains substantially consistent with that approved envelope, except for a minor height exceedance. View impacts from public domain areas are therefore largely unchanged from those previously assessed and accepted as part of the concept approval. The additional height proposed is minimal, does not alter the overall visual outcome of the development, and will be largely imperceptible from surrounding public domain viewpoints.

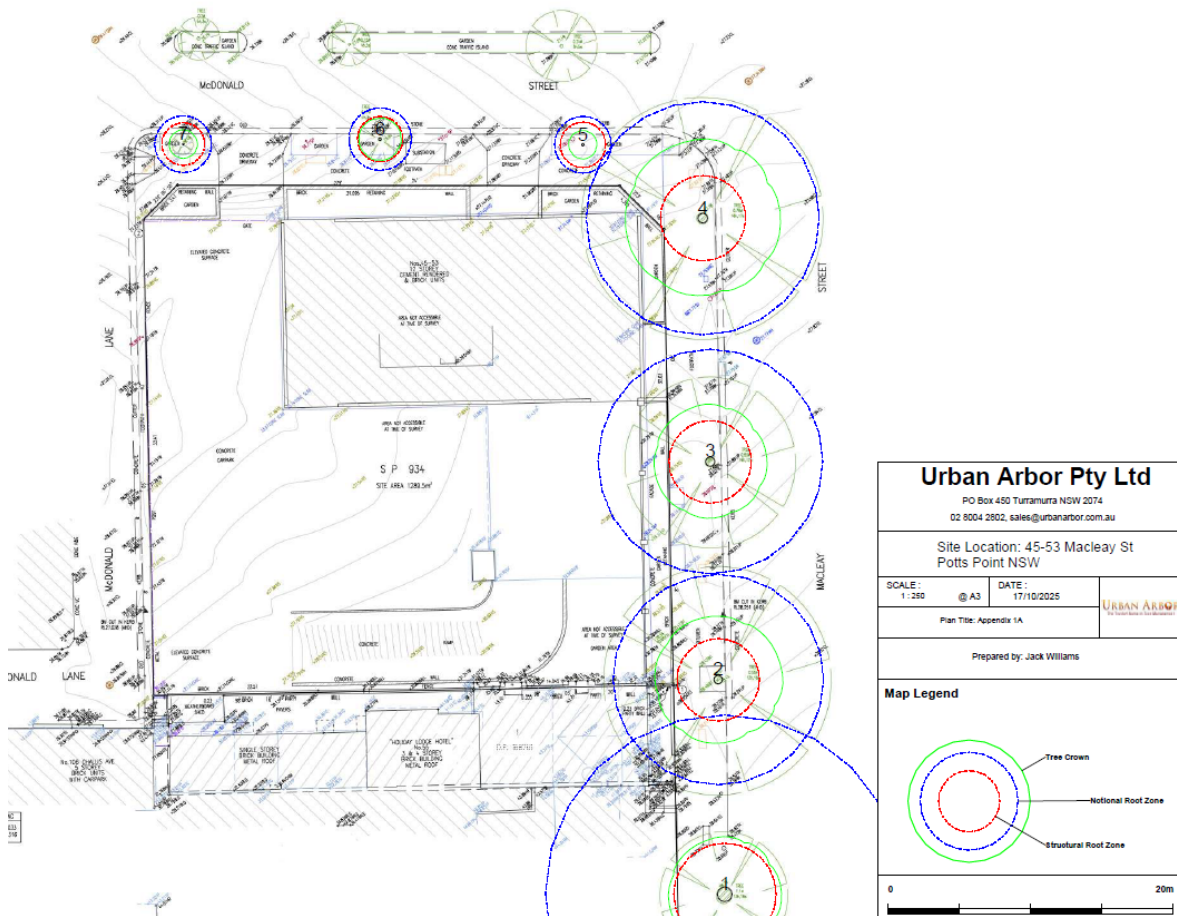
Therefore, the VIA concludes that the proposal can be supported on visual impact grounds, and no further mitigation is required.

## 6.6 Landscaping and communal open space

### 6.6.1 Tree retention and protection

An Arboricultural Impact Assessment Report (Arborist Report) has been prepared by Urban Arbor (**Appendix P**) which details that there are currently seven street trees immediately adjoining the site (in Council's public domain) on Macleay Street and McDonald Street (Figure 18). The Arborist Report identifies that all the trees are in good health. Four trees are considered to be of high retention value (A1) and four trees are considered to be of low retention value (Z1).

Figure 24 Location of street trees surrounding the site



Source: Urban Arbor

The proposal would retain all trees on site. The findings of the report demonstrate that five trees (trees 1, 4, 5, 6 and 7) will not be impacted by the works. However, moderate and major encroachments are expected to two trees (trees 2 and 3) which are ‘high’ value London Plane trees on Macleay Street due to the proposed building entry location on Macleay Street.

The Arborist Report recommends root / tree sensitive design and construction for Trees 2 and 3 to retain them in a viable condition.

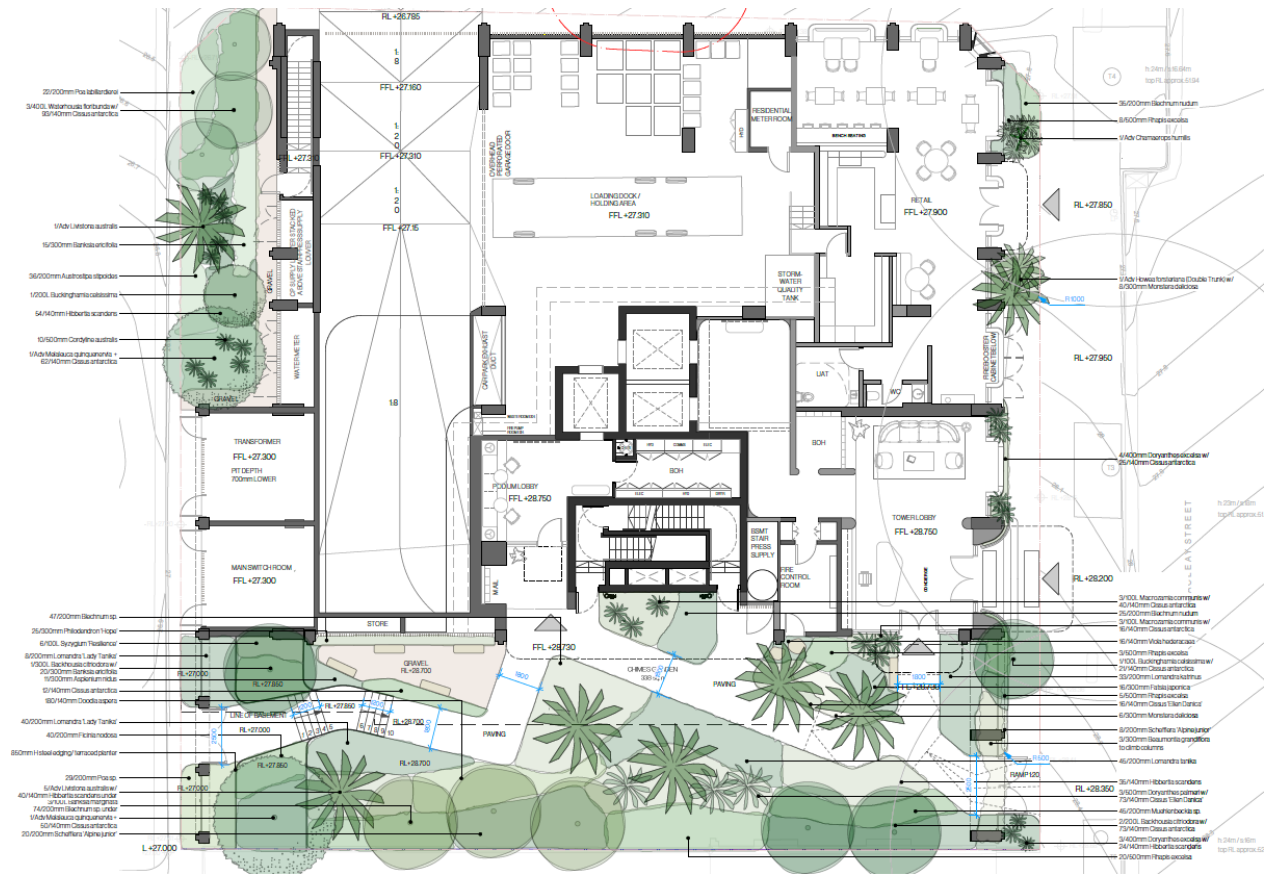
Therefore, the proposal, subject to the implementation of the proposed mitigation measures, would ensure the ongoing viability and health of the trees surrounding the site.

### 6.6.2 Landscaping, tree planting and communal open space

The Landscape Plans prepared by Dangar Barin Smith (**Appendix Q**) and the Design Report (**Appendix H**) establish a cohesive and high-amenity landscape strategy for the site.

At the ground level, the proposal includes a generous landscaped area known as the ‘Chimes Garden’ that connects Macleay Street and McDonald Lane to the residential lobbies. The landscape design incorporates paved pedestrian paths framed by deep soil garden beds and feature planting, including native canopy trees such as *Livistona australis*, *Ficus rubiginosa*, *Banksia serrata* and *Melaleuca linarifolia* (**Figure 19** and **Figure 20**). Additional verge landscaping along Macleay Street and McDonald Lane softens the built form and enhances streetscape quality.

Figure 25 Ground floor landscaping plan



Source: Dangar Barin Smith

Figure 26 Artist impression of the ground floor landscaping and Chimes Garden entry



Source: KHA

The proposal provides 174 sqm (14% of the site area) as deep soil, exceeding the concept SSDA indicative provision of 10.3% (133.5sqm). Whilst the proposed deep soil provision does not achieve the Housing SEPP non-discretionary standard of 15%, it is noted that strict compliance with this standard is not required and the proposed deep soil provision is appropriate for the site as it:

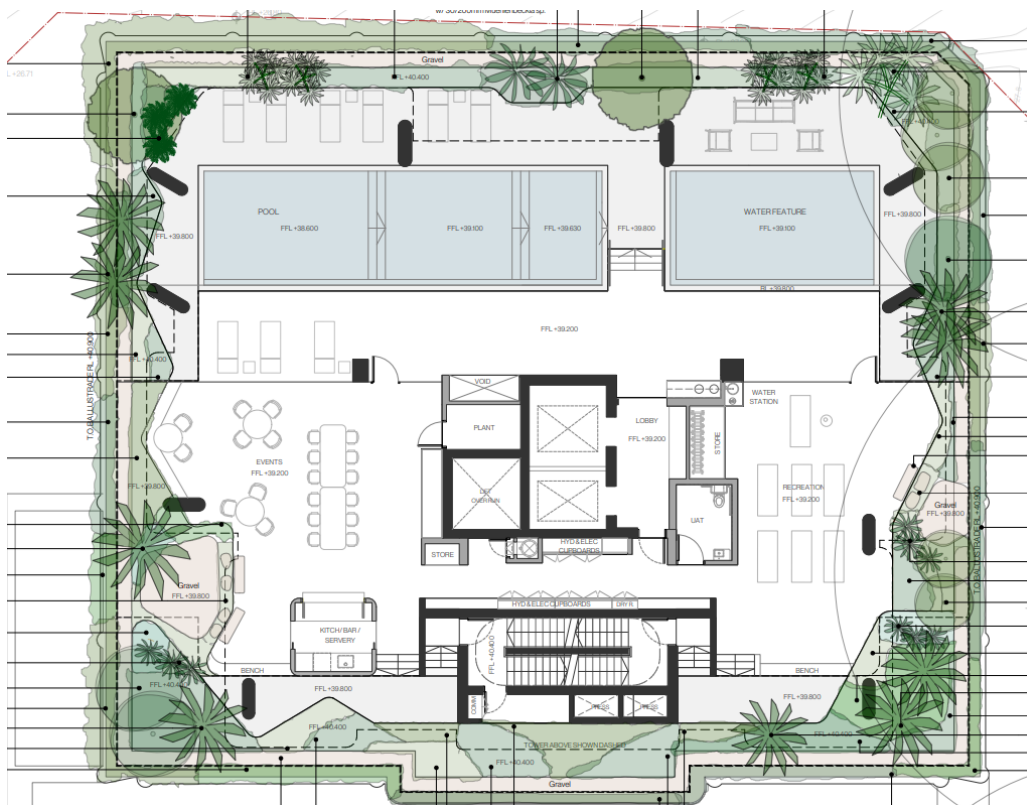
- Represents a significant increase in deep soil from the existing site which currently provides no deep soil planting or tree canopy cover
- Would support mature tree planting across the site which will positively contribute to the streetscape and significant increase tree canopy cover
- Exceeds the minimum deep soil requirements in the Apartment Design Guide (ADG) and Sydney DCP 2012 of 7.5%.

The deep soil provision is further supplemented by an additional 110sqm of landscaped planting on slab / deep soil less than 3m wide, further contributing to the greening of the ground plane.

All of level 3 is provided as communal open space and comprises perimeter planting, a north facing pool and water feature, and an enclosed recreation / events space (Figure 21 and Figure 22).

Further planting is also proposed on the affordable housing podium and upper tower terraces, enhancing visual softness and perceived greening of the tower form. In total, the proposal achieves 246sqm (or 19% of the site area) canopy coverage which exceeds the Sydney DCP requirement of 15%. A total of 686sqm of communal open space is proposed for the project, which comprises 53% of the site area, significantly exceeding the recommended 25% specified in the ADG.

Figure 27 Proposed communal open space on level 3



Source: Dangar Barin Smith

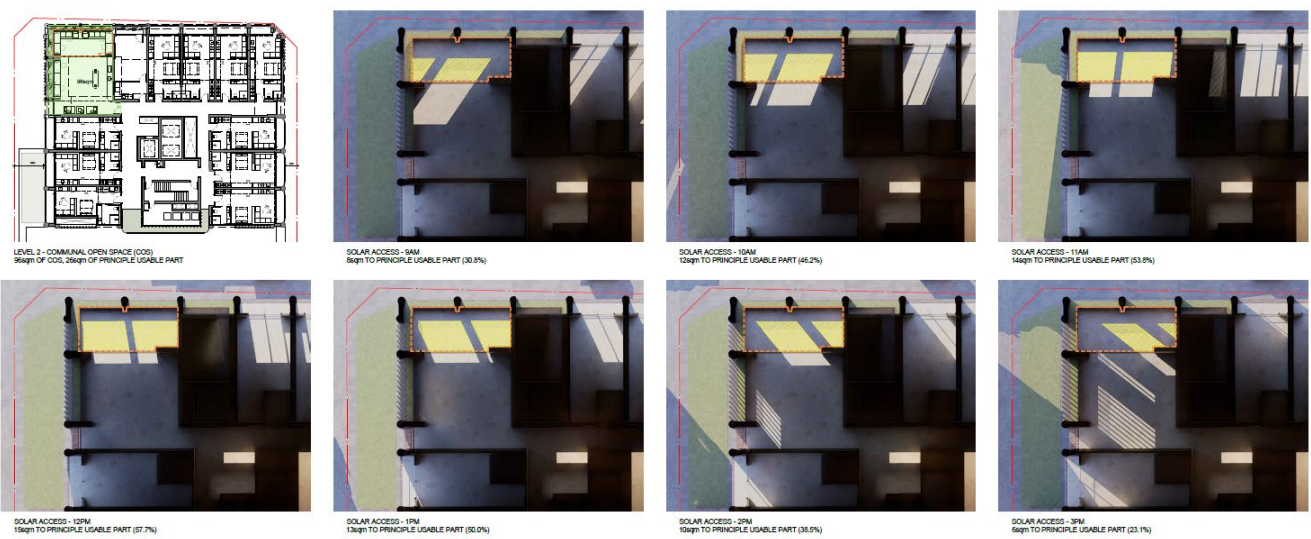
Figure 28 Concept design for the level three communal open space



Source: Dangar Barin Smith / KHA

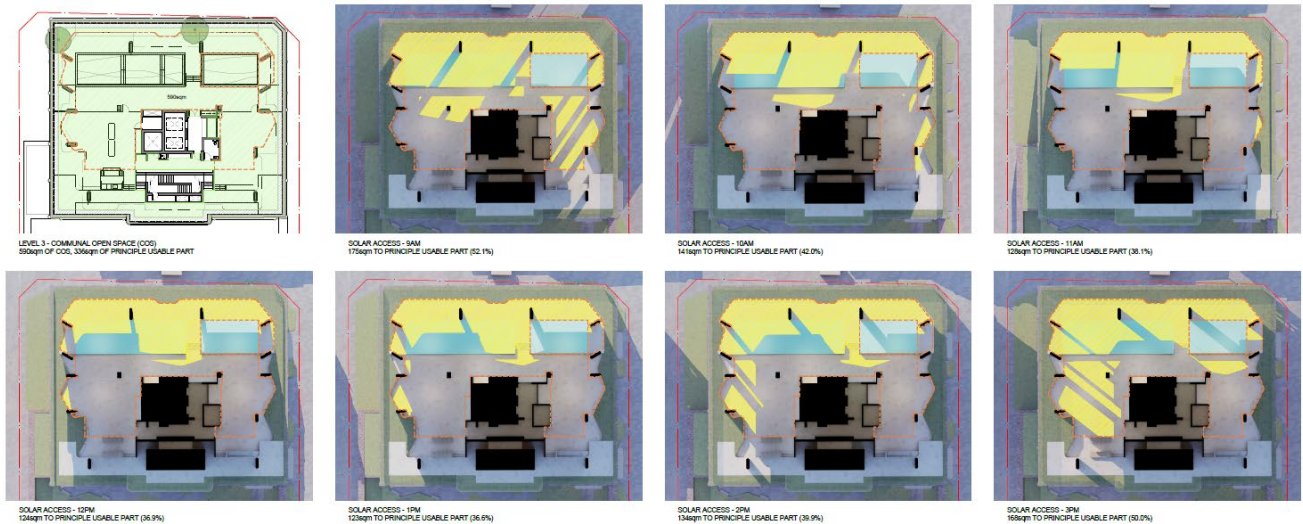
The DIP previously raised concerns regarding the winter amenity of the level 3 communal open space and long-term landscape maintenance beyond the balustrade. In response, KHA has prepared overshadowing diagrams, included in the Architectural Plans (**Appendix G**), which demonstrate that 50% of the communal open space on both level two and level three receives at least two hours of direct solar access between 9am and 3pm on the winter solstice (refer to **Figure 23** and **Figure 24**).

Figure 29 Proposed solar access to the level two communal open space



Source: KHA

Figure 30 Proposed solar access to the level three communal open space



Source: KHA

Therefore, the proposed landscaping on the site provides a high-quality and contextually appropriate landscape response that contributes to the Potts Point streetscape and delivers significant amenity for residents and the broader public domain.

## 6.7 Transport, Access and Parking

A Traffic Impact Statement (TIA) has been prepared by JMT Consulting (**Appendix S**) to assess the anticipated transport implications of the proposed development. The TIA has been prepared in accordance with the Guide to Transport Impact Assessment published by TfNSW.

### 6.7.1 Access and servicing

Vehicle, bicycle and service access will be provided via a single driveway on McDonald Street. The TIA confirms that the access driveway has been designed in accordance with the relevant Australian Standards and City of Sydney requirements, including gradients, transitions and headroom.

The proposal includes one on-site loading bay designed in accordance with the Sydney DCP 2012. Swept path analysis demonstrates that both the driveway and loading bay can accommodate a 10.6m City of Sydney waste collection vehicle, with a 4m clearance height provided for waste and large delivery vehicles. The swept paths also demonstrate that service vehicles will be able to enter and exit the site in a forward direction.

The inclusion of a dedicated loading bay represents a significant improvement on existing conditions where service vehicles currently rely on on-street parking areas.

### 6.7.2 Parking

The proposal includes a total of 60 car parking spaces across four basement levels. A breakdown of the allocation of parking is provided in Table 17.

Table 19 Proposed car parking breakdown

Type of parking	Relevant Rate	Requirement	Provision	Compliance
<b>Car parking</b>				
<b>Affordable housing</b>		9 spaces	9 spaces	Complies

<b>Residential</b>	Housing SEPP (minimum)	32 spaces	43 spaces (including 7 accessible spaces, see below)	Complies
<b>Visitor</b>	SLEP 2012 (maximum)	6 spaces	6 spaces (including 1 accessible space, see below)	Complies
<b>Retail</b>		3 spaces	2 spaces	Complies
<b>Other</b>				
<b>Motorcycle</b>	SDCP 2012 (minimum)	5 spaces	6 spaces	Complies
<b>Bicycle</b>	SDCP 2012 (minimum)	51 spaces	53 spaces	Complies
<b>Accessible parking</b>				
<b>Resident</b>	SDCP 2012 (minimum)	7 spaces	7 spaces	Complies
<b>Visitor</b>	SDCP 2012 (minimum)	1 space	1 space	Complies

Therefore, the proposal complies with the relevant parking requirements and will provide adequate car parking to service the future development.

### 6.7.3 Traffic Assessment

The TIA includes a traffic generation assessment using the Sydney wide average traffic generation rates published by TfNSW in the 2024 Guide to Transport Impact Assessment (GTIA). The proposed retail floorspace is expected to serve a local catchment and therefore generate minimal traffic.

The TIA estimates the development will generate approximately 10 vehicle trips during the AM peak hour and 9 in the PM peak during weekdays, which is lower than the traffic generation associated with the existing 80 studio apartments on the site (estimated 15 AM and 12 PM trips). Therefore, the proposal results in a net reduction of 5 AM and 3 PM trips.

Accordingly, the TIA concludes the traffic impacts will be negligible and the proposal will not affect the operation of the surrounding road network.

### 6.7.4 Green Travel Plan

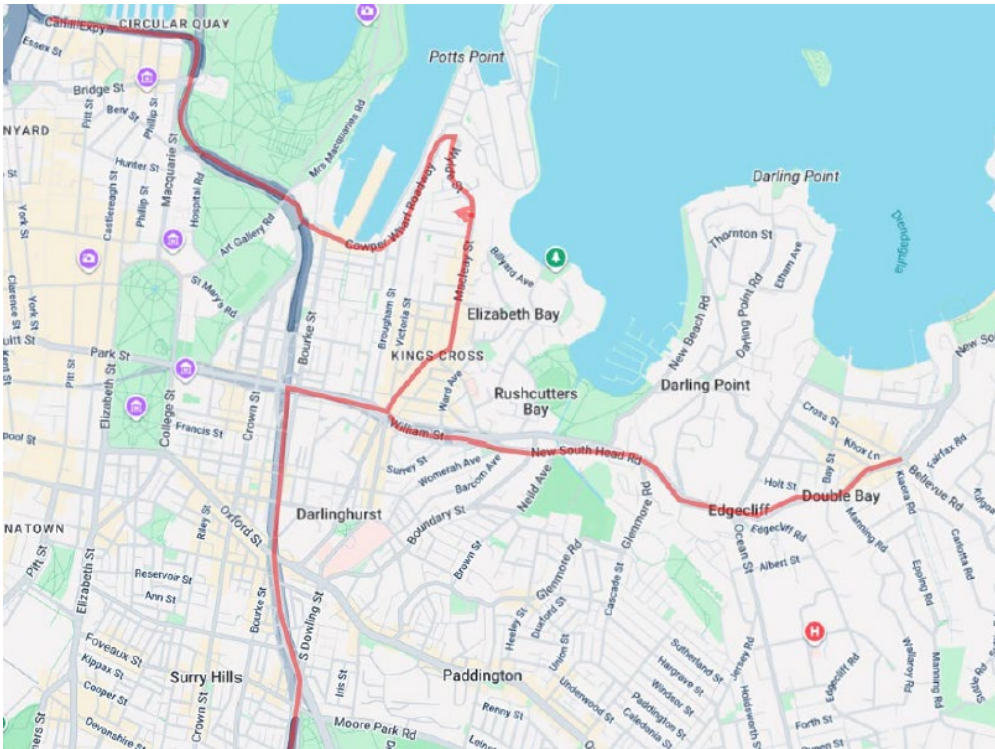
The TIA identifies a range of potential measures for inclusion in a Green Travel Plan (**GTP**) including the provision of adequate cycle facilities, a map of active and public transport routes to the site and establishment of a car-pooling program. The implementation of a GTP is anticipated to encourage and promote sustainable means of transport for those living and working at the site.

### 6.7.5 Construction Traffic Management

The TIA includes a preliminary Construction Pedestrian Traffic Management Plan (**CPTMP**) which provides a strategy for managing construction related traffic and impacts to pedestrian movements.

Construction vehicles will access the site via Macleay Street and McDonald Street, with haulage routes primarily along State and Regional roads including New South Head Road, William Street, the Eastern Distributor and the Cahill Expressway (refer to **Figure 25**). All construction vehicles will access the site via Macleay Street.

Figure 31 Potential Construction Vehicle Routes



Source: JMT Consulting

The CPTMP estimates construction traffic will be limited to 3-5 vehicles per hour (10-20 vehicles per day), which is significantly lower than projected operational traffic volumes (being up to 10 vehicles per hour in the peak). As such, no unacceptable impacts on the surrounding road network are anticipated.

No on-site parking will be provided for construction staff and personnel will be encouraged to travel by public or active transport or use nearby public parking stations, consistent with arrangements for other major developments near Sydney's CBD.

Temporary fencing and hoardings will be installed along the site frontages on Macleay Street, McDonald Street and McDonald Lane to maintain safe pedestrian movements adjacent to the site. Footpaths will remain open at all times, with traffic controllers positioned at vehicle access points to manage pedestrian interactions.

The CPTMP includes a range of mitigation and management measures to minimise impacts, including:

- Scheduling construction activities, deliveries and spoil removal during standard work hours.
- Minimising the use of local street for truck movements and prohibiting queuing on adjacent roads
- Maintaining safe pedestrian access around the site through detailed traffic control plans
- Encouraging construction workers to use public and active transport

The CPTMP included in the TIA is preliminary only and will be further refined into a detailed CPTMP prior to construction to guide day to day management of construction traffic and pedestrian safety.

## 6.8 Noise and Vibration

A Noise and Vibration Impact Assessment (NVIA) has been prepared by E-Lab Consulting (**Appendix U**) to assess the potential noise and vibration impacts of the construction and operation of the proposed development. The assessment adopts the criteria set out by the NSW Environmental Protection Authority.

### 6.8.1 Existing Environment

The site is primarily surrounded by residential land uses, with noise sensitive residential receivers to the north, south, east and west of the site, as demonstrated in **Figure 26**. Noise monitoring was conducted between 21 to

27 July 2025, with the location of the long-term noise monitors shown in **Figure 26**. The results of the long-term monitoring show that there is a background noise level of 47-52dB(A) at day time, 44-46dB(A) in the evening and 39dB(A) at night. The local ambient noise is typical of an urban residential environment.

Figure 32 Noise-sensitive receivers and noise monitoring locations



Source: E-Lab Consulting

## 6.8.2 Construction noise and vibration

Construction works associated with the project are anticipated to be undertaken in stages, as set out below, for a total of approximately two years:

- Substructure and piling works: 6 months
- Structural works: 18 months.

Construction works are proposed to be undertaken between the following hours:

- Monday to Friday: 7am to 6pm
- Saturday: 8am to 1pm
- Sundays and public holidays: No work.

The NVIA assesses the likely impacts of construction works on surrounding properties against the recommendations of the Interim Construction Noise Guideline (ICNG).

The construction works are anticipated to exceed the project Noise Management Levels (NMLs) at surrounding noise sensitive receivers by up to 18 dB(A) during certain construction activities.. However, there will be no exceedance to the ICNG highly noise affected criteria for nearby residential receivers. Moreover, the NVIA notes that the noise assessment is representative of worst-case scenario impacts and real impacts are expected to be less if a solid hoarding is implemented around the boundary and when works are further away from the project site boundary.

The NVIA also details safe working distances for vibration intensive plant and notes this is subject to confirmation of the final construction method at time of contractor appointment.

To mitigate construction noise impacts, the NVIA recommends:

- Engaging a specialist to undertake attended vibration measurements at the commencement of work to verify safe working distances and development additional mitigation measures if deemed necessary.
- Frequent and proactive communication with surrounding residents and neighbours, including preparation of a Community Consultation Strategy.
- Use of bored piling which is lower in vibration generation.
- Conduct vibration monitoring at surrounding sensitive receivers and prepare dilapidation reports for surrounding sensitive receivers and buildings which will be in close proximity to heavy machinery.
- Consideration of other measures to minimise noise and mitigate its impact, including the use of screening, temporary barriers silencers and alternatives to reversing / warning alarms.

Subject to the implementation of the recommended mitigation measures, construction noise impacts will not result in any unacceptable amenity impacts to surrounding sensitive receivers.

### 6.8.3 Operational Noise and Vibration

The NVIA also includes an assessment of operational noise and recommends measures to minimise impacts.

Operational noise sources include mechanical plant and equipment, loading dock operations, use of the ground floor retail tenancy and use of the outdoor communal spaces on Levels 2 and 3. In relation to these operational noise sources, the NVIA notes:

- Mechanical plant and equipment are in the process of being selected and will be carefully selected to minimise external noise emissions.
- Below ground car parking is not anticipated to generate any adverse noise impacts.
- Predicted noise levels associated with the operation of the loading dock are anticipated to comply with noise emission criteria.
- Future use of the retail tenancy will be subject to a separate application and approval process which will consider noise impacts.
- Predicted noise levels associated with use of the communal spaces are anticipated to comply with noise emission criteria, assuming a 1.1m high balustrade is provided around the perimeter of the communal spaces.

The NVIA also considers the noise impacts of surrounding traffic noise on future occupants of the proposal. Given that the proposed development will result in a reduction of five vehicles per hour in the AM peak and three vehicles per hour in the PM peak, as per the findings of the Traffic Impact Statement (**Appendix S**), the NVIA concludes that the road noise generated for the proposal is expected to be less than the existing generation, meaning no acoustic measures are required.

The NVIA recommends the following measures to mitigate impacts:

- Measures relating to mechanical plant including location, screening and insulation
- Implementation of acoustic facades on the Macleay Street, McDonald Street and McDonald Lane frontages.
- Alternative means of ventilation to apartments with balconies facing Macleay Street on levels 1 to 10.
- Vibration isolation of the loading dock slab to ensure structure-borne noise and vibration is controlled.
- Installation of a 1.1m high balustrade around the perimeter of the communal spaces and installation of signage reminding residents to be considerate and minimise noise while using these spaces.

Subject to the implementation of the recommended mitigation measures, operational noise and vibration impacts will comply with the relevant standards and will not unreasonably affect nearby receivers or future occupants.

## 6.9 Social Impact

A Social Impact Assessment (**SIA**) prepared by Notting Hill Advisory (**Appendix HH**) assesses the potential social impacts of the proposal, identifies mitigation and enhancement measures and provides recommendations aligned with professional standards and statutory obligations. The assessment was undertaken in accordance with DPHI's *Social Impact Assessment Guideline* (2023).

The SIA acknowledges that construction works may generate temporary social impacts due to disruptions and amenity impacts. However, these impacts are expected to be short-term and manageable through the implementation of recommended mitigation measures.

The SIA notes that the existing building contains no dedicated affordable housing as defined by the Housing SEPP. All dwellings are rented or sold on the open market, with no income-based eligibility requirements or management by a registered CHP. Current market rates for one-bedroom studio units in the existing building are approximately \$550-\$750 per week (Domain 2024), placing them beyond the reach of many very low to moderate income households.

While the SIA notes that the proposal will result in a net reduction in total dwelling numbers on the site, this is offset by substantial positive social outcomes, including:

- Provision of 23 dedicated affordable dwellings managed by a registered Community Housing Provider, available exclusively to very low-, low- and moderate-income households for a minimum of 15 years in accordance with the Housing SEPP.
- A significant uplift in affordable housing provision compared to the concept proposal's reference scheme, which included only nine affordable dwellings.
- Delivery of high-quality, modern housing stock across the entire building, improving liveability, accessibility, and environmental performance.
- Activation of the ground floor with commercial uses, enhancing local vibrancy, supporting economic activity, and fostering social connections.

Overall, the SIA considers the proposal to result in a very high positive residual social impact significance due to the substantial provision of dedicated affordable housing and improved housing quality, subject to the implementation of the recommended mitigation measures.

### 6.9.1 Dwelling typology and diversity

In response to Department queries on the concept proposal, Urbis provided further analysis of dwelling typologies in Potts Point using ABS data. The findings highlight a pronounced imbalance in the local housing mix, with a significant undersupply of larger apartments.

Studios account for 14.4% of Potts Point's housing stock which is twenty times the NSW average. Combined, studios, one-bedroom and two-bedroom apartments make up 92% of all dwellings in the suburb. In contrast, only 7.1% of apartments in Potts Point have three or more bedrooms, compared with 68.6% across NSW. This points to strong latent demand for larger dwellings, particularly for families, multi-generational households and residents seeking to remain in the area as their housing needs change.

The dwelling structure is also highly skewed. Potts Point is one of the most densely built suburbs in NSW, with residential flat buildings comprising 86.9% of the housing stock, compared to 21.7% statewide. Only 11% of dwellings are houses, semi-detached or townhouses, meaning there is very little occupied dwelling structures that are not existing apartment buildings. Redevelopment activity in such a context therefore typically involves older apartment buildings nearing the end of their life cycle.

The ABS data highlights the importance of ensuring new developments contribute to a more balanced mix of dwelling sizes. The proposal seeks to supply a diversity of housing typologies, including 23 studio affordable

apartments and 21 three or more-bedroom apartments to support demographic diversity and help retain long-term residents who might otherwise be forced to relocate to meet their housing needs.

## 6.9.2 Mitigation Measures

The SIA identifies a range of mitigation measures to further enhance positive impacts and mitigate negative impacts which are summarised below:

- Ongoing community engagement throughout construction and operation
- Prepare and implement a Construction Management Plan to minimise noise, dust, vibration and traffic impacts during construction.
- Prepare an Operational Management Plan for the affordable housing dwellings and their transition to market housing
- Promote community cohesion for future residents through partnerships with local businesses, hosting of events, and resident-led social programs.
- Deliver affordable housing that is integrated through consistent design and finishes with the wider development.
- Communicate clear guidance on communal amenity use and engage with the Community Housing Provider to identify practical opportunities for voluntary, resident-led activities that may support social connection over time.
- Maintain building and public area upkeep, provide clear wayfinding, and ensure visible management presence to encourage positive behaviour.
- Prepare and implement a local activation plan to foster partnerships with nearby businesses and encourage community use of ground floor spaces.
- Conduct post-occupancy evaluations within 24 months to assess satisfaction, comfort, health, and wellbeing, using findings to inform future improvements.

## 6.10 European Heritage

A Heritage Impact Statement (**HIS**) has been prepared by John Oultram Heritage & Design and is provided at **Appendix EE**. The HIS assesses the potential impacts of the proposed development on surrounding heritage items and the Potts Point Heritage Conservation Area.

### Existing Environment

The site is not listed as a heritage item (under Schedule 5 of the SLEP 2012) or in the State Heritage Register. However, the site is located within a heritage conservation area (HCA), identified as the Potts Point Heritage Conservation Area (C51) under part 2 of Schedule 5 of the SLEP 2012.

The site is mapped as a 'detracting item' to the Potts Point HCA within the Sydney DCP 2012. The Sydney DCP 2012 defines detracting buildings as buildings intrusive to the HCA which do not represent a key period of significance and detract from the character of a HCA.

The site is located in proximity to two State heritage items, the Sydney Harbour Naval Precinct and 'Jenner House' and multiple local heritage items listed under Schedule 5 of the SLEP 2012 as shown in **Figure 27**, including:

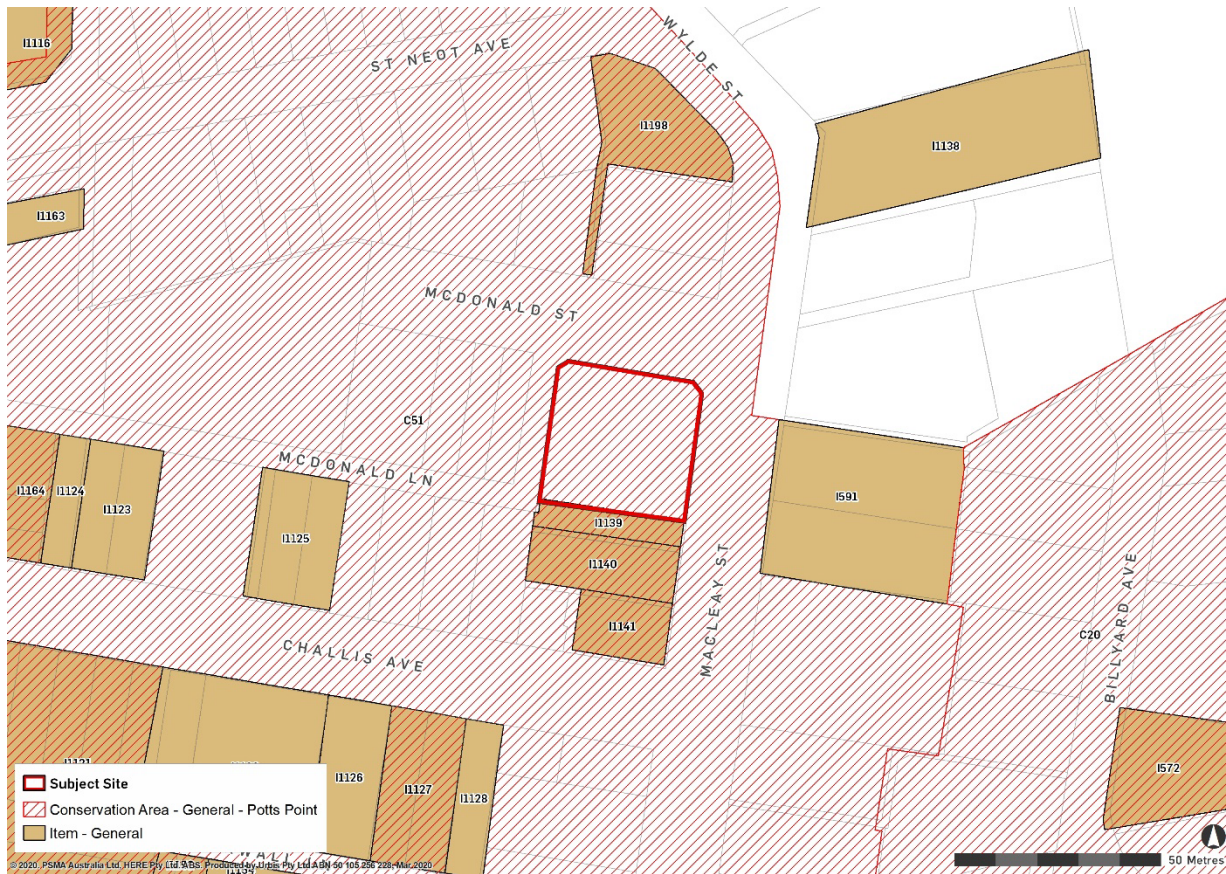
- Terrace house Sante Fe including interior, 55 Macleay Street (I1139).
- Former artists' studio The Yellow House including interior, 57-59 Macleay Street (I1140).
- Flat building Wirrawa including interior, 61-63 Macleay Street (I1141).
- Flat building Macleay Regis including interior, 10-12 Macleay Street (I591).

The Potts Point HCA is characterised by terraces of the late nineteenth and early twentieth centuries interspersed with high quality Interwar and post war apartment housing and several surviving grand houses.

The site is currently occupied by a 12-storey apartment building constructed in the Post War period and is identified as a detracting item to the Potts Point HCA in the Sydney DCP, as shown in **Figure 28**. The Sydney DCP defines detracting buildings are those that are intrusive to a heritage conservation area due to their inappropriate scale, bulk, setback, setting, design or materials.

Demolition of the existing building on the site is not proposed as part of this SSDA and is subject to separate approval under SSD-79316759. Subsequently, it is not necessary to consider the heritage impacts of the demolition of the existing building as part of this SSDA.

Figure 33 Heritage Mapping



Source: Urbis

Figure 34 Potts Point HCA Building Contributions Map



Source: Sydney DCP

### Potential Impacts

The HIS assesses the potential impacts of the proposal on the Potts Point HCA and the heritage items in the vicinity of the site. The assessment concludes that the proposal respects and enhances the established significance of the HCA and surrounding heritage items.

The built form and massing have been purposefully designed to minimise impacts to the HCA and respect the heritage significance of the surrounding area. The three-storey podium aligns with the predominant street wall height of the adjoining heritage items on Macleay Street (61-63, 57-59 and 55 Macleay Street). Vertically expressed piers break down the building's bulk, provide articulation, and reflect the finer grain of the local streetscape, responding appropriately to the bulk of the adjoining heritage items.

The tower is setback approximately 3.3m to 5.3m from the Macleay Street frontage and is articulated with vertical and horizontal indents which lessens the tower bulk and scale. The curved tower form references the Art Deco character of Macleay Street, ensuring the building complements, rather than detracts from the heritage context.

Setbacks and building separations have sought to provide a sympathetic transition between existing heritage items and the development. The built form massing is concentrated on the corner of Macleay Street and McDonald Street to allow sufficient distance and maintain the setting of adjoining heritage items. The 'Chimes Garden' provides a softer transition in scale to the adjoining southern heritage buildings.

The material selection also responds to the surrounding heritage character. The podium features dark brown brick and bronze detailing in keeping with Macleay Street's predominant brickwork, while the tower uses light-coloured profiled glazed terracotta to reflect the materiality of nearby taller buildings.

Compared to the concept SSDA envelope, the proposal has been refined to provide a slenderer tower form, preserving views to and from nearby heritage items. While the HIS notes some impact from the building's

larger scale and contemporary style, these are considered limited and acceptable, consistent with the pattern of post-war high-rise development in Potts Point and the existing 12-storey building on the site.

The proposal also does not impact on any heritage view corridors, noting that there are no identified heritage view corridors associated with the 'Macleay Regis' or the 'Yellow House'.

Overall, while there may be minor impacts on the setting and views of the HCA and nearby heritage items, these are limited and will not compromise their heritage significance. This is due to the existing high-rise developments within the surrounding area that already define the area's skyline without affecting heritage values, as well as the considered design of the new building, which responds appropriately to its heritage context through built form and materiality.

Therefore, the HIS concludes that the proposal would have a limited and acceptable impact on the setting and significance of the heritage items in the vicinity and the Potts Point Heritage Conservation Area.

## 6.11 Other impacts not requiring detailed assessment

This section of the report addresses the matters which require a standard impact assessment. It outlines the findings of the assessment and the key mitigation measures used to ensure compliance with the relevant standards or performance measures.

Table 20 Standard Assessment Matters

Issue	Assessment	Mitigation
<b>Water Management</b>	<p>A Stormwater Management Plan (<b>Appendix X</b>) has been prepared by Arcadis to assess the stormwater management requirements for the site.</p> <p>The existing site is fully developed and 100% impervious. Stormwater is currently discharged to the City of Sydney's existing street pit and pipe network, via two stormwater pits on Macleay Street.</p> <p>The proposal will reduce the impervious area on the site through the introduction of a landscaped 'Chimes Garden' on the southern portion of the site, resulting in lower stormwater runoff compared to existing conditions.</p> <p>The proposed development is divided into nine catchment areas for the purposes of stormwater management. Each of these catchments will drain to different components of the proposed stormwater management system. These components include:</p> <ul style="list-style-type: none"> <li>▪ Roof drainage to a ground level stormwater quality tank, containing Stormfilters and Ocean Guards.</li> <li>▪ Vegetated swales in the north-western and southern portions of the site to collect and treat runoff from landscaped areas.</li> <li>▪ Stormwater pit in the south-west of the site adjacent to Chimes Garden, equipped with a Stormfilter for water quality treatment.</li> <li>▪ Trench grate on the southern portion of the western site boundary for impervious portions of Chimes Garden that drains to the stormwater pit.</li> </ul>	<p>All stormwater is to be collected and treated on site, before being discharged to the existing street pit and pipe network.</p> <p>The following stormwater quality management measures are proposed:</p> <ul style="list-style-type: none"> <li>▪ Stormwater quality tank with two Ocean Guards and five Stormfilter cartridges.</li> <li>▪ Two vegetated swales in the north-western and southern portions of the site.</li> <li>▪ Stormwater pit beneath the landscaped area containing two Ocean Guards and one Stormfilter cartridge.</li> <li>▪ Trench grate on the southern portion of the western site boundary for impervious portions of Chimes Garden that drains to the stormwater pit.</li> </ul>

All stormwater will be discharged to the existing street pit and pipe network located adjacent to the site. Sydney Water has confirmed that an on-site detention tank is not required.

The Stormwater Management Report also details a proposed treatment train for the development to reduce pollutant loads in line with Council's stormwater quality targets, as demonstrated in the table below.

Pollutant	Reduction Target	Proposed Pollutant Reduction
Gross Pollutants	90%	98%
Total Suspended Solids	85%	85.3%
Total Phosphorus	65%	69.3%
Total Nitrogen	45%	45.5%

Overall, the proposed stormwater management system has been designed to comply with relevant authority requirements and will ensure that impacts are effectively managed.

- An emergency overflow pipe directed to the kerb and gutter in McDonald St is recommended as a secondary outlet in the event of the stormwater pipe system's total blockage and/or failure.

## Groundwater

A Groundwater Seepage Analysis and Hydrogeological Report have been prepared by El Australia (**Appendix W**) to assess the groundwater impacts of the development, specifically in relation to dewatering associated with the proposed drained basement design.

Long term monitoring recorded groundwater level across the site between RL 19.17m AHD to RL 25.92m AHD. Modelling predicted seepage inflows to the proposed drained basement at 4.04m<sup>3</sup>/day, or 1.5ML/year during basement construction. The estimated volume of groundwater to be removed during the operational phase of development is expected to be identical to the groundwater take during construction. As this is below the 3 ML/year threshold under the NSW Water Management (General) Regulation 2018, no Water Access Licence is required.

The development proposes to use a drained basement design, which will require dewatering during construction and operation. The completed basement will be dewatered using a sump-and-pump seepage collection system during operation.

The Hydrogeological Report includes an assessment of existing groundwater quality to ensure that future groundwater discharged from the site is of an appropriate quality. This groundwater quality testing found that the levels of aluminium, nitrogen, phosphorus and petroleum hydrocarbons, as well as the turbidity and pH of the water, were above the relevant water quality criteria. Subsequently, the report determined that water treatment is required prior to stormwater discharge during both the construction and operational dewatering phases.

Potential risks to neighbouring structures associated with ground settlements due to the predicted groundwater drawdown should be assessed by a qualified structural engineer prior to construction.

During construction and operational dewatering, ongoing water quality monitoring should be undertaken, including both visual and odour monitoring and sample collection and analysis.

Following completion of construction dewatering activities, an Interim Dewatering Completion Report must be prepared.

Annual Dewatering Monitoring Reports must be prepared during the operational phase of the development.

The Dewatering Contingencies for potential dewatering issues outlined

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Potential water treatment options include pumping water through a sediment settlement tank where additional measures and technologies can be implemented to treat the identified contaminant exceedances, such as absorption filters. Treated water will be discharged into the municipal storm water pit. Water treatment should be conducted by a Water Treatment Specialist and should be accommodated by regular and ongoing monitoring.

in Section 6.5 of the Hydrogeological Report should be implemented.

The Hydrogeological Report concludes that, subject to the proposed mitigation measures, potential onsite contamination sources will be effectively removed during basement excavation, and any residual groundwater impacts will be treated to comply with the approved discharge water criteria.

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### Geotechnical

A Geotechnical Investigation Report has been prepared by El Australia (**Appendix V**) to assess site surface and subsurface conditions to provide geotechnical advice and recommendations to assist in the design of the proposal.

The site is underlain by Hawkesbury Sandstone, located immediately below the existing at-grade car park hardstand or up to 0.7m below existing ground level elsewhere in the site. Excavation of up to 13m below existing ground is proposed which will primarily be in sandstone. Locally deeper works for footings, service trenches, crane pads and lift overrun pits may also be required.

Due to the shallow sandstone bedrock, the Geotechnical Report does not consider that a temporary retaining wall will be required, though localised support will be needed where overburden soils occur. An engineered retention system and temporary batters may be installed following excavation.

Excavation is not expected to impact neighbouring buildings, including the adjoining southern property, which is founded on shallow sandstone and set back from the proposed works.

The low permeability of the soil and bedrock means groundwater inflows are expected to be minimal and manageable via conventional sump and pump systems.

- Implement mitigation measures as recommended in the Geotechnical Report including:
  - Preparation detailed dilapidation surveys
  - Vibration monitoring
  - Groundwater seepage monitoring
  - Classify excavated material to be transported off site
  - A stability assessment of temporary batters using computer modelling should be undertaken if required.
  - Geotechnical inspections of all new footings

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### Acid Sulfate Soils

An Acid Sulfate Soils (**ASS**) Risk Letter has been prepared by El Australia (**Appendix CC**) to assesses the potential impact of the proposed development on ASS and the need to prepare an Acid Sulfate Soils Management Plan (ASSMP). The site is located within a Class 5 ASS risk area according to the Sydney LEP 2012, with the nearest Class 1 and 2 ASS risk areas located 150m away from the site at 1-8m AHD, which is a significantly lower elevation than the subject site. According to the Acid Sulfate Soil Risk Map prepared by the

Not applicable.

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Department of Land and Water Conservation (1997), the subject land lies within an area having No Known Occurrence.

The ASS Risk Letter draws upon the soil sampling and analysis conducted as part of the Detailed Site Investigation prepared for the site to conclude that, while the site contained soils with acidic conditions, these were not considered to be indicative of or specific to ASS materials.

As the proposed excavation will be into bedrock, the ASS considers it highly unlikely that any required dewatering during the construction phase would lower the water table below 1m AHD on the adjacent areas of Class 1 and 2 ASS. Therefore, the letter concludes that the proposal has a low risk of disturbing any actual or potential ASS materials and, subsequently, it is not necessary to prepare an ASSMP for the proposed development.

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**Contamination and remediation**

A Preliminary Site Investigation (**Appendix Z**) and Detailed Site Investigation (**Appendix AA**) have been prepared by JK Environments to assess the suitability of the site for the proposed development in accordance with the relevant requirements of the Resilience and Hazards SEPP.

The investigations identified potential sources of contamination within the site from fill material, pesticides, hazardous building materials and current and historical dry cleaners within proximity of the site. The DSI included collection and analysis of soil samples from seven boreholes and two test pits, soil vapour samples from five sub-slab vapour pins and groundwater samples from three monitoring wells. Exceedances of contaminants including carcinogenic polycyclic aromatic hydrocarbons (PAHs) and total recoverable hydrocarbons (TRHs) were detected in fill soils. Risks associated with soil vapour and groundwater were assessed to be low based on the DSI data.

The DSI concluded that the site can be made suitable for the proposed development via remediation and recommended the preparation of a Remediation Action Plan (**RAP**). The RAP must include a data gap investigation to be undertaken following demolition to address the data gaps associated with the DSI, including access constraints associated with the existing structures on the site.

A RAP was prepared by JK Environments (**Appendix BB**) and provides a methodology to remediate and validate the site and concludes that the site can be made suitable for the proposed development via remediation. The RAP proposes to remediate fill at the site through an 'excavation and off-site disposal' strategy, accompanied by a 'cap and contain' approach for certain areas of the site if contaminated fill cannot be practicably removed. All remediation works will be undertaken in accordance with the RAP and a validation assessment report will be prepared to confirm that the site

Remediate the site in accordance with the RAP and prepare a Validation Assessment Report post-remediation.

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has been adequately remediated. It is anticipated that this can be secured through a condition of consent.

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**Ecologically Sustainable Development (ESD)**

The proposal addresses the principles of Ecologically Sustainable Development (**ESD**) in accordance with the requirements of Section 193 of the Environmental Planning and Assessment Regulation 2021.

An ESD Report and a BASIX & NaTHERS Assessment have been prepared by IGS at **Appendix R** to confirm that the design meets relevant sustainability targets for water consumption, energy efficiency and thermal comfort. The proposal is capable of achieving at least BASIX Energy +5 and full electrification, or an average 7- star NatHERS rating across the development where this delivers a superior environmental outcome, which is in accordance with Condition B29 of the Concept SSD approval.

An assessment of the proposal against the ESD principles is provided below:

- **Precautionary principle:** The proposed development will be constructed on a previously developed site and will not disturb or degrade any local greenfield site. The proposal is also supported by a suite of environmental assessments and mitigation measures to avoid serious or irreversible damage to the environment.
- **Intergenerational equity:** The proposal which seeks to increase the provision of affordable housing, will provide affordable living options within an accessible area, minimising the reliance on private vehicles and reducing carbon emissions. The ESD principles incorporated into the proposed development facilitates the conservation of energy and water resources through energy and water efficiency measures.
- **Conservation of biological diversity and ecological integrity:** A BDAR waiver has been granted for the proposed development. The proposal is supported by an Arboricultural Impact Assessment and seeks to ensure that impacts on biodiversity and ecological integrity are minimised. The project is committed to planting native vegetation and using integrated landscaping to enhance the overall ecological and biodiversity of the site.
- **Improved valuation, pricing and incentive mechanisms:** The valuation of the project's assets and services considers environmental factors through the implementation of various ESD initiatives. A Construction Management Plan will be in place throughout the construction of the proposed development to ensure that excessive pollution and waste are minimised, and to establish recycling and landfill waste streams during construction and operational phases. This creates a system where pollution is managed and controlled and creates an

Implement ESD mitigation measures as detailed in the ESD report including:

- Installation of high-performance glazing, sun shading devices and insulation
- High-efficiency HVAC and LED lighting
- Rooftop solar PV system
- Water-efficient fixtures and fittings
- Favour low-embodied-carbon and responsibly sourced materials during construction.

incentive to reduce pollution and waste. In operation, the pursuit of environmental ratings such as BASIX and NaTHERS promote resource efficiency that reduces running costs and increases the value of the development to investors, owners and tenants.

The proposal includes the following key ESD initiatives:

- Energy-efficient lighting, air-conditioning and ventilation systems, water heating and renewable energy technologies (where feasible).
- A 13 kW Solar PV system on the rooftop of the development
- Installation of smart meters to track energy and water consumption in real-time.
- High performance glazing, external shading and integrated sun hoods to reduce heat transfer through windows
- Use of low embodied energy and high recycled content building materials.

Therefore, suitable ESD measures have been incorporated into the project to exceed benchmark ESD targets.

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**Biodiversity**

Demolition of the existing building and removal of planted vegetation on the site has already been undertaken in accordance with Concept proposal (SSD-79316759).

No further mitigation required.

Accordingly, a request to waive the requirement for a Biodiversity Development Assessment Report (BDAR) was prepared by Land Eco Pty Ltd and submitted to DPHI on 18 July 2025. The waiver request was prepared on the basis that:

- The site is highly disturbed with little vegetation.
- No threatened ecological communities or threatened species have previously been mapped within the site
- The site has limited potential to provide breeding habitat for threatened species as it is too open and disturbed.
- The trees and vegetation present on the site are a mix of exotic and non-indigenous native species.
- The site has low habitat connectivity with natural areas.

The BDAR Waiver was issued by DPHI on 18 August 2025. Accordingly, no further assessment of biodiversity impacts is required.

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**Waste Management**

A Waste Management Plan (WMP) has been prepared by SLR Consulting and is provided at **Appendix DD**. The WMP identifies all potential waste generation for the construction and operational phase of the proposed development. It includes a description of how waste is to be handled, processed and disposed of, or reused and recycled.

No further mitigation required.

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### Demolition and Construction Waste

The demolition and construction of the proposal is expected to generate the following waste:

Table 21 Construction Waste Volumes

Building Material	Waste Quantity (m <sup>3</sup> )
Timber	14.4
Concrete	457
Bricks	65.9
Gyprock	26.8
Sand and soil	591.1
Metal	26.8
Other	12.4

This waste will be separated and recycled or reused where possible. The removal of any asbestos and other hazardous/contaminated waste will be in accordance with the SafeWork NSW and NSW EPA requirements.

### Operational Waste

The WMP estimates the weekly waste volumes generated by the proposal as shown in the table below. Residential waste is proposed to be collected once per week and retail waste will be collected five times per week.

Table 22 Waste Storage Volumes and Capacity

Waste Stream	Bin Capacity	Number of Bins	Weekly Capacity	Weekly Volume
Residential Waste				
Garbage	1,100L	3	3,300L	2,640L
Recycling	1,100L	5	5,500L	5,280L
Food	240L	11	2,640L	2,640L
Retail Waste				
Garbage	240L	1	1,200L	847L
Recycling	240L	4	4,800L	4,235L
Food	240L	1	1,200L	847L

Residential and non-residential waste and recycling systems will be separated within the development and will be stored in separate waste storage rooms at the ground level adjacent to the loading dock. **Table 21** outlines the total waste storage area required for residential and non-residential uses and the amount of waste storage provided.

Table 23 Waste Storage Area Provision

Waste Stream	Area required (m <sup>2</sup> )	Area provided (m <sup>2</sup> )
Residential waste	33.9 (including 6.4m <sup>2</sup> of bulky waste space)	34.0
Retail waste	7.8	10.0
<b>Total</b>	<b>41.7</b>	<b>44.0</b>

Therefore, sufficient waste storage areas have been provided to manage the waste expected to be generated by the proposal.

Swept path analysis provided in the TIA confirms that waste servicing vehicles can adequately manoeuvre into the site. Waste and recycling vehicle movements are also not expected to generate any significant impacts to the surrounding road network.

The WMP concludes that the operational waste associated with the project will have a negligible impact and can be effectively managed.

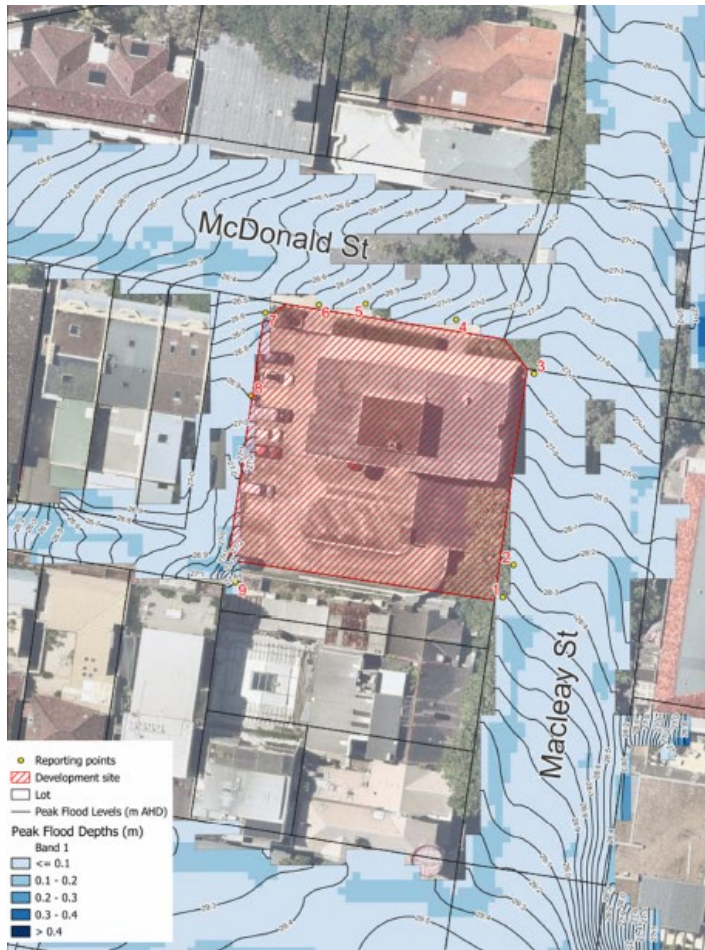
## Flooding

A Flood Impact and Risk Assessment (FIRA) was prepared by Arcadis (**Appendix Y**) for the concept SSDA in accordance with the NSW Flood Risk Management Manual (2023) and the SEARs. This FIRA characterises the flood risks affecting the site and identifies the relevant Flood Planning Levels (FPLs) for the development. A cover letter has been prepared to supplement the FIRA for this detailed SSD application which confirms that the conclusions made for the concept proposal remain relevant to the detailed proposal, with slight improvements in the flood outcomes due to the removal of the south eastern site access.

Not applicable.

The site falls within the Woolloomooloo catchment which drains into Sydney Harbour at Woolloomooloo Bay. The site is largely free of flooding during the 1% AEP and PMF events, with the majority of flood affectation limited to surrounding streets and the public domain as shown in **Figure 29**. Peak flood depths are generally less than 0.1m on roads and under 0.2m along the gutters. Flood areas surrounding the site are categorised as Low Hazard.

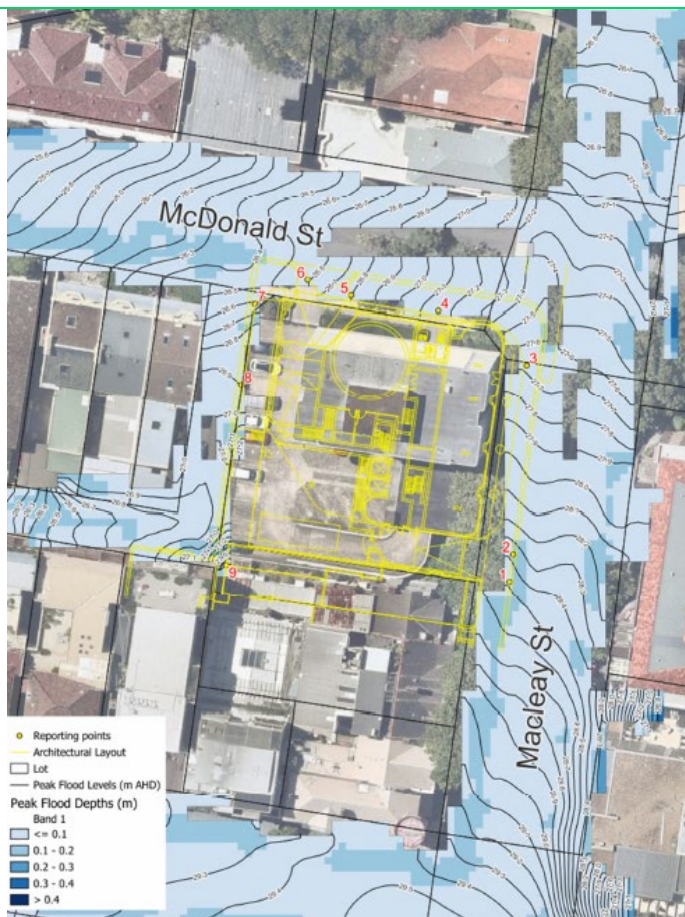
Figure 35 Pre-development Flood Depths – 1% AEP



Source: Arcadis

The FIRA concludes that, in the post-development conditions, the 1% AEP flood levels surrounding the site have slightly decreased due to the new pedestrian path along McDonald Street. The flood hazard classification for the site remains Low Hazard post-development, as shown in **Figure 30**.

Figure 36 Post-development Flood Depths – 1% AEP



Source: Arcadis

The City of Sydney Interim Floodplain Management policy requires proposed development to have floor levels, entry points and openings set at or above the relevant flood planning levels. The FIRA covering letter confirms that all proposed finished floor levels are above the flood planning levels.

Therefore, the proposal is supportable on flood planning grounds, and no further mitigation is required.

**Aboriginal cultural heritage**

An Aboriginal Cultural Heritage Assessment Report (ACHAR) was prepared by Urbis in support of the concept proposal on the site and concluded that the site has low Aboriginal cultural heritage significance, the archaeological potential of the site is nil to very low and the proposed works are unlikely to cause either direct or indirect harm to Aboriginal objects.

The ACHAR recommended the implementation of an Archaeological Unexpected Finds Procedure and Human Remains Procedure for future construction works.

The ACHAR has been updated to apply to the detailed proposal (this application) and confirms that the previous findings and recommendations remain applicable. Therefore, the proposal is acceptable from an Aboriginal cultural heritage perspective.

Implement an Archaeological Unexpected Finds Procedure and Human Remains Procedure during construction.

**Archaeology**

A Historical Archaeology Impact Assessment (HAIA) was prepared by Urbis in support of the concept proposal on the

Implement the HARDEM during construction works

site which identifies that there is a low potential for archaeological resources associated with the Adelaide Cottage phase (1831-1888) and moderate potential for archaeological resources from the Late 19<sup>th</sup> Century terraces phase (1888-1960) and that intact remains from these phases may hold local significance.

The HAIA recommended the preparation of a Historical Archaeological Research Design and Excavation Methodology (HARDEM) which details a site-specific methodology for development works and nominates an Excavation Director and archaeological team.

The HARDEM will be implemented during construction works to ensure potential archaeological resources are appropriately managed.

**Infrastructure Requirements and Utilities**

An Infrastructure Due Diligence Report has been prepared by IGS and is attached at **Appendix II**. The report assessed the existing and required services infrastructure for the site. Not applicable.

Electrical Infrastructure

An existing Ausgrid kiosk substation is located adjacent to the site on McDonald Street. This substation is to be retained and protected during construction.

The proposed development is anticipated to generate electrical load requiring an additional 1000kVA surface chamber substation, which is proposed to be located on the Macleay Street frontage of the site. The high-voltage electricity supply for the surface chamber substation is proposed to be from the existing kiosk substation.

Water & Sewer Infrastructure

The site is serviced by both sewer drainage and potable water. Two water mains (200mm and 150mm) run along Macleay Street and McDonald Street respectively. In addition, a 225mm sewer main runs along McDonald Lane.

The existing mains water and sewer infrastructure are considered to have sufficient capacity to service the proposed development.

Telecommunications Infrastructure

The site is in proximity to existing telecommunication infrastructure from NBN and Telstra which run along McDonald Street and Macleay Street. The proposed development can be serviced by the existing infrastructure.

**Public Art**

A Preliminary Public Art Strategy (PPAS) has been prepared by Art Pharmacy in response to the requirements of Condition B26 of the Concept SSDA approval (SSD-79316759). The PPAS outlines a preliminary vision and narrative for public art on the site, as well as indicates potential locations within the development where public art can be delivered.

The PPAS draws from the history and culture of the site and its surrounds, as well as the design and materiality of the

- Preparation of a detailed public art plan prior to occupation of the development.
- Following completion of the artwork, prepare a comprehensive maintenance and

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proposed development to identify key thematic areas and art narratives which can be used to guide future public art on the site.

The PPAS identifies the following key exterior public art opportunities for the site, all of which are visible from street level:

- Integrated soffit artwork above the entrance to Chimes Garden.
- Freestanding sculpture / integrated fence work at the entrance to Chimes Garden.
- Integrated paving artwork on the Macleay Street frontage.
- Architectural façade integration on the Macleay Street frontage at Levels 1 and 2.

It is proposed that a detailed public art plan will be prepared following approval of this SSD application. This detailed plan will include specifics related to the artist selection process, the design development process, the form, dimensions, materials and location of the artwork, as well as matters relating to artwork installation.

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repair manual to manage the artwork in the future.

# 7 Justification of the Project

This section of the report provides a comprehensive evaluation of the project having regard to its economic, environmental and social impacts, including the principles of ecologically sustainable development.

It assesses the potential benefits and impacts of the proposed development, considering the interaction between the findings in the detailed assessments and the compliance of the proposal within the relevant controls and policies.

## 7.1 Project Design

The design of the development has been informed by a detailed analysis of the local context, which ranges from low-rise terraces to taller residential towers. The proposed 16-storey form maintains the approved GFA and affordable housing yield, while adopting a slender profile that improves view sharing, reduces overshadowing and lessens perceived bulk. The additional height is not readily perceived from street level and is in keeping with the evolving built form character of Potts Point.

The massing has been shaped to respect the surrounding context of the heritage conservation area, protect key view corridors and maintain solar access to neighbouring properties. The proposal improves on the concept application through increased setbacks, a reduced tower footprint, additional deep soil planting and a more articulated form providing a more contextually responsive and sympathetic built form to that which has already been assessed and approved as part of the concept proposal.

## 7.2 Strategic Planning Consistency

This EIS has demonstrated that the proposal is consistent with the strategic framework and has been considered against key Government and Council documents including the following:

- Greater Sydney Region Plan – A Metropolis of Three Cities.
- Our Greater Sydney 2056: Eastern City District Plan.
- NSW Better Placed.
- City of Sydney Local Strategic Planning Statement (City Plan 2036)
- Housing for All – City of Sydney Local Housing Strategy
- Sustainable Sydney 2030–2050
- NSW Housing Strategy: Housing 2041.

All levels of strategic planning seek to facilitate additional housing (including diverse and affordable housing) and ‘transit oriented development’ through the ‘30 minute city’ concept. The proposal meets these objectives, given it:

- Proposes high amenity residential accommodation in an accessible area. The site is located approximately 750m from the Kings Cross Station and proximate to several bus stops on Macleay Street. These transport services provide access to Greater Sydney, including key employment centres.
- Will help bolster housing the diversity and affordability of housing in the Potts Point area. This directly addresses the NSW Government mandate to boost housing supply and diversity and tackle housing affordability.
- Provides employment generating, non-residential floor space on the ground floor to activate the ground plane and provide a balanced mix of land uses, as envisaged by the City of Sydney LSPS for the Macleay Street and Woolloomooloo Village.

In conclusion, the proposal seeks the orderly and economic redevelopment of a detracting building with contemporary infill that exhibits design excellence.

## 7.3 Statutory Planning Consistency

The relevant State and local environmental planning instruments are listed in **Section 4** and assessed in **Appendix C**. The assessment concludes that the proposal complies with the relevant provisions within the relevant instruments as summarised in **Table 22** below.

Table 24 Statutory Planning Consistency

Matter	Consistency
Objects of Act – EP& A Act s1.3	The proposed development has been assessed and designed in respect to the relevant objects of the EP&A Act and addressed in <b>Appendix C</b>
Evaluation of development application (s4.15) – EP&A Act s4.40	The proposed development has been evaluated in accordance the relevant matters for consideration under s4.15(1) of the EP&A Act as outlined in <b>Appendix C</b> .
Compliance with environmental assessment requirements – EP&A Regulation s.191	This EIS has been all matters identified in the SEARs as outlined in <b>Appendix A</b> .
<b>Principles of Ecologically Sustainable Development – EP&amp;A Regulation s.193</b>	
The precautionary principle	<p>The precautionary principle relates to uncertainty around potential environmental impacts and where a threat of serious or irreversible environmental damage exists, lack of scientific certainty should not be a reason for preventing measures to prevent environmental degradation.</p> <p>The proposed development has been designed to avoid environmental impacts as far as possible. Where adverse impacts are anticipated, measures are proposed to mitigate these. The proposal demonstrates a commitment to minimising environmental impact and implementing climate change resilience and resource conservation measures. A range of ESD measures are proposed, including significant landscaping and tree planting, and water efficiency fittings.</p>
Inter-generational equity	<p>Intergenerational equity: the needs of future generations are considered in decision making and that environmental values are maintained or improved for the benefit of future generations.</p> <p>The proposed development will deliver a high-quality residential development on a site that is well located and benefits from strong public transport accessibility. The proposal will provide 15% affordable housing on a site in need of redevelopment. The development will also deliver high quality communal and open space, which will enhance the appearance of the site.</p>
Conservation of biological diversity and ecological integrity	The pre-developed site can be considered to have low-ecological value and biodiversity significance. The project is committed to planting native vegetation and using integrated landscaping to enhance the overall ecological and biodiversity of the site.

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Improved valuation, pricing and incentive mechanisms

This requires the holistic consideration of environmental resources that may be affected as a result of the development including air, water and the biological realm. It places a high importance on the economic cost to environmental impacts and places a value on waste generation and environmental degradation. The proposed materials support the efficient operation and maintenance of the development and achieve environmental outcomes.

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## 7.4 Community Views

The Applicant has undertaken ongoing community consultation which has shaped the built form massing and detailed design. Residents and businesses support the improved design quality, landscaping, sustainability measures, underground car parking with EV facilities, bicycle amenities and inclusion of well-designed affordable housing. Key concerns raised related to building height, potential overshadowing, reduced dwelling numbers and the adequacy of the affordable housing provision which have been addressed throughout this report.

## 7.5 Environmental Impacts

The proposal will not result in any unacceptable environmental, economic or social impacts as summarised below:

- The built form integrates with the character of the surrounding heritage conservation area and delivers a high level of amenity onsite and in surrounding areas, achieving ADG benchmarks for solar access, natural ventilation and privacy
- The proposal delivers a net public benefit in comparison to the concept approval through improved solar access to 33 surrounding dwellings improved view sharing outcomes resulting from a more slender and reduced building envelope.
- High-quality landscaping, communal open spaces and deep soil areas will be provided to support the needs of future residents and the broader community
- The proposal will deliver high positive social benefits associated with the substantial provision of dedicated affordable housing, improved housing quality and contribution to diversity in the predominant housing typology in Potts Point
- Operational impacts relating to traffic, noise, waste, stormwater and flooding have been assessed as acceptable and will be appropriately managed to avoid adverse impacts on neighbouring properties
- Construction-related impacts such as noise, traffic, waste, access and geotechnical matters will be temporary and appropriately managed through robust mitigation measures
- The proposal will have a positive economic impact by creating 160 construction jobs and 12-13 operation jobs.

## 7.6 Suitability of the Site

The site is considered highly suitable for the proposed development for the following reasons:

- The proposal is consistent with the MUI Mixed Use zone objectives, is permitted with consent and satisfactorily addresses the relevant provisions in the Sydney LEP and DCP.
- The site is currently considered as a detracting item from the Potts Point HCA and its existing composition of solely studio apartments does not align with the strategic vision established for Sydney and NSW more broadly to provide diverse and affordable housing options for its growing population.

The site presents a unique opportunity to provide a well-designed shop top housing building in Potts Point, capitalising on its position in close proximity to the Sydney CBD and 750m from Kings Cross Station.

- The site is not affected by critical constraints, including contamination, noise and vibration, biodiversity and flooding, which cannot be successfully abated through skilful design or the implementation of mitigation measures.
- The character and scale of the development is compatible with its existing and desired future context.
- The proposal will co-locate housing and employment generating floorspace in an accessible area, contributing to dwelling and job targets set out in the LSPS for the Macleay Street and Woollahooloo Village and supporting the '30-minute city' vision.

## 7.7 Public Interest

The proposed development is considered in the public interest for the following reasons:

- The proposal delivers diverse and affordable housing in an accessible location, directly responding to the NSW Government's policy mandate to improve housing choice and affordability. The site's location allows easy access to employment centres, retail, open space, and social infrastructure (schools, hospitals etc).
- The proposal is consistent with relevant State and local strategic plans and substantially complies with the relevant planning controls.
- The development has been subject to a design competition and extensive design review process and is considered capable of achieving design excellence. The proposal results in a development that delivers a high level of amenity for residents, neighbouring landowners and the broader Potts Point community.
- Subject to the implementation of the recommended mitigation measures, no adverse social or environmental impacts result from the proposal during construction and operation of the development.
- The proposal will deliver 160 FTE jobs during the construction phase and 12-13 ongoing jobs during the operational phase of the development. This will create short- and long-term benefits for the local economy
- The site will facilitate the orderly and economic use and development of the land.

Having considered all relevant matters, we conclude that the proposed development is appropriate for the site and approval is recommended, subject to appropriate conditions of consent.

## 8 Conclusion

In conclusion, the proposed redevelopment project represents a well-considered and strategic approach to revitalising the site in Potts Point. The project aligns with key economic, environmental, and social objectives, promoting ecologically sustainable development while enhancing the community's welfare. The design has been refined through extensive community and stakeholder consultation, ensuring it respects the heritage and architectural context of the area.

The proposal is consistent with local and state strategic planning frameworks, supporting the vision for a '30-minute city' by providing diverse and affordable housing in a highly accessible location. The project will deliver significant public benefits, including improved public domain outcomes, increased employment opportunities, and enhanced social and economic vitality.

The design has been subject to significant design review to ensure it meets high standards of design excellence following the design competition. Overall, the proposed development is suitable for the site and is recommended for approval, subject to appropriate conditions of consent and the implementation of the recommended mitigation measures.

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