

Our ref: IRF23/21(PP-2021-6740/GR-2022-17)

Ms Juliet Grant
Chair
Independent Planning Commission

Via email: ipcn@ipcn.nsw.gov.au, [REDACTED]

12 April 2023

Subject: Gateway determination review (GR-2022-17) – Woollahra Municipal Council’s planning proposal to remove land acquisition reservation in Edgecliff

Dear Ms Grant

Thank you for your Advice Report dated 10 October 2022 regarding the Gateway determination review request by Woollahra Municipal Council (Council) in relation to planning proposal PP-2021-6740. The proposal seeks to remove four areas of land reservation (identified as Areas 1 to 4) for future acquisition by Transport for NSW (TfNSW) on New South Head Road (classified road), Edgecliff.

I wish to thank the Commission for reviewing the request and meeting the Department’s representatives on 19 September 2022 to discuss this matter.

The Department has carefully considered the Commission’s advice, and in accordance with its recommendation, has undertaken further consultation with TfNSW with discussions at the senior executive level.

On 23 December 2022, TfNSW forwarded correspondence to the Department confirming that it does not provide consent to the removal of any of the land reservation. It reiterates the role of New South Head Road and the subject reserved land, including Areas 2 and 4, as part of an important public transport corridor. One of the strategic visions for the corridor’s road network plan for the next 20 years is to encourage the use of sustainable transport modes with efficient public transport services and high-quality active transport facilities. A copy of this letter is **enclosed** for reference.

Based on the above correspondence from TfNSW and their advice throughout the Gateway review process, and the letter from the former Parliamentary Secretary for Transport and Roads to Council dated 21 April 2020 (**enclosed**); the Department is satisfied that TfNSW does not provide consent to the removal of any of the land reservation, as all four areas are to be retained for future public and active transport purposes. As such, the Department maintains the view that the proposal is inconsistent with section 9.1 Ministerial Direction – 5.2 *Reserving Land for Public Purposes*, which requires approval of the relevant public authority for any reduction of land reservation, and the inconsistency is not of minor significance.

The Department acknowledges the Commission’s consideration of the need for retaining local heritage regarding the sites in Areas 2 and 4. Following further consideration of this issue, the Department forms the view that the status of the relevant sites in these areas as heritage items should not preclude reservation of the land for transport purposes. The local heritage listing provides the basis for the consent authority to consider the effect of future changes, including alteration, moving and demolition, on the heritage significance of the items concerned. The listing should not constrain public authorities from acquiring the land for public purposes.

The Department acknowledges the importance of identifying and safeguarding land for transport and other infrastructure, which is stated in Priority E1 and E10 of the *Eastern City District Plan*. As the

subject land reservation has been identified by TfNSW as being required to implement future public and active transport improvements, the Department supports its retention for future acquisition by TfNSW.

In reaching this position, the importance of safeguarding transport corridor land in established urban areas has been taken into account.

Having regard to the above, the Department considers that the reasons for the Gateway determination of 8 June 2022 to not proceed with the planning proposal remain valid. Accordingly, the Gateway determination will not be altered in this instance. However, if there is a change in position from TfNSW in the future, then a further planning proposal may be considered.

The Department appreciates Council's intent to improve the public domain outcomes of New South Head Road and to support regeneration of the Edgecliff Commercial Centre. In this respect, there are opportunities for Council and TfNSW to collaborate and investigate place-making and active and public transport initiatives along the road corridor. The Department is committed to aiding and will be available to facilitate any such discussions.

Should you have any questions, you are welcome to contact Ms Laura Locke, Director, Eastern and South Districts at the Department on [REDACTED]

Yours sincerely

A large black rectangular redaction box covering the signature area.

Monica Gibson
Acting Deputy Secretary
Planning and Land Use Strategy

Encl: Letter from TfNSW to DPE dated 23 December 2022, including attachments

23 December 2022

TfNSW Reference: SYD22/00155/03



Mr. Michael Cassel
Secretary
Department of Planning and Environment
12 Darcy Street
Parramatta NSW 2150

Attention: Laura Locke

**INDEPENDENT PLANNING COMMISSION ADVICE REPORT
GATEWAY DETERMINATION REVIEW REQUEST: PLANNING PROPOSAL (PP-2021-6740)
REMOVAL OF LAND RESERVATIONS FOR FUTURE ACQUISITION, NEW SOUTH HEAD ROAD EDGECLIFF**

Dear Mr. Cassel,

Thank you for providing Transport for NSW (**TfNSW**) an opportunity to respond to the advice report provided by the Independent Planning Commission (**IPC**) on the Gateway Determination Review Request dated 10 October 2022 in relation to Planning Proposal (PP-2021-6740). The proposal seeks to remove four (4) areas of land reservation for future acquisition by TfNSW on New South Head Road (classified road), Edgecliff. The four (4) areas of land reservation are shown on the map in **Attachment A** for reference.

After review of IPC's report, TfNSW notes the summary of the findings:

- The land reserve in Area 1 to be **retained** as the agency believes that there is sufficient road corridor allocation to facilitate bus priority measures, support ongoing operational needs such as bus layover and / or accommodate future network growth to support the south-eastern Sydney public transport demands.
- The land reserve in Area 2 to be **removed** as retaining the heritage significance of Cadry's Site was important and should be strengthened by its listing as a heritage item. Additionally, the reservation did not appear to relate to possible future active transport works, but rather to intersection widening works to facilitate traffic moving from New South Head Road into the residential area of Glenmore Road.
- The land reserve in Area 3 to be **retained** because the reservation was minor and appeared to serve a valid purpose to assist future traffic movements into Darling Point Road and would improve network efficiency. The site was not listed as heritage item and the public domain improvements were not located in the widening.
- The land reserve in Area 4 to be **removed** as the site/building in Area 4 was listed as heritage item and TfNSW was unable to point to specific plans to explain the future improvement works at the intersection.

Regarding Areas 2 and 4, TfNSW does not support IPC's advice that these acquisition reservations can be considered redundant and as such does not provide our consent to the removal of any of the four (4) areas of reservation proposed by the Planning Proposal under Ministerial Direction 5.2 (1) – Reserving Land for Public Purposes.

The Planning Proposal, therefore, presents an inconsistency with the Direction which is not considered of "minor significance" and in this regard cannot be supported by TfNSW. The agency has been consistent in the retention of all land reserves in all Areas as indicated in the following:

- The agency has advised previously Woollahra Council it has no plans to remove any of the land reservations, including Area 2 and Area 4 along New South Head Road. New South Head Road and the subject reserved land, including Areas 2 and 4 are part of an important public transport corridor from Darlinghurst to Bondi. One of the strategic visions in the corridor's road network plan for the next 20 years is to provide a safe and reliable corridor that encourages the use of sustainable transport modes with efficient public transport services and high-quality active transport facilities.

Attachment B is a letter to Council dated 21 April 2020 from Eleni Petinos MP, former Parliamentary Secretary for Transport and Roads, which confirms that TfNSW has no plans to remove the subject land reservations

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- TfNSW also issued a letter to Woollahra Council (10 May 2022) indicating its preference not to list the buildings in land reserve Area 2 as a heritage item (Cadry's Site).

A copy of this correspondence is attached (refer **Attachment C**). It is understood this Planning Proposal (PP-2021-6545) was recently finalised and the sites heritage listed on 16 December 2022.

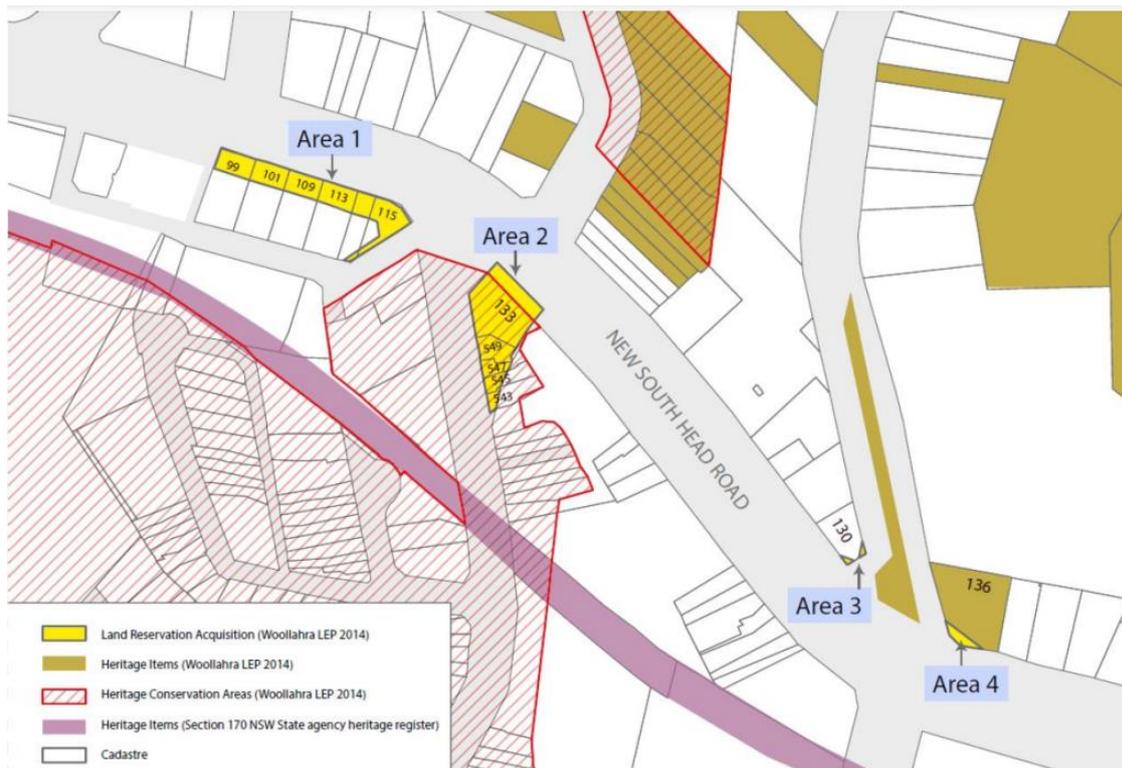
Again, TfNSW appreciates the opportunity to provide advice on the IPC report. If you have any questions or further enquiries in relation to this matter, Carina Gregory, Senior Manager Strategic Land Use can be contacted via phone on [REDACTED] or email: development.sydney@transport.nsw.gov.au.

Yours sincerely,



Brendan Pegg
Acting Director Land Use
Planning and Programs, Greater Sydney Division

Attachment A – Land Areas as indicated in PP-2021-6740





Ms Eleni Petinos MP
Parliamentary Secretary for Transport and Roads

Our Ref: 00984019

Councillor Susan Wynne
Mayor
PO Box 61
DOUBLE BAY NSW 1360

Dear Cr Wynne

Thank you for your correspondence to the Minister for Planning and Public Spaces, which was referred to the Minister for Transport and Roads, about land reservations along New South Head Road, Edgecliff. The Minister has asked me to respond on his behalf.

I understand you also wrote to the Minister for Transport and Roads directly regarding this matter, and I trust you will accept this as a response to both approaches.

I note the reasons which prompted you to write, however Transport for NSW has no plans to remove the land reservations at this time.

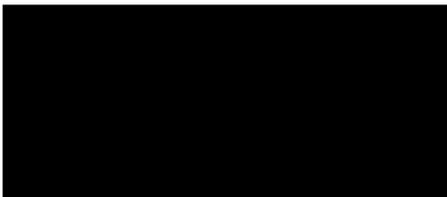
Removing the land reservations may allow for future developments on this site, which may hinder the public transport possibilities for this key corridor.

I am advised New South Head Road and the reserved land is part of an important public transport corridor from Darlinghurst to Bondi. One of the strategic visions in the corridor's road network plan for the next 20 years is to provide a safe and reliable corridor that encourages the use of sustainable transport modes with efficient public transport services and high-quality active transport facilities.

If you have any further questions, Mr Murray Cleaver, Network Development Leader at Transport for NSW, would be pleased to take your call on (02) [REDACTED]

I trust this information is of assistance.

Yours sincerely



21/04/2020

Eleni Petinos MP
Parliamentary Secretary for Transport and Roads

10 May 2022

TfNSW Reference: SYD22/00155/02

Craig Swift-McNair
General Manager
Woollahra Municipal Council
PO Box 61
Double Bay, NSW 2028

Attention: Kristy Welfare

RE: PLANNING PROPOSAL TO AMEND WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2024 FOR LISTING - '133 NEW SOUTH HEAD ROAD AND 549 GLENMORE ROAD, EDGECLIFF' AS LOCAL HERITAGE SITE

Dear Craig Swift-McNair,

Transport for NSW (TfNSW) appreciates the opportunity to provide comment on the above planning proposal. We understand that the planning proposal seeks to amend the Woollahra Local Environmental Plan 2014 to list '133 New South Head Road' and '549 Glenmore Road' as local heritage site in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979 (EP&A ACT)*.

As Council would be aware, both of these properties are located within the area identified for future transport improvements along New South Head Road and Glenmore Road and subject to land reservation provisions under the Woollahra Local Environmental Plan 2014 with Transport for NSW as acquisition authority. As Council would appreciate, New South Head Road and the reserved land is part of an important public transport corridor from Darlinghurst to Bondi. One of the strategic visions in the corridor's road network plan for the next 20 years is to provide a safe and reliable corridor that encourages the use of sustainable transport modes with efficient public transport services and high-quality active transport facilities.

Due to the above, it is TfNSW's preference not to amend the Woollahra Environmental Plan 2014 to list these buildings as local heritage items. However, local heritage matters fall under Council's jurisdiction, and should Council proceed with listing these two buildings as local heritage items, Council should be aware that TfNSW may acquire these two land parcels, if required, in the future once the type and extent of transport improvements are determined. This may include facilitating such improvements through the potential demolition of existing buildings irrespective of local heritage classification.

Thank you for the opportunity to provide advice on the subject planning proposal. Should you have any questions or further enquiries in relation to this matter, Bayzid Khan would be pleased to take your call on [REDACTED] or email: development.sydney@transport.nsw.gov.au

Sincerely,

[REDACTED]
Peter Mann
**A/ Senior Manager Strategic Land Use
Land Use, Network & Place Planning**

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