

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD-77608714 Shop top housing with in-fill affordable housing, Edgecliff
Applicant	LENDLEASE (ONE DARLING POINT) PTY LIMITED
Consent Authority	Minister for Planning and Public Spaces

Decision

The Director, Affordable Housing Assessments under delegation from the Minister for Planning and Public Spaces has, under section 4.38 of the *Environmental Planning and Assessment Act 1979* (**the Act**) granted consent to the development application subject to conditions.

A copy of the development consent is available [here](#).

A copy of the Department of Planning, Housing and Infrastructure's assessment report is available [here](#).

Date of decision

30 June 2025

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the department's assessment report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2021;
- the objects of the Act;
- the considerations under s 7.14(2) and 7.16(3) of the Biodiversity Conservation Act 2016 (NSW);
- all information submitted to the department during the assessment of the development application;
- the findings and recommendations in the department's assessment report; and
- the views of the community about the project (see **Attachment 1**).

The findings and recommendations set out in the department's assessment report were accepted and adopted as the reasons for making this decision. Additional reasons for making the decision are also recorded in the department's assessment report.

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including an investment of approximately \$132 million, creating 565 construction jobs and 110 operational jobs;
- the project is permissible on the site with development consent, and would support the State government priorities to deliver well-located housing as it will deliver 59 residential apartments (including 18 affordable housing apartments) in a highly accessible location;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the conditions of consent. Engagement on the project is considered to be in line with *Undertaking Engagement Guidelines for State Significant Projects*, including the community participation objectives outlined in these guidelines; and
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The applicant engaged with the community during the preparation of the environmental impact statement (EIS) as a requirement of the Secretary's environmental assessment requirements. The EIS detailed the findings of the engagement and how it influenced the scope and design of the project.

Once the EIS was submitted to the department it was placed on exhibition from 31 January until 27 February (28 days). 16 public submissions were received (12 objections, one comment and three in support). Woollahra Council (Council) objected to the proposal.

The Department staff also undertook site visit and extensively engaged with the Applicant throughout the process.

The key issues raised by the community (including in submissions) and considered in the department's assessment report and by the decision maker include built form and design, residential amenity, including the residential amenity of neighbouring properties, traffic and parking, inadequate infrastructure and capacity concerns, loss of character and heritage impacts. Other issues are addressed in detail in the department's assessment report.

<i>Issue</i>	<i>Consideration</i>
<i>Traffic and parking impacts</i> - increased on-street parking impacts - no consideration of cumulative traffic and parking impacts	<i>Assessment</i> - The proposed traffic generation (47 vehicles in the AM and 38 vehicles in the PM peak per hour) is unlikely to have a significant impact on the surrounding road network or intersection performances as it represents approximately 1 vehicle per minute. - The Department is also satisfied that the Applicant's consideration of cumulative impacts is sound, noting that any future proposals would also need to consider traffic impacts as part of any future application. - The Department is satisfied the proposal provides sufficient on-site car and bicycle parking for the proposed residential, retail and commercial uses, given the location of the site in close proximity to Edgcliff Station and the proposed implementation of a Green Travel Plan. The proposal is, therefore, unlikely to impact on the available on-street car parking. <i>Recommended Conditions</i> - conditions recommended by TfNSW including road upgrade works at Darling Point Road to facilitate a left-in and left-out only turn from the site - provision of on-site car parking and bicycle parking spaces in accordance with the Australian Standards - preparation and implementation of the final Green Travel Plan.
<i>Excessive height and incompatible scale</i>	<i>Assessment</i> - The proposed height of the proposal fully complies with the maximum building height permitted for the site under the Housing SEPP which provides for a 30% bonus for developments which include 15% affordable housing. - The Department's assessment concludes that the proposal will be compatible in bulk and scale with the existing 30-storey residential tower to the north, and the desired future character set out in the Edgcliff Commercial Centre Strategy which envisages higher densities (10-26 storeys) along New South Head Road.
<i>View impacts and privacy loss</i>	<i>Assessment</i> - The Applicant has submitted a detailed View Loss Impact Assessment. The Department has assessed the Applicant's submission and is satisfied that view loss is reasonable in the circumstances, considering the Tenacity Planning Principles. - The building fully complies with the maximum permissible building height on the site. The additional height and density from the Housing SEPP primarily impacts on distant views and sky views for the surrounding apartments, except for six apartments on the upper levels of Eastpoint Tower (which represents 6% of total apartments in Eastpoint Tower). - The Department has accepted this impact and considered it to be reasonable under the Tenacity principles noting that the obstruction is a small part of a wider panoramic view of Sydney Harbour and the city skyline which will continue to be available to these apartments.
<i>Overshadowing impact</i>	<i>Assessment</i> - The Department's assessment concludes that the development will not result in unreasonable overshadowing of neighbouring properties to the south and east including 166 New South Head Road. The affected apartments at 164 New South Head Road, will continue to receive two hours of solar access in line with the ADG. - Further, the proposal will not result in any additional overshadowing of Trumper Park/Oval between 10am and 2pm midwinter consistent with the WDCP.
<i>Inadequate infrastructure and capacity concerns</i>	<i>Assessment</i> The site is well located 50m from Edgcliff Station which provides direct

	services to the Sydney Central Business District (CBD) and is also serviced by several bus routes that connect the site to Sydney CBD, Watsons Bay and North Bondi. - The locality is also serviced by public schools and community facilities, the capacity of which are monitored and managed as necessary by NSW Government. - Additionally, the development proposes satisfactory on-site communal open space to avoid strain on public open spaces. <i>Recommended Conditions</i> - payment of section 7.12 contributions in accordance with Council's Contributions Plan, to be utilised in the improvement of public infrastructure within the LGA including delivery of open spaces and community services - payment of Housing Productivity Contributions, to help fund the delivery of infrastructure in high growth areas - payment of all monetary contribution for affordable housing and public infrastructure in relation to a voluntary planning agreement that applies to the site.
<i>Loss of local character and impact on heritage</i>	<i>Assessment</i> The Department has carefully considered the impact of the development on the heritage item on the site and the surrounding heritage character and concludes that: - the proposal complies with the applicable development standards under the Housing SEPP, and is acceptable in terms of design excellence, building height and bulk - the proposal retains the existing heritage item and wraps the proposed building to respect its curtilage - the four-storey podium relates to the low scale developments to the east (proposed heritage conservation area (HCA)) - the tower is setback to maintain an acceptable interface with the proposed HCA to the east as well as the surrounding HCAs and heritage items in line with Woollahra Local Environmental Plan 2014 (WLEP). <i>Recommended Conditions</i> - photographic archival of the heritage building and the sandstone wall - preparation of an appropriate salvage methodology - engagement of a suitably qualified heritage consultant - preparation of a Schedule of Conservation Works of the heritage item.
<i>Inadequate building setbacks</i>	<i>Assessment</i> The Department has satisfied the building setbacks to be satisfactory as: - the proposal provides setbacks exceeding 18-24m to neighbouring developments to the north, south and west - the proposal's 3 m setback for the first four storeys (car park) fully complies with required setbacks under the WDCP and the ADG - the eastern façade of the car parking levels has been carefully designed using brick blades to create a textured façade to minimise visual privacy impacts on 164 and 166 New South Head Road - dense tree planting, landscaping and non-trafficable areas are proposed along the eastern interface at the Level 4 communal open space to alleviate any overlooking onto the adjoining properties - the adjoining four storey buildings are unlikely to be redeveloped to a greater height due to the proposed heritage listing. Therefore the 6 m tower setback at this interface above Level 5 is considered acceptable.
<i>Environmental impacts (air quality, fauna and flora impacts)</i>	<i>Assessment</i> - Based on advice received from State agencies, the Department concludes that the proposal will not result in unreasonable impacts on fauna or flora. - The proposal retains 3 street trees and proposes 19 new trees to contribute to the tree canopy in the locality. - The Department has recommended several conditions to minimise potential temporary environmental impacts (including noise and air quality) during construction. <i>Recommended conditions</i> - construction Environmental Management Plan including measures to manage and mitigate any environmental impact during construction, including air quality - retention of existing street trees along New South Head Road.
<i>Non-compliance with DCP</i>	<i>Assessment</i> - A DCP does not apply to the SSD application pursuant to section 2.10 of the State Environmental Planning Policy (Planning Systems) 2021. Notwithstanding, the Applicant has provided an assessment of the proposal against the WDCP controls which demonstrates that the proposal is largely consistent with the built form envisaged for the site in the WDCP. - The Department has assessed the proposal in detail and concludes that the proposal delivers a building that largely complies with the WLEP and Housing SEPP planning controls for the site and presents a massing and scale consistent with the density permitted under these Environmental

	Planning Instruments.
<i>Structural damage of old neighbouring buildings</i>	Assessment - The Department has recommended conditions requiring the Applicant to prepare pre and post construction dilapidations reports to ensure that the condition of neighbouring properties and infrastructure is recorded, to allow any damage or other impacts to be rectified accordingly. - The Department also recommends conditions to protect neighbouring properties. Recommended conditions - undertake construction utilising appropriate methods that will not damage the structural stability of the adjoining premises, buildings or any public place, due to the works and any associated vibration - provide adequate support to protect neighbouring buildings - undertake pre-construction dilapidation surveys of neighbouring buildings, before the issue of a Construction Certification - undertake post-construction dilapidation surveys of neighbouring buildings, Before the issue of an Occupation Certificate.
<i>ADG non-compliances (solar access and cross-ventilation requirements)</i>	Assessment The proposal maximises opportunities for apartments to achieve solar access and cross ventilation, in line with the objectives of the ADG. The site is significantly constrained due to its long southern frontage, location at two busy roads and the retention of the heritage item on the site. In this context, the Department is satisfied that: 70.4% of the apartments in the first nine storeys of the proposed development will achieve cross ventilation meeting the ADG criteria 64% of apartments receive a minimum of two hours of solar access between 9am and 3pm midwinter, and 83% of apartments receive two hours solar access to 3.30pm, mid-winter - all apartments will receive some level of solar access exceeding ADG design criteria - at least 76% of the principal communal open space receives 2 hours solar access between 9am and 3pm midwinter which exceeds the 50% ADG requirement.
<i>Updated voluntary planning agreement (VPA) is necessary</i>	Assessment - The proposal provides 15% of the overall GFA as affordable housing for 15 years in order to utilise the 30% uplift in height and FSR in accordance with the Housing SEPP. - The existing VPA which provides for contributions for local and community infrastructure and affordable housing, remains relevant and is not impacted by this proposal. - Overall, the Department is satisfied that the existing VPA, section 7.12 contributions and Housing Productivity Contribution (HPC) capture all monetary contributions payable by the Applicant to allow development of future infrastructure and community facilities in the locality. Recommended conditions - payment of all monetary contributions owing in relation to the VPA, section 7.12 and HPC contributions prior to undertaking any construction activities.
<i>The proposal does not exhibit design excellence</i> <i>inadequate response to comments from the State Design Review Panel (SDRP)</i> <i>inconsistency with the desired future character of the area</i> <i>incorrect use of Edgecliff Commercial Centre (ECC) Strategy as reference for desired character.</i>	Assessment The Department has conducted a detailed assessment and is satisfied that the proposed development exhibits design excellence because: - the proposal has been presented to the SDRP and the Applicant has made refinements to the proposal in response to the comments - the proposal presents a high standard of architectural design including an acceptable design of ground plane - the form and external appearance of the development will improve the quality and amenity of the existing public domain - the proposal will not obstruct any view corridors or landmarks identified in the WDCP - the development will be compatible with the desired future character of the area as envisaged in strategic documents adopted by Woollahra Council in including the ECC strategy. Recommended conditions - the final materials and finishes are submitted to the Department - wind mitigation measures are incorporated into the design and landscaping.
<i>The proposal should include basement car parking</i>	Assessment - The provision of above ground parking is consistent with surrounding high-density developments with above ground car parking including the site immediately adjoining the northern boundary. - Further, the provision of car parking does not exacerbate the overall bulk and scale of the development, is screened with brick articulation to the south, east and north and would not have unreasonable amenity impacts on neighbours.

<i>The proposal does not demonstrate adequate amenity for communal open space (COS)</i>	Assessment The podium level COS located provides a reasonable level of amenity for both the market and affordable apartments as: • it comprises 26% of the site area in line with ADG criteria • approximately 76% of the principal COS receives 2 hours solar access between 9am and 3pm midwinter, consistent with ADG guidance • it includes a variety of spaces for social interaction and activities, a dedicated BBQ area, and active play zones with equitable access for all residents • it includes a wellness area for market apartments and a communal room dedicated for affordable apartments. Recommended conditions • deliver the COS area as per the approved Landscape Plans • incorporate tall and dense planting in wind affected areas in line with the recommendation of the Pedestrian Wind Environment Study.
Ground plane design • <i>landscaping obscures sightlines</i> • <i>porte cochere dominates the ground plane.</i>	Assessment The Department's assessment concludes that the design of the ground plane is satisfactory as: • it provides landscaping and pedestrian areas at the ground level, while accommodating driveways, turning areas, end of trip facilities and services in accordance with Australian Standards • the porte cochere facility is the most suitable vehicular movement mechanism within the constrained site, noting that both New South Head Road and Darling Point Road are clearway or no stopping zones preventing visitors or residents from making drop-offs or picks along the street frontages of the site • the through site link will serve as a route for the pedestrians arriving on site from Edgecliff Station, to access the lobbies and the retail premises. Recommended conditions • planting around the pedestrian entry to the through site link must not obscure the sightlines • other operational measures for the porte cochere and vehicular driveway to minimise vehicular and pedestrian conflict.
Private waste collection • <i>discourage use of private waste collection</i> • <i>accommodate Council's garbage truck within the site.</i>	Assessment • The site's unique features with a long and narrow shape. the requirement to retain the heritage item, and structural requirements to support the building prevents the access and turning of vehicles larger than Small Rigid Vehicles (SRV) within the site. • The Department also notes that Council has previously allowed private waste collection arrangements at 9 Mona Road (corner of New South Head and Mona Road) which has a similar site orientation, location and includes a heritage item. • Consequently, the Department supports waste collection from the site by a private contractor utilising a SRV. Recommended Conditions • implementation of the operational waste management measures • waste collection by a private waste contractor using SRV • appropriately sized bin rooms in accordance with Council's specifications to provide capacity for weekly waste collection.
<i>Lack of community consultation</i>	Assessment • The Department notes that the Applicant has provided a Social Impact Assessment report and Consultation Outcomes Report, detailing the matters raised and responses provided to the issues raised by the community. • The Department also exhibited the application from 31 January until 27 February 2025, for 28 days in accordance with the Environmental Planning and Assessment Act 1974 (EP&A Act) and considered all submissions. • The Department considers that consultation for the application has been undertaken in keeping with the Department's Community Participation Plan and the requirements of the EP&A Act.