

Modification 3 of shop-top housing with in-fill affordable housing – New South Head Road, Edgecliff

State Significant Development Modification Assessment Report (SSD-77608714-Mod-3)

July 2026





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Preface

This assessment report provides a record of the Department of Planning, Housing and Infrastructure's (the Department) assessment and evaluation of modification 3 of the State significant development (SSD) application for the shop-top housing development with in-fill affordable housing located at 136 – 148 New South Head Road, Edgecliff lodged by Lendlease (One Darling Point) Pty Ltd (the Applicant). The report includes:

- an assessment of the modification against government policy and statutory requirements, including mandatory considerations
- a demonstration of how matters raised by stakeholders have been considered
- an explanation of any changes made to the modification during the assessment process
- an assessment of the likely environmental, social and economic impacts of the modification
- an evaluation which weighs up the significant likely impacts and benefits of the modification, having regard to agency advice; and provides a view on whether the impacts are on balance, acceptable
- a recommendation to the decision-maker, along with the reasons for the recommendation, to assist them in making an informed decision about whether the consent should be modified and any conditions that should be imposed.

Contents

Preface.....	ii
1 Introduction.....	1
1.1 Project location.....	Error! Bookmark not defined.
1.2 Approval history	2
2 Proposed modification.....	4
2.1 Modification overview.....	4
2.2 Reasons for modification	5
3 Statutory context.....	5
3.1 Scope of modification and assessment pathway	5
3.2 Mandatory matters for consideration	6
4 Engagement.....	8
4.1 Department's engagement.....	8
5 Assessment.....	8
5.1 Aboricultural impacts	Error! Bookmark not defined.
5.2 Other issues.....	Error! Bookmark not defined.
6 Evaluation.....	9
7 Recommendation.....	11
8 Determination	12
Appendices.....	13
Appendix A – List of referenced documents	13
Appendix B – Statutory considerations.....	15
Appendix C – Recommended instrument of modification	18
Appendix D – Consolidated Development Consent	19

1 Introduction

This report provides the Department of Planning, Housing and Infrastructure's (the Department) assessment of an application to modify the State significant development (SSD) consent for a shop-top housing development including in-fill affordable housing at 136-148 New South Head Road, Edgecliff (SSD-77608714-Mod-3).

The application was lodged by Lendlease (One Darling Point) Pty Ltd (the Applicant), pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The modification application seeks consent to remove two street trees and prune the canopy of one street tree along New South Head Road to facilitate a hoisting and work zone during construction. Following completion of construction, the two removed trees would be replaced with trees of the same species, each at a minimum height of 7 m and 1,500L container sizes.

Details of the proposed modification (including additional information) are provided at **Appendix A** and in **Section 2**.

1.1 The site

The site is located at 136-148 New South Head Road, Edgecliff in the Woollahra local government area (LGA) as shown in **Figure 1**[Error! Reference source not found.](#). The site is legally described as Lots 1-5 in DP1311043.

The site is irregular in shape with an area of 1,746 m² and is located at the corner of New South Head Road (south) and Darling Point Road (west).

A small portion of the site (approximately 40 m²) at 136 New South Head Road is identified for land reservation acquisition (LRA) under the Woollahra Local Environmental Plan 2014 (WLEP). However, this portion of the site also accommodates the existing local heritage item known as the former 'Commonwealth Savings Bank of Australia Building' (Banks building).

Construction works pursuant to SSD-77608714 have commenced on the site.



Figure 1 | Local context map (Source: Nearmap – June 2026)

1.2 Approval history

On 30 June 2025, the Director, Affordable Housing Assessments, under delegation from the Minister for Planning and Public Spaces (the Minister), approved a SSD application for construction of a 17-storey shop-top housing development with in-fill affordable housing (SSD-77608714), comprising:

- a four-storey podium with retail and commercial uses, and above ground car parking containing 78 car parking spaces
- a residential tower containing 59 apartments (including 18 affordable housing apartments)
- communal open space (COS) at podium level
- the adaptive re-use of a portion of the existing heritage-listed building
- a publicly accessible through-site link connecting New South Head Road and Darling Point Road
- associated works including remediation, landscaping, tree removal, stormwater works, utility augmentation, installation of solar panels and lot consolidation.

The approval has been modified on one occasion, and three other modifications are under assessment currently under assessment as summarised in **Table 1** below:

Table 1 | Summary of modifications to SSD-77608714

Modification	Description	Decision-maker	Type	Date
MOD 1	Minor amendments to the facade materials and thickness, associated minor increase in gross floor area, amendment to balcony glazing line and conditions in relation to the timing of remediation works and submission of a Site Audit Statement.	Team Leader, Affordable Housing Assessments	4.55(1A)	18/03/2026
MOD 2	Minor increase to building height RLs, changes to the podium and tower façades, materiality and openings, changes to the ground floor layout, apartment layouts and communal open space areas and changes to the existing heritage item.	Director, Affordable Housing Assessments	4.55(1A)	21/07/2026
MOD 4	Extension of construction hours.	Team Leader, Key Sites Assessments	4.55(1A)	Under assessment

2 Proposed modification

2.1 Modification overview

The modification application seeks consent to remove two street trees (Tree 1 and Tree 2) and prune 2.5% of the canopy of one street tree (Tree 3) along New South Head Road to facilitate a hoisting and work zone during construction (see Figure 2 and Figure 3). Following completion of construction, the two removed trees would be replaced with trees of the same species, each at a minimum height of 7 m and 1,500L container sizes. The modification does not result in any changes to the height, bulk or built form of the approved development.

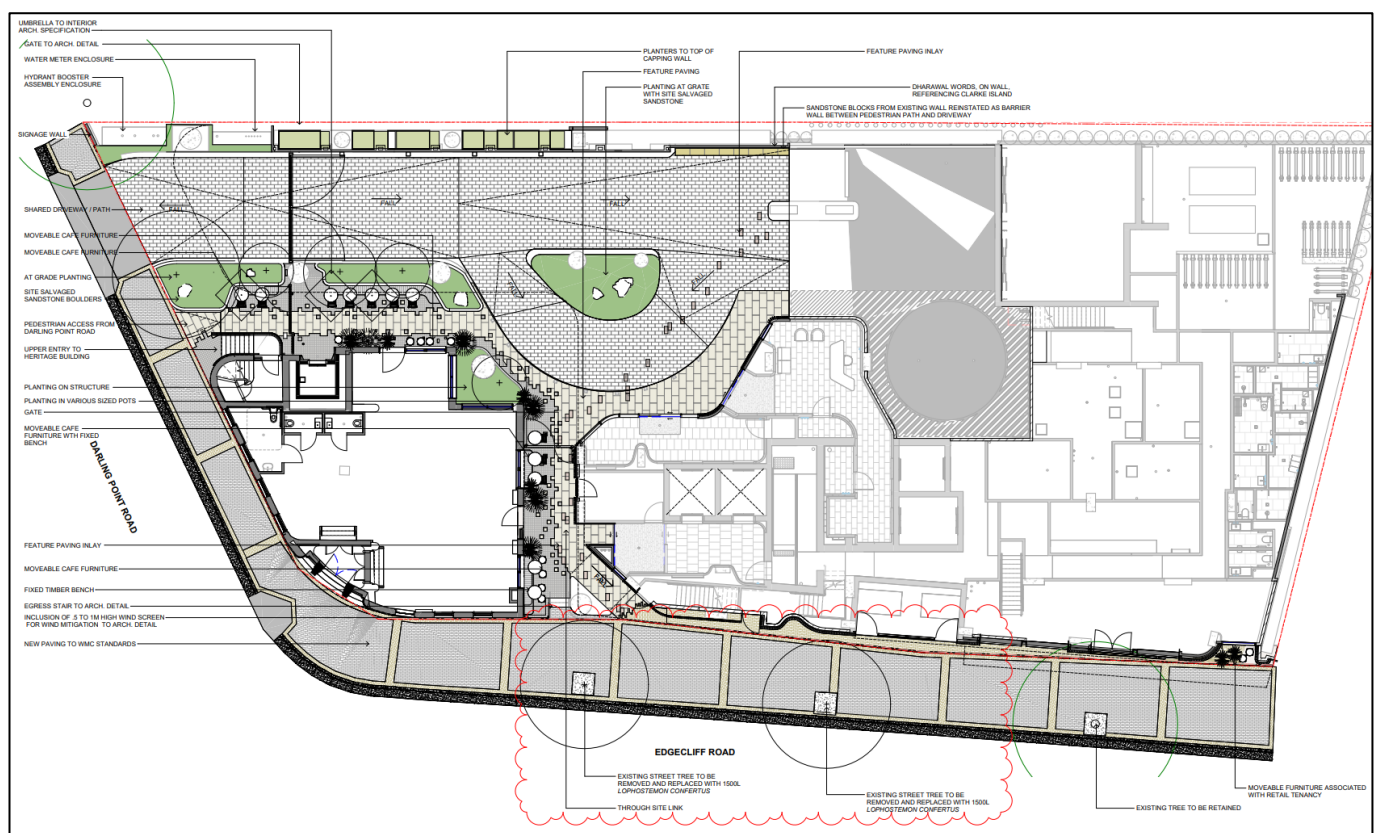


Figure 2 | Proposed tree removal shown in red clouding (Source: Modification Application)



Figure 3 | Location of hoisting and works zone on New South Head Road (Source: Modification Application)

2.2 Reasons for modification

The proposal to remove trees is to facilitate the approved hoisting zone and work zone endorsed by Transport for New South Wales (TfNSW) and approved by Woollahra Council (Council).

3 Statutory context

3.1 Scope of modification and assessment pathway

Details of the legal pathway under which modification is sought are provided in Table 2 below.

Table 2 | Permissibility and assessment pathway

Consideration	Description
Scope of modification	The Department has reviewed the scope of the modifications and considers that it can be characterised as a modification pursuant to section 4.55(1A) of the EP&A Act as: - it would have minimal environmental impact - it is substantially the same as originally approved, as the proposal seeks to remove street trees to facilitate a hoisting and work zone during construction,

Consideration	Description
	and plant replacement trees once construction works have been completed, and does not involve any changes to the approved built form. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.
Consent Authority	The Minister for Planning and Public Spaces (Minister) continues to be the consent authority under section 4.5 of the EP&A Act and has the capacity to modify the consent.
Decision-maker	The A/Team Leader, Affordable Housing Assessments may determine the modification application as: • a political disclosure statement has not been made • there are no public or Council submissions by way of objection.
Permissibility	The site is zoned MU1 Mixed Use under the Woollahra Local Environmental Plan 2014 (WLEP) and development for the purposes of 'shop-top housing', 'commercial premises' and 'retail premises' are permitted with consent. The proposed modification does not alter the permissibility of the original application.

3.2 Mandatory matters for consideration

3.2.1 Matters of consideration required by the EP&A Act

In determining the modification, the consent authority must take into consideration the matters referred to in section 4.15(1) of the EP&A Act, which are of relevance to the development the subject of the application.

The consent authority must also take into consideration the reasons given by the consent authority for the grant of the original consent, but only to the extent that those reasons are relevant to the modification application. The Department's consideration of these matters is shown in Table 3 and 0x B.

Table 3 | Matters for consideration

Matter for consideration	Department's assessment
Environmental planning instruments, proposed instruments, development control plans & planning agreements	The Department considers the development as modified is consistent with the relevant environmental planning instruments, as outlined in Appendix C.
EP&A Regulation	The Department considers the development as modified is consistent with the relevant requirements of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation), as addressed in Appendix C.
Significant likely impacts	The Department considers the development as modified would not result in adverse impacts, as outlined in Assessment.
Suitability of the site	The Department considers the site remains suitable for the proposal outlined in Assessment.
Public submissions	Given the nature of the modification, the application was not placed on public exhibition. The documents were made publicly available on the NSW Planning Portal.
Public interest	The Department considers the development as modified to be in the public interest as it would continue to facilitate the orderly and effect development of the site, as outlined in Evaluation.

3.2.2 Objects of the EP&A Act

In determining whether or not to modify the consent, the consent authority should consider whether the modified project is consistent with the relevant objects of the EP&A Act (section 1.3) including the principles of ecologically sustainable development (ESD). Consideration of those factors is described in Appendix C.

The Department is satisfied that the development is consistent with the objectives of the EP&A Act and the principles of ESD.

3.2.3 Biodiversity development assessment report

Section 7.17(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all SSD modifications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the authority or person determining the application is satisfied that the modification will not increase the impact on biodiversity values (as identified in the BC Act and in the Biodiversity Conservation Regulation 2017)

The Department is satisfied that the modification will not increase the impact on biodiversity values proposed for removal and consequently vegetation. Consequently, a BDAR is not required to accompany the modification application, in accordance with section 7.12(2) of the BC Act.

4 Engagement

4.1 Department's engagement

In accordance with the EP&A Regulation, the Department made the modification application publicly available on the Department's website on 17 June 2026 and also forwarded the application to TfNSW and Council for comment.

TfNSW reviewed the proposal and raised no objection towards the proposal, subject to recommended conditions of consent.

Council reviewed the proposal and provided the following comments:

- the proposed street tree removal would adversely impact the streetscape and landscape character of the locality
- further detail should be provided regarding the replacement trees, including measures to ensure their successful establishment and ongoing maintenance within the road reserve
- alternative traffic management and construction methodologies should be explored to avoid the need for tree removal.

5 Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification application and associated documents
- the assessment and conditions of consent for the original application

- the relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act and EP&A Regulation
- submissions received from Council and government agency advice.

The Department has considered the key issues with the proposal below.

5.1 Tree removal

The modifications involve the removal of two brushbox street trees, and the pruning of an additional brushbox street tree, along New South Head Road to accommodate a hoisting and works zone to facilitate construction of the approved development. Council commented that the tree removal would adversely impact the streetscape and landscape character of the locality and recommended that alternative traffic management and construction methodologies be explored to avoid the need for tree removal.

The Department acknowledges Council's concerns. However, on balance, the Department is satisfied that the proposed tree removal and pruning is acceptable as:

- the Applicant, TfNSW and Council investigated alternative hoisting and works zone locations. It was determined that the New South Head Road works zone was the most suitable and practicable location, and Council subsequently approved the works zone (subject to conditions) on 21 May 2026
- the limited space on New South Head Road would require substantial pruning of Trees 1 and 2 to accommodate the hoisting and works zone, and tree removal is considered the more appropriate outcome
- the trees have already been significantly pruned to facilitate hoarding and scaffolding
- the proposal would provide replacement trees of the same species and planted at a minimum height of 7 m, with an expected 12 m mature height, with a minimum 1,500L container size, increasing canopy cover.

The Department has recommended conditions requiring compliance with the approved landscape plans, a construction site management sub-plan, tree damage security deposit, and provision of replacement street tree planting.

6 Evaluation

The Department's assessment has considered the relevant matters and objects of the EP&A Act, including the significant likely impacts of the proposed modification, principles of ESD, advice from government agencies and Council submissions, and strategic government policies and plans, subject to conditions, as:

- the modified development would remain substantially the same as the approved development
- the proposed modifications would not change the approved building height, density or the number of approved affordable housing apartments of the development
- the modified development continues to comply with relevant statutory provisions and remains consistent with the relevant environmental planning instruments (EPIs) and the strategic planning context
- the proposal would not result in further environmental impacts beyond those already assessed and approved.

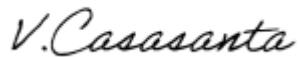
Consequently, the Department considers the modification is in the public interest and should be approved, subject to the recommended modified conditions of consent (see 0).

7 Recommendation

It is recommended that the A/Team Leader, Affordable Housing Assessments, as delegate of the Minister for Planning and Public Spaces:

- considers the findings and recommendations of this report
- accepts that the proposed modification would not result in an increased impact on biodiversity values
- accepts and adopts the findings and recommendations in this report as the reasons for making the decision to approve the modification
- agrees with the key reasons for approval listed in the notice of decision
- modifies the consent for the shop-top housing development with in-fill affordable housing (SSD-77608714), subject to the conditions in the attached instrument of modification SSD-77608714-Mod-3).
- signs the attached instrument of modification (0).

Recommended by:



Victor Casasanta
Planning Officer
Affordable Housing Assessments

8 Determination

The recommendation is adopted by:

A handwritten signature in dark ink, appearing to read 'Justin Keen', written in a cursive style.

24/07/2026

Justin Keen

A/Team Leader

Affordable Housing Assessments

Appendices

Appendix A – List of referenced documents

The following supporting documents and information can be found on the Department of Planning, Housing and Infrastructure's website as follows:

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-3-shop-top-housing-infill-affordable-edgecliff>

- Modification Report
- Agency advice
- Council submission.

Appendix B – Consideration of submissions

A summary of the key concerns as raised within Council's submission are outlined within Table 5 below.

Table 4 | Key issues and how they have been considered

Issue	Consideration
Procedural matters • The proposed modification is not considered to meet the requirements of section 4.55(1A) of the EP&A Act and should be assessed under section 4.55(2). • As the proposed modification should be assessed under section 4.55(2), the application should be exhibited to provide the community with an opportunity to comment.	The Department has reviewed the scope of the modifications and considers that it can be characterised as a modification pursuant to section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act) as: • it would have minimal environmental impact • it is substantially the same as originally approved, as the proposal seeks to remove street trees to facilitate a hoisting and work zone during construction, and plant replacement trees once construction works have been completed, and does not involve any changes to the approved built form. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than

Issue	Consideration
	requiring a new development application to be lodged. Given the nature of the proposed modification, the application was not placed on public exhibition. The documents were referred to Council and TfNSW and made publicly available on the NSW Planning Portal.
Trees and landscaping • A full assessment of the tree removal impacts is required • Tree removal and pruning would adversely impact the streetscape • Further information is required to confirm the availability and successful planting of 1,500L replacement trees.	The Department is satisfied that the proposed tree removal and pruning is acceptable as: • alternate work zone locations were considered, and the New South Head Road works zone was considered the most suitable and practicable location • the limited space on New South Head Road would require substantial pruning of trees to accommodate the hoisting and works zone, and tree removal is considered the more appropriate outcome • the trees have already been significantly pruned to facilitate hoarding and scaffolding • the proposal would provide replacement trees of the same species and planted at a minimum height of 7 m, with an expected 12 m mature height, with a minimum 1,500L container size, increasing canopy cover. <i>Recommended conditions</i> • Conditions requiring compliance with the approved landscape plans, a construction site management sub-plan, tree damage security deposit, and provision of replacement street tree planting.

Appendix C – Statutory considerations

Objects of the EP&A Act

A summary of the Department's consideration of the relevant objects (found in section 1.3 of the EP&A Act) are provided in Table 5 below.

Table 5 | Objects of the EP&A Act and how they have been considered

Object	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	• Consistent with the approved development, the proposal would promote the social and economic welfare of the community by providing additional housing, including affordable housing, and jobs on an accessible site, contributing to the achievement of State, regional and local planning objectives. • The modification would not have any impacts on the State's natural or other resources.
(b) to promote the supply, delivery and maintenance of housing, including affordable housing,	• The modified development will continue to provide 18 in-fill affordable housing apartments, to be managed by a Community Housing Provider for a minimum of 15 years from the date of occupation.
(c) to promote productivity through the development and management of the State and its resources,	• The proposal promotes productivity by making efficient use of a serviced site, improving its functionality and ensuring land and infrastructure are used appropriately and sustainably.
(d) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	• The modified development would not adversely affect the protection of the environment.
(e) to promote resilience to climate change and natural disasters through adaptation, mitigation, preparedness and prevention,	• The proposed modification does not seek to amend the approved ESD measures.
(f) to promote the sustainable management of built and cultural heritage, including Aboriginal cultural heritage,	• The modification would not result in adverse impacts to the sustainable management of built and cultural heritage (including Aboriginal Cultural heritage).

Object	Consideration
(g) to promote good design, amenity and the proper construction and maintenance of built environments, including the protection of the health and safety of the occupants of buildings,	• The modification does not result in any design changes to the approved buildings. • Existing consent conditions would ensure the proposed works area undertaken in compliance with all relevant building codes and health and safety requirements.
(h) to provide opportunities for participation in environmental planning and assessment,	• The Department displayed the modification application on the Department's website and provided a copy to Council. • The engagement activities carried out by the Department are detailed in the Engagement section of this report.
(j) to promote a proportionate and risk-based approach to environmental planning and assessment,	• The proposed modification has been considered in the context of wider planning objectives including increasing the availability of housing in NSW.
(k) to promote the orderly and economic use and development of land,	• The modified proposal continues to represent an orderly and economic use of land consistent with environmental planning instruments and policies under the EP&A Act

Section 4.55(1A) of the EP&A Act

A consent authority may modify the consent if it is satisfied that the proposed modification application meets the requirements of Section 4.55(1A) of the EP&A Act. An assessment of the proposed modification application against the requirements of section 4.55(1A) of the EP&A Act is included in Table 6 below.

Table 6 | Consideration of Section 4.55(1A) of the EP&A Act

Object	Consideration
(a) it is satisfied that the proposed modification has minimal environmental impact, and	• As discussed in Section 5 of this report, the proposed modification results in minimal environmental impact.

Object	Consideration
(b) it is satisfied that the development to which the consent as modified relates is the same or substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and	The development which the consent relates as modified is sustainably the same development as the development for which consent was originally granted.
(c) it has notified the application in accordance with— (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and	Given the nature of the proposed modification, the application was not placed on public exhibition. The documents were referred to Council and TfNSW and made publicly available on the NSW Planning Portal.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be	Given the nature of the proposed modification, the application was not placed on public exhibition. The documents were referred to Council and TfNSW and made publicly available on the NSW Planning Portal.

Environmental Planning Instruments (EPIs)

To satisfy the requirements of section 4.15(1)(a)(i) of the EP&A Act, the Department has considered the relevant EPIs as part of its assessment of the proposal and is satisfied that the modifications do not result in any inconsistency with them. The following EPIs are relevant to the application:

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- Woollahra Local Environmental Plan 2014 (WLEP).

The Department undertook a comprehensive assessment of the application against the relevant EPIs in its original assessment. The Department is satisfied the modifications do not result in any inconsistency with these EPIs. The relevant matters are discussed below.

State Environmental Planning Policy (Housing) 2021 (Housing SEPP)

The modified development continues to be consistent with the original application in terms of maintaining compliance with the Housing SEPP, including the maximum permissible floor space ratio and building height (clause 16), non-discretionary standards (clause 19) and design requirements (clause 20).

Section 147(1)(a) of Chapter 4 of the Housing SEPP requires the consent authority to consider the design principles for residential apartment development set out in schedule 9 while Section 147(1)(b) requires the consent authority to consider the Apartment Design Guide (ADG).

The Department is satisfied that the modified development does not involve any alterations to the consistency of the approved development with the design criteria of the ADG, including the provisions of apartment layout and size, dwelling mix, and private open space and balconies.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)

The modified development continues to be consistent with the original application in terms of maintaining compliance with the Biodiversity and Conservation SEPP, including protecting the biodiversity values of vegetation in non-rural areas.

The Department considers the proposed tree removal and planting of replacement trees are acceptable.

Woollahra Local Environmental Plan 2014 (WLEP)

As discussed in Section 5, the modified development continues to be consistent with the relevant clauses of the WLEP and proposes no additional impacts beyond those approved by the original application.

Appendix D – Recommended instrument of modification

The modification instrument can be found on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-3-shop-top-housing-infill-affordable-edgecliff>

Appendix E – Consolidated Development Consent

The consolidated development consent can be found on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-3-shop-top-housing-infill-affordable-edgecliff>