

Section 4.55(1A) Modification Application

One Darling Point

1 Darling Point Road and 138-148 New South Head Road, Edgecliff

Submitted to Department of Planning, Housing and Infrastructure
on behalf of Lendlease (One Darling Point) Pty Ltd

SSD-77608714



'Gura Bulga'

Liz Belanjee Cameron

'Gura Bulga' – translates to Warm Green Country. Representing New South Wales.



'Dagura Buumarri'

Liz Belanjee Cameron

'Dagura Buumarri' – translates to Cold Brown Country. Representing Victoria.



'Gadalung Djarri'

Liz Belanjee Cameron

'Gadalung Djarri' – translates to Hot Red Country. Representing Queensland.

Colliers Urban Planning acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We pay our respects to their Elders past and present.

In supporting the Uluru Statement from the Heart, we walk with Aboriginal and Torres Strait Islander people in a movement of the Australian people for a better future.

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Appendix	Author
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B. Architectural Drawings	Tzannes
C. BASIX Certificate	JHA Consulting Engineers
D. Architectural Design Report	Tzannes
E. Traffic Statement	TRAFFIX
F. Development Summary	Tzannes
G. NatHERS Certificate	JHA Consulting Engineers

1.0 Introduction

This Modification Application has been prepared by Colliers Urban Planning on behalf of Lendlease (One Darling Point) Pty Ltd (**Lendlease/the Applicant**) pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) to modify Development Consent SSD-77608714 relating to the construction of a 17-storey mixed-use shop top housing development with infill affordable housing at 1 Darling Point Road and 138-148 New South Head Road, Edgecliff (**the site**).

This Modification Application seeks consent for the amalgamation of apartment units, reducing the total number of dwellings from 59 units to 57 units. Specifically, this Modification Application proposes:

- The amalgamation of two apartments on Level 10 to create one new apartment; and
- The amalgamation of two apartments on Level 11 to create one new apartment.

This modification application identifies the consent, describes the proposed modifications, and provides an assessment of the relevant matters contained in Section 4.55(1A) of the EP&A Act. It has been prepared and set out in accordance with the Department of Planning, Housing, and Infrastructure (**DPHI**)’s *State significant development guidelines – preparing a modification report* (March 2026). It should be read in conjunction with the documentation appended to this report (refer to Table of Contents).

1.1 The applicant

The applicant for this Modification Application is Lendlease (One Darling Point) Pty Ltd. The applicant’s details are presented in **Table 1**.

Table 1 Applicant details

Applicant	Lendlease (One Darling Point) Pty Ltd
Address	Level 14, Tower 3, International Towers Sydney, Exchange Place, 300 Barangaroo Place, Barangaroo NSW 2000
ABN	69 678 266 638

1.2 Overview of the approved development

SSD-77608714 was granted approval by the Minister for Planning and Public Spaces under delegation on 30 June 2025 for the demolition of existing structures, site remediation and the construction of a 17-storey shop top housing development with infill affordable housing, comprising:

- A four-storey podium with retail and commercial uses and above ground car parking for 78 car parking spaces;
- A residential tower containing 59 apartments (including 18 affordable housing apartments);
- Communal open space at podium level;
- Adaptive re-use of a portion of the existing heritage listed 136 new south head road;
- Publicly accessible through-site link connecting new south head road and darling point road; and
- Associated works including remediation, landscaping, tree removal, stormwater works, augmentation of utilities, installation of solar panels and the consolidation of existing five allotments into a single allotment.

This application represents the fifth modification to SSD-77608714. A summary of the previous Modification Applications is provided in **Table 2** below.

Table 2 *Previous Modification Applications*

Modification	Scope	Status
Modification 1 SSD-77608714-Mod-1	Modification 1 sought amendments to the build-up of the façade, and consequential minor changes to the gross floor area (GFA). Additionally, this application sought an administrative amendment to Condition C26 in relation to the provision of contamination reporting to enable the commencement of works.	Approved 18 th March 2026
Modification 2 SSD-77608714-Mod-2	Modification 2 sought amendments to the façade materiality of both the podium and the tower. Amendments to the ground floor, particularly around the relationship between the heritage item (136 New South Head Road) and the rest of the podium. Minor amendments to the layout of floor plans, including the roof.	Approved 21 st July 2026
Modification 3 SSD-77608714-Mod-3	Modification 3 sought consent for the removal two street trees due to the operation of a hoisting zone along New South Head Road. Following construction, the two trees are to be replaced with two new trees of the same species at a 1,500L container size.	Approved 24 th July 2026
Modification 4 SSD-77608714-Mod-4	Modification 4 seeks consent to extend the construction hours specified within Development Consent SSD-77608714 with the aim of expediting construction in the most time efficient manner and reducing the period of construction, while mitigating any adverse impacts experienced by surrounding sensitive receivers.	Under Assessment

A photomontage of the approved development is provided in **Figure 1** below.



Figure 1 The development looking north-east along New South Head Road

Source: Tzannes

1.3 Site Overview

The site is located at 1 Darling Point Road and 138-148 New South Head Road, Edgecliff, within the Woollahra Local Government Area (**LGA**). It is located within the Edgecliff Commercial Centre, and across the road from the Edgecliff Shopping Centre and Edgecliff Train Station. Works under SSD-77608714 have commenced on site

A site aerial map is provided in **Figure 2** below.



Figure 2 Site aerial map (Nov 2025)

Source: Nearmap / edited by Colliers Urban Planning

2.0 Strategic context

As outlined in the original SSDA, the development is consistent with the strategic planning framework that applies to the site and broader locality. The proposed modifications to the development continue to demonstrate consistency with the following strategic planning instruments:

- *NSW Housing Strategy: Housing 2041.*
- *Greater Sydney Region Plan – A Metropolis of Three Cities.*
- *Our Greater Sydney 2056 - Eastern City District Plan.*
- *Woollahra Local Strategic Planning Statement 2020.*
- *Woollahra 2032: Woollahra Community Strategic Plan.*
- *Edgecliff Commercial Centre Planning and Urban Design Strategy.*
- *Woollahra Local Housing Strategy 2021.*
- *Woollahra Affordable Housing Policy 2021.*

Furthermore, the development as proposed to be modified is consistent with the provisions of The Sydney Plan (Draft) through ensuring the delivery of new housing in an accessible location, including 39 market dwellings and 18 affordable housing dwellings. The modified development aligns with the following responses outlined within the Draft Sydney Plan:

- Response 1 – Implement Sydney housing targets.
 - Woollahra has a target to provide 1,900 new dwellings by 2029. The modified development allows the provision of 57 new high-quality dwellings to be delivered by ensuring that the architectural design of the development aligns with the approach to design excellence as approved.
- Response 2 – Increase housing diversity and choice.
 - The development provides housing diversity through the provision of 18 affordable units in a highly accessible location. Importantly, the proposed modifications do not limit the approved number of affordable dwellings.
- Response 3 – Secure the supply of affordable housing.
 - As above. The proposed modifications do not limit the provision of affordable housing, as secured in the approved development.
- Response 4 – Grow well-located jobs.
 - The proposed modifications to the public domain improve the accessibility of the site, particularly in consideration of the site's proximity and relationship to the Edgecliff Train Station. The public domain improvements allow improved navigability for future employees and access to the retail opportunities for pedestrians.

In addition to the above, it is noted that the amalgamations and subsequent adjustments to unit mix are the result of sales discussions with prospective purchasers for the residential apartments and will enable the development to better respond to market demand and meet the needs of future residents.

3.0 Description of the modification

This Modification Application seeks consent to modify Development Consent SSD-77608714.

The proposed modification involves the amalgamation of apartment units, reducing the total number of dwellings from 59 units to 57 units. The amalgamations create larger apartment units to align with the market demand and suit the needs of prospective purchasers looking for high-quality and premium apartment dwellings. Importantly, the proposal retains the approved 18 affordable dwellings in line with the requirement for 15% of residential gross floor area (GFA) to be for the purpose of affordable housing in accordance with the bonuses applies to the site under the original development consent pursuant to Chapter 2, Part 2 of the *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)*.

Specifically, this Modification Application proposes:

- The amalgamation of two apartments on Level 10 to create one new 5-bedroom apartment; and
- The amalgamation of two apartments on Level 11 to create one new 3-bedroom apartment.

The proposed modification is described in the following Appendices:

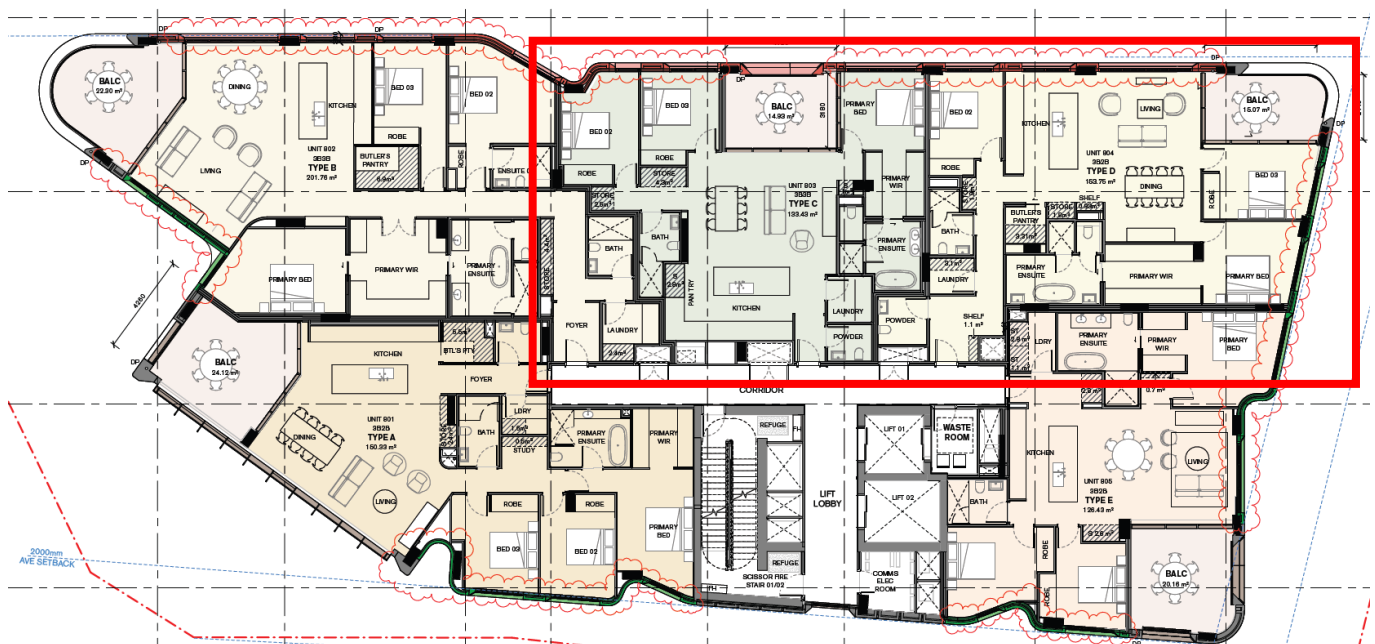
- Amended Architectural Plans (**Appendix B**);
- Schedule of Changes (**Appendix A**);
- Development Summary (**Appendix F**); and
- Architectural Design Report (**Appendix D**).

3.1 Apartment Amalgamations

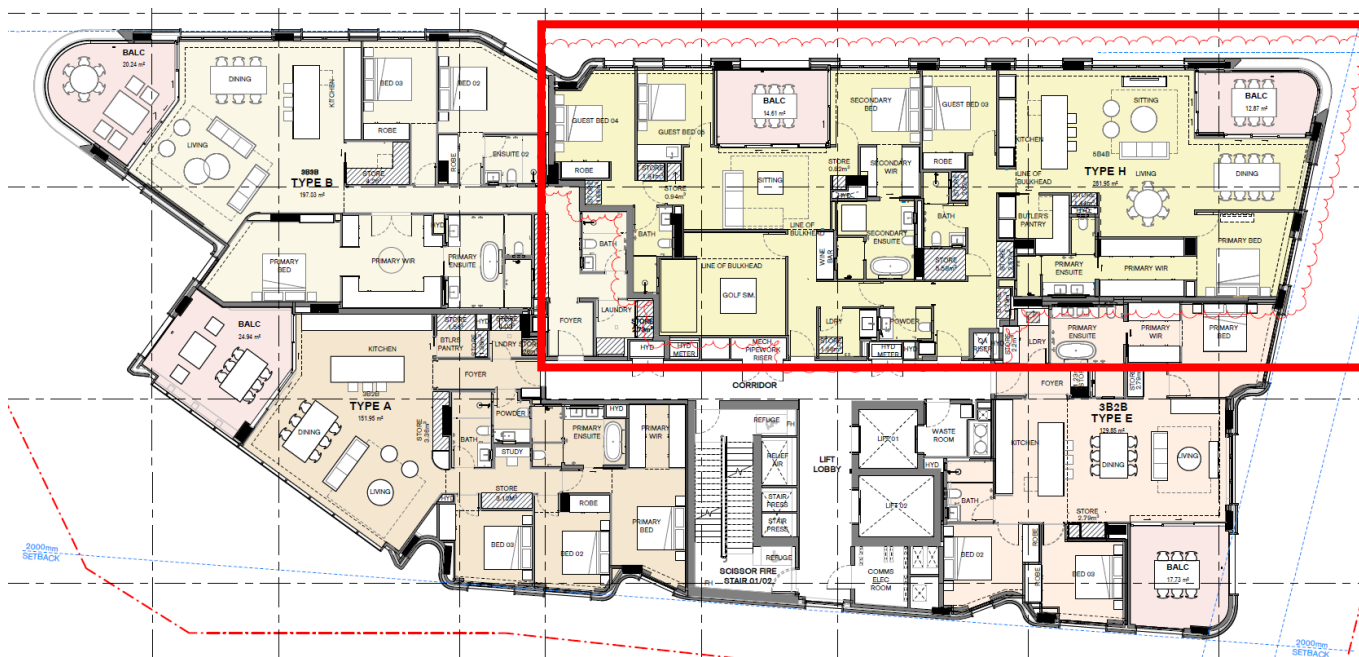
3.1.1 Level 10

On Level 10, it is proposed that two (2) adjacent 3-bedroom apartments are amalgamated to create a new 5-bedroom apartment. This reduces the number of apartments on Level 10 by one (1), from five (5) dwellings to four (4) dwellings. The new 5-bedroom apartment also features two balconies, a secondary ensuite and a golf simulator room.

A comparison of the approved and proposed Level 10 plan is shown in **Figure 4** below.



Approved



Proposed

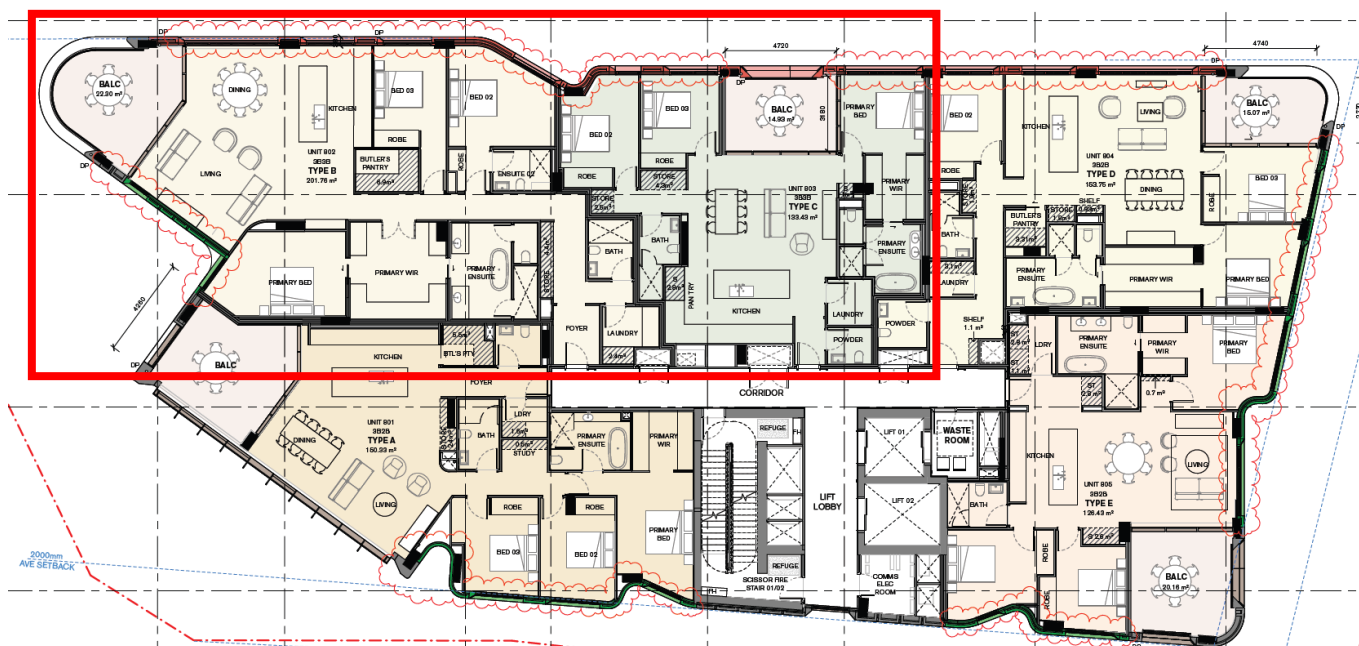
Figure 3 Approved vs Proposed Level 10 Plan

Source: Tzannes

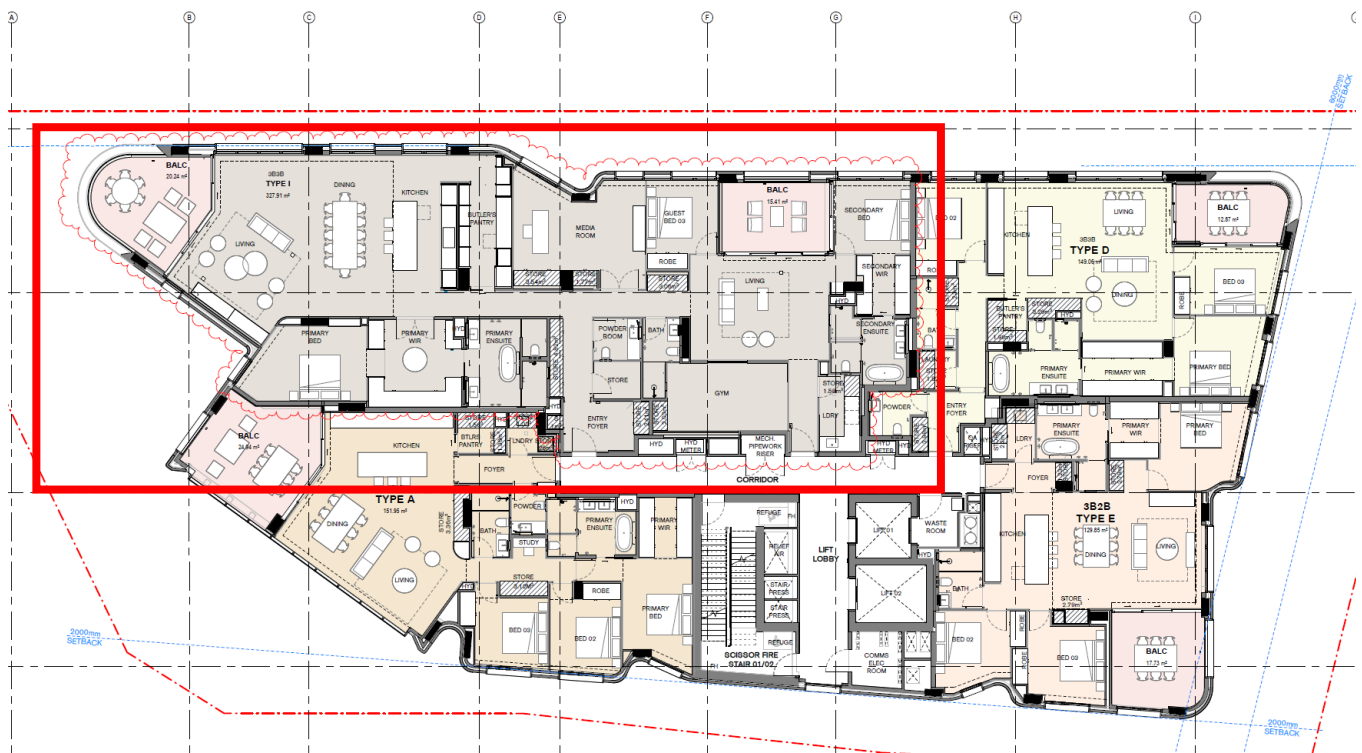
3.1.2 Level 11

On Level 11, it is proposed that two (2) adjacent 3-bedroom apartments are amalgamated to create one (1) new 3-bedroom apartment. This reduces the number of apartments on Level 11 by one (1), from five (5) dwellings to four (4) dwellings. The new 3-bedroom apartment is also proposed to have a multi-purpose room, a media and two balconies.

A comparison of the approved and proposed Level 11 plan is shown in **Figure 4** below.



Approved



Proposed

Figure 4 Approved vs Proposed Level 11 Plan

Source: Tzannes

3.2 Unit Mix

The proposed amalgamation of the apartment units results in a revised dwelling mix, which involves a reduction in three 3-bedroom dwellings, and the addition of one 5-bedroom dwelling. No changes are proposed to the number of affordable dwellings.

This is demonstrated in **Table 3** below.

Table 3 Approved vs Proposed Unit Mix

Apartment Type	Approved	Proposed	Change
1 Bedroom (market)	0	0	No change
1 Bedroom (affordable)	10	10	No change
2 Bedroom (market)	1	1	No change
2 Bedroom (affordable)	6	6	No change
3 Bedroom (market)	31	28	-3
3 Bedroom (affordable)	2	2	No change
4 Bedroom (market)	7	7	No change
5 Bedroom (market)	0	1	+1
Sub-penthouse	1	1	No change
Penthouse	1	1	No change
Total Affordable	18	18	No change
Total Market	41	39	-2
Total	59	57	-2

3.3 Amendments to Conditions

The proposed amendments described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in ***bold italics***.

Condition A1

A1. The Development must be carried out:

- a. in compliance with the conditions of this consent;
- b. in accordance with the EIS, the Applicant's response to submissions, and the Applicant's response to requests for further information;
- c. in accordance with the section 4.55(1A) Modification Report and accompanying documents for SSD-77608714-Mod-1, ~~and SSD-77608714-Mod-2, SSD-77608714-Mod-3, SSD-77608714-Mod-4, and SSD-77608715-Mod-5~~ prepared by Colliers; and
- d. in accordance with the approved plans in the table below, as modified by the conditions of this consent:

Architectural Drawings prepared by Tzannes			
Drawing Number	Rev	Name of Plam	Date
1DP-2-AD30800	17-20	Level 08 – 11 Floor Plan	21/04/2025
		<i>Level 08 – 09 Floor Plan</i>	<i>28/07/2026</i>
<i>1DP-2-AD31000</i>	<i>03</i>	<i>Level 10 Floor Plan</i>	<i>28/07/2026</i>
<i>1DP-2-AD31100</i>	<i>03</i>	<i>Level 11 Floor Plan</i>	<i>28/07/2026</i>

Reason: this condition is required to be updated to reflect the amalgamation of the apartment units.

3.4 Substantially the same development

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if *"it is satisfied that the development to which the consent as modified relates is 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)"*.

The proposed modification involves the amalgamation of apartment units, which results in an overall reduction in two dwellings. The proposed amalgamations are the result of sales discussions with prospective purchasers for the residential apartments and will enable the development to better respond to market demand and meet the needs of the public. No modifications are proposed that would result in any change to the use, appearance, scale or envelope of the building.

Accordingly, the modified development is substantially the same as the approved in that:

- The allocation of GFA across the development has not changed (including 15% of the total residential GFA being for the purpose of affordable housing).
- The proposed modification does not change the approved use of the site as a shop-top development, comprising residential accommodation, commercial floor space and ground floor retail.
- No changes are proposed to the façade of the building, including window placement as a result of the proposed changes, and therefore the development is visually the same as approved.
- The reduction in two dwellings, from 59 units to 57 units, represents a 4% decrease in dwelling yield which is minor.
- The proposed modifications do not conflict with the reasons for granting development consent provided in the SSD-77608714 Notice of Decision, as detailed in **Section 5.1**.
- The proposed modification is minor and will not result in any adverse environmental impacts.

Therefore, the project remains substantially the same as the development for which consent was originally granted.

3.5 Modification Category

The consent authority may be satisfied that this Modification Application is one which may be determined pursuant to Section 4.55(1A) of the EP&A Act as the modifications are of a minimal environmental impact as outlined in **Section 5.0** below, and the development as modified is substantially the same as that originally approved as outlined in **Section 3.4** above.

4.0 Statutory context

The development, as proposed to be modified, remains consistent with the following Environmental Planning Instruments and policies as assessed in the Environmental Impact Statement (**EIS**) submitted with the original SSD Application:

- *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.*

The proposed modification does not change the outcome of the original assessment undertaken, and therefore no additional assessment is required.

5.0 Assessment of impacts

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “it is satisfied that the proposed modification is of minimal environmental impact”. Under Section 4.55(3) the consent authority must also take into consideration the relevant matters to the application referred to in Section 4.15(1) of the EP&A Act and the reasons given by the consent authority for the grant of the original consent.

The following assessment considers the relevant matters under Section 4.15(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

5.1 Residential Amenity

The proposed amalgamation responds to the market demand for large spaces and the needs for multi-generational living. The new apartment units offer a high level of residential amenity with the addition of multi-purpose living areas, large bedrooms, secondary balconies and other various novelty areas (including a golf simulator or a media room).

5.1.1 Solar Access

As the number of market dwellings has decreased from 41 units to 39 units, the percentage of apartments receiving a direct solar access has slightly decreased. Part 4A of the Apartment Design Guide (**ADG**) requires that living rooms and private open space of at least 70% of apartments receive a minimum of 2hrs of direct sunlight between 9am and 3pm at mid-winter on 21 June.

For the approved development, the number of market dwellings receiving solar access in accordance with the ADG was 24 out of 41 dwellings (equating to 58%). For the proposed modification, the number of market dwellings receiving solar access is 22 out of 39 dwellings (equating to 56%). This is demonstrated in **Table 4** below.

Additionally, as noted in the DPHI Assessment Report for the determination of SSD-77608714, the site is significantly constrained, due to its long southern frontage and the irregular shape of the site. The reason behind the reduction is purely due to the amalgamation changing the number of market dwellings within the development. The apartments still achieve the majority of the key amenity requirements set out within the ADG and no apartments receive zero solar in mid-winter. All apartments have generous sizes and good outlook, along with access to communal open space which has a northerly aspect and will receive excellent solar access in the morning and afternoon in mid-winter.

Table 4 Dwellings receiving solar access

Solar Access	Approved	Proposed	Change
Market dwellings receiving 2hrs of solar access	24/41 (58%)	22/39 (56%)	-2%
Affordable dwellings receiving 2hrs of solar access	14/18 (78%)	14/18 (78%)	No change
Total dwellings receiving 2hrs of solar access	38/59 (64%)	36/57 (63%)	-1%
Total dwellings receiving 0hrs of solar access	0/59 (0%)	0/57 (0%)	No change

5.2 Car Parking

A Traffic Statement has been prepared by TRAFFIX and is provided at **Appendix E**. No changes are proposed to the number of car parking spaces provided in the development (78 spaces, comprising 70 residential spaces and eight (8) non-residential spaces). Of the 70 residential spaces, 61 are for the market dwellings and nine (9) are for the affordable dwellings.

The non-discretionary parking rates contained within Chapter 2, Part 2, Division 1 of the Housing SEPP were utilised to determine a minimum number of parking spaces, and the parking rates provided in the Woollahra DCP were used as a guide for the maximum number of parking spaces. Notably, the parking rates under the Housing SEPP have since changed from a non-discretionary standard to a development standard and are now contained within Section 22A of the Housing SEPP.

As the number of market dwellings has reduced by two, the relevant minimum and maximum number of spaces has therefore changed. Accordingly, a comparison of the required number of car parking and the car parking provided is provided in **Table 5** below.

The proposed amendments to the dwelling mix have not substantially impacted the required minimum and maximum parking number of parking spaces. The provision of 70 spaces is in between the minimum and maximum and is therefore compliant.

Table 5 *Carparking Assessment*

Component	Car Parking Requirement		Car Parking Provided
	Approved	Proposed	
Market dwellings	61 (minimum)	58 (minimum)	61
Affordable dwellings	9 (minimum)	9 (minimum)	9
Total number of dwellings	68 (minimum)	65 (minimum)	70
	77 (maximum)	74 (maximum)	

5.3 Sustainability

To reflect the revised dwelling mix, the revised BASIX Certificate has been provided at **Attachment C**, and a revised NaTHERS Certificate has been provided at **Attachment G**.

5.4 Reasons given for granting consent

As described in the SSD-77608714 Notice of Decision, the key reasons for granting consent to the SSDA were 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*
- *Weighting all relevant considerations, the project is in the public interest.*

The modified development remains consistent with the abovementioned reasons, notwithstanding that the number of dwellings is proposed to decrease by two (2).

6.0 Conclusion

This Modification Application seeks consent for the amalgamation of apartment units, reducing the total number of dwellings from 59 units to 57 units. The amalgamations create larger apartment units to align with the market demand and suit the needs of prospective purchasers looking for high-quality and premium apartment dwellings. In accordance with Section 4.55(1A) of the EP&A Act, the consent authority may modify the consent as:

- The proposed modification is of minimal environmental impact as set out throughout **Section 5.0**; and
- The proposed modified development is substantially the same development as the development for which the consent was originally granted as set out in **Section 3.4**.