

Item No: 14.6
Subject: **STATE SIGNIFICANT DEVELOPMENTS IN THE WOOLLAHRA MUNICIPALITY**
From: Merrill Witt, Councillor
Mark Silcocks, Councillor
T Torsten, Councillor
Harriet Price, Councillor
Lucinda Regan, Councillor

Recommendation:

THAT Council:

- A. Notes the significant number of State Significant Developments Applications (SSDAs) in our Local Government Area (LGA) currently in the process of being lodged with, or assessed by, the Department of Planning Housing and Infrastructure (DPHI).
- B. Recognises that most Woollahra Council residents are not familiar with the approval pathway for SSDAs, and would not be aware of recent amendments to the Environmental Planning and Assessment Act 2017 (EP&A Act) that:
 1. Allow for a possible reduction in the minimum public exhibition period for State significant development related to residential housing from 28 days to 14 days. (1)
 2. State that only submissions received during public exhibition periods will be counted for determining consent and appeal right purposes, although late submissions will still be considered in assessments. (2)
- C. Requests the General Manager:
 1. To publish information about the SSDAs on the Council's website with links to supporting documentation on the NSW Planning Portal and also links to any other Council reports and/or submissions that could be helpful for residents planning to make a submission.
 2. Write to the DPHI to request that residents be notified of exhibition dates for SSDAs via mail and by notification in the local newspaper.
- D. With respect to the SSDA for 136-148 New South Head Road Edgecliff, requests the General Manager to write to the DPHI and to the developer Lendlease to explain that:
 1. Feedback from surrounding residents and the relevant residents associations suggests that they weren't notified of the exhibition period.
 2. The exhibition period deadline was not clearly stated on the NSW Planning Portal.
 3. The Communications Consultation Report, prepared for the developer, says that the relevant residents associations were contacted on 11 October 2024. But the residents groups have reported that they did not receive any correspondence from the Consultant and, as a consequence, did not take up the offer for further consultations or a dedicated briefing on the SSDA. (3)
 4. The Communications Consultant also didn't follow-up on a "forthcoming" offer for a group Councillor briefing in early 2025. (4)
 5. The approved [Voluntary Planning Agreement \(VPA\)](#), entered into with the previous owner for this site, must be revised to reflect the impact on Council's infrastructure and

services from the SSDA's proposed increase in the site-specific height and FSR controls as articulated in [Section 6.11](#) of the Woollahra Local Environment Plan 2014. The SSDA is proposing a 40% increase to the number of dwellings originally envisaged for this site.

- E. Requests that in light of consideration of the above, the General Manager asks for DPHI to consider re-exhibiting the SSDA for 136-148 New South Head Road Edgecliff.
- F. Requests the General Manager advise the Minister for Planning and Public Spaces, the Hon Paul Scully MP, and the Secretary of DPHI, Kiersten Fishburn, that recent amendments to streamline the assessment process for residential SSDAs - e.g. an average target assessment time of 275 days from lodgement to determination and the limiting of consents for approved affordable housing SSDAs to two years only - will make staging for the construction of the three Edgecliff Commercial Centre SSDAs very problematic. (5) If not properly staggered, the proposed scale of building activity around the same major intersection could severely limit access to the municipality's only "local centre" and bring traffic on heavily congested New South Head Road to a standstill.

1 The Environmental Planning and Assessment Amendment Bill 2025 was passed by both houses on Wednesday 7 May 2025.

2 Ibid

3 The Ethos Urban's [One Darling Point Consultation Outcomes Report](#), says that the following residents' associations were contacted by an Ethos Urban representative on 11 October 2024: Edgecliff Residents Action Committee, Darling Point Society, Double Bay Residents Association and The Paddington Society (page 12). This communication, if received by the associations, was not followed up by the Consultant. Further, [Late Correspondence from the Paddington Society](#) re the Strategic and Corporate Meeting re Item 6.1 - Planning Proposal for the Edgecliff Commercial Centre (17 February 2025) states the following: *The developers of site F, 136-148 New South Head Road (1 Darling Point Road) have lodged an application for an increase of the previous Council-approved 12-storey building to 17-storeys, to be assessed by the DPHI after the very brief 27-day public exhibition closes on 27 February. Contrary to their claims, neither the Paddington Society, nor any of the concerned community groups who had previously submitted objections, were contacted by the developers regarding this increase.*

4 Ibid, page 18

5 Further 18 housing proposals declared State Significant Development, Inside Local Government, 27 February 2025.

Discussion:

Key objectives of the 2018 overhaul of the EP&A Act 2017 were to enhance community participation, promote strategic planning and increase transparency in decision-making.⁶

These provisions are now being undermined by what appears to be only one overriding objective - to deliver more housing as quickly as possible.⁷ As a consequence, not enough consideration is being given to community-informed Council strategic plans and planning controls.

Typically SSDAs are being lodged for proposals that widely exceed Council's current planning standards, local development control plans and the objectives of local community-informed planning strategies.

In Edgecliff, the following three SSDAs are currently under consideration:

203 - 233 New South Head Road (37 storeys, 320 apartments) ⁸
8-10 New McLean Street (18 storeys, 250 apartments, located in the Paddington HCA)
136 - 148 New South Head Road (17 storeys, 62 apartments)

⁸ State Significant Development Declaration Order (No 3) 2025, 17 March 2025.



Proposed view from Trumper Park

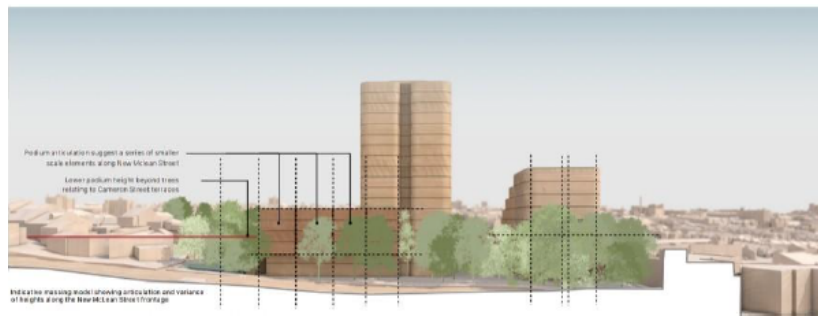


Proposed view from New McLean Street



*Proposed view from the corner of New South Head Road
and Ocean Avenue*

Above: Concept design for 2023-233 New South Head Road Edgecliff



Above: Concept design for 8-10 New McLean Street Edgecliff

All of these SSDAs will be assessed by a planning approval process that removes the Council as the designated planning authority.

In the case of the SSDA for 136-148 New South Head Road Edgecliff, for example, the developer is utilising the Housing SEPP's affordable housing bonus, meaning it doesn't need to be considered by the Independent Planning Commission or any other independent planning panel before it is recommended for approval by the DPHI to the Minister for Planning.⁹

9 On 2 August 2024, the NSW Government introduced amendments that allow more residential developments using the in-fill affordable housing bonus scheme to qualify as state significant development. The government introduced a new SSD pathway for in-fill affordable housing where the residential component has an estimated development cost (EDC) above: – \$75 million in the Eastern Harbour City, Central River City or Western Parkland City in the Six Cities Region or – \$30 million outside of those areas.

According to the website:

- faster SSDA assessments will be supported by a dedicated housing assessment team to support a more streamlined and consistent process for the applicant;
- the State Design Review Panel requirements can be waived where appropriate;
- and consents for approved affordable housing SSD applications are for 2 years only.



Figure 2 The proposed development looking east along New South Head Road
Source: Tammis and Gabriel Saunders

Above: Concept design for 136-148 New South Head Road Edgecliff

Whilst Council respects and supports Government initiatives to address the affordability housing crisis, it should not come at the expense of:

- reasonable standards for residential amenity;
- well established protections for heritage and the environment, including the Heritage Conservation Areas; and
- a desired future character for an area in keeping with community consultation and expectations.

The state government must also ensure that councils have both the capacity and resources to provide the essential infrastructure that is necessary to support the commensurate growth in population.

Attachments:

None