

10.2. State Significant Development Applications

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ATTACHMENTS	Nil
CSP LINK	<p>1. Our Living Environment</p> <p>1.1 Protected, enhanced and biodiverse natural environment</p> <p>1.4 Well utilised open space and recreational facilities</p> <p>2. Our Built Infrastructure</p> <p>2.1 Infrastructure and assets meet diverse community needs</p> <p>2.2 Vibrant public domains and villages</p> <p>2.3 Prioritise sustainable and active transport</p> <p>2.4 Efficient traffic mobility and parking</p> <p>3. Our Innovative City</p> <p>3.3 Distinctive sense of place and design excellence</p> <p>4. Our Social Vitality</p> <p>4.3 North Sydney’s history is preserved and recognised</p> <p>5. Our Civic Leadership</p> <p>5.1 Lead North Sydney’s strategic direction</p>

PURPOSE:

The purpose of this report is to clarify and formalise expectations for response to the Department of Planning, Housing, and Infrastructure in relation to State Significant Development Applications under consideration.

EXECUTIVE SUMMARY:

- State significant development (SSD) is a framework for assessing major projects that are considered important to the state for economic, environmental, or social reasons. SSD projects that meet certain criteria are assessed at the state level rather than local council level.
- At various stages of the SSD process, Council is notified and requested to provide input and feedback to such proposals. North Sydney Council has recently received several requests for advice in relation to the following matters:
 - Mixed use development including in-fill affordable housing - Five Ways, Crows Nest (SSD-66826207). Submissions for re-exhibition closed on 30 September 2024. Council

has made two submissions, one for the original proposal on 6 June 2024 and one for the amended proposal on 30 September 2024.

- Request for Advice to amended proposal - Pathways Cremorne Seniors Housing (SSD-49472213). Submissions for the amended proposal closed 12 September 2024, with Council making a submission on the same date.
- 173-179 Walker Street and 11-17 Hampden Street, North Sydney - Exhibition of amended state significant residential development with affordable housing - SSD-67175465. Submissions closed 21 November 2024, with Council's submission made on the same date.
- Crows Nest Over Station Development Site B - Stage 2 - Notice of exhibition of SSD application (SSD-61400212). Submissions close 12 December 2024.
- New Request for Advice - Shore School Graythwaite - Concept Plan Mod 2 and Project Mod 4 (MP10_0150-Mod-4) (North Sydney). Submissions close 2 December 2024.
- New Request for Advice - 146 Arthur Street, North Sydney - Build-to-Rent (SSD-61000021) (North Sydney). Submissions close 12 December 2024.
- New Request for Advice - Mixed use development with affordable housing - 378 Pacific Highway, Crows Nest (SSD-70617459) (North Sydney). Submissions close 9 December 2024.

Submission deadlines are often tight. Submissions are prepared by Council's Development Assessments team, with input from relevant specialist staff, for endorsement by the Director of Planning and Environment. Submissions include an assessment of the application against Council's established policies, and site-specific and broader planning considerations as relevant to the proposed development.

RECOMMENDATION:

- 1. THAT** Council receive and note the contents of this report.
- 2. THAT** Councillors be provided with updates at relevant milestones of State Significant Development Applications via the Councillor Bulletin.

Background

Under the Environmental Planning and Assessment Act (EP&A Act), projects can be declared State significant development (SSD) if deemed important to the State for economic, environmental, or social reasons. A development is considered significant to the State if it is over a certain size, is in an environmentally sensitive area, or will exceed a specified capital investment value.

The Department of Planning, Housing, and Infrastructure (DPHI) coordinates the assessment of all SSD projects under the EP&A Act. This involves carrying out relevant administrative functions and coordinating inputs from State and Commonwealth agencies as well as councils, to ensure local and regional issues are considered.

All SSD development applications are placed on exhibition for at least 28 days. Amendments that are subsequently made to a proposal during the assessment period are, depending on the extent of change, then subject to a further public exhibition period.

SSD projects are assessed under [Division 4.7](#) of the EP&A Act and require development consent from the Independent Planning Commission or the Minister for Planning (or delegate) before proceeding. The Independent Planning Commission is the consent authority for SSD applications if:

- the local council has made a submission objecting to the application;
- the department has received 50 or more public objections in response to the exhibition of the application; or
- the applicant has made a reportable political donation.

The Minister is the consent authority for all other SSD applications. In some cases, the Minister may delegate his decision-making function to department staff.

Report

In recent times, Council has been in receipt of a significantly higher number of requests for advice simultaneously as compared to past periods. It is expected that this trend will continue. Given the current focus of staff on improving development assessment timeframes as previously reported to Council, there is a need to prioritise submissions to SSD applications.

When determining if Council will lodge a submission, consideration is given to lead times, past submissions made on the same SSD application, the nature of the proposed works, and current work loads of assessment and specialist staff.

The following links to the Department's website provide access to the full bundle of information relevant to each application currently in progress.

[Mixed use development including in-fill affordable housing - Five Ways, Crows Nest | Planning Portal - Department of Planning and Environment](#)

- Demolishing the existing structures on the site, excavation for seven basement levels for parking, erecting of a 22-storey shop-top housing building, including in-fill affordable

housing. (Council submission made on 6 June 2024, and one for the amended proposal on 30 September 2024).

[Pathways Cremorne Seniors Housing | Planning Portal - Department of Planning and Environment](#)

- Demolition and construction of a seniors' living development including 58 independent living units and 41 residential aged care facility beds contained within three x four-storey buildings, a seven-storey building, and adaptive reuse of six heritage-listed cottages. (Council submission made 12 September 2024).

[Residential development with affordable housing - East Walker Street, North Sydney | Planning Portal - Department of Planning and Environment](#)

- Construction of two residential flat buildings with five shared basement levels, comprising of 239 dwellings including infill affordable housing and ancillary residential building. (Council submission made 21 November 2024).

[Shore School Graythwaite - Concept Plan Mod 2 and Project Mod 4 | Planning Portal - Department of Planning and Environment](#)

- Modification to the staging of the approved increase in students/staff and associated parking. Submissions close 2 December 2024.

[Mixed-use-development-infill-affordable-housing-378-pacific-highway | Planning Portal - Department of Planning and Environment](#)

- Demolition of existing structures and construction of a 31-storey mixed use development including a four-storey commercial/retail podium, five basement levels for car and bicycle spaces, and Stratum subdivision of air space above 390 Pacific Highway. Submissions close 9 December 2024.

[Crows Nest OSD Site B | Planning Portal - Department of Planning and Environment](#)

- Proposed over-station mixed use and residential development comprising 131 Residential units, four ground floor/mezzanine retail and commercial floorspaces, and 55 car spaces. Submissions close 12 December 2024.

[146 Arthur Street, North Sydney - Build-to-Rent | Planning Portal - Department of Planning and Environment](#)

- Construction of a 46-storey "Build to Rent" building with a maximum height of 155m consisting of 390 units and ground floor retail, vehicular access from Arthur Street to a four-level basement with 66 car spaces, and from Little Walker Street to a *porte cochere*. Submissions close 12 December 2024.

Each SSD proposal is supported by numerous documents and specialist reports, necessary to comply with the Department Secretary's Environmental Assessment Requirements (SEARs) that are issued prior to formal lodgement of each SSD application. Relevant documentation is evaluated by Council staff to help inform the basis of the submissions to the DPHI.

Making a Submission

The DPHI has advised that no extensions will be granted to provide additional time for Council to lodge submissions, so submissions must be made by the due date specified. Any late submission by way of objection will not be considered. An objection to an SSD proposal would mean that the determination pathway would be via the Independent Planning Commission (IPC), which for more controversial applications, draws significant numbers of submissions, and provides for a somewhat more open determination and publicly accessible process. Such limited timelines for preparation of submissions often present a challenge, given the usually highly detailed and voluminous material to be reviewed for each application. This is especially so if a report to Council is also required to be prepared.

Following consideration of submissions

The applicant may be instructed by the Department to respond to issues raised by submissions by either amending the application, and/or the provision of further reports/information.

The information will be considered by the Department and may be the subject of further re-notification. Should a positive recommendation result from this process, Council is then requested to submit (consent) conditions to support any approval that may be granted.

Determination pathway

As referenced above, should Council or any other statutory authority's submission be in the form of an objection, the application will be referred to the IPC for determination. Otherwise, the application is likely to be determined by the Department's officers under their delegation from the Minister for Planning.

Consultation requirements

Community engagement is not required to be undertaken by Council. It is noted that the Department of Planning is the authority responsible for notification of SSD's as mentioned above.

Financial/Resource Implications

With the exception of relevant staff time to assess and provide their evaluation (which can be considerable), there are no financial or resource implications in preparing submissions.

Legislation

The following legislation is relevant to the proposals, including a brief description of key provisions:

- Environmental Planning & Assessment Act 1979
- Environmental Planning & Assessment Regulation 2021

- State Environmental Planning Policy (Planning Systems) 2021
- North Sydney Local Environmental Plan (LEP) 2013