



Section 4.55(1A) Modification Application

SSD 11429726 MOD 10

26-42 Eden Street & 161-179 Princes Highway, Arncliffe

Submitted on behalf of Arncliffe Eden Property Pty Ltd

Prepared by Colliers Urban Planning

12 February 2026 | 218757



'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
A. Amended Architectural Plans	Group GSA
B. Occupation Staging Plans	Billbergia & Group GSA
C. Correspondence from Design Integrity Panel	Project DIP
D. BCA Statement	BM+G

1.0 Introduction

This Modification Application has been prepared by Colliers Urban Planning on behalf of Arncliffe Eden Property Pty Ltd (the Proponent) and is submitted to the Department of Planning, Housing, and Infrastructure (DPHI) pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) modify Development Consent SSD 11429726 relating to 26-42 Eden Street and 161-179 Princes Highway, Arncliffe (the site).

This Modification Application seeks consent for the following:

- Minor amendments to retail intertenancy walls without changing the total quantum of retail floorspace;
- Amendments to community facility façade louvres following further detailed design coordination with Council;
- Relocation of the upper ground community facility amenities block (to be delivered under the SSD 11429726 base build); and
- Amendments to various conditions of consent to enable staged occupation of the development.

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* (October 2022).

1.1 The Proponent

The Proponent for this Modification Application is Arncliffe Eden Property Pty Ltd. The Proponent's details are presented in **Table 1**.

Table 1 Proponent details

Applicant	Arncliffe Eden Property Pty Ltd
Address	25 Angas St, Meadowbank NSW, 2114
ABN	24 637 571 156

1.2 Consent Proposed to be Modified – SSD 11429726

Development consent SSD 11429726 was granted by the Minister for Planning on 1 August 2022 and was one of the major sites identified for renewal and new social housing under the NSW Government's 'Communities Plus' scheme. It is currently described in its development consent (as amended under subsequent modifications) as:

A new mixed-use residential and retail development at 26-42 Eden Street, Arncliffe, including:

- *site preparation works including removal of trees, demolition, excavation, flooding/stormwater infrastructure and remediation.*
- *construction of a mixed-use development comprising:*
 - *806 apartments across four buildings between 19-24 storeys in height, comprising 196 social housing units and 610 units*
 - *3,113 m² of retail floorspace*
 - *240 m² childcare centre*
 - *1,634m² community facility*
 - *basement parking for 748 cars, 73 motorcycles and 597 bicycles*
- *landscaping and public domain works including the provision of 4,000m² publicly accessible open space and a 870m² civic plaza, and a public through site link.*
- *civil works including:*
 - *a raised pedestrian crossing on Eden Street*
 - *reconfigure the traffic island at the intersection of Forest Road and Eden Street.*

An artist's impression of SSD 11429726 as approved is provided in **Figure 1** below.



Figure 1 *Photomontage of SSD 11429726 as approved, as viewed from the Princes Highway*

Source: Group GSA

SSD 11429726 as approved provides a range of benefits for the region and the State, including 196 new social housing apartments, new publicly accessible open space (including the new 4,000m² Eden Street Park) and pedestrian links, a new 1,634m² Council community facility, improved public domain and the creation of approximately 2,280 construction and 200 ongoing operational jobs.

1.3 Previous Modification Applications

Since its approval, SSD 11429726 has been modified nine times. A summary of the previous Modification Applications is provided in **Table 2** below.

Table 2 *Previous Modification Applications to SSD 11429726*

Modification	Type	Description	Determination
SSD 11429726 MOD 1	4.55(1)	Administrative corrections to conditions B20, B21 and B32 of the consent.	Approved 2 March 2023
SSD 11429726 MOD 2	4.55(1A)	Minor adjustment to the retail layout, and amendments to conditions B5, B6, B12, B58, and B66 of the consent.	Approved 3 November 2023
SSD 11429726 MOD 3	4.55(1A)	Removal of the Princes Highway slip lane, carpark and basement design amendments, revised design of Eden Street Park and retail layout changes.	Approved 2 May 2024

SSD 11429726 MOD 4	4.55(2)	<ul style="list-style-type: none"> • Provision of a 1,634m² multi-purpose community facility cold shell • Unit mix adjustments, predominantly to Building A to meet the requirements of the affordable housing provider St George Community Housing • Design refinements to the 'Meeting Place' plaza, 'Moving Place' public space, and northern through-site link • Amendments to building façade design • Amendments to floor levels to comply with the National Construction Code 2022. 	Approved 21 November 2024
SSD 11429726 MOD 5	4.55(1A)	Correct number of car wash bays and amendments to conditions B6, B20 – B23, and B39 – B44 of the consent.	Approved 15 October 2024
SSD 11429726 MOD 6	4.55(1A)	<ul style="list-style-type: none"> • Adjustment of unit mix to Building D to meet the requirements of affordable housing provider Evolve Housing • Adjustment to the Building B level 22 layout • Further design resolution of the play area in Eden Street Park • Minor adjustments to the façade presentation of Building A. 	Approved 10 January 2025
SSD 11429726 MOD 7	4.55(1)	Corrections to Conditions B19 and B61 of the consent to accurately reflect Construction Certificate staging.	Approved 4 April 2025
SSD 11429726 MOD 8	4.55(1)	Correction to Condition D40 to correctly identify Bayside City Council (Council) as the appropriate regulatory authority under Section 6 of the <i>Protection of the Environment Operations Act 1997</i> .	Approved 4 August 2025
SSD 11429726 MOD 9	4.55(1A)	<ul style="list-style-type: none"> • Design amendments to the materiality of the Building B podium façade for project constructability and viability following further detailed design • Amend conditions B20 and B21 to remove the requirements for a Works Authorisation Deed as no work will occur on Transport for NSW owned land. 	Approved September 2025

Therefore, this Modification Application represents the tenth modification sought to SSD 11429726 (i.e., SSD 11429726 MOD 10).

2.0 Strategic Context

2.1 Site Overview

This Modification Application does not seek to change the extent of the SSD 11429726 site identified as 26-42 Eden Street and 161-179 Princes Highway, Arncliffe. Following the approval of SSD 11429726, it has been consolidated into a single allotment, known as Lot 1 in DP1283907, and is currently an active construction site. It is approximately 13,440m² in size, and is irregular in shape. The current condition of the site is shown in **Figure 2** below. The site is owned by the NSW Land and Housing Corporation.



Figure 2 Site aerial

Source: Nearmap, edits by Colliers Urban Planning

2.2 Compliance with Strategic Framework

The submitted EIS for SSD 11429726 comprehensively assessed the approved development against the relevant strategic guidelines at state, regional, and local level, including the Greater Sydney Region Plan, Eastern City District Plan, Bayside West Precincts 2036 Plan, and the Bayside Local Strategic Planning Statement.

The proposed amendments are minor and maintain alignment with the strategic framework of SSD 11429726, as approved. Physical changes to the approved development are limited to minor amendments to retail tenancies and minor amendments to the community facility design, with such design refinements typically occurring at detailed design stage for a project of this complexity and scale. The refinements to occupation staging will enable parts of the development to feasibly begin operation in a staggered manner (as was always intended for the project), enabling its benefits and broader objectives to be realised sooner without changing the final design or built form outcome.

The strategic outcomes of SSD 11429726, including 196 new social housing apartments, new publicly accessible open space (including the new 4,000m² Eden Street Park) and pedestrian links, a new 1,634m² Council community facility, and improved public domain remains unchanged.

2.3 Analysis of Alternatives

In preparing this Modification Application, the following alternatives were considered by the applicant. They are summarised in **Table 3** below.

Table 3 *Analysis of alternatives*

Scenario	Assessment
Do not modify the approval (i.e., do nothing)	<p>The proposed amendments relate to:</p> <ul style="list-style-type: none"> • minor amendments to retail tenancies (without changing the total quantum of retail floorspace) to provide a more diverse retail offering that better meets projected demand. • minor design refinements to the Council community facility following further detailed design and coordination with Council post-approval. They are necessary to optimise future delivery of the facility. <p>Furthermore, the proposed staged occupation will allow the project objectives to be realised sooner without changing the final design or built form outcome. Therefore, doing nothing would represent a missed opportunity in optimising the delivery of SSD 11429726.</p>
Alternative design	<p>The proposed amendments relate to minor design refinements following further detailed design and coordination; therefore, alternative design(s) would not be a relevant consideration for this Modification Application.</p>
The proposed Modification Application	<p>Given the above, modifying SSD 11429726 as per this Modification Application is considered to deliver the optimal outcome at the site.</p>

2.4 Cumulative Impacts

The proposed amendments to represent minor design refinements and do not generate any additional cumulative impacts not already considered under SSD 11429726.

The refinements to occupation staging will enable parts of the project to begin operation in a staggered manner, enabling the project's benefits and broader objectives to be realised sooner. This is important to not delay the project and enable timely project delivery, to the benefit of future tenants, residents and the general public. This includes the delivery of Buildings C and D in the first stage, which critically allows the social housing dwellings (180 in Building C and 16 in Building D) to be occupied first, representing a significant public benefit.

3.0 Description of the Modifications

This Modification Application seeks consent for the following:

- Minor amendments to retail intertenancy walls without changing the total quantum of retail floorspace;
- Amendments to community facility façade louvres following further detailed design coordination with Council;
- Relocation of the upper ground community facility amenities block (to be delivered under the SSD 11429726 base build); and
- Amendments to various conditions of consent to enable staged occupation of the development.

The proposed amendments are to be undertaken in accordance with the Amended Architectural Plans prepared by Group GSA (**Appendix A**) and Occupation Staging Plans prepared by Billbergia & Group GSA (**Appendix B**), and other appended technical documentation (refer to Table of Contents). The amendments are described in further detail in the below subsections.

3.1 Amendments to Retail Tenancies

Minor amendments are proposed to the intertenancy walls of a few retail tenancies, with no change to the overall retail footprint or quantum of floorspace. At lower ground level, this includes a reconfiguration of the inter-tenancy walls for Retail 16, 17 and 18, as well as minor amendments to retail back-of-house storage areas.

At upper ground level, it is proposed to remove the intertenancy wall between what was previously identified as Retail A and Retail B facing the Princes Highway (beneath Building B), thereby consolidating them into a singular tenancy. This would reduce the total number of tenancies at this location from five to four, as shown in **Figure 3** below.

The merger will enable the delivery of more diverse retail floorspace (with a mixture of larger and smaller now tenancies now provided) that better meets projected tenant demand.



Figure 3 Building B Princes Highway retail tenancy layout, as approved (top) and as amended (bottom)

Source: Group GSA

3.2 Amendments to Community Facility Louvres

Amendments are proposed to the location of mechanical louvres associated with the Council community facility. These refinements are required following further detailed design coordination with Council on the community facility fit-out in order to meet anticipated mechanical and servicing requirements. Although the fit-out of the facility does not form part of the SSD 11429726 scope (which will deliver the facility cold shell only), the louvres are provisioned for under the base build for future connection to mechanical services.

The amended mechanical louvre locations are shown in Drawings DA-3005 through DA-3023 of the Amended Architectural Plans (**Appendix A**). An example of changes at one such elevation is provided in **Figure 4** below.



Figure 4 Amendments to community facility louvre locations at Tower B north west elevation – as approved (top) and as amended (bottom)

Source: Group GSA

3.3 Relocation of Community Facility Amenities

It is proposed to relocate the internal amenities and associated plant within the community facility at upper ground level. The amended amenities location has been selected following further detailed design coordination with Council to better accommodate Council's envisioned fitout layout. Although the fitout of the community facility itself is outside the SSD 11429726 scope and will comprise a future application, the amenities form part of the project build and will be delivered by the Proponent. The relocation will not change the GFA of the community facility.

Excerpts from the Amended Architectural Plans of the amended amenities location is provided in **Figure 5** below.

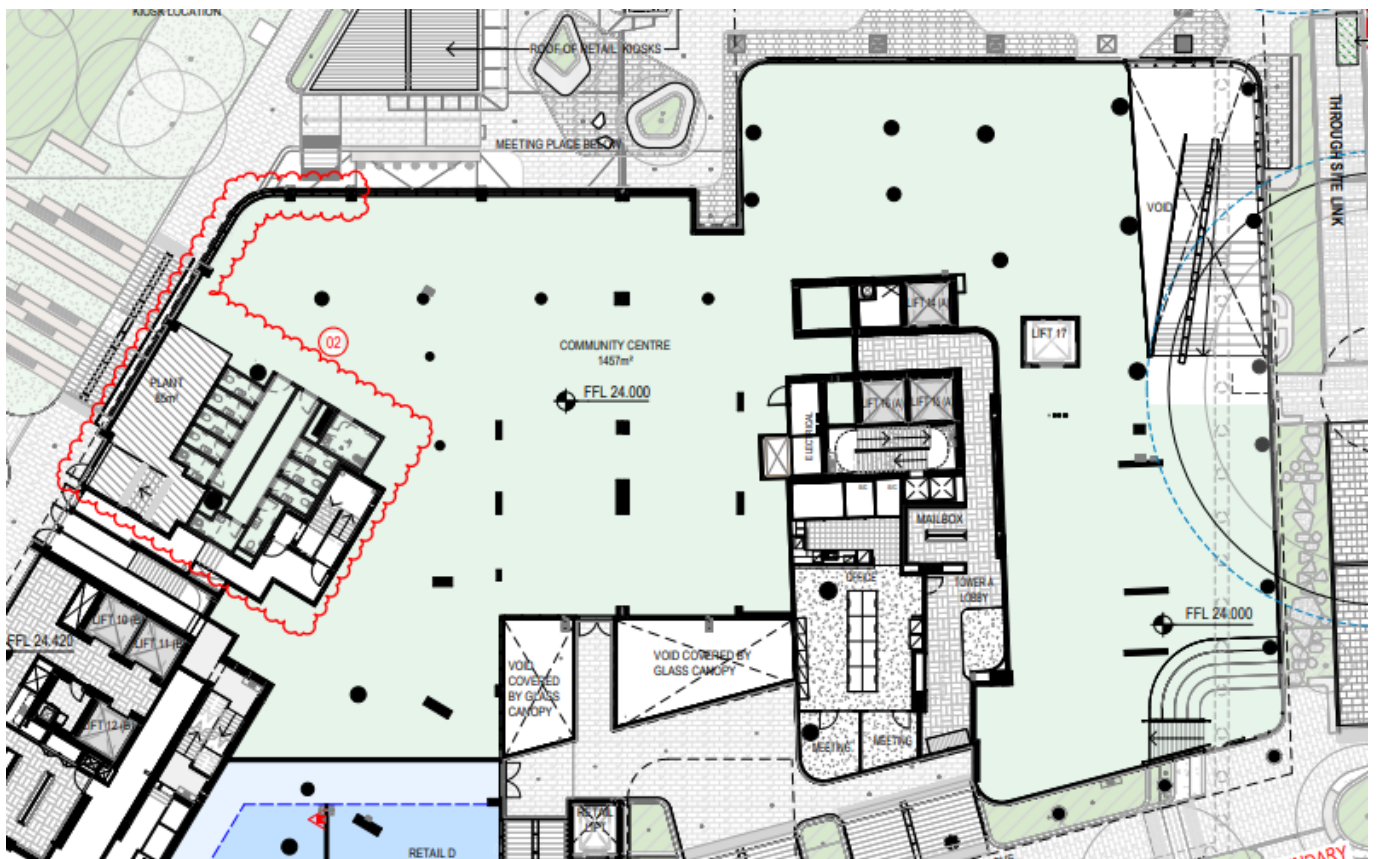
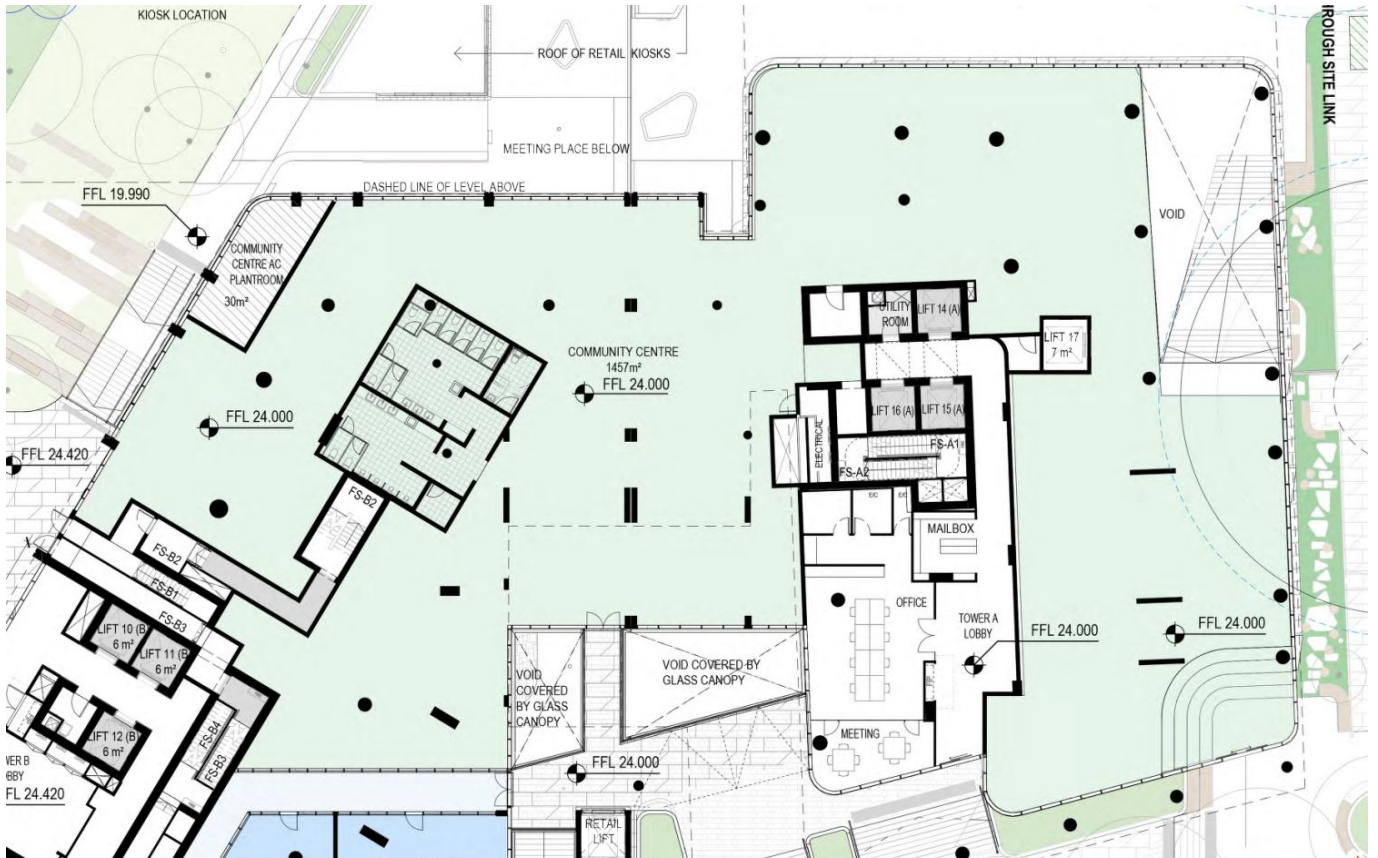


Figure 5 Community facility amenities location, as approved (top) and as amended (bottom)

Source: Group GSA

3.4 Staged Occupation

Amendments are proposed to the wording of various conditions of consent to enable staged occupation of the development. The proposed stages are demarcated in the Occupation Staging Plans prepared by Billbergia & Group GSA at **Appendix B**.

It was always intended for SSD 11429726 to follow a staged Occupation Certificate (OC) strategy, as is standard for projects of such scope and scale (for example, refer to existing conditions E1 and E5 which permit staged occupation), with this Modification Application seeking to formalise this in the consent.

Under the proposed staging strategy, Buildings C and D will be completed first, which critically allows the project's social housing dwellings (180 in Building C and 16 in Building D) to be occupied first, representing a significant public benefit, and the subsequent delivery of Buildings A and B.

The proposed staging strategy is summarised in **Table 4** below.

Table 4 Proposed OC staging strategy

Stage	Short description
Stage 1	Buildings C and D residential apartments
Stage 2	Building B residential apartments
Stage 3	Building A residential apartments
Stage 4	Eden Street Park
Stage 5	Retail tenancies and childcare cold shell
Stage 6	Community facility cold shell

3.5 Amendments to Conditions

The proposed modifications described above necessitate amendments to 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 A2

A2. *The development must only be carried out:*

(a) *in compliance with the conditions of this consent;*

(b) *in accordance with all written directions of the Planning Secretary;*

(c) *in accordance with the EIS, RtS and any RRFI;*

[...]

(l) in accordance with the Modification Report entitled 'Section 4.55(1A) Modification Application – SSD 11429726 26-42 Eden Street & 161-179 Princes Highway, Arncliffe' prepared by Colliers Urban Planning dated 12 February 2026;

(m) in accordance with the approved plans in the table below:

Architectural Drawings prepared by Group GSA			
Plan Number	Rev	Name of Plan	Date
DA0000	U V	Drawings List and Location Plan	29/07/2025 20/11/2025
[...]			
DA2004	Q R	Lower Ground Floor GA Plan	08/11/2024 20/11/2025
DA2005	Q R	Upper Ground Floor GA Plan	08/11/2024 20/11/2025
[...]			
DA2201	H I	Tower B – Ground	27/06/2024 20/11/2025
[...]			
DA3001	J K	North East Elevation	29/07/2025 20/11/2025
DA3002	J K	North West Elevation	29/07/2025 20/11/2025
DA3003	J K	South East Elevation	29/07/2025 20/11/2025

DA3004	I	South West Elevation	05/07/2024
DA3005	H I	Park Elevation North	29/07/2025 20/11/2025
DA3006	F	Park Elevation South	05/07/2024
DA3010	J K	Tower A – North East Elevation	05/07/2024 20/11/2025
DA3011	J K	Tower A – North West Elevation	05/07/2024 20/11/2025
DA3012	N O	Tower A – South East Elevation	05/07/2024 20/11/2025
DA3013	J	Tower A – South West Elevation	05/07/2024
DA3020	J K	Tower B – North East Elevation	29/07/2025 20/11/2025
DA3021	J K	Tower B – North West Elevation	29/07/2025 20/11/2025
DA3022	J K	Tower B – South East Elevation	29/07/2025 20/11/2025
DA3023	J K	Tower B – West Elevation	29/07/2025 20/11/2025
[...]			
DA4350	H I	GFA Diagrams	05/07/2024 20/11/2025
[...]			
Occupation Staging Plans prepared by Group GSA & Billbergia			
Rev	Name of Plan		Date
1	Basement Level 2 Staging Plan		05/02/2026
1	Basement Level 1 Staging Plan		05/02/2026
1	Basement Level 1 Mezzanine Staging Plan		05/02/2026
1	Lower Ground Staging Plan		05/02/2026
1	Upper Ground Staging Plan		05/02/2026
1	Level 1 Staging Plan		05/02/2026
1	Level 2 Staging Plan		05/02/2026
1	Level 3 Staging Plan		05/02/2026
1	Level 4 Staging Plan		05/02/2026
1	Level 5 Staging Plan		05/02/2026
1	Level 6 Staging Plan		05/02/2026
1	Level 7 Staging Plan		05/02/2026
1	Level 8 Staging Plan		05/02/2026
1	Level 9 Staging Plan		05/02/2026
1	Level 10 Staging Plan		05/02/2026
1	Level 11 Staging Plan		05/02/2026
1	Level 12 Staging Plan		05/02/2026
1	Level 13 Staging Plan		05/02/2026
1	Level 14 Staging Plan		05/02/2026
1	Level 15 Staging Plan		05/02/2026
1	Level 16 Staging Plan		05/02/2026
1	Level 17 Staging Plan		05/02/2026
1	Level 18 Staging Plan		05/02/2026
1	Level 19 Staging Plan		05/02/2026
1	Level 20 Staging Plan		05/02/2026
1	Level 21 Staging Plan		05/02/2026
1	Level 22 Staging Plan		05/02/2026
1	Roof Staging Plan		05/02/2026

Explanation: To reflect the Amended Architectural Plans (**Appendix A**), Occupation Staging Plans (**Appendix B**) and the design changes sought under this application.

Condition B22

B22. Prior to issue of the first Construction Certificate for public domain works, a detailed Traffic and Pedestrian study assessing the proposed 40 kmph speed limit reduction to Eden Street shall be prepared by the Applicant and submitted to and approved by TfNSW. If approved, the speed limit change shall be implemented prior to ~~occupation the~~ **Occupation Certificate for Stage 4.**

Explanation: To reflect the proposed staging. Under the Occupation Staging Plans (**Appendix B**), the development's interface with Eden Street generally forms part of Stage 4.

Condition E1

E1. The Applicant must obtain an Occupation Certificate from the Certifier prior to commencement of occupation or use of the whole or any part of a new building or, an altered portion of, an extension to an existing building. **Occupation of the development may be staged, in accordance with the Stages shown on the Occupation Staging Plans prepared by Group GSA & Billbergia dated 5 February 2026 and as follows:**

Occupation Stage	Description
Stage 1	All areas identified as 'IOC1' on the Occupation Staging Plans, including Buildings C and D residential component and relevant areas of shared basement
Stage 2	All areas identified as 'IOC2' on the Occupation Staging Plans, including Building B residential component and relevant areas of shared basement
Stage 3	All areas identified as 'IOC3' on the Occupation Staging Plans, including Building A residential component and relevant areas of shared basement
Stage 4	All areas identified as 'IOC6' on the Occupation Staging Plans, including Eden Street Park and Eden Street frontage
Stage 5	All areas identified as 'IOC4' on the Occupation Staging Plans, including retail component of the development, childcare centre cold shell, and relevant areas of shared basement
Stage 6	All areas identified as 'IOC5' on the Occupation Staging Plans, including community facility cold shell

Explanation: To reflect the Occupation Staging Plans prepared by Billbergia & Group GSA (**Appendix B**) and the proposed staged occupation as discussed at **Section 3.4.**

Condition E2

E2. Prior to the issue of ~~an each~~ **Occupation Certificate for Stage 1, Stage 2, Stage 3, Stage 4, Stage 5, and Stage 6**, the Applicant must submit, to the satisfaction of the Certifier, works-as-executed plans, any compliance certificates and any other evidence from suitably qualified practitioners confirming the following completed works:

- (a) **All Relevant** CPTED measures **for that stage** in accordance with Conditions B24
- (b) **All Relevant** sustainability measures **for that stage** in accordance with Conditions B25 to B29
- (c) **All Relevant** acoustic requirements **for that stage** of Condition B30 and B31
- (d) **All Relevant** outdoor lighting **for that stage** in accordance with Condition B34
- (e) **All Relevant** landscaping **for that stage** in accordance with Condition B45 and B46
- (f) **All Relevant** stormwater **for that stage** drainage systems and storage systems in accordance with Conditions B52 to B57

Explanation: To facilitate the proposed staged occupation, noting that works-as-executed plans will be submitted to the Certifier for each stage under the proposed staging as discussed at **Section 3.4.**

Condition E3

E3. The Certifier must provide a copy of the plans to consent authority with ~~the each~~ **Occupation Certificate.**

Explanation: As above.

Condition E6

6. A Registered Surveyor is to certify that the development does not exceed the approved gross floor area and building height. Details must be provided to the Certifier demonstrating compliance with this condition **for the respective stage** prior to the issue of an Occupation Certificate **for Stage 1, Stage 2, Stage 3, Stage 4, Stage 5, and Stage 6**.

Explanation: To facilitate the proposed staged occupation and the Occupation Staging Plans (**Appendix B**).

Condition E6A

E6A. ~~Upon completion of the building construction~~ **Prior to the issue of an Occupation Certificate for Stage 1, Stage 2, and Stage 3**, the Certifier must provide written notification to the Sydney Airport Manager, Airfield Spatial & Technical Planning, confirming the finished height of the **relevant** buildings.

Explanation: To facilitate the proposed staged construction and occupation of buildings. Stages 1, 2 and 3 are nominated for this building as they pertain to the topping out of buildings on site (Buildings C and D, Building B, and Building A respectively).

Condition E7

E7. ~~Prior to any Occupation Certificate being issued~~ **Prior to the issue of an Occupation Certificate for Stage 1, Stage 2, and Stage 3**, evidence must be submitted to the Certifier demonstrating all external walls of the new building **for that stage**, including cladding, comply with the relevant requirements of the NCC, consistent with the requirements of this consent. The Applicant must provide a copy of the documentation to the Planning Secretary within seven days after the Certifier accepts it.

Explanation: To facilitate the proposed staged occupation, noting that Stages 1, 2 and 3 involve the installation of external walls and cladding.

Condition E12

E12. Before the issue of ~~any the final~~ **any the final** Occupation Certificate, a suitably qualified engineer must prepare a post-construction dilapidation report, to the satisfaction of the Certifier, detailing whether:

- (a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings, infrastructure or roads; and
- (b) where there has been structural damage to any adjoining buildings, infrastructure or roads, that it is a result of the building work approved under this development consent; and
- (c) relevant authorities have confirmed that there is no adverse structural damage to their infrastructure and roads.

Explanation: To facilitate the proposed staged occupation. It is appropriate for a post-construction dilapidation report to be prepared for the final Occupation Certificate, as it can only be prepared once construction works at the site are complete.

Condition E13

E13. Before the issue of ~~any the final~~ **any the final** Occupation Certificate, the Certifier is to provide a copy of the post-construction dilapidation report to the consent authority and to the relevant adjoining property owner(s)

Explanation: As above.

Condition E20

E20. Prior to the issue of ~~any an~~ **any an** Occupation Certificate **for Stage 1**, the Applicant must submit a copy of the stormwater drainage design plans approved with the Construction Certificate to the Certifier. The stormwater drainage design plans must be prepared by a Practising Professional Engineer experienced in the design of stormwater drainage systems.

Explanation: To facilitate the proposed staged occupation. Stormwater drainage design plans for the development will be submitted prior to the issue of the first OC for Stage 1.

Condition E21

E21. Prior to the issue of **any an** Occupation Certificate **for Stage 1**, the Applicant must submit to the satisfaction of the Certifier an Operation and Maintenance Plan (OMP) to ensure the proposed stormwater quality measures remain effective. The OMP must contain the following:

- (a) maintenance schedule of all stormwater quality treatment devices;
- (b) record and reporting details;
- (c) relevant contact information; and
- (d) Work Health and Safety requirements.

Explanation: As above.

Condition E22

E22. Prior to the issue of **any an** Occupation Certificate **for Stage 1 and Stage 4**, a Civil Engineer must certify that the stormwater system **as relevant to that stage** has been constructed in accordance with the approved plans and as required by the Rockdale Technical Specification Stormwater Management. The constructed stormwater drainage system shall be inspected, evaluated, and certified. The certification shall demonstrate compliance with the approved plans, relevant Australian Standards, Codes and Council Specifications. A works-as-executed (WAE) drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. The WAE plan must clearly illustrate dimensions and details of all site drainage aspects. The certification and works-as-executed plan(s) shall be supplied to the Principal Certifier and Bayside Council.

Explanation: To facilitate the proposed staged occupation, noting that the stormwater system is relevant to Stage 1 (for the on-site detention tank and its associated connections) and Stage 4 (for stormwater infrastructure associated within Eden Street Park).

Condition E23

E23. Prior to the issue of **any an** Occupation Certificate **for Stage 4**, a Positive Covenant(s) pursuant to the Conveyancing Act 1919 are to be registered on the title of the lots on which the following systems are present:

- (a) Stormwater Detention System
- (b) Stormwater Quality Improvement Device
- (c) the groundwater treatment facility (if applicable)

The terms of the instruments to be in favour of Bayside Council and are to be submitted to Bayside Council for review and approval. An application must be lodged with, and approved by, Bayside Council prior to issue of the Occupation Certificate. Bayside Council must be provided with the relevant fees and all supporting information required (such as works-as-executed drainage plans and certification) prior to Bayside Council endorsing the Instrument. Bayside Council and the Principal Certifier are to be provided with proof of registration of the covenants prior to occupation.

Explanation: As above. It is appropriate for the Positive Covenant to be registered following practical completion of stormwater works in Stage 4.

Condition E25

E25. Prior to the issue of **any an** Occupation Certificate **for Stage 1**, the Applicant must submit to the satisfaction of the Certifier a Section 73 Compliance Certificate under the Sydney Water Act 1994, obtained from Sydney Water Corporation.

Explanation: To facilitate the proposed staged occupation. A Section 73 Compliance Certificate will be submitted prior to issuance of the first Occupation Certificate.

Condition E26

E26. Before the issue of **any an** Occupation Certificate **for Stage 1, Stage 2, Stage 3, Stage 4, Stage 5, and Stage 6**, the Applicant must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, **street lighting** and telecommunications, required as a result of **that stage of** the development, is completed to the satisfaction of the relevant authority.

Explanation: To facilitate the proposed staged occupation and ensure the relevant infrastructure utility works (gas, water, sewer, electricity, and telecommunications) for each stage are completed prior to it entering operation. As a public domain upgrade, changes to street lighting including underground supplied lighting poles will occur as part of Stage 4 and is already appropriately addressed under Condition E28 below and is therefore proposed to be removed from this condition.

Condition E27

*E27. Before the issue of **any an** Occupation Certificate **for Stage 1, Stage 2, Stage 3, Stage 4, Stage 5, and Stage 6**, the Certifier must receive written confirmation from the relevant authority that the relevant services **for that stage** have been completed.*

Explanation: As above.

Condition E28

*E28. Prior to the issue of **any an** Occupation Certificate **for Stage 4**, all above ground utilities and services (including all overhead high and low voltage electricity cables plus all telecommunication cables) along the entire length of all frontages of the development site must be relocated underground. The existing Ausgrid lighting and power poles shall be decommissioned, and new underground supplied lighting poles shall be constructed along the entire frontage of the development site satisfying the relevant lighting requirements. The applicant is responsible for all relocation costs, including costs associated with other cabling such as telecommunications cables and the extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site. The works must be completed and Ausgrid's approval for the works must be met to the satisfaction of Bayside Council.*

Explanation: The undergrounding of above ground utilities and services and replacement of street lighting with underground supplied lighting poles will occur as part of the Stage 4 public domain works.

Condition E29

*E29. Prior to the issue of **any the final** Occupation Certificate, a detailed Green Travel Plan (GTP) prepared by a suitably qualified person, shall be prepared in consultation with Council and approved by TfNSW. A copy of the GTP is to be provided to the Certifier and Planning Secretary. The GTP must outline practical measures and initiatives to ensure that the approved development encourages greater use of sustainable modes of transport and:*

- (a) detail the number and location of end of trip (EOT) facilities for staff and casual bicycle parking for retail and visitors, and what other resources will be available for cyclists (bike stand, pumps, tools and spare tubes for example)*
- (b) provide a communication strategy and a Travel Access Guide (TAG) which includes:*
 - (i) a map of the site with access points, active transport paths, bike parking and EOT facilities*
 - (ii) recommended walking/cycling routes to key destinations nearby e.g. the airport, local shops*
- (c) consider including real time information as part of the common area displays*
- (d) include an Implementation Strategy that commits to specific management actions, including operational procedures to be implemented along with timeframes*

Explanation: To facilitate the proposed staged occupation. To ensure holisticness across the development, it is appropriate for the Green Travel Plan to be prepared prior to the issuance of the final OC for the project.

Condition E30

*E30. The Applicant must prepare a Transport Access Guide (TAG) in consultation with TfNSW, implement and maintain by the operators of the premises and be made available to staff, guests, clients, customers and visitors at all times. The following information must be submitted to the Certifier prior to the issue of **any the final** Occupation Certificate for the site/use: The TAG is to include (but not be limited to) the following:*

- (a) Information regarding off-street car parking and passenger pick-up and set down areas at the development site;*
- (b) Suitable drop-off/pick-up locations;*
- (c) Identify areas where drop-off/pick-up is prohibited and instruct visitors to avoid use of these areas; and*
- (d) Suitable nearby Taxi Zones.*

Explanation: As above.

Condition E31

E31. Prior to the issue of **any an** Occupation Certificate **for Stage 1**, the Applicant must submit to the satisfaction of the Certifier a detailed Car Parking, Loading and Servicing Management Plan prepared in consultation with Council and TfNSW. This Plan must ensure that any potential traffic and safety impacts associated with the car park and loading dock operation are mitigated. The Applicant must submit a copy of the final plan for TfNSW endorsement. The Plan needs to specify, but not be limited to, the following:

- (a) details of the development's loading and servicing profile, including the forecast loading and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;
- (b) details of measures to manage any potential traffic and safety impacts of the car parking and loading dock operation; and
- (c) details of how vehicles larger than a 6.4m SRV delivering to the site must be managed, including management measures to mitigate any queuing impacts from the roller shutter into the main vehicle basement ramp.

Explanation: To facilitate the proposed staged occupation. A Car Parking, Loading and Servicing Management Plan for the development will be provided as part of Stage 1.

Condition E32

E32. Prior to the issue of **the an** Occupation Certificate **for Stage 1, Stage 2, Stage 3, and Stage 5**, a Civil Engineer registered with the National Engineering Register (NER) shall certify that the vehicular access and off street parking facilities **within that stage** have been constructed in accordance with the approved construction plans, AS/NZS 2890.1, AS2890.2, AS2890.3 and AS/NZS 2890.6, line marked, all signage **within that stage** relating to car parking erected and that the car parking area **within that stage** is clearly and appropriately marked/signposted indicating all the vehicular movements on the site. The internal road network, pedestrian facilities, and parking facilities (including visitor parking and parking for persons with disabilities) shall be clearly designated, sign posted, and line marked prior to the issuing of an Occupation Certificate. Signage and line marking shall comply with AS1742 - Manual of Uniform Traffic Control Devices and NSW Road Transport (Safety and Traffic Management) Regulations.

Explanation: To facilitate the proposed staged occupation of the vehicular facilities and carpark, as shown within the Occupation Staging Plans (**Appendix B**).

Condition E34

E34. Prior to the issue of **any an** Occupation Certificate **for Stage 1**, the following signage shall be erected:

- (a) **Vehicles Enter & Exit in Forward Direction:** All vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to a prominent place near the Eden Street vehicular entrance to the site, approved by the principal certifier, stating the following: "All vehicles shall enter and exit the site in a forward direction at all times".
- (b) **Left turn from the Eden Street Access prohibited for vehicle over 9m**

Explanation: To facilitate the proposed staged occupation. This signage will be installed as part of Stage 1.

Condition E35

E35. The six (6) car share car parking spaces must be operated by a recognised commercial car share operator within the site. A contract for the operation of a car share space by the commercial car share provider must be entered into prior to issue of the Occupation Certificate **for Stage 5** and the maximum size of the car share vehicle shall be equal to, or smaller than, a B99 vehicle (as denoted by AS/NZS2890.1:2004). The car share space must be made available to car share operators without a fee or charge. The car share space must be appropriately line marked and signposted to indicate its usage to be exclusively as a car share space. The car share space must be adequately illuminated and be publicly accessible at all times. The car share space is to be fully operational, and the chosen car share scheme operator is to confirm its operation to the Principal Certifier and Bayside Council prior to the issue of **any an** Occupation Certificate **for Stage 5**.

Explanation: The car share car parking spaces are located within the lower ground level (retail portion) of the carpark to be delivered as part of Stage 5, as shown within the Occupation Staging Plans (**Appendix B**).

Condition E38

E38. Prior to issue of **any an** Occupation Certificate **for Stage 1, Stage 2 and Stage 5**, evidence must be submitted to the satisfaction of the Certifier demonstrating that the Electric Vehicle charging facilities and EV ready infrastructure **within that stage** has been delivered in accordance with the EV masterplan required by Condition B42.

Explanation: Under the staged occupation of the carpark, the EV charging facilities and infrastructure will be delivered as part of Stages 1, 2 and 5, as shown within the Occupation Staging Plans (**Appendix B**).

Condition E39

E39. Prior to the issue of **any an** Occupation Certificate **for Stage 5**, the Applicant must submit to the satisfaction of the Certifier a Landscape Practical Completion Report prepared by the consultant responsible for the landscape design plan. The Report is to verify that

(a) all landscape works have been carried out generally in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application and is to verify that an effective maintenance program has been commenced.

(b) the Green Roof has been installed and certified by a qualified Green Roof specialist. A maintenance schedule with ongoing maintenance tasks has been provided to the Strata Corporation/Owner.

(c) all public domain works have been carried out as per Frontage Works Brief prepared by Bayside Council. Newly planted street trees have been planted in a Pot size not less than 200 Litre. At time of inspection street trees have a minimum height of 3.5 meters, calliper at 300mm greater than 60mm, with a clear trunk height of 1.5 meters.

(d) A fully automatic drip irrigation system has been installed in all landscaped areas. Irrigation system is working in a good manner in all landscaped areas, and irrigation maintenance tasks are included in the ongoing maintenance schedule submitted to Strata Corporation. The system has been installed, inspect, and certified by a qualified irrigation contractor.

(e) lighting is fully operating in all open spaces and in accordance with approved Lighting plans.

Explanation: To facilitate the proposed staged occupation. Practical completion of all landscaping at the site will occur by Stage 5.

Condition E40

E40. Prior to the issue of **any an** Occupation Certificate **for Stage 1, Stage 2, and Stage 3**, the Applicant must provide to the Certifier evidence that street numbers are clearly displayed at the ground level frontage of the building. If new street numbers or a change to street numbers is required, a separate application must be made to the relevant authority.

Explanation: Installation and display of street numbers are relevant to Stages 1, 2 and 3 (residential occupation of Buildings C and D, Building B, and Building A respectively).

Condition E41

E41. Prior to the issue of **any an** Occupation Certificate **for Stage 1, Stage 2, and Stage 3**, the Applicant must submit to the satisfaction of the Certifier evidence that all the commitments contained in the BASIX Certificate approved under this consent have been implemented.

Explanation: BASIX is relevant to Stages 1, 2 and 3 (residential occupation of Buildings C and D, Building B, and Building A respectively).

Condition E42

E42. Prior to the issue of **any an** Occupation Certificate **for Stage 1**, the Applicant must provide to the Certifier evidence that all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land Registry Services.

Explanation: To facilitate the proposed staged occupation. Registrations on title for the development will be resolved as part of Stage 1.

Condition E45

*E45. Before the issue of **an the final** occupation certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates that:*

- (a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or*
- (b) the applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.*

Explanation: To facilitate the proposed staged occupation. It is appropriate for this to be submitted prior to the final OC following completion of the project.

Condition E46

*E46. Prior to the issue of ~~any an~~ Occupation Certificate **for Stage 1, Stage 2, and Stage 3**, a Geotechnical Engineer registered with the National Engineering Register (NER) shall certify that the construction works have been constructed in accordance with the approved construction geotechnical report/recommendations and include an evaluation of the completed works.*

Explanation: Geotechnical considerations are relevant to Stages 1, 2 and 3 (residential occupation of Buildings C and D, Building B, and Building A respectively).

Condition E48

*E48. **Prior to the issue of an Occupation Certificate for Stage 1 and Stage 4**, all required traffic control measures, pedestrian crossings, footpaths, shared path, signage and any other works in the road reserve **within that stage** approved by Council and/or TfNSW in accordance with Conditions B19 to B22 and shall be installed to TfNSW and Council's satisfaction ~~prior to issue of any occupation certificate.~~*

Explanation: To facilitate the proposed staged occupation. Traffic control measures are relevant to Stage 1 (for the basement vehicular ingress/egress) and Stage 4 (for the pedestrian crossing and works along the Eden Street frontage).

Condition E49

*E49. **Prior to the issue of an Occupation Certificate for Stage 1 and Stage 4**, the recommendations the Road Safety Audit (RSA) approved under Condition B23 **as relevant to that stage**, including any pedestrian protection measures, shall be implemented and installed to TfNSW and Council's satisfaction ~~prior to the issue of any occupation certificate.~~*

Explanation: As above.

Condition E52

~~E52. Before the issue of an occupation certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates that:~~

- ~~(a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or~~*
- ~~(b) the Applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.~~*

Explanation: This condition is proposed to be deleted as it is a like-for-like duplicate of condition E45.

4.0 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 development as proposed to be modified is “substantially the same development” for which consent was originally granted for the following reasons:

- The development remains four residential apartment buildings above podiums and basement parking.
- The site layout remains unchanged, being two residential towers in the north and two in the south, separated by the 4,000m² Eden Street Park with a Meeting Place adjacent to Eden Street and a through site connecting Eden Street to the Princes Highway.
- The amendments to the retail tenancies and community facility are very minor when considered against the overall scope and scale of the project. The community facility amendments are required following further detailed design and coordination with Council post-approval.
- The refinements to occupation staging will enable parts of the development to feasibly begin operation in a staggered manner (as was always intended for the project), enabling its benefits and broader objectives to be realised sooner without changing the long-term outcomes of the project.

5.0 Statutory Context

This section provides an assessment of the proposed amendments against the relevant sections of the *Environmental Planning & Assessment Act 1979* (EP&A Act) and the relevant Environmental Planning Instruments (EPIs). It has been set out in accordance with the DPHI's *State significant development guidelines – preparing a modification report* (October 2022), which identifies the categories to be used to identify the statutory requirements of a project, being that of the following:

- Power to grant approval (**Section 5.1**).
- Permissibility (**Section 5.2**).
- Other approvals (**Section 5.3**).
- Pre-conditions to exercising the power to grant approval (**Section 5.4**).
- Mandatory matters for consideration (**Section 5.5**).

5.1 Power to Grant Approval

SSD 11429726 was declared to be State Significant Development (SSD) pursuant to Section 10, Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011* (now Section 10, Schedule 2, Chapter 4 of *State Environmental Planning Policy (Planning Systems) 2021*), as it is being carried out on land identified as a NSW Land and Housing Corporation Site on the State Significant Development Sites Map; is carried on behalf of the NSW Land and Housing Corporation; and has a capital investment value above \$30 million.

The proposed amendments do not alter the project's designation as SSD pursuant to the above. As the development, as proposed to be modified, is substantially the same development as that originally approved (see **Section 4.0**), the DPHI as the consent authority has the power to grant consent to the modification application.

5.2 Permissibility

The site is zoned MU1 Mixed Use under the *Bayside Local Environmental Plan 2021* (BLEP 2021) (B4 Mixed Use under the *Rockdale Local Environmental Plan 2011* at the time of approval). With no changes proposed to land use, the permissibility of the development remains unchanged. Development for the purposes of residential accommodation and retail premises continue to be permissible with consent under the site's MU1 zoning.

5.3 Other Approvals

The proposed amendments do not alter SSD 11429726 consistency with that of the following:

- Legislation that must be applied consistently to State Significant Development under Section 4.42 of the EP&A Act; and
- Consistency with the *Environmental Protection and Biodiversity Act 1999 Act*, as the project is not a matter of National Environmental Significance.

5.4 Pre-Conditions to Exercising Power to Grant Approval

The proposed amendments do not alter SSD 11429726's consistency with the relevant pre-conditions to exercising power to grant approval:

- The BDAR Waiver for the project approved under the *Biodiversity Conservation Act 2016* continues to apply to the development, as amended;
- The project remains traffic-generating development pursuant to sections 2.119 and 2.112 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*, with no changes to traffic generation; and
- The amendments do not implicate the suitability of the site with regards to contamination under *State Environmental Planning Policy (Resilience and Hazards) 2021*.

5.5 Mandatory Matters for Consideration

An assessment of the relevant pre-conditions to granting approval for SSD 11429726, as they relate to the proposed amendments, has been provided in the below subsections.

5.5.1 Bayside Local Environmental Plan 2021

The *Bayside Local Environmental Plan 2021* (BLEP 2021) is the principal environmental planning instrument applying to the project site. An assessment of the proposed modification against the relevant clauses of the BLEP 2021 has been provided in **Table 5** below.

Table 5 Assessment of proposed modifications against the BLEP 2021

Clause	Assessment
2.1 – Land use zones	The site is zoned MU1 Mixed Use. No changes to land use are proposed as part of the proposed amendments.
4.3 – Height of building	No changes to building height are sought as part of the proposed amendments.
4.4 – Floor space ratio	No changes to GFA are sought as part of the proposed amendments.
5.10 – Heritage conservation	The proposed amendments will have no effect on heritage conservation.
6.9 – Active street frontages	The proposed amendments will have no effect on active street frontages.
6.10 – Design excellence	Design excellence has been retained under this Modification Application. Refer to Section 6.1 below for detailed discussion.

5.5.2 State Environmental Planning Policies

An assessment of the proposed amendments against the relevant State Environmental Planning Policies (SEPPs) applicable to SSD 11429726 has been provided in **Table 6** below.

Table 6 Assessment against State Environmental Planning Policies

Clause	Assessment
<i>State Environmental Planning Policy (Planning Systems) 2021</i>	The project as proposed to be amended remains State Significant Development under the Planning Systems SEPP.
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	The proposed amendments do not implicate the suitability of the site with regards to contamination. The findings of the Detailed Site Investigation approved under SSD 11429726 remain valid.
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	The proposed amendments do not alter the traffic and parking provisions of the development or its anticipated traffic generation.
<i>State Environmental Planning Policy (Sustainable Buildings) 2022</i>	The development as amended continues to be consistent with the principles of Ecologically Sustainable Development as assessed within the EIS. The currently approved BASIX Certificates remain valid for the development as amended.

5.5.3 Bayside Development Control Plan 2022

Section 2.10 of the Planning Systems SEPP confirms that Development Control Plans are not a relevant assessment consideration for SSD. Notwithstanding, an assessment against the site-specific provisions of the Eden Street Development Site within the Bayside Development Control Plan 2022 (then the Rockdale Development Control Plan 2011) was provided as part of the EIS for SSD 11429726, demonstrating general consistency.

The proposed amendments (including the only changes being amendments to retail intertenancy walls, and minor changes to the community facility detailed design) will have no effect on the project's compliance with the Bayside DCP 2022.

6.0 Environmental Assessment

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) with regards to the proposed amendments sought.

6.1 Design Excellence

Condition A8 of the SSD 11429726 consent requires that the GANSW State Design Review Panel (SDRP) be retained for the project as the Design Integrity Panel (DIP), ensuring that design excellence is maintained through to completion and operation of the development.

Condition A9(a)(i) requires that the DIP review the development prior to the lodgement of any Modification Application to the design.

To meet the requirements of Condition A9(a)(i), the project team issued the modification scope including Amended Architectural Plans to the DIP on 11 February 2026. The DIP has advised in email correspondence on 12 February 2026 (attached at **Appendix C**) confirming that the proposed amendments are not of sufficient significance to warrant detailed DIP review.

6.2 Built Form and Urban Design

The proposed amendments only negligibly alter the built form of the approved development, comprising only minor amendments to retail intertenancy walls and refinements to community facility façade louvres and internal location of the community facility amenities. They do not alter the overall bulk and scale or urban design of SSD 13619238. Such design refinements typically occur at detailed design stage for a project of this complexity as it moves towards construction.

A Building Code of Australia Statement has been prepared by BM+G at **Appendix D**, confirming that the development as amended remains capable of compliance with the relevant provisions of the BCA.

6.3 Occupation Certificate Staging

The proposed amendments to conditions as discussed at **Section 3.4** above and shown in the Occupation Staging Plans prepared by Billbergia & Group GSA (**Appendix B**) will enable staged occupation of the development, with the issuance of staged Occupation Certificates (OCs).

This was always envisioned as part of the delivery strategy for SSD 11429726 (for example, refer to existing Conditions E1 and E5 which permit staged occupation), with this Modification Application seeking to formalise this in the consent.

The amended condition wording would enable the project to begin operation in a staggered manner, enabling the project's benefits and broader objectives to be realised sooner, to the benefit of tenants, future residents and the public. This includes the delivery of Buildings C and D in the first stage, which critically allows the project's 196 social housing dwellings (180 in Building C and 16 in Building D) to be occupied first, representing a significant public benefit, and the subsequent delivery of Buildings A and B.

Staggered occupation is standard practice for projects of this size and complexity, and do not change the long-term environmental outcomes for the project.

6.4 Reasons Given for Granting Consent

The proposed amendments are not relevant to, and do not alter the project's consistency with the reasons given for granting consent in the Assessment Report for SSD 11429726, which are as follows:

- *It is consistent with the Greater Sydney Region Plan and the Eastern City District Plan's which aims to increase housing and jobs close to public transport, services, and amenities.*
- *It would facilitate the renewal and expansion of the Arncliffe Town Centre consistent with the Bayside West Precincts Plan.*
- *It complies with the provisions of the Bayside Local Environmental Plan 2021 and the State Environmental Planning Policy (Housing) 2021 and provides a bulk and scale which is compatible with the desired future character of the area, except for a minor 2.14% exceedance of the height control and 2.69% exceedance of the floor space ratio control, which would result in no perceivable difference to the bulk and scale of the development or impacts to surrounding properties.*
- *It achieves design excellence by providing a well-planned site layout and architectural built form outcome which has been reviewed and endorsed through the State Design Review Panel process.*
- *It achieves a high level of residential amenity for future residents in accordance with the ADG*
- *Traffic, access, and parking impacts are appropriately managed and impacts to surrounding intersections are minimised through the provision of a deceleration lane providing access from Princes Highway, and a prohibition on right turn movements from Forest Road to Eden Street.*
- *The proposal will be liable for a Special Infrastructure Contribution (SIC) to assist in wider traffic improvements in the Arncliffe area.*
- *The Department recommends conditions in relation to design integrity, landscaping, public domain, and traffic control to ensure the development makes a positive contribution to the local area.*
- *It would provide significant public benefits including 180 new social housing apartments, 4,870 m² of new publicly accessible open space, new through site links, a new shared path, a new raised pedestrian crossing, improved public domain, and creation of approximately 2,280 construction jobs and 200 operational jobs.*

6.5 Site Suitability and Public Interest

The proposed amendments are suitable for the site, and in the public interest.

- The minor amendments to retail intertenancy walls will enable the delivery of more diverse retail floorspace that better meets projected tenant demand.
- The amendments to the community facility façade louvres and amenities location are necessary following further detailed design and coordination with Council post-approval, and will optimise the future delivery of the facility.
- The amendments to OC staging will enable SSD 11429726 to begin operation in a staggered manner, enabling the project's benefits and broader objectives (including delivery of 196 social housing apartments) to be realised sooner, to the benefit of tenants, future residents and the public.

7.0 Justification of the Modified Project

This Modification Application seeks consent for the following:

- Minor amendments to retail intertenancy walls without changing the total quantum of retail floorspace;
- Amendments to community facility façade louvres following further detailed design coordination with Council;
- Relocation of the upper ground community facility amenities block (to be delivered under the SSD 11429726 base build); and
- Amendments to various conditions of consent to enable staged occupation of the development.

This letter has demonstrated that this Modification Application:

- Does not alter SSD 11429726's consistency with the relevant strategic context;
- Is substantially the same development as that originally approved;
- Remains consistent with the relevant statutory context at the site;
- Will not give rise to unreasonable environmental impacts; and
- Is suitable for the site and is in the public interest.

Given the above, the Department may modify the consent in accordance with Section 4.55(1A) of the EP&A Act.



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