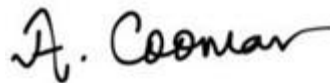


Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions specified in Schedule 2.



Aditi Coomar
Team Leader
Affordable Housing Assessments

Sydney

22 October 2025

File: SSD-66826207- MOD 1

SCHEDULE 1

Development consent:	SSD-66826207 granted by the Independent Planning Commission on 23 December 2024
For the following:	Demolition of existing structures, early works, site remediation and construction of a 22-storey mixed-use development with infill affordable housing comprising: <ul style="list-style-type: none">• three storey podium (with mezzanine) with retail and commercial use;• 19-storey residential tower above podium comprising 188 apartments (including 48 affordable housing apartments);• communal open space at podium level;• seven levels of basement car parking with 220 car spaces;• two-way vehicular access from Alexander Street; and• associated landscaping works, consolidation of existing lots and stratum subdivision.
Applicant:	The Trustees for the Deicorp Projects (Crows Nest) Unit Trust
Consent Authority:	Minister for Planning and Public Spaces
The Land:	391-423 Pacific Highway, 3-15 Falcon Street, and 8 Alexander Street (Lots 1-11 DP 29672, Lot 1 DP 127595, Lot 1 DP 562966 and Lots 1-6 DP 16402)
Modification:	Modification to basement plans, deletion of one basement level, modifications to respite periods for construction works and conditions relating to Sydney Metro corridor.

SCHEDULE 2

Schedule 2 Part A – General Conditions – Condition A1 is amended by the deletion of strikethrough text and inclusion of **and underlined** text as follows:

TERMS OF CONSENT

- A1. The Development must be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with the EIS and Amendment Report, the Applicant's response to submissions, and the Applicant's response to requests for further information;
 - (a) **as amended by the section 4.55 (1A) Modification Application Report for SSD 66828207-MOD 1 prepared by Deicorp Projects (Crows Nest) Pty Ltd; and**
 - (b) in accordance with the approved plans in the table below, as modified by the conditions of this consent:

Architectural drawings prepared by Turner (Project No. 19073)			
Drawing/Sheet No.	Rev.	Name of Plan	Date
DA-010-030	C	Context and Analysis – Demolition Plan	21.03.24
DA-110-001	N	GA Plans – Basement 07	17.10.24
DA-110-002	P <u>Q</u>	GA Plans – Basement 06	17.10.24 <u>09.09.2025</u>
DA-110-003	N <u>W</u>	GA Plans – Basement 05	17.10.24 <u>09.09.2025</u>
DA-110-004	P <u>Y</u>	GA Plans – Basement 04	17.10.24 <u>09.09.2025</u>
DA-110-005	P <u>Y</u>	GA Plans – Basement 03	17.10.24 <u>09.09.2025</u>
DA-110-006	P <u>Y</u>	GA Plans – Basement 02	17.10.24 <u>09.09.2025</u>
DA-110-007	Q <u>Z</u>	GA Plans – Basement 01	17.10.24 <u>09.09.2025</u>
DA-110-008	N	GA Plans – Ground Level	30.08.24
DA-110-009	L	GA Plans – Mezzanine	30.08.24
DA-110-010	L	GA Plans – Level 01	30.08.24
DA-110-020	L	GA Plans – Level 02	30.08.24
DA-110-030	M	GA Plans – Level 03	30.08.24
DA-110-040	J	GA Plans – Level 04	30.08.24
DA-110-050	J	GA Plans – Level 05	30.08.24
DA-110-060	J	GA Plans – Level 06	30.08.24
DA-110-070	J	GA Plans – Level 07	30.08.24
DA-110-080	J	GA Plans – Level 08	30.08.24
DA-110-090	J	GA Plans – Level 09	30.08.24
DA-110-100	J	GA Plans – Level 10	30.08.24
DA-110-110	J	GA Plans – Level 11	30.08.24

DA-110-120	J	GA Plans – Level 12	30.08.24
DA-110-130	J	GA Plans – Level 13	30.08.24
DA-110-140	M	GA Plans – Level 14	30.08.24
DA-110-150	J	GA Plans – Level 15	30.08.24
DA-110-160	J	GA Plans – Level 16	30.08.24
DA-110-170	J	GA Plans – Level 17	30.08.24
DA-110-180	J	GA Plans – Level 18	30.08.24
DA-110-190	J	GA Plans – Level 19	30.08.24
DA-110-200	J	GA Plans – Level 20	30.08.24
DA-110-210	M	GA Plans – Level 21	30.08.24
DA-110-220	L	GA Plans – Roof Level	30.08.24
DA-220-101	L	GA Plans – North Elevation – Falcon Street	29.08.24
DA-220-201	M	GA Plans – East Elevation – Alexander Street	29.08.24
DA-220-301	L	GA Plans – South Elevation – Pacific Highway	29.08.24
DA-220-401	E	GA Elevations – Internal Elevations	16.10.24
DA-230-101	D	Street Activation Elevations – North Elevation – Falcon Street	16.10.24
DA-230-201	D	Street Activation Elevations – East Elevation – Alexander Street	16.10.24
DA-230-301	D	Street Activation Elevations – South Elevation – Pacific Highway	16.10.24
DA-310-101	J Q	GA Sections – Section AA	29.08.24 09.09.2025
DA-310-201	I P	GA Sections – Section BB	29.08.24 09.09.2025
DA-310-301	G N	GA Sections – Section CC	29.08.24 09.09.2025
DA-310-401	H	GA Sections – OSD & Substation Section	21.03.24
DA-320-101	C	Façade Sections – Façade Section Details 01	21.03.24
DA-320-102	C	Façade Sections – Façade Section Details 02	21.03.24
DA-320-103	D	Façade Sections – Façade Section FT01	21.03.24
DA-320-104	E	Façade Sections – Façade Section FT02	16.10.24
DA-320-105	E	Façade Sections – Façade Section FT03	16.10.24
DA-320-106	D	Façade Sections – External Corridor System	21.03.24
DA-320-107	B	Podium Section Details 01	21.03.24

DA-810-001	E	Adaptable Plan Layouts – Adaptable/Liveable Layouts	29.08.24
DA-840-001	A	840 Entry Nooks – Entry Nooks	29.08.24
DA-890-001	E	Material & Finishes Board – External	21.03.24
Landscaping plans prepared by Land and Form (Job No. 2023027)			
LD-DA000	2	Cover Sheet & Design Statement	28.08.23
LD-DA001	2	Planting Schedule & Legends	28.08.23
LD-DA002	1	Compliance Diagram	28.08.23
LD-DA100	2	Ground Floor Plan	28.08.23
LD-DA110	2	Level 3 Podium Plan	28.08.23
LD-DA120	1	Typical Plan Level 4-Level 21	28.08.23
LD-DA200	2	Ground Floor Planting Plan	28.08.23
LD-DA110	2	Podium Planting Plan	28.08.23
LD-DA900	2	Typical Details & Outline Maintenance Specification	28.08.23
Subdivision plans prepared by Daw & Walton Consulting Surveyors (Job No. 19073)			
1 Sheet 1	7 9	Draft Stratum Subdivision Plan – Site Plan	14.10.2024 17.09.2025
2	7	Draft Stratum Subdivision Plan – Basement 7 and Below	14.10.2024
3	7	Draft Stratum Subdivision Plan – Basement 6	14.10.2024
4 Sheet 2	7 9	Draft Stratum Subdivision Plan – Basement 5 and Below	14.10.2024 17.09.2025
5 Sheet 3	7 9	Draft Stratum Subdivision Plan – Basement 4	14.10.2024 17.09.2025
6 Sheet 4	7 9	Draft Stratum Subdivision Plan – Basement 3	14.10.2024 17.09.2025
7 Sheet 5	7 9	Draft Stratum Subdivision Plan – Basement 2	14.10.2024 17.09.2025
8 Sheet 6	7 9	Draft Stratum Subdivision Plan – Basement 1	14.10.2024 17.09.2025
9	7	Draft Stratum Subdivision Plan – Ground Floor	14.10.2024
10	7	Draft Stratum Subdivision Plan – Mezzanine	14.10.2024
11	7	Draft Stratum Subdivision Plan – Level 1	14.10.2024
12	7	Draft Stratum Subdivision Plan – Level 2	14.10.2024
13	7	Draft Stratum Subdivision Plan – Level 3	14.10.2024
14	7	Draft Stratum Subdivision Plan – Level 4 to Level 21	14.10.2024
15	7	Draft Stratum Subdivision Plan – Roof Level	14.10.2024
16	7	Draft Stratum Subdivision Plan – Above-Roof and Above	14.10.2024

Note: Development which is 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or another environmental planning instrument may be carried out without development consent.

Schedule 2 Part B – Sydney Metro conditions – Condition B20 is amended by the deletion of strikethrough text and inclusion of **bold and underlined** text as follows:

ENGINEERING

~~B20. Prior to the issue of the Construction Certificate for excavation and construction works (excluding demolition), the Applicant must ensure that all works are undertaken in accordance with the details, methodology, advice, undertakings, measures and recommendations detailed in the following documents:~~

- ~~(a) Architectural drawings:
 - ~~(i) Basement 07 plan, Dwg no. DA-110-001, Revision N, prepared by Turner, dated 17 October 2024;~~
 - ~~(ii) Basement 06 plan, Dwg no. DA-110-002, Revision P, prepared by Turner, dated 17 October 2024;~~
 - ~~(iii) Basement 05 plan, Dwg no. DA-110-003, Revision N, prepared by Turner, dated 17 October 2024;~~
 - ~~(iv) Basement 04 plan, Dwg no. DA-110-004, Revision P, prepared by Turner, dated 17 October 2024;~~
 - ~~(v) Basement 03 plan, Dwg no. DA-110-005, Revision P, prepared by Turner, dated 17 October 2024;~~
 - ~~(vi) Basement 02 plan, Dwg no. DA-110-006, Revision P, prepared by Turner, dated 17 October 2024;~~
 - ~~(vii) Basement 01 plan, Dwg no. DA-110-007, Revision Q, prepared by Turner, dated 17 October 2024;~~
 - ~~(viii) Ground level plan, Dwg no. DA-110-001, Revision N, prepared by Turner, dated 30 August 2024;~~
 - ~~(ix) Section AA plan, Dwg no. DA-310-101, Revision J, prepared by Turner, dated 29 August 2024;~~
 - ~~(x) Section BB plan, Dwg no. DA-310-201, Revision I, prepared by Turner, dated 29 August 2024; and~~
 - ~~(xi) Section CC plan, Dwg no. DA-310-301, Revision G, prepared by Turner, dated 29 August 2024;~~~~
- ~~(b) Survey plan, Drawing no. 3050-01109-001-004, Revision 01, Sheet 1 of 2, prepared by Stantec, dated 20 August 2024;~~
- ~~(c) Survey plan, Drawing no. 3050-01109-001-004, Revision 01, Sheet 2 of 2, prepared by Stantec, dated 20 August 2024;~~
- ~~(d) Report on Dewatering Management Plan, prepared by Douglas Partners, dated 06 October 2023;~~
- ~~(e) Instrumentation and Monitoring Strategy for Sydney Metro Underground Infrastructure Protection, Document no. 6466-DLV-MEM-002-B, prepared by Delve Underground, dated 15 August 2024;~~
- ~~(f) Construction Vibration Management Plan, Rev 2 prepared by Acoustic Logic, dated 2 August 2024;~~
- ~~(g) Report on Geotechnical Investigation, Rev 1 prepared by Douglas Partners dated 14 September 2023;~~
- ~~(h) Construction Environmental Management Plan, Rev 2, prepared by Barker Ryan Stewart dated 11 March 2024;~~
- ~~(i) Structural drawings, including but not limited to:
 - ~~(i) Site retention plan, Dwg no. S01-001, Rev P04, prepared by ABC Consultants dated 13 March 2024;~~
 - ~~(ii) Shoring surcharge loading plan, Dwg no. S01-002, Rev P04, prepared by ABC Consultants dated 13 March 2024;~~
 - ~~(iii) Shoring wall elevations, Sheet 1, Dwg no. S01-005, Rev P04, prepared by ABC Consultants dated 13 March 2024;~~
 - ~~(iv) Shoring wall elevations, Sheet 2, Dwg no. S01-006, Rev P04, prepared by ABC Consultants dated 13 March 2024;~~
 - ~~(v) Shoring wall sections, Sheet 1, Dwg no. S01-011, Rev P04, prepared by ABC Consultants dated 13 March 2024;~~
 - ~~(vi) Shoring wall sections, Sheet 2, Dwg no. S01-012, Rev P04, prepared by ABC Consultants dated 13 March 2024;~~
 - ~~(vii) Shoring wall sections, Sheet 3, Dwg no. S01-013, Rev P04, prepared by ABC Consultants dated 13 March 2024;~~
 - ~~(viii) Shoring wall sections, Sheet 4, Dwg no. S01-014, Rev P04, prepared by ABC Consultants dated 13 March 2024;~~~~

- ~~(ix) Shoring wall sections, Sheet 5, Dwg no. S01-015, Rev P04, prepared by ABC Consultants dated 13 March 2024;~~
- ~~(x) Typical site retention details, Dwg no. S01-021, Rev P3, prepared by ABC Consultants dated 05 September 2023;~~
- ~~(xi) Site retention plan with Metro Rail Tunnel, Dwg no. S01-101, Rev P04, prepared by ABC Consultants dated 05 September 2023;~~
- ~~(xii) Site sections with Metro Rail Tunnel, Dwg no. S01-102, Rev P05, prepared by ABC Consultants dated 10 July 2024; and~~
- ~~(xiii) Typical foundation details, Dwg no. S02-011, Rev P2, prepared by ABC Consultants dated 05 September 2023.~~
- ~~(j) Structural Impact Assessment, Document ref. 6466-DLV-MEM-001-G, Revision G, prepared by Delve Underground, dated 22 October 2024, including, but not limited to the following appendices.

 - ~~(i) Appendix A:

 - ~~• Detailed Excavation Plan, Drawing ref. S01-200, Revision P1, prepared by ABC Consultants, dated 10 July 2024~~
 - ~~• Foundation Plan, Drawing ref. S02-001, Revision P3, prepared by ABC Consultants, dated 10 July 2024~~~~
 - ~~(ii) Appendix B: Design results;~~
 - ~~(iii) Appendix C: Geotechnical 3D Model; and~~
 - ~~(iv) Appendix D: Excavation Stage,~~~~

~~subject to any amendments to these documents required by Sydney Metro in accordance with this consent.~~

~~The Certifier must not issue a Construction Certificate for the development until the Certifier has confirmed which documents (including the versions of those documents) apply to the development and the Certifier has confirmed in writing to Sydney Metro that the construction drawings and specifications comply with those documents. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.~~

~~Prior to the commencement of works, the Certifier must provide written verification to Sydney Metro that this condition has been complied with.~~

B20. All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings, measures and recommendations detailed in the following documents:

- (a) Architectural drawings, including but not limited to:**
 - (i) Basement 06 plan, Drawing no. DA-110-002, Revision Q, prepared by Turner, dated 9 September 2025;**
 - (ii) Basement 05 plan, Drawing no. DA-110-003, Revision W, prepared by Turner, dated 9 September 2025;**
 - (iii) Basement 04 plan, Drawing no. DA-110-004, Revision Y, prepared by Turner, dated 9 September 2025;;**
 - (iv) Basement 03 plan, Drawing no. DA-110-005, Revision Y, prepared by Turner, dated 9 September 2025;;**
 - (v) Basement 02 plan, Drawing no. DA-110-006, Revision Y, prepared by Turner, dated 9 September 2025;;**
 - (vi) Basement 01 plan, Drawing no. DA-110-007, Revision Z, prepared by Turner, dated 9 September 2025;;**
 - (vii) Section AA plan, Drawing no. DA-310-101, Revision Q, prepared by Turner, dated 9 September 2025;**
 - (viii) Section BB plan, Drawing no. DA-310-201, Revision P, prepared by Turner, dated 9 September 2025; and**

- (ix) Section CC plan, Drawing no. DA-310-301, Revision N, prepared by Turner, dated 9 September 2025;
- (b) Survey plan, Drawing no. 3050-01109-001-004, Revision 01, Sheet 1 of 2, prepared by Stantec, dated 20 August 2024;
- (c) Survey plan, Drawing no. 3050-01109-001-004, Revision 01, Sheet 2 of 2, prepared by Stantec, dated 20 August 2024;
- (d) Report on Geotechnical Investigation, Ref. 86645.03.R.001.Rev1.docx, Revision 1, prepared by Douglas Partners dated 14 September 2023;
- (e) Construction Environmental Management Plan, Project ref. CC200015, Revision 2, prepared by Barker Ryan Stewart dated 11 March 2024;
- (f) Construction Vibration Management Plan, Revision 2, prepared by Acoustic Logic, dated 02 August 2024;
- (g) Structural Impact Assessment, Document ref. 6466-DLV-MEM-001-H, Revision H, prepared by Delve Underground, dated 8 April 2025;
- (h) Structural Report – External Development Adjacent Metro Corridor, Report No. 23012, Revision A, prepared by ABC Consultants, dated 19 May 2025;
- (i) Report on Dewatering Management Plan, Project no. 86645.03, Document no. R.004.Rev1, Revision 1, prepared by Douglas Partners, dated 10 January 2025;
- (j) Report on Numerical Analysis, Report Ref 86645.03.R002, Revision 3, prepared by Douglas Partners, dated 11 September 2025;
- (k) Letter on Comparison of Numerical Models, Project no. 86645.03, R.005. Rev 1, dated 4 September 2025;
- (l) Instrumentation and Monitoring Strategy for Sydney Metro Underground Infrastructure Protection, including, but not limited to:
 - (i) Document no. DLV-6466-IM00-000, Revision 2, prepared by Delve Underground, dated 26 February 2025;
 - (ii) Document no. DLV-6466-IM01-001, Revision 4, prepared by Delve Underground, dated 4 April 2025;
 - (iii) Document no. DLV-6466-IM01-011, Revision 4, prepared by Delve Underground, dated 4 April 2025;
 - (iv) Document no. DLV-6466-IM01-012, Revision 4, prepared by Delve Underground, dated 4 April 2025;
 - (v) Document no. DLV-6466-IM02-001, Revision 2, prepared by Delve Underground, dated 2 February 2025;
 - (vi) Document no. DLV-6466-IM03-001, Revision 5, dated 9 May 2025; and
 - (vii) Document no. DLV-6466-IM03-002, Revision 4, dated 4 July 2025.
- (m) Letter from Acoustic Logic, ref 20241259.4/1303A/R0/PF, dated 13 March 2025;
- (n) Letter from Acoustic Logic – Operational Impact Assessment, ref 20241259.6/1405A/R0/PF, dated 14 May 2025;
- (o) Rail Risk Management Plan, Report No. GKA CRO 001, Revision 5, prepared by GKA Management, dated 26 May 2025;
- (p) Structural drawings, including but not limited to:
 - (i) Site retention plan, Drawing no. S01-001, Revision 02, prepared by ABC Consultants dated 19 May 2025;
 - (ii) Shoring surcharge loading plan, Drawing no. S01-002, Revision 03, prepared by ABC Consultants dated 19 May 2025;
 - (iii) Shoring wall elevations - Sheet 1, Drawing no. S01-005, Revision 05, prepared by ABC Consultants dated 30 May 2025;
 - (iv) Shoring wall elevations, Sheet 2, Drawing no. S01-006, Revision 06, prepared by ABC Consultants dated 30 May 2025;
 - (v) Shoring wall sections, Sheet 1, Drawing no. S01-011, Revision 04, prepared by ABC Consultants dated 30 May 2025;
 - (vi) Shoring wall sections, Sheet 2, Drawing no. S01-012, Revision 04B, prepared by ABC Consultants dated 30 May 2025;
 - (vii) Shoring wall sections, Sheet 3, Drawing no. S01-013, Revision 04, prepared by ABC Consultants dated 30 May 2025;

- (viii) Shoring wall sections, Sheet 4, Drawing no. S01-014, Revision 04, prepared by ABC Consultants dated 30 May 2025;
- (ix) Shoring wall sections, Sheet 5, Drawing no. S01-015, Revision 04, prepared by ABC Consultants dated 30 May 2025;
- (x) Shoring wall sections, Sheet 6, Drawing no. S01-016, Revision 04, prepared by ABC Consultants dated 30 May 2025;
- (xi) Typical site retention details, Drawing no. S01-021, Revision 05, prepared by ABC Consultants dated 30 May 2025; and
- (xii) Site retention plan with Metro Rail Tunnel, Drawing no. S01-101, Revision 02, prepared by ABC Consultants dated 26 August 2025;
- (xiii) Site sections with Metro Rail Tunnel, Drawing no. S01-102, Revision 2, prepared by ABC Consultants dated 26 August 2025; and
- (xiv) Typical foundation details, Drawing no. S02-011, Revision P06, prepared by ABC Consultants dated 12 June 2025;
- (q) Letter of Support – Structural Impact Assessment, prepared by Delve Underground, dated 8 October 2025;
- (r) Letter from ABC Consultants – Structural Assessment of 6 level basement, ref 23012-019, dated 5 September 2025;
- (s) Letter from ABC Consultants, ref. 23012-016, dated 24 July 2025; and
- (t) Letter from ABC Consultants, ref 23012-017, dated 24 July 2025.

subject to any amendments to those documents required by Sydney Metro in accordance with this consent

The Certifier must not issue a Construction Certificate for the development until the Certifier has confirmed which documents (including the versions of those documents) apply to the development and the Certifier has confirmed in writing to Sydney Metro that the construction drawings and specifications comply with those documents. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

Schedule 2 Part B – Sydney Metro conditions – **Condition B21** is amended by the deletion of strikethrough text and inclusion of **bold and underlined** text as follows:

- B21. The Certifier must not issue a Construction Certificate for the development (excluding demolition) unless the Applicant has submitted to Sydney Metro and Sydney Metro has provided written endorsement of the following items:
- (a) Structural Assessment Report, Rev B, prepared by ABC Consultants, dated 10 July 2024 updated to address the following;
 - (i) Clarification on the inclusion of a Geotechnical Reduction Factor of 0.5 applied to an "Allowable End Bearing Capacity" of 6000 kPa;
Note: This may necessitate modifications to footing sizes, which must be addressed in the updated footing design and structural report/drawings prior to the issuance of the Construction Certificate.
 - (ii) Drawing No. S00-005, updated as necessary prior to the issuance of the Construction Certificate;
 - (iii) Construction Drawings that clearly indicate final footing details and their relationship to the Sydney Metro First Reserve, ensuring that no foundations or anchors are permitted within the First Reserve.
 - (b) Rail Risk Management Plan, Report No. GKA CRO 001, Rev 4 ~~5~~, prepared by GKA Management, dated ~~16 February 2024~~ **26 May 2025**, updated to consider any additional hazards, if applicable, as well as the likelihood and consequence of occurrence for all identified hazards;
 - (c) clarification on the pile installation method, ensuring consistency between the construction vibration management plan and the method indicated in the structural drawings; and
 - (d) details of the extent of dilapidation surveys undertaken of Sydney Metro infrastructure.

Schedule 2 Part C – **Addition of condition C28**

C28. Prior to the commencement of any works, the Certifier must provide written verification to Sydney Metro that condition B20 has been complied with.

Schedule 2 Part D – During Construction – Condition D6 is amended by the deletion of strikethrough text and inclusion of **bold and underlined** text as follows:

- D6. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) ~~9am~~ **8am** to 12pm, Monday to Friday;
 - (b) ~~2pm~~ **1pm** to 5pm Monday to Friday; and
 - (c) ~~9am~~ **8am** to 12pm, Saturday.

End of modification