

Modification of Development Consent

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

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



Annie Leung

A/Director

Key Sites and TOD Assessments

Sydney

30 July 2026

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: • 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:	Deicorp Project (Crows Nest) Pty Ltd
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:	SSD-66826207 MOD 5: Design amendments to the development to meet operational requirements, including amalgamation of selected residential apartments and retail tenancies, façade and material changes, hotel layout refinements and a minor increase in building height and gross floor area.

SCHEDULE 2

1. Schedule 1, Description of Development is amended by the insertion of the **bold and underlined** numbers and deletion of the ~~striketrough~~ numbers as follows:

Application Number:	SSD-66826207
Application lodged by:	Deicorp Construction Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
Site:	405 Pacific Highway, 5 Falcon Street and 8 Alexander Street (Lot 1 DP 1305703)
Development:	Demolition of existing structures, early works, site remediation and construction of a 22-storey mixed-use development with infill affordable housing comprising: • three storey podium (with mezzanine) with retail use and hotel accommodation (including 400<u>101</u> rooms and fit-out); • 19-storey residential tower above podium comprising 212<u>211</u> apartments (including 48 affordable housing apartments); • communal open space at podium and roof levels; • five levels of basement car parking with 231 car parking spaces; • two-way vehicular access from Alexander Street; and • one static, illuminated advertising sign; • associated landscaping works, and stratum subdivision

2. Schedule 2, Part A General Conditions – Condition A1 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~striketrough~~ words/numbers 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 as amended by the;
 - (i) section 4.55 (1A) Modification Application Report for SSD 66828207-MOD 1 prepared by Deicorp Projects (Crows Nest) Pty Ltd;
 - (ii) section 4.55 (2) Modification Application Report (SSD 66828207-MOD 2) and accompanying appendices prepared by Deicorp Project (Crows Nest) Pty Ltd; Response to Submissions and Amendment Report (SSD 66828207-MOD 2) and accompanying appendices prepared by Deicorp Project (Crows Nest) Pty Ltd and additional information prepared by Deicorp Project (Crows Nest) Pty Ltd;
 - (iii) **section 4.55 (1A) Modification Application Report (SSD 66828207-Mod-5) and accompanying appendices prepared by Deicorp Project (Crows Nest) Pty Ltd; Response to Submissions and accompanying appendices prepared by Deicorp Project (Crows Nest) Pty Ltd;** and
- (c) 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-110-003	TU	GA Plans – Basement 05	17.11.25 14.04.26
DA-110-004	V	GA Plans – Basement 04	17.11.25
DA-110-005	V	GA Plans – Basement 03	17.11.25
DA-110-006	V	GA Plans – Basement 02	17.11.25
DA-110-007	W	GA Plans – Basement 01	17.11.25
DA-110-008	PQ	GA Plans – Ground Level	13.06.25 14.04.26
DA-110-009	NO	GA Plans – Mezzanine	13.06.25 14.04.26
DA-110-010	NO	GA Plans – Level 01	13.06.25 14.04.26
DA-110-020	PQ	GA Plans – Level 02	22.08.25 14.04.26
DA-110-030	RS	GA Plans – Level 03	22.08.25 14.04.26
DA-110-040	LM	GA Plans – Level 04	13.06.25 14.04.26
DA-110-050	LM	GA Plans – Level 05	13.06.25 14.04.26
DA-110-060	LM	GA Plans – Level 06	13.06.25 14.04.26
DA-110-070	LM	GA Plans – Level 07	13.06.25 14.04.26
DA-110-080	LM	GA Plans – Level 08	13.06.25 14.04.26
DA-110-090	LM	GA Plans – Level 09	13.06.25 14.04.26
DA-110-100	LM	GA Plans – Level 10	13.06.25 14.04.26
DA-110-110	LM	GA Plans – Level 11	13.06.25 14.04.26
DA-110-120	LM	GA Plans – Level 12	13.06.25 14.04.26
DA-110-130	LM	GA Plans – Level 13	13.06.25 14.04.26
DA-110-140	OP	GA Plans – Level 14	13.06.25 14.04.26
DA-110-150	LM	GA Plans – Level 15	13.06.25 14.04.26

DA-110-160	LM	GA Plans – Level 16	13.06.25 <u>14.04.26</u>
DA-110-170	LM	GA Plans – Level 17	13.06.25 <u>14.04.26</u>
DA-110-180	LM	GA Plans – Level 18	13.06.25 <u>14.04.26</u>
DA-110-190	LM	GA Plans – Level 19	13.06.25 <u>14.04.26</u>
DA-110-200	LM	GA Plans – Level 20	13.06.25 <u>14.04.26</u>
DA-110-210	OP	GA Plans – Level 21	13.06.25 <u>14.04.26</u>
DA-110-220	OP	GA Plans – Roof Level & Upper Roof Level	22.08.25 <u>14.04.26</u>
DA-210-101	HI	Context Elevations – North Elevation – Falcon Street	22.08.25 <u>14.04.26</u>
DA-210-201	HI	Context Elevations – East Elevation – Alexander Street	22.08.25 <u>14.04.26</u>
DA-210-301	HI	Context Elevations – South Elevation – Pacific Highway	22.08.25 <u>14.04.26</u>
DA-220-101	QR	GA Elevations – North Elevation – Falcon Street	12.09.25 <u>14.04.26</u>
DA-220-201	RS	GA Elevations – East Elevation – Alexander Street	12.09.25 <u>14.04.26</u>
DA-220-301	QR	GA Elevations – South Elevation – Pacific Highway	12.09.25 <u>14.04.26</u>
DA-220-401	G	GA Elevations – Internal Elevations	13.06.25
DA-230-101	EF	Street Activation Elevations – North Elevation – Falcon Street	22.08.25 <u>03.07.26</u>
DA-230-201	EF	Street Activation Elevations – East Elevation – Alexander Street	22.08.25 <u>03.07.26</u>
DA-230-301	EF	Street Activation Elevations – South Elevation – Pacific Highway	22.08.25 <u>03.07.26</u>
DA-310-101	NP	GA Sections – Section AA	17.11.25 <u>25.06.26</u>
DA-310-201	M0	GA Sections – Section BB	17.11.25 <u>25.06.26</u>
DA-310-301	KP	GA Sections – Section CC	17.11.25 <u>25.06.26</u>
DA-310-401	H	GA Sections – OSD & Substation Section	21.03.24
DA-320-101	DE	Façade Sections – Façade Section Details 01	13.06.25 <u>03.07.26</u>
DA-320-102	DE	Façade Sections – Façade Section Details 02	13.06.25 <u>03.07.26</u>
DA-320-103	EF	Façade Sections – Façade Section FT01	13.06.25

			<u>03.07.26</u>
DA-320-104	GH	Façade Sections – Façade Section FT02	22.08.25 <u>03.07.26</u>
DA-320-105	GH	Façade Sections – Façade Section FT03	22.08.25 <u>03.07.26</u>
<u>DA-770-001</u>	<u>J</u>	<u>GFA Diagrams - GFA Diagrams Ground Level to Level 02</u>	<u>23.07.26</u>
<u>DA-770-002</u>	<u>I</u>	<u>GFA Diagrams - GFA Diagrams Level 03 to Level 21</u>	<u>14.04.26</u>
DA-320-106	E	Façade Sections – External Corridor System	13.06.25
DA-320-107	C	Podium Section Details 01	13.06.25
DA-801-001	I	Supplementary Drawings Signage	03.07.25
DA-801-030	E	Supplementary Drawings Signage Sections	03.07.25
DA-810-001	G	Adaptable Plan Layouts – (DA Stage) Adaptable/Liveable Layouts 01	13.06.25
DA-810-002	B	Adaptable Plan Layouts - (DA Stage) Adaptable/Liveable Layouts 02	13.06.25
DA-840-001	A	840 Entry Nooks – Entry Nooks	29.08.24
DA-890-001	GH	Material & Finishes Board – External	12.09.25 <u>14.04.26</u>
Landscaping plans prepared by Land and Form (Job No. 2023027)			
LD-DA000	1	Cover Sheet & Design Statement	25.06.25
LD-DA001	1	Planting Schedule & Legends	25.06.25
LD-DA002	1	Compliance Diagram	25.06.25
LD-DA010	1	Tree Management Plan	25.06.25
LD-DA100	1	Ground Floor Plan	25.06.25
LD-DA110	1	Mezz Plan	25.06.25
LD-DA120	1	Level 2 Plan and Planting Plan	25.06.25
LD-DA130	1	Level 3 – Level 21 Plan and Planting Plan	25.06.25
LD-DA140	1	Rooftop Plan	25.06.25
LD-DA200	1	Ground Floor Planting Plan	25.06.25
LD-DA210	1	Mezz Planting Plan	18.06.25
LD-DA220	1	Level 2 Planting Plan	18.06.25
LD-DA900	1	Typical Details & Outline Maintenance Specification	25.06.25
Stratum Subdivision plans prepared by Daw & Walton Consulting Surveyors (Job No. 19073)			
1	46 <u>18</u>	SUBDIVISION OF LOT 1 IN DP1305704 – SITE PLAN	11.09.2025 <u>22.04.2026</u>
2	46 <u>18</u>	SUBDIVISION OF LOT 1 IN DP1305704 – BASEMENT 3 & BELOW	11.09.2025 <u>22.04.2026</u>
3	46 <u>18</u>	SUBDIVISION OF LOT 1 IN DP1305704 – BASEMENT 2	11.09.2025 <u>22.04.2026</u>
4	46 <u>18</u>	SUBDIVISION OF LOT 1 IN DP1305704 – BASEMENT 1	11.09.2025 <u>22.04.2026</u>

5	46 <u>18</u>	SUBDIVISION OF LOT 1 IN DP1305704 – GROUND FLOOR	11.09.2025 <u>22.04.2026</u>
6	46 <u>18</u>	SUBDIVISION OF LOT 1 IN DP1305704 – MEZZANINE	11.09.2025 <u>22.04.2026</u>
7	46 <u>18</u>	SUBDIVISION OF LOT 1 IN DP1305704 – LEVEL 1	11.09.2025 <u>22.04.2026</u>
8	46 <u>18</u>	SUBDIVISION OF LOT 1 IN DP1305704 – LEVEL 2	11.09.2025 <u>22.04.2026</u>
9	46 <u>18</u>	SUBDIVISION OF LOT 1 IN DP1305704 – LEVEL 3	11.09.2025 <u>22.04.2026</u>
40	46	SUBDIVISION OF LOT 1 IN DP1305704 – LEVEL 4-5	11.09.2025
41	46	SUBDIVISION OF LOT 1 IN DP1305704 – LEVEL 6	11.09.2025
42	46	SUBDIVISION OF LOT 1 IN DP1305704 – LEVEL 7-21	11.09.2025
43	46	SUBDIVISION OF LOT 1 IN DP1305704 – LEVEL 22 COMMUNAL TERRACE	11.09.2025
44	46	SUBDIVISION OF LOT 1 IN DP1305704 – UPPER ROOF AND ABOVE	11.09.2025
<u>10</u>	<u>18</u>	<u>SUBDIVISION OF LOT 1 IN DP1305704 – Level 4-7</u>	<u>22.04.2026</u>
<u>11</u>	<u>18</u>	<u>SUBDIVISION OF LOT 1 IN DP1305704 – Level 8-28</u>	<u>22.04.2026</u>
<u>12</u>	<u>18</u>	<u>SUBDIVISION OF LOT 1 IN DP1305704 – Level 29</u>	<u>22.04.2026</u>
<u>13</u>	<u>18</u>	<u>SUBDIVISION OF LOT 1 IN DP1305704 – UPPER ROOF AND ABOVE</u>	<u>22.04.2026</u>

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 A General Conditions – Condition A6A is amended by the insertion of the **bold and underlined** numbers and deletion of the strikethrough numbers as follows:

HOTEL ACCOMMODATION

A6A. The maximum number of guest hotel rooms permissible within the hotel / visitor accommodation is ~~400~~ **101** rooms

- Schedule 2, Part A General Conditions – Condition A9 is amended by the insertion of the **bold and underlined** numbers and deletion of the strikethrough numbers as follows:

AIRSPACE PROTECTION

A9. For the purposes of controlled activities within the prescribed airspace for Sydney Airport under the Commonwealth *Airports Act 1996*, the Development must not exceed a maximum height of RL ~~477.9~~ **179.22** metres Australian Height Datum, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any rooftop garden plantings, exhaust flues etc.

- Schedule 2, Part A General Conditions – Condition B14 is amended by the insertion of the **bold and underlined** numbers/words and deletion of the strikethrough numbers/words as follows:

BASIX CERTIFICATION

B14. Prior to the issue of the Construction Certificate for above ground works, BASIX Certificate No. 1738270M-05 **1738270M 06** must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.

6. Schedule 2, Part A General Conditions – Condition E30 is amended by the insertion of the **bold and underlined** numbers/words and deletion of the strikethrough numbers/words as follows:

E30. ~~Prior to the operation or commencement of use of the Development, the Applicant must:~~

- ~~(a) prepare a final Green Travel Plan (GTP) in consultation with TfNSW. the GTP must be prepared by a suitably qualified traffic consultant and include:
 - ~~(i) a mechanism to monitor the effectiveness of the measures of the GTP; and~~
 - ~~(ii) an implementation strategy for the GTP that commits to specific management actions and operational procedures, and timeframes for implementation;~~
 - ~~(iii) objectives and modes share targets to reduce car use and increase public transport use (i.e. site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;~~
 - ~~(iv) specific tools and actions to help achieve the objectives and mode share targets of the GTP;~~
 - ~~(v) measures to promote and support the implementation of the plan, roles and responsibilities for relevant employees involved in the implementation of the GTP;~~
 - ~~(vi) consideration of car parking management strategies that may be required to encourage sustainable transport use / mode share targets;~~~~
- ~~(b) submit a copy of the final GTP to development.sco@transport.nsw.gov.au for the endorsement of TfNSW; and~~
- ~~(c) provide a copy of the approved GTP to the Planning Secretary.~~

Note: Information on preparing the GTP can be found at www.mysydney.nsw.gov.au/travelchoices/tdm

Note: Send the GTP to development.ctmp.cjp@transport.nsw.gov.au for review and endorsement

Prior to the commencement of operation, a Green Travel Plan (GTP) must be submitted to the Planning Secretary for information to promote the use of active and sustainable transport modes. The plan must:

- (a) be prepared by a suitably qualified traffic consultant in consultation with Council and TfNSW;**
- (b) include objectives and modes share targets (i.e. Site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;**
- (c) include specific tools and actions to help achieve the objectives and mode share targets, such as funding resident membership to a car share scheme;**
- (d) include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP; and**
- (e) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.**

7. Schedule 2, Part A General Conditions – Condition F11 is amended by the insertion of the **bold and underlined** numbers/words and deletion of the strikethrough numbers/words as follows:

BASIX CERTIFICATION

F11. The Development must be implemented, and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. ~~1738270M_05~~ **1738270M_06** and any updated certificate issued if amendments are made.

8. Schedule 2, Part A General Conditions – Condition F12 is amended by the deletion of the strikethrough words as follows:

GREEN TRAVEL PLAN

~~F12. Following occupation or commencement of use of the Development, the Applicant must:~~

- ~~(a) review and update the Green Travel Plan required by condition E30 annually in consultation with TfNSW; and~~
- ~~(b) implement the Green Travel Plan (as updated annually) for the life of the development.~~

9. Schedule 2, Part A General Conditions – Condition F17 is amended by the insertion of the **bold and underlined** numbers/words and deletion of the strikethrough numbers/words as follows:

HOTEL USE

F17. The triangular hard/soft landscaped area (~~226m²~~ **180m²**) located within the Central Atrium at Mezzanine Level (as shown on drawing DA-110-009 Rev ~~N~~ **O**) shall:

- (a) not be used as a publicly accessible open space, or as residential private or communal open space, or as a hotel guest amenity / open space or a place of gathering or activity of any kind at any time;
- (b) only be accessed:
 - (i) for maintenance purposes (as required); and
 - (ii) in case of emergency.

**End of modification
(SSD-66826207 MOD 5)**