

1 May 2026

2250476

Aditi Coomar
Team Leader, Affordable Housing Assessments
Housing and Key Sites Assessment
Department of Planning, Housing and Infrastructure

Dear Ms Coomar,

Section 4.55(1) Modification Application – SSD-67175465-Mod-4 177 Walker Street, North Sydney

This Modification Application has been prepared by Colliers Urban Planning on behalf of East Walker 88 Development Pty Ltd (The Applicant), pursuant to Section 4.55(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The application seeks to modify Development Consent SSD-6717465 that relates to the site at 177 Walker Street, North Sydney (the site).

The proposed modifications relate to conditions of consent for Ecologically Sustainable Development (ESD). The key amendment relates to removal of a Green Star certification condition of consent that was a corporate requirement of the previous site-owner and developer, while maintaining ESD commitments that continue to respond to the statutory planning framework and Secretary's Environmental Assessment Requirements (SEARs).

This application identifies the consent, describes the proposed modifications and provides an assessment of the relevant matters prescribed under section 4.55(1) of the EP&A Act. The application is supported by the following documentation Ecologically Sustainable Design Assessment (Updated ESD Report) prepared by SLR Consulting Australia (**Attachment A**).

1.0 Project Background

The site is located at the corner of 'lower' Walker Street and 'lower' Hampden Street and has a primary street frontage of 81m to Hampden Street, which is also known as 'lower' Walker Street, to the west (including the splay), and a 54m frontage to 'lower' Hampden Street to the north. The site is legally described as Lot 1 in DP 1318635 and is located at 177 Walker Street, North Sydney. Refer to **Figure 1**.

The site is cleared of buildings and vegetation under the approval of SSD-67175465.

The topography of the site is characterised by an east-sloping landform that falls by approximately 9m from the western site boundary (RL 57) to the eastern site boundary (RL 48).




 The Site



Figure 1 Site aerial

Source: Nearmap, edits by Colliers Urban Planning

2.0 Consent to be Modified

SSD-67175465 was approved by the Minister for Planning and Public Spaces on the 1st April 2025 for the proposed development of demolition of existing dwellings and structures, early works, excavation and construction of a residential development with infill affordable housing, comprising:

- Two residential flat buildings (12 and 30 storeys);
- 239 apartments (including 78 affordable housing apartments)
- One four-storey resident amenity and services building;
- Four levels of basement with 218 car spaces;
- Vehicular access from Walker Street;
- Landscaping works, consolidation of existing lot.

The approved site plan is shown at **Figure 2**.

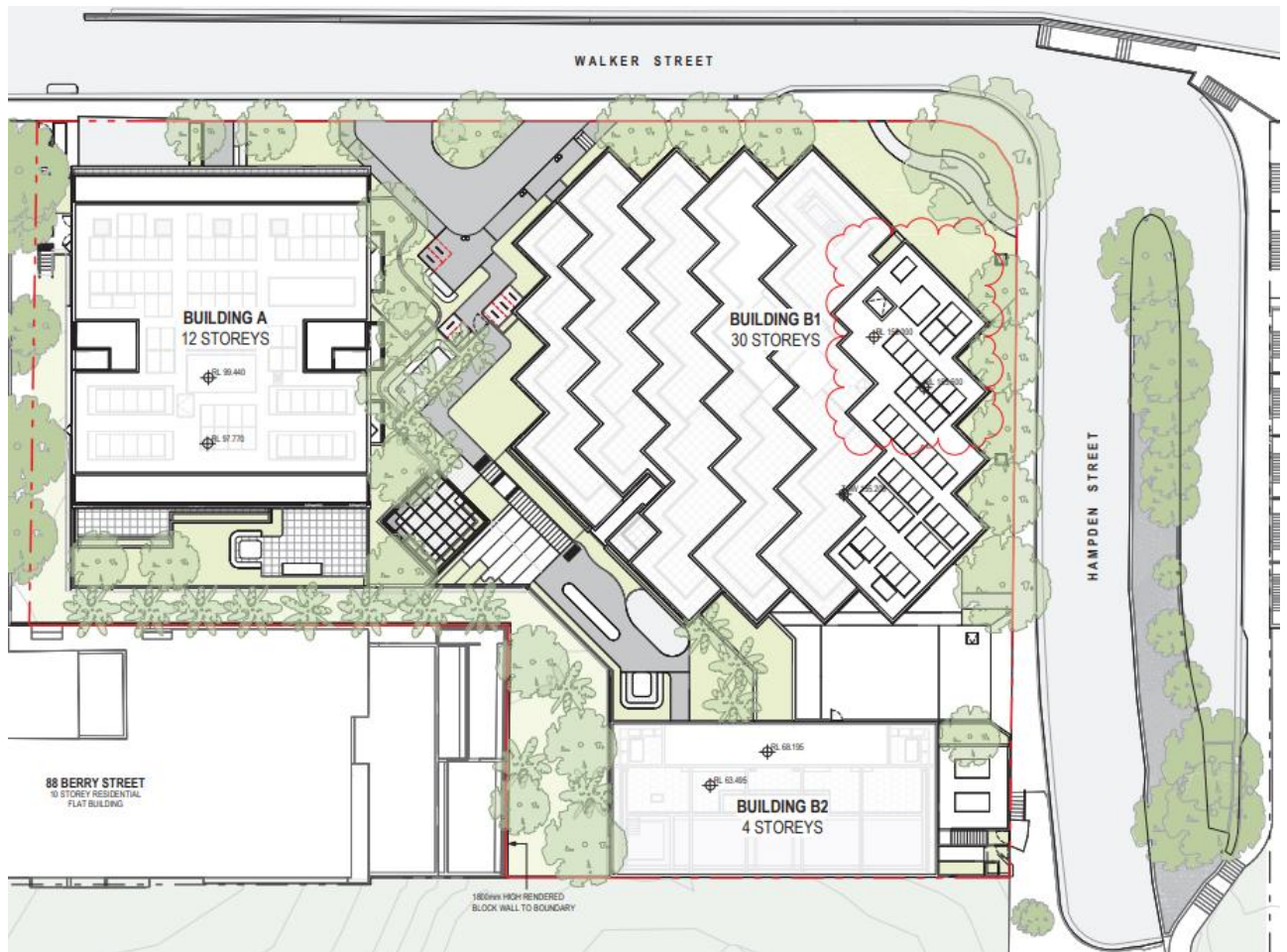


Figure 2 Approved site plan for East Walker Street

Source: Rothelowman

SSD-67175465 has previously been modified twice with an additional modification waiting approval. Refer to **Table 1** for a summary of the previous modifications.

Table 1 Summary of previous modification applications to SSD-67175465

Application Number	Description of Modification	Date Approved
SSD-67175465-Mod-1	Related to minor drafting errors to Condition A8 of SSD-67175465 to amend the wording of the current condition. It also seeks to amend Condition D20 of SSD-67175465 as it requires a separate approval from the Environment Protection Authority (EPA) which the EPA has confirmed it does not have a statutory role to approve.	Approved 21/10/2025
SSD-67175465-Mod-2	Related to minor design development driven amendments including revised floor to floor heights on Level 1 to Level 26 and minor layout changes to Level 2 to Level 25.	Approved 9/12/2025
SSD-67175465-Mod-3	Relates to the stormwater diversion alignment along Hampden Street, amendments to stormwater pit in Walker Street, reorientation of substation kiosk, minor reduction to Building B2 footprint, and amendments to conditions B3, B7(a), and E44.	Under Assessment as of 30/04/2026

3.0 Proposed Modifications to the Consent

This modification application relates to conditions of consent regarding ESD.

By way of background, since approval of SSD-67175465, East Walker 88 Development Pty Ltd (ALAND) have taken over the ownership of the site and development of the project from Cbus Property. The original SSDA ESD Report include a commitment for 5-star Green Star certification. Green Star was a Cbus Property corporate ESD requirement and is not a rating tool that ALAND uses across its projects, nor is it typically used as an ESD metric for residential development nor a statutory requirement for residential developments. The intention of this modification is therefore to remove a former project-specific corporate commitment, while retaining and updating the substantive ESD initiatives as a result of design development that continue to respond to the statutory planning framework and SEARs.

There are no changes proposed to the development as shown on the Architectural Drawings.

The proposed ESD initiatives are consistent with the approved ESD initiatives, including but not limited to:

- Passive design measures such as operable windows with high performance glazing and shading.
- Solar access to residential units for passive solar heating in winter.
- Thermally insulated high mass construction materials using Concrete slab construction.
- Active energy efficiency design measures and all electric building services.
- LED energy-efficient lighting for all spaces including motion sensors and time controls in car parks and common areas.
- Centralised energy-efficient electric air conditioning and hot water systems.
- Provision of electric induction cooktop and electric oven within each residential dwelling and energy efficient appliances such as dishwashers and clothes dryers.
- Water efficient bathroom and kitchen fittings.
- Rainwater harvesting system with a rainwater tank.
- Provision for future installation of EV chargers.
- A high percentage of Indigenous and drought tolerant planting.
- Roof-mounted solar Photovoltaic (PV) systems.
- Continued compliance with the latest NatHERS certificate that demonstrates an achievement of an exceedance of an average 7 NatHERS star rating delivering a high level of thermal comfort.
- Continued compliance with the latest BASIX certificate that meets BASIX energy targets and exceeds BASIX water targets.

In addition, this modification application seeks to correct references to BASIX certificates in the conditions of consent, as the relevant conditions were not updated to reflect the latest BASIX certificate lodged and approved with Modification 2. This modification application seeks to rectify these errors to ensure the latest BASIX certificate is referenced.

The modifications to conditions of consent are summarised below:

- Amendment to Condition B5, update the reference, date and author of ESD Report to reflect the Updated ESD Report reference, date, and author.
- Deletion of Condition F10, this condition requires a minimum 4 Star Green Star As-Built rating. This requirement from the original ESD Report reflected the previous ownership's corporate requirements rather than statutory requirements.

- Amendment to Condition B18, update a minor error to reference the latest BASIX Certificate, being BASIX Certificate No, 1751490M_03 submitted with Modification 2 relating to floor-to-floor height amendments.
- Amendment to Condition F11 – update a minor error to reference the latest BASIX Certificate, being BASIX Certificate No, 1751490M_03 submitted with Modification 2 relating to floor-to-floor height amendments.

3.1 Modifications to Conditions

The proposed modification to Development Consent SSD-67175465 seeks only to amend the above conditions, no changes to the approved plans or development are proposed.

The proposed amendments to the 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**.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

B5. Prior to the issue of any Construction Certificate for above ground works, the Applicant must submit to the Certifier a Report demonstrating the development incorporates all design, construction and operation measures, or equivalent, as identified in the SSDA ESD Report, prepared by ~~EMF Griffiths~~ ***SLR Consulting Australia*** dated ~~30 May 2024~~ ***22 April 2026***.

Reason: To update the condition to reflect the Updated ESD Report.

BASIX CERTIFICATION

B18. Prior to the issue of the Construction Certificate for above ground works, BASIX Certificate Nos. ~~1751490M_02~~ ***1751490M_03***, Certificate must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.

Reason: To ensure the condition references the correct and latest BASIX Certificate.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

~~**F10. Within 24 months of commencement of operation, Green Star certification must be obtained demonstrating the development, operating in accordance with this consent achieves a minimum 4 Star Green Star As-Built rating. Evidence of the certification must be provided to the Certifier and the Planning Secretary.**~~

Reason: To delete the Green Star certification requirement that is no longer relevant to the current site ownership and developer, noting that it was a corporate requirement of the previous site owner and developer rather than a statutory requirement. This condition would only have been included as Green Star certification was included in the original ESD Report. This condition does not reflect any statutory requirement for residential developments. It is noted that even though the original ESD Report stated a 5-star Green Star As-Built rating, this condition refers to a lower minimum 4-star Green Star As-Built rating which is a lower environmental performance outcome.

BASIX CERTIFICATION

F11. The Development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Nos. ~~1751490M_02~~ ***1751490M_03*** and any updated certificate issued if amendments are made.

Reason: To ensure the condition references the correct and latest BASIX Certificate.

4.0 Environmental Assessment

Section 4.55(1) of the EP&A Act states that a consent authority may modify a development consent *"if satisfied the proposed modification has no environmental impact"*. "State significant development guidelines – preparing a modification report" (DPHI, March 2026), provides further guidance requiring section 4.55(1) modification statements to provide justification that there are no new negative impacts, including increases to existing impacts.

When assessing a modification under this provision, no other matters are required to be considered, as a section 4.55(1AA) states that *"subsections (1A),(2),(3), and (6) and Part 8 do not apply to a modification under subsection (1)"*.

4.1 Ecologically Sustainable Development

The Updated ESD Report prepared by SLR Consulting Australia is consistent with the overall ESD initiatives originally approved, with changes limited to minor amendments to ESD initiatives as a result of ongoing design development and to remove a corporate certification requirement that was specific to previous site owners and developer. The development will continue to meet or exceed the ESD requirements of the SEARs through the adopted design measures, BASIX, NatHERS, NCC Section J compliance, all-electric services, PV, water efficiency and other ESD initiatives, noting that these may slightly vary from the original ESD initiatives, but ultimately continue to meet or exceed the ESD requirements of the SEARs. No changes to the approved development shown on the approved plans are proposed and no amended plans are required. There is no change to the BASIX or NatHERS Certificates of the development. Therefore, this modification application has no environmental impact.

The removal of the Green Star certification condition will not result in any new or increased environmental impact. Green Star certification is a metric and indicator of environmental performance, rather than a physical or operational ESD initiative. As there is no change to overall ESD initiatives proposed, as summarised in **Section 3.0**, there will be no environmental impact. The development will continue to comply with the statutory requirements of BASIX, NatHERS, NCC Section J as required for residential developments.

In addition, it is noted that clause 2.2 of *State Environmental Planning Policy (Sustainable Buildings) 2022* removes the effect of any competing provision that aims to reduce consumption of mains-supplied water and greenhouse gas emissions, improve thermal performance and quality embodied emissions, for BASIX certified development. As such, the only statutory requirement for the development is BASIX.

The following sections demonstrate that there is no change to the development's incorporation of ESD principles and minimisation of greenhouse gas emissions (including net zero outcomes) and consumption of energy, water (including water sensitive urban design) and material resources.

4.1.1 ESD Principles

The Updated ESD Report continues to demonstrate how the development incorporates the ESD principles under section 193 of the EP&A Regulation. There is no change to how the development incorporates ESD principles in that:

- In terms of Precautionary Principle, the project does not present threat of serious or irreversible environmental damage. The project has conducted all required environmental studies and incorporated adaptability and resilience measures in the design which is not changing.
- Inter-generational equity, the health, diversity and productivity of the environment continue to be enhanced for the benefit of future generations through a number of initiatives that are not changing including large PV solar installation, sustainable materials, reduced waste, reduced heat island effect and other initiatives outlined in the Updated ESD Report.
- From a conservation of biological diversity and ecological integrity perspective, the project has satisfied all environmental and statutory provisions requirements. There is no change proposed to the vegetation, landscaping and stormwater outcomes of the development.
- Environmental goals established for the development in accordance with the statutory requirements including BASIX and NatHERS will be achieved in accordance with the existing stamped certificates.
- A Quantity Surveyor has been engaged to ensure that the project will remain on budget and all sustainability initiatives for the development are implemented.
- The ESD initiatives will continue to help to achieve significant reductions in the energy, waste and water required by the development both in building and operation and will deliver improved valuation and beneficial outcome.

4.1.2 Minimisation of Greenhouse Gas Emissions (including Net Zero Outcomes) and Consumption of Energy, Water and Material Resources

There is no change to the development's commitment to target achievement of net zero emissions compliance, demonstrating that the development continues to minimise greenhouse gas emissions and support the NSW Government's goal of net zero emissions by 2050, consistent with the SEARs. This is stated in the Updated ESD Report. Therefore, there is no environmental impact in-relation to greenhouse gas emissions and net zero outcomes.

In accordance with the SEARs requirement to minimise greenhouse gas emissions and the consumption of energy and resources, there is no change to the development's adoption of an all-electric design, high-performing building fabric and building services compliant with NCC Section J and NatHERS standards. These measures are complemented by passive design principles, energy-efficient fixtures and systems, and provision for future renewable energy integration, ensuring the development achieves improved operational performance over its lifecycle while maintaining consistency with the approved sustainability strategy.

Specifically, there is no change to the development's compliance with the following statutory metrics and requirements for ESD in residential developments:

- NatHERS rating continues to exceed an average of 7 stars;
- Ongoing compliance and exceedance of BASIX (BASIX Certificate No. 1751490M_03); and
- Compliance with NCC 2022 Section J.

5.0 Conclusion

The proposed modifications relate to conditions of consent for Ecologically Sustainable Development (ESD).

The proposed amendments do not change the nature of the approved ESD strategy and are limited to updating initiatives with further detail to reflect ongoing design development, removing a non-statutory corporate requirement for a Green Star certification that does not apply to the new site owner and developer, and correction of conditions of consent to ensure the latest BASIX certificate lodged and approved with Modification 2 is referenced. The amendments do not alter the approved built form, design, or environmental performance of the development.

In accordance with section 4.55(1) of the *Environmental Planning and Assessment Act 1979*, the consent authority may modify the development consent as the proposed modification has no environmental impacts.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request.

Sincerely,

A handwritten signature in black ink, appearing to read "Jethro Yuen".

Jethro Yuen
Principal
Jethro.yuen@colliers.com

A handwritten signature in black ink, appearing to read "Andrew Duggan".

Andrew Duggan
Director
Andrew.duggan@colliers.com