

Modification Report

Section 4.55 Modification Application

Mixed-use Development including Affordable Housing

30-34 Padstow Parade & 10 Faraday Road, Padstow

SSD-71454709 MOD 1



Prepared by



Strategic Planning Services

on behalf of

The Trustee for Padstow Parade Unit Trust

November 2025

Acknowledgement of Country

CW Strategic Planning Services acknowledge the Traditional Custodians of the lands where we work and live. We celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of NSW.

We pay our respects to Elders past, present and emerging and acknowledge the Aboriginal and Torres Strait Islander people that contributed to the development of this resource.

We advise this resource may contain images or names of deceased persons in photographs or historical content.

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3.0 (FINAL)	05/11/2025 DPHI formal submission	Natasha Harras & Chris Wilson

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Glossary and Abbreviations used in this report

ADG	Apartment Design Guide
BCA	Building Code of Australia
CBDP2023	Canterbury Bankstown Development Control Plan 2023Appendix B
CBLEP2023	Canterbury Bankstown Local Environmental Plan 2023
CHP	Community Housing Provider

COS	Communal Open Space
Council	City of Canterbury Bankstown Council
DA	Development Application
DCP	Development Control Plan
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
FSR	Floor Space Ratio
GFA	Gross Floor Area
Housing SEPP	State Environmental Planning Policy (Housing) 2021
HRV	Heavy Rigid Vehicle
LAHC	Land and Housing Corporation
LEP	Local Environmental Plan
LGA	Local Government Area
OSD	On-site detention
SDRP	State Design Review Panel
SEARS	Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SSD	State Significant Development
The Department	Department of Planning, Housing and Infrastructure

1. Introduction

1.1. Background and Report Purpose

This modification request has been prepared by CW Strategic Planning Services on behalf of The Trustee for Padstow Parade Unit Trust (The Applicant) pursuant to section 4.55 of the Environmental Planning and Assessment Act 1979.

The modification request is submitted to NSW Department of Planning, Housing and Infrastructure ('the Department') and seeks to amend State Significant Development (SSD) approval 71454709 for the purposes of a mixed-use development including affordable housing at 30-34 Padstow Parade and 10 Faraday Road, Padstow (the Site).

Specifically, the modification request seeks to make a range of minor modifications and design refinements to enable the entire residential component to be delivered as affordable housing. While the approved development included 92 market housing dwellings and 21 affordable dwellings (15 social and 6 managed by a community housing provider (CHP), Homes NSW now wishes to retain ownership of the entire building, with all dwellings to be affordable (64 social and 49 CHP). The modifications sought by this request are all designed to meet Homes NSW's design and operational requirements in order to retain ownership and delivery of affordable housing.

This report describes the site and strategic context (Section 1), details the proposed modifications (Section 2), outlines the statutory considerations (Section 3) and provides a detailed assessment of impacts (Section 4). On this basis, the overall justification for the project is provided (Section 5) and the report concludes that the proposed modification results in material net benefits, is in the public interest, and is considered to warrant approval by the Minister for Planning and Public Spaces or the Minister's delegate (Section 6).

1.2. Accompanying information

This Modification Report should be read in conjunction with the following plans and information:

Appendix A:	Statutory Compliance Table	<i>CW Strategic Planning Services</i>
Appendix B:	Updated Mitigation Measures	<i>CW Strategic Planning Services</i>
Appendix C:	Architectural Plans	<i>Bonus + Associates</i>
Appendix D:	Schedule of Materials, Colours and Finishes	<i>Bonus + Associates</i>
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Appendix Q:	Integrated Water Management Plan	<i>Intrax Projects</i>
Appendix R:	Assessment of variation to building height	<i>CW Strategic Planning Services</i>

1.3. Site Description & Context

The site is located at 30 – 34 Padstow Parade and 10 Faraday Road, Padstow within the City of Canterbury-Bankstown Local Government Area (LGA). It is comprised of 4 allotments legally described as Lots 1 – 4, DP 35028.

It has an area of 2992m² with an eastern frontage to Padstow Parade and southern frontage to Faraday Road. The site is currently vacant other than vegetation. Previously on the site there were four single storey dwelling houses.

The site is in the southern part of the commercial core of the Padstow Local Centre. The area is currently characterised predominantly by low scale traditional shopfronts on the eastern side of Padstow Parade and on Faraday Road, 3 – 4 storey residential flat buildings on the western side of Padstow Parade, and single storey dwelling houses on large allotments to the south-west of the site.

The site context is expected to undergo significant change in coming years, as new planning controls came into effect in 2023 which expanded the footprint of the commercial centre and which enable substantial uplift and revitalisation of the centre. Adjoining residential areas are also expected to undergo change, having been rezoned from low density to high density residential.

Maps and images of the site and context are shown in Figures 1 - 3.

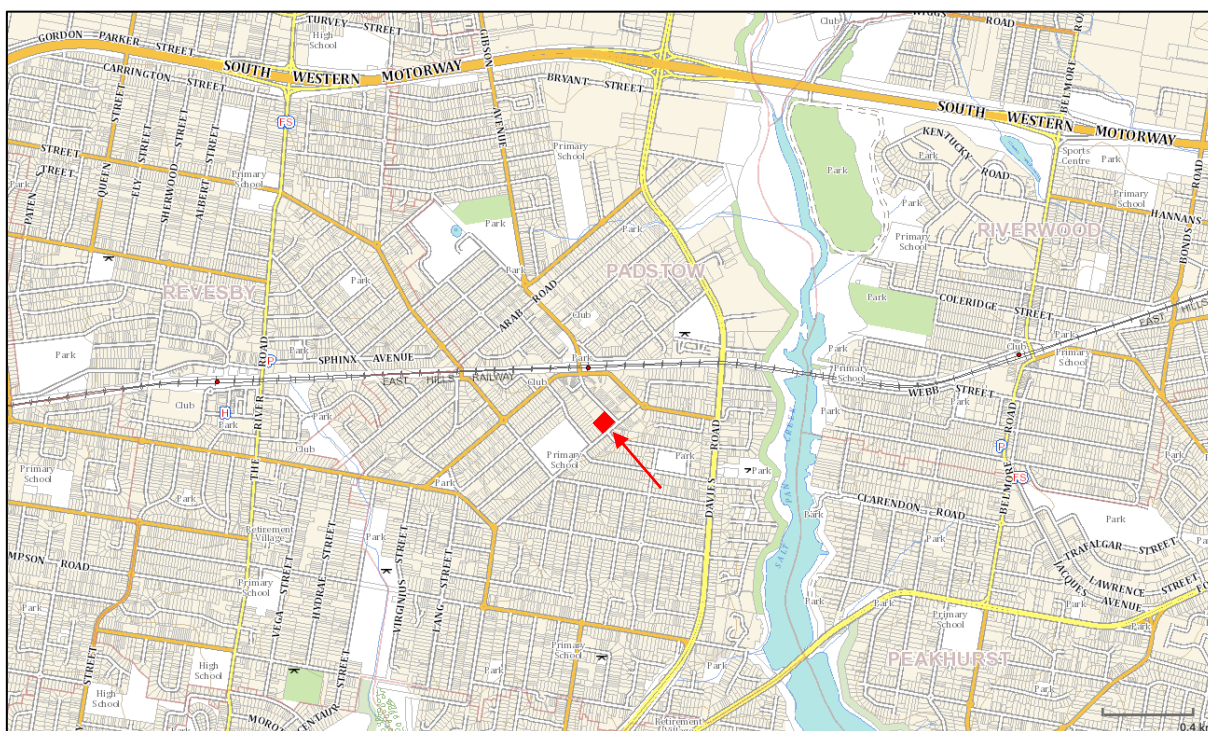


Figure 1: Site Location
(source: NSW Planning Portal Spatial Viewer)

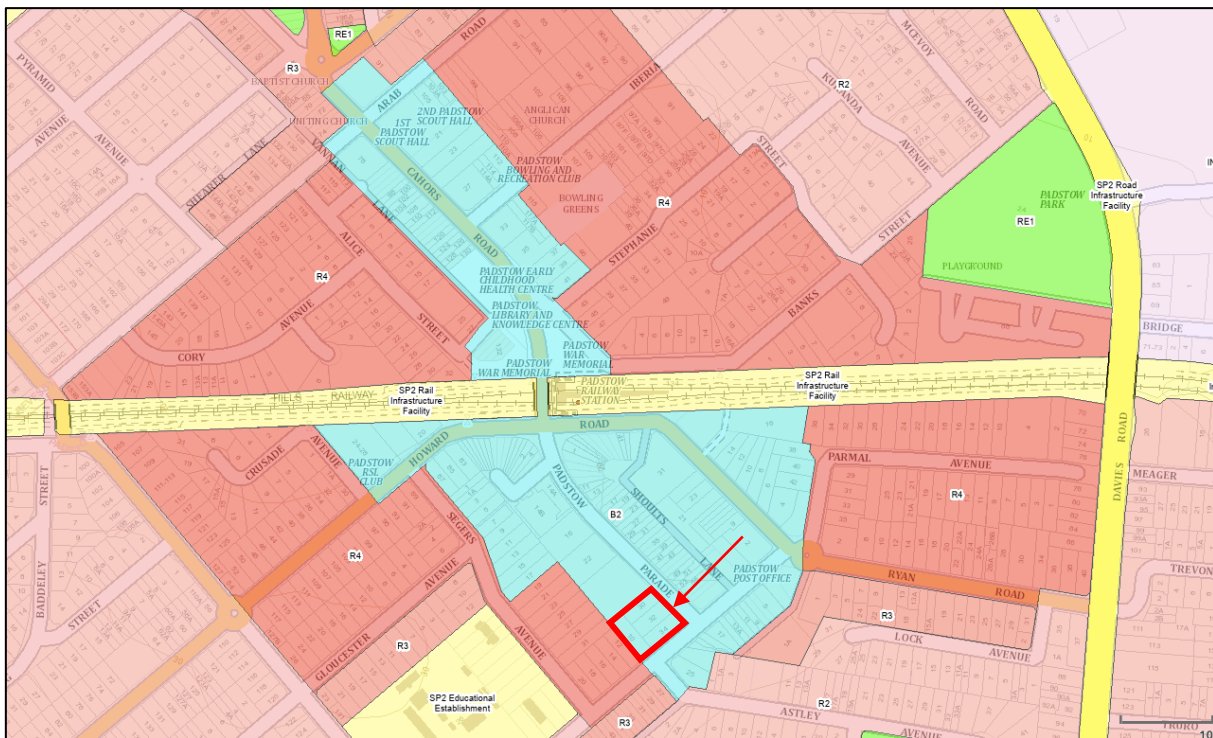


Figure 2: Extract from zoning map showing site location in the context of the Padstow local centre
(source: NSW Planning Portal Spatial Viewer)



Figure 3: Aerial view of the site and locality
(source: Google Earth)

1.4. Background: Approved Development

SSD 71454709 was approved by Minister for Planning on 2025 for a 'Mixed-use development including in-fill affordable housing' at 30-34 Padstow Parade and 10 Faraday Road, Padstow. The approved development includes construction of an eight-storey mixed-use development incorporating:

- two levels of basement car parking;
- 113 residential apartments, comprising:
 - 92 market residential apartments
 - 15 social housing apartments (owned by Homes NSW)
 - 6 affordable housing apartments (managed by a CHP for at least 15 years)
- commercial tenancies at ground level
- total GFA of 9,724,m² (FSR 3.25:1)
- building height of 27.25m

1.5. Strategic Context

The proposed modification remains consistent with the established strategic context, including:

- **National Housing Accord 2022** as it will deliver more affordable housing, well-located within a local centre with access to services and amenities, as well as being in close proximity to a railway station.
- **Communities Plus Neighbourhood Program** as it will deliver social dwellings to NSW Land and Housing Corporation (LAHC) under Homes NSW, which implements the State's social housing system in accordance with the NSW Government's Future Directions strategy.
- **Future Transport Strategy** as it provides high density accommodation in close proximity to public transport and within a local centre providing services.
- **Greater Sydney Region Plan – A Metropolis of Three Cities** as it will contribute to the diversity of housing supply in proximity to goods, services and transport that has the potential to enhance people's quality of life and their experience of the city.
- **South District Plan** as it will contribute to meeting the District's housing targets and diverse housing needs and is consistent with identified principles for consideration in planning local centres including:
 - Deliver transit-oriented development and co-locate facilities and social infrastructure;
 - Protect or expand retail and/or commercial floor space;
 - Protect or expand employment opportunities;
 - Increase residential development in, or within a walkable distance of, the centre; and
 - Provide parking that is adaptable to future uses and takes account of access to public transport, walking and cycling connections.
- **Canterbury Bankstown Local Strategic Planning Statement: Connective City 2036**, which identifies Padstow as a local centre and a Council proposed, future mass transit hub suitable for a greater mix of housing and urban services. The modified proposal has been prepared having regard to the development controls designed to realise the growth and renewal of the Padstow local centre.
- **Canterbury Bankstown Housing Strategy** as it utilises new land use zoning in Padstow designed to enable delivery of new dwellings to meet housing demand; is located within a centre with high amenity, within walking distance of open space, and in proximity to existing rail transport infrastructure; is located and designed to be compatible with the desired future character of the Padstow centre; delivers affordable housing to support the community and reduce housing stress.

2. The Proposed Modification

2.1. Overview

The proposed modifications are sought to enable the entire site to be retained in Homes NSW's ownership, ensuring all housing on the site will be affordable housing. Modifications have been made to the plans to meet Homes NSW design and operational requirements and include:

- Replacement of all approved market housing with affordable and social housing
- Deletion of one level of basement parking
- Changes to waste management including modifications to loading arrangements to accommodate a HRV / Council waste vehicle and relocation of bin storage from basement to the ground floor
- Building height increased to enable HRV clearance heights to be met
- Other changes to ground floor layout, including changes to commercial floor space, communal open space and communal facilities, vehicle movement, storage and bicycle parking
- Refinements to apartment design, layout and unit mix to meet Homes NSW requirements.
- Resulting changes to external building design and overall envelope.
- Changes to conditions to reflect above changes and to reflect Homes NSW's ownership.
- No change to unit numbers or total floor space.

A detailed description of each of the key changes is provided below.

2.2. Detailed Description of Proposed Amendments

2.2.1 Replacement of approved market housing with affordable and social housing

The key change and driver for the proposed modification is that Homes NSW now intends to retain ownership of the entire building upon completion and deliver all residential apartments as affordable housing, including both social housing apartments managed by Homes NSW, and affordable housing apartments managed by a community housing provider (CHP).

The breakdown of approved and proposed housing is provided in Table 1 and demonstrates the proposed modification would result in the delivery of an additional 92 affordable dwellings.

Table 1: Approved and Proposed Housing

Housing Type	Approved	Proposed
Market Housing	92	0 (-92)
Affordable Social - Homes NSW	15	64 (+49)
Housing Affordable – CHP	6	49 (+43)
Total	113	113

All other proposed changes outlined below are designed to facilitate the change to 100% affordable housing. Other changes to unit mix and unit sizes are described below in Section 2.2.8.

A number of imposed conditions which apply to affordable housing, but which cannot be applied to development carried out by Homes NSW are sought to be deleted as a result of this change (refer to Section 2.3).

2.2.2 Deletion of Basement Level 2 and changes to Basement Level 1, changes to parking

The modified development results in reduced parking demand such that 1 basement level is no longer required. Changes to parking and basement design can be seen in Figures 4 and 5 and include:

Parking

The modified development includes:

- 61 residential car parking spaces (including 9 accessible spaces) (-71 spaces from approved; +5 accessible)
- 12 commercial car parking spaces (including 2 accessible spaces) (- 5 spaces)
- 2 residential motorcycle spaces (+2 spaces)
- 2 commercial bicycle parking spaces (relocated from the ground floor level) (-1)
- 11 residential visitor bicycle parking spaces (relocated from the ground floor level)
- Additional opportunities for residential bicycle parking, noting all storage cages have now been specifically designed to accommodate a bicycle.

Despite the proposed overall reduction in on-site parking, the proposed parking fully complies with all applicable statutory controls as discussed in Section 4.6 and the Traffic Impact Assessment at Appendix I.

Other Basement Level Changes

Other changes to the layout of Basement Level 1 include

- Vehicle access ramp relocated
- Waste storage removed and relocated to Ground Floor level
- Waste bin tug and trailer parking space deleted
- Hot water central plant room deleted
- Residential storage reduced / relocated to Ground Floor level.
- Additional residential lifts provided.
- Dedicated Commercial lift provided to connect car parking at Basement with Padstow Parade

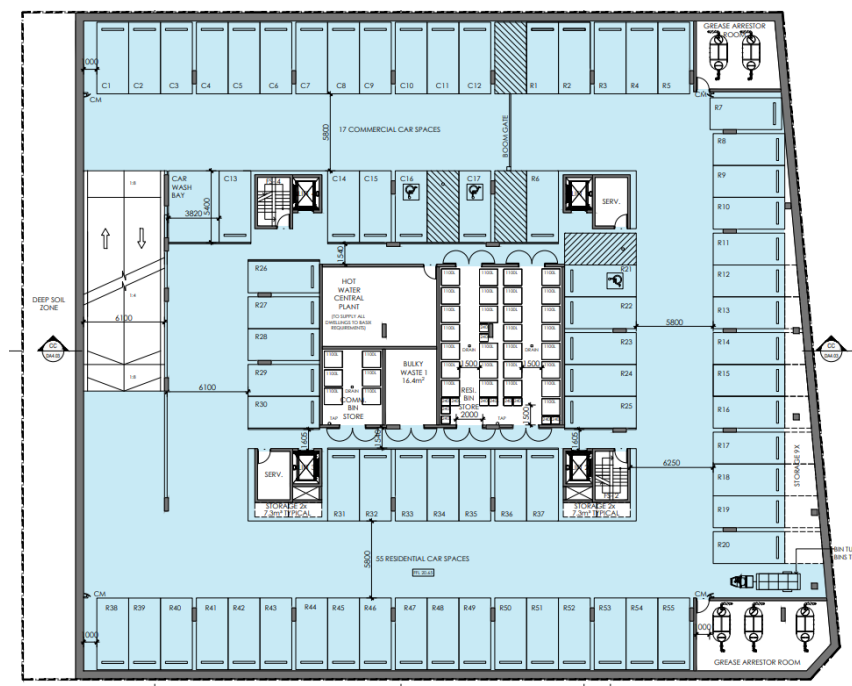


Figure 4: Approved Basement Level 1
(source: Bonus + Associates)

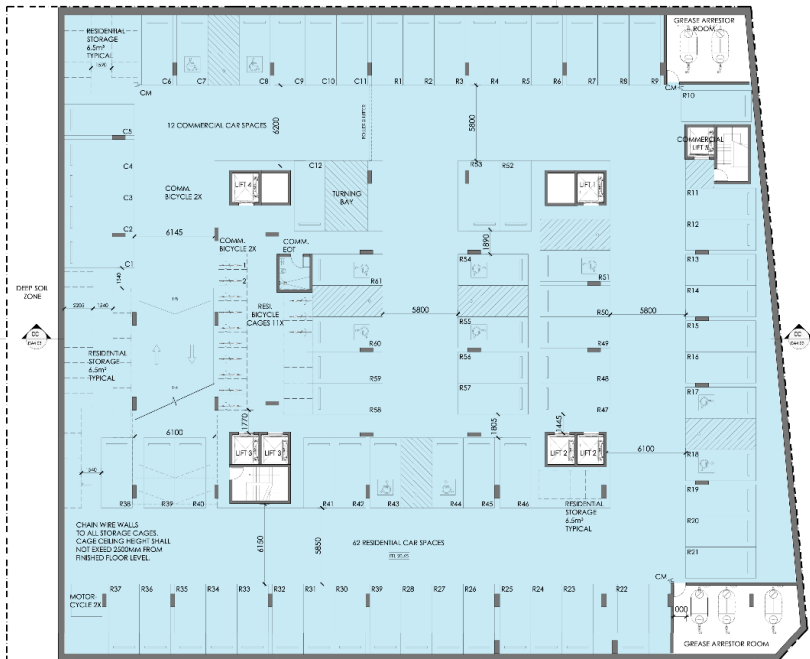


Figure 5: Proposed Basement Level 1
(source: Bonus + Associates)

2.2.3 Changes to Servicing and Waste Management

The modification includes improved servicing and waste management arrangements in line with Council feedback received during the assessment of the original DA. The approved DA was designed to accommodate a small rigid vehicle (SRV) in the loading dock which precluded Council residential waste collection, at least until such time as a laneway was constructed next to the building. This arrangement results in additional costs for waste management, requiring future residents to pay for private waste collection in addition to Council's waste management charges.

To reduce operational costs for Homes NSW to enable affordable housing provision, and noting that a laneway adjacent to the site may never be delivered, modifications to servicing are proposed in order to accommodate a HRV / council waste vehicle. It is also proposed to relocate bin storage from the basement to the ground floor. Key changes can be seen in Figure 6.

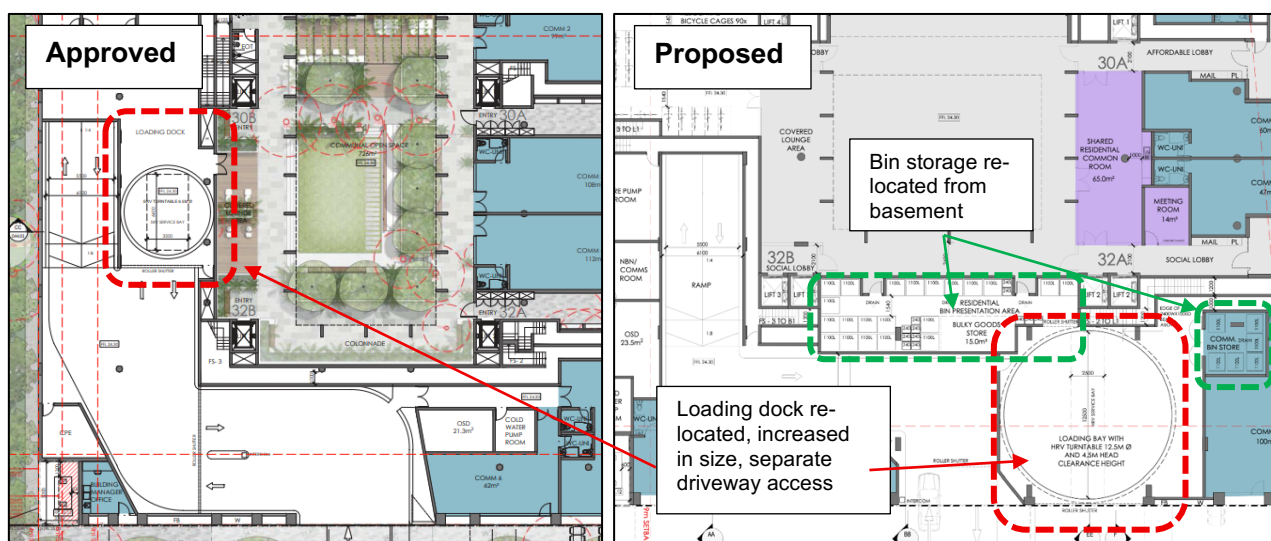


Figure 6: Approved and Proposed Servicing Arrangements
(source: Bonus + Associates)

As demonstrated in Section 4.10 and the Operational Waste Management Plan at Appendix P, the revised arrangements fully comply with Council's controls.

The revised location of the loading dock also means that servicing can be separated from general vehicle access, reducing the potential for vehicle conflicts. Revised swept path diagrams are included in the Traffic Impact Assessment at Appendix I.

It also ensures that commercial tenancies will no longer need to be serviced via the central communal open space area, which was considered to be an issue in the assessment of the original application. New access paths will enable servicing either directly from the loading dock, or via very short paths of travel on the footpath to each commercial premises. This will ensure improved security and privacy outcomes for the residents of the building.

2.2.4 Increased Building Height

In order to meet the 4.5 metre height clearance requirements for a HRV, floor to ceiling heights at the ground floor level have increased, and therefore overall building height has also increased by 1.45 metres (to a maximum height of 28.7m), due entirely to the extra head height clearance required for the HRV, including tolerance for servicing and infrastructure.

The impacts of the proposed additional building height are considered in Section 4.2 and the Building Height Variation Assessment at Appendix R.

2.2.5 Commercial Floor Space Modifications

The number of commercial tenancies is proposed to be reduced from 6 to 5 and commercial floor space is also reduced under the proposal from 652m² approved to 493m² proposed. However, key features of the commercial floorspace are retained, including active frontages along the length of Padstow Parade.

Commercial floorspace fronting Faraday Road is re-arranged, but the overall level of activation is improved on this frontage as seen in Figure 10.

A new commercial lobby with lift service to the basement parking is also proposed to provide access that is separate from the residential lifts.

Access from the commercial premises to the central communal open space is also removed under the proposal.

2.2.6 Communal Open Space and Facilities

The size of the central communal open space area (COS) is proposed to be slightly reduced from 725m² approved to 697m². The reduction in space arises predominantly from improved waste management arrangements, including bin storage adjacent to the proposed loading dock impinging on the former COS area.

However, this reduction is offset by a proposed new shared residential common room of 65m² directly adjacent to and accessible from the communal open space. The modification therefore results in total communal space of 762m², a net improvement on the total communal space available.

The design of the communal open space has also been updated to reflect the revised layout arrangements. Overall tree planting and canopy cover within the space is slightly improved with 11 trees proposed (6 small and 5 medium trees) in place of 10 approved trees (8 small and 2 medium).

Areas for passive recreation including a lawn area and a range of seating areas are all retained. Importantly, as described above, the space is now proposed to be for the exclusive use of residents, with all commercial access to eh space removed.

Key changes to the communal space can be seen in Figure 7.

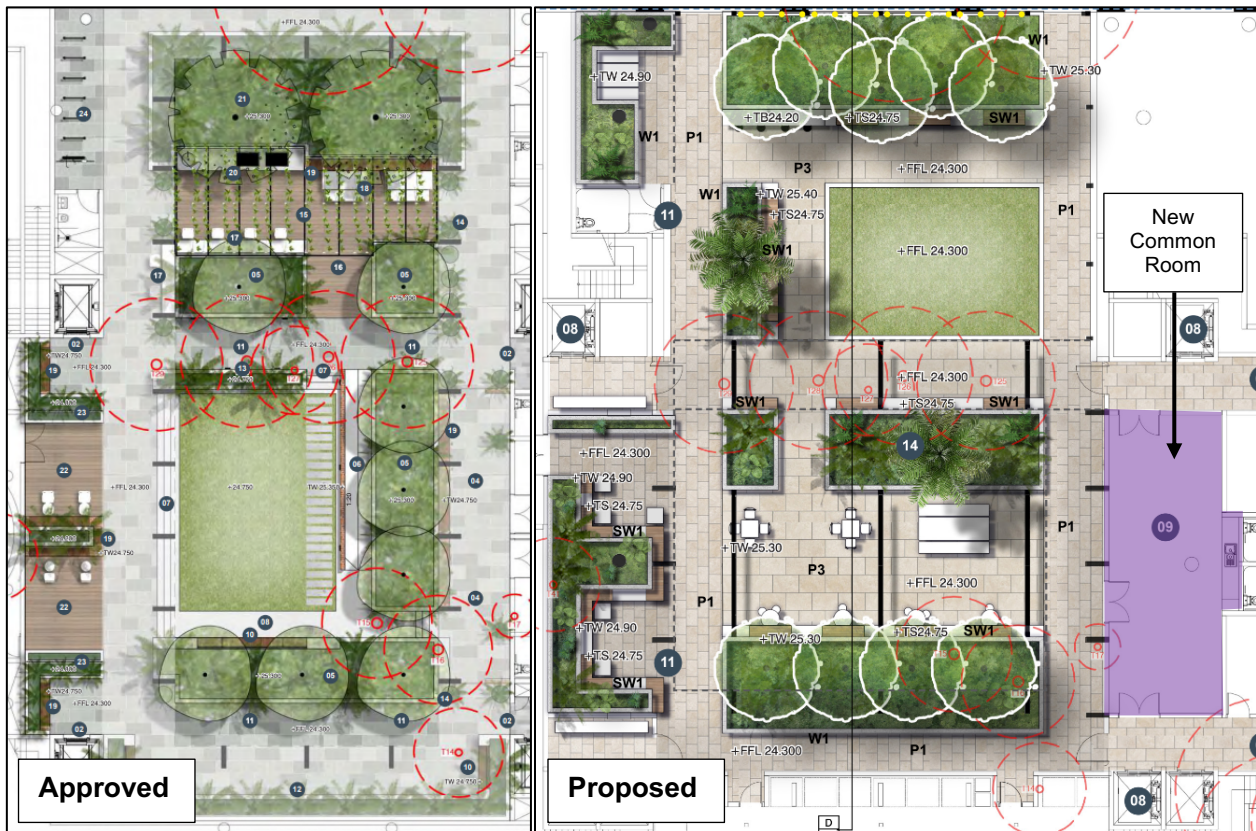


Figure 7: Approved and Proposed Communal Open Space Arrangements
(source: Land FX)

2.2.7 Other Ground Level Changes

In addition to the changes described above, other ground level changes include:

- Main Switch Room, Fire Pump Room, NBN/COMMS Room, OSD and Cold Water Pump Room relocated
- Exit pathways relocated
- Residential storage cages (partially relocated from basement levels) and designed to accommodate bicycles or other residential storage
- Car park access ramp relocated
- Lift lobby 30B and 32B enclosed for additional weather protection
- Letter boxes and parcel lockers relocated to within the entrance lobby.

2.2.8 Residential Levels: Apartment Design, Layout, Balconies, and Unit Mix

Changes have been made to each residential floor level to meet the design and operational requirements of Homes NSW. Key changes include:

- Updated internal unit and balcony designs (all revised dwellings remain compliant with ADG floorspace and design recommendations)
- Small changes to the floorplate at each level – all changes within the existing approved building envelope with some small reductions in floorplate
- 113 dwellings retained, but modifications to unit mix as follows:
 - 44 proposed x 1 bedroom (+7 units)
 - 60 proposed x 2 bedroom (-8 units)
 - 9 proposed x 3 bedroom (+1 unit)
- Provision of additional lifts to two lift cores
- Arrangement of dwellings around two social housing lift cores and two affordable housing lift cores
- Clothes lines and AC condensers added to each balcony behind full height vertical louvre screens
- Volume of storage provided within each apartment has been increased
- Affordable apartments are 100% Silver level of Universal design compliant (+12 Silver dwellings)
- Social apartments are 100% Gold level of Universal design compliant (+40 Gold dwellings)

Some key design changes are shown in Figure 8.

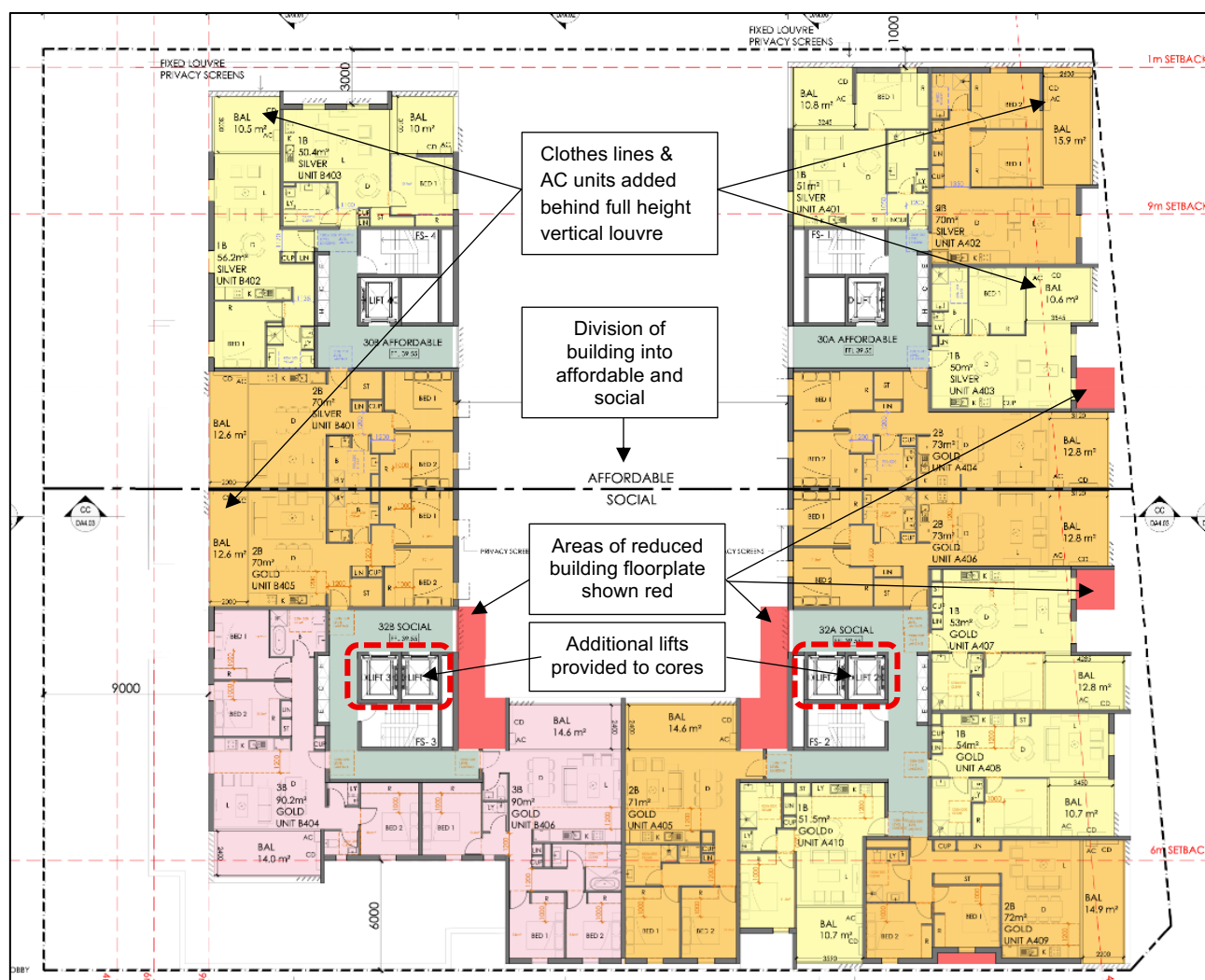


Figure 8: Extract from Level 4 Plan indicating key changes to a typical floor level
(source: Bonus + Associates)

2.2.9 Resulting changes to facades

Changes to the facades, arising predominantly from the above modifications, include:

- Height of brick base to the building increased in height by 1.45m
- Additional loading dock access door to accommodate HRV
- Height of shopfront glazing increased from 2.7m to 3.0m
- Width of residential entry lobbies increased, width of commercial tenancy reduced accordingly
- Padstow Parade awning revised to improve the visibility of the residential entry lobbies
- Commercial shop fronts to Faraday Road revised (overall length of active façade increased)
- Screening provided to sub-station
- Location and arrangement of residential windows and balconies revised to reflect the revised apartment layouts, including reduction in extent of balconies to Faraday Road
- Vertical louvre privacy screens added to screen clothes drying facilities
- Balustrade design revised to suit Homes NSW requirements for privacy and durability.

Key changes can be seen in Figures 9, 10, 14 and 15 and discussed further in Section 4.2.

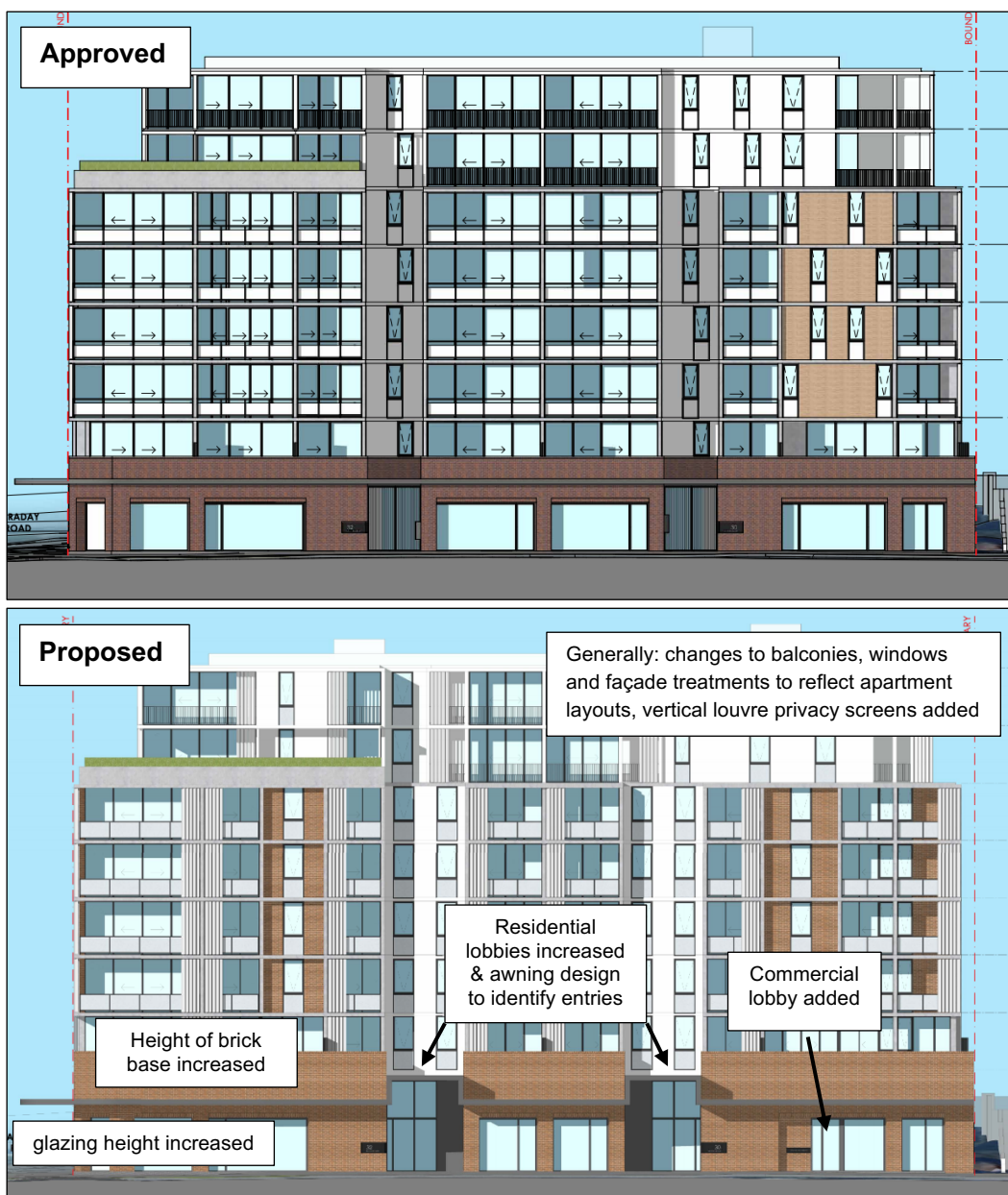


Figure 9: Approved and Proposed Padstow Parade Elevations
(source: Bonus + Associates)

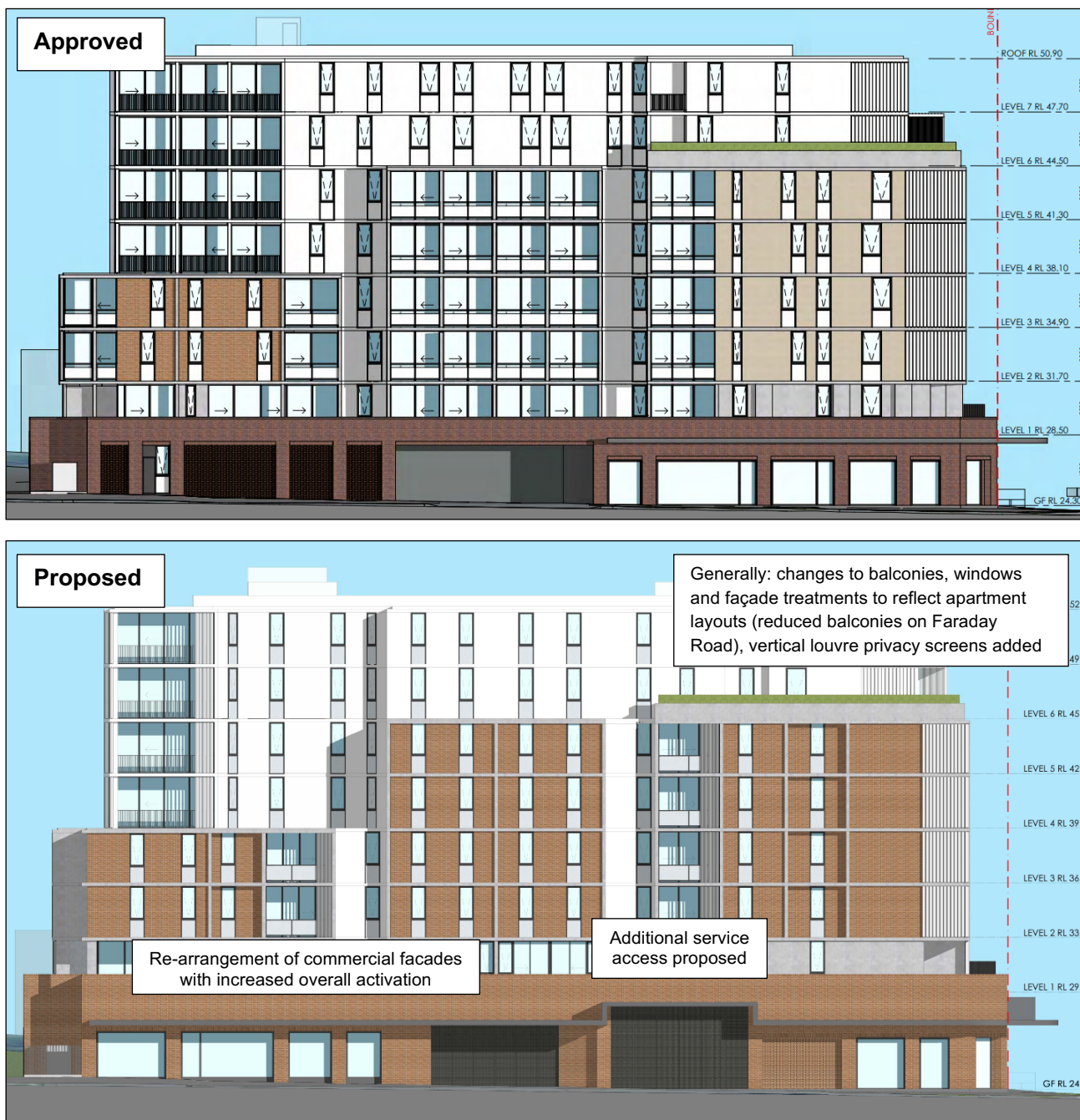


Figure 10: Approved and Proposed Faraday Road Elevations
(source: Bonus + Associates)

2.2.10 Changes to Access and Street Tree Arrangements

The proposed new loading dock driveway affects the approved street tree and on-street parking arrangements on Faraday Road. As a result, street trees and parking are proposed to be re-arranged as shown in Figure 11.

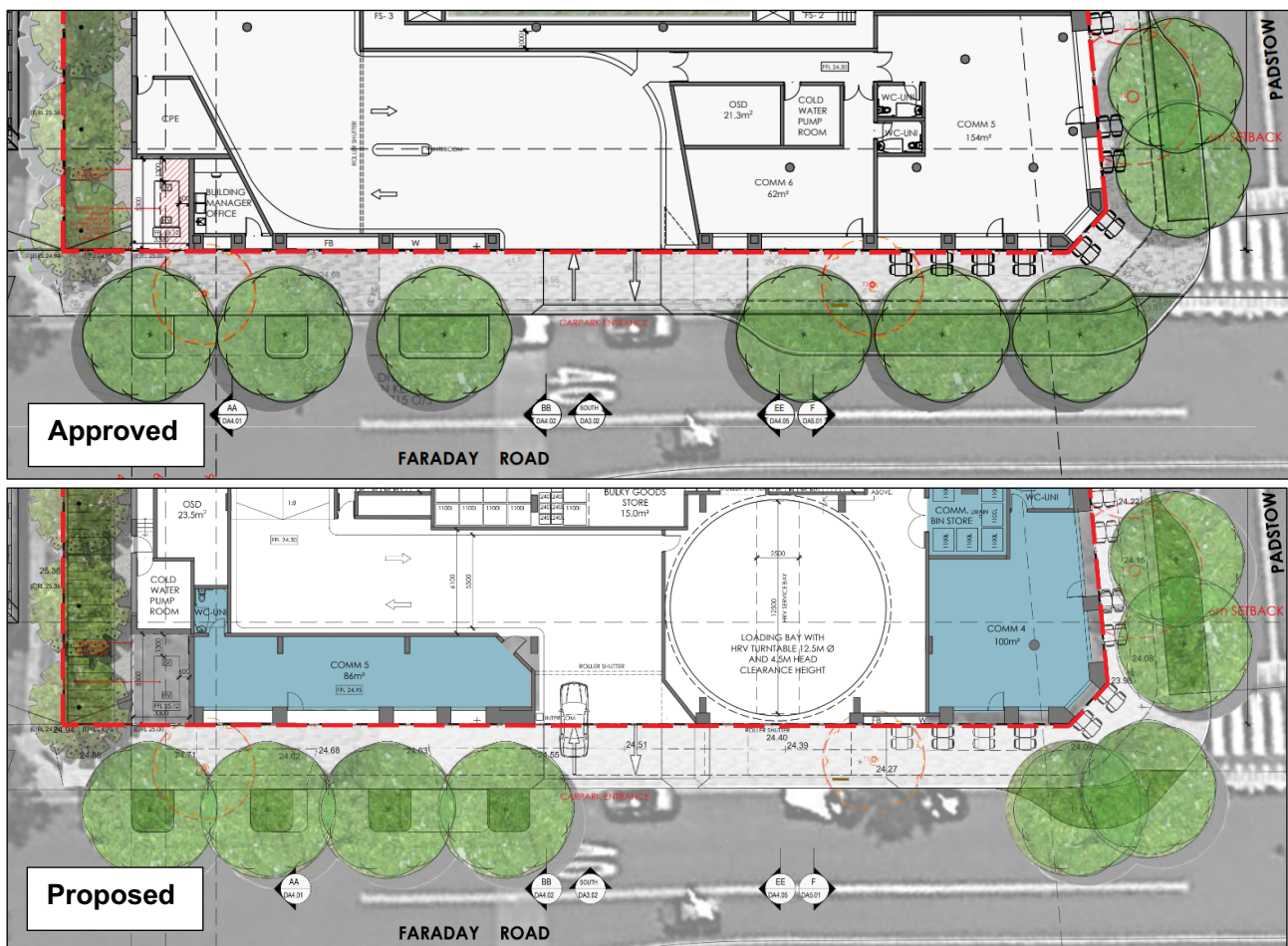


Figure 11: Approved and Proposed Faraday Road Street Trees
(source: Bonus + Associates)

2.3. Amendments to Conditions

To support the modifications described above, amendments to conditions of consent are sought, 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, the Submissions Report, and the Response to RFI;
- (c) **in accordance with the plans and details submitted as part of Modification 1**
- (d) in accordance with the approved plans in the table below, as modified by the conditions of this consent:

Architectural drawings prepared by Bonus and Associates			
Drawing Number	Rev	Name of Plan	Date
DA1.03	A3	Demolition Plan	24/09/2024
	B1		27/10/2025
DA1.04	A6	Site Plan	04/04/2025
	B1		27/10/2025

DA1.05	B <u>B1</u>	Site Sections	04/04/2025 <u>27/10/2025</u>
DA2.01	A8	Basement 2	04/04/2025
DA2.02	A9 <u>B1</u>	Basement 1	04/04/2025 <u>27/10/2025</u>
DA2.03	A9 <u>B1</u>	Ground Floor Plan	04/04/2025 <u>27/10/2025</u>
DA2.04	A10 <u>B1</u>	Level 1 Plan	04/04/2025 <u>27/10/2025</u>
DA2.05	A8 <u>B1</u>	Level 2 Plan	04/04/2025 <u>27/10/2025</u>
DA2.06	A8 <u>B1</u>	Level 3 Plan	04/04/2025 <u>27/10/2025</u>
DA2.07	A8 <u>B1</u>	Level 4 Plan	04/04/2025 <u>27/10/2025</u>
DA2.08	A8 <u>B1</u>	Level 5 Plan	04/04/2025 <u>27/10/2025</u>
DA2.09	A9 <u>B1</u>	Level 6 Plan	04/04/2025 <u>27/10/2025</u>
DA2.10	A8 <u>B1</u>	Level 7 Plan	04/04/2025 <u>27/10/2025</u>
DA2.11	A6 <u>B1</u>	Roof Plan	04/04/2025 <u>27/10/2025</u>
DA3.01	A6 <u>B1</u>	East Elevation Padstow Parade	04/04/2025 <u>27/10/2025</u>
DA3.02	A7 <u>B1</u>	South Elevation Faraday Road	04/04/2025 <u>27/10/2025</u>
DA3.03	A7 <u>B1</u>	West Elevation	04/04/2025 <u>27/10/2025</u>
DA3.04	A6 <u>B1</u>	North Elevation	04/04/2025 <u>27/10/2025</u>
DA4.01	A7 <u>B1</u>	Section AA	04/04/2025 <u>27/10/2025</u>
DA4.02	A6 <u>B1</u>	Section BB	04/04/2025 <u>27/10/2025</u>
DA4.03	A6 <u>B1</u>	Section CC	04/04/2025 <u>27/10/2025</u>
DA4.04	A5 <u>B1</u>	Section DD	04/04/2025 <u>27/10/2025</u>
DA4.05	A3 <u>B1</u>	Section EE	04/04/2025 <u>27/10/2025</u>
DA5.01	A3 <u>B1</u>	Design Detail, Section F & Elevation	04/04/2025 <u>27/10/2025</u>
DA5.02	A4 <u>B1</u>	Ramp Plans	30/08/2024 <u>27/10/2025</u>

DA5.02 3	A4 B1	Ramp Section	30/08/2024 27/10/2025
DA6.02	A7 B1	GFA Plans and Schedule	04/04/2025 27/10/2025
DA6.03	A9 B1	Compliance Plans and Schedule	04/04/2025 27/10/2025
DA6.04	A2	Compliance Plans and Schedule Future Context	04/04/2025
DA6.05	A5	ARH GFA Plans and Schedule	04/04/2025
DA7.03	A3	Roof and Site Survey Plan Overlay	04/04/2025
20_15	B <u>C</u>	Schedule of Materials, Colours & Finishes	01/05/2025 27/10/2025
Landscape Plans prepared by LANDFX			
-	G <u>H</u>	Landscape Plan – Ground Floor	16/04/2025 26/10/2025
-	G H	Detail Plan – Ground Floor COS	16/04/2025 26/10/2025
-	G <u>H</u>	Planting on Structure Diagram – Ground Floor COS	16/04/2025 26/10/2025
-	G <u>H</u>	Landscape Plan – Level 06	16/04/2025 26/10/2025
-	G <u>H</u>	Landscape Sections A & B	16/04/2025 26/10/2025
-	G <u>H</u>	Landscape Section C	16/04/2025 26/10/2025
-	G <u>H</u>	Landscape Sections D	16/04/2025 26/10/2025
24_331 400	G <u>H</u>	Planting Schedule	16/04/2025 26/10/2025
24_331 401	G <u>H</u>	Planting Plan – Ground	16/04/2025 26/10/2025
24_331 402	G <u>H</u>	Planting Plan – Level 06	16/04/2025 26/10/2025
24_331 701	G <u>H</u>	General Details	16/04/2025 26/10/2025
24_331 801	G <u>H</u>	Landscape Specification	16/04/2025 26/10/2025

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.

HOUSING AND PRODUCTIVITY CONTRIBUTIONS

A8. Prior to the issue of the first Construction Certificate, the Housing and Productivity Contribution (HPC) set out in the table below is required to be made:

Housing and Productivity Contribution	Amount
---------------------------------------	--------

Total housing and productivity contribution	\$963,488.91 <u>\$15,948.55</u>
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Note: The contribution amount is subject to indexation in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* at the time of payment. A request for assessment of the adjusted amount and instructions on how to make a payment can be made by contacting hpc.enquiry@planning.nsw.gov.au.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- B3. Prior to the issue of the relevant Construction Certificate, 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 ESD Report, prepared by Jensen Hughes, dated ~~13 September 2024~~ **27 October 2025**.

LANDSCAPING

- B7. Prior to the issue of the relevant Construction Certificate for above ground works, the Applicant must submit to the Certifier a detailed Landscape Plan which:
- (a) is consistent with the landscape plans prepared by LANDFX, dated ~~16 April 2025~~ **26 October 2025** as amended by any requirement of these conditions;
 - (b) includes details of tree planting;
 - (c) includes details of the location, species, maturity and height at maturity of plants to be planted on-site;
 - (d) demonstrates adequate drainage and watering systems;
 - (e) includes details of plant maintenance and watering for the first 12 months; and
 - (f) includes a commitment to replace plants with the same species if any plant loss occurs within the maintenance period.

CAR PARKING

- B8. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the Certifier a Report demonstrating that the Development will provide for the following traffic flow and car parking requirements:
- (a) all vehicles must enter and leave the subject site in a forward direction;
 - (b) all vehicles are to be wholly contained on site before being required to stop;
 - (c) parking associated with the Development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) must be in accordance with the applicable Australian Standards;
 - (d) appropriate pedestrian advisory signs must be provided at the egress from parking areas;
 - (e) all works/regulatory signposting associated with the Development must be at no cost to the relevant roads authority;
 - (f) the swept path of the longest vehicle (including garbage trucks) entering and exiting the site, as well as manoeuvrability through the site, must be in accordance with AUSTROADS; and
 - (g) submit to the Certifier a Report demonstrating compliance with the following:
 - i. compliance with Australian Standards for the layout, design and security of bicycle facilities;
 - ii. provisions to enable future electric vehicle (EV) charging infrastructure to be installed in accordance with the NCC;
 - iii. provision of ~~149~~ **73** car parking spaces including **at least** 4 accessible parking spaces in accordance with the architectural plans; and

- iv. provision of ~~14~~ **13** bicycle parking spaces.

BASIX CERTIFICATION

- B15. Prior to the issue of the relevant Construction Certificate, BASIX Certificate No. ~~1766494M_02~~ **1766494M_06** must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.

COLLECTION OF WASTE

- B17. Prior to the issue of any relevant Construction Certificate, a design certificate and detailed plans are to be submitted to the Certifier that confirms waste can be directly collected from the building as detailed in the Operational Waste Management Plan by Elephants Foot Consulting Revision ~~F H~~ dated ~~9 September 2024~~ **27 October 2025**. The design certificate is to confirm that the:
- (a) Waste collection vehicle is able to access the building, adequately manoeuvre into the position, load bins and exit the building, as per AS2890.2.
 - (b) Adequate vertical clearance is provided along the route of travel to/from external entry/exit points to collection area.
 - (c) The collection vehicle must be able to manoeuvre in the building with limited need for reversing.
 - (d) The floor of the building has been designed to carry the load of the vehicle.
 - (e) The turntable to be used by the waste vehicle can be operated via a back-up generator.

OPERATIONAL WASTE MANAGEMENT

- E33. Prior to the occupation or commencement of use of the Development, the Applicant must prepare an **Operational Waste Management Plan (OWMP)** for the Development and submit it to the Certifier. The OWMP must:
- (a) describe the key personnel responsible for implementing the OWMP;
 - (b) set out adequate provisions within the premises for the storage, collection and disposal of waste and recyclable materials;
 - (c) confirm the location of waste collection and establish appropriate routes to the collection point;
 - (d) provide confirmation that appropriate arrangements have been made for the collection of waste;
 - (e) detail the type and quantity of waste to be generated during operation of the Development; and
 - (f) describe the handling, storage and disposal of all waste streams generated on site, consistent with the Protection of the Environment Operations Act 1997, Protection of the Environment Operations (Waste) Regulation 2014 and the Waste Classification Guideline (EPA).
 - (g) confirm the turntable to be used by the waste vehicle can be operated via a back-up generator.
 - (h) ~~confirm the bin tug is suitable for the use and is provided to management to be able to relocate the bins from the bin room to the collection point.~~

***Note:** Conditions in Part F require the Applicant to implement the Operational Waste Management Plan for the life of the Development.*

CAR PARKING, LOADING AND SERVICING MANAGEMENT PLAN

- E36. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a **Car Parking, Loading and Servicing Management Plan** that:
- (a) is designed to ensure that any potential traffic and safety impacts associated with the car park and loading dock operation are mitigated;
 - (b) specifies, but is not limited to, details of:
 - i. 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;
 - ii. measures to manage any potential traffic and safety impacts of the car parking and loading dock operation;

- iii. ~~how vehicles larger than a 6.4m SRV delivering to the site must be managed; and~~
- iv. ~~measures to limit servicing activities undertaken in the communal open space areas to minimise conflicts with residents.~~

REGISTRATION OF EASEMENTS

~~E38. Prior to the issue of any Occupation Certificate, a positive covenant registered under section 88B of the Conveyancing Act 1919 must be obtained, which can only be revoked, varied or modified at the request of the registered proprietor where it can be demonstrated to the Department's reasonable satisfaction that the property can accommodate a residential waste service to Council's requirements at the relevant time and with the consent of the Prescribed Authority, and which requires the registered proprietor or managing entity of the Burdened Lots to provide all waste and recycling services for the Development, is registered on title of Lots 1-4 DP 35028 (or any subsequent lots).~~

BASIX CERTIFICATION

F14. The Development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. ~~1766494M_02~~ **1766494M_06** and any updated certificate issued if amendments are made.

IN-FILL AFFORDABLE HOUSING

~~F15. A minimum of 6 dwellings within the Development must be used for the purpose of affordable housing as defined by the EP&A Act and State Environmental Planning Policy (Housing) 2021~~

~~F16. For a minimum period of 15 years commencing on the day an Occupation Certificate is issued for all parts of the building(s) to which this development relates. The Applicant must provide to the Certifier evidence that:~~

- ~~(a) the affordable housing component must be used for affordable housing;~~
- ~~(b) the affordable housing component must be managed by a registered community housing provider;~~
- ~~(c) notice of a change in the registered community housing provider who manages the affordable housing component must be given to the Registrar of Community Housing and the Consent Authority no later than 3 months after the change; and~~
- ~~(d) the registered community housing provider who manages the affordable housing component must apply the Affordable Housing Guidelines.~~

~~F17. Prior to the issue of any Occupation Certificate, the Applicant must provide to the Certifier evidence that:~~

- ~~(a) the affordable housing component is complete and ready for occupation;~~
- ~~(b) a restriction has been registered against the title of the site on which Development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, requiring:

 - ~~(i) all dwellings within the Development to be used for the purposes of affordable housing as defined by the EP&A Act and the State Environmental Planning Policy (Housing) 2021 for a minimum period of 15 years; and~~
 - ~~(ii) the affordable housing component must be managed by a registered community housing provider;~~~~
- ~~(c) an agreement with a registered community housing provider for the management of the affordable housing component has been given to the Registrar of Community Housing, including the name of the registered community housing provider; and~~
- ~~(d) the requirements of paragraphs (b) and (c) have been met and evidence has been given to the Consent Authority.~~

~~F18. The Applicant must use best endeavours to ensure that the affordable housing units are at full occupancy and by 30 June of each year, must submit to the Secretary a report relating to the previous 12 month period as to:~~

- ~~(a) the occupancy rate of the affordable housing units for that year; and~~
- ~~(b) compliance with the requirement in this condition to use best endeavours~~

3. Statutory Considerations & Engagement

3.1. State Significant Development & Power to Grant Consent

The approved project is State Significant Development under Schedule 1 of State Environmental Planning Policy (Planning Systems) 2021 as it is for the purposes of infill affordable housing. The Minister for Planning was the consent authority.

As demonstrated in Section 3.3, the development, as proposed to be modified, is substantially the same development as that originally approved. Therefore, the consent authority has the power to approve the modification application.

3.2. Statutory Requirements and Controls

The approved proposal was assessed in detail against all relevant statutory considerations and environmental planning instruments, including:

- Environmental Planning and Assessment Act 1979
- Biodiversity Conservation Act 2016
- Environmental Planning and Assessment Regulation 2021
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- Canterbury Bankstown Local Environmental Plan 2023

This included considerations related to permissibility and pre-conditions to the grant of approval. The proposed modification does not change any of the findings in the previous statutory assessment table submitted with the original application, nevertheless an updated table is provided in Appendix A to reflect the proposed modifications.

The modification does not alter the level of compliance with any of the previously assessed statutory requirements, with the exception of the Building Height controls established by the CBLEP 2023 and the Housing SEPP. The proposal includes a further increase in building height and increased level of non-compliance with these controls. The proposed building height has been considered in detail in Section 4.2 and Appendix R, having regard to the matters usually considered as part of a clause 4.6 variation request.

3.3. Section 4.55 of the Environmental Planning and Assessment Act

In our opinion, the nature and scale of the proposed modifications are such that the modification could be considered under **Section 4.55(1A)** of the EP&A Act, as the Department could be satisfied the proposed modification is of 'minimal environmental impact', for the reasons set out below. However, in case the Department is not satisfied that the scope of the modifications meet the requirements for consideration under Section 4.55(1A), consideration has also been given below to the additional matter for consideration under Section 4.55(2).

Section 4.55(1A) and (2) of the EP&A Act requires consideration of the following:

- ***the proposed modification is of no or minimal environmental impact:***

Physically, the proposed changes are essentially design refinements that do not materially affect the impacts of the proposed development. The only potential for any external impact are impacts associated with the proposed increase in building height by 1.45m. These impacts are considered to be 'minimal', noting that:

- the small increase in height does not change the number of proposed storeys and therefore would not materially change the overall presentation of the building or its overall contribution to the character of the area (refer also to discussion in Section 4.2 and Appendix R);
- the small increase in height results only in marginal shadow impacts, with all affected premises retaining in excess of 2 hours of solar access at mid-winter in accordance with applicable controls (Section 4.4 and Appendix E)
- the small increase in height does not result in any view loss impacts as there are no views over the subject site;
- the small increase in height results in numerous benefits, including improved servicing, waste management, delivery of affordable housing, improved safety and security outcomes as identified throughout this report

As demonstrated throughout this report, no other material impacts arise from any of the proposed physical modifications, with all other changes designed to comply with relevant requirements and to improve outcomes on the site. The change to affordable housing must be considered of 'no' impact, given it falls under the same land use definition, and can be carried out without development consent.

- ***the development is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified:***

The application seeks approval for a range of changes that do not materially affect the overall nature of the development for which consent was granted – being a 'mixed-use development including infill affordable housing'.

Physically, the amended proposal retains the fundamental components of the approved layout and spatial characteristics of the development. The amended proposal retains the same overall envelope and setbacks as the approved development, with only a small increase in building height. The deleted basement level will not be perceptible and otherwise the proposed amendments do not result in any fundamental change to the approved proportions of the building, the scale or bulk of the development, such that the modified proposal would appear generally the same as the approved development.

Internally, the amendments also do not result in any substantial change to the approved internal layout of the building, with commercial and communal space retained at the ground floor and

residential levels above.

Quantitatively, the proposed amendments do not alter the approved gross floor area or the number of apartments. The only significant quantitative change is a reduction in parking spaces, however the proposal remains fully compliant with the parking controls applicable to the site and therefore the amended proposal is “essentially or materially” the same as the approved development.

Qualitatively, the proposed change from market housing to affordable housing is not a material change noting both fall under the same land use definition and market housing can be used as affordable housing without any requirement for development consent.

Finally, the proposed modifications do not adversely affect any aspect of the approved development that was considered an essential or critically important component of the overall development as originally approved. On this basis the proposal is appropriately categorised as being “substantially the same” as required by Section 4.55(2) of the EP&A Act.

- ***consultation with the relevant Minister, public authority, or approval body in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval:***

Not applicable – there was no requirement for concurrence or general terms of approval under the original consent.

- ***the application has been notified in accordance with the regulations and any submission made concerning the modification has been considered:***

Notification is a matter for the Department. However, if any submissions are made, they can be addressed through a Response to Submissions, if required.

Under section 4.55(3) of the EP&A Act, consideration must also be given to the matters referred to in section 4.15(1) of relevance to the development. As discussed above, the original assessment comprehensively assessed the application against all relevant requirements under Section 4.15 of the Act and the modification would result in no material changes to the level of compliance with any applicable SEPPs or the Regulations, other than considerations relating to building height which have been comprehensively considered in Section 4.2 and Appendix R.

3.4. Community Engagement

Extensive consultation was carried out as part of the original application, including engagement with the community, government and statutory authorities. Further engagement as part of the development of this modification has not been undertaken, noting that:

- The nature and scale of the proposed modifications are relatively minor, will not materially alter the external impacts of the development, or how the development is perceived by the surrounding community.
- The proposed modification does not affect any of the findings or recommendations arising from the earlier engagement.
- All relevant stakeholders will be consulted through the modification application exhibition and notification process.
- Additional formal community engagement prior to lodgement would unreasonably delay lodgement and delivery of this important affordable housing.

4. Assessment of Impacts

This section provides a detailed assessment of the key impacts and matters for consideration arising from the proposed modifications. It is generally aligned with the matters for consideration established by the SEARs for the original application, where relevant to the modification.

4.1. Affordable Housing Delivery

The underlying purpose of all proposed changes is to enable the entire building to be retained in Home NSW's ownership and to deliver all residential dwellings as affordable housing. All of the modifications are proposed to meet the operational and design requirements of Homes NSW.

The modification results in an additional 92 affordable residential dwellings on the site and therefore makes a very significant contribution to affordable housing delivery in the locality generally, and provision of affordable housing in a strategic location, being within a local centre with access to services and amenities, as well as being in close proximity to a railway station.

Given government priorities in response to the current housing crisis, the proposal positively responds to national, State and local strategic planning objectives aimed at addressing existing housing affordability issues affecting NSW, and aligns with a variety of strategic framework policies, including the National Housing Accord, the Greater Sydney Region Plan, the Canterbury-Bankstown Local Strategic Planning Statement, and the Canterbury-Bankstown Housing Strategy.

As demonstrated throughout this section, the proposed modifications required to enable the retention of the site by Homes NSW do not result in any significant adverse impacts, and any minor impacts are more than offset by the very significant benefits of affordable housing delivery.

This modification also seeks deletion of F15 to F18, being standard conditions imposed for in-fill affordable housing to meet the requirements of section 21 of the Housing SEPP and section 82 of the Regulations. However, as Homes NSW now intends to retain ownership of the entire site, and as provided by section 21(2) of the Housing SEPP and section 82(1) of the Regulations, the provisions do not apply to development carried out by or on behalf of the Land and Housing Corporation (Homes NSW). The conditions therefore cannot be imposed and should be deleted.

4.2. Design Quality, Built Form & Visual Impacts

4.2.1 Building Height, Scale and Setbacks

The proposed modified building retains the same overall scale and form as the approved building and the same boundary setbacks. Total floor space remains the same, although floorspace and floorplates at the residential levels have been slightly reduced, resulting in some minor changes to facade modulation (discussed below in Section 4.2.2). Therefore the only material change to the overall built form is a small increase in building height.

Building Height

The proposed development is subject to a building height control of 26 metres, being the 20 metre building height established by Canterbury Bankstown Local Environmental Plan (CBLEP) 2023 plus an additional 30%, pursuant to the in-fill affordable housing provisions of the Housing SEPP.

The development as approved would have a building height of 27.25m, and the variation to the 26m control was assessed as acceptable, having regard to the provisions of CBLEP2023 Clause 4.6 - Exceptions to Development Standards.

The proposed modification includes an additional increase in building height of 1.45m, resulting in maximum building height of 28.7m and a total height variation of 2.7 metres, or 10%.

The change to building height, and the extent of the non-compliance can be seen in Figure 12. Essentially, the modification will result in a building that presents as half a storey higher than expected by the planning controls, although the non-compliant elements will not be readily discernible from the immediate public domain, noting the upper floors of the building are already setback from the main building line and therefore are not visually prominent within the streetscape.

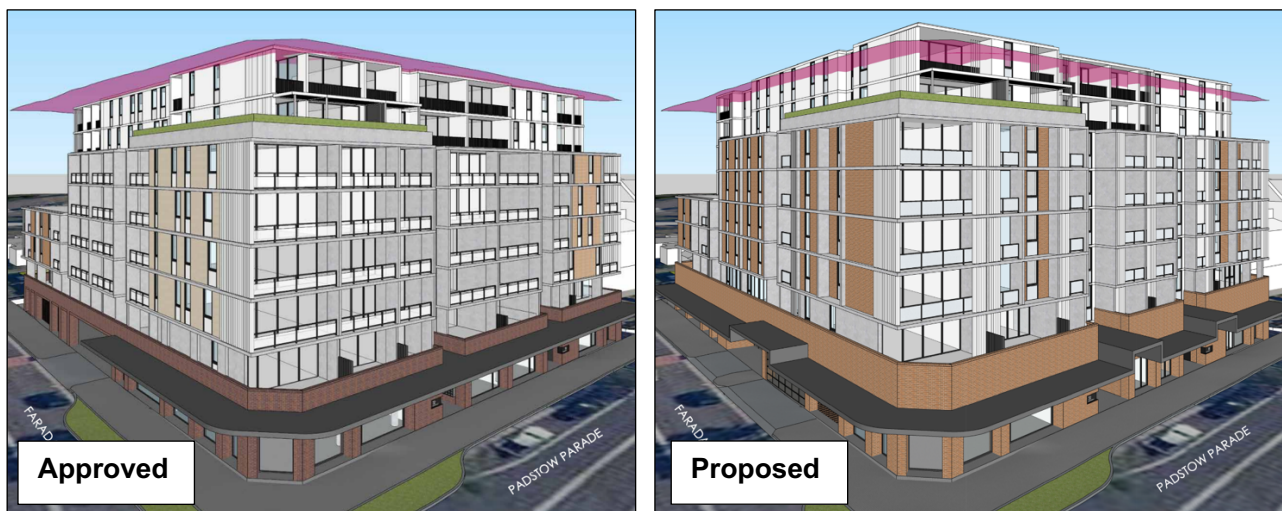


Figure 12: Perspective images of approved and proposed modified development with 26m building height plane
(source: Bonus + Associates)

As discussed in Section 2.2 and 4.10, the modification is necessary to enable the site to be delivered as 100% affordable housing and will remove a significant on-going waste management cost that was created by the original application. Specifically, the increase in building height is the increase required to the ground floor level ceiling height in order to accommodate a heavy rigid vehicle (HRV), or Council's waste management trucks.

Although a clause 4.6 variation request is not technically required for modification applications, a similar report has been prepared to support the variation from the building height control (Appendix R). The report concludes that, consistent with the objectives of Clause 4.6, an appropriate degree of flexibility should be applied to the application of the building height development standard as it would achieve better outcomes for and from the development in this case, as:

- The additional building height enables the entire residential component of the development to be delivered as affordable housing, resulting in a significant improvement to the provision of affordable housing, in line with key Government objectives and priorities,
- Despite the non-compliance, the proposed development would achieve the relevant objectives of both the CBLEP 2023 building height control, as well as the objective of the Housing SEPP provisions, and
- The non-compliance results in no unacceptable environmental consequences.

Further, as seen in Figure 13, the new planning controls for the Padstow Local Centre include a range of building heights, including areas where 26 metre buildings are expected under CBLEP2023, allowing for 33.8m high buildings with affordable housing. As such, the proposed development will sit comfortably within the range of built form heights likely to emerge in the centre under the new controls.



Figure 13: Perspective image of proposed modified development within the likely future site context
(source: Bonus + Associates)

4.2.2 Design Quality, Façade Design, Finishes and Activation

The overall design of the approved building and the building facades were developed in consultation with the State Design Review Panel and incorporates a number of design elements to ensure appropriate outcomes for visual massing, the streetscape, and neighbour amenity.

The proposed modifications result in some changes to the façade presentation. Key changes include:

- Height of brick base to the building increased in height by 1.45m
- Additional loading dock access door to accommodate HRV
- Height of shopfront glazing increased from 2.7m to 3.0m
- Width of residential entry lobbies increased, width of commercial tenancy reduced accordingly
- Padstow Parade awning revised to improve the visibility of the residential entry lobbies
- Commercial shop fronts to Faraday Road revised (overall length of active façade increased)
- Screening provided to sub-station
- Location and arrangement of residential windows and balconies revised to reflect the revised apartment layouts, including reduction in extent of balconies to Faraday Road
- Vertical louvre privacy screens added to screen clothes drying facilities
- Balustrade design revised to suit Homes NSW requirements for privacy and durability



Figure 14: Perspective images of approved and proposed modified development as viewed from Padstow Parade
(source: Bonus + Associates)



Figure 15: Perspective images of approved and proposed modified development as viewed from Faraday Road
(source: Bonus + Associates)

Despite these changes, the key elements of the original facade design are all retained, including:

- Establishment of a pedestrian friendly scale to the building with a clearly distinguished permeable face brick masonry plinth to the base with extensive glazing to shopfronts and awning which visually separates the ground floor from the upper levels.
- The residential levels are highly articulated, with vertical recesses included on both streetscape elevations that break up the building massing and respond to the original pattern of subdivision and the traditional fine grain pattern of shop fronts opposite the site.
- Variations in materials and finishes at these levels including white painted Hebel panels, off-form concrete, framed glass balustrading, louvered privacy screening, as well as elements of brick veneer facades to add visual interest and pick up on the traditional use of facebrick in the Padstow Local Centre.
- Retention of active facades on Padstow Parade (recognised as an Active Street frontage under CBLEP2023) and improvement to the quantum of active frontage on Faraday Road (in a revised arrangement).

As such, the proposal retains the high-quality façade design of the approved development.

4.2.3 Visual Impact

The proposed modified development is not expected to result in any material additional visual impacts

As demonstrated above and in Figure 13, despite the proposed modest increase in building height, once surrounding sites are developed as expected under current planning controls (including the likely application of affordable housing uplift to at least some of the other sites in the centre), the proposed development would be unlikely to have any material visual impacts, as it would present as similar in scale to other development in the town centre. As viewed from any vantage point it would fit comfortably within the range of building scales and heights expected for the centre, and as viewed from a distance, it would barely be discernible in the context of the wider town centre.

Further, the visual Impacts of building bulk and scale are mitigated through the use of modulation and articulation to the building form, and as demonstrated above, the modified development retains key façade elements which visually break up the façade massing, and assists to relate the building to the likely future scale of adjacent development.

4.2.4 Building Code of Australia Compliance and Accessibility

There is nothing specific to the proposed modification that gives rise to any concerns regarding compliance with the BCA or accessibility. In fact, in order to meet Home NSW's requirements, the modification significantly improves accessibility outcomes on the site. Specifically:

- The number of Silver level liveable dwellings is increased from 37 to 49 dwellings
- The number of Gold level liveable dwellings is increased from 24 to 64 dwellings
- The number of accessible car parking spaces is increased from 4 to 11 spaces

An updated BCA Report is provided at Appendix N and an updated Accessibility Assessment is provided at Appendix O.

4.3. Trees & Biodiversity

No changes are proposed to tree removal.

The proposal includes some changes to tree planting in the communal open space and to the location of street trees on Faraday Road due to the proposed changes at ground level. However the overall number of proposed new trees is slightly increased (with one additional tree in the COS), overall canopy cover is generally consistent with the approved development, and proposed plantings are predominantly endemic and native species, assuring no material changes for biodiversity outcomes compared to the development as approved.

4.4. Environmental Amenity

4.4.1 Internal Amenity

Unit Design

To meet the requirements of Homes NSW, the proposal includes some changes to unit and balcony sizes and layouts, including a reduction in some balcony sizes. However, as with the approved development, the modified proposal has been designed to comply with the internal amenity standards for residential flat buildings established by Chapter 4 of the Housing SEPP and the ADG. The proposal therefore achieves high levels of internal amenity with regard to solar access, natural ventilation, apartment size

and layout, provision of private open space, storage and circulation. Refer to the detailed ADG compliance assessment at Appendix F.

Communal Open Space

The modification also proposes changes to the communal open space (COS), and communal space generally, including:

- Reduction in the overall size of the central courtyard COS from 725m² approved to 697m² proposed.
- A proposed new shared residential common room of 65m². The common room is directly adjacent to and accessible from the communal open space. The modification therefore results in total communal space of 762m², a net improvement on the total communal space available.
- Updates to the design of the COS to reflect the revised layout arrangements. Overall tree planting and canopy cover within the space is slightly improved with 11 trees proposed (6 small and 5 medium trees) in place of 10 trees (8 small and 2 medium). A range of different spaces for passive recreation are retained in a revised layout.
- Removal of commercial tenant access to the COS, so that it is entirely for the use and enjoyment of the building residents.

Key changes can be seen in Figure 7.

The ADG recommends communal open space should be at least 25% of the site area, but also acknowledges that developments in business zones may not be able to achieve the design criteria. With the inclusion of the western setback, the proposal exceeds expectations for communal open space under the ADG, as total communal open space is equivalent to 30% of the site area. If this area is resumed for the purpose of a laneway in the future, total communal open space would be exactly 25% of the revised site area, in addition to the proposed common room which can serve as an extension to this space

The revised proposal therefore fully complies with and exceeds expectations for communal space provision.

4.4.2 Neighbour Amenity: Overshadowing

Shadow diagrams prepared by Bonus + Associates (Appendix E) demonstrate that additional shadow impacts from the proposed 1.45m building height increase would not be significant.

Importantly, as with the approved development, the affected residential premises at 12 - 20 Faraday Road, would continue to receive at least 2 hours of solar access in the afternoons mid-winter, consistent with requirements of the ADG, and therefore ensuring a good level of amenity is retained to those premises. Premises on the opposite side of Faraday Road, would also retain in excess of 2 hours of solar access in the mornings in midwinter.

4.4.3 Neighbour Amenity: Visual Privacy, Visual Amenity and Views

The proposed modification results in no material change to visual privacy outcomes with orientation, openings, and building setbacks essentially unchanged by the proposal. If anything, privacy outcomes are slightly improved, with some balcony sizes and building floorplates adjacent to neighbouring residential premises slightly reduced.

In the context of the approved development, the proposed change to building height is also unlikely to noticeably affect the visual amenity of neighbouring development noting the overall development

minimises visual impacts to immediate neighbours through the use of variations in massing and façade articulation, as well as setback landscaping.

It is also noted there are no existing material views over the subject site and the proposed modification therefore does not result in any view loss impacts.

4.4.4 Wind Impacts

This proposed modification does not materially change the overall building envelope or floorplate layout and therefore is not expected to alter the findings of the Pedestrian Wind Environment Statement submitted with the original application. It is intended to retain all mitigation measures identified in that report, in accordance with the conditions of consent, including measures relating to landscaping and tree planting, fencing, ground floor awnings, balustrade and balcony design.

4.4.5 Crime Prevention: CPTED

The original application was assessed against the Safer by Design Manual by the NSW Police Force, and the four principles of 'crime prevention through environmental design' (CPTED) in 'Crime Prevention and the assessment of development applications'. In this regard, the proposed modification retains all the key elements of the original application, including:

- Natural surveillance of the public domain and communal open space
- Effective lighting of communal spaces and entries
- Mechanical surveillance through CCTV
- Access controlled building entries
- Wayfinding signage

No changes are required to the CPTED mitigation measures established by the original assessment and required by condition B9.

The modification also improves security outcomes on the site and resolves concerns raised during the assessment of the original application in relation to commercial tenants requiring access through the residential communal spaces. The proposed modification, including relocated loading dock, new commercial lift and lobby, and removal of openings between the commercial tenancies and the central courtyard, enables the communal residential spaces to be kept entirely separate from the commercial spaces, improving the security for these spaces.

4.5. Ecologically Sustainable Development

No material changes are proposed to the ESD measures established by the original approval including photovoltaics, rainwater capture and reuse, energy and water efficient appliances / fixtures and EV-ready car spaces.

The proposal also improves outcomes for sustainability with balconies specifically designed to accommodate outdoor clothes drying, storage designed specifically to enable bicycle parking and reduced onsite car parking to encourage use of sustainable forms of transport.

The modification request is accompanied by an updated BASIX certificate and an ESD Report in support of the modification (Appendices J to M).

4.6. Traffic, Transport and Access

Traffic impacts of the modification are assessed in the revised Traffic Impact assessment (TIA) prepared by Traffix at Appendix I and summarised as follows.

4.6.1 Parking

The modification includes a reduction in onsite car parking, from 149 spaces approved to 73 spaces proposed, noting that:

- Residential parking demand is reduced in accordance with section 19 of the Housing SEPP, as affordable housing requires a lower rate of parking compared to market housing, and
- Commercial floorspace parking demand is reduced commensurate with the reduction in commercial floor space.

As shown in Table 2, the proposal still exceeds the minimum carparking requirements applicable to the site.

Table 2: Car parking rates applicable to the development

Proposed Development	Parking Rate	Required Spaces
Residential	Housing SEPP s19 (2) (e) (minimum rates)	
Affordable Dwellings		
1 Bedroom 44	0.4	18
2 Bedroom 60	0.5	30
3 Bedroom 9	1.0	9
<i>Total Residential</i>		57
Commercial	CBD/CP Off Street Parking Schedule: 'retail premises' in the former Bankstown LGA'	
493m ²	1 per 40m ² GFA	12
<i>Total Commercial</i>		12
Total required		69
Total proposed		73

Accessible parking is also significantly improved under the proposal, from 4 spaces approved to 11 spaces proposed and more than exceeds applicable requirements.

The modification also includes two motorcycle parking spaces, an improvement from the approved development which did not cater for motorbikes. It is noted there are no specific requirements for motorcycle parking under Council's DCP or any other statutory controls.

The modified development also includes bicycle parking in accordance with Council's DCP, incorporating: 2 commercial bicycle spaces and end of trip facilities and 11 residential visitor spaces (all relocated from the ground floor to the basement)

Bicycle parking for residents is also significantly improved under the proposal, as all residential storage cages have been specifically designed to enable bicycle storage.

4.6.2 Traffic Generation

As noted in the TIA, the proposed modification would result in a reduction in traffic generation and reduced traffic impacts, given commercial floorspace is reduced under the proposal.

In addition, residential parking is significantly reduced under the proposal, ensuring that a greater proportion of residents would be reliant on alternative and sustainable non-car forms of travel.

4.6.3 Vehicle Access and Servicing

The modified development includes revised access and servicing arrangements, including a separate service vehicle entry and revised loading arrangements, as well as revised circulation and basement ramp for general vehicles.

As identified in the TIA, the revised layout complies with all relevant Australian standards, and swept path diagrams are provided to demonstrate vehicle access arrangements.

In this regard the proposed modified development results in superior outcomes compared to the approved development as it:

- enables improved servicing, inclusive of HRVs and Council waste trucks, consistent with Council DCP recommendations, and resolves a key concern of Council during the assessment of the original application
- separates the service vehicle access and manoeuvring from the general residential and commercial vehicle access, with associated improvements to safety and reduction in potential for vehicle conflicts.

4.7. Noise & Vibration

The reduced basement excavation (as a result of the proposed deletion of one basement level) would materially improve construction length, and the construction noise and vibration impacts.

Otherwise, the noise and vibration impacts of the proposal would generally remain unchanged, with all impacts mitigated by existing conditions of consent, and the recommendations of the approved Noise and Vibration Impact Assessment.

4.8. Ground & Water Conditions, Contamination

The reduced basement excavation also results in reduced potential for geotechnical impacts, reduced potential impacts to groundwater, and reduced impacts from earthworks generally.

Existing mitigation measures or requirements under the consent in regard to geotechnical requirements, groundwater management, contamination and remediation, or requirements for earthworks generally are all retained and continue to ensure the proposal does not result in any unacceptable impacts.

4.9. Water Management & Flood Risk

Water management arrangements are generally unchanged, although the revised ground floor layout has resulted in the relocation of the proposed onsite detention tank and a minor revision to the capacity of the tank.

All other water management measures (water quality devices, water efficiency measures, rainwater harvesting system) generally remain unchanged.

Updated Civil Plans and an updated Integrated Water Management Plan are provided at Appendix H and Appendix Q to reflect the minor revision to stormwater management in this regard.

As identified on the original EIS, the site is not affected by flooding and the modified proposal results in no impacts for flood risk on or surrounding the site.

4.10. Waste Management

The proposed modifications result in significant improvements for operational waste management.

A key concern of Council throughout the assessment of the original application was the building had not been designed to accommodate Council's waste collection vehicles. This resulted in a requirement for the future owners to pay for private residential waste collection in addition to paying Council waste management charges for a service that would not be able to be provided.

As Homes NSW now intends to retain ownership of the entire property and to deliver all housing on the site as affordable housing, it is essential to manage ongoing operational costs, including waste management costs. Payment for both private and Council waste management is no longer feasible.

The modification design has therefore relocated the loading dock and increased the size and height of the loading dock to enable accommodation of Council waste trucks.

It is also proposed to relocate the waste storage area from the basement level to the ground floor adjacent to the loading dock. The size of the waste storage area has been designed following earlier advice from Council, that 2 x weekly residential waste collections will be possible, resulting in a requirement for:

- 8 x 1,100 litre residential general waste bins.
- 13 x 1,100 litre residential recycling waste bins.
- 12 x 240 litre residential organic waste bins
- Residential bulky waste storage area of 15m²

Appropriate provision for commercial waste storage has also been included and relocated from the basement to the ground floor.

A revised Operational Waste Management Plan is provided at Appendix P.

The proposed modification therefore results in improved waste outcomes on the site and brings the site into compliance with Council's waste management requirements.

As a result of the proposed modifications, it is requested that condition E38, which required private residential waste collection, be deleted.

4.11. Environmental Heritage and Aboriginal Cultural Heritage

The proposed modifications would result in no material changes to the original assessment with respect to heritage. As noted in the original EIS,

- The ACHAR identifies that as no Aboriginal sites, objects or areas of archaeological potential were identified as part of the assessment, the works may proceed with caution and subject to recommendations, all of which are unaffected by the proposed modification.

- The site does not contain any listed heritage items, is not within a conservation area, nor is it within the vicinity of any items of environmental heritage.

4.12. Social Impact

The original application was accompanied by a Social Infrastructure Assessment (SIA), which identified the proposal resulted in both positive and negative social impacts. As summarised in the EIS, these included:

Positive Outcomes:

- *Long-term benefits associated with the wider community benefit of providing 113 apartments that will contribute to broader local and state government strategic priorities for housing diversity, accessibility and affordability.*
- *Long-term social impacts with benefits over the Wide Social Locality, including meeting some of the existing demand for new and affordable housing in the region, including the provision of 15% affordable housing.*
- *Strategic planning benefits of redeveloping an underutilised site with opportunities for new small-scale commercial and retail tenancies, and streetscape and open space improvements surrounding the site will bring long term benefits to the Padstow Local Centre.*
- *The increased supply of affordable and social housing is likely to be transformational in significance for the people these dwellings benefit.*
- *Associated positive impacts as housing as a key impact on health and wellbeing, physical amenity, safety and security, access to services and other dimensions of people's lives.*

Negative Outcomes:

- *Short-term impacts during the construction phase, including noise, truck and vehicle movement in and around the site, and parking.*
- *The way immediate neighbours experience the site will change, including visual impacts associated with increased building density on the site, generally more foot and vehicle traffic and changes to the appearance and functioning of the site.*

On the basis of this assessment, the proposal as sought to be modified, must:

- result in additional positive outcomes and social benefits through the provision of additional social and affordable housing, and
- not result in any additional negative outcomes, noting the previously assessed negative outcomes relate to the construction phase (which will be slightly reduced in length and scope as discussed due to removal of a basement level), the change in appearance of the site (which will not be materially altered by the modification as discussed on Section 4.2) and vehicular traffic (which would be reduced under the modification as discussed in Section 4.6).

Further, no change is proposed or required to the mitigation measures established by the SIA, which specifically related to construction management, including the development of a Construction Environmental Management Plan, a Construction Traffic Management Plan and a Construction Stakeholder Engagement Strategy.

As such, and as confirmed with Department staff, there is no requirement for further Social Impact Assessment related to the modification.

4.13. Infrastructure & Utilities

No material changes are proposed to infrastructure or utility servicing arrangements, and the proposal does not result in any changes to demand for infrastructure and utilities. Existing conditions of consent will continue to apply to ensure appropriate serving and infrastructure arrangements.

4.14. Bushfire & Aviation

As per the original EIS, the site is not mapped as bushfire prone, nor is it within any airport flight path.

4.15. Construction, Operation & Staging

No changes are proposed to overall construction, operation, or staging arrangements, or to the associated conditions of consent.

Due to the deleted basement level, a reduction in the bulk excavation timeframe (from 16 weeks to 10 weeks) is expected, as well as an improvement to the overall construction timeframe, allowing the affordable housing to be delivered sooner and reducing the extent of construction impacts.

4.16. Contributions & Public Benefit

Condition A7 requires contributions to be paid to Council in accordance with the provisions of the Canterbury-Bankstown Local Infrastructure Contributions Plan 2022, but does not include a specific contribution amount. No change is required to the condition, but we note that in accordance with Council's Contributions Plan, as affordable housing is exempt from payment of contributions, the final amount payable to Council will only be calculated based on the cost of the commercial component of the development.

Condition A8 requires payment of the Housing and Productivity Contribution of \$963,488.91. Noting that affordable housing is exempt from contributions (in accordance with Schedule 2 of the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023), it is requested that Condition A8 be amended to reflect the modified development – that is to only apply contributions to the proposed commercial floorspace.

At 493 m² commercial GFA x \$32.35 per square metre of commercial development, this equates to \$15,948.55.

5. Justification of Modified Project

As recommended by the *'State Significant Development Guidelines – Preparing a modification report'* (DPIE October 2022), this modification report includes the following updated Project Justification.

5.1. Affordable Housing and Strategic Alignment

The proposed development responds to national, State and local strategic planning objectives aimed at addressing existing housing availability and affordability issues affecting NSW. In particular, the modified proposal seeks to deliver a substantial increase in the provision of new affordable housing, being well-located within a local centre with access to services and amenities, as well as being in close proximity to a railway station. The development therefore aligns with a government strategic framework policies, including the National Housing Accord, the Greater Sydney Region Plan, the Canterbury-Bankstown Local Strategic Planning Statement, and the Canterbury-Bankstown Housing Strategy to address housing supply and affordability and to locate new housing in accessible locations.

In addition, the proposal responds to new strategic planning objectives for the Padstow Local Centre, providing a high quality architecturally designed mixed-use development with active street frontages which will contribute to expanding and revitalising the site and the Padstow Local Centre consistent with the strategic objectives of the new planning controls.

5.2. Statutory Alignment

As identified in the Modification Report and **Appendix A**, the proposed development, as modified remains compliant with all relevant statutory requirements, including requirements in relation to permissibility, and the pre-conditions to exercising the power to grant approval, as well as any mandatory matters for consideration. In addressing these statutory requirements, both the original EIS and the Modification Report have given due consideration where relevant to the requirements of:

- Environmental Planning and Assessment Act 1979
- Biodiversity Conservation Act 2016
- Environmental Planning and Assessment Regulation 2021
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Housing) 2021 – Chapter 2 – Affordable Housing
- State Environmental Planning Policy (Housing) 2021 – Chapter 4 – Design Quality of Residential Apartment Development and the Apartment Design Guide
- State Environmental Planning Policy (Sustainable Buildings) 2022
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- Canterbury Bankstown Local Environmental Plan 2023

As demonstrated, the proposal is consistent with the planning objectives and intended outcomes of all applicable controls and instruments and is compliant with relevant statutory requirements.

5.3. Environmental Impacts

Environmental impacts were considered in the original assessment, including, but not limited to, consideration of built form and amenity impacts, noise, traffic, water, wind, heritage, soil and geotechnical impacts. Further detailed consideration has been given to these issues where relevant to the proposal as modified. This Modification Report demonstrates that the modified proposal will not result in any

unacceptable environmental impacts and adopts appropriate management and mitigation measures to ensure appropriate outcomes for the natural and built environment.

5.4. Social Impacts

The modified development will also result in positive social benefits for the area, including:

- Long-term benefits associated with the wider community benefit of providing 113 affordable apartments that will contribute to broader local and State government strategic priorities for housing diversity, accessibility and affordability.
- Long-term social impacts with benefits over the Wide Social Locality, including meeting more of the existing demand for affordable housing in the region, with the provision of 100% affordable housing.
- Strategic planning benefits of redeveloping an underutilised site with opportunities for new small-scale commercial and retail tenancies, and streetscape and open space improvements surrounding the site will bring long term benefits to the Padstow Local Centre.
- The increased supply of affordable and social housing is likely to be transformational in significance for the people these dwellings benefit.
- Associated positive impacts as housing is a key component of the health and wellbeing, physical amenity, safety and security, access to services and other dimensions of people's lives.

Negative social impacts predominantly relate to construction impacts and remain appropriately managed through construction management plans and standard conditions of consent.

5.5. Economic Impacts

Importantly, the provision of affordable housing in an accessible location also enables workers, including key workers, to readily access employment locations, with associated benefits for the local and NSW economy. Other economic benefits of affordable housing also arise as residents are provided with affordable rental rates, thereby reducing the proportion of their income spent on rent and have greater disposable income to contribute to the local economy.

The proposal as modified will also generate positive economic impacts through the capital investment in the local area, the creation of construction jobs, and the creation of new operational jobs.

The provision of a development which adds to the quality of the local building stock and encourages further activation and revitalisation of the area will also have positive economic benefits for the locality.

The additional commercial activity on the ground floor will add to the economic activity in the centre.

Further, as a result of the development, the future population will contribute to the local economy as they access local shops and services.

5.6. Suitability of the Site

The site is located in the Padstow Local Centre, where the proposed development is not only permissible under the applicable zoning as 'B2 Local Centre', but expected by the applicable planning controls. The modified proposal continues to respond to the emerging desired future character of the surrounding neighbourhood recently established by the new planning controls.

The site is ideally located for the proposed development, having excellent access to transport, amenities and services, and does not include any significant constraints which would materially affect delivery of the proposed development.

5.7. Public Interest

The proposed development is considered to be in the public interest as:

- It will increase the supply of affordable housing in a highly accessible location.
- It will revitalise the site in accordance with the strategic vision for the Padstow Local Centre.
- It is consistent with applicable planning controls and objectives.
- It is of a high-quality design that significantly improves the contribution of the site to the streetscape and the quality of local building stock.
- It provides for economic investment in the region and creates direct employment opportunities during both the construction and operational phases of the proposal.

6. Conclusion

This modification application has been prepared having regard to s4.55 of the Environmental Planning and Assessment Act 1979 in support of a Modification to an approved State Significant Development for the purposes of a mixed-use development including in-fill affordable housing at 30-34 Padstow Parade and 10 Faraday Road, Padstow.

This Modification has been prepared in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and State Significant Development Guidelines – Preparing a modification report (DPIE October 2022),

The report demonstrates the environmental impacts of the modified development have been appropriately assessed, with consideration given to the natural environment, built environment and social and economic impacts, and confirms the modified development will not give rise to any unacceptable environmental impacts and adequate mitigation measures will be retained to manage and address potential impacts.

In addition, the proposed modifications will result in numerous positive outcomes, as:

- It responds to a current urgent need for affordable housing in NSW, delivering an additional 92 affordable dwellings that directly contribute to NSW's affordable housing targets. It delivers this affordable housing in a highly accessible location with excellent access to amenities and services of the local centre.
- It results in improved waste management arrangements and improved servicing arrangements in accordance with Council controls
- It provides improved vehicle safety with servicing separated from residential and commercial vehicle access
- Activation on Faraday Road is improved under the modification
- Total communal space available to residents is improved, and the safety and security of this space is also improved due to complete separation from commercial tenancies
- Deletion of a basement level results in reduced earthworks and reduced impacts through the construction phase
- Accessibility outcomes are improved with additional accessible parking and improved quantum of gold and silver liveable dwellings
- Reduced parking provision results in less traffic impacts and encourages a greater reliance on sustainable forms of transport

Any perceived negative impacts of the proposal are of no material effect and more than outweighed by the substantial positive benefits, noting:

- the small addition to building height can be readily accommodated without any unacceptable impacts to neighbour amenity of the remerging character of the locality,
- The reduced parking provision fully complies with expectations and requirements under the Housing SEPP.

Otherwise, the proposal will not result in any material changes compared to the approved development, retaining the overall building arrangement, setbacks, façade quality, gross floor area, amenity measures, sustainability measures and mitigation measures adopted as part of the approved proposal.

On this basis, the proposed modification is considered suitable for the site, in the public interest and warrants approval by the Minister for Planning and Public Spaces or the Minister's delegate.