

Modification of Development Consent

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

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



David Glasgow
Team Leader
Key Sites and TOD Assessments

Sydney

1 May 2026

File Number: EF25/19919

SCHEDULE 1

Development consent:	SSD 71454960 granted by the Minister of Planning and Public Spaces on 14 June 2025
For the following:	Affordable housing redevelopment comprising: <ul style="list-style-type: none">• demolition of existing structures• tree removal and bulk earthworks• construction of four, three storey and two, part three, part four storey residential flat buildings with 144 affordable and social dwellings• basement parking• communal open space• landscaping and infrastructure services
Applicant:	New South Wales Land and Housing Corporation
Consent Authority:	Minister for Planning and Public Spaces
The Land:	195-213 Fitzgerald Avenue & 40-64 Yorktown Parade, Maroubra Lot 1 DP 668769, Lot 248 DP 36345 and Lot 249 DP 36345
Modification:	SSD 71454960 MOD 1 to amend the building envelope, landscaping, basement parking and internal layout.

SCHEDULE 2

1. Part A Administrative Conditions, Condition A1 is modified by inserting the **bold and underlined** words/numbers and deleting the **~~bold and struck out~~** words/numbers as follows:

Terms of Consent

A1. The Development must be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with the EIS, the Applicant's response to submissions, and the Applicant's response to requests for further information; and
- (c) **As amended by, and in accordance with, the following modification applications:**
 - (i) **Section 4.55(1A) Modification Application report prepared for SSD 71454960 Mod 1 by TBA Urban dated 1 December 2025 and Response to Request for Information prepared by TBA Urban dated 3 February 2026.**
- (d) in accordance with the approved plans in the table below, as modified by the conditions of this consent:

Architectural drawings prepared by SJBHayball			
Drawing Number	Rev	Name of Plan	Date
DA-0103 <u>AR.DA-0103</u>	<u>B</u> A	Site Plan	07.02.2024 <u>21.11.2025</u>
DA-0252 <u>AR.DA-0252</u>	<u>B</u> A	Demolition Plan – Level 00	07.02.2024 <u>21.11.2025</u>
DA-0801 <u>AR.DA-0801</u>	<u>B</u> A	3D Overall Axonometric - Sheet 1	07.02.2024 <u>21.11.2025</u>
DA-0802 <u>AR.DA-0802</u>	<u>B</u> A	3D Overall Axonometric - Sheet 1 <u>42</u>	07.02.2024 <u>21.11.2025</u>
DA-1002 <u>AR.DA-1002</u>	<u>B</u> A	Floor Plan – Lower Ground	07.02.2024 <u>21.11.2025</u>
DA-1003 <u>AR.DA-1003</u>	<u>B</u> A	Floor Plan - Ground	07.02.2024 <u>21.11.2025</u>
DA-1004 <u>AR.DA-1004</u>	<u>B</u> A	Floor Plan – Level 1	07.02.2024 <u>21.11.2025</u>
DA-1005 <u>AR.DA-1005</u>	<u>B</u> A	Floor Plan – Level 2	07.02.2024 <u>21.11.2025</u>
DA-1006 <u>AR.DA-1006</u>	<u>B</u> A	Floor Plan – Level 3	07.02.2024 <u>21.11.2025</u>
DA-1010 <u>AR.DA-1010</u>	<u>B</u> A	Floor Plan - Roof	07.02.2024 <u>21.11.2025</u>
DA-1401 <u>AR.DA-1401</u>	<u>B</u> A	Elevations – Sheet 1	07.02.2024 <u>21.11.2025</u>
DA-1402 <u>AR.DA-1402</u>	<u>B</u> A	Elevations – Sheet 2	07.02.2024 <u>21.11.2025</u>
DA-1501 <u>AR.DA-1501</u>	<u>B</u> A	Overall - Sections	07.02.2024 <u>21.11.2025</u>
DA-1503 <u>AR.DA-1503</u>	<u>B</u> A	Building 1 – Core 1A-B - Entry	07.02.2024 <u>21.11.2025</u>

DA-1504 <u>AR.DA-1504</u>	B A	Building 1 – Core 1C-D - Entry	07.02.2024 <u>21.11.2025</u>
DA-1510 <u>AR.DA-1510</u>	B A	Building 1 – Core 1A	07.02.2024 <u>21.11.2025</u>
DA-1511 <u>AR.DA-1511</u>	B A	Building 1 – Core 1B	07.02.2024 <u>21.11.2025</u>
DA-1512 <u>AR.DA-1512</u>	B A	Building 1 – Core 1C	07.02.2024 <u>21.11.2025</u>
DA-1513 <u>AR.DA-1513</u>	B A	Building 1 – Core <u>1</u> D	07.02.2024 <u>21.11.2025</u>
DA-1514 <u>AR.DA-1514</u>	B A	Building 2 – Core 2A	07.02.2024 <u>21.11.2025</u>
DA-1516 <u>AR.DA-1516</u>	B A	Building 2 – Core 2C	07.02.2024 <u>21.11.2025</u>
DA-4050 <u>AR.DA-4050</u>	B A	Apartment Types	07.02.2024 <u>21.11.2025</u>
DA-8101 <u>AR.DA-8101</u>	B A	Area Plans - GFA	07.02.2024 <u>21.11.2025</u>
DA-8106 <u>AR.DA-8106</u>	B A	Area Plans – Deep Soil	07.02.2024 <u>21.11.2025</u>
Landscape Plans prepared by McLean Design			
LDA-01	C E	General Arrangement Plan	12.08.24 <u>21.11.2025</u>
LDA-02	C E	Landscape Finishes Plan	12.08.24 <u>21.11.2025</u>
LDA-03	C E	Landscape Grading & Drainage Plan	12.08.24 <u>21.11.2025</u>
LDA-04	C E	Landscape Long Section	12.08.24 <u>21.11.2025</u>
LDA-05	C E	Landscape Planting Plan – Tree Planting	12.08.24 <u>21.11.2025</u>
LDA-06	C E	Plant Imagery - Trees	12.08.24 <u>21.11.2025</u>
LDA-07	C E	Landscape Planting Plan – Understorey Planting	12.08.24 <u>21.11.2025</u>
LDA-08	C E	Plant Imagery - Understorey	12.08.24 <u>21.11.2025</u>
LDA-09	C E	Plant Material Schedule	12.08.24 <u>21.11.2025</u>
LDA-10	C	Landscape Lighting Plan	12.08.24
LDA-11 <u>LDA-10</u>	C E	Landscape Details <u>Plan</u>	12.08.24 <u>21.11.2025</u>
LDA-12 <u>LDA-11</u>	C E	Landscape Soil Depths	12.08.24 <u>21.11.2025</u>
LDA-13 <u>LDA-12</u>	C E	Tree Canopy Coverage	12.08.24 <u>21.11.2025</u>

Civil Plans prepared by Mott MacDonald Robert Bird Group			
103419-MMD-MAR-XX-DR-C-0014	P2	Erosion And Sediment Control Plan	10.10.24
103419-MMD-MAR-XX-DR-C-0015	P2	Erosion And Sediment Control Details	10.10.24
103419-MMD-MAR-XX-DR-C-0020	P2	Bulk Earthworks Plan	10.10.24
103419-MMD-MAR-XX-DR-C-0054	P2	Basement-01 Drainage Plan	10.10.24
103419-MMD-MAR-XX-DR-C-0064	P2	Ground Floor Drainage Plan	10.10.24
103419-MMD-MAR-XX-DR-C-0334	P2	On-Site Detention Section and Details	10.10.24
103419-MMD-MAR-XX-DR-C-0344	P2	Stormwater Drainage Details	10.10.24
103419-MMD-MAR-XX-DR-C-0514	P2	Water Quantity Catchment Plan	10.10.24
<u>25213-RGB-XX-XX-CV-DR-81001</u>	<u>P02</u>	<u>Erosion and Sediment Control Plan</u>	<u>23.10.25</u>
<u>25213-RGB-XX-XX-CV-DR-81101</u>	<u>P02</u>	<u>Erosion and Sediment Control Details</u>	<u>09.09.25</u>
<u>25213-RGB-XX-XX-CV-DR-82001</u>	<u>P03</u>	<u>Bulk Earthworks – Basement Excavation</u>	<u>19.11.25</u>
<u>25213-RGB-XX-XX-CV-DR-82011</u>	<u>P03</u>	<u>Bulk Earthworks Plan – Cut and Fill</u>	<u>24.10.25</u>
<u>25213-RGB-XX-XX-CV-DR-87001</u>	<u>P04</u>	<u>Basement and Lower Ground Drainage Plan</u>	<u>19.11.25</u>
<u>25213-RGB-XX-XX-CV-DR-87011</u>	<u>P04</u>	<u>Ground Floor Drainage Plan</u>	<u>31.10.25</u>
<u>25213-RGB-XX-XX-CV-DR-87101</u>	<u>P02</u>	<u>Stormwater Details</u>	<u>23.10.25</u>
<u>25213-RGB-XX-XX-CV-DR-87201</u>	<u>P03</u>	<u>On-Site Detention Tank Details</u>	<u>31.10.25</u>
<u>25213-RGB-XX-XX-CV-DR-87401</u>	<u>P02</u>	<u>Pre-Development Catchment Plan</u>	<u>23.10.25</u>
<u>25213-RGB-XX-XX-CV-DR-87411</u>	<u>P04</u>	<u>Post-Development Catchment Plan</u>	<u>19.11.25</u>

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

2. Part B – Prior to Issue of Construction or Crown Building Works Certificate, Condition B3 is modified by inserting the **bold and underlined** words/numbers and deleting the **~~bold and struck out~~** words/numbers as follows:

B3. Prior to the issue of the first Crown Building works certificate for above ground works, the Applicant must submit to the satisfaction of the Planning Secretary details of final materials and finishes shown in drawings **AR.DA-1401**, revision **BA**, dated **7/2/2025 21/11/2025** and **AR.DA-1402**, revision **BA**, dated **7/2/2025 21/11/2025**, both prepared by **SJB-Hayball**, including their final specifications of colour, material and, where relevant and manufacturer.

3. Part B – Prior to Issue of Construction or Crown Building Works Certificate,

Condition B10 is modified by inserting the **bold and underlined** words/numbers and deleting the **~~bold and struck out~~** words/numbers as follows:

- B10. Prior to the issue of the Crown Building works 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 listed at **Condition A1**, as amended by any requirement of these conditions;
 - (a) formalise the following indicative landscape sketches by McLean Design as part of the updated plans:
 - (i) Proposed Amended Screen Planting NW Corner, LSK-01, dated 10/2/2025, subject to **Condition B11**; **and**
 - (ii) Additional Street Trees Option B – Avenue, dated 4/2/2025;
 - (b) includes details of tree planting, including the additional off-site tree plantings on Yorktown Parade under **Condition B12**;
 - (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 an ongoing maintenance strategy; **and**
 - (f) includes a commitment to replace plants with the same species if any plant loss occurs within the maintenance period.; **and**
 - (g) **identifies the location, species and planting details for one new street tree on Fitzgerald Avenue. The species must be a locally endemic species endorsed by Council, and the tree stock must comply with AS 2303:2018 Tree stock for landscape use.**

4. Part B – Prior to Issue of Construction or Crown Building Works Certificate, Condition B10A is added by inserting the **bold and underlined** words/numbers as follows:

B10A. Prior to the issue of the Crown Building works certificate for above ground works, updated landscaping and lighting plans must be submitted to and approved by the Planning Secretary. The updated plans must include:

- (a) an updated landscape plan detailing the final landscaping embellishments within the central communal open space and supporting information which:**
 - (i) demonstrates how the final embellishments respond to the outcomes of additional Connecting with Country consultation/workshops; and**
 - (ii) includes a copy of the outcomes of the Connecting with Country consultation/workshops; and**
- (b) an updated site wide lighting plan which:**
 - (i) reflects the final landscape plan required by B10A(a);**
 - (ii) responds to the additional Connecting with Country consultation/workshops; and**
 - (iii) is otherwise consistent with the lighting design for the areas outside of the central communal open space.**

5. Part B – Prior to Issue of Construction or Crown Building Works Certificate, Condition B13 is modified by inserting the **bold and underlined** words/numbers and deleting the **~~bold and struck out~~** words/numbers as follows:

- B13. No tree removal shall occur prior to the commencement of any demolition or construction works. Tree removal and retention shall be in accordance with the following:
- (a) all tree removal works must be carried out by a qualified Arborist, with a minimum AQF Level 3 and in accordance with SafeWork's Code of Practice;
 - (b) existing trees identified for retention, must be retained and protected throughout construction and development; and
 - (c) only the trees identified for removal in the Arboricultural Impact Assessment Report, AIA-01, revision A, dated 18 October 2024 **and as amended by the Supplementary**

Arboricultural Report dated 27 November 2025, prepared by Arterra are to be removed from the site.

6. Part B – Prior to Issue of Construction or Crown Building Works Certificate, Condition B14 is modified by inserting the **bold and underlined** words/numbers and deleting the **~~bold and struck out~~** words/numbers as follows:

- B14. Prior to the issue of the Crown Building works 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, **with the exception of the driveway ramp where in accordance with the plans and documents listed at Condition A1;**
 - (d) appropriate pedestrian advisory signs and/or mirrors 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;
 - (g) a minimum of ~~77~~ **70** car parking spaces (including **7** ~~5~~ accessible spaces);
 - (h) providing convex mirrors at blind corners where vehicles manoeuvre;
 - (i) providing a sight line triangle in accordance with relevant Australian Standards and a bollard at the threshold of the driveway and sidewalk at the property line to demarcate the site and driveway; and
 - (j) 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.

7. Part B – Prior to Issue of Construction or Crown Building Works Certificate, Condition B15 is modified by inserting the **bold and underlined** words/numbers and deleting the **~~bold and struck out~~** words/numbers as follows:

- B15. A certificate from a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent, shall be submitted to the Certifying Authority stating compliance with this condition prior to the issue of the of the relevant Crown Building Works Certificate or Construction Certificate for the following items:
- (a) The Applicant shall comply with the flood recommendations provided in the Flood Impact and Risk Assessment, revision E, dated 28/03/2025, prepared by Mott MacDonald, **as amended by the Fitzgerald & Yorktown, Maroubra – Section 4.55 Modification Flood Review prepared by WMS and dated 8 December 2025;**
 - (b) The habitable floor levels of all dwellings encompassed under this approval must not be constructed less than the approved Flood Impact Statement by Flood Impact and Risk Assessment, revision E, dated 28/03/2025, prepared by Mott MacDonald;
 - (c) All electrical connections and flood sensitive equipment shall be located above the 1% AEP (100-year ARI) flood level plus 500 mm freeboard. Where it is not practical and feasible to install the equipment above the AEP (100-year ARI) flood level plus 500 mm freeboard, the installations shall generally be in accordance with the recommendations in ABCB Construction of Buildings in Flood Hazard Areas (2012) Section C2.9- Requirements for Utilities;

- (d) **The substation shall be designed and constructed with a minimum 300mm freeboard above the surrounding existing surface level, measured within a 1m x 1m area in the vicinity of the substation;**
 - (e) All basement carpark areas and service/ventilation ducts to the basement shall be designed to resist floodwater ingress for up to the Probable Maximum Flood (PMF) event. This includes protection of lifts, stairwells, ventilation shafts and other components which may otherwise create a water ingress risk;
 - (f) All structures subject to flooding and overland flows must be constructed of flood compatible building components below the 1% AEP (100-year ARI) flood plus 500 mm freeboard;
 - (g) All structures subject to flooding and overland flows must be structurally designed to withstand the forces of floodwaters having regard to hydrostatic pressure, hydrodynamic pressure, the impact of debris and buoyancy forces up to the Probable Maximum Flood (PMF) event; and
 - (h) Details of the location of signage to communicate flood emergency details, including flow paths, locations of flood risk and contact details/information.
8. Part B – Prior to Issue of Construction or Crown Building Works Certificate, Condition B19 is modified by inserting the **bold and underlined** words/numbers and deleting the **~~bold and struck out~~** words/numbers as follows:
- B19. Prior to the issue of the Crown Building works certificate for above ground works, BASIX Certificate No. **HR-WD1870-01 HR-EAAVN4-01** must be submitted to the Certifier with all commitments clearly shown on the Crown Building works certificate plans.
9. Part B – Prior to Issue of Construction or Crown Building Works Certificate, Condition B26 is modified by inserting the **bold and underlined** words/numbers and deleting the **~~bold and struck out~~** words/numbers as follows:
- B26. Upon completion of the remediation works and prior to the commencement of **above ground construction works of the Development, but not including (excluding demolition, basement and substructure works)**, a Site Audit Report and a Site Audit Statement, prepared in accordance with the NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017, which demonstrates the site is suitable for its approved land use, must be submitted to the Planning Secretary for information.
10. Part F – Occupation and Ongoing Use, Condition F9 is modified by inserting the **bold and underlined** words/numbers and deleting the **~~bold and struck out~~** words/numbers as follows:
- F9. The Development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. **HR-WD1870-01 HR-EAAVN4-01** and any updated certificate issued if amendments are made.

**End of modification
(SSD 71454960 MOD 1)**