

Department of Planning, Housing and Infrastructure

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Yorktown Parade and Fitzgerald Avenue, Maroubra – Affordable Housing Redevelopment – Modification 1, Design development and building compliance

State Significant Development Modification Assessment Report (SSD-71454960-Mod-1)

May 2026





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Modification 1 of 195-213 Fitzgerald Avenue and 40-64 Yorktown Parade,
Maroubra – Design development and building compliance (SSD-71454960-
Mod-1) Assessment Report

Published: May 2026

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1 Introduction

1.1 The proposal

On 14 June 2025, development consent was granted for the demolition of 33 existing Homes NSW dwellings and construction of 144 new social and affordable dwellings (SSD-7145960).

Homes NSW (the Applicant) is seeking to modify the consent under section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EPA&A Act) for changes to building envelope, landscaping, basement parking and internal layout. An overview of the proposal is provided in **Section 2**.

1.2 Project location

The subject site is located at 195-213 Fitzgerald Avenue and 40-64 Yorktown Parade, Maroubra in the Randwick local government area (LGA) (see **Figure 1**). The development site is currently comprised of 33 social housing dwellings, located 800 metres to the south-east of Maroubra Junction and is largely surrounded by residential land uses.

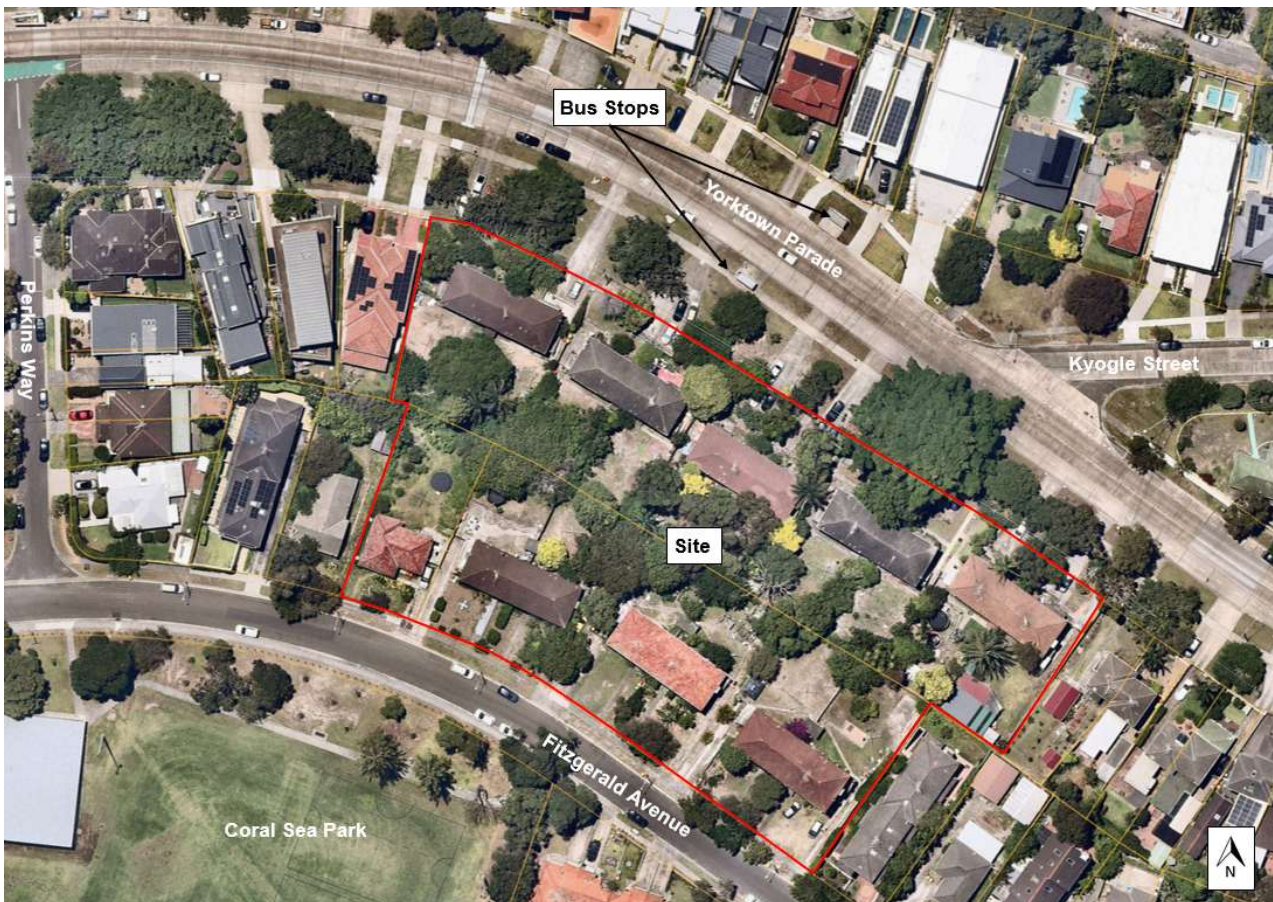


Figure 1 | Aerial location map (Source: Nearmap)

2 Proposed modification

2.1 Modification overview

The modification seeks to make design changes to building siting and façade details, car parking, landscaping, plant and services and internal layout following detailed design development. The key aspects of the modification are outlined in **Table 1**.

Table 1 | Key aspects of the modification

Project element	Modification
Building design, siting and materiality	<ul style="list-style-type: none"> • Use lighter colour bricks for the façade (change from red/brown to brown/light brown) and amend the colour of cladding and powder coating • Increase the lift overruns on Buildings 1B and 1C by 210mm • Changes to façade louvres, panels, brick banding, columns, railings, windows and balconies to improve design consistency • Change sloped rooves at the rear of Building 1A and 1D to flat roofs and increase parapet height for waterproofing • Reduce south setback of Building 2A to meet internal ADG requirements and core depth • Reduce ground floor south-western setback of Building 2A from 3.9m to 3.54m.
Landscaping	<ul style="list-style-type: none"> • Remove detailed embellishments and lighting plan from central communal open space including table tennis tables, kids play area/rock garden and barbeques • Remove Tree 42 to support access to the relocated substation • Realign paths/ramps across the development • Rationalise deep soil areas and increase width of landscaped areas • Changes to planter boxes, paving and private open spaces • Add retaining/low kerb walls and readjustment of site levels to address flooding, overland flows and accessibility.
Parking, storage and access	<ul style="list-style-type: none"> • Remove all 7 visitor parking spaces from the basement car park to provide the required clearances for accessible parking spaces under the Australian Standards • Reduce bike parking spaces from 159 to 112 (-47) • Relocate access intercom onto site, addition of a 1.2m safety fence

Project element	Modification
	<ul style="list-style-type: none"> • Reduce external balcony storage for apartments and relocate storage cages into the basement of Building 1A-1D • Relocate visitor bike parking from Building 2C ground level to the building entrances for Buildings 1A, 1C, 2A and 2D • Remove of central communal stairs in Building 2C-2D.
Plant and services	<ul style="list-style-type: none"> • Remove storage rooms beneath Buildings 1B and 1D and replace with pressure boosting pump for fire requirements and additional bike racks • Relocation and adjustment to heat pump, stormwater and waste rooms • Remove openable skylights on Buildings 2A-2D, insertion of roof access hatches • Relocate substation to within site boundary adjacent to Building 1A.
Internal layout	<ul style="list-style-type: none"> • Revise apartment layout to improve circulation, efficiency and compliance with ADG requirements • Enclose lobbies in buildings 2A-2D and widen building core and adjust lobby design to meet structural requirements • Provide a third communal space in Building 2C-2D.
Gross Floor Area	<ul style="list-style-type: none"> • Reduce GFA from 11,699m² to 11,561m² (-138m²) to reflect design developments.
Contamination reporting	<ul style="list-style-type: none"> • Modify the timing of the submission of the Site Audit Report and Site Audit Statement from prior to the commencement of construction to prior to the commencement of above-ground construction works.

3 Statutory context

3.1 Scope of modification and assessment pathway

Details of the legal pathway under which modification is sought and are provided in **Table 2** below.

Table 2 | Permissibility and assessment pathway

Consideration	Description
<p>Scope of modification</p>	<p>Modification involving minimal environmental impact</p> <p>The Department has reviewed the scope of the modification and considers that it can be characterised as a modification involving minimal environmental impact as the proposal:</p> <ul style="list-style-type: none"> • will remain compliant with the maximum permissible floor space ratio control • will not result in any additional offsite environmental impacts • is substantially the same development as originally approved, and • would not involve any further disturbances outside the already approved disturbance areas for the project. <p>The Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.</p>
<p>Consent Authority</p>	<p>Minister for Planning and Public Spaces</p> <p>The Minister continues to be the consent authority under section 4.5(a) of the EP&A Act and has the capacity to modify the consent of the project.</p>
<p>Decision-maker</p>	<p>Team Leader, Key Sites Assessment</p> <p>Under the Minister’s delegation, the Team Leader, Key Sites Assessments may determine the application as:</p> <ul style="list-style-type: none"> • the modification application has not been made by a person who has disclosed a reportable political donation; and • there are no public submissions; and • Council has not made a submission by way of objection under the mandatory requirements for community participation in Schedule 1 of the EP&A Act.

3.2 Mandatory matters for consideration

3.2.1 Matters of consideration required by the EP&A Act

In determining the modification, the consent authority must take into consideration such of the matters referred to in section 4.15(1) of the EP&A Act as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified. The Department's consideration of these matters is shown in **Table 3** below.

Table 3 | Matters for consideration

Matter for consideration	Department's assessment
Environmental planning instruments, proposed instruments, development control plans & planning agreements	Appendix B and Appendix C
EP&A Regulation	Appendix B
Likely impacts	Section 5 - Assessment
Suitability of the site	Section 5 - Assessment
Public submissions	Section 4 - Engagement and Section 5 - Assessment
Public interest	Section 4 - Engagement, Section 5 - Assessment and Section 6 - Evaluation

3.2.2 Objects of the EP&A Act

In determining whether or not to modify the consent, the consent authority should consider whether the modified project is consistent with the relevant objects of the EP&A Act (section 1.3) including the principles of ecologically sustainable development. Consideration of those factors is described in **Appendix B**.

The Department is satisfied that the development is consistent with the objectives of the EP&A Act and the principles of ecologically sustainable development (ESD).

3.2.3 Biodiversity development assessment report

Section 7.17(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all SSD modifications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the authority or person determining the application is satisfied that the modification will not increase the impact on biodiversity values (as identified in the BC Act and in the Biodiversity Conservation Regulation 2017).

The Department is satisfied that the modification will not increase the impact on biodiversity values and consequently a BDAR is not required to accompany the modification application.

4 Engagement

4.1 Department's engagement

In accordance with the EP&A Regulation, the Department made the modification application publicly available on the NSW Planning Portal website and referred the application to Randwick City Council (Council) and Ausgrid for comment.

4.2 Notification of the modification

4.2.1 Summary of advice received from Council and government agencies

The Department received advice from Council and Ausgrid. A summary of the agency advice is provided in **Table 4** and a link to the full copy of the advice is provided in **Appendix A**.

No public feedback was received.

Table 4 | Summary of Council and agency advice

Agency	Advice summary
Council	<p>Council did not object and provided the following comments:</p> <ul style="list-style-type: none">• consider additional deep soil provision to achieve long term environmental sustainability• requested a condition be imposed to create design variations to Building 1B or 1C to reduce repetition of design• requested that the Applicant and Community Housing Provider (CHP) reserve a portion of the dwellings for Domestic and Family Violence survivors• advised that Tuckeroo's are no longer desirable and the replacement tree for Tree T42 should be an alternative native coastal tree.
Ausgrid	<p>Ausgrid did not object and advised:</p> <ul style="list-style-type: none">• underground and overhead cables are near the site and recommended their location be confirmed through Dial Before You Dig services• the Applicant continue consultation with Ausgrid for the design of new substations, driveways and connection/load requirements.

4.3 Request for further information

Following the notification period, the Department requested the Applicant respond to Council and Ausgrid's advice and provide further information on flood design and management, design variations on the Fitzgerald Street frontage and tree species.

In response to the matters raised, the Applicant:

- reaffirmed that the site exceeds ADG deep soil requirements of 7% by providing 21% of the site area being deep soil but noting that it does not meet the ADG minimum deep soil dimensions
- considered the proposed design already sufficiently differentiates mass and form and does not require additional design modifications
- clarified that tree selection would be subject to further consultation with Council
- confirmed that the high hazard risk flood corridor would not impact the proposal, neighbouring property or existing flood emergency management strategy.
- confirmed that Condition B18 would not impact construction certification and therefore would not need to be removed.

This additional information was made available on the NSW Planning Portal and a link to the additional information is at **Appendix A**.

5 Assessment

The Department’s consideration of key issues is summarised in **Table 5** below.

Table 5 | Assessment of key issues

Issue	Findings and conclusions	Recommended conditions
<p>Built form and height</p>	<ul style="list-style-type: none"> • The modification seeks to reduce the south and southwestern setbacks by 0.06m-0.36m, increase the building height by a maximum of 0.21m, remove the sloped roofs, and various refinements to the external architectural details of the building as detailed in Section 2.1. • The Applicant’s shadow study demonstrates the height changes will have a negligible impact on surrounding development. • Council requested the Applicant consider additional façade modulation along Fitzgerald Street. • In response, the Applicant provided a design verification statement from the project architect clarifying that the approved design incorporates differentiation through massing, form, height and setbacks with the proposed modifications merely changing the external materiality. • The Department has carefully considered the changes along with Council’s comments and considers they are acceptable as: <ul style="list-style-type: none"> ○ the maximum increase in height of 0.21m for lift overruns at Buildings 1B and 1C, would not be visible from the street as they would be recessed within the building floorplate ○ the amended south and south-west boundary setbacks will enable the internal layout of apartments to comply with the ADG for internal amenity and would not change how the façade is read from Yorktown Parade or result in additional overshadowing or privacy impacts to adjoining neighbours ○ adopting a flat roof at Building 1C and 1D would not materially increase overshadowing impacts within the site and would reduce overshadowing at 66 Yorktown Parade to the east compared to the current approval. 	<p>The Department recommends conditions to:</p> <ul style="list-style-type: none"> • amend Condition A1 to incorporate the modified plans • amend Conditions B19 and F9 to incorporate the updated BASIX certificate.

Issue	Findings and conclusions	Recommended conditions
Materiality	<ul style="list-style-type: none"> • The Applicant submitted a design verification statement confirming the proposal remains consistent with the approved design and changes to the materiality were the direct outcome of Indigenous engagement. • Council recommended the Applicant consider an alternative brick colour scheme for buildings 1B /1C to reduce repetition. • In response, the Applicant confirmed that the proposed design of the buildings remains consistent with the approved design and differentiation has been sufficiently addressed through massing, form and setbacks rather than colour. The Applicant further contended that the limited colour palette is consistent with the design intent and provides architectural cohesion. • The Department considers the proposed modifications are consistent with the approved scheme with respect to the degree of articulation and variation within the façade. These elements were supported through the Government Architect design review process for the original application. The Department considers that the modified development would still result in a high-quality outcome that achieves design excellence. 	<p>The Department recommends that Condition A1 and Condition B3 be amended to incorporate the modified plans.</p>
Parking, access and storage	<ul style="list-style-type: none"> • The proposal seeks to remove the seven approved visitor car parking spaces (including two accessible parking spaces), relocate the access intercom within the site boundary, at the top of the basement ramp, reduce bicycle parking from 159 to 112 (- 47) and relocate visitor bicycle parking and storage cages to more accessible locations. • The Applicant submitted traffic advice stating: <ul style="list-style-type: none"> ○ the removal of the visitor parking is required to provide the required clearances for the five accessible spaces to comply with Australian Standards (AS2890.6 – Off-street parking for people with disabilities). ○ the access intercom would be relocated within the site boundary at the start of the approved 1:8 basement ramp, rather than on the approved 1:20 grade outside the site boundary. While this would not fully comply with AS/NZS 2890.1, a stopped vehicle would have an effective grade of 	<p>The Department recommends conditions to amend:</p> <ul style="list-style-type: none"> • Condition A1 to incorporate the modified plans • Condition B14 to incorporate the variation to the Australian Standards for the driveway ramp.

Issue	Findings and conclusions	Recommended conditions
	<p>approximately 1:15, which is not expected to create issues with holding a vehicle stationary.</p> <ul style="list-style-type: none"> • Council raised no concerns. • The Department has reviewed the proposed plans and traffic statement and considers that the proposed modifications are acceptable as: <ul style="list-style-type: none"> ○ compliance with Housing SEPP parking requirements would be maintained and returning 12 on-street parking spaces through the conversion of existing driveway crossovers will provide spaces for visitor parking and at other peak times such as at sporting events at Coral Sea Park ○ restricting the basement car park to residents only would enhance security at the site ○ the relocated intercom and removal of visitor parking would improve driveway queuing and the location of the intercom at the threshold of the basement ramp would not create any access or safety issues. ○ the remaining bicycle parking spaces would be sufficient to meet the future needs of tenants and continue to exceed the Randwick DCP bike parking rates ○ access to storage and bicycle parking would remain convenient to both tenants and visitors ○ the design changes would promote more efficient use of floor space. 	
<p>Flooding</p>	<ul style="list-style-type: none"> • The modification seeks to refine the design of the perforated mesh walkway along the through site link, introduce retaining and low kerb walls and make minor design and site levels changes as detailed in Section 2.1. • The Applicant submitted a flood review and additional information requested by the Department, relating to the extent of high hazard (H5) flooding in the Probable Maximum Flood (PMF) at the south-eastern corner of the site. This information concludes: 	<p>The Department recommends that Condition A1 be amended to incorporate the modified plans.</p>

Issue	Findings and conclusions	Recommended conditions
	<ul style="list-style-type: none"> ○ the revised design would remain compliant with minimum flood planning levels and would not result in adverse impacts to areas outside the site. ○ the H5 flow area is an existing on-site feature, with its increased extent attributable to the use of a more detailed flood model ○ the approved flood emergency management strategy remains relevant to the modified development. ● The Department is satisfied the proposed modification is acceptable as the: <ul style="list-style-type: none"> ○ Mesh walkway through site link maintains the approved drainage and flooding outcomes ○ low kerb wall will mitigate overland flows along the eastern site boundary and ensure flows remain within the site ○ the emergency flood management plan remains in effect, and pedestrian walkways and access points would still ensure residents can evacuate the site. 	
<p>Landscaping</p>	<ul style="list-style-type: none"> ● The proposal seeks to make various amendments to the landscaping as detailed at Section 2.1, including: <ul style="list-style-type: none"> ○ removal of central courtyard embellishments including table tennis tables, lighting, children’s play area, rock gardens and communal barbeques to allow the detailed courtyard design to be further informed by Connecting with Country consultation/workshops ○ removal of Tree 42 to allow the substation to be relocated from the Fitzgerald Road verge into the site in response to AusGrid feedback and enable realignment of internal paths. ● The Applicant’s updated tree assessment concludes the additional canopy pruning of Tree 42 required to achieve AusGrid clearances would compromise the tree’s viability and recommended its removal. ● Council requested further consideration of deep soil areas and the species proposed for the replacement of Tree 42. 	<p>The Department recommends Conditions to amend:</p> <ul style="list-style-type: none"> ● Condition A1 to incorporate the modified landscape plans ● Condition B1 to require the submission of future design embellishments and lighting plan ● Condition B10 to require the submission of the details for the

Issue	Findings and conclusions	Recommended conditions
	<ul style="list-style-type: none"> • In response, the Applicant confirmed the proposal would continue to satisfy ADG deep soil requirements and committed to further consult with Council on the replacement species selection. • The Department is satisfied the proposed landscaping changes are acceptable as: <ul style="list-style-type: none"> ○ the removal of Tree 42 is necessary to accommodate the revised substation location and associated Ausgrid clearance and maintenance requirements ○ the removal of Tree 42 would be offset by replacement tree planting within the site, with the species and planting details to be approved by Council ○ the proposal would continue to exceed the relevant ADG deep soil guidance ○ the revised landscaping would generally maintain the approved extent of planting and ground cover, privacy, daylight access and internal site connectivity ○ the removal of fixed courtyard embellishments would allow the final courtyard design to better respond to further Connecting with Country consultation ○ the final courtyard design, including any revised embellishments or communal open space elements following Connecting with Country consultation, would be required to be submitted to and approved by the Planning Secretary. 	<p>replacement street tree to Councils satisfaction</p> <ul style="list-style-type: none"> • Condition B13 to reflect the removal of the additional street tree.
<p>Internal layout and GFA</p>	<ul style="list-style-type: none"> • The modification proposes minor internal changes to apartment layouts and building cores. The combined proposed changes would result in a GFA decrease of 138m² from 11,699m² to 11,561m². • The Department considers the proposed internal changes are minor and appropriate, facilitating improved internal circulation, efficiency and compliance with ADG. The reduction in GFA would not result in any additional impacts. 	<p>The Department recommends that Condition A1 be amended to incorporate the modified plans.</p>

Issue	Findings and conclusions	Recommended conditions
Plant, services and ESD	<ul style="list-style-type: none"> • The Applicant provided a flood review, civil drawings, and architectural plans which confirm the proposed changes to drainage, ramps, plant and storage rooms are the result of detailed design development to enable appropriate servicing and civil works. • Updated BASIX certificates are proposed to be referenced in the development consent to reflect the updated civil and ESD measures. • The Department considers the proposed changes to plant, and services are minor and would not result in any additional environmental impacts. 	<p>The Department recommends that Conditions A1, B19 and F9 be amended to incorporate the modified plans and BASIX certificates.</p>
Remediation	<ul style="list-style-type: none"> • The modification seeks to change the timing of the site audit report and site audit statement, from prior to the commencement of construction (Condition B26) to prior to the commencement of above-ground works. • The Applicant’s remediation advice considers the site can be made suitable prior to the start of above ground works, that no unacceptable contamination risks have been identified and the methodologies in the approved Remedial Action Plan (RAP), as may be updated with the data gap analysis (Condition B22), remain relevant. • Council raised no concerns. • The Department has considered the proposed change to the timing for the site audit report and site audit statement and is satisfied that it is acceptable as: <ul style="list-style-type: none"> ○ the approved RAP remains capable of guiding any remediation required on-site, as may be updated as part of a data gap analysis ○ no unacceptable land contamination risks have been identified and any land contamination found will be managed in accordance with the RAP without the need for above ground works 	<p>The Department recommends that Condition B26 be amended to extend the submission date of the site audit report from prior to commencement of construction to prior to commencement of above-ground construction works.</p>

Issue	Findings and conclusions	Recommended conditions
	<ul style="list-style-type: none"> ○ it enables the commencement of works while securing the completion of the site audit report prior to above ground construction. 	
Tenant selection	<ul style="list-style-type: none"> • Council requested a portion of the social and affordable apartments to be dedicated to Domestic and Family Violence survivors. • In response, the Applicant contended that to maintain flexibility of allocation and safety/confidentiality of residents it would not be feasible to dedicate a portion of the apartments in this way. • The Department notes that tenant selection does not form part of this modification application and is subject to the future consultation with the community housing provider. 	<p>No changes are recommended to the existing conditions.</p>

6 Evaluation

The Department's assessment has considered the relevant matters and objects of the EP&A Act, including the principles of ecologically sustainable development (**Appendix B** and **Section 5**) and advice from government agencies and Council (**Section 4**).

The Department's assessment concludes that the modification is acceptable as it would:

- be substantially the same development as the originally approved development
- would maintain an appropriate height, scale and overall design consistent with the approved development and would not result in adverse impacts on adjoining occupiers or the surrounding public domain
- provide flexibility to incorporate the outcomes of further consultation into the detailed landscape design, including Designing with Country principles
- not increase flood risk and would continue to allow overland flows to move efficiently and safely through the site
- not result in increased environmental impacts including impacts to ecology, flooding, stormwater, traffic, parking and loading, which can be appropriately mitigated or managed through the existing and recommended modified conditions.

For these reasons, the Department's assessment considers the modification is in the public interest and should be approved, subject to the recommended modified conditions of consent.

7 Recommendation

It is recommended that the **Team Leader**, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **agrees** with the key reasons for approval listed in the notice of decision
- **modifies the consent** for the Yorktown Parade and Fitzgerald Avenue, Maroubra Affordable Housing Redevelopment (SSD 7145960 MOD 1), subject to the conditions in the attached instrument of modification.
- **signs** the attached instrument of modification (**Appendix C**).

Recommended by:



Anson Tong
Student Para Planner
Key Sites and TOD Assessment

Recommended by:



Tom Piovesan
Senior Planner
Key Sites and TOD Assessment

8 Determination

The recommendation is **adopted** by:



David Glasgow

Team Leader

Key Sites and TOD Assessment

as delegate of the Minister for Planning and Public Spaces

Glossary

Abbreviation	Definition
ADG	Apartment Design Guide
AHD	Australian height datum
Council	Randwick City Council
Department	Department of Planning, Housing and Infrastructure
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
ESD	Ecologically sustainable development
LGA	Local government area
LEP	Local environmental plan
Minister	Minister for Planning and Public Spaces
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
RAP	Remedial Action Plan
Secretary	Secretary of the Department of Planning, Housing and Infrastructure
SEPP	State environmental planning policy
SSD	State significant development
TfNSW	Transport for NSW

Appendices

Appendix A – List of referenced documents

The Applicant’s modification application, Council and government agency advice and additional information can be found on the NSW Planning Portal:

<https://www.planningportal.nsw.gov.au/major-projects/projects/modification-1-design-development-and-building-compliance-0>

Appendix B – Statutory considerations

Objects of the EP&A Act

A summary of the Department’s consideration of the relevant objects (found in section 1.3 of the EP&A Act) are provided in **Table 6** below.

Table 6 | Objects of the EP&A Act and how they have been considered

Object	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,	<ul style="list-style-type: none">The modified proposal will have the same level of impact on the social and economic welfare of the community and the management of the built environment as the approved project.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<ul style="list-style-type: none">The proposed modification will facilitate the same ESD outcomes as previously assessed.
(c) to promote the orderly and economic use and development of land,	<ul style="list-style-type: none">The development, as proposed to be modified, would continue to promote the orderly and economic use and development of land by the development of an existing urban site.

Object	Consideration
(d) to promote the delivery and maintenance of affordable housing,	<ul style="list-style-type: none"> The proposal maintains the 144 new social and affordable dwellings originally approved with the social dwellings to be retained in government ownership while the affordable housing will be managed by a community housing provider.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	<ul style="list-style-type: none"> The development, as proposed to be modified would not have any additional environmental impact above those already assessed. On 21 October 2024, the Department granted a BDAR waiver for the proposal and considers a new BDAR waiver or BDAR is not required for the modification.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<ul style="list-style-type: none"> The modification would not have any impact to built and cultural heritage above those already assessed.
(g) to promote good design and amenity of the built environment,	<ul style="list-style-type: none"> The development, as proposed to be modified, would not result in adverse impacts to the design and amenity of the built environment.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	<ul style="list-style-type: none"> Existing conditions would ensure the proposed work are undertaken in compliance with all relevant building codes and health and safety requirements.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the state,	<ul style="list-style-type: none"> The modification was referred to Council for comment (refer to Section 4).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	<ul style="list-style-type: none"> The modification was made publicly available on the NSW Planning Portal (refer to Section 4).

A consent authority may modify the consent if it is satisfied the proposed modification application meets the requirements of section 4.55(1A) of the EP&A Act. An assessment of the proposed modification application against the requirements of section 4.55(1A) of the EP&A Act is included in **Table 7**.

Table 7 | Consideration of section 4.55 of the EP&A Act

Section 4.55(1A)	The Department's Assessment
(a) the proposed modification is of minimal environmental impact	<p>Section 5 of this report provides a detailed assessment of the impacts associated with the modified development. The Department is satisfied that the proposed modification is of minimal environmental impact as:</p> <ul style="list-style-type: none"> • the physical changes are minor in nature, and a high-quality design outcome would continue to be achieved • the impacts can be managed/mitigated • the overall use and future operation of the site remains unchanged by this proposal.
(b) the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified	<p>The proposal seeks consent for changes that do not materially impact the nature of the overall development. The modification application is considered to result in development that is substantially the same development as that originally approved.</p>
(c) the application has been notified in accordance with the regulations	<p>The application was notified in accordance with the EP&A Regulation and was made publicly available on the NSW Planning Portal.</p>
(d) any submission made concerning the proposed modification has been considered	<p>The Department received advice from Council and AusGrid which has been considered in Section 4 and 5 of this report.</p>

Under section 4.55(3) of the EP&A Act, the consent authority must consider the matters referred to in section 4.15(1) of relevance to the development. **Table 8** identifies the matters for consideration under section 4.15 of the EP&A Act that apply to the proposed modification.

Table 8 | Consideration of the matters listed under Section 4.15(1) of the EP&A Act

Section 4.15(1) Evaluation	The Department's Assessment
(a)(i) any environmental planning instrument	<p>The modified development is consistent with the relevant EPIs, as addressed within the following section of this Appendix.</p>

Section 4.15(1) Evaluation	The Department's Assessment
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, development control plans do not apply to SSD.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications, the requirements for notification and fees.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The likely impacts of the proposed modification are acceptable and have been appropriately addressed at Section 5 .
(c) the suitability of the site for the development	The site remains suitable for the development.
(d) any submissions	The Department has considered the submissions received from Council and AusGrid at Section 4 and 5 .
(e) the public interest	The Department considers the proposed modification to be in the public interest.

EP&A Regulation

The EP&A Regulation requires the Applicant to have regard to the *State Significant Development Guidelines*. The Department considers the modification is consistent with the guidelines.

Environmental Planning Instruments (EPIs)

To satisfy the requirements of section 4.15(1)(a)(i) of the EP&A Act, the Department has considered the relevant SEPPs as part of its assessment. The following EPIs are relevant to the application:

- State Environmental Planning Policy (Planning Systems) 2021
- Randwick Local Environmental Plan 2012
- State Environmental Planning Policy (Housing) 2021

- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65), now known as State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- State Environmental Planning Policy (Biodiversity and Conservation) 2021

The Department undertook a comprehensive assessment of the application against the relevant EPIs in its original assessment. The Department has considered the above EPIs and is satisfied the modifications do not result in any inconsistency with these EPIs.

Appendix C – Recommended instrument of modification

The Notice of Modification can be found at the NSW Planning Portal:

<https://www.planningportal.nsw.gov.au/major-projects/projects/modification-1-design-development-and-building-compliance-0>