

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.



Cameron Sargent
Team Leader
Key Sites and TOD Assessments

Sydney

29 July 2026

SCHEDULE 1

Development consent:	SSD-71687208 granted by the Minister for Planning and Public Spaces on 16 June 2025
For the following:	Demolition of existing structures, tree removal, earthworks and the construction and operation of a 5-storey residential development comprising: - 86 affordable residential apartments comprising 43 social and 43 affordable housing units; - Semi-basement/above ground parking with 42 car parking spaces (including 4 accessible spaces), bicycle parking spaces, building services and loading dock facilities; - landscaping, tree planting and public domain works; and - extension and augmentation of services and infrastructure as required.
Applicant:	NSW Land and Housing Corporation
Consent Authority	Minister for Planning and Public Spaces
The Land:	618-624 Mowbray Road West and 25-29 Mindarie Street, Lane Cove North (Lot 17, 18, 19, 20, 64, 65 and 66 DP 35865)
Modification	SSD-71687208-MOD-2: Design changes and stratum subdivision of the building.

SCHEDULE 2

- Schedule 1, description of the approved development – is amended by the deletion of ~~struck out words~~ and the insertion of **bold and underlined** words as follows:

Demolition of existing structures, tree removal, earthworks and the construction and operation of a 5-storey residential development comprising:

- 86 affordable residential apartments comprising 43 social and 43
- affordable housing units;
- Semi-basement/above ground parking with 42 car parking spaces (including 4 accessible spaces), bicycle parking spaces, building services and loading dock facilities;
- landscaping, tree planting and public domain works; ~~and~~
- extension and augmentation of services and infrastructure as required- **and**
- **stratum subdivision of the building.**

- Schedule 2, Part A – General Conditions is amended by the deletion of the ~~struck out words~~ and insertion of **bold and underlined** words as follows:

Terms of Consent

A1. The Development must be carried out:

- in compliance with the conditions of this consent;
- in accordance with the EIS, the Applicant's response to submissions, and the Applicant's response to requests for further information; ~~and~~
- in accordance with the approved plans in the table below, as modified by the conditions of this consent;
- in accordance with the section 4.55(1A) modification application SSD-71687208-MOD-1, prepared by FPD Planning, dated 22 September 2025 and additional information-; **and**
- in accordance with the section 4.55(1A) modification application SSD-71687208-MOD-2, prepared by FPD Planning, dated 14 November 2025 and additional information.**

Architectural drawings prepared by DKO			
Drawing Number	Rev	Name of Plan	Date
DA000	D <u>E</u>	Cover Page	1.05.2025 <u>5.11.2025</u>
DA001	B <u>C</u>	Development Summary	3.02.2025 <u>5.11.2025</u>
DA100	A	Demolition Plan	27.09.2024
DA101	A <u>B</u>	Site Plan	27.09.2024 <u>5.11.2025</u>
DA200	C <u>D</u>	Lower Ground Plan	1.05.2025 <u>5.11.2025</u>
DA201	A <u>B</u>	Ground Floor Plan	27.09.2024 <u>5.11.2025</u>

DA202	A <u>B</u>	Upper Ground Plan	27.09.2024 <u>5.11.2025</u>
DA203	A <u>B</u>	Level 1-2 Plan	27.09.2024 <u>5.11.2025</u>
DA204	A <u>B</u>	Level 3 Plan	27.09.2024 <u>5.11.2025</u>
DA205	<u>B</u> <u>C</u>	Level 4 Plan	3.02.2025 <u>5.11.2025</u>
DA206	A B	Roof Level	27.09.2024 <u>5.11.2025</u>
DA300	<u>B</u> <u>C</u>	East Elevations	1.05.2025 <u>5.11.2025</u>
DA301	A <u>B</u>	North Elevations	27.09.2024 <u>5.11.2025</u>
DA302	A <u>B</u>	South Elevations	27.09.2024 <u>5.11.2025</u>
DA303	<u>B</u> <u>C</u>	West Elevations	3.02.2025 <u>5.11.2025</u>
DA304	A <u>B</u>	Internal South Elevations	27.09.2024 <u>5.11.2025</u>
DA305	A <u>B</u>	Internal West Elevations	27.09.2024 <u>5.11.2025</u>
DA306	A <u>B</u>	Sections	27.09.2024 <u>5.11.2025</u>
DA307	A	3D Montage	27.09.2024
DA308	A	3D Montage	27.09.2024
DA400	<u>B</u> <u>C</u>	GFA Calculations	3.02.2025 <u>5.11.2025</u>
DA401	B	Solar Access	3.02.2025
DA402	B	Cross Ventilation	3.02.2025
DA403	A <u>B</u>	COS and Deep Soil	27.09.2024 <u>5.11.2025</u>
DA404	B	Apartment Mix	3.02.2025
DA405	B	Liveable Housing Mix	3.02.2025

DA406	A	Post Adaptable Layout	27.09.2024
DA407	A	Storage Calculation	27.09.2024
DA408	A <u>B</u>	Height Plane	27.09.2024 <u>5.11.2025</u>
DA409	A <u>B</u>	Height Plane	27.09.2024 <u>5.11.2025</u>
Landscape Plans prepared by Land and Form			
LD-DA000	<u>2</u> <u>3</u>	Cover Sheet and Design Statement	24.03.25 <u>05.11.25</u>
LD-DA001	4 <u>2</u>	Planting Schedule & Legends	30.09.24 <u>05.11.25</u>
LD-DA002	4 <u>2</u>	Landscape Compliance Diagrams	30.09.24 <u>05.11.25</u>
LD-DA100	3	<u>Overall Ground</u> Floor Plan – Lower Ground	2.05.25 <u>05.11.25</u>
LD-DA101	3	Detailed ed Floor Plan - Lower Ground <u>Floor Plan</u>	2.05.25 <u>05.11.25</u>
LD-DA102	2	Floor Plan – Upper Ground	24.03.25
LD-DA103	2	Detailed Floor Plan - Upper Ground <u>Floor Plan</u>	24.03.25 <u>05.11.25</u>
LD-DA110	4 <u>2</u>	<u>Detailed</u> Floor Plan Level 3 Podium Plan	30.09.24 <u>05.11.25</u>
LD-DA200	4 <u>2</u>	<u>Overall Ground Floor</u> Planting Plan – Lower Ground	30.09.24 <u>05.11.25</u>
LD-DA201	1 <u>2</u>	Planting Plan – <u>Lower Ground Floor Plan</u> Upper Ground	30.09.24 <u>05.11.25</u>
<u>LD-DA202</u>	<u>2</u>	<u>Planting Plan Upper Ground Floor Plan</u>	<u>05.11.25</u>
LD-DA210	4 <u>2</u>	Floor Plan – Level 03 Rooftop <u>Planting Plan Level 3 Podium Plan</u>	30.09.24 <u>05.11.25</u>
LD-DA400	2	Section – Communal Open Space	24.03.25 <u>05.11.25</u>
LD-DA401	4 <u>2</u>	Section – Mowbray Street Frontage	30.09.24 <u>05.11.25</u>
LD-DA402	4 <u>2</u>	Section – Mowbray Street Frontage	30.09.24

			<u>05.11.25</u>
LD-DA403	<u>4</u> <u>2</u>	Section – Hatfield Street Frontage	30.09.24 <u>05.11.25</u>
LD-DA404	<u>4</u> <u>2</u>	Section – Overland Flow Path Long Section	13.03.25 <u>05.11.25</u>
LD-DA405	<u>4</u> <u>2</u>	Section – Overland Flow Path Cross Sections	13.03.25 <u>05.11.25</u>
LD-DA900	<u>4</u> <u>2</u>	Typical Details and Outline Maintenance Specification	30.09.24 <u>05.11.25</u>
Water management plans prepared by Enstruct Group Pty Ltd <u>Xavier Knight</u>			
214198-CV-0400	02	Stormwater Plan	16.09.2025
<u>C00000</u>	<u>3</u>	<u>Cover sheet</u>	<u>06.11.25</u>
<u>C00001</u>	<u>3</u>	<u>General notes</u>	<u>06.11.25</u>
<u>C02001</u>	<u>A</u>	<u>Sediment & erosion control plan</u>	<u>22.01.26</u>
<u>C02101</u>	<u>A</u>	<u>Sediment erosion control details</u>	<u>22.01.26</u>
<u>C02201</u>	<u>1</u>	<u>Bulk earthworks plan</u>	<u>06.11.25</u>
<u>C03001</u>	<u>7</u>	<u>Civil works plan</u>	<u>19.01.26</u>
<u>C07201</u>	<u>5</u>	<u>Driveway - vehicle vertical clearance</u>	<u>06.11.25</u>
<u>C09001</u>	<u>3</u>	<u>Details - sheet 1</u>	<u>19.09.25</u>
<u>C09002</u>	<u>3</u>	<u>Details - sheet 2</u>	<u>06.11.25</u>
<u>C09003</u>	<u>3</u>	<u>Details - sheet 3</u>	<u>06.11.25</u>
<u>SKC05201</u>	<u>1</u>	<u>Stormwater diversion longitudinal section</u>	<u>03.02.26</u>
<u>SKC05202</u>	<u>1</u>	<u>Existing stormwater - longitudinal section</u>	<u>03.02.26</u>
Subdivision Plans prepared by Andrew Lionel Whitfield			
<u>Sheet 1 of 8</u>	<u>B</u>	<u>-</u>	<u>02.04.26</u>
<u>Sheet 2 of 8</u>	<u>B</u>	<u>Lower ground and below</u>	<u>02.04.26</u>
<u>Sheet 3 of 8</u>	<u>B</u>	<u>Ground floor</u>	<u>02.04.26</u>
<u>Sheet 4 of 8</u>	<u>B</u>	<u>Upper ground</u>	<u>02.04.26</u>
<u>Sheet 5 of 8</u>	<u>B</u>	<u>Level 1 and level 2</u>	<u>02.04.26</u>
<u>Sheet 6 of 8</u>	<u>B</u>	<u>Level 3</u>	<u>02.04.26</u>
<u>Sheet 7 of 8</u>	<u>B</u>	<u>Level 4</u>	<u>02.04.26</u>

Sheet 8 of 8	B	Roof level and above	02.04.26
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3. Schedule 2, Part B – Prior to Commencement of Works/Issue of a Crown Building Works Certificate is amended by the deletion of the ~~struck out words~~ and insertion of **bold and underlined** words as follows:

Gross Floor Area (GFA)

- B13. The GFA must not exceed ~~6,317~~ **6,457** m². Details confirming compliance must be submitted to the Certifying Authority prior to the issue of the Crown Building Works Certificate for Stage 4 construction works.

Maximum Height

- B14. The maximum height of the approved buildings must be in accordance with the approved development application and not exceed RL ~~66.845~~ **68.445 AHD** including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, and flues. Details confirming compliance must be submitted to the Certifier prior to the issue of the Crown Building Works Certificate for Stage 4 construction works.

Flood and Overland Flow Protection

- B20. Prior to the issue of the Crown Building works certificate for Stage 3 construction works, a certificate from a suitably qualified Engineer, must be submitted to the Certifier stating compliance with this condition for the following items:
- (a) compliance with the recommendations provided in the ~~Stormwater Management and Flood Impact and Risk Assessment prepared by WSP, revision 09 10, dated 2 May 2025~~ **27 February 2026**, including any additional flood responses submitted during assessment;
 - (b) the detailed design of landscaping, the overland flow path and boundary fencing is consistent with the:
 - (i) ~~Stormwater Management and Flood Impact and Risk Assessment prepared by WSP, revision 09 10, dated 2 May 2025~~ **27 February 2026**
 - (ii) landscape plans listed in Condition A1, and as amended by Condition B24
 - (iii) the Landscape Architecture DA Design report, prepared by Land and Form, dated ~~13 March 2025~~ **4 February 2026, submitted under MOD 1**

Any changes to the landscaping design will require a revision to the flood modelling to ensure the overland flow path is managed to minimise flood risk on and off site.
 - (c) evidence that the floor levels of the building are not less than the levels outlined in the Flood Impact and Risk Assessment prepared by WSP, revision ~~09 10~~, dated ~~2 May 2025~~ **27 February 2026**;
 - (d) all electrical connections and flood sensitive equipment must be located above the 1% AEP (100 year ARI) flood level plus 300 mm freeboard. Where it is not practical and feasible to install the equipment above the 1% AEP (100 year ARI) flood level plus 300 mm freeboard, the installations must generally be in accordance with the recommendations in ABCB Construction of Buildings in Flood Hazard Areas (2012) Section C2.9 - Requirements for Utilities;
 - (e) detailed design development of the loading dock and services room to ensure safety of equipment and mitigation of any flood impacts
 - (f) inclusion of passive landscape features within the landscaping plans, to provide protection to openings in accordance with the ~~Stormwater Management and Flood Impact and Risk Assessment prepared by WSP, revision 09 10, dated 2 May 2025~~ **27 February 2026**;
 - (g) overland flow path is designed to resist erosion and protect adjoining properties, consistent with the landscape plans listed in Condition A1 and as amended by Condition B24;

- (h) 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 300 mm freeboard; ~~and~~
- (i) 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~~
- (ii) **the overland flow path and stormwater diversion pipework must be of sufficient capacity to convey the flows modelled in the Flood Impact and Risk Assessment prepared by WSP, revision 10, dated 27 February 2026, and the system must be maintainable.**

Commercial (Service) Vehicle Parking

B26. Prior to the issue of the Crown Building works certificate for Stage 3 construction works, the Applicant must submit to the Certifier a Report demonstrating that the Development will comply with the following requirements for the loading dock

- (a) Loading and unloading within the site shall be designed and be restricted to ~~commercial vehicles~~ **limited to 6.64 m long and 2.6 m high**, including SRVs and Council's waste collection vehicle;
- (b) swept path analysis shall be provided for manoeuvring of ~~a SRV commercial vehicles~~ **s limited to 6.64 m long and 2.6 m high including** and Council's waste collection vehicle, depicting a forward entry and forward exit manoeuvre to/from the site via the loading dock proposed within the development; ~~and~~
- (c) a longitudinal section plotting headroom clearance along the travel path of the service vehicle is to be provided. It must be demonstrated that a safe headroom clearance is achieved along the entire travel path, parking and manoeuvring areas of ~~the SRV and~~ **for vehicles limited to 6.64 m long and 2.6 m high including** Council's waste collection vehicle within the development;
- (d) ~~swept path analysis shall be submitted for the 6.4 long SRV and Council waste collection vehicle demonstrating sufficient clearance from any obstacles along the swept path.~~

Bicycle Parking and Facilities

B27. Prior to the issue of the Crown Building works certificate for the Stage 5 construction works, the Applicant must submit to the satisfaction of the Certifier plans demonstrating the provision of a minimum of 70 on-site bicycle parking spaces for use of residents, within dedicated bike spaces and storage zones. ~~including 14 bicycle parking spaces outfitted for ebike charging.~~

The layout, design and security of bicycle facilities must comply with the applicable Australian Standards.

4. Schedule 2, Part D – Prior to Occupation or Commencement of Use is amended by the deletion of the ~~struck out words~~ and insertion of **bold and underlined** words as follows:

Flood Emergency Response Plan

D34. Prior to occupation or commencement of the use, the Applicant must submit to the Certifier a Detailed Flood Emergency Response Plan (FERP) prepared by a qualified Engineer. The FERP must consider:

- (a) floods up to and including the Probable Maximum Flood (PMF);
- (b) be generally consistent with Council's and NSW SES's flood management policies; ~~and~~
- (c) **how persons with a disability or mobility impairment (either temporary or permanent) will be assisted to the assembly point during a power outage without lift access.**

Implementation and maintenance of the FERP is the responsibility of the relevant owner's corporation and relevant building management.

5. Schedule 2, Part E – Post Occupation and Ongoing Use is amended by the deletion of the ~~struck out words~~ and insertion of **bold and underlined** words as follows:

Traffic and Parking

- E6. The movement of vehicles associated with the site must be carried out:
- (a) in accordance with the Car Parking, Loading and Servicing Management Plan prepared under this consent;
 - (b) ensuring that all vehicles must enter and exit the site in a forward direction;
 - (c) within the confines of the site, at all times and must not obstruct other properties or the public way;
 - (d) where the maximum size of vehicles accessing the site are limited to a ~~6.4 long SRV (as denoted in AS2890.2)~~ and **6.64 m long and 2.6 m high including** Council's waste collection vehicle; and
 - (e) in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality.

Operational Management

- E17. The Operational Plan of Management (Condition D30), Car parking, Loading and Servicing Management Plan (Condition D32), Operational Waste Management Plan (Condition D33), and Flood Emergency Response Plan (Condition D34) must be fully implemented during use of the premises. The Plans s must be reviewed annually and updated if necessary.

The Flood Emergency Response Plan must be updated after any significant flood event.

6. Schedule 2, is amended by the deletion of the ~~struck out words~~ and insertion of **bold and underlined** words as follows:

Part F Prior to Issue of Subdivision Certificate

Requirements of the EP&A Act – Part 6 Certificates

- F1. In undertaking the subdivision approved under this consent, the Applicant must comply with the requirements of Part 6 of the EP&A Act in relation to the issue of a Subdivision Certificate. For the purpose of this approval, the issue of a Subdivision Certificate/s is restricted to the Development carried out in accordance with the documents set out in Condition A1.**

Subdivision Certificate

- F2. Before granting any Subdivision Certificate, the Certifier must be satisfied that the Applicant has complied with all conditions in Part F Prior to Issue of Subdivision Certificate of this consent that are required to be complied with before a Subdivision Certificate may be issued in relation to the plan of subdivision.**

Building Management Statement

- F3. Prior to the issue of a Subdivision Certificate, a Building Management Statement must be prepared in the approved form prescribed by Schedule 8A of the Conveyancing Act 1919 or a Strata Management Statement must be prepared in the approved form prescribed by Part 6 of the Strata Schemes Development Act 2015 and submitted to the Certifier.**

- F4. The Building Management Statement or Strata Management Statement (as applicable) is to apply to the Development as a 'united building'. The Building**

Management Statement or Strata Management Statement (as applicable) must include details of the following:

- (a) the use, operation and arrangements for the supply of services, maintenance and upgrading of infrastructure of each stratum lot within the subdivision
- (b) the ongoing maintenance, upgrading, redevelopment and structural adequacy of each stratum lot within the subdivision; and
- (c) any other matters which the Certifier considers relevant and pertinent to the issue of a Subdivision Certificate.

Creation of Easements

- F5. Prior to the issue of a Subdivision Certificate, easements for services, drainage, support and shelter, use of plant, equipment, loading areas and service rooms, repairs, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots in the subdivision pursuant to section 88B of the Conveyancing Act 1919.

Registration of Easements

- F6. Prior to the issue of a Subdivision Certificate, the Applicant must provide to the Certifier evidence that all matters required to be registered on title, including easements noted on the draft subdivision plans listed in Condition A1, are contained within the subdivision plan to be lodged for registration at the NSW Land Registry Services.

Encroaching and/or Shared Services

- F7. Any pipes, service lines or the like servicing each lot must be contained within their respective lots or, if service lines encroach upon adjoining lots within the subdivision, or are shared by more than one lot, appropriate easements must be created, pursuant to section 88B of the Conveyancing Act 1919, over the service lines where any such encroachment occurs

Compliance Certificate

- F8. Prior to issue of any Subdivision Certificate, a compliance certificate issued under Part 6, Division 9 of the Sydney Water Act 1994 must be obtained from Sydney Water and must be provided to the Certifier demonstrating that the Development has satisfied the detailed requirements of Sydney Water in respect to water and wastewater.
- F9. Prior to the issue of each Subdivision Certificate (as relevant), a Registered Surveyor has confirmed that the parcel boundary of the plan corresponds with floors, external walls and ceilings of the relevant building/structures as constructed or alternatively, has the benefit of an appropriate easement or is the subject of appropriate provisions in the Building Management Statement or Strata Management Statement, to enable the registration of the plan.

End of modification

(SSD-71687208-MOD-2)