



COUNCIL ASSESSMENT REPORT – MODIFICATION APPLICATION

SYDNEY EASTERN CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	[PPSSEC-444] – DA/414/2020/C
PROPOSAL	S4.56 Modification Application of approved development to amend the development consent granted by the NSW Land and Environment Court, where the development will remain substantially the same as the development that was originally approved. The modification sought to approved development is to amend approved operational waste management, replace the car lift with a ramp, delete ground floor turn table and delete the OSD tank.
ADDRESS	172 – 180 Anzac Parade, Kensington 2033. Lot A and B DP443852, Lot 1 DP 101928, Lot 1 DP 939269, Lot 1 DP 100295, Lot 1 DP561709, Lots 1 and 2 DP 1131969
APPLICANT	Willowtree Planning Pty Ltd
OWNER	Perpetual Trustee Company Limited
MOD LODGEMENT DATE	22 December 2025
ORIGINAL DA DETERMINATION DATE	Integrated Development Application for demolition of existing structures and construction of an 18 storey mixed-use development comprising basement, ground / first floor commercial, a boarding house comprising 175 boarding rooms with a manager's room and communal facilities. Application determined 17 June 2021 - LEC.
APPLICATION TYPE	Modification Application under Section 4.56
REGIONALLY SIGNIFICANT CRITERIA	Clause 2, Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021: Development that has an estimated development cost of more than \$30 million.</i>
CIV	\$792,393.00 (including GST)
CLAUSE 4.6 REQUESTS	N/A
KEY SEPP/LEP	• <i>State Environmental Planning Policy (Planning Systems) 2021.</i> • <i>State Environmental Planning Policy (Housing) 2021.</i> • <i>Randwick Local Environmental Plan 2012.</i> • <i>Randwick Development Control Plan 2013.</i>

	<i>Randwick Development Control Plan – Section E6 Kensington and Kingsford Town Centres.</i>
TOTAL & UNIQUE SUBMISSIONS ISSUES SUBMISSIONS	Nil
DOCUMENTS SUBMITTED FOR CONSIDERATION	- Statement of Environmental Effects prepared by WILLOWTREE PLANNING dated 22 December 2025 - Architectural Plans prepared by Bayley Ward Architects dated 03 October 2025 - Traffic and Parking Statement prepared by Traffix – dated 1 December 2025 - Operational Waste Management Plan prepared by Elephants Foot Group dated 18 December 2025 - Civil Statement prepared by Northrop dated 12 December 2025
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	N/A.
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	N/A
SCHEDULED MEETING DATE	4 June 2026
PLAN VERSION	Plan set - Revision 3.
PREPARED BY	Ivy Zhang
DATE OF REPORT	21 May 2026

EXECUTIVE SUMMARY

Council is in receipt of a modification application pursuant to Section 4.56 of the Environmental Planning and Assessment Act (as amended), seeking consent to modify (“C”) Development Consent DA/414/2020.

The original development application was approved on 17 June 2021 by the NSW Land and Environment Court, after an agreement was reached between parties pursuant to s34 of the Land and Environment Court (LEC) Act noting that if the application was not appealed in the LEC, the consent authority would have been the *Sydney Eastern City Planning Panel* (SECPP) as it has a capital investment value over \$30 million and is defined as Regionally Significant Development, pursuant to Section 4.7, of the Environmental Planning and Assessment Act 1979 and Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021.

The original approval comprises the demolition of existing structures and construction of an 18-storey mixed-use development comprising basement parking, ground and first floor commercial, with a 14 storey (student accommodation)

boarding house and communal facilities above. The boarding house comprises 175 rooms, basement parking for 10 car spaces, 36 motorcycle spaces and 36 bicycle spaces. The original consent approved a height of building (HOB) 58.2m below the 60m maximum, an overall FSR of 5.99:1 (6:1 control maximum) and a non-residential FSR of 1:1 that complied with relevant LEP development standards.

DA/414/2020/A (approved on 18 April 2023) provided approval for increased height, façade changes and internal reconfiguration.

DA/414/2020/B (approved on 14 August 2025) provided approval for replacing approved mechanical stackers with standard car spaces and internal re-configuration works from the basement to Level 1.

This modification application (DA/414/2020/C) (Section 4.56 of the Act) is referred to Sydney Eastern City Planning Panel for determination in accordance with the *Instruction on Functions Exercisable by Council on Behalf of Sydney District or Regional Planning Panels—Applications to Modify Development Consents* published on the NSW planning portal on 30 June 2020, which states that Section 4.56 modification applications are to be referred to the Panel for determination.

This modification seeks to amend approved operational waste management, replace the car lift with a ramp, delete ground floor turn table and delete the OSD tank.

The Section 4.56 modification application was publicly notified to surrounding property owners, and previous objectors and advertised on Council's website with site notification attached to the subject site in accordance with the Randwick Council Community Consultation Plan. Nil (0) submissions were received during the notification process. The application was also referred to Council's Development Engineer, who raised no objection to the proposed modifications subject to amended consent conditions.

The key considerations associated with the proposed modification application relate to the amended internal vehicular access arrangement from car lift to ramp, whether the increased overall FSR from 6:1 (6,146sqm) to 6.024:1 (6,169.02sqm) and non-residential FSR from 0.914:1 (936.13sqm) to 0.964:1 (987.14sqm) satisfy the relevant objectives and the intent of the LEC reasons for approval, removal of landscaping strip near the driveway along the northern boundary, updated operational waste management plans and deletion of OSD tank.

In short, the proposed replacement of the approved car lift with a ramp access results in a more efficient and functional basement and ground floor layout, particularly in relation to vehicular circulation and access.

A Clause 4.6 assessment has also been undertaken in relation to the increase of non-residential FSR below the minimum 1:1 and the increase of overall FSR over the maximum 6:1, which evaluated that the increase of floor space was predominantly related to commercial lobby and back of house areas, with the lettable or usable areas increasing on the ground floor and the loss of spaces within the service rooms and waste rooms. The proposed amendments are considered to satisfy the objectives of the control and uphold the intent of the LEC reasons for approval, notwithstanding the variation from the numeric requirement.

The removal of the landscaped strip adjacent to the driveway along the northern boundary is not supported and has not been adequately justified by the applicant.

Accordingly, a condition has been recommended to require the retention of this landscaped strip to satisfy minimum landscaping requirements and to provide an appropriate visual and spatial transition to the adjoining low-density residential development to the north.

The amended operational waste management arrangements appropriately reflect Council's recent reclassification of the subject development from a residential to a commercial asset for waste management purposes.

The proposed On-Site Detention (OSD) tank has been determined to be ineffective given the site's location within a flood control lot. In this regard, the deletion of the OSD tank is supported.

The development remains substantially the same as a result of the proposed modification in accordance with Section 4.56 of the Environmental Planning and Assessment Act (as amended), and the proposed amendment shall not alter the intent of the original development.

The proposed changes do not result in any unreasonable adverse impacts upon the built or natural environment, nor unreasonably impact upon the residential amenity of surrounding properties.

In view of the above and assessment of the relevant matters for consideration under Section 4.15(1) and 4.56 of the EP&A Act, it is considered that the proposed modification can be supported, and the application is recommended for approval.

1. THE SITE AND LOCALITY

1.1 The Site

The site is located on the corner of Anzac Parade and Todman Avenue, Kensington and consists of the following properties (refer Figure 1):

- 172 – 180 Anzac Parade – 2 storey shop top housing developments fronting Anzac Parade.

Table 1: Existing properties within the subject site		
Legal Description	Address	Description
Lot 1 DP 101928, Lot 1 DP 939269, Lot 1 DP 100295, Lot 1 DP 561709, Lot 1 DP 1131969, Lot 2 DP 1131969, Lot A DP 443852, Lot B DP 443852	172-180 Anzac Parade	Under construction of Stage 2 – Shoring, Excavation and Substructure (Basement and Ground Floor), undertaking the development approved by DA/414/2020 (as modified).

The site is located on the eastern side of Anzac Parade. The site has an overall area of 1024m², with a frontage to Anzac Parade of 27.755m, to Todman Avenue of 36.885m. The sites currently have vehicular access along the right of way located at the rear of the site, to the west of 118 Todman Avenue.

The Anzac Parade frontage, north – south is flat, with a fall of approximately 0.1m. The site slopes upwards from Anzac Parade (west) to the rear (east) by approximately 1m in the middle of the site.

The site is not within a Heritage Conservation Area or adjacent to any Heritage Items.

The site is currently under construction of Stage 2 – Shoring, Excavation and Substructure (Basement and Ground Floor), undertaking the development approved by DA/414/2020 (as modified).



Figure 1: Locality Map (Source: NearMap 2026)

1.2 The Locality

The site is located within the E2 Commercial Centre Zone in addition to the Special Provisions Area, known as the Kensington to Kingsford (K2K) town centre. This area is comprised by commercial uses and a mix of ground floor retail including restaurants and convenience stores with residential above. Redevelopment located along Anzac Parade is in transition due to the light rail infrastructure, which has resulted in density uplift. There is no prevailing architectural style within the locality with a mixture of modern and heritage architectural designs.

To the north, the site adjoins aidacare (a healthcare equipment premises).

To the east is a pair of semi-detached dwellings (118-120 Todman Avenue), which front Todman Avenue.

The Site is easily accessible via public transport as it is serviced by numerous bus stops, such as Todman Avenue located approximately 80m from the Site and Anzac Parade bus stop approximately 20m from the Site. The south east light rail link fronts the Site along Anzac Parade where the Kensington light rail stop is located.

The Site is located in close proximity to numerous amenities and services such as Kensington Public School which is located 40m east of the Site along Todman Avenue and Doncaster Avenue, less than 200m east of the Royal Randwick Racecourse, 650m to the north west of the University of NSW Randwick Campus and 820m south west of TAFE NSW Randwick.

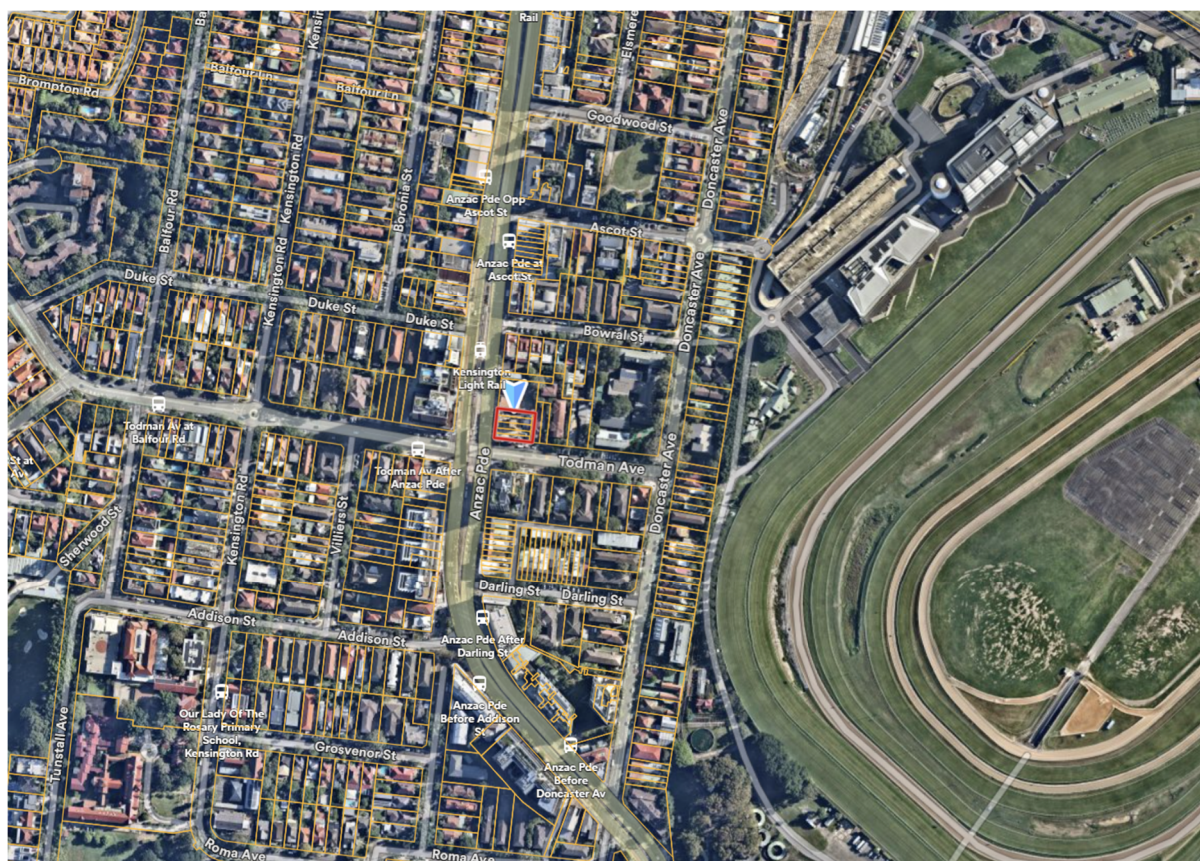


Figure 2: Aerial view of the site and surrounding area (Source: NearMap 2025)

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposed Modification

This Section 4.56 modification application seeks to amend approved operational waste management, replace the car lift with a ramp, delete ground floor turn table and delete the OSD tank. The modified scheme retains the approved land use and overall site arrangement while making changes to the vehicle access and operational waste management. Details of the proposed modifications are as follows:

Basement Level

- Relocation of the bulky waste room from the Ground Floor to the Basement Level;
- Reduction of the basement footprint to the east and reconfiguration of the basement layout accordingly, with no changes to the approved number of parking spaces, comprising 40 bicycle spaces, 36 motorcycle spaces, and 10 car parking spaces;
- Combination and reduction of the fire pump room;
- Deletion of the tank room and storage room;
- Relocation of Main Switch Room and introduction of a new Cold Water Pump Room;

Ground Floor

- Reconfiguration of the waste room to reflect updates in the Operational Waste Management Plan;
- Replacement of the approved car lift with a ramp access;
- Removal of the turn table;

- Reconfiguration of the ground floor layout, with no changes to the approved gross floor area of the retail tenancies;
- Updated lobby area with landscaped area and ramp relocated to the east and a semi-enclosed lift waiting area;
- Removal of the landscaping strip adjacent to the driveway along the northern boundary;
- Relocated fire control room from Anzac Parade frontage to Todman Avenue frontage; and
- Relocation of the communications room towards the south.

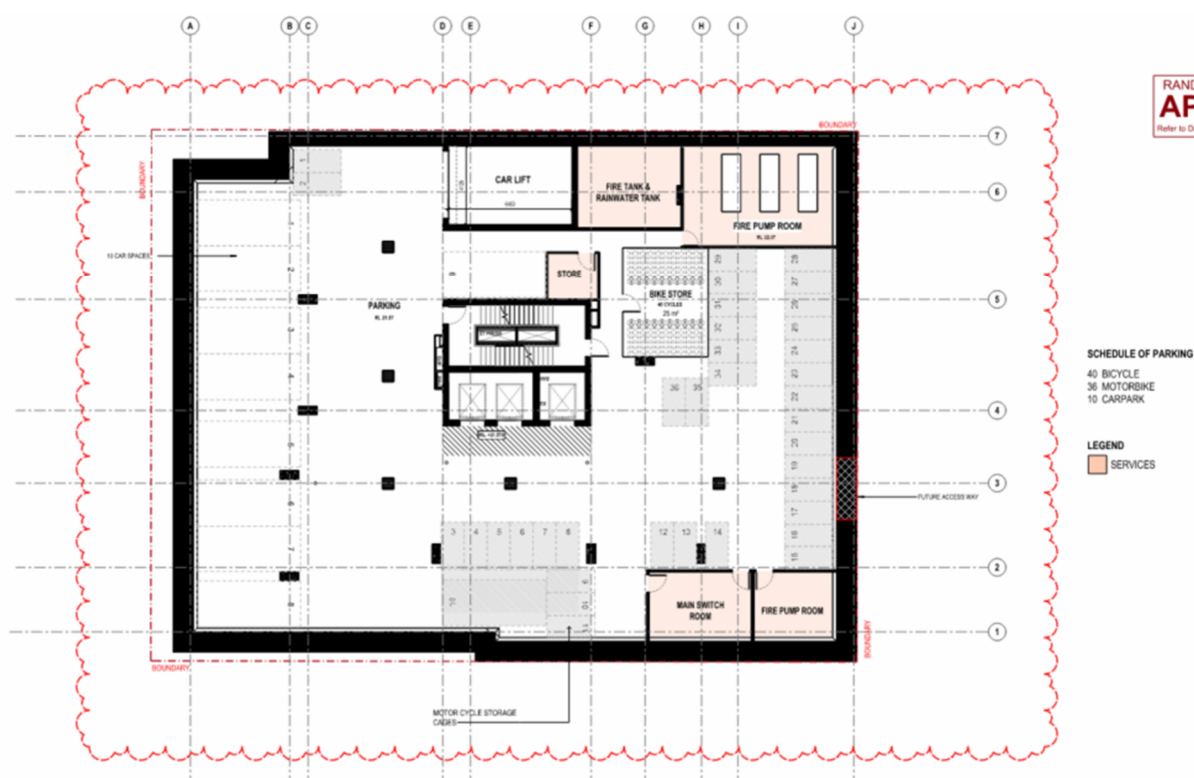


Figure 3: Approved Basement Floor Plan (Source: DA/414/2020/B)

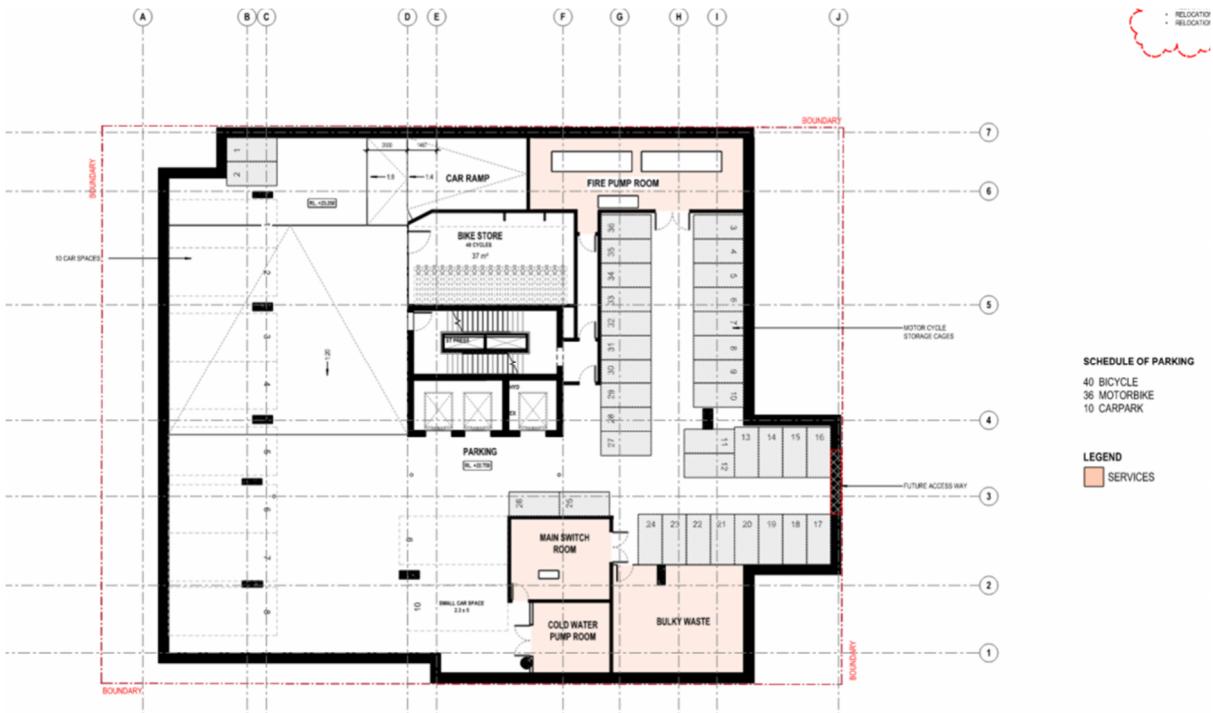


Figure 4: Proposed Basement Plan (Source: Applicant)

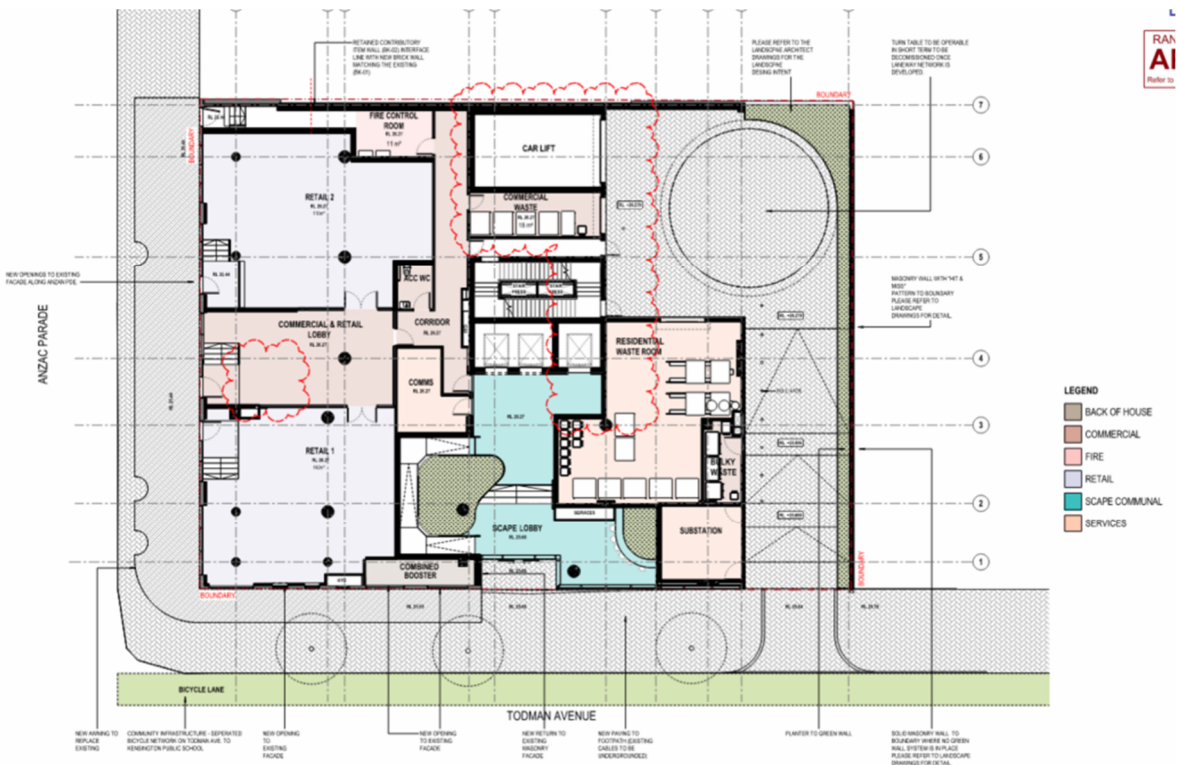


Figure 5: Approved ground floor plan (Source: DA/414/202/B)

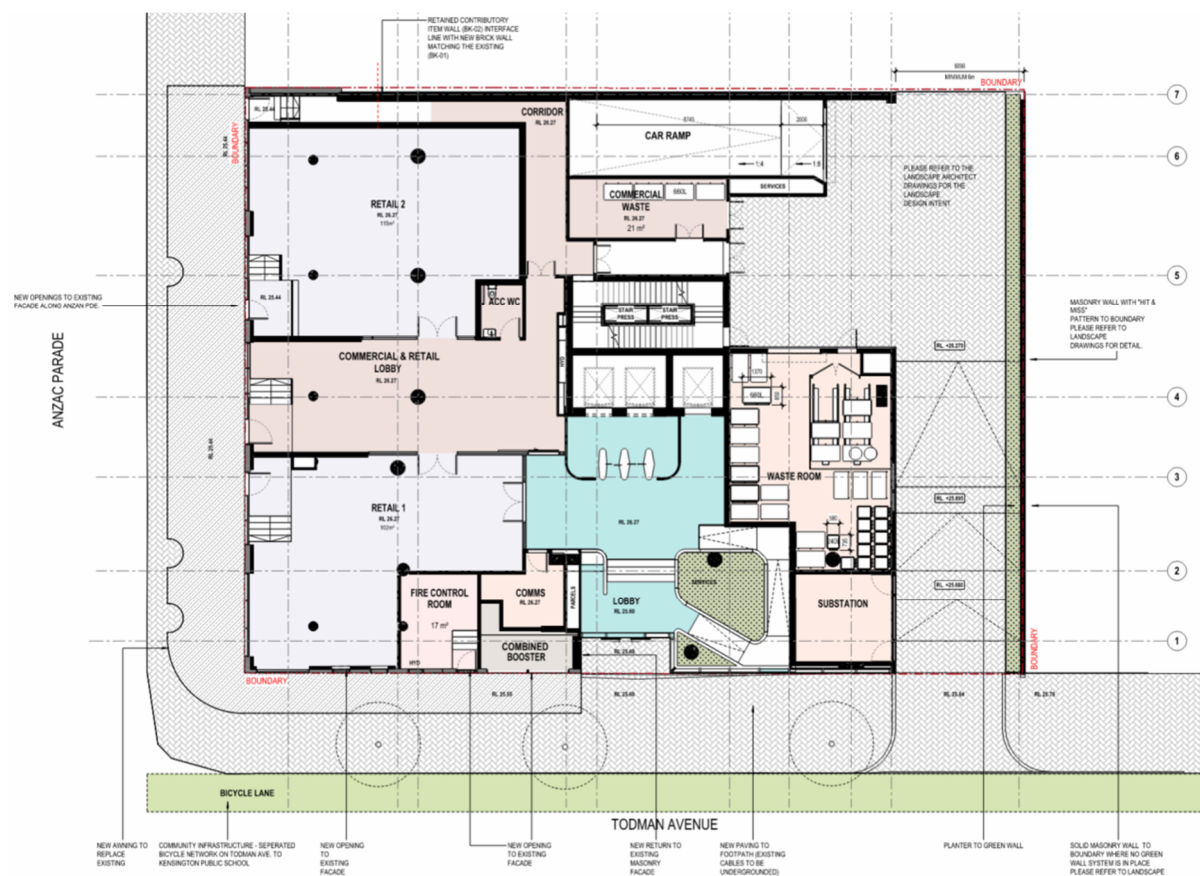


Figure 6: Proposed Ground Floor Plan (Source: Applicant)

Proposed Changes to Conditions

Table 1: Proposed Changes to Conditions

Condition No	Condition requirements	Change Proposed	Reason for Change
1	Approved plans and documents	Modify architectural plans	Modify to update plans to reflect proposed modification
2	Amendment of Plans & Documentation	Addition of g	Retain the landscaping strip along the northern boundary
32	Turn Table	Deletion of condition	Removal of the turn table
33	Car Lift	Deletion of condition	Removal of the car lift
47	Turn Table	Deletion of condition	Removal of the turn table
48	Car Lift	Deletion of condition	Removal of the car lift

50	Car Stacker	Amendment of wording	To reflect the amended plans
60(c)	Stormwater Drainage & Flood Management	Deletion of condition	Removal of the OSD tank.
63	Waste Management Waste Collection Vehicle Provision	Amendment of wording	To reflect the amended waste procedures
64	Provision for Automated Waste Collection System	Deletion of condition	To reflect the amended waste procedures
65	Provision for Automated Waste Collection System	Deletion of condition	To reflect the amended waste procedures
66	Amended Waste Management Plan	Replacement of condition	To reflect the amended waste procedures
69	Amended Waste Management Plan	Deletion of condition	To reflect the amended waste procedures
138	Turn Table	Deletion of condition	Removal of the turn table
139	Car Lift	Deletion of condition	Removal of the car lift
149	Waste Management	Deletion of condition	To reflect the amended waste procedures

Development Data

Table 2: Development Data

Control	Approved Development	Proposal	Change
Site area: 1024m ²			
Land Use	18-storey mixed use development comprising a commercial ground and first level and a 14 storey boarding house (student accommodation) above.	18-storey mixed use development comprising a commercial ground and first level and a 14 storey boarding house (student accommodation) above.	No change
GFA 5:1 permitted under LEP 6:1 permitted under SEPP ARH	6,143m ² (5.99:1) 6,146m ² (6:1) – Mod A approval 6,146m ² (6:1) – Mod B approval	6,169.02 m ² (6.024:1)	Increase of 23.02 m ² – suitably justified in the key issues section.

FSR (Non-residential) 1:1 Required	1024sqm (1:1) – Original DA 937sqm (0.915:1) – Mod A approval. 936.13sqm (0.915:1) – Mod B approval.	987.14 m ² (0.964:1)	Increase of 51.01m ² – suitably justified in the key issues section.
Clause 4.6 Requests	Variations to the minimum non-residential FSR = 87.87 m ² / 8.6%	Variations to the maximum GFA = 25.02 m ² / 0.41% Variations to the minimum non-residential FSR = 36.86 m ² / 3.6% Formal written requests not requested for modification applications and were not submitted.	Increase of 23.02 m ² GFA Increase of 51.01 m ² non-residential GFA
No of beds	203	203	No change
No of Boarding Rooms	175	175	No change.
Max Height	RL 85.3 AHD	RL 85.3 AHD	No change
Communal area	653m ²	653m ²	No change
Car Parking spaces	10 spaces	10 spaces	No change
Motorcycle Parking	36 spaces	36 spaces	No change
Bicycle Parking	40 spaces	40 spaces	No change

2.2 Background

Details of Previous Approvals

Development Application DA/414/2020

The original development application was approved by the NSW Land and Environment Court on 17 June 2021, after an agreement was reached between parties pursuant to s34 of the Land and Environment Court Act. As part of the Court process, the development was required to provide for onsite parking and futureproof a potential north-south laneway along the driveway and a basement connection to prevent the site isolation of 118-120 Todman Avenue adjacent to the rear (eastern) boundary.

The approved development was considered consistent with the relevant provisions of the SEPP ARH, the RLEP 2012 and Part E6 of Randwick Development Control Plan Kensington and Kingsford Town Centres 2020. In compliance with the provisions of Clause 6.17 and 6.18

relating to delivery of community infrastructure and affordable housing, a Planning Agreement has also been executed to satisfy deferred commencement conditions.

Development Application DA/414/2020/A

Section 4.56 Modification to approved development including increased height, façade changes and internal reconfiguration.

Development Application DA/414/2020/B

Section 4.56 Modification to approved development to replace approved mechanical stackers with standard car spaces and internal re-configuration.

Subject Application DA/414/2020/C

The proposed modification application was lodged on 3 February 2026. A chronology of the modification application since lodgement is outlined below in **Table 3** including the Panel's involvement (briefings, deferrals etc) with the application:

Table 3: Chronology of the Modification Application

Date	Event
3 February 2026	Modification application lodged
6 February 2026	Referred to internal Council Development Engineer
13 February 2026	Exhibition of the application
17 March 2026	RFI issued seeking clarification on the following matters: • Ramp grade details • Waste management • Insufficient description and markups on the plans of the proposed changes to the approved development.
18 March 2026	A subsequent email was sent to the applicant confirming that the waste management issue raised in the Request for Further Information letter was no longer relevant due to reclassification of the development from residential to commercial development for waste management purposes.
25 March 2026	Additional information was received from the applicant, including revised basement plan and ground floor plan, ramp section and a response to Request for Further Information.
4 June 2026	Panel Determination briefing

3. STATUTORY CONSIDERATIONS

When determining a modification application, the consent authority must take into consideration the matters outlined in 4.56 of the EP&A Act in relation to modification of consents provisions, Section 4.15(1) of the EP&A Act in relation to matters for consideration for applications and Part 5 of the 2021 EP&A Regulation in relation to information requirements and notification. These matters are considered below.

3.1 Section 4.56 of the EP&A Act

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the Court and subject to and in accordance with the regulations, modify the consent if a number of matters are satisfactorily addressed pursuant to Section 4.55(2) of the EP&A Act. The matters include the following:

- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all) (s4.56(1)(a)), and*

In order to establish if development is substantially the same as what was granted consent, reference is made to the case of *Moto Projects (No.2) v North Sydney Council [1999] NSW LEC 280*, which provides the following judgement:

“The requisite factual finding obviously requires a comparison between the development, as currently approved, and the development as proposed to be modified.....

....The comparative task does not merely involve a comparison of the physical features or components of the development as currently approved and modified where that comparative exercise is undertaken in some type of sterile vacuum. Rather, the comparison involves an appreciation, qualitative as well as quantitative, of the developments being compared in their proper contexts (including the circumstances in which the development is granted)

The changes proposed to the approved development primarily involve amended operational waste management, replacement of the car lift with a ramp, deletion of the ground floor turn table and the OSD tank and minor reconfiguration in the basement and ground floor level.

The following is also noted:

- The development retains the approved land uses as a mixed use development comprising a boarding house and commercial uses with basement carpark,
- The function, form, operations, and importantly, public perception of the Subject Site, as a mixed use development comprising a boarding house with commercial uses, remains largely unchanged, with the modifications retaining the original intent of the development as approved.

Therefore, the development is substantially the same.

- (b) *it has notified the application in accordance with—*
(i) the regulations, if the regulations so require, and

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent (s4.56(1)(b)), and

- (c) it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person (s4.56(1)(c)), and*

The Section 4.56 modification application was publicly notified to surrounding property owners and to any previous submitters/objectors and advertised on Council's website with site notification attached to the subject site in accordance with Randwick Council Community Consultation Plan. Nil submission was received during the notification process.

- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be (s4.56(1)(d)).*

Nil submissions were received during the notification period.

- (e) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) 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 (s4.56(1A)).*

The matters required to be considered include:

- Matters for consideration pursuant to Section 4.15(1) of the EP&A Act – these matters are considered below in Section 3.2 of this report; and
- Reasons given by the consent authority for the grant of the consent that is sought to be modified – outlined below.

Reasons for Grant of Consent

The NSW Land and Environment Court granted consent to the original development on 17 June 2021 in response to an agreement between parties, pursuant to section 34 of the Land and Environment Court Act. During these proceedings, the Applicant was granted leave to rely on amended plans whereby the jurisdictional prerequisites identified by the parties were considered to have been satisfied. The amendments made during the conciliation which are considered key matters and reasons for the approval are identified as follows:

- The proposed development comprising commercial premises and a boarding house for student accommodation are a permissible use within the B2 Local Centre zone.
- The proposal has complied with the community infrastructure preconditions to enable the additional height and FSR permitted under Clause 6.17 of the Randwick LEP 2012. The proposal was considered to reflect the desired character of the localities in which they are allowed and minimises adverse impacts on the amenity of those localities, and where the intensity of development is commensurate with the capacity of existing and planned

infrastructure.

- The requirements of Clause 6.21 of the Randwick LEP 2012 were addressed by the submitted statement and the development exhibits design excellence. The proposal will comply with the height and FSR bonuses afforded by Design Excellence provisions and the SEPP ARH.
- The area of non-residential floor space in the development, expressed at 1:1, is consistent with the Non-Residential Floor Space Ratio Map at cl 6.19(2) of the RLEP 2012.
- The effect of the proposed development on the contributory buildings and heritage items was considered acceptable, in accordance with cl 5.10(4) of the RLEP. In particular, the agreement of the heritage experts as to the manner for contributory buildings to be integrated into the development, and the requirement for certain schedules and plans to be prepared in accordance with conditions.
- The proposed earthworks and excavation will not have a detrimental impact on the soil stability or the amenity of the neighbouring uses or the adjacent light rail infrastructure, and it was considered those matters at cl 6.2(3) of the RLEP to be appropriately addressed.
- Flood hazards satisfied in accordance with the matters at subcl. 6.3(3)(a)-(e) of the RLEP.
- The proposed development will incorporate appropriate measures to manage stormwater in accordance with cl 6.4 of the RLEP.
- The agreed conditions of consent at Condition 7, being conditions advised by Sydney Airport, to satisfy the requirements of cl 6.8 of the RLEP in respect of airspace operations.
- Adequate arrangements have been made to make essential services available for the site when required in accordance with cl 6.10 of the RLEP.
- A contribution equivalent to the affordable housing levy contribution is imposed and is calculated in accordance with the Kensington and Kingsford Town Centres Affordable Housing Plan (subcl. (5)).
- As per the Active Frontages provision at cl 6.20 of the RLEP, the overwhelming proportion of the street frontage is active, and that the frontage otherwise allocated to building services and fire egress should not preclude the grant of consent.
- The proposal was consistent with the provisions of SEPP ARH noting the built form remained largely consistent with the provisions of RLEP 2012 and the Kensington and Kingsford DCP 2020 (K2 Site) and therefore is consistent with the desired character of the area in accordance with clause 30A of the SEPP ARH.

The modification application does not alter any external elements. The proposed changes retain the approved parking rates. The proposal is consistent with the reasons for which consent was originally granted.

3.2 Section 4.15(1) of the EP&A Act

Section 4.15(1) of the EP&A Act contains matters which the consent authority must take into consideration in determining a development application and modification applications pursuant to Section 4.56(1A)], which are of relevance to the application.

These matters include the following, which are considered in detail below:

- (a) *the provisions of—*
 - (i) *any environmental planning instrument, and*

- (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- that apply to the land to which the development application relates,*
- (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,*
 - (c) *the suitability of the site for the development,*
 - (d) *any submissions made in accordance with this Act or the regulations,*
 - (e) *the public interest.*

3.2.1 **Section 4.15(1)(a) - Provisions of Environmental Planning Instruments, Proposed Instruments, DCPs, Planning Agreements and the Regulations**

The relevant provisions under s4.15(1)(a) are considered below.

(a) Environmental planning instruments (s4.15(1)(a)(i))

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Randwick Local Environmental Plan 2012 LEP;*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 4** and considered in more detail below.

Table 4: Summary of Applicable State Environmental Planning Policies (Preconditions in bold)

EPI	Matters for Consideration	Comply (Y/N)
BASIX SEPP	No compliance issues identified subject to imposition of conditions on any consent granted. The proposed changes to the development do not require a new BASIX.	Y
State Environmental Planning Policy (Housing) 2021	The original development application was approved under the Affordable Rental Housing (ARH) SEPP. As per the explanation below, the subject modification must be considered under the ARH SEPP.	N/A.

State Environmental Planning Policy (Affordable Rental Housing) 2009	Division 3 – Boarding Houses <u>29 Standards that cannot be used to refuse consent</u> (1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than— ... (c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus— (i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or (ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.	N (acceptable on merit) – FSR
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 2 of Schedule 6 as it comprises development that has an estimated cost of more than \$30 million.	Y
LEP	- Clause 2.3 – Permissibility and zone objectives - Clause 6.4 – Stormwater Management - Clause 6.19 – Non-Residential floor space ratios at Kensington and Kingsford town centres.	N (acceptable on merit) – non-residential floor area.
DCP	Randwick Development Control Plan Part E6 - Kensington and Kingsford Town Centres The proposal retains 10 car parking spaces. Landscaping remains generally consistent with the original approval and a condition has been imposed to retain the landscaping strip along the northern boundary near the driveway.	Y

State Environmental Planning Policy (Housing) 2021

State Environmental Planning Policy (Housing) 2021 (Housing SEPP) commenced on 26 November 2021. The Housing SEPP consolidated five (5) housing-related SEPPs into one document. The State Environmental Planning Policy (Affordable Rental Housing) 2009 (the ARH SEPP) was one such SEPP which was incorporated into the Housing SEPP.

The original Development Consent was granted prior to the commencement of the Housing SEPP and was approved under the ARH SEPP. This included classification of some of the development as a “boarding house” under the ARH SEPP. The Housing SEPP has been amended a number of times since it came into force, with the most recent amendment made on 12 August 2022.

Schedule 7A of the Housing SEPP contains savings and transitional provisions. Clause 2 of Schedule 7A reads as follows:

- (1) This Policy does not apply to the following matters—
- (a) a development application made, but not yet determined, on or before the commencement date,
 - (b) a concept development application made, but not yet determined, on or before the commencement date,
 - (c) a staged development application made subsequent to a concept development application approval granted on or before the commencement date,
 - (d) a development consent granted on or before the commencement date,**
 - (da) an application to modify a development consent granted after the commencement date, if it relates to a development application made, but not determined, on or before the commencement date...

(2) The provisions of a repealed instrument, as in force immediately before the repeal of the repealed instrument, continue to apply to a matter referred to in subsection (1).

Clause 2(1)(d) states that the Housing SEPP does not apply to a “development consent granted on or before the commencement date”. The commencement date is the date on which the Housing SEPP commenced and is 26 November 2021. It is noted that a “development consent” includes a development consent as modified.

Section 4.56(1C) of the EP&A Act states as follows in relation to modification applications:

- (1C) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.

Therefore, Clause 2(1)(d) means that any modification of the Development Consent must be assessed under the ARH SEPP. This is because clause 2(d) relates to development consents which have already been granted and, in our view, include the modification of such consents. Clause 2 specifies that the provisions of a repealed instrument (in this case, the ARH SEPP) continue to apply to the Original Consent.

It is further noted that Clause 2(1)(da) was inserted into the Housing SEPP in August 2022 to provide further clarity on the savings provisions and relates to modifications to development applications which were made, but not determined, prior to 26 November 2021 (and so would be assessed under the now repealed SEPPs) to be modified and also assessed under the now repealed SEPPs. An explanation of the amendment to add Clause 2(1)(da) into the Savings and Transitional provisions is included on the Department of Planning, Housing and Infrastructure (DPHI) website. The website gives the following reason for amending the savings provision to include Clause 2(1)(da):

“Amending the savings provisions to save modification applications, where the original consent was granted under a repealed instrument, after the commencement of the Housing SEPP. This will ensure that modification applications are determined under the same EPI that applied to the original proposal.”

It is clear from the above that the intent of the savings provisions is to ensure that S4.56 applications to consents issued under the ARH SEPP continue to be assessed under the same EPI that applied to the Original Consent (the ARH SEPP).

The proposal, as modified, would not vary compliance with the relevant provisions of the ARH SEPP, except for the maximum FSR applies to the site, which has been suitably justified in the Key Issues section.

State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')

Chapter 2: State and Regional Development

The original development is Regionally Significant Development with a capital investment value over \$30 million pursuant to Section 4.7, of the Environmental Planning and Assessment Act 1979 and Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021).

The consent authority for the original Development Application would have been Sydney Eastern City Planning Panel (SECPP) were the application not appealed in the Land and Environment Court.

For this S4.56 modification application, the SECPP is the determining authority in accordance with the *Instruction on Functions Exercisable by Council on Behalf of Sydney District or Regional Planning Panels—Applications to Modify Development Consents* published on the NSW planning portal on 30 June 2020.

Randwick Local Environmental Plan 2012

The relevant local environmental plan applying to the site is the *Randwick Local Environmental Plan 2012* ('the LEP'). The proposed development as modified remains consistent with the relevant aims and provisions of RLEP 2012, noting that the proposal for mixed use development (student housing) is maintained, and the external built form is not altered.

The site is located within the E2 Commercial Centre Zone pursuant to Clause 2.2 of RLEP 2012. As noted above, the subject modification application does not seek to change the approved use of the development which is permissible within the E2 zone.

The proposed development as modified also remains consistent with the objectives of the E2 zone serving the needs of people who live in, work and visit the local area; encourage employment opportunities; maximise public transport, provides residential development that is well-integrated with, and supports the primary business function of, the zone; provides a high standard of urban design; and protects the amenity of surrounding residents. The proposal as modified is considered compatible with the desired future character of the Kingsford Town Centre.

The matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') are considered in **Table 4**.

Table 4: S4.15 Matters for Consideration

Section 4.15 'Matters for Consideration'	Comments
Section 4.15(1)(a)(i) – Provisions of any environmental planning instrument	The proposed modifications comprise internal reconfigurations to the approved development, which will remain substantially the same. The development remains consistent with the general aims, objectives, and applicable development standards of the RLEP 2012 and SEPP ARH. An assessment of the non-residential FSR increase has been undertaken and is considered acceptable on merit. Refer to detailed assessment in key issues section below.
Section 4.15(1)(a)(ii) – Provisions of any draft environmental planning instrument	Nil.
Section 4.15(1)(a)(iii) – Provisions of any development control plan	The proposal generally satisfies the objectives and controls of the Randwick Comprehensive K2K DCP 2020, as outlined in the above sections.
Section 4.15(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	Nil.
Section 4.15(1)(a)(iv) – Provisions of the Regulations	The relevant clauses of the Regulations have been satisfied.
Section 4.15(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	The proposed modifications have responded appropriately to the relevant planning controls and will not result in any significant adverse environmental, social or economic impacts on the locality.

Section 4.15 'Matters for Consideration'	Comments
Section 4.15(1)(c) – The suitability of the site for the development	The site has been assessed as being suitable for the development in the original development consent. The modified development will remain substantially the same as the originally approved development and is considered to meet the relevant objectives and performance requirements in the RDCP 2013, K2K RDCP 2020 and RLEP 2012. Accordingly, the site remains suitable for the modified development.
Section 4.15(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	No submissions were received as noted in Section 4.3 below.
Section 4.15(1)(e) – The public interest	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered the public interest.

3.3 Part 5 of the 2021 EP&A Regulation

There are a number of matters required to be addressed in an application for modification of development consent pursuant to Division 1, 2 and 3 of Part 5 of the 2021 EP&A Regulation. These matters are considered in **Table 7** below.

Table 5: Consideration of the Requirements under the Regulation

Matter	Comment	Comply
Clause 100 Application for modification of development consent		
May be made by— (a) the owner of the land to which it relates, or (b) another person, with the consent of the owner of the land (CI 98(1))	The application has been made by Willowtree Planning (NSW) PTY LTD with the consent of the owner of the land.	Y
Form approved by Planning Secretary and on portal (CI 99).	The application has been provided in accordance with the Regulation.	Y
Applicant details (CI 100(1)(a))	Provided on the NSW Planning Portal ('the Portal').	Y
Description of the development (CI 100(1)(b))	Provided on the Portal and outlined in Section 2 of this Report.	Y

Address and title details (CI 100(1)(c))	Provided on the Portal and outlined in Section 1 of this Report.	Y
Description of the proposed modification (CI 100(1)(d))	Provided on the Portal and outlined in Section 2 of this Report.	Y
Whether to correct a minor error, mis-description or miscalculation, or some other effect (CI 100(1)(e))	The proposed modification is to modify the original consent under Section 4.56 to amend operational waste management, internal vehicle access arrangement, delete the turn table and delete the OSD tank and is not to correct a minor error, misdescription or miscalculation.	Y
Description of the expected impacts of the modification (CI 100(1)(f))	There are unlikely to be any significant impacts resulting from the proposed modification given there are no changes to the external building form or features. Only minor changes (reconfiguration) are proposed to the internal layout of the basement and ground floor. Any other impacts were considered in the original proposal, which was supported by Council.	Y
Undertaking that modified development will remain substantially same as development originally approved (CI 100(1)(g))	The modified development will remain substantially the same development as that originally approved. Refer to Section 3.1 of this Report.	Y
Owner's consent (CI 100(1)(i))	An undertaking has been provided on the Portal.	Y
Whether the application is being made to the Court (under section 4.55) or to the consent authority (under section 4.56) (CI 100(1)(j)).	This Application is made to the consent authority pursuant to Section 4.56(1) of the EP&A Act.	Y
BASIX Certificate (CI 100(3))	The proposed modification does not involve revisions to BASIX components of the development and an updated BASIX Certificate is not required.	N/A
Qualified designer statement for residential apartment development (CI 102)	The proposed modification does not involve residential apartment development, and a qualified designer statement is not required.	N/A
Notification and exhibition requirements (CII 105-112)	Refer to Section 4.3 of this report.	Y
Notification of concurrence authorities and approval bodies (CI 109) (to be undertaken by Council)	The modification application is not required to be referred to the relevant concurrence and approval bodies as outlined in Section 4.1 of this Report.	N/A

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The modification application was not required to be referred to external agencies due to the limited internal nature of the proposed modifications.

4.2 Council Referrals

The modification application was referred to Council officers for technical review as outlined **Table 9**.

Table 6: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council's Engineering Officer reviewed the Revised Architectural Plans, Operational Waste Management Plan, and Traffic Impact Assessment and considered the revised vehicle access arrangement and operational waste management. Outcome: Satisfactory subject to addition, deletion and amendment of conditions.	Y

4.3 Notification and Community Consultation

The modification application was notified in accordance with the Council's Community Participation Plan from 13 February 2026 until 27 February 2026. The notification included the following:

- A sign placed on the site;
- Notification letters sent to adjoining and adjacent properties (a rough estimate of the number of letters sent);
- Notification on the Council's website.

The Council received nil submissions.

5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

Internal Vehicle Access and Movement

Councils' Development Engineer reviewed the revised vehicle access arrangement and provided the following assessment comments:

The proposed car-lift and turntable are proposed to be removed and replaced with an internal ramp. Accordingly all conditions relating to the implementation of the car lift and turntable may be removed without objection.

Furthermore, the previous issues raised with internal ramp have been resolved with the amended plans which indicate suitable grades and transitions have now been provided on the internal ramp. No further objections are raised.

The proposed replacement of the approved car lift with a ramp access results in a more efficient and functional basement and ground floor layout, particularly in relation to vehicular circulation and access. The ramp access is considered a simpler and more reliable solution when compared to the previously approved mechanical system and is therefore supported from a design and operational perspective.

Non-compliant Floor Space Ratio (FSR)

The applicant states in the submitted Statement of Environmental Effects (SEE) that the proposed development does not result in any change to the approved Floor Space Ratio (FSR) or Gross Floor Area (GFA), being 6,146 m². However, a review of the proposal has identified an increase in GFA when compared to the approved Modification B.

The Assessing Officer's measurements and calculations indicate that the GFA has increased, as outlined below.

GFA Calculations

As Area Calculation Plans were not submitted with either the Mod B application or the subject Mod C application, the GFA calculations have been undertaken with reference to the original DA/404/2020 and Modification A, which included Area Calculation Plans (reproduced below).

In reviewing the approved Mod A calculations, the following discrepancies were identified:

- The sum of the Gross Floor Area for each level as shown on the GFA calculation plan totals 6,143 m², rather than 6,146 m² as stated in the Modification Assessment Report.
- The Mod A calculation incorrectly excluded a Ground Floor circulation area located to the north of the fire stairs (highlighted in yellow in Figure 8). This area services the commercial component of the development and does not constitute common vertical circulation; accordingly, it should have been included in the GFA. This area measures 7.4 m².
- On this basis, the corrected total GFA for Mod A is: 6,143+7.4=6,150.4 m²

Mod C Assessment

The subject Mod C application does not propose any changes to Level 1 or upper levels. The increase in GFA arises solely from internal reconfigurations at the Ground Floor level.

- The Ground Floor GFA under Mod B is unchanged from Mod A.
- The subject Mod C results in an increase of 22.62 m² at the Ground Floor level compared to Mod B.
- The L1 GFA under Mod B is 4 m² less than that of Mod A.
- The subject Mod C does not involve changes to L1 GFA.
- Accordingly, the total GFA / FSR under the subject application is calculated as: 6,150.4+22.62-4=6,169.02 m² / 6.024:1
- This represents a variation of 25.02 m², equivalent to a 0.41% variation from the maximum allowable FSR of 6:1.

Clause 29 in SEPP ARH 2009	Development Standard	Current approved	Proposal	Variation (%)
Floor space ratio	6:1 (GFA 6,144 m ²)	6:1 (GFA 6,146 m ²)	6.024:1 (GFA 6169.02 m ²)	0.41% (25.02 m ²)

Legal Framework for variations

It is noted that the proposed modification is not captured by the provisions of Clause 4.6 of the Randwick LEP.

Whilst a formal Clause 4.6 variation request is not required for modification applications, consideration is given to relevant matters under clause 4.15 of the Act and whether the reasons for approval provided by the Court are eroded by the reduction in non-residential FSR as required by clause 4.56(1) of the Act. The assessment is provided below.

Assessment of the Objectives

- a) *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
- (b) *there are sufficient environmental planning grounds to justify the contravention of the development standard.*

The increase in Gross Floor Area arises solely from internal reconfiguration at the Ground Floor level, including the relocation and reduction in the overall area of the fire control room, communications room, combined booster room, and waste rooms, with a corresponding increase in the commercial floor space and Scape lobby. These changes contribute to an overall increase in Gross Floor Area. The proposal does not involve any changes to the approved building footprint or to the upper floor levels.

From a numerical and functional perspective, the development continues to provide two retail tenancies at the Ground Floor level, together with the Scape lobby. The proposed modification does not substantially alter the approved land-use composition or the overall floor plate of the building. The development remains consistent in size and scale with that previously approved.

The retail tenancies retain the same floor areas as approved under Mod B. The increase in GFA is attributable to the reduction in the area allocated to service rooms and waste rooms. Furthermore, the proposed amendments improve internal amenity by consolidating and minimising service areas and waste rooms and enabling larger, more efficient, and more usable commercial floor spaces and Scape lobby at the Ground Floor level.

Accordingly, having regard to the above assessment, the proposed development is considered consistent with the objectives of the Floor Space Ratio development standard and remains aligned with the objectives of the B2 Local Centre zone, as applied under the original assessment. It is therefore considered that there are sufficient environmental planning grounds to justify the contravention of the numerical FSR standard, and that strict adherence to the standard would not result in any demonstrable public benefit in this instance.



Figure 7: Extract of GF and L1 GFA Calculation Plan approved in DA/414/2020 (Source: DA/414/2020)

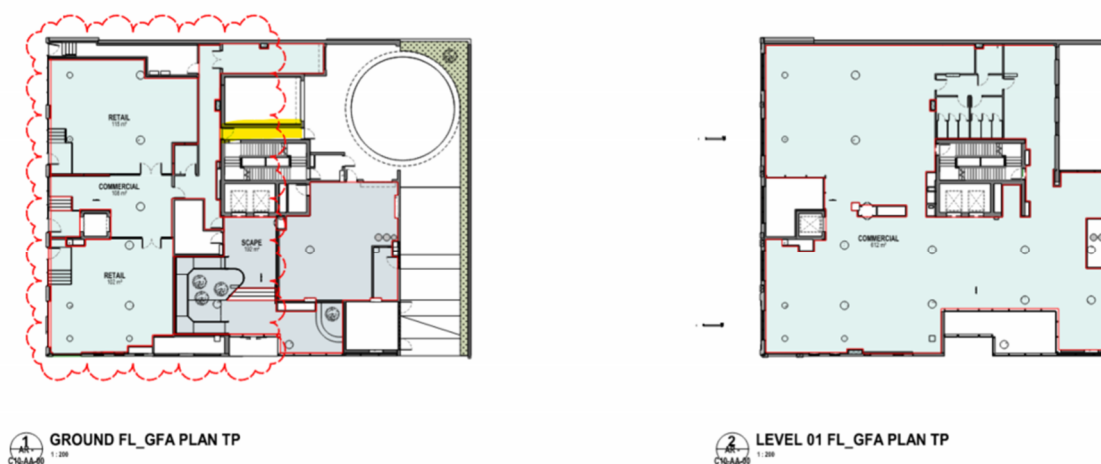


Figure 8: Extract of GF and L1 GFA Calculation Plan approved in DA/414/2020/A (Source: DA/414/2020/A)

(The yellow highlighted area represents the area that should have been included in the non-residential GFA)



Figure 9: GFA Calculation Plans approved in DA/414/2020/A (Source: DA/414/2020/A)

Non-Compliant Non-Residential Floor Area

Similar to the above assessment, an increase in non-residential GFA was identified when compared to the approved Modification B.

The Assessing Officer's measurements and calculations are outlined below.

Non-Residential GFA Calculations

As Area Calculation Plans were not submitted with either the Mod B application or the subject Mod C application, the GFA calculations have been undertaken with reference to the original DA/404/2020 and Modification A, which included Area Calculation Plans (reproduced above).

In reviewing the approved Mod A and Mod B calculations, the following discrepancies were identified:

- The Mod A calculation incorrectly excluded a Ground Floor circulation area located to the north of the fire stairs. This area services the commercial component of the development and does not constitute common vertical circulation; accordingly, it should have been included in the non-residential GFA. This area measures 7.4 m².
- The Mod B calculation continued to exclude this area of 7.4 m², resulting in a calculated Ground Floor non-residential GFA of 328.13 m².
- On this basis, the corrected total non-residential GFA on Ground Floor for Mod B is: 328.13+7.4=335.53 m²

Mod C Assessment

The subject Mod C application does not propose any changes to Level 1 or upper levels. The increase in non-residential GFA arises solely from internal reconfigurations at the Ground Floor level.

- The subject Mod C results in an increase of 43.61 m² non-residential floor area at the Ground Floor level compared to Mod B.
- The subject Mod C does not involve changes to L1 non-residential floor area in Mod B, which is 608 m².

- Accordingly, the total non-residential GFA under the subject application is calculated as: $335.53 + 43.61 + 608 = 987.14 \text{ m}^2$, and the FSR is 0.964:1.
- This represents a variation of 36.86 m^2 , equivalent to a 3.6 % variation from the minimum non-residential FSR.

Clause 6.19 in Randwick LEP 2012	Development Standard	Current approved	Proposal	Variation (%)
Floor space ratio	1:1 (GFA 1,024 m ²)	0.914:1 (GFA 936.13 m ²)	0.964:1 (GFA 987.14 m ²)	3.6% (36.86 m ²)

Legal Framework for variations

It is noted that the proposed modification is not captured by the provisions of Clause 4.6 of the Randwick LEP.

Whilst a formal Clause 4.6 variation request is not required for modification applications, consideration is given to relevant matters under clause 4.15 of the Act and whether the reasons for approval provided by the Court are eroded by the reduction in non-residential FSR as required by clause 4.56(1) of the Act. The assessment is provided below.

Assessment of the Objectives

b) compliance with the development standard is unreasonable or unnecessary in the circumstances, and

(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

As discussed above, the subject modification is generally consistent with the approved floor space allocation, with targeted enhancements to the lettable commercial and retail components of the development. The proposal results in a minor increase in non-residential floor space (compared to Modification B), which improves both the provision and functionality of these areas. In this regard, the amendments support and reinforce commercial and retail activity within the Kensington town centre, consistent with the intent of the previous Land and Environment Court (LEC) order.

Accordingly, the proposed modification is considered consistent with the objectives of the non-residential FSR development standard and remains aligned with the objectives of the B2 Local Centre zone, as established under the original consent. Overall, it is considered that there are sufficient environmental planning grounds to justify the minor contravention of the numerical FSR standard, and that strict compliance would not yield any discernible public benefit in this instance.

Removal of the Landscaping Strip

The turntable has been removed, together with the landscaped strip along the northern boundary. This outcome is not considered appropriate, and no justification has been provided by the applicant to support the removal of the landscaped area.

A 900 mm landscaped strip is to be retained along the northern boundary adjacent to the driveway to satisfy the minimum landscaping requirements and to provide an appropriate visual and spatial transition to the adjoining low-density development to the north. A condition has therefore been recommended to ensure the retention of

this landscaped strip.

Updated Operational Waste Management Plan

Councils' Development Engineer reviewed the revised operational waste management plan and provided the following assessment comments:

As per upper management directive the provision of a Localised Automated Waste Collection System (LAWCS) is no longer required by Council and all conditions relating to its implementation and operation may be deleted without objection. Standard bin collection model will replace the LAWCS.

Furthermore, as per upper management directive private waste collection is now permissible for boarding houses as they are considered a commercial operation. The submitted waste management plan by Elephants Foot Revision M is therefore acceptable and no further objections are raised.

In this regard, the proposed updated operational waste management is supported.

Deletion of OSD Tank

Councils' Development Engineer reviewed the revised vehicle access arrangement and provided the following assessment comments:

As per similar nearby developments the provision of an OSD has been argued to be ineffective to its location within a flood control lot. The required provision of an OSD system in accordance with the requirements of condition 60 c has therefore been waived in this instance.

In this regard, the proposed deletion of OSD tank is considered appropriate.

6. CONCLUSION

This modification application has been considered in accordance with the requirements of the EP&A Act and the 2021 EP&A Regulation as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

It is considered that the key issues as outlined in Section 5 are suitably justified.

7. RECOMMENDATION

It is recommended:

- That the Modification Application DA/414/2020/C for *Modification to approved development to amend approved operational waste management, replace the car lift with a ramp, delete ground floor turn table and delete the OSD tank* at 172 – 180 Anzac Parade, Kensington be APPROVED pursuant to 4.56(1) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at Attachment A; and

- Pursuant to Clause 118 of the *Environmental Planning and Assessment Regulation 2021*, a notice of determination is to be prepared by Council following the Panel's determination of this modification application.

As per the following:

- Amend Condition 1 to read:**

Approved Plans & Supporting Documentation

- The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

<i>Plan No.</i>	<i>Rev No.</i>	<i>Drawn by</i>	<i>Dated</i>
AR-A10-10-00	G	BVN	24/03/2021
AR-B20-00-00	U	BVN	20/04/2021
AR-B20-01-00	R	BVN	20/04/2021
AR-B20-02-00	Q	BVN	20/04/2021
AR-B20-03-00	M	BVN	24/03/2021
AR-B20-04-00	N	BVN	24/03/2021
AR-B20-08-00	N	BVN	24/03/2021
AR-B20-09-00	K	BVN	24/03/2021
AR-B20-14-00	G	BVN	24/03/2021
AR-B20-17-00	J	BVN	24/03/2021
AR-B20-18-00	N	BVN	24/03/2021
AR-B20-B1-00	Q	BVN	19/04/2021
AR-U10-00-00	J	BVN	19/04/2021
AR-C10-AA-00	M	BVN	24/03/2021
AR-C10-BB-00	O	BVN	19/04/2021
AR-C10-CC-00	O	BVN	07/04/2021
AR-C10-DD-00	N	BVN	24/03/2021
AR-C20-CC-00	D	BVN	07/04/2021
AR-C20-DD-00	D	BVN	07/04/2021
AR-D10-AA-01	K	BVN	24/03/2021
AR-D10-BB-01	K	BVN	24/03/2021
AR-E10XX-XX	B	BVN	24/03/2021

AR-E10-AA-00	D	BVN	24/03/2021
AR-E10-BB-00	D	BVN	24/03/2021
AR-E10-CC-00	C	BVN	24/03/2021
AR-E20-10-00	A	BVN	24/03/2021
LD-S34-000	1	Landform Studios	26/03/2021
LD-S34-100 (Materials & Planting Schedules)	1	Landform Studios	26/03/2021
LD-S34-100 (Landscape Plan Ground Plane & Public Domain)	1	Landform Studios	25/03/2021
LD-S34-100 (Level 2 Landscape Plan & Green Roof)	1	Landform Studios	25/03/2021
LD-S34-120	1	Landform Studios	25/03/2021
LD-S34-130	1	Landform Studios	25/03/2021
LD-S34-140	1	Landform Studios	25/03/2021
LD-S34-150	1	Landform Studios	25/03/2021
LD-S34-300	1	Landform Studios	25/03/2021
LD-S34-900	1	Landform Studios	25/03/2021

<i>BASIX Certificate No.</i>	<i>Dated</i>
1121323M_02	04/05/2021

EXCEPT where amended by:

- Council in red on the approved plans; and/or
- Other conditions of this consent; and/or
- The following Section 4.56 “A” plans and supporting documents only in so far as they relate to the modifications highlighted on the plans and detailed in the application:

<i>Plan No.</i>	<i>Rev No.</i>	<i>Drawn by</i>	<i>Dated</i>
AR-B20-00-00	2	Bayley Ward	13/03/2023
AR-B20-01-00	2	Bayley Ward	13/03/2023
AR-B20-02-00	2	Bayley Ward	13/03/2023
AR-B20-03-00	1	Bayley Ward	05/10/2022
AR-B20-04-00	1	Bayley Ward	05/10/2022

AR-B20-08-00	1	Bayley Ward	05/10/2022
AR-B20-09-00	1	Bayley Ward	05/10/2022
AR-B20-17-00	1	Bayley Ward	05/10/2022
AR-B20-18-00	1	Bayley Ward	05/10/2022
AR-B20-B1-00	1	Bayley Ward	05/10/2022
AR-C10-AA-00	2	Bayley Ward	13/03/2023
AR-C10-BB-00	1	Bayley Ward	05/10/2022
AR-C10-CC-00	2	Bayley Ward	17/02/2022
AR-C10-DD-00	2	Bayley Ward	17/02/2022
AR-C20-CC-00	2	Bayley Ward	13/03/2023
AR-C20-DD-01	2	Bayley Ward	13/03/2023
AR-D10-AA-01	2	Bayley Ward	17/02/2022
AR-D10-BB-01	1	Bayley Ward	05/10/2022
AR-D10-01-00	1	Bayley Ward	13/03/2023
AR-E10 XX-XX	1	Bayley Ward	05/10/2022
AR-E10-AA-00	1	Bayley Ward	05/10/2022
AR-E10-BB-00	1	Bayley Ward	05/10/2022
AR-E10-CC-01	1	Bayley Ward	05/10/2022
AR-E20-10-00	1	Bayley Ward	05/10/2022

<i>BASIX Certificate No.</i>	<i>Dated</i>
1121323M_04	01/08/2022

EXCEPT where amended by:

- Council in red on the approved plans; and/or
- Other conditions of this consent; and/or
- The following Section 4.56 “B” plans and supporting documents only in so far as they relate to the modifications highlighted on the plans and detailed in the application:

<i>Plan No.</i>	<i>Rev No.</i>	<i>Drawn by</i>	<i>Dated</i>
AR-B20-B1-00	2	Bayley Ward	03/06/2025
AR-B20-00-00	3	Bayley Ward	03/06/2025
AR-B20-01-00	3	Bayley Ward	03/06/2025

EXCEPT where amended by:

- Council in red on the approved plans; and/or
- Other conditions of this consent; and/or
- The following Section 4.56 “B” plans and supporting documents only in so far as they relate to the modifications highlighted on the plans and detailed in the application:

<i>Plan No.</i>	<i>Rev No.</i>	<i>Drawn by</i>	<i>Dated</i>
AR-B20-B1-00	4	Bayley Ward	30/10/2025
AR-B20-00-00	4	Bayley Ward	30/10/2025
A5100	A	Bayley Ward	17/03/2025

- **Add CONDITION 2(g):**

g. A minimum 900mm wide landscaping strip along the northern boundary adjacent to the driveway shall be retained in the amended construction certificate plans. Revised documentation confirming this requirement must be submitted for the approval of Council’s Manager Development Assessment prior to the release of the amended construction certificate.

- **DELETE CONDITION 32:**

~~32. Prior to Construction Certificate 3 being issued the applicant must submit to Council for approval, and have approved, full design details, specifications and an operation management plan for the proposed Turn Table.~~

- **DELETE CONDITION 33:**

~~33. Prior to Construction Certificate 2 being issued the applicant must submit to Council for approval, and have approved, full design details, specifications and an operation management plan for the proposed Car Lift.~~

- **DELETE CONDITION 47:**

~~47. The Construction Certificate 3 plans must include full design details and specifications of the Council approved Turn Table.~~

- **DELETE CONDITION 48:**

~~48. The Construction Certificate 2 plans must include full design details and specifications of the Council approved Car Lift.~~

- **AMEND CONDITION 50 to Read:**

50. Car parking, motorcycle parking and bicycle parking shall be provided in accordance with Drawing Number AR-B20-B1-00 Revision 3, dated 30/10/2025. The Construction Certificate plans must demonstrate compliance with this requirement.

- **DELETE CONDITION 60(c):**

60. The site stormwater drainage system is to be provided in accordance with the following requirements:

~~c) Should stormwater be discharged to Council's street drainage system, an on-site stormwater detention system must be provided to ensure that the maximum discharge from the site does not exceed that which would occur during a **10% AEP (1 in 10 year)** storm of one hour duration for existing site conditions. All other stormwater run-off from the site for all storms up to the 5% AEP (1 in 20 year) storm is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the Principal Certifier. If discharging to the street gutter the PSD shall be restricted to the above or **25 L/S**, whichever the lesser.~~

~~An overland escape route or overflow system (to Council's street drainage system) must be provided for storms having an annual exceedance probability (AEP) of 1% (1 in 100 year storm), or, alternatively the stormwater detention system is to be provided to accommodate the 1% AEP (1 in 100 year) storm.~~

- **AMEND CONDITION 63 to Read:**

63. The travel path from Todman Avenue to any waste collection point within the site must be designed as required to accommodate the loading and sweeping paths of a waste collection vehicle. Plans and documentation submitted for the construction certificate shall demonstrate compliance with this requirement.

- **DELETE CONDITION 64:**

- ~~64. Plans submitted for the Construction Certificate shall make provision for installation of an Automated Waste Collection System (AWCS) including but not be limited to;~~

- ~~• A third waste chute of minimum diameter 0.22m immediately adjacent to the two proposed waste chutes, for future use for food/organic waste.~~
- ~~• A space is to be set aside/identified adjacent to Todman Avenue for a future connection point to enable collection by a designated Council Collection Vehicle.~~
- ~~• Appropriate space for associated Tanks & Pipe infrastructure to the collection point.~~
- ~~• Appropriate space for bulky waste that cannot be accommodated by the AWCS shall be provided adjacent to loading bay amounting to a minimum of 20m³.~~

~~Confirmation of the above and other requirements shall be obtained by a suitably qualified AWCS Waste consultant to the satisfaction of the Principal Certifier.~~

- **DELETE CONDITION 65:**

- ~~65. Condition 64 is subject to the provision of a feasibility study (including plans and any other supporting documentation) prepared by a suitably qualified AWCS waste consultant for the provision of an AWCS within the building and in accordance with Council's Automated Collection System Guidelines shall be submitted to and approved by the Manager Development Assessment prior to the issue of Construction Certificate 3. The feasibility study shall include (but not limited to) the following details:~~
- ~~a. The provision of a third waste chute with a minimum diameter of 0.22m immediately adjacent to the two proposed waste chutes or identification of a~~

- ~~possible riser or chute (existing, converted or proposed), for the use of food/organic waste collection.~~
- ~~b. A space is to be set aside/identified adjacent to Todman Avenue for a future connection point to enable collection by a designated Council collection vehicle.~~
- ~~c. Appropriate space for associated tanks and pipe infrastructure to the collection point.~~
- ~~d. Appropriate space for bulky waste that cannot be accommodated by the AWCS shall be provided adjacent to loading bay amounting to a minimum of 20m3.~~

- **REPLACE CONDITION 66 to read:**

~~66. Operational Waste Management for the boarding house development plan is required to be in accordance with one of the following two options;~~

~~A. Full Implementation of the Automated Waste Collection System (AWCS) for the boarding house component upon commencement of operations/occupation of the boarding house.~~

~~B. Bin Collection on site by Council for all residential boarding house waste for a maximum period of 3 years from the commencement of operations of the boarding house after which full implementation of the Automated Waste Collection System (AWCS) shall occur.~~

~~NOTE Council will consider increased collection frequencies during this interim period~~

~~An amended Waste Management Plan detailing one of the above options for all of the development, is required to be submitted to and approved by Council's Waste Management Coordinator. The Waste Management Plan must also include the following details (as applicable):~~

- ~~• The use of the premises and the number and size of occupancies.~~
- ~~• The type and quantity of waste to be generated by the development.~~
- ~~• Demolition and construction waste, including materials to be re-used or recycled.~~
- ~~• Details of the proposed recycling and waste disposal contractors.~~
- ~~• Waste storage facilities and equipment.~~
- ~~• Access and traffic arrangements.~~
- ~~• The procedures and arrangements for on-going waste management including collection, storage and removal of waste and recycling of materials.~~
- ~~• Provision for Food organics shall be made until the Automated Waste Collection system is implemented.~~

66. Operational Waste Management for the boarding house development plan is required to be in accordance with the Operational Waste management Plan by Elephants foot Revision M dated 18/12/2025 as submitted with the application

- **DELETE CONDITION 69:**

~~69. The applicant shall enter into an indemnity agreement with Council to ensure Council collection vehicles and waste contractors will be covered in the event of an accident or injury on private property.~~

- **DELETE CONDITION 138:**

~~138. Prior to issuing an Occupation Certificate the applicant must provide to the Principal Certifier certification from a suitably qualified engineer / consultant that the Turn Table has been installed to the manufacturer's specification and operational requirements. A copy of the certification must be provided to Council.~~

- **DELETE CONDITION 139:**

~~139. Prior to issuing an Occupation Certificate the applicant must provide to the Principal Certifier certification from a suitably qualified engineer / consultant that the Car Lift has been installed to the manufacturer's specification and operational requirements. A copy of the certification must be provided to Council.~~

- **DELETE CONDITION 149:**

~~149. Prior to the occupation of the development, the owner or applicant is required to contact Council's City Services department, to make the necessary arrangements for the provision of waste services for the premises. The waste storage areas shall be clearly signposted.~~