

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH-642
MOD Number	MOD2025/0030
LGA	City of Ryde
Proposed Development	Modification to Land and Environment Court Consent 2021/216311 (LDA2020/0199) to amend the approved mixed used use development by amending the landscaping, minor façade changes and amend Condition 133 in regard to the laundry facilities for the Boarding House rooms.
Street Address	1 to 20 Railway Road & 50 Constitution Road Meadowbank. <ul style="list-style-type: none"> • Lots 1 to 8 of DP 13637; • Lots 4 and 5 of DP 7533; • SP 35053; • Lots 1 and 2 of DP 384872; and • Lots 9, 10 and 11 of DP 7533.
Applicant	Juey Thanyakittikul, The Trustee for Apt Hold Trust 1
Owner	The Trustee for Apt Hold Trust 1
Date of DA lodgement	23 April 2025
Total number of unique submissions	Nil
Recommendation	Approval
Regionally Significant Development (Schedule 6 of the SEPP (Planning Systems) 2021)	A Section 4.56 modification application to a development with a capital investment value of more than \$30 million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979; • Environmental Planning and Assessment Regulation 2021. • State Environmental Planning Policy (State and Regional Development) 2011; • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP) (<i>Savings provision</i>); • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development; • Ryde Local Environmental Plan 2014; and • City of Ryde Development Control Plan 2014.

List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> Attachment 1: Amended Architectural & Landscape Plans. Attachment 2: Recommended Conditions of Consent. Attachment 3: L&E Judgement and Conditions of Consent (LDA2020/0199).
Clause 4.6 requests	Not applicable to a Modification Application.
Summary of key submission issues	No submissions received.
Report prepared by	Sandra McCarry – Senior Town Planner
Report date	9 July 2025
Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the Assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not applicable
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.24)?	Not applicable
Conditions Have draft conditions been provided to the applicant for comment?	Yes – No objection raised to amended conditions.

1. EXECUTIVE SUMMARY

This Section 4.56 Modification Application is referred to the Sydney North Planning Panel ('SNPP') for determination as required by the *Sydney District & Regional Planning Panels Operational Procedures November 2022 (Operational Procedures Manual)*. The Parent Application LDA2020/0199 is regionally significant development (over \$30 million) and this modification application is submitted under s4.56 of the *Environmental Planning and Assessment Act 1979* (the Act).

The application is subsequent to the approved Local Development Consent No. LDA2020/0199 granted by the NSW Land and Environment Court for (as amended) for the *Demolition of existing structures and construction of a mixed-use development comprising four x 6 to 7 storey buildings containing 129 apartments, 162 boarding rooms, gym (for residents use only) and commercial floor space with basement parking.*

The modifications proposed under this application involve changes to the materiality of the building, landscaping and Condition 133 in regard to the laundry facilities for the Boarding House rooms. There are no changes to the height, floor space ratio, setbacks or approved number of dwellings on the site.

A Voluntary Planning Agreement (VPA) was entered into as part of the parent application (LDA2020/0199) and no changes are proposed to the VPA.

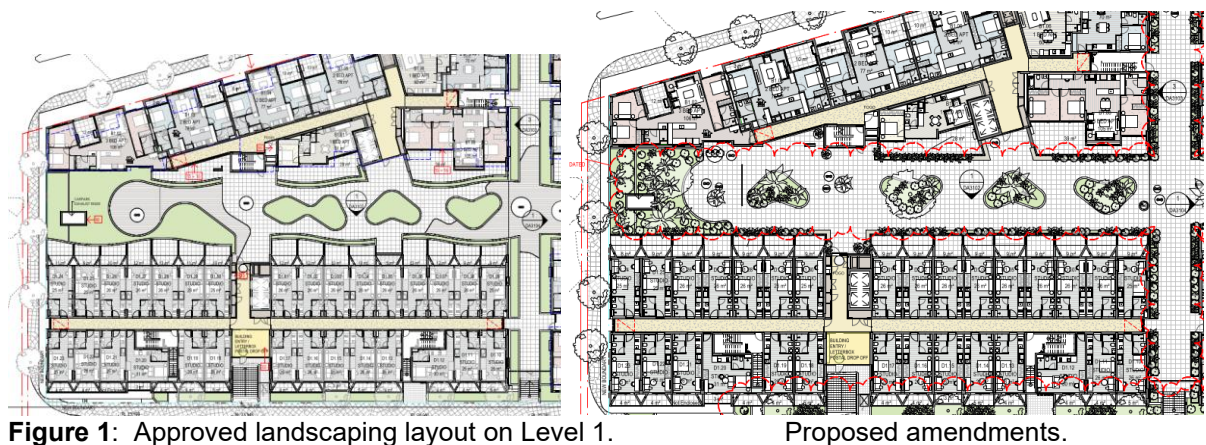
The modified development is substantially the same as the approved development and the modifications do not materially impact the amenity of surrounding properties or significantly alter the approved design or impact on the natural environment.

The application was not reviewed by the Urban Design Review Panel as the changes are relatively minor and do not significantly alter the design or character of the development.

The application was publicly exhibited between 23 April 2025 and 10 May 2025 in accordance with Council's Community Participation Plan. No submissions were received.

2. THIS PROPOSAL

The proposed modifications comprise a slight colour and materiality change to the external facades and amendments to the landscaping treatment by deleting side planter boxes and 'straightening' the garden beds of podium landscaping, and removal of planters levels 2-6. Figure 1 below illustrate the landscaping change on the podium level. The proposal also seeks to modify Condition 133 in relation to the laundry facilities within each room of the approved Boarding House.



The amendments are sought to improve the buildability, layout and overall occupant amenity of the development. Details of the modifications include:

Landscaping

Ground Floor

- Landscape changes to update the entry forecourt to suit building levels
- Update planters to the Underdale Lane frontage

Level 1 (north & south)

- Amend the shape and arrangement of the communal open space (COS) planters to meet egress requirements and buildability
- Amend the paving design to suit construction methods (pedestal)
- Removal of planters

Level 2-6

- Update planters
- Remove narrow planters from private balconies

Level 7 (north & south)

- Amend the shape and arrangement of COS planters to meet egress requirements and buildability
- Amend the paving design to suit construction methods (pedestal)

General

- Update the planting schedule (add/remove species)
- Update levels details on the plans to reflect changes

Amendments to the Finishes Schedule (Figure 3 below comparison of the material changes)

- Change in colour of the white brick recessed joints to a different shade of white
- Replacement of the white roughcast render with white textured cement panels for durability and buildability
- Change materiality of side elevations from aluminium cladding to raised / recessed metal cladding.

Laundries

- Amend Condition 133 as follows:

Each boarding room is to contain clothes washing facilities (i.e. a laundry) and it must ~~be 1.1m² and~~ comprise ~~a wash tub and~~ a washing/dryer machine. Hot and Cold water shall be supplied to all washing machines and sinks. The washer/dryer a minimum energy star rating of 4 stars ~~and shall be rated no less than one star below the maximum available energy star rating available at the time of installation.~~

It is noted that plan DA3107 show the south west facing windows of Building D (Boarding House), the metal screen screens on Levels 5 & 6 removed from the setback windows.

No changes are proposed to the height, floor space ratio, setbacks, car parking / vehicular access or approved number of apartments.

Note: The changes to the landscaping design, schedule and removal of planters has been reviewed by Council's Landscape Architect who has raised no objections.

Amendment to Conditions

The application will necessitate amendment to the following conditions:

- Condition 1 – Approved Plans & Documents.
- Condition 133 – Boarding House Laundry Facilities.

3. THE SITE

The subject site known as Nos. 1 to 20 Railway Road and 50 Constitution Road, Meadowbank.

The site is an irregular shape and comprises a total of 16 allotments, legally described as:

- Lots 1 to 8 of DP 13637
- Lots 4 and 5 of DP 7533
- SP 35053
- Lots 1 and 2 of DP 384872
- Lots 9, 10 and 11 of DP 7533.

The site has four street frontages which comprise a 59.9m northern boundary to Constitution Road, a 42.8m southern boundary to Underdale Lane, a 139.4m western boundary to Railway Road, and a 136.8m eastern boundary to Faraday Lane.

The site has a total area of 7,773m².



Figure 2: Aerial view of the site bounded by Constitution Road to the north, Underdale Lane to the south, Railway Road to the west and Faraday Lane to the east.

Demolition of the existing buildings on site has been undertaken.

Surrounding Development

The site is located within the Shepherds Bay, Meadowbank locality.

The east and south of the site contain new residential apartment buildings and mixed used development.

4. BACKGROUND

Parent Application LDA2020/0199 (PPSSNH-107) was approved by the NSW Land and Environment on 18 July 2022 subject to deferred commencement consent. The deferred commencement consent became operative on 14 April 2023.

LDA2020/199 has been subsequently modified by the following applications:

- MOD2022/0210 – This application was to amend Conditions 3, 109, 166 and 174 relating to stormwater management and BASIX requirements. The application was approved on 20 March 2023.
- MOD2024/0139 – This application was to amend Condition 18 relating to the remediation of land for an approved mixed use development. The application was approved on 24 June 2024.
- MOD2024/0005 – This application was to change the operational mode of the residential flat buildings (Buildings A, B & C) to rental only (under one ownership) and deletion of basement 3 (reduction in carparking to 271 car spaces). The application was approved by SNPP on 11 September 2024.
- MOD2024/0275 – A subsequent application was approved on 24 December 2024 to correct an error in the conditions for MOD2024/0005.
- MOD2024/0191 – This application was to amend the approved mixed used use development by external and internal alterations including increase in the overall height of each of the buildings. The application was approved by SNPP on 13 February 2025.

5. STATUTORY PROVISIONS

4.1 Section 4.56 of the Environmental Planning and Assessment Act 1979 Modification of consents granted by the Court

The proposal constitutes an amendment under Section 4.56 of the Act, the consent authority may consider an application to amend a development consent provided that:

- (1)(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), and*

- (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, 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, and*
- (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.*
- (1A) *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.*

In *Tipalea Watson Pty Limited v Ku-ring-gai Council* [2003] NSWLEC 253, J Bignold came to deal with the matter of “substantially the same”, a list of matters or ‘tests’ to consider, being whether the modification involves the following:

- (a) *significant change to the nature or the intensity of the use.*
 - (b) *significant change to the relationship to adjoining properties.*
 - (c) *adverse amenity impacts on neighbours from the changes.*
 - (d) *significant change to the streetscape.*
 - (e) *change to the scale or character of the development, or the character of the locality.*
- The proposed modifications involve to deletion of side planter boxes, changes to podium landscaping to ‘straighten’ the garden beds, changes to some building material and amendment to a condition regarding laundry facilities in the boarding rooms.

The number and mix of apartments will not change, with the bulk and scale of the development remain the same.

Visually the development is not significantly altered from the original approval when viewed from the public domain. The proposal remains as mixed use development comprising commercial at ground level with apartments above and a boarding house (Building D).

- The nature or intensity of the use is not altered.
- The development will still be for 4 x 6 storey buildings, comprising of residential and commercial, therefore the relationship to the adjoining properties is not altered.
- The modifications to the façades will not significantly alter the appearance of the development when viewed from the street frontages and will not change the essence of the approved development when viewed from the streetscape.

Essentially the development will retain the essence of the approved development and will provide for a development that is substantially the same as the development granted.

Subsection (1)(b): Notification

The application was notified in accordance with City of Ryde Community Participation Plan.

Each person who made a submission in respect of the original development application has been notified or a reasonable attempt has been made to notify, each person by sending written notice to the last known address.

Subsection (1)(d): Submissions

No submissions were received in response to the notification of the proposal.

Subsection (1A): Section 4.15(1) Considerations of Reasons for Granting of the Consent

The proposed modifications do not result in a development that is contrary to the reasons that informed the decision of the Court.

The proposed modification has been assessed against the relevant environmental planning instruments and policies and was found to be acceptable. This assessment report includes consideration of the relevant matters specified in Section 4.15 of the Act.

4.2 Section 4.15 of the Environmental Planning and Assessment Act 1979

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the Act.

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

The following Environmental Planning Instruments are relevant to this application:

4.2.1 State Environmental Planning Policy (Planning Systems) 2021

Chapter 2: State and Regional Development - Section 2.19(1) declares the original proposal (which had a Capital Investment Value of \$86,092,808.00), a regionally significant development pursuant to Clause 2 of Schedule 6. This modification do not significantly alter the original CIV.

4.2.2 State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP) commenced on 1 March 2022, repealing and replacing three former SEPPs related to coastal management, hazardous and offensive development and remediation of land, including SEPP 55 (Remediation of Land).

A Detailed Site Investigation (DSI) and a subsequent Remediation Action Plan (RAP) were submitted with the original development application. The RAP outlined the

remediation strategy, as well as remediation works and validation necessary to make the site suitable for the development.

The proposed modifications do not alter the approved land uses, or their intensity. As such, the proposed modifications will not affect the conclusions of the DSI or RAP and further assessment of the SEPP is not considered necessary.

4.2.3 State Environmental Planning Policy (Transport and Infrastructure) 2021

This SEPP was considered in the original (and subsequent) development application and as proposed modifications will not alter the parking, change the traffic generation, noise impact, further assessment of the SEPP is not considered necessary.

4.2.3 State Environmental Planning Policy (Affordable Rental Housing) 2009

At the time of the parent application, the boarding house component (Building D) was assessed under the provisions of SEPP (Affordable Rental Housing) 2009 (ARH SEPP).

Since then, State Environmental Planning Policy (Housing) 2021 (Housing SEPP) commenced on 26 November 2021, repealing ARH SEPP.

Schedule 7A of the Housing SEPP stipulates savings and transitional provisions where the new policy does not apply.

In accordance with Schedule 7A, the provisions of the ARH SEPP remain relevant and applicable with regards to the approved Boarding House.

The proposed modifications will have no impact on the approved boarding house with no changes proposed to the height or floor space ratio for the development. The boarding house parking provision, rooms and private open spaces provided to the boarding rooms will remain unchanged.

4.2.5 State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development (SEPP 65) (now repealed)

At the time of the parent application, the 3 residential flat buildings (Buildings A, B & C) were assessed under the provision of SEPP 65. Since then, State Environmental Planning Policy (Housing) 2021 (Housing SEPP) commenced on 26 November 2021, repealing SEPP 65.

However, despite being repealed, SEPP 65 continues to apply to the proposed development in accordance with the savings provisions within Schedule 7A of the Housing SEPP.

Apartment Design Guide (ADG)

Given the relatively minor alterations proposed (no significant changes to the overall bulk and scape of the buildings and will not significantly alter the overall appearance

of the buildings) the modification application was not referred to Urban Design Review Panel.

The application was referred to Council's Landscape Architect who raised no objections to the amended landscaping.









Whilst there are no changes to the internal amenities of the residential flat buildings, it is proposed to do some minor changes to the facades of the buildings with changes in materiality. The changes do not alter the built forms, bulk or scale.

The table below addresses the relevant matters.

Control	Proposal	Compliance
<p>Visual Privacy</p> <p><u>Building Separation</u> Building separation assist in assist in providing residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook</p> <p>Five to eight storeys (approximately 25m):</p> <ul style="list-style-type: none"> • 18m between habitable rooms/balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms 	<p>It is noted that on plan DA3107 the south west facing windows of Building D (Boarding House), the metal screens on Levels 5 & 6 are removed from the setback windows. Figure 6.</p> <p>The removal of the metal screens is not considered to pose any amenity concerns as the windows faces the street (Underdale Lane) and has a building separation of 20.8m from the building opposite in Underdale Lane. Therefore the removal of the screens can be supported.</p>	Yes
<p>4M Facades</p> <p>Building facades provide visual interest along the street while respecting the character of the local area.</p> <p>Design guidance Design solutions for front building facades may include:</p> <ul style="list-style-type: none"> • a composition of varied building elements • a defined base, middle and top of buildings • revealing and concealing certain elements • changes in texture, material, detail and colour to modify the prominence of element. 	<p>It is proposed to change some of the building material and colour. These changes are relatively minor, see Figures 3 & 4 below illustrating comparison between the approved and proposed.</p> <p>The changes do not result in a material change to the approved form and will not significantly alter the appearance or design of the buildings.</p>	Yes

Table 1: ADG Table.

APPROVED FINISHES (LDA2020/0199)

	(S1) SANDSTONE GUINEA GOLD 1000MMX450MM		(Lv3) TIMBER EFFECT ALUMINIUM BATTENS & SLIDING & BYFOLD SCREENS
	(Br1) WHITE BRICK RECESSED JOINTS		(T1) TIMBER EFFECT ALUMINIUM CLADDING
	(M1) RAISED SEAM COLORBOND ROOF/WALL/SOFFIT DARK BRONZE		(Ln) LANDSCAPE
	(Lv1) DARK BRONZE ANODISED BATTENS & SLIDING & BYFOLD SCREENS		(Lv2) WHITE ALUMINIUM BATTENS & SLIDING & BYFOLD SCREENS

PROPOSED AMENDED FINISHES (MOD2025)









	(S1) SANDSTONE GUINEA GOLD 1000MMX450MM		(Lv3) COPPER TYPE COLOUR ALUMINIUM BATTENS SCREENS
	(Br1) WHITE BRICK RECESSED JOINTS		(T1) COPPER TYPE COLOUR ALUMINIUM CLADDING
	(M1) RAISED / RECESSED METAL CLADDING ROOF/WALL/SOFFIT DARK BRONZE		(Ln) LANDSCAPE
	(Lv1) DARK BRONZE ALUMINIUM SCREENS		(Lv2) WHITE ALUMINIUM CLADDING AND BATTENS SCREENS

Figure 3: Comparison to what is approved and change proposed – will not significantly alter the appearance of the buildings.



Figure 4: Comparison of the approved façade of Building C and proposed change in material. The proposed minor changes will not significantly alter the finished look of the building.

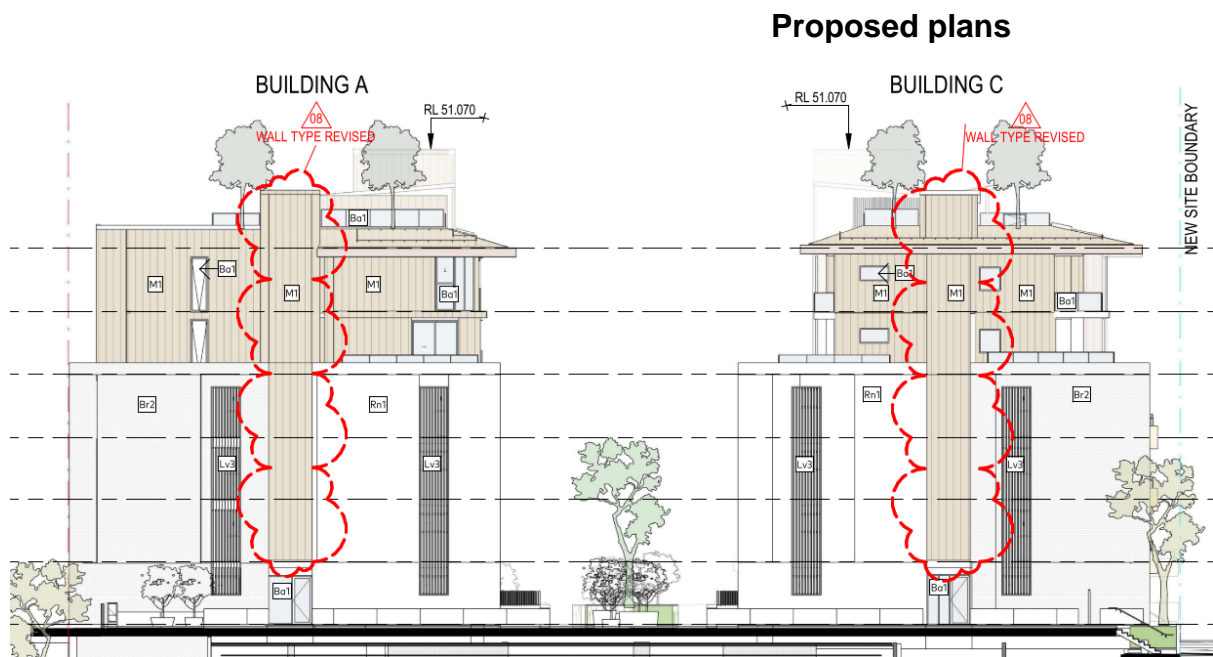
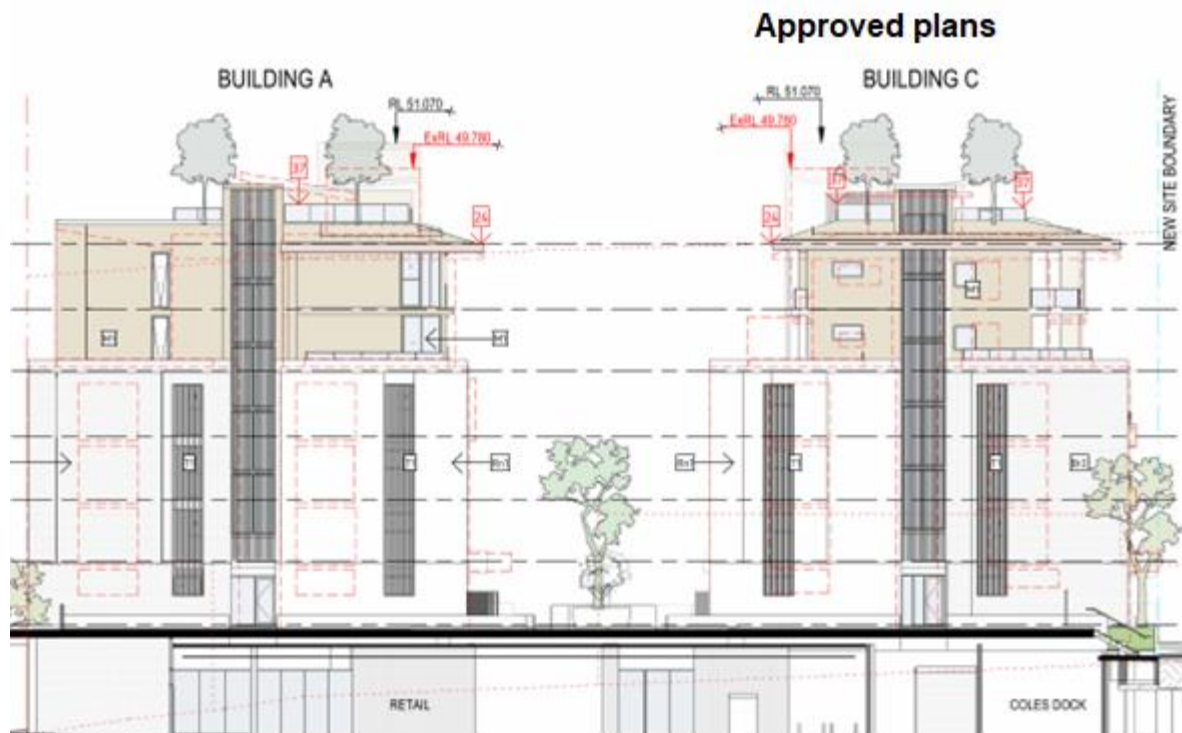


Figure 5: Comparison of approved plans to change material from timber aluminium cladding to raised/receded metal cladding with change of wall type for the stair wells.

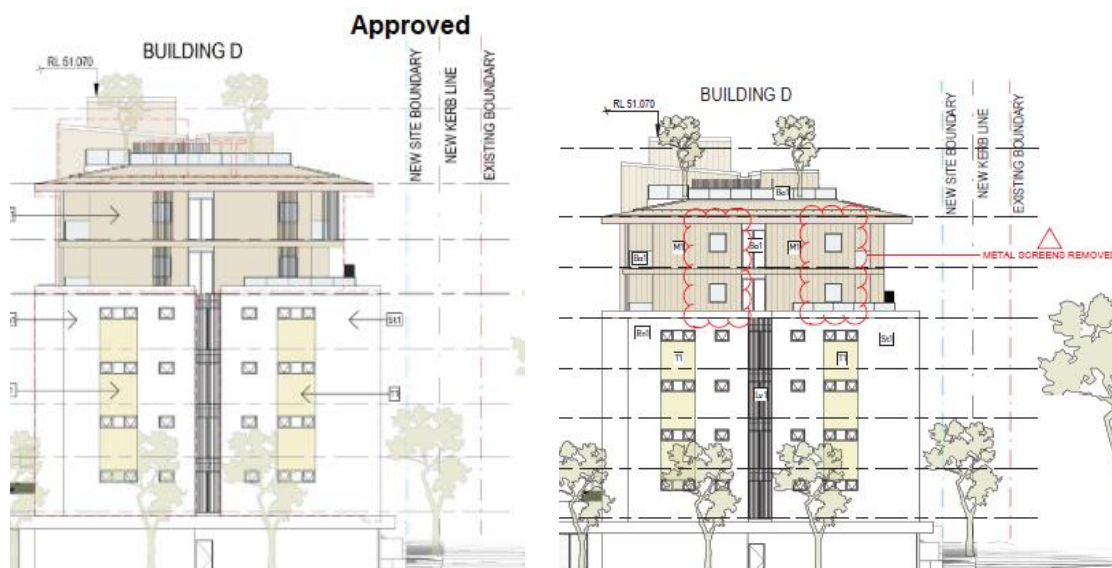


Figure 6: Comparison of the approved plan and proposed modification for the south west elevation of Building D (Boarding House) – elevation faces Underdale Lane with a building separation of 20.8m from the building opposite. Sufficient building separation to protect the amenity of each buildings.

4.3 Ryde Local Environmental Plan 2014

The following is an assessment of the proposed development against the applicable provisions of Ryde Local Environmental Plan 2014 (Ryde LEP 2014).

Clause 2.2 – Zoning

The site is located within the MU1 - Mixed Use zone under the Ryde LEP 2014.

Clause 2.3 - Zone Objectives

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The objectives for the MU1 Mixed Use zone are as follows:

- *To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To ensure employment and educational activities within the Macquarie University campus are integrated with other businesses and activities.*
- *To promote strong links between Macquarie University and research institutions and businesses in the Macquarie Park corridor.*

The proposal as proposed to be modified is consistent with the zone objectives given that it will continue to deliver a mixed-use building with retail, housing and employment opportunities within an accessible location.

The last two objectives are not applicable as the site is not near or within Macquarie Park Corridor.

Clause 4.3 - Height of Buildings & Clause 4.4 - Floor Space Ratio

No changes proposed to these development standards.

Clause 6.4 – Stormwater Management

This modification will not have any impact on the approved stormwater plans.

4.4 Ryde Development Control Plan 2014

Part 4.2 Shepherd's Bay Meadowbank

This modification do not introduce any new variations to DCP Part 4.2 Shepherd's Bay Meadowbank.

Part 3.5 – Boarding Houses

No changes are proposed to Building D (Boarding House) in terms of the physical building form.

The applicant seeks to amend Condition 133 as follows:

Each boarding room is to contain clothes washing facilities (i.e. a laundry) and it must ~~be 1.1m² and~~ comprise ~~a wash tub and~~ a washing/dryer machine. Hot and cold water shall be supplied to all washing machines and sinks. The washer/dryer a minimum energy star rating of 4 stars ~~and shall be rated no less than one star below the maximum available energy star rating available at the time of installation.~~

The latest MOD2024/0191 approved the deletion the laundry area in Basement 2 and provide each boarding room with its own washer/dryer.

Clause 3.6(d) of the DCP states that, where it is proposed to provide additional facilities in the boarding room (i.e. a laundry) it must have an area of 1.1m² and comprise a wash tub and a washing machine.

The proposal showed a wash tub and washer/dryer in each "typical" room with wardrobe /storage space provided, as shown in the **Figure 7** below.

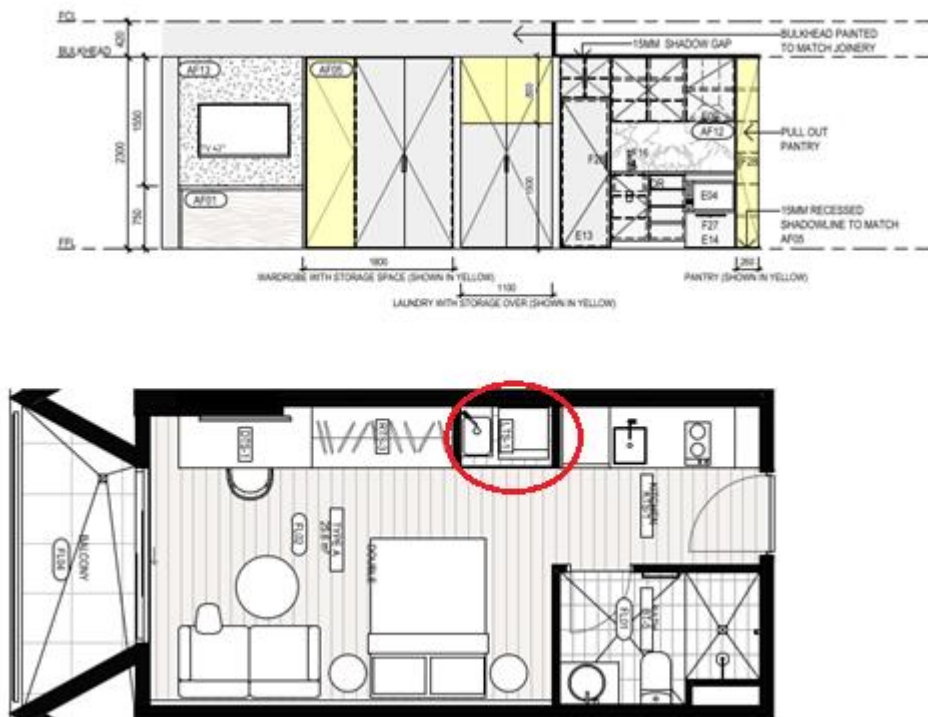


Figure 7: Plan and elevation showing typical boarding room with a tub, washer/dryer and storage area.

Condition 133 was amended to delete the requirement of the number of washing and sinks to be provided in the basement to the requirement to comply with Clause 3.6(d), that it must have an area of 1.1m² and comprise a wash tub and a washing machine.

The applicant now seeks to amend the condition to delete the “1.1m², wash tub and star rating of no less than one star below the maximum star rating available” requirement.

Each boarding room is to contain clothes washing facilities (i.e. a laundry) and it must ~~be 1.1m² and~~ comprise ~~a wash tub and~~ a washing/dryer machine. Hot and cold water shall be supplied to all washing machines and sinks. The washer/dryer a minimum energy star rating of 4 stars ~~and shall be rated no less than one star below the maximum available energy star rating available at the time of installation.~~

The applicant has provided the reasoning for the deletion:

“The proposed amendments to Condition 133 is sought because the laundry cupboards, as approved, have been sized to fit the required clothes washing facilities. For typical studios these are approximately 0.96m². Further increasing this area would create an unusable space beside the washing/dryer machine and reduces available storage in the kitchen and wardrobe. Laundry facilities in the accessible studios are integrated into the kitchen cabinetry to comply with wheelchair circulation space requirements.

The feedback we receive from residents is that space allocation for a more generous and functional kitchen and wardrobe is of more value and utility to the residents. Increasing the laundry cupboard by 400mm to achieve the Council DCP requirement of 1.1m² would result in un-usable wasted space between the washing machine and tub. Increasing the size of laundry cupboards at the cost of a reduced kitchen or wardrobe would be detrimental to the residents.



F20	LAUNDRY TUB		
Supplier	Clark	<div>Lead Time: Warranty</div> <div></div>	
Product	Eureka 35 Litre Compact Tub & Cabinet, Single By-Pass		
Code	7111		
Finish/ colour	White and Stainless Steel		
Dimensions	380 W x 606 D X 873 H mm		
Install method			
Other	1 Taphole		
Location	Studio - Laundry		
E16	WASHER DRYER		
Supplier	Fisher & Paykel	<div>Lead Time: Warranty</div> <div></div>	
Product	Combi Front Loader Washer Dryer, 7.5kg + 4kg		
Code	WD756OP1		
Finish/ colour	White		
Dimensions	850 H x 600 W x 590 D mm		
Install method	According to manufacturer's installation guide		
ESD Credentials	4 Star - 294kWh/year 91.5kgCO2e/year		
Other	4.5 (WELS)		
Location	Studio - Laundry		

Figure 8: The selected appliances for the laundry.

Star rating:

- Under the current wording, the appliance cannot be 4 stars if the total number of stars is 6.
- The total number of stars is not defined and could be either 6 or 10 (see below images).
- Nearly all of the readily available washer dryers on the market are 3-5 stars.
- We place orders for these appliances 12months before installation and could not guarantee the rating at time of installation. We have specified a 4-star energy rated Fischer & Paykel washer dryer which achieves the requirement of the condition, but the last sentence is too ambiguous.



Planner's comment:

It would appear that the approved laundry cupboards in the “typical” boarding rooms are designed with 1.1m clear internal width to accommodate the tub (380mm) and washer/dryer (600mm). This provides a sufficient laundry area, with storage above. Therefore, increasing it at the expense of kitchen and wardrobe is not considered necessary.

The accessible rooms (12 out of 162 rooms) wash tub is integrated with the kitchen tub which is adjacent to the washer/dryer. Given this is for wheelchair accessibility purposes and is only for a very small number of rooms, the variation can be supported.

The DCP do not specify a star rating however the intent of the condition was to ensure that water and energy efficiency appliances are considered.

Given that the applicant has advised that they have placed orders for the appliance (12 months before installation with 4 stars rating) and requiring a star rating one below the maximum available at the time of installation is too uncertain and difficult to fulfill. Washing machines are generally rated on a scale from 1 to 5 stars, the proposed 4 stars satisfy the minimum and considered satisfactory plus it is noted that the Boarding House building achieves a Water and Energy target of 41 and 28, which is above the target of 40 & 25, respectively. Accordingly no objections to amending this.

No objections to amending the condition as proposed.

Part 9.3 – Parking Controls

N/A - No changes to the parking number or access.

5 Section 7.11 Contribution

The Section 7.11 Contributions was paid on 16 July 2024. No further amendment is required.

6 LIKELY IMPACTS OF THE DEVELOPMENT

All relevant issues regarding environmental impacts of the proposed development are discussed throughout this report.

The modifications proposed by this application will not exacerbate any environmental impacts already considered and supported under LDA2020/0199 and subsequent modifications.

The development is considered satisfactory in terms of environmental impacts.

7 SUITABILITY OF THE SITE

The modifications do not increase the overall scale of the development to what was originally approved and will not adversely impact upon the local road network.

As such, the site is considered to continue to be suitable for the development, as amended.

8 REFERRALS

No external or internal referrals required.

9 PUBLIC NOTIFICATION & SUBMISSIONS

In accordance with Council's Community Participation Plan, the application was publicly exhibited between 23 April 2025 to 10 May 2025. No submissions received.

10 CONCLUSION

The application has been assessed under the matters for consideration of Section 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions.

The proposal continues to be suitable for the site and is not contrary to the public interest.

Therefore, it is recommended that the application be approved for the following reasons:

- The modification satisfies the provisions of Section 4.56 of the Environmental Planning and Assessment Act 1979.
- The modification is substantially the same as the original approval.
- The development continues to be a permissible use, is consistent with the zone objectives and the height and floor space objectives under RLEP 2014.
- The variations proposed to the boarding rooms laundry facility do not adversely impact on the amenities of the residents.
- The proposed development does not create unreasonable environmental impact to development in the immediate vicinity.
- The development is in the public interest through the provision of commercial and residential uses within proximity to public transport and educational facilities and will support the growth of the local community.

RECOMMENDATION

That MOD2025/0030 to modify the consent for Local Development Application No. LDA2020/0199 on land at 1 to 20 Railway Road, and 50 Constitution Road, Meadowbank be approved subject to amendment to Conditions 1 & 133 as follows:

Amend Conditions 1 & 133

1. **Approved Plans/Documents.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

Document Description	Drawing No / Revision	Date	Prepared by
Architectural Plans			
Cover / Drawing Register	DA0001 Rev 09	22/11/2024	AJC Architects
Site Plan	DA1000 Rev 08	22/11/2024	AJC Architects
Yield & Schedules	DA2810 Rev 09	22/11/2024	AJC Architects
Basement 02 Floor Plan	DA2002 Rev 09	22/11/2024	AJC Architects
Basement 01 Floor Plan	DA2001 Rev 08	22/11/2024	AJC Architects
Ground Floor Plan	DA2010 Rev 10	22/11/2024	AJC Architects
Level 1 Plan	DA2011 Rev 10 11	22/11/2024 09/04/2025	AJC Architects
Level 2 Plan	DA2012 Rev 09 10	22/11/2024 09/04/2025	AJC Architects
Level 3 Plan	DA2013 Rev 09 10	22/11/2024 09/04/2025	AJC Architects
Level 4 Plan	DA2014 Rev 09 10	22/11/2024 09/04/2025	AJC Architects
Level 5 Plan	DA2015 Rev 09 10	22/11/2024 09/04/2025	AJC Architects
Level 6 Plan	DA2016 Rev 09 10	22/11/2024 09/04/2025	AJC Architects
Level 7 Plan	DA2017 Rev 08 09	22/11/2024 09/04/2025	AJC Architects
Roof Plan	DA2018 Rev 08	22/11/2024	AJC Architects
Building Elevations -North-west Elevation Railway Rd	DA3105 Rev 07 08	22/11/2024 09/04/2025	AJC Architects
Building Elevations -North-east Elevation Constitution Rd	DA3108 Rev 07 08	22/11/2024 09/04/2025	AJC Architects
Building Elevations -South-east Elevation Faraday Ln	DA3106 Rev 07 08	22/11/2024 09/04/2025	AJC Architects
Building Elevations -South-west Elevation Underdale Ln	DA3107 Rev 07 08	22/11/2024 09/04/2025	AJC Architects
Building Elevation – North-east	DA3103 Rev 07 08	22/11/2024 09/04/2025	AJC Architects
Building Elevation – South west	DA3104 Rev 07 08	22/11/2024 09/04/2025	AJC Architects
Building Elevations -North-west internal elevation – Building C & D	DA3102 Rev 07 08	22/11/2024 09/04/2025	AJC Architects
Building Elevations -South east internal elevation – Building A & B	DA3101 Rev 07 08	22/11/2024 09/04/2025	AJC Architects
Building Sections	DA3201 Rev 08	22/11/2024	AJC Architects
Building Sections	DA3202 Rev 08	22/11/2024	AJC Architects
Building Sections	DA3203 Rev 08	22/11/2024	AJC Architects
Building Section – Plaza North Entry	DA3204 Rev 02	22/11/2024	AJC Architects
Building A – Wall Section	DA3205 Rev 04	22/11/2024	AJC Architects
Detail Section for Building Height	DA3206 Rev 02	22/11/2024	AJC Architects

Faraday Lane Detail Drawing	DA3207 Rev 01	22/11/2024	AJC Architects
FSR Calculations	DA2870 Rev 08	22/11/2024	AJC Architects
FSR Calculations	DA2871 Rev 09	22/11/2024	AJC Architects
Solar & Ventilation Analysis	DA2820 & DA2821 Rev 08	22/11/2024	AJC Architects
Storage volumes – Building A	DA2840 Rev 08	22/11/2024	AJC Architects
Storage volumes – Building B	DA2841 Rev 08	22/11/2024	AJC Architects
Storage volumes – Building C	DA2842 Rev 08	22/11/2024	AJC Architects
Storage volumes – Basement	DA2843 Rev 08	22/11/2024	AJC Architects
Shadow Diagrams	DA2850 Rev 09	22/11/2024	AJC Architects
Shadow Diagrams	DA2851 Rev 09	22/11/2024	AJC Architects
Views From Sun	DA2860 Rev 08	22/11/2024	AJC Architects
3D Views from the Sun – Underdale Ln	DA2862 Rev 09	22/11/2024	AJC Architects
3D Views from the Sun – Underdale Ln	DA2863 Rev 09	22/11/2024	AJC Architects
Civil Plans			
Cover	-	04/05/2022	Alpha Engineering & Development
General Arrangement Plan	CIV01 Rev H	04/05/2022	Alpha Engineering & Development
Service and Utility Plan (Sheet 1 Of 2)	CIV02 Rev H	04/05/2022	Alpha Engineering & Development
Service and Utility Plan (Sheet 2 Of 2)	CIV03 Rev H	04/05/2022	Alpha Engineering & Development
Public Domain Plan (Sheet 1 Of 2)	CIV04 Rev H	04/05/2022	Alpha Engineering & Development
Public Domain Plan (Sheet 2 Of 2)	CIV05 Rev H	04/05/2022	Alpha Engineering & Development
Swept Path Analysis	CIV06 Rev H	04/05/2022	Alpha Engineering & Development
Public Domain Alignment Chainage and Spot Elevation	CIV07 Rev H	04/05/2022	Alpha Engineering & Development
Cut and Fill Details	CIV08 Rev H	04/05/2022	Alpha Engineering & Development
Underdale and Faraday Lane Road - Centreline Long Section	CIV09 Rev H	04/05/2022	Alpha Engineering & Development
Faraday Lane Lip of Gutter (Left) - Longitudinal Section	CIV10 Rev H	04/05/2022	Alpha Engineering & Development
Underdale and Faraday Lane – Boundary Long Section	CIV11 Rev H	04/05/2022	Alpha Engineering & Development
Cross Sections (Sheet 1 of 5)	CIV12 Rev H	04/05/2022	Alpha Engineering & Development
Cross Sections (Sheet 2 of 5)	CIV13 Rev H	04/05/2022	Alpha Engineering & Development
Cross Sections (Sheet 3 of 5)	CIV14 Rev H	04/05/2022	Alpha Engineering & Development
Cross Sections (Sheet 4 of 5)	CIV15 Rev H	04/05/2022	Alpha Engineering & Development
Cross Sections (Sheet 5 of 5)	CIV16 Rev H	04/05/2022	Alpha Engineering & Development
Council Standard Drawings – Kerb Ramp and Pavement Type Granite	CIV17 Rev H	04/05/2022	Alpha Engineering & Development

Council Standard Drawings - Tree Pit Detail and Typical Pavement Structure Local Road	CIV18 Rev H	04/05/2022	Alpha Engineering & Development
Council Standard Drawings - Heavy Duty Layback And Driveway	CIV19 Rev H	04/05/2022	Alpha Engineering & Development
Council Standard Drawings – Raised Pedestrian Crossings Typical Section	CIV20 Rev H	04/05/2022	Alpha Engineering & Development
Typical Drawing for Service Conduit Under Footpath	CIV21 Rev H	04/05/2022	Alpha Engineering & Development
Landscape Design Drawings			
Landscape Plan: Ground Floor	LP01 Issue G I	28/01/2022 26/03/2025	Landscape Architecture
Landscape Plan: Level 1(North)	LP02 Issue G I	12/01/2022 26/03/2025	Landscape Architecture
Landscape Plan: Level 1(South)	LP03 Issue G I	12/01/2022 26/03/2025	Landscape Architecture
Landscape Plan: Level 2 & 3	LP04 Issue F I	02/12/2021 26/03/2025	Landscape Architecture
Landscape Plan: Level 4 & 5	LP05 Issue F I	02/12/2021 26/03/2025	Landscape Architecture
Landscape Plan: Level 6	LP06 Issue F I	02/12/2021 26/03/2025	Landscape Architecture
Landscape Plan: Level 7 (North)	LP07 Issue F I	02/12/2021 26/03/2025	Landscape Architecture
Landscape Plan: Level 7 (South)	LP08 Issue F I	02/12/2021 26/03/2025	Landscape Architecture
Schedule	LP08 Issue F I	02/12/2021 26/03/2025	Landscape Architecture
Paradigm Imagery	LP10 Issue F I	02/12/2021 26/03/2025	Landscape Architecture
Levels Plan: Level 1 (North)	LP11 Issue G E	12/01/2022 26/03/2025	Landscape Architecture
Levels Plan: Level 1 (South)	LP12 Issue B D	12/01/2022 26/03/2025	Landscape Architecture
Landscape Sections 01	LP13 Issue B D	23/11/2021 26/03/2025	Landscape Architecture
Landscape Sections 02	LP14 Issue A C	02/11/2021 26/03/2025	Landscape Architecture

Reports/Supporting Documentation		
Document Name	Date	Prepared by
Arborist Report	1/11/2021	Tree and Landscape Consultants
Preliminary Site Investigation	20/06/2019	Benviron Group
Detailed Site Investigation	03/02/2020	Benviron Group
Remediation Action Plan	07/02/2020	Benviron Group
Geotechnical Investigation Report	13/10/2020	Benviron Group
Acid Sulphate Assessment	13/10/2020	Foundation Earth Sciences
Demolition Report and Activity Method Statement	2020	Elite Civil Engineering
Waste Management Plan	Nov 2024	Dickens Solutions
BASIX Certificate – Building A, B and C BASIX Certificate – Building D	20/11/23	GEC Consulting Pty Ltd
Acoustic Assessment	07/05/2020 & 24 April 2024.	- Acoustic, Vibration & Noise Pty Ltd

		- Pulse White Noise Acoustics, reference 240007-Railway Road Meadowbank-Gym Acoustic Assessment-R0.
Preliminary Fire Safety Engineering Report	07/05/2020	Design Confidence
Proposed Consolidation Boundary	18/11/2020	Daw & Walton Consulting Surveyors
Boarding House Plan of Management	1/11/2020	Sasco Development Pty Ltd
Plan of Management Residential	26 August 2024	apt.
Plan of Management (Boarding House)	26 August 2024	apt
Amended Traffic & Parking Assessment	27 August 2024	PDC Consultants

The Development must be carried out in accordance with the amended plans approved under this condition.

(Reason: To ensure the development is carried out in accordance with the determination).

1A. **Amendments to approved plans.** The approved plans are to be amended prior to the issue of any construction certificate to reflect a depth of 1.2m (except as specified in condition 183) for the stratum of land to be dedicated to Council along Faraday Lane.

1B. **Amendments to approved plans - Waste Design Amendment.**

The Amend architectural plans prepared by AJC Architected dated 22 November 20234 (Revision 09) are to be amended prior to issue of construction certificate to show the following:

- Relocate the Boarding House bulky waste storage room from Basement 02, Building D to ground floor beside the Boarding House waste room to support efficient waste servicing.
- Provide chutes/waste disposal cupboards for waste, recycling and FO/FOGO on Building A, level 1 to ensure all residential levels have access to suitable and convenient waste disposal.
- Ensure all proposed food organics bins are stored in an enclosed areas as current plans show FO/FOGO bins within the basement.
The required wastes to waste collection arrangements must be approved by Council's Waste Department.

(Reason: To ensure appropriate waste management).

133. **Laundry facilities (Boarding House)** - Each boarding room is to contain clothes washing facilities (i.e. a laundry) ~~and it must be 1.1m² and comprise a wash tub and~~ with a washing/dryer machine. Hot and Cold water shall be supplied to all washing machines and sinks. The washer/dryer **is to have a minimum energy star rating of 4 stars. and shall be rated no less than one star below the maximum available energy star rating available at the time of installation.**

(Reason: To ensure provision of adequate and safe facilities).

