

Our ref: SSD: 34919690

Mr Stephen Barry  
Planning Director  
Office of the Independent Planning Commission NSW  
Suite 15.02, Level 15, 135 King Street  
Sydney NSW 2000

Via email: [callum.firth@ipcn.nsw.gov.au](mailto:callum.firth@ipcn.nsw.gov.au)

16 February 2024

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**Subject: Novus Build to Rent (SSD 34919690) – Response to Request for Information**

Dear Mr Barry

I refer to your correspondence, dated 5 February 2024 which included a request for further information in relation to the above State significant development application currently before the Independent Planning Commission (Commission).

The Department has provided a response to the Commission's request in Attachment A.

The Department also notes the Applicant has provided email correspondence dated 9 February which provides additional information in response to the items raised by the Commission. A copy of the Applicant's email is provided at Attachment B.

Please do not hesitate to contact Caleb Ball, Senior Planning Officer on [REDACTED] should you require any further information or clarification in relation to these matters.

Yours sincerely,

[REDACTED]

Amy Watson  
A/Director  
State Significant Acceleration

## ATTACHMENT A

### Request for additional information

#### Terms of Consent – Architectural Drawings

- a) *with reference to condition A2 of Schedule 2 of the recommended conditions of consent, please confirm that these are the correct revisions for architectural drawings DA 00 01 and DA06.13 as the Commission notes that later revisions are available on the Department’s website.*

The Department can confirm the latest revisions are shown in the table below:

Architectural Drawings Prepared by Rothelowman Architects			
Drawing No.	Rev	Name of Plan	Date
DA 00 01	G	Development Summary	9/10/2023
DA 00 02	D	Site Plan	12/09/2023
DA 01 00	B	GA Lift Pit	23/06/2023
DA 01 01	E	GA Basement 3	9/08/2023
DA 01 02	E	GA Basement 2	9/08/2023
DA 01 03	E	GA Basement 1	9/08/2023
DA 01 04	D	GA Mezzanine Lower	9/08/2023
DA 01 05	E	GA Mezzanine Upper	12/09/2023
DA 01 06	D	GA Ground	9/08/2023
DA 01 07	D	GA Level 1	9/08/2023
DA 01 08	D	GA Level 2	9/08/2023
DA 01 09	D	GA Level 3	9/08/2023
DA 01 10	D	GA Level 4 6	9/08/2023
DA 01 13	D	GA Level 7	9/08/2023
DA 01 14	D	GA Level 8 31	9/08/2023
DA 01 38	D	GA Level 32	9/08/2023
DA 01 39	E	GA Level 33	12/09/2023
DA 01 40	D	GA Level 34	9/08/2023
DA 01 42	D	GA Roof	9/08/2023
DA 02 01	D	North Elevation	12/09/2023
DA 02 02	D	South Elevation	12/09/2023
DA 02 03	C	East Elevation	23/06/2023

DA 02 04	C	West Elevation	23/06/2023
DA 03 01	E	Section A	12/09/2023
DA 03 02	E	Section B	12/09/2023
DA 03 10	D	Ramp Sections	12/09/2023
DA 06 01	B	Adaptable Apartment Type 2A	23/06/2023
DA 06 02	B	Adaptable Apartment Type 2B	23/06/2023
DA 06 03	D	Storage Plans and Schedule	12/09/2023
DA 06 13	H	GFA Plans	9/10/2023
DA 06 14	E	Deep Soil & Landscape Planting Compliance	9/08/2023
DA 06 15	D	Communal Open Space Compliance	3/08/2023
DA 06 20	D	LHA Apartments	12/09/2023

- b) *detail on the background of clause 73 of the State Environmental Planning Policy (Housing) 2021 requiring that build to rent developments be maintained as such (as set out in clause 73) for only 15 years;*

In July 2020, the NSW Government announced a 50% land tax discount for new build to rent (BTR) housing projects until 2024 in section 9E of the *Land Tax Management Act 1956*. Section 9E includes implications relating to tax liability for a BTR development if the land or the building is subdivided within a 15 year period of development.

On 12 February 2021, the *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARH SEPP), now *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) was amended to introduce planning considerations for BTR developments. The 15 year minimum period for BTR developments within the Housing SEPP aligns with the planning and land tax systems.

- c) *advise how many undersized apartments pursuant to the ADG will have balconies*

The proposal includes 24 apartments that are undersized as per the ADG. All 24 apartments are studio apartments on levels 8-31 with an internal area of 33 square metres (m<sup>2</sup>) which is less than 35 m<sup>2</sup> recommended by the Apartment Design Guide (ADG). These 24 apartments do not have balconies.

The Department has assessed the application against the ADG requirements in Section 6.4 and Appendix B of the Department's Assessment Report and was satisfied the undersized studio apartments are acceptable as they are fully furnished and over 600m<sup>2</sup> of communal indoor and outdoor spaces is proposed to offset the undersized apartments that do not provide a balcony.

- d) *advise whether the Department is satisfied that accessibility and adequate access can be maintained when the Tea Room is being utilised as a rental sales premise*

The Department is satisfied that accessibility and adequate access can be provided to the development. Pedestrian access is proposed along Harris Street and Hassell Street and are connected via the main build to rent lobby. Appropriate access for people with a disability would be provided via the ramp from Harris Street and a designated lift on Hassell Street.

The Department considers the proposed commercial/retail uses on the ground floor are acceptable and notes that the use of these spaces would not affect the identified accessible paths of travel.

Conditions A6 and A7 of the recommended consent specify that the fit out of all commercial/retail premises would not be approved by the consent. These works would be subject to a separate approval process, except where exempt of complying development applies. These conditions would apply to the Tea Room or any potential rental suite fit out (if proposed).

The Applicant provided an Access Design Consultant statement that confirms the project is capable of providing appropriate accessibility across the site and is capable of meeting the minimum provisions of the Building Code of Australia (BCA) & Disability (Access to Premises – Buildings) Standards 2010. Condition B26 of the recommended consent requires that works must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA.

- e) *advise whether the Department considered the potential event of the proposed Hassall Street accessible lift being non operational. Does the Department consider that the development makes appropriate provision for equitable access and meets the relevant requirements.*

Pedestrian access is proposed along Harris Street and Hassell Street and are connected via the main build to rent lobby. In the event that the lift is non operational equitable access is available by the ramp access along Harris Street.

As noted above, the Applicant provided an Access Design Consultant statement that confirms the project is capable of providing appropriate accessibility across the site and is capable of meeting the minimum provisions of the BCA & Disability (Access to Premises – Buildings) Standards 2010.

- f) *in a quantified and tabulated format, confirm all the elements of the application that have not met the minimum requirements of relevant planning instruments and guidelines, as well as the Department's reasoning as to why these non complying elements have been recommended for approval.*
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The Department has provided a quantified and tabulated assessment against the relevant planning instrument and guidelines in Appendix B of the Department's Assessment Report.

- g) *please advise why three electric vehicle charging points were incorporated into the development and if there are any relevant criteria or development standards requiring a certain number or percentage of EV ready spaces be provided; and*

The Department received Independent Traffic and Transport Advice which was provided at Appendix E to the Department's assessment report. This advice recommended three EV electric vehicle charging spaces.

Following the referral to the IPC, the Applicant has committed to including EV charging points to 5% of all car parking spaces (4 spaces) and 25% of car parking spaces (18 spaces) to be EV ready. This would align the proposal to the Green Star requirement for a Sustainable Transport Plan. Condition A13 requires all new buildings and structures must be constructed in accordance with the relevant requirements of the BCA.

The Applicant has documented this in email correspondence dated 9 February (**Attachment B**).

The Department therefore recommends amending Condition B27 (e) to require:

- (e) *provision for four (4) electric vehicles (EV) charging spaces to be located within the 73 car parking spaces and 18 EV car parking spaces must be EV ready.*

- h) *if available to the Department, please advise what, if anything, has historically been located on the site.*

The Applicant provided a statement of heritage impact (November 2022) within the EIS package. The statement included a brief overview of the sites history as follows:

- **1793-1876:** A part of Harris Farm.
- **1876-1868:** Subdivided as part of George Wigram Allen's Harris Park Subdivision.
- **1878-1941:** Eliza Howe's cottage and dairy.
- **1941-2002:** Three individual homes which had various ownership throughout the period.
- **2002-2005:** The homes were demolished by the previous landowner (prior to Novus).
- **2005-2022:** Vacant land.
- **2022:** The site accommodated a vacant display suite which was removed by the tenant in September 2022.

ATTACHMENT B

**From:** [Jason Goldworthy](#)  
**To:** [Gabriel Wardenburg](#); [Caleb Bell](#)  
**Cc:** [Lionel Pung](#)  
**Subject:** 39-43 Hessel Street, Paramatta - Draft IPC Responses  
**Date:** Friday, 9 February 2024 7:57:51 AM  
**Attachments:** [Image02879d.png](#)  
[Image060763.png](#)  
[240208\\_39-43 Hessel Street, Paramatta Responses to IPC RF1.docx](#)

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Morning Gabriel/Caleb,

We have reviewed the questions posted by the IPC and have prepared draft responses to assist.

We have also noticed that the time to respond is the end of next week – hoping/fingers crossed that a response can be issued sooner as we are closing out the Builder engagement piece.

Happy to discuss further if you have any questions or clarifications.

Thanks,  
Jason

#	Stakeholder	IPC Request	Response
1	Council	A response to the Department of Planning, Housing and Infrastructure’s independent flood review completed by GRC Hydro.	N/A - Council to provide.
2	Council	A clearer version of the Probable Maximum Flood Hazard map of the Site.	N/A - Council to provide.

3	Council	<p>Details of any Planning Proposal and LEP amendments applicable to the site's zoning and/or FSR controls including if any flooding assessment was undertaken as part of any amendment.</p> <p>The Commission would particularly appreciate advice on whether Council considers a development of the size permitted by the site's FSR (as increased in 2022) is supportable.</p>	<p>N/A - Council to provide <b>noting the below is what Novus have sourced.</b></p> <p>Molino Stewart prepared the "<i>Update of Parramatta Floodplain Risk Management Plans (FRMP)</i>" which accompanied the Parramatta CBD Planning Proposal which led to the rezoning of the subject site for high-density residential and mixed-use development.</p> <p>This FRMP concludes that the intensification of development in the Parramatta CBD represents a tolerable risk to life and property providing that amendments are made to the Parramatta LEP 2011 and Parramatta Development Control Plan (DCP) 2011 to better manage some of the risks of flooding to life. In addition, Shelter In Place would be a particularly appropriate strategy to be adopted by Parramatta CBD due to the type of the development and to the flashing nature of the flooding which would not allow enough time to evacuate safely.</p> <p>Council's CBD Planning Proposal introduces a new clause that will apply to sites within the CBD Planning Proposal boundary that are affected by flood events up to the Probable Maximum Flood (PMF) being the largest flood that could conceivably occur.</p> <p>The purpose of this new clause is to ensure that although the planning proposal will permit a significant increase in development potential and thus people, the overall risk to life will not be increased. To achieve this, it is proposed that a new planning control is included that requires a shelter to be available within a building that is above the PMF level, or that people can evacuate safely to land that is located above the PMF. The building must also have an emergency access point to land that is above the 1% annual exceedance probability event, and that buildings be able to withstand flooding up to the PMF.</p> <p>This new clause is supported by an updated Flood Risk Study and Plan which considers the unique flooding characteristics affecting the Parramatta CBD, expected population increase and NSW State Government's recognition of Parramatta as a Metropolitan Centre and "Central City". The clause will apply to land within the CBD Planning Proposal boundary identified as being affected by the PMF on the Floodplain Risk Management Map.</p> <p><b>The above information can be found at:</b>  <a href="https://participate.cityofparramatta.nsw.gov.au/cbd-planning">https://participate.cityofparramatta.nsw.gov.au/cbd-planning</a></p>
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4	DPHI	With reference to condition A2 of Schedule 2 of the recommended conditions of consent, please confirm that these are the correct revisions for architectural drawings DA-00-01 and DA06.13 as the Commission notes that later revisions are available on the Department's website.	Refer to Tab 2. Drawing Schedule.
5	DPHI	Detail on the background of clause 73 of the State Environmental Planning Policy (Housing) 2021 requiring that build-to-rent developments be maintained as such (as set out in clause 73) for only 15 year.	N/A - DPHI to provide.



6	DPHI	Advise how many undersized apartments pursuant to the ADG will have balconies.	<p><b>Refer to Tab 3. Apartment Breakdown.</b></p> <p>There are only 24 apartments that are undersized (by ~1.7sqm) pursuant to the ADG - these are the Studios facing north over Levels 8-31. These Studios are fully furnished (i.e., they include whitegoods, a bed, couch, table, TV etc.) and they do not have a balcony.</p> <p>The remaining 186 apartments all meet the minimum internal sizes pursuant to the ADG and all have balconies.</p> <p>The internal of the Studio ranges from 33-55m<sup>2</sup> @ an average size of 44m<sup>2</sup>  The internal of the 1 Bed ranges from 52-70 @ an average size of 61m<sup>2</sup>  The internal of the 2 bed ranges from 78-97 @ an average of 89m<sup>2</sup>  The internal of the 3 bed ranges from 107-122 @ an average of 122m<sup>2</sup></p> <p>The balcony of the Studio ranges from 0-9m<sup>2</sup> @ an average of 3m<sup>2</sup>  The balcony of the 1 bed ranges from 4-9m<sup>2</sup> @ an average of 6m<sup>2</sup>  The balcony of the 2 bed ranges from 7-16 @ an average of 8m<sup>2</sup>  The balcony of the 3 bed ranges from 9-28 @ an average of 19m<sup>2</sup></p> <p><b>Novus / Build to Rent Context:</b>  <i>When designing a unit mix for our Build to Rent assets the critical focus is on creating a sustainable income stream for the long term. To optimise this process, we focus on achieving the right balance between four key drivers of demand, affordability &amp; choice, community and viability. We believe the intersection of these drivers is the optimal unit mix for a given Build to Rent asset and the questions we are constantly asking ourselves are:</i></p> <p><b>Demand</b> - <i>Who are the existing rental residents in the catchment? What unit type is their demand for? What is the depth of market for each unit type?</i></p> <p><b>Affordability &amp; Choice</b> - <i>Is there a diverse range of price points for residents? Is there enough diversity in the proposed unit mix to create choice and scarcity?</i></p> <p><b>Community</b> - <i>Based on a unit mix what will the makeup of the resident base be? Will it be diverse or focused on a key demographic? How will it compare to the existing catchment?</i></p> <p><b>Viability</b> - <i>Does the project meet the required return hurdles? Is the unit mix achievable within the existing planning framework?</i></p>
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7	DPHI	Advise whether the Department is satisfied that accessibility and adequate access can be maintained when the Tea Room is being utilised as a rental sales premise	<p>Only a small portion of the Tea Room will be utilised as rental leasing premises, with the balance being a lounge lobby serviced by the adjacent retail tenancy (of which will be retained in single ownership by Novus).</p> <p>McKenzie Group prepared an Access Design Consultant Statement on 20th June 2023 confirming that the project documentation provides appropriate accessibility to meet previous reporting and minimum provisions of the BCA &amp; Disability (Access to Premises - Buildings) Standards 2010. This was included as part of the Response to Submissions response.</p>
8	DPHI	Advise whether the Department considered the potential event of the proposed Hassall Street accessible lift being non-operational. Does the Department consider that the development makes appropriate provision for equitable access and meets the relevant requirements;	<p>McKenzie Group prepared an Access Design Consultant Statement on 20th June 2023 confirming that the project documentation provides appropriate accessibility to meet previous reporting and minimum provisions of the BCA &amp; Disability (Access to Premises - Buildings) Standards 2010. This was included as part of the Response to Submissions response.</p>
9	DPHI	In a quantified and tabulated format, confirm all the elements of the application that have not met the minimum requirements of relevant planning instruments and guidelines, as well as the Department's reasoning as to why these non-complying elements have been recommended for approval.	<p><b>Novus / Build to Rent Context:</b>  <i>Build to Rent is a different housing typology whereby the apartment development is designed to attract a renter market, the building is well-maintained with great facilities and renters are afforded greater security in their housing. In recognition of Build to Rent being a different housing typology the Housing SEPP was put into place in 2021.</i></p> <p><b>In addition, reference can be made to Rothelowman's SEPP 65 Report dated 19/06/2023 which was lodged as part of the RTS Submission.</b></p> <p><b>Refer to Tab 4. Compliance with the Housing SEPP.</b></p>

10	DPHI	Please advise why three electric vehicle charging points were incorporated into the development and if there are any relevant criteria or development standards requiring a certain number or percentage of EV-ready spaces be provided; and	In accordance with Green Star's requirements for a Sustainable Transport Plan - the proposal will include EV charging points to 5% of all car parking spaces (4 spaces) and 25% of car parking spaces (18 spaces) to be EV-ready. <b>On top of this the electrical substation has been sized so that 100% of car parking spaces can be EV.</b>
11	DPHI	If available to the Department, please advise what, if anything, has historically been located on the site.	<p>A Statement of Heritage Impact (November 2022) has been prepared by Comber Consultants, a brief history of the site is noted below:</p> <ul style="list-style-type: none"> <li>- <b>1793-1876:</b> A part of Harris Farm.</li> <li>- <b>1876-1868:</b> Subdivided as part of George Wigram Allen's Harris Park Subdivision.</li> <li>- <b>1878-1941:</b> Eliza Howe's cottage and dairy.</li> <li>- <b>1941-2002:</b> 3 individual homes which had various ownership throughout the period.</li> <li>- <b>2002-2005:</b> The homes were demolished by the previous landowner (prior to Novus).</li> <li>- <b>2005-2022:</b> Vacant land.</li> <li>- <b>2022:</b> The site accommodated a vacant display suite which was removed by the tenant in September 2022.</li> </ul>

Jason Goldsworthy  
Chief Development Officer

**NOVUS**



 novusbusiness.com