

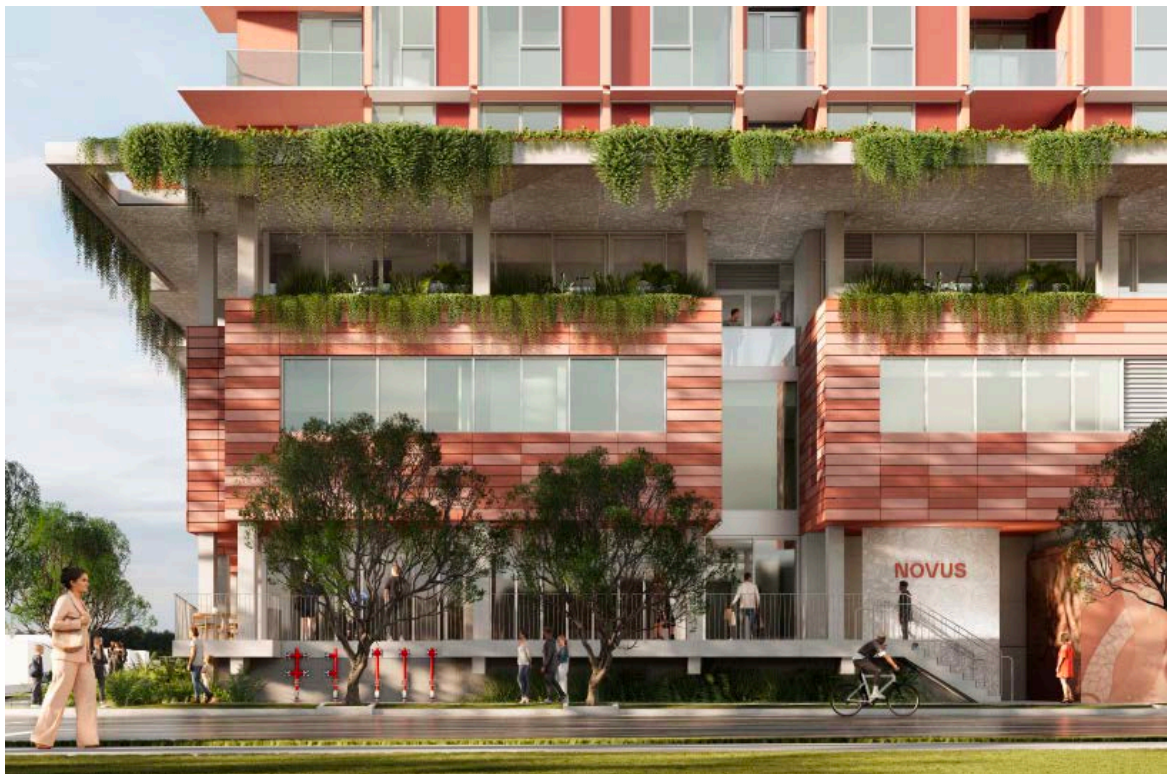


Novus Build-to-Rent, Parramatta

State Significant Development Assessment

SSD 34919690

December 2023



Published by the NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: Novus Build-to-Rent

Subtitle: SSD 34919690

Cover image: *Rothelowman Architectural Report 2022*

© State of New South Wales through Department of Planning and Environment 2023. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (December 2023) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Glossary

Abbreviation	Definition
ACHAR	Aboriginal Cultural Heritage Assessment Report
ADG	Apartment Design Guide
AHD	Australian Height Datum
Applicant	Perpetual Corporate Trust Limited as custodian for Aliro Trusco 1 Pty Ltd as trustee for Harris Street Sub Trust (Novus)
BCA	Building Code of Australia
BTR	Build to Rent
CIV	Capital Investment Value
Council	City of Parramatta Council
Department	Department of Planning and Environment
DCP	Development Control Plan
DIP	Design Integrity Panel
EHG	Environment and Heritage Group, DPE
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
FSR	Floor Space Ratio
Housing SEPP	State Environmental Planning Policy (Housing) 2021
LEP	Local Environmental Plan
LGA	Local Government Area
Minister	Minister for Planning and Public Spaces

NPWS	National Parks & Wildlife Service, DPE
PDCP	Parramatta Development Control Plan
PLEP 2011	Parramatta Local Environmental Plan 2011
PLEP 2023	Parramatta Local Environmental Plan 2023
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
RFI	Request for Information
RRFI	Response to Request for Information
RTS	Response to Submissions
SEARs	Planning Secretary's Environmental Assessment Requirements
Secretary	Planning Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SES	State Emergency Services
SSD	State Significant Development
TfNSW	Transport for NSW

Executive Summary

This report provides an assessment of the State significant development (SSD) application seeking consent for the construction and operation of a 34-storey mixed use building comprising of 210 build-to-rent (BTR) units, 3 levels of basement car parking for 73 car spaces, a 3-storey podium with retail and commercial floorspace and residential amenities, rooftop terrace and communal open spaces at 39-43 Hassall Street, Parramatta.

The application has been lodged by Perpetual Corporate Trust Limited as custodian for Aliro Trusco 1 Pty Ltd as trustee for Harris Street Sub Trust (Novus) (the Applicant).

The site is located within the City of Parramatta local government area (LGA). The Capital Investment Value (CIV) for the development is \$113,600,000 and the proposal would generate 329 construction jobs and 66 operational jobs.

The proposed BTR development would add diversity to the housing market through the provision of high-quality private rental dwellings owned by a single entity. The proposed BTR development would be operated and owned by a single entity operating as a landlord and property manager of the building for a minimum period of 15 years.

Engagement

The Department publicly exhibited the application between Thursday 2 March 2023 until Wednesday 29 March 2023 (28 days). The application was exhibited on the Department's website. The Department notified adjoining landholders and relevant State and local government authorities in writing.

In response to the exhibition, the Department received a submission from Council objecting to the proposal, seven public submissions (six objections and one in support) and advice from seven government agencies.

Council objects to the proposal on the basis that it does not meet design excellence criteria under the Parramatta Local Environmental Plan 2011 (PLEP 2011), it does not adequately respond to flooding issues, the floor space ratio standard should not be varied, and departures from the Apartment Design Guide. Council also considered that the application should include dedication of land identified for local road widening under the PLEP 2011, and better resolve works in the public domain of Hassall Street and Harris Street.

The Environment and Heritage Group (EHG) and State Emergency Services (SES) do not support the proposal on flooding grounds. EHG raised concern that the proposal has potential to seriously increase flood risk to life and is not compatible with the flood risk of the land. Noting the significance of these concerns, the Department engaged an independent flood consultant to provide advice to inform its assessment.

Sydney Water initially raised objection to proximity of the proposal to Clay Cliff Creek. This issue was resolved throughout the assessment and Sydney Water no longer raises concern.

The key issues raised in the public submissions were overshadowing and privacy impacts on the building to the west, No.31-37 Hassall Street, the scale, floor space and height of the development, insufficient car parking provision, increased population and impacts on open space, schools and

infrastructure, impacts on property values and construction issues leading to amenity impacts and damage to neighbouring properties.

In response, the Applicant submitted a Response to Submissions (RtS) and additional information which amended the proposal and provided further justification and additional information to address the issues raised in the submissions and comments from Council, government agencies and the public. Key amendments made to the proposal include:

- reduction in floor space to comply with the requirements of the development standard and bonus floor space provisions
- amendments to street wall height and setbacks
- amendments to the roof top setbacks to ensure no overshadowing on the State significant heritage item, Experiment Farm
- increase to part of the western setback for Levels 1 and 2 from zero to 5.51m and inclusion of privacy screens and translucent glazing from Levels 3 to 6 adjacent to No.31-37 Hassall Street to increase privacy of adjoining residents
- reconfiguration of apartment layouts and sizes resulting in an increase in dwelling yield from 204 apartments to 210 apartments
- reduction of carparking spaces from 84 car spaces to 73 car spaces
- amendments to the basement and mezzanine levels on the western boundary to accommodate No.31-37 Hassall St piling and 1m setback provided to Clay Cliff Creek
- providing concrete 'bleacher' seating along Harris Street frontage to improve the visual connection to Harris Street
- relocating the Harris St entry ramp outside of the future road widening setback and Sydney Water's 1 m setback requirement for Clay Cliff Creek
- confirmation the land reservation area for local road widening will be dedicated to Council.

Council maintained its objection in relation to design excellence, particularly in regard to the street wall and public domain interface. Council also considered that the proposal does not maintain an adequate floodway, that Gross Floor Area and landscaped areas were not calculated in accordance with requirements, street tree and public domain works do not comply with Council requirements and that the land reservation area on Harris Street should be dedicated as part of the development.

EHG and SES continued to raise concerns regarding flood issues. Other government agencies provided further comments and advice which informed the Department's recommended conditions.

Assessment

The Department has considered the merits of the proposal of the proposal in accordance with section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the issues raised in submissions and the Applicant's response.

The Department considers the proposal is acceptable for the following reasons:

- it is consistent with the Greater Sydney Region Plan and the Central City District Plan's which aims to increase housing and jobs close to public transport, services, and amenities
- it complies with the provisions of the PLEP 2011 and the Housing SEPP and provides a bulk and scale which is compatible with the future character of the area
- it achieves design excellence by providing an architectural built form which is an outcome of a design excellence competition and is endorsed by the Design Integrity Panel
- it provides habitable floor levels above the Council's Flood Planning Level (FPL), protection for property via driveway crests to the FPL and automated flood gates to the Probable Maximum Flood Level (PMF) and a Flood Emergency Response Plan that includes a Shelter in Place Strategy to ensure the safety of residents, workers and visitors in the event of a flood, consistent with Council's DCP.
- it achieves a high level of residential amenity for future residents in accordance with the ADG when applied flexibly considering the Housing SEPP and DPE's flexible design provisions
- it provides dedication of land for local road widening consistent with PLEP 2011
- the Department recommends conditions in relation to design integrity, public domain and flooding to ensure the development makes a positive contribution to the local area
- it would provide public benefits including 210 new build to rent apartments within the Parramatta CBD.

Conclusion

The Department's assessment therefore concludes the proposal is consistent with strategic planning framework adopted for the site, is of an appropriate height, density, and scale, will provide residential amenity for future residents and would not result in adverse flooding impacts, subject to the recommended conditions. The development will deliver a high-quality built form and make a positive contribution to the building stock in the Parramatta CBD.

The Department is satisfied that the additional information provided in the RtS and RRFI with respect to built form and amenity impacts, together with the recommended conditions of approval, appropriately address the public submissions and agency comments.

The Department concludes the proposal is in the public interest and recommends that the application is approved, subject to the conditions of consent.

Contents

1	The Site	1
1.1	The Site	1
1.2	Surrounding area.....	2
2	The Proposed Development	7
3	Strategic context	11
4	Statutory context	13
4.1	State significance	13
4.2	Consent Authority.....	13
4.3	Permissibility.....	13
4.4	Planning Secretary’s Environmental Assessment Requirements	13
4.5	Biodiversity Development Assessment Report	14
4.6	Mandatory Matters for Consideration	14
5	Engagement	15
5.1	Department’s engagement	15
5.2	Key issues – Council	15
5.3	Key issues – government agencies.....	17
5.4	Key issues - Community.....	21
5.5	Applicant’s response to submissions and amendments	22
6	Assessment	25
6.1	Key Assessment Issues	25
6.2	Design excellence	25
6.3	Built Form	29
6.4	Residential amenity	45
6.5	Public domain and landscape	48
6.6	Flooding.....	50
6.7	Traffic, transport and accessibility	57
6.8	Other issues	64
7	Evaluation	72
8	Recommendation	73
	Appendices	74
	Appendix A – List of referenced documents	74
	Appendix B – Mandatory Matters for Consideration.....	75
	Appendix C – Summary of the Department’s consideration of public submissions	100
	Appendix D – Independent Flooding Advice	104
	Appendix E - Independent Transport and Traffic Advice.....	105
	Appendix F – Applicant Executed State VPA	106

Appendix G – Letter regarding Satisfactory Arrangements Certificate.....	107
Appendix H – Recommended Instrument of Consent	108

1 The Site

1.1 The Site

- 1.1.1 The site is located at 39-43 Hassall Street, Parramatta within the City of Parramatta Local Government Area. It is located on the eastern edge of the Parramatta City Centre within a mixed-use zone precinct less than 500m east of Parramatta train station and bus interchange (see **Figure 1**).
- 1.1.2 Key characteristics of the site and surrounding area are summarised in **Table 1** and **Table 2** below.

Table 1 | Key Characteristics of the Site

Characteristic	Description
Address	No.39-43 Hassall Street, Parramatta
Legal Description	Lot 1 DP 633851 and Lot A DP 366506
Site Area	1448.6 m ²
Existing Development	The site is vacant.
Surrounding roads	The site is a corner lot with a frontage of approximately 43m to Hassall Street (a local street) and 30m to Harris Street (a collector road).
Topography	The site is generally flat, sloping gently to the south toward Clay Cliff Creek.
Existing access	The site has two existing driveways on Hassall Street.
Public transport	Less than 500m to Parramatta Station and bus interchange, approximately 280m north to Parramatta River and ferry stops and 100m north to the nearest Parramatta light rail stop, anticipated to open in May 2024.
Heritage	No heritage items listed within the site and the site is not within a heritage conservation area.
Flooding	The site is located adjacent to Clay Cliff Creek and is flood affected, as identified on Council's Floodplain Risk Management Map. It is subject to overland flow, creek flooding from Clay Cliff Creek rising, and riverine flooding from Parramatta River.



Figure 1 | Surrounding Context Map (Source: LANDFX Landscape Development Application Report 2022)

1.2 Surrounding area

1.2.1 The surrounding area is undergoing transformation and is currently characterised by residential, mixed-use buildings and vacant buildings to the south, west and north and open space to the east. (see **Table 2** and **Figure 2** to **Figure 7**).

Table 2 | Key Characteristics of surrounding area

Characteristic	Description
Surrounding land uses and built form	<p>The surrounding area is undergoing transformation and is characterised by mixed use development, residential development, the former Rowland Hassall School (now vacant) and public open space as follows (Figure 2- Figure 7):</p> <p>West (Hassall Street)</p> <ul style="list-style-type: none"> No.31-37 Hassall Street adjoins the western boundary. It is occupied by a 9 storey, predominantly residential, mixed-use building. The

Characteristic	Description
	<p>building has been constructed with a blank eastern façade on the lot boundary to allow a future building on the subject site to also be built to the boundary</p> <ul style="list-style-type: none"> 7-16 storey mixed use buildings further west and a commercial carpark <p>North (Hassall Street):</p> <ul style="list-style-type: none"> No. 34 Hassall Street, the single level former Rowland Hassall School (which has since relocated to Old Guildford) is directly opposite the site to the north. The building is now vacant and a development application for a 46-storey mixed use development comprising 604 residential apartments is currently under assessment by Council. <p>East (Harris Street)</p> <ul style="list-style-type: none"> Robin Thomas Reserve and James Ruse Reserve are located directly opposite the site to the east. Together they provide nearly 5 ha of open space. Robin Thomas Reserve includes sports fields and James Ruse Reserve includes barbecues, playground, skate park and water play facilities <p>South (Harris Street/Parkes Street)</p> <ul style="list-style-type: none"> Clay Cliff Creek, a Sydney Water stormwater channel, adjoins the southern boundary No.114-118 Harris Street Parramatta is directly south of Clay Cliff Creek. A development application for a 35-storey mixed use building is currently under assessment by Council No. 14-20 Parkes St Harris Park is located south-west of the subject site. A 46-storey mixed use development with 331 apartments is currently under construction.
<p>Nearby heritage items</p>	<ul style="list-style-type: none"> State and locally heritage listed Experiment Farm Cottage and environs is located approximately 50m south-east of the site. State and locally heritage listed Robin Thomas Reserve, located 40m north-east of the site (ancient aboriginal and early Colonial landscape). Locally heritage listed semi-detached cottages at 23 and 25 Hassall Street and 113 and 115 Wigram Street located 120m to the west of the site.

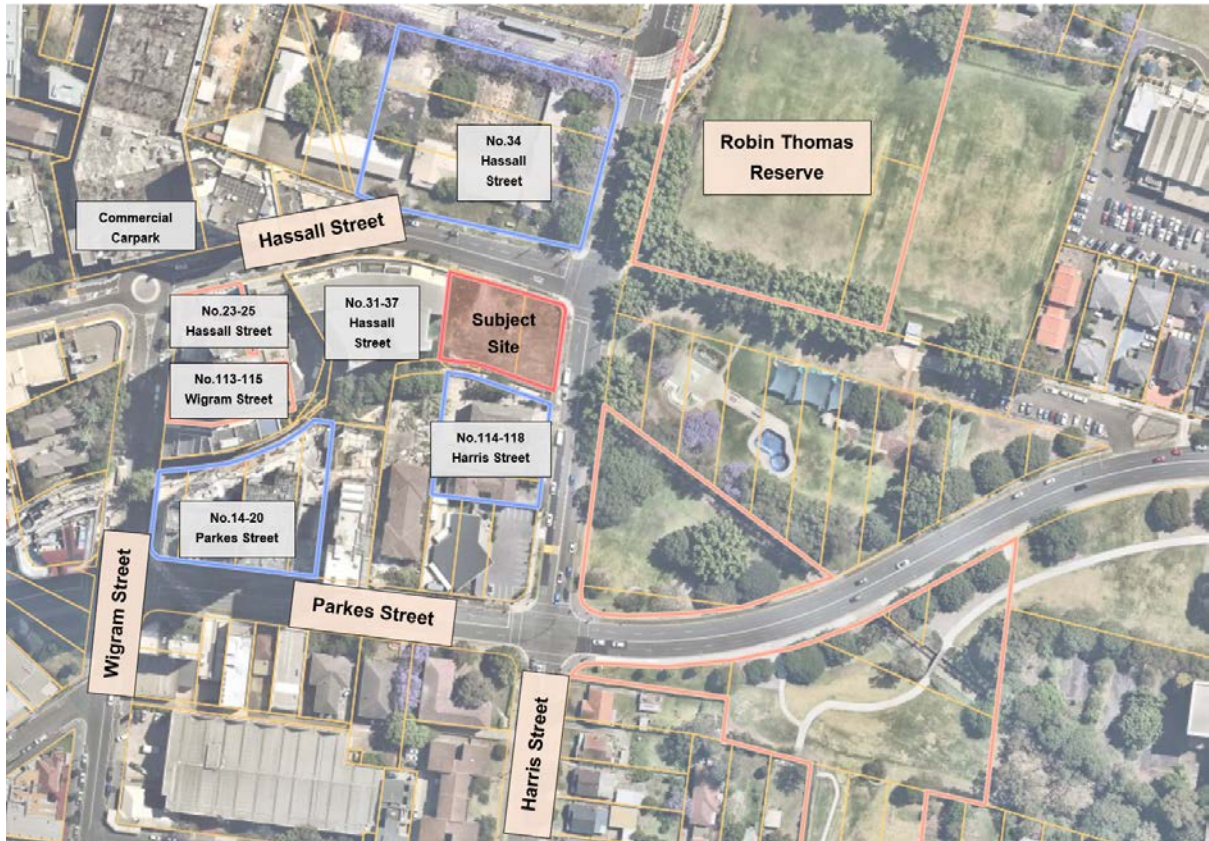


Figure 2 | Local Context Map, commercial carpark, nearby development sites, heritage sites and open space (Source: Nearmap 2023)



Figure 3 | Hassall St facing east. The site is on the far right marked by green fencing and No.31-37 Hassall St is on the immediate right (Source: DPE, 2023)



Figure 4 | The subject site from the east on Harris Street, facing Hassall St. The area is subject to transformation with development underway in the vicinity of the site (Source: DPE, 2023)



Figure 5 | The subject site from the north on Harris Street, showing Robin Thomas Reserve/James Ruse Reserve opposite the site (Source: DPE, 2023)

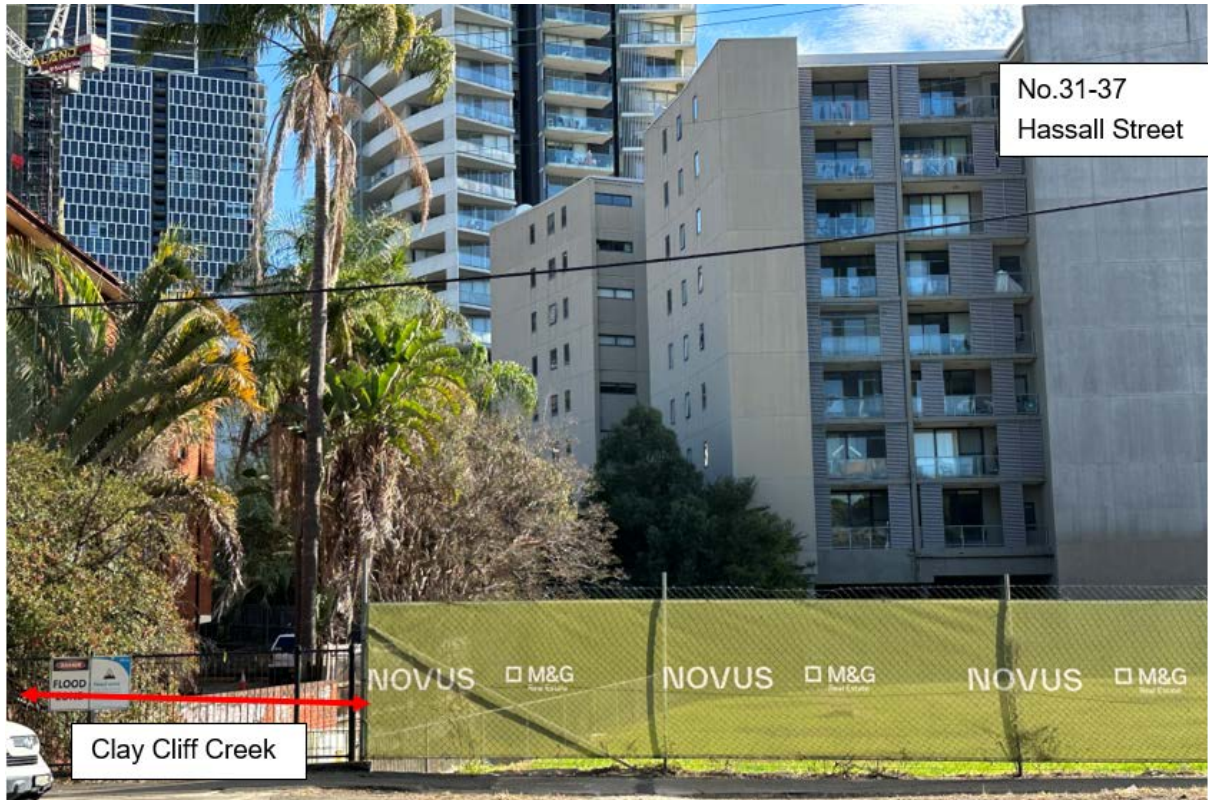


Figure 6 | The subject site from Harris Street (east) (Source: DPE, 2023)



Figure 7 | The subject site from Harris Street (east) (Source: DPE, 2023)

2 The Proposed Development

2.1.1 The SSD application seeks approval for a 34-storey mixed use BTR development as summarised in **Table 3** and shown in **Figure 8** and **Figure 9**.

Table 3 | Key Components of the Proposal

Component	Description
Proposal summary	<p>Construction of a 34-storey mixed use building, comprising of:</p> <ul style="list-style-type: none"> • 210 build-to-rent apartments on level 3 through to level 33 • 3 basement levels and 2 mezzanine levels which include basement carparking, bike parking, end of trip facilities, storage and service areas • retail and commercial uses on ground level and level 1, 2 and 32 including a food and beverage/retail tenancy, gym, signage wall, wellness centre and co-working area • residential amenities on levels 2, 7 and 32, including a pool, dog run, lounge, and private dining area;
Built form	<p>The building form comprises:</p> <ul style="list-style-type: none"> • a 3 storey podium (ground to level 2) • a four storey tower base/larger floorplate (levels 3-7) that is built partially to the boundary of the adjoining mixed use building at No.31-37 Hassall Street • a tower (levels 8-33).
Height	A maximum height of RL121.07m (approximately 116m above ground level).
Gross Floor Area (GFA)	<p>A maximum total GFA of 16,656.3m², consisting of:</p> <ul style="list-style-type: none"> • residential GFA of 15,190.9m² • non-residential GFA of 1,465.4m².
Residential mix	<p>210 BTR apartments comprising:</p> <ul style="list-style-type: none"> • 83 studio apartments (39.5%) including: <ul style="list-style-type: none"> ○ 24 furnished apartments ○ 59 unfurnished apartments • 31 x 1-bedroom apartments (14.7%) • 94 x 2-bedroom units (44.8%) including: <ul style="list-style-type: none"> ○ 29 apartments with a study ○ 65 apartments without a study • 2 x 3-bedroom apartments (1%)
Residential communal areas	<ul style="list-style-type: none"> • Level 2 - pool area and gym, flexi space and wellness centre. • Level 7 - dog run/pet play area • Level 32 - resident's lounge, private dining space and outdoor lounge.
Public domain	<ul style="list-style-type: none"> • Public domain works in Hassall Street and Harris Street • Dedication of land identified for local road widening to Council.

Component	Description
Landscaping and open space	Landscaping and open space provided on ground level adjacent to Clay Cliff Creek, on Harris Street and Hassall Street, on level 2, level 7 and level 32, associated with the pool, dog run, and outdoor lounge.
Car parking	Three levels of basement parking containing 71 car parking spaces and 2 car share spaces.
Bicycle parking	116 bicycle parking spaces and end of trip facilities located on the lower mezzanine level
Access and servicing	<ul style="list-style-type: none"> • Vehicular access to the basement parking and loading dock from Hassall Street • Pedestrian access from Hassall Street and Harris Street, including a ramp to provide universal access from Harris Street • Shared residential and commercial loading dock including waste collection bay • A new substation and main switch room located on ground level on Hassall Street
Stormwater	Diversion of Council's stormwater infrastructure that passes through the site
Signage	Incorporation of a signage wall
Flood protections measures	<ul style="list-style-type: none"> • Automatically activated flood gates to protect from the ingress of flood waters into the basement, liftwells and stairwells • Flood warning signage and alarms • Back-up power, water and sewer collection
Remediation	Excavation and off-site disposal of the asbestos and polycyclic aromatic hydrocarbons (PAH) impacted fill to ensure the site is suitable for the proposed land use.
Jobs	329 construction jobs and 66 operational jobs
CIV	\$113,600,000



Figure 9 | Photomontage of the proposal viewed from the north-east (Source: RTS, Rothelowman, 2023)

3 Strategic context

3.1.1 The Department has considered the proposal against relevant strategic plans as outlined in **Table 4**.

Table 4 | Strategic context

Strategic Plan	Consideration	Consistent
Greater Sydney Region Plan	<p>The Region Plan outlines how Greater Sydney will be transformed into a metropolis of three cities.</p> <p>The proposal is consistent with the directions of the Region Plan as it would:</p> <ul style="list-style-type: none"> provide additional residential accommodation in a highly accessible CBD location, contributing to walkability and creation of a 30-minute city provide 210 rental apartments which would contribute to greater and more diverse housing supply. 	Yes
Central City District Plan	<p>The Central City District Plan is a guide for implementing the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning.</p> <p>The proposal is consistent with the Central City District Plan as it would:</p> <ul style="list-style-type: none"> provide new housing in the Parramatta CBD in close proximity to employment, transport and open space which assists in creating liveable neighbourhoods provide residential and commercial uses within the site contributing to a stronger and more competitive Parramatta CBD provide residential and commercial uses within the Parramatta CBD, in close proximity to employment opportunities and various transport options, contributing to the 30-minute city. 	Yes
Future Transport Strategy 2056	<p>The Future Transport Strategy 2056 outlines a planned and coordinated set of actions to address challenges faced by the NSW transport system to support the State's economic and social performance over the next 40 years.</p> <p>The proposal is consistent with the Future Transport Strategy 2056 as it would:</p> <ul style="list-style-type: none"> provide residential accommodation in close proximity to public transport delivering economic benefits for the residents by enhancing connectivity between businesses, dwellings, and people provide an opportunity to boost the city's productivity by allowing residents to access jobs faster and more reliably encourage the use of active transport options by providing bicycle parking spaces and reduced car parking. 	Yes
Parramatta Local Strategic Planning Statement 2020	<p>The Parramatta Local Strategic Planning Statement 2020 sets out the 20-year vision for land use planning for the City of Parramatta with 4 key themes which are local planning, liveability, productivity, and sustainability.</p>	Yes

The proposal is consistent with the Parramatta Local Strategic Planning Statement 2020 as it would:

- increase housing supply in Parramatta close to the diverse range of services, jobs, businesses, entertainment and recreational opportunities
- provide a diversity of housing types and sizes to meet community needs into the future
- focus high rise development and builds capacity of the Parramatta CBD
- provide improvements to the public domain, facilitating walkability in the CBD
- ensure resilience of people and infrastructure against flood risk.

**City of Parramatta
Local Housing
Strategy 2020**

The City of Parramatta Local Housing Strategy 2020 provides local direction about when and where future housing growth will occur, and how it aligns with the broader strategic planning framework.

Yes

The proposal is consistent with City of Parramatta Local Housing Strategy 2020 priorities as it would:

- provide rental housing to contribute to housing diversity
 - deliver new housing within walking catchments of existing and committed public transport, with Parramatta Station, the ferry wharf and proposed light rail stations all within easy walking distance
 - complement, without compromising, the economic significance of the city.
-

4 Statutory context

4.1 State significance

- 4.1.1 The proposal is SSD pursuant to section 4.36(2) of the EP&A Act as the development is permissible with consent and has a CIV in excess of \$50 million for the purpose of build-to-rent housing, under clause 27 Schedule 1 State Environmental Planning Policy (Planning Systems) 2021.

4.2 Consent Authority

- 4.2.1 In accordance with clause 2.7 of the Planning Systems SEPP and section 4.5 of the EP&A Act, the Independent Planning Commission is the consent authority as Council has made a submission by way of objection.

4.3 Permissibility

- 4.3.1 The PLEP 2011 was in force when the application was lodged on 27 February 2023.
- 4.3.2 The Parramatta Local Environmental Plan 2023 (PLEP 2023) came into effect on 2 March 2023, however in accordance with Clause 1.8A(1) of the PLEP 2023, PLEP 2011 continues to apply to this application as the application was lodged prior to the date PLEP 2023 came into effect and must be determined as if PLEP 2023 had not commenced.
- 4.3.3 The site is zoned B4 Mixed Use zone under PLEP 2011.
- 4.3.4 The proposed BTR is permissible in the B4 Mixed Use zone in accordance with clause 72 of State Environmental Planning Policy (Housing) 2021 as:
- the proposal comprises development for the purposes of shop top housing.
 - more than 50 dwellings would be occupied by individuals under residential tenancy agreements.
 - the building would be contained on the same lot, subject to the Department's recommended condition of consent which requires consolidation of the lots into one allotment prior to occupation.

4.4 Planning Secretary's Environmental Assessment Requirements

- 4.4.1 On 13 January 2022, the Department notified the Applicant of the Planning Secretary's Environmental Assessment Requirements (SEARs) for the SSD application. The Department is satisfied that the EIS and RtS adequately addresses compliance with the SEARs to enable the assessment and determination of the application.

4.5 Biodiversity Development Assessment Report

- 4.5.1 Under section 7.9(2) of the Biodiversity Conservation Act 2016 (BC Act), SSD applications are to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.
- 4.5.2 The development is located in a highly urbanised environment and the site does not contain any significant existing trees or vegetation.
- 4.5.3 On 4 November 2022, EHG determined that the proposed development would not be likely to have any significant impact on biodiversity values and that a BDAR is not required. The Department supported EHG's decision and on 15 November 2022 determined that the application is not required to be accompanied by a BDAR under section 7.9(2) BC Act.

4.6 Mandatory Matters for Consideration

- 4.6.1 The Department has considered all relevant matters in its assessment of the proposal in **Section 6** and of this report. These relevant matters include:
- the objects of the EP&A Act
 - relevant matters specified in Section 4.15 of the EP&A Act, including:
 - the provisions of any environmental planning instruments, draft instruments, planning agreements, draft planning agreement and the EP&A Regulation
 - the likely environmental, social, and economic impacts of the development
 - the suitability of the site for the development
 - any submissions
 - the public interest
 - principles of ecologically sustainable development (ESD)
 - the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation).

5 Engagement

5.1 Department's engagement

- 5.1.1 The Department publicly exhibited the application on the NSW Major Projects Planning Portal from Thursday 2 March 2023 until Wednesday 29 March 2023 (28 days). The Department wrote to adjoining landholders, Council and relevant government agencies, notifying them of the exhibition.
- 5.1.2 The Department also published the Applicant's RtS and additional information (RFI) on its website and notified Council and relevant government agencies.
- 5.1.3 In response to the exhibition, the Department received:
- a submission from Council objecting to the proposal
 - advice from seven government agencies
 - seven public submissions (six objections and one in support)
- 5.1.4 The Applicant has taken steps set out in **Section 5.5** to address issues raised in submissions. These are discussed in more detail in its:
- Response to Submissions (RtS) dated 3 July 2023
 - Responses to Request for Further Information (RFI) dated September to October 2023
- 5.1.5 Key issues raised by Council, government agencies and public submissions are summarised in **Sections 5.2, 5.3** and **5.4** respectively.
- 5.1.6 Submissions can be viewed at <https://www.planningportal.nsw.gov.au/major-projects/projects/novus-build-rent-39-43-hassall-street-parramatta>.

5.2 Key issues – Council

Table 5 | Summary of Council's submission on the Applicant's EIS, RtS and RFI

City of Parramatta Council	
EIS	Council objected to the proposal and provided the following comments: <i>Design issues</i> <ul style="list-style-type: none">• The proposed Clause 4.6 Variation Request is not supported.• The proposal does not meet the design excellence criteria stipulated under cl.7.11(2) particularly in relation to podium street walls, tower setbacks and separation, active street frontages, visual privacy, pedestrian, cycle and vehicular access, impact on and interfaces with the public domain and integration of landscape design.• The proposal does not comply with the Apartment Design Guide in terms of deep soil zones, landscaping, natural cross-ventilation, dwelling mix, building separation, communal open space, floor to floor ceiling heights.

-
- Universal access needs to be addressed including in outdoor communal areas, ramps and adaptable units.

Public domain issues

- The proposal does not include any provision for dedication of land zoned 'Local Road Widening (B4)' under the PLEP 2011
- Public domain of Hassall Streets and Harris St are not well resolved. Equitable access, footpaths and street trees need to be considered.

Flooding issues

- The site is severely constrained by flood hazards. The proposal does not respond to the flood hazard in a satisfactory manner.

Traffic and parking

- Traffic and parking issues need to be addressed, including pedestrian sight lines and swept path testing conflicts.

Other issues

- The proposed relocation of Council's stormwater pipe and overland flow path is not supported. More detail is required to support stormwater design and water sensitive urban design, including modelling.
- Potential adverse social impacts need to be addressed including street activation, end-of trip facilities and back-of-house, retail and loading dock areas and the management plan should be updated to detail information on operations and management of communal facilities.
- There are potential conflicts associated with noise and vibration
- Operational waste management issues need to be resolved, including the provision of recycling bins and food organics and garden organics.

RtS

Council maintained its objection to the proposal and provided the following comments:

Design issues

- The proposed street wall and public domain interface is not consistent with the key design principles for the CBD. Recommendations include zero-lot setbacks, lowering the ground floor level of the proposed café, increased ground floor ceiling height, improved universal access with a ramp on Hassall St and basements located below ground level.
- The Gross Floor Area has not been calculated consistent with definition requirements.
- The proposal does not exhibit design excellence, as there is not clear setback between the tower and the podium.
- A small deep soil zone should be accommodated.
- The landscaped area has not been calculated consistent with definitions and the incorporation of the jetty as communal open space is not appropriate.
- The proposed dwelling mix does not reflect the household forecast.
- The ramp on the south-east corner at Harris St is considered a poor design outcome.
- Issues with tree protection measures and landscaping plans need to be addressed.

Public domain issues

- The Local Road Widening on Harris St should be dedicated as part of the development. The development should not encroach on this area.
- Proposed street trees and the Harris St public domain works do not comply with Council's requirements

Flooding issues

- Maintained concerns about the high flood hazard on the site. The proposal fails to maintain an adequate floodway and has included walls and a floating jetty in this setback which will impede the flow of water.

Traffic and parking

- Traffic and parking issues, including pedestrian sight line and swept path testing, have not been adequately addressed.

Other issues

- Concern regarding the provision of a chute for recycling.
- Social impacts associated with poor street activation, poor universal access and an operational management plan to mitigate safety risks at communal recreation areas.
- Relocation of Council's stormwater pipe needs to be provided and stormwater drainage needs to be provided to Council standards.

RRFI	<p>Council maintained its objection and provided the following additional comments:</p> <ul style="list-style-type: none"> • the Applicant has not adopted any of the design solutions put forward in Council's most recent submission and Council relies on/reiterates matters in previous submissions • the significant departures from the provisions of the PLEP 2011 and Parramatta DCP warrant refusal of the proposed development.
-------------	---

5.3 Key issues – government agencies

Table 6 | Summary of Agency Advice received in response to the Applicant's EIS, RtS and RFI

Department of Planning and Environment Water (DPE Water)	
EIS	<p>DPE Water provided the following comments:</p> <ul style="list-style-type: none"> • that the Applicant undertakes an assessment of the activities against the 'minimal impact considerations' of the Aquifer Interference Policy (AIP). • that the Applicant ensures sufficient water entitlement is held in a water access licence/s (WAL) to account for the maximum predicted take in the Sydney Basin Central Water source prior to take occurring unless an exemption applies.
RtS	DPE Water had no further comments
Sydney Water	
EIS	<p>Sydney Water raised the following objections and comments to the proposal:</p> <ul style="list-style-type: none"> • the proposal may not meet the minimum clearance requirements for buildings adjacent to Sydney Water's stormwater channel. No building or permanent

structure, including basement car parks, should be located within 1m of the outside wall of the channel or Sydney Water land.

- there is a likely need to upsize the DN100 watermain in Harris Street to service the development.
- there is a likely need to upsize the 300mm sewer in Hassall Street to service the development.
- due to sewer downstream capacity and ERS overflow frequency there is a need to develop a solution to ensure the current performance of the system in dry and wet weather conditions.

RtS Sydney Water continued to raise objections as the amended plans did not meet the minimum clearance requirements for buildings adjacent to Sydney Water's stormwater channel. The access footpath on the ground floor was within 1m from the outside face of the stormwater channel.

RRFI Sydney Water no longer objects to the proposal as it now meets Sydney Water's 1m clearance requirement from Clay Cliff Creek.

Department of Planning and Environment - Environment and Heritage Group (EHG)

EIS EHG raised the following concerns and comments to the proposal:

Flooding

- the proposal is not compatible with the flood risk of the land due to flood affectation, flood impact, inadequate flood planning levels, access and egress and emergency management. The proposal has the potential to seriously increase flood risk to life and should not be supported
- the Flooding Investigation by Lyall and Associates should not be relied upon to support this development application. The adopted flood study predicts a 1% AEP Flood level of RL 6.2m AHD for the site. The Flooding Investigation predicts only 5.7-5.9m AHD. The Flooding Investigation did not discuss several critical elements that may explain why the results vary so greatly
- basement car parks should be protected from flooding up to the higher of the PMF level and the 1% AEP flood level plus 500mm freeboard. The use of flood gates in lieu of passive protection does not afford the same level of protection and are not supported
- longer storms must be modelled to understand the actual maximum duration of inundation and isolation
- concerns regarding access and egress to the site due to flooding, and an appropriate emergency access point.

Clay Cliff Creek

- the RtS needs to provide details of the proposed creek restoration and allow for rehabilitation and vegetated riparian corridor.

Landscaping

- local native vegetation community species should be planted and not exotic species.

RtS EHG provided the following comments:

Flooding

- consideration of EHG's previous comments is limited
- the proposal is not compatible with the flood risk of the land and the modelling cannot be relied upon
- the full range of flooding must be considered up to and including the Probable Maximum Flood (PMF)
- concern around using flood gates to protect basement car parks
- the 6 hour maximum period of isolation as identified by the Applicant is not supported

Clay Cliff Creek and corridor

- requested clarification on proposed creek restoration
- requested basement levels be setback to provide adequate deep soil planting
- decking, pathways and floating jetties should not be in the riparian corridor

Landscaping

reiterated its previous comments on planting of local native vegetation community species and recommended conditions of approval.

RRFI

EHG provided the following comments:

Flooding

- floodgates for basement protection and impact mitigation have not been adequately justified
- sheltering in place for new development is not supported by EHG or SES
- site access can be restricted due to flooding. This may be relieved through upgrading of Council's stormwater infrastructure to meet the 5% AEP storm event
- the natural flood functions of the land should be maintained
- support for the Council adopted flood study
- the applicant's model for existing conditions must be compatible with Council's adopted flood study
- an emergency access point is not available
- stormwater drainage works will improve flood free access for the site.

Clay Cliff Creek and corridor

- requested clarification on proposed creek restoration

Landscaping

- reiterated its previous comments on planting of local native vegetation community species.

State Emergency Services (SES)

EIS

SES provided the following comments:

- there are a number of significant flooding issues regarding this proposal which are of concern
- zoning should not enable development that will result in an increase in risk to life, health or property of people living on the floodplain
- risk assessment should consider the full range of flooding, including events up to the Probable Maximum Flood (PMF) and not focus only on the 1% AEP flood
- on-site detention basin for the site is set below the PMF

- risk assessment should have regard to flood warning and evacuation demand on existing and future access/egress routes. Consideration should also be given to the impacts of localised flooding on evacuation routes
- self-evacuation of the community should be achievable in a manner which is consistent with the NSW SES's principles for evacuation.
- basement car parks have inherent risks to life and property
- evacuation must not require people to drive or walk through flood water
- 'Shelter in place' strategy is not an endorsed flood management strategy by the NSW SES for future development.
- building stability needs to be considered, particularly in high hazard floods where all buildings are susceptible to structural failure.
- consent authorities should consider the cumulative impacts any development will have on risk to life and the existing and future community and emergency service resources in the future
- any additional parking should be above ground level to facilitate safe and effective vehicular evacuation and have pedestrian access to a podium level above the PMF to increase human safety.

RtS

SES provided the following comments:

- high hazard flood behaviour at the site will not be safe for vehicles including emergency vehicles
- the site does not have flood free pedestrian access to land above the Probable Maximum Flood level or flood free emergency access point above the 1 in a 100 year flood level
- there is little to no warning time available for a flood event, which means there is little time to implement flood emergency response measures
- climate change and sensitivity models should be incorporated into the proposed design, not the current 1 in 100 year flood levels
- the proposal appears to increase the flood risk in the vicinity of the site
- evacuation, and not shelter in place, is the appropriate response for people impacted by flooding
- concern regarding the potential for failure of flood-gate mechanisms, which provides risks for property and life
- concern regarding cumulative risks on risks to life and community and emergency service resources,

Endeavour Energy

EIS

Endeavour Energy provided the following comments:

- there are low voltage overhead power lines and underground cables to the Harris Street road verge
- there are low voltage overhead power lines and high voltage underground cables to the Hassall Street road verge
- overhead mains undergrounding and street light restoration will likely be required
- a new indoor substation with two transformers will likely be required, with floor level to be elevated from ground level
- an accredited service provider will need to assess the electricity load and the method of supply

- standard conditions of consent were provided.

RtS No additional comments were provided

Transport for NSW

EIS Transport for NSW requested conditions regarding:

- an updated Green Travel Plan and Travel Access Guide and Parking Management Plan to be provided
- a Construction Traffic Management Plan to be submitted to Council and TfNSW for approval

RtS Transport for NSW reviewed the Applicant's RtS and has no further comments. Previous comments remain applicable.

Heritage NSW – Aboriginal cultural heritage

EIS Heritage NSW provided the following comments:

- requested that test and [potentially] salvage excavation should be undertaken at the EIS stage
- support for Aboriginal heritage inductions and cultural heritage awareness and protocols for unexpected finds.

RtS Heritage NSW noted that archaeological test excavations were undertaken and that three artefacts and a piece of ochre were recovered. Heritage NSW considers that sufficient testing has been undertaken, that salvage is not warranted and agrees with the management recommendations of the Applicant's Aboriginal Cultural Heritage Assessment Report dated May 2023.

Heritage Council of NSW

EIS The Heritage Council of NSW requested that the Historical Archaeological Assessment is updated to address:

- consideration of the remains of the well and toilet when assessing the potential for archaeological remains across the site, and capture these in the Aboriginal test excavation
- updating the Archaeological Research Design to include historical test excavation, with test trenches located in areas of potential for Rosewood Cottage and its outbuildings

RtS The Heritage Council of NSW advised that:

- the updated report adequately addresses the historical archaeology matters
- it has no further historical archaeology requirements for this proposal.

5.4 Key issues - Community

5.4.1 The Department received seven submissions from members of the public, comprising six objections (four unique) and one submission of support.

5.4.2 The key issues raised in the six objections include:

- Overshadowing impacts to the adjoining development.
- Privacy impacts to No.31-37 Hassall Street
- The proposal is out of scale with existing development
- Overshadowing impacts to the park
- Increased pressure on open spaces and recreational areas
- FSR exceeding the LEP control
- Concerns about the suitability of the site and identification of the land as an 'isolated site'
- Insufficient car parking provision
- Impacts on street parking
- Impacts to property values
- The cumulative impact of developments in the area on schools
- Environmental impacts and climate change and impacts on infrastructure
- Construction issues - potential damage of neighbouring properties and health impacts.

5.4.3 The supporting submission considers the increase in apartments in Parramatta CBD will assist in relieving the housing shortage in Sydney and will provide more residents to support business in the area.

5.5 Applicant's response to submissions and amendments

5.5.1 Following the exhibition, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions.

5.5.2 On 3 July 2023, the Applicant provided a Response to Submissions (RtS) clarifying and providing additional information to address the issues raised during the EIS exhibition.

5.5.3 The Applicant also provided additional information in response to the Department's Requests for Information (RRFI) between September and November 2023.

5.5.4 The Applicant's RtS and RRF included the following key amendments (**Table 7**):

- increase in dwelling yield from 204 to 210 apartments (+6)
- reconfiguration of apartment layouts and sizes
- reduction in floor space ratio from 11.7:1 to 11.5:1 to comply with the PLEP 2011 requirements of the development standard and bonus floor space provisions
- basement and mezzanine wall thickness increased
- changes on the western boundary to accommodate No.31-37 Hassall St piling and 1m setback provided to Clay Cliff Creek
- reduction of carparking spaces from 84 car spaces to 73 car spaces (-11)
- increase to part of the western setback for Levels 1 and 2 from zero to 5.51m
- inclusion of privacy screens and translucent glazing from Levels 3 to 6 adjacent to No.31-37 Hassall Street to increase privacy of adjoining residents
- amendments to the roof top setbacks to ensure no overshadowing on the State significant heritage item, Experiment Farm
- amendments to street wall height to match the street wall height adjacent to No.31-37 Hassall Street

- amendment of the jetty on the southern side of the building to provide a more direct route for accessibility, an increased setback to the creek, and provide a second point of egress from the building to the south-west
- relocation of the Harris St entry ramp outside of the future road widening setback and to meet Sydney Water's required 1m setback from Clay Cliff Creek
- changes to pool plant and pool floor levels for equitable access
- eastern façade rotated by 3 degrees to address reflectivity issues with varied tower setback
- changes to façade design, materials and finishes
- provision of concrete 'bleacher' style seating to the Harris Street frontage
- amendments to ensure the platform lift on Hassall St provides appropriate clearance associated with the required path of travel.

5.5.5 The Applicant also provided:

- confirmation the Land Reservation Area for Local Road Widening will be dedicated to Council prior to provision of the Occupation Certificate, in accordance with the terms and offer outlined in a letter of offer for a planning agreement, dated 12 September 2023
- its position that the proposed diversion of the stormwater pipe though the site should be offset by a reduction in s7.12 contributions which would be payable
- a Letter of Offer to enter into a State Voluntary Planning Agreement with the Minister for Planning and Public Spaces dated 31 May 2023 for the provision of State infrastructure in accordance with Clause 8.1 of PLEP 2011.

5.5.6 These documents were placed on the NSW Major Projects Planning Portal and referred to Council and relevant government agencies for comments.

5.5.7 Council and government agency advice is summarised in **Table 5** and **Table 6** above.

5.5.8 No further public submissions were received.

Table 7 | Summary and comparison of key amendments to the proposal

Component	EIS	RRFI	Difference
Gross Floor Area (m2)	17,028.6 m ²	16,656.3 m ²	-372.3 m ²
Residential	15,580.1 m ²	15,190.9 m ²	-389.2 m ²
Commercial	1,448.5 m ²	1,465.4 m ²	+16.9 m ²
Floor Space Ratio	11.7:1	11.5:1	-0.20:1
Residential	10.7:1	10.49:1	-0.21:1
Commercial	1:1	1.01:1	+0.01:1
Apartments			
Number	204	210	+6
Dwelling mix	Studio – 73	Studio – 83	Studio – +10
	1 bed – 29	1 bed – 31	1 bed – +2
	2 bed – 99	2 bed – 94	2 bed – -5
	3 bed – 3	3 bed – 2	3 bed – -1

Building height	RL 120.7 m	RL 121.07 m	+0.37 m
Car parking	2 car share Total - 84 spaces	2 car share Total - 73 spaces	N/A -11 spaces
Bicycle spaces	116	116	N/A
Setbacks			
Basements:			
West	Nil	Approx 1m	Approx 1m
North	Nil	Nil	N/A
South	Nil	1.14m	+1.14m
East (excluding LRA)	Nil	Nil	N/A
Level 1 west (to south)	Nil	Approx. 5.51m	+ Approx. 5.51m
Level 2 west (to south)	To landscaping – Nil	Approx. 5.51m	+ Approx. 5.51m
Privacy screens/ translucent glazing	Nil	Provided on levels 1 and 3-6 on the western facade	Provided on levels 1 and 3-6 on the western facade

6 Assessment

6.1 Key Assessment Issues

6.1.1 The Department has considered the EIS, the issues raised in the submissions, the Applicant's RfS and RRFI in its assessment of the proposal. The Department considers the key assessment issues associated with the proposal are:

- design excellence
- built form
- residential amenity
- Land Reservation Acquisition Area, public domain and deep soil planting
- flooding
- traffic, transport and accessibility.

6.1.2 Each of these issues is discussed in the following sections of this report. All other issues associated with the proposal have been considered in **Table 12** and **Appendix B**

6.2 Design excellence

6.2.1 The proposal comprises:

- a podium comprising of a series of open decks on a floating platform, envisaged as a 'raft' above the flood plain, capped with a floating awning to mitigate wind impacts to the building entries and public domain
- a tower facade which responds to different climatic orientations while creating a cohesive design, including horizontal expression with sunshade devices and vertical articulation with paneling and fenestration
- connection with Country through the 'raft' design response to flooding, materials which respond to clay and paperbark, and opportunities for art in the awning soffit and walls.

Architectural design excellence competition

6.2.2 Division 3 Design excellence of the PLEP 2011 outlines the provisions for design excellence. The clause applies to the development involving the erection of a building on land in Parramatta City Centre.

6.2.3 Clause 7.12 of the PLEP 2011 outlines when a design competition is required. In accordance with this clause the subject development is required to complete a design competition.

6.2.4 Between April 2022 and August 2022, an Architectural Design Excellence Competition was held for the development for a mixed-use tower on the site, with three architectural teams participating in the competition.

- 6.2.5 On 21 September 2022, the competition jury chose the winning scheme by Rothelowman Architects, who then prepared the architectural design for the proposal.
- 6.2.6 The Design Excellence Jury considered the proposal provided a unique approach to architecture and supported the materials, colours and tones of the facades connecting to earth and clay. The Jury also supported the concept of a 'raft' to respond to flooding and align with the principles of connecting with Country and exterior terraces around the site.
- 6.2.7 The Design Excellence Jury provided the following recommendations to be addressed during design development:
- the proposed massing, sun shading elements and the materiality including detailing of the podium and tower should be retained
 - further development of response to First Nations communities
 - further design development to enhance the legibility of the main entry lobby, and the entry from Harris Street
 - more consideration of the lower levels of the building and the relationship between Harris Street, the creek and buildings and ensuring the 3.5m road widening for public domain along Harris Street.

Design Integrity Panel (DIP)

- 6.2.8 Following the competitive design process a DIP was established, with the Government Architect's Office, City of Parramatta Council and the Applicant's nominee, to ensure that the design recommendations of the original design jury were incorporated into the scheme.
- 6.2.9 The Applicant made the following changes in response to recommendations for further design development prior to lodgement:
- the ground floor plan was reconfigured to prioritise Hassall Street as the main entrance and provision of a double height entry lobby from Hassall Street
 - the southern entrance is provided as a wheelchair-accessible ramped entrance.
 - increased outdoor dining areas oriented toward Clay Cliff Creek and Harris Street
 - the pool was relocated to Level 2, below the awning, to improve the wind conditions for this facility
 - the proposal adopted a 3.5m setback from Harris Street to accommodate the 3.5m road widening along Harris Street
 - landscape design that includes a response to First Nations communities.
- 6.2.10 The DIP reviewed the proposal prior to lodgement, in response to the RtS amendments and RRFI amendments.
- 6.2.11 In May 2023, the Dip reviewed the Applicant's response to submissions, including concerns raised by Council. The DIP maintained its support for the competition winning design

including the setbacks to Hassall and Harris Streets and the podium design and scale. The DIP also continued to support the 'raft' podium design.

6.2.12 In October 2023, the DIP confirmed that the changes made in the Applicant's RtS and RRFI are positive or neutral in terms of design quality of the development, the proposal retains design integrity and that the proposal is capable of achieving design excellence under the PLEP 2011.

Design Excellence

6.2.13 Clause 7.11 of PLEP 2011 addresses design excellence and states that consent must not be granted to development unless the consent authority is satisfied the development exhibits design excellence.

6.2.14 Council considers that the proposal does not exhibit design excellence in accordance with the Design Excellence considerations required by PLEP 2011. In particular, Council considers that:

- the proposal lacks distinction between the tower and podium element
- levels from Ground to Level 3 (4 levels) should align with Hassall and Harris Street and Clay Cliff Creek. The tower element should be set back from the podium and street wall
- the proposed podium should not be recessed under the upper levels

6.2.15 The Applicant made changes to the proposal at the RtS stage to address concerns including:

- extending the north-west corner of the podium towards Hassall Street, improving the relationship of the proposal with the adjoining development at No.31-37 Hassall Street (see **Figure 10**)
- increasing the setback of the tower on Harris Street, intended to give greater distinction between the podium and tower.

6.2.16 These amendments were supported by the DIP and deemed acceptable modifications that do not diminish the design integrity of the proposal.



Figure 10 | Revised podium design to Hassall Street (RtS above, EIS below) (Source: Rothelowman, 2023)

- 6.2.17 The Department has considered Council’s views and undertaken a detailed assessment of the proposal against Design Excellence elements as required by clause 7.11 of PLEP 2011 at **Appendix B**. This assessment concludes the proposal will achieve a high standard of architectural, urban and landscape design with the continued involvement of the DIP.
- 6.2.18 After careful consideration of the design competition process, the endorsement of the DIP and the Design Excellence considerations required by PLEP 2011, the Department considers that the proposal exhibits design excellence.
- 6.2.19 The Department recommends a condition requiring the DIP be maintained throughout the design development and construction of the proposal to review and provide independent oversight of the project design at key milestones and to review details of all materials and detailed design.

Designing with Country

- 6.2.20 The Applicant has considered the GANSW Designing with Country framework in the design of the proposal.
- 6.2.21 The proposal includes the following landscape and design elements intended to connect to and celebrate country:

- the use of clay tile hues on podium levels, intended to connect the resident to country
- connection to earth, with connections to Clay Cliff Creek through the orientation of public spaces
- opportunities for indigenous art within highly visual components of the building, including on walls and soffit art work
- use of native plant species at ground and upper levels to provide shade and habitat for local wildlife
- the 'raft' concept of floating platforms/publicly accessible verandas, reflecting a first nations canoe that wades through and along Clay Cliff Creek reflecting first techniques for hunting and gathering
- a meeting place, with multiple lower levels that sit slightly above the native flora where people can sit, gather, relax and meet
- subtle sculptural elements of native fauna throughout the Clay Cliff Creek setback to reflect the historical nature of what was once an abundant are of fish and birds.

6.2.22 The Department supports the Applicant's design response to Country which has been developed in consultation with an Aboriginal artist.

6.2.23 The Department recommends conditions requiring the final detailed landscaping design, indigenous art walls, soffits and sculptural elements are subject to further consultation and engagement with local indigenous groups and incorporate the recommendations of the Heritage Interpretation Plan (which is required to address aboriginal and non-Aboriginal heritage). The Department also recommends the final detailed landscaping design must receive endorsement from the DIP before being submitted to the Certifier for approval.

6.2.24 The Department is satisfied that the development will incorporate design elements to connect to and celebrate Country.

6.3 Built Form

6.3.1 The proposal seeks approval for the construction of a 34-storey mixed use building with 210 build-to-rent apartments, as summarised in **Table 3**.

6.3.2 The Department considers the key built form issues associated with the proposal are:

- floor space ratio
- building height
- street setbacks and wall height
- building separation
- visual privacy
- overshadowing

- street activation
- ground floor ceiling height
- accessibility.

Floor space ratio

6.3.3 Clause 7.3 of PLEP 2011 provides a maximum permissible floor space ratio (FSR) for the site is 10:1 for this site, however as the site area is less than 1,800m², this is only achievable if:

- the proposal has been subject to a competitive design competition, and
- the consent authority is satisfied that the site of the building is an isolated site, and
- the consent authority is satisfied the building exhibits design excellence considering the matters specified in clause 7.11(2).

6.3.4 Clause 7.13 of the PLEP 2011 provides that the winner of a competitive design process and a proposal that exhibits design excellence may exceed the maximum permissible FSR for the land by 15%, which equates to a maximum FSR of 11.5:1.

6.3.5 Clause 7.24 of PLEP 2011 requires a gross floor area equal to a FSR of at least 1:1 to be used only for commercial purposes on this site.

6.3.6 The proposal complies with the maximum allowable FSR as shown in **Table 8**.

Table 8 | GFA Summary (Source: RRFI)

Land use	GFA	FSR
Residential	15,190.9	10.49:1
Commercial	1,465.4	1.01:1
Total	16,656.3	11.5:1

6.3.7 Following the Applicant's RtS Council raised concerns with the FSR calculations. In particular, Council was concerned that the calculation of GFA did not include ground floor commercial and waste storage rooms or outdoor areas where the height of walls was over 1.4m. The Applicant addressed these matters and confirmed wall height does not exceed 1.4m in height, and that the proposal does not exceed the floor space ratio of 11.5:1.

6.3.8 One public submission raised concerns regarding the suitability of the site due to the size of the lot and identification of the land as an isolated site.

6.3.9 The Department has carefully considered the concerns raised by Council and the public submissions and the requirements of PLEP 2011. The Department is satisfied that the proposal meets the requirements of Clause 7.3(4) as:

- the proposal has been subject to a competitive design process (**Section 6.2**)

- the Department considers that the site is an isolated site (which is defined in the PLEP as a site where amalgamation with adjoining sites is not physically possible or reasonably feasible because of the nature of surrounding development, or that has a reduced development potential because of its size, shape or location) for the following reasons:
 - i. the site can only physically amalgamate with land to the west at No.31-37 Hassall St as it is a corner site, with Hassall Street to the north and Harris Street to the east. Clay Cliff Creek, a 4.5m Sydney Water controlled stormwater culvert, is located to the south
 - ii. No.31-37 Hassall St is over 2,600 m² in area which complies with site area requirements to provide a maximum permissible FSR for the site of 10:1. As such the adjoining site would not benefit from site amalgamation. Additionally, the site is developed with a mixed use building with over 90 individual strata allotments which would make agreement and agreed acquisition difficult
 - iii. the adjoining building has been designed with a blank eastern façade on the lot boundary to allow a future building on the subject site to be 'joined' at podium level. A separate building on the subject site was envisaged at the time of construction.
- The Department considers the proposal exhibits design excellence and has considers the matters specified in clause 7.11(2) in detail in **Appendix B**.

6.3.10 The Department is satisfied that the proposal complies with the floor space requirements of PLEP 2011 as the site is an isolated site, the proposal has been subject to a competitive design process and exhibits design excellence and provides a commercial FSR of 1.01:1.

Building height

6.3.11 Building height for the site is controlled by clause 7.5 of PLEP 2011 which requires that consent is not granted for development that results in additional overshadowing for Experiment Farm, as identified by the PLEP 2011 Sun Access Protection Map, between 10am and 2pm on 21 June.

6.3.12 The proposed building has an overall height of 34 storeys / 121.07m. The top of the tower form steps down to the east to ensure the height control is achieved, as shown in **Figure 11**. The proposal was amended at RtS stage to ensure there was no additional overshadowing at Experiment Farm, with modifications to a canopy and balustrades on the rooftop.



Figure 12 | Experiment Farm Shadows, 2pm 21 June (Source, Rothelowman RtS RevB, 2023)

6.3.14 The Department has carefully reviewed the Applicant’s overshadowing analysis and surveyor’s certificate to ensure the proposal complies with the overshadowing control.

6.3.15 The Department is satisfied that the changes made to a canopy and balustrades on the rooftop in the RtS ensure that the proposal does not cause any additional overshadowing on Experiment Farm between 10am and 2pm on 21 June.

6.3.16 The Department is also satisfied that the proposed height is consistent with the desired future character of the area and the height of buildings currently proposed within the vicinity of the site, particularly:

- No. 34 Hassall Street (directly opposite/north of the site) – a proposed 46 storey mixed use development
- No.114-118 Harris Street Parramatta (south of Clay Cliff Creek, south of the subject site) – a proposed 35 storey mixed use building
- No. 14-20 Parkes St Harris Park (south-west of the subject site) – a 46 storey mixed use development – under construction.

6.3.17 The Department has recommended conditions stipulating maximum building height and ensuring that the proposal does not overshadow Experiment Farm.

6.3.18 The Department concludes that the proposed height of the building satisfies Clause 7.5 of PLEP 2011 as it does not cause any additional overshadowing on Experiment Farm between 10am and 2pm, 21 June, will be in keeping with the future character of the area following redevelopment and transformation and is appropriate in the CBD location.

Street Setback and wall height

6.3.19 The Parramatta City Centre DCP requires a zero street setback and street wall heights ranging from 14m to 21m above the footpath level (equivalent to Levels 3-4) for active street frontages. This applies to both Hassall and Harris Street.

6.3.20 The proposal provides a stepped setback to Harris Street, after considering land required for Local Road Widening (**Figure 13**), for ground to level 4, as follows:

- on the ground floor, 0m setback
- for level 1, setbacks of 0-1m
- for level 2, setbacks 1.93-3.5m
- for level 3, setbacks of 0.58-3.35m
- for level 4, setbacks of 1.03-3.35m



Figure 13 | South Elevation showing Harris Street setbacks Ground to Level 4 (Source: Rothelowman, 2023)

6.3.21 The proposal provides setbacks to Hassall Street (**Figure 14**), for ground to level 4, as follows:

- for the ground floor, a setback of 0.5-3m
- for level 1, a setback of 0-4.3m (0.79m predominantly)
- for level 2, a setback of 0.5-5.26m (2.8m predominantly)
- for levels 3-4, a setback of 0.5m (3m predominantly)

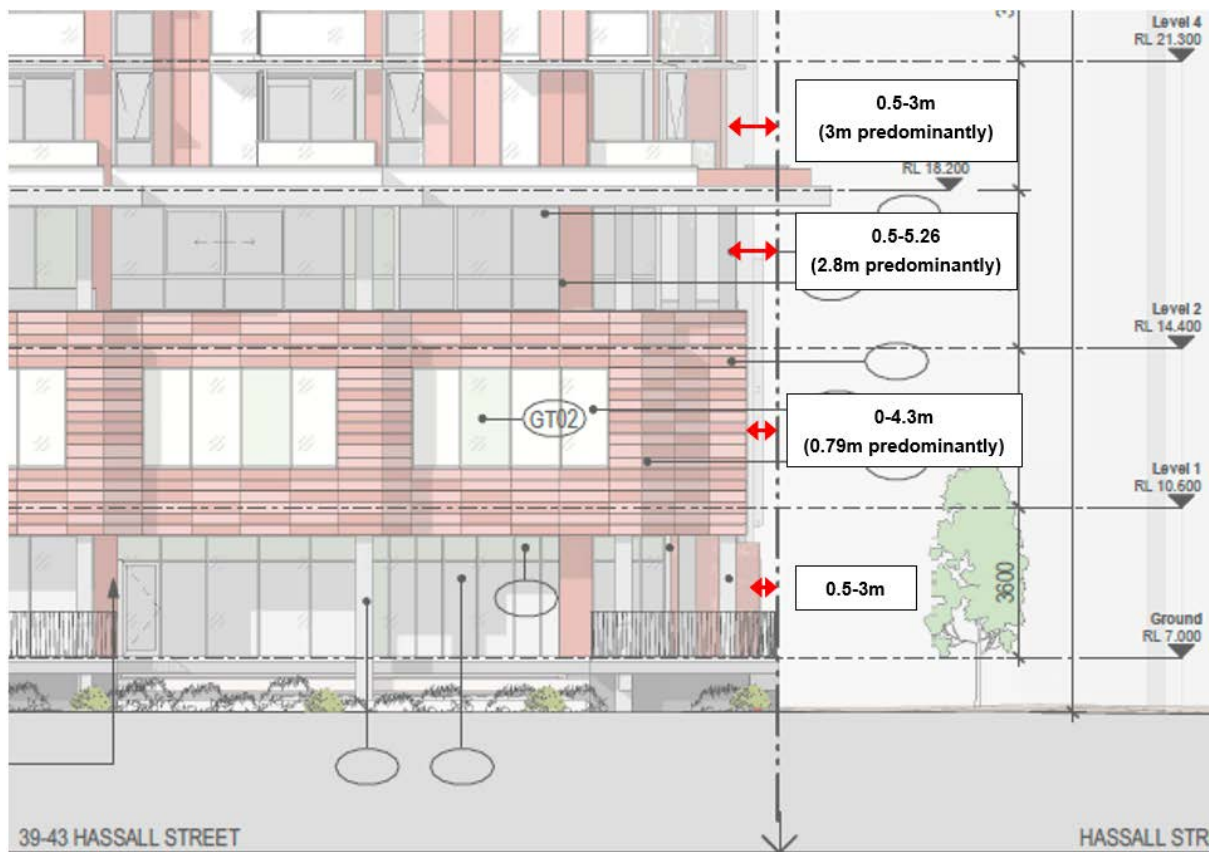


Figure 14 | East elevation showing Hassall Street setbacks Ground to Level 4 (Source, Rothelowman 2023)

6.3.22 Council has objected to the street wall height considering that:

- the setbacks and street wall height do not comply with the DCP control
- the connection to the adjoining building to the west forms a quasi-secondary podium rather than one distinct element
- the development reads as an isolated development, separated from the public domain
- the design lacks distinction between the podium and tower element that would be visible to a pedestrian on the street.

6.3.23 Council requested that the proposal be amended to provide a zero-lot setback of at least 3 storeys to both Hassall and Harris Streets.

6.3.24 The Department has carefully considered Council's concerns about street wall height and the relationship with the adjoining development and connection with the public domain. On balance, the Department is satisfied that the Applicant's design response is acceptable for the following reasons:

- the Applicant amended the proposal to provide a minimal setback on Hassall Street adjacent to the adjoining premises up to Level 6 which improves the relationship with the neighbouring building (**Figure 14**)

- the proposal provides outdoor dining adjacent to the street, ample glazing and concrete bleacher seating on Harris Street to activate of the public domain
- the DIP has considered Council’s concerns and maintains its support for the podium design and scale in accordance with the competition winning design.

6.3.25 The Department therefore concludes that the proposed street wall height is acceptable.

Building separation

6.3.26 The Parramatta City Centre DCP requires a building separation above street wall height of more than 18m, or 9m from the boundary.

- The proposal provides setbacks to neighbouring sites (see **Figure 15**) as follows:
- 7.1m to the southern boundary of Clay Cliff Creek
- 8.15m - +10m to No.31-37 Hassall Street

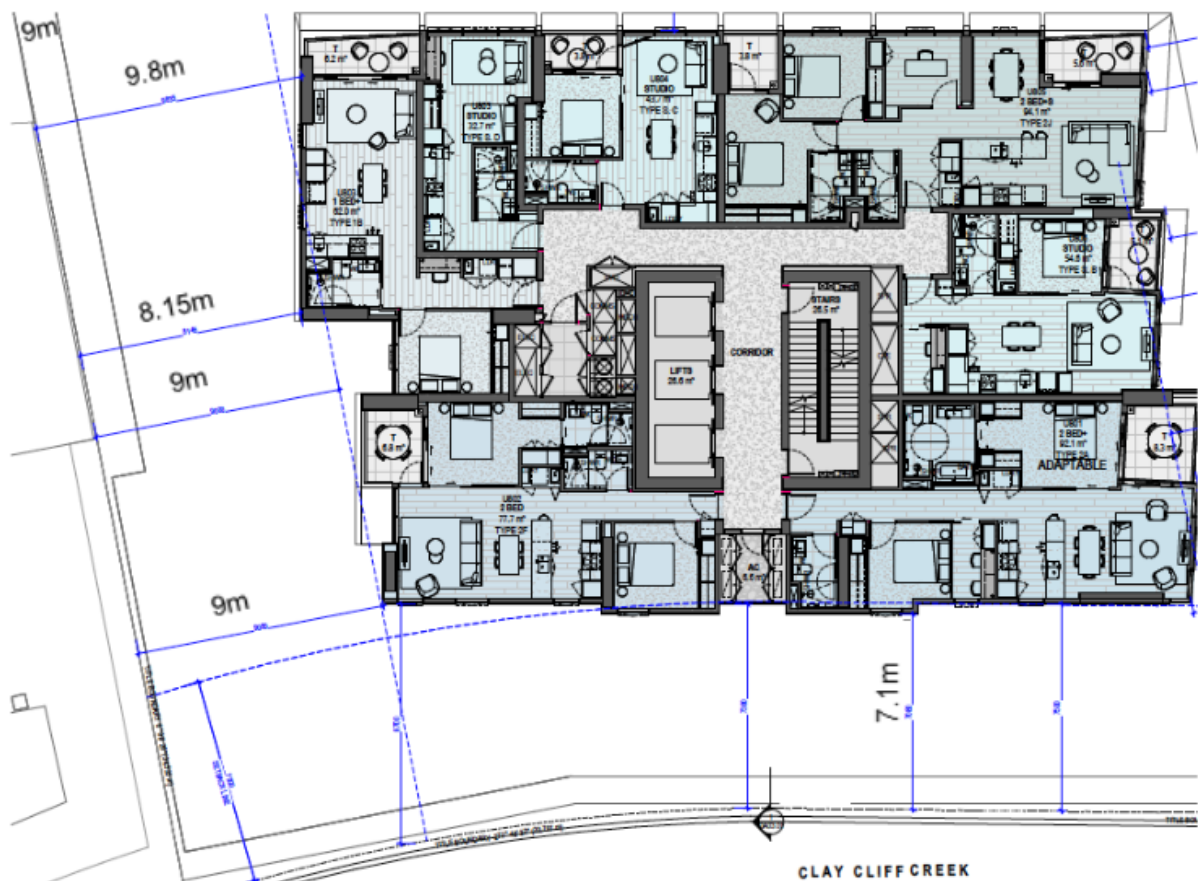


Figure 15 | Level 8 - 31 (Source, Rothelowman RevD, 2023)

6.3.27 Council raised concerns that the built form and tower do not adequately provide sufficient building separation to No.31-37 Hassall Street to the west and Clay Cliff Creek to the south.

6.3.28 The Department has carefully considered Council concerns and considers these setbacks are satisfactory as:

- the proposal has a setback of approximately 9.25m to the centreline of Clay Cliff Creek, which satisfies the intended building separation requirements
- the setback to No.31-37 Hassell Street is generally more than 9m from the boundary. Only a small section adjacent to the neighbours blank eastern facade is within the 9m setback, which will not result in adverse privacy impacts for neighbours

6.3.29 The Department therefore concludes that the proposed building separation of the tower to neighbouring properties is acceptable.

Privacy

6.3.30 The proposal initially provided no setback to the boundary of No. 31-37 Hassell Street on level 1 and 2 and balconies located 5.9m away from the boundary on level 3-6 with no screening.

6.3.31 Public submissions raised concern in relation to impacts on privacy of No.31-37 Hassall Street.

6.3.32 In response the Applicant amended the proposal by:

- increasing the setback to 31-37 Hassall Street from 0m to 6m on levels 1 and 2 (**Figure 16**)
- providing privacy screens to west facing balconies on levels 1 and 3-6 to improve privacy for neighbouring properties.
- providing translucent glazing to at least 1700mm high for south facing windows on levels 1-6, and west facing windows on levels 3-6 in close proximity to No.31-37.

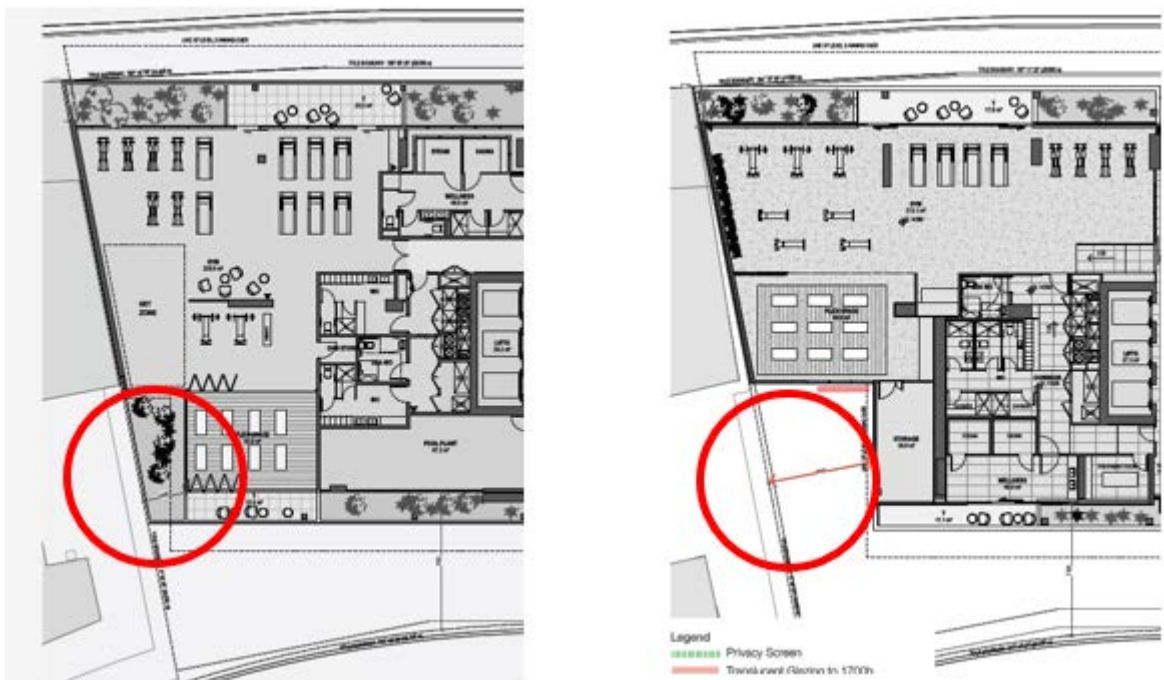


Figure 16 | Level 2 SSSA Scheme (left) and Amended Rts Scheme (right)
(Source: Post-DA Update, Rothelowman, 2023)

- 6.3.33 The Department has carefully considered the concerns raised in submissions and the Applicant's response.
- 6.3.34 The Department considers that the provision of translucent glazing and privacy screens up to level 6 will minimise impacts on privacy of the adjoining development. However on level 7 the communal dog run area and the residential balcony also have the potential to impact on privacy.
- 6.3.35 The Department therefore recommends a condition for privacy screens to be added to the level 7 balcony and dog run area. While these spaces include planter boxes it is considered appropriate that additional measures are provided to minimise potential privacy impacts on the adjoining development.
- 6.3.36 The Department concludes that the proposal provides acceptable setbacks and additional privacy measures to maintain acceptable privacy between No. 31-37 Hassall Street and future residents, subject to the recommended conditions.

Overshadowing

- 6.3.37 The ADG recommends that overshadowing of neighbouring properties is minimised during mid-winter.
- 6.3.38 Six adjoining residents/owners at No.31-37 Hassall Street have raised concern regarding the potential for overshadowing of their premises.
- 6.3.39 In response, the Applicant provided additional overshadowing analysis to demonstrate that the proposal does not generate any additional shadows on the neighbouring building after 11am on 21 June (**Figure 17**). The Applicant has also demonstrated that due to the design of the adjoining building it casts shadows on itself, and particularly on the eastern balconies which face the proposed development.
- 6.3.40 The Department has carefully considered the concerns raised in public submissions, however considers that the overshadowing impacts are acceptable for the following reasons:
- the proposal minimises overshadowing to No.31-37 Hassall Street in mid winter consistent with the ADG as the additional overshadowing as a result of the proposal between 9am and 11am on 21 June only occurs on a blank façade and not on the balconies or windows of the neighbouring building.
 - the setbacks for the building, and particularly the tower form, are consistent with the building separation requirements of the Parramatta DCP.
- 6.3.41 The Department acknowledges that the proposal will result in additional overshadowing of the adjoining development at No. 31-37 Hassall Street at equinox, however the Department considers this is consistent with the impact of any tall building in a CBD location.
- 6.3.42 The Department therefore concludes that the proposal would not result in unacceptable overshadowing impacts on No.31-37 Hassall Street.

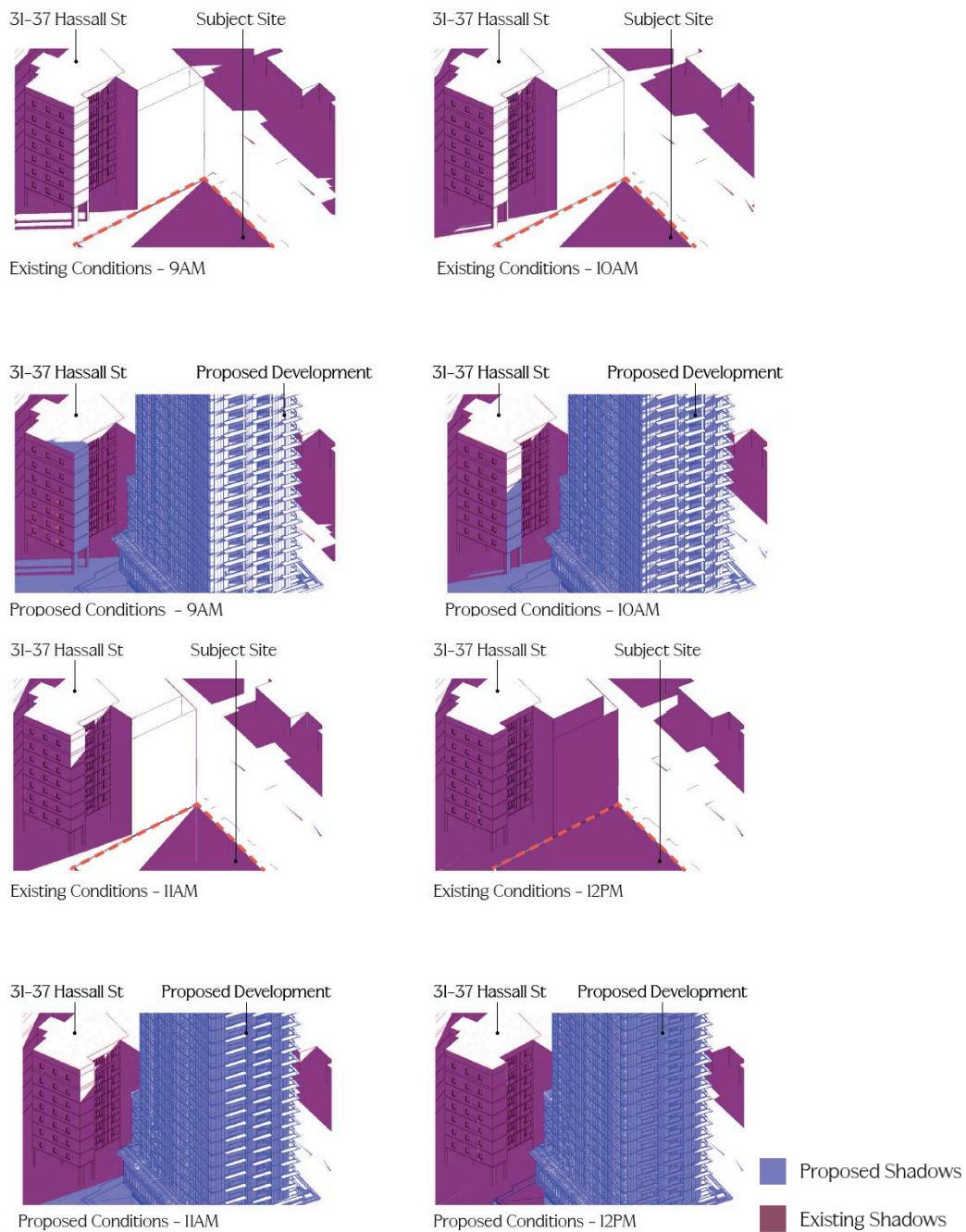


Figure 17 | Overshadowing (Source: Post-DA Update, Rothelwman, 2023)

Street activation

- 6.3.43 Clause 7.8 of PLEP 2011 requires that the building has an active frontage for the part of the building facing Hassall and Harris Streets.
- 6.3.44 The proposal provides active ground floor uses including a food and beverage/retail tenancy with outdoor seating on balconies and concrete 'bleacher' seating along Harris Street. These active uses are located on a raised slab at RL7.00, which is 0.8m-1.59m above the level of the footpath, to ensure the floor level is above the Probable Maximum Flood (PMF) level (**Figure 18** and **Figure 19**)

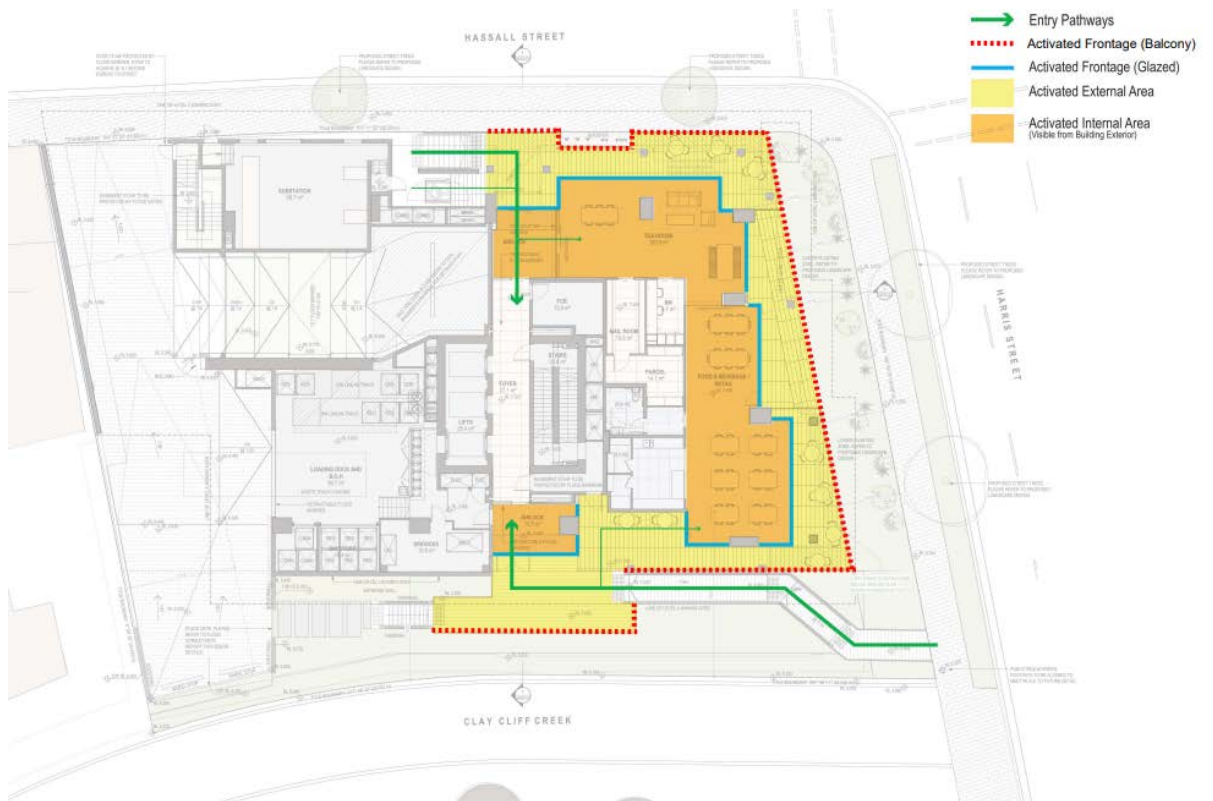


Figure 18 | Proposed activation of Hassall and Harris Streets (Source: Rothelowman, 2023)



Figure 19 | Proposed active ground floor uses including outdoor seating within balconies on Hassall and Harris Street and informal concrete bleacher seating on Harris St (Source: Rothelowman, 2023)

6.3.45 Council raised concerns that the proposal resulted in poor street activation and that the proposal did not provide a good connection to the public domain. Council considers that proposed retail areas should have a zero setback to the boundary, with access ramps and

stairs to transition up to the flood planning level incorporated inside the retail areas (**Figure 20** and **Figure 21**)

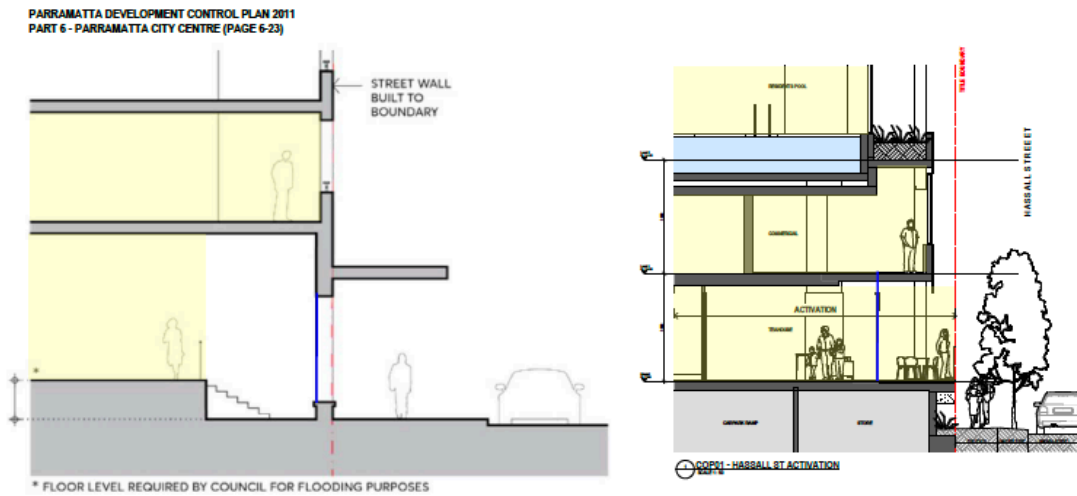


Figure 6.3.5.2.1 – Active Ground Floor: Floor level permitted partly at footpath level

Figure 20 | Council’s recommended frontage treatment (left) and the proposed Hassell Street interface (right) (Source: Rothelowman, 2023)

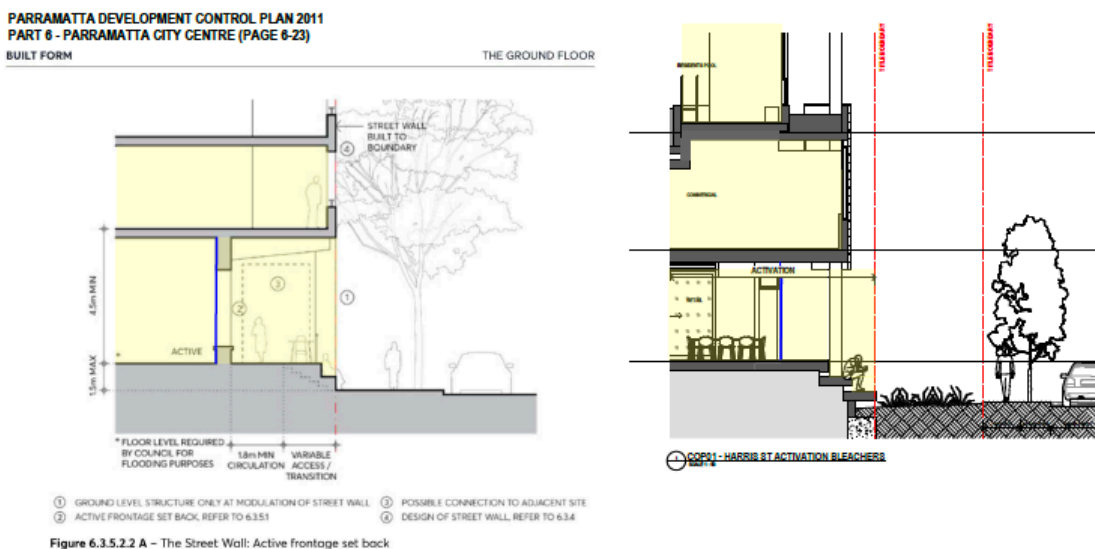


Figure 6.3.5.2.2 A – The Street Wall: Active frontage set back

Figure 21 | Council’s recommended frontage treatment (left) and the proposed Harris Street interface (right) (Source: Rothelowman, 2023)

6.3.46 In response, the Applicant adjusted the south-east corner of the ground floor to locate the glass line closer to the Harris Street boundary and proposed tiered concrete ‘bleacher’ seating along Harris Street frontage, to improve the visual connection to Harris Street (**Figure 19**).

6.3.47 The Applicant also contends that the proposal provides effective street activation by providing outdoor seating and activity directly adjacent to the property boundary line.

6.3.48 The Department has carefully considered Council’s concerns about street activation and the Applicant’s response. The Department acknowledges Council’s concerns about the

connection with the public domain, however the Department is satisfied that the Applicant's design response is acceptable for the following reasons:

- the proposed floor level of RL 7m AHD will ensure the ground floor level is above the recommended Flood Planning Level
- the Hassell and Harris Street frontages both include active ground floor uses with a food & beverage/retail tenancy
- the inclusion of balconies, outdoor seating and glass frontages at the eastern end of the development assists in improving street activation
- the provision of additional concrete bleacher seating along Harris Street assists in reducing the perception the building which sits 0.8m-1.59m above the footpath
- the active street frontage was considered by the Design Competition Jury and the Design Integrity Panel and is considered appropriate for the achievement of design excellence
- the proposed vehicular access and services are located away from the prominent corner of Harris and Hassall Streets

6.3.49 The Department therefore concludes the proposal provides effective street activation having regard to the flooding constraints of the site.

6.3.50 The Department has recommended a condition of consent to ensure that proposed seating arrangement satisfies requirements for accessibility and that all works in the Harris Street land reservation acquisition area and public domain are approved by Council under the Roads Act 1993.

Ground Floor Ceiling Height

6.3.51 The ADG recommends increased minimum ceiling heights of 4m for cafes and restaurants to allow for additional servicing needs, and greater than minimum ceiling heights for retail and commercial floors. This is also consistent with Council's DCP.

6.3.52 The Applicant's proposal as exhibited provided for a 2.95m ceiling height at ground level. In response to exhibition of the proposal Council requested provision of a 4m ceiling height.

6.3.53 In response, the Applicant notes that the ground floor will be occupied by a food and beverage/retail tenancy, such as a cafe, that will not require large ceiling services, and that the space will be amplified by extensive glazing and sliding doors opening to the perimeter outdoor decking with views to the street and parkland.

6.3.54 Council subsequently requested provision of a minimum ground floor ceiling height of 3.1m to ensure the ground floor can accommodate a range of uses appropriate for an active frontage.

6.3.55 The Applicant increased the ground floor ceiling height to 3.2m to accommodate the request.

6.3.56 The Department supports a minimum ceiling height of 3.2m for the retail areas and considers this will support a range of uses appropriate for an active frontage.

Accessibility

6.3.57 The proposal provides pedestrian access to the entry lobby via a platform lift and stairs from Hassall Street and a ramp from Harris Street as shown in **Figure 22** and **Figure 23**.

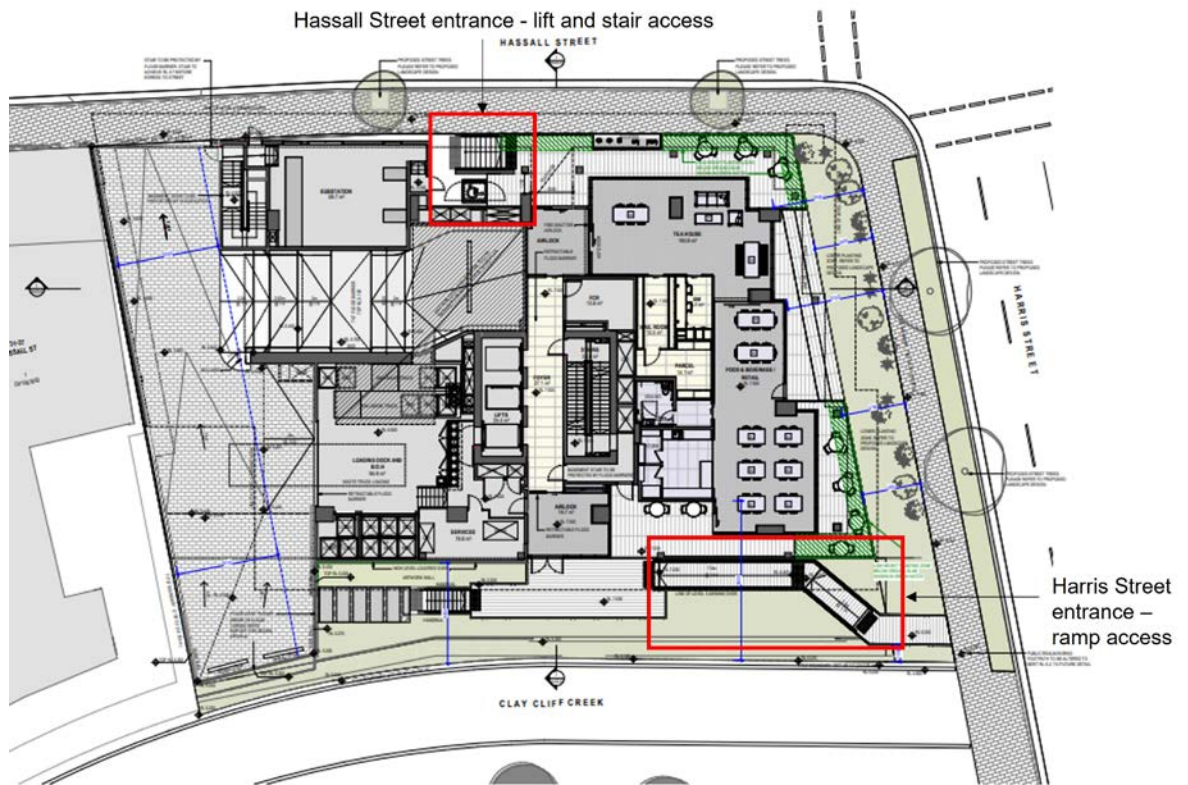


Figure 22 | Proposed pedestrian access via Hassall and Harris Streets (Source: Rothelowman, 2023)

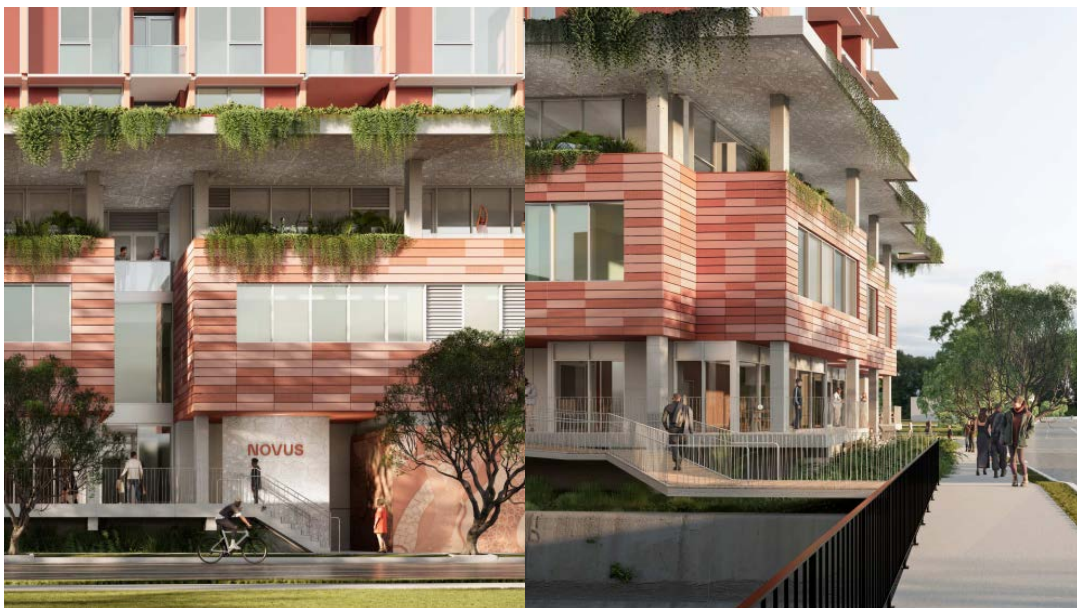


Figure 23 | Proposed pedestrian access via Hassall Street (left) and Harris Street (right) (Source: Rothelowman, 2023)

- 6.3.58 Council raised concern about the proposed lift access from Hassall Street and recommended a ramp be provided. Council also raised concern about the ramp on Harris Street being located in part of land intended for Local Road Widening and traversing through high hazard flood waters.
- 6.3.59 The Applicant contends that provision of a ramp to Hassall Street would not be desirable as it would take up a significant amount of the frontage with a switchback design. Further, the Applicant considers that is not required as a ramp is provided at the Harris Street frontage.
- 6.3.60 Notwithstanding, in response to Council's concerns the Applicant has amended the path of travel for entry off Hassall Street, ensuring that a minimum clearance of 1200m is provided from the platform lift to the entry. In addition, the Applicant also provided an Accessibility Design Review Report, prepared by a DDA Consultant, that confirms the proposal complies with the requirements for accessibility.
- 6.3.61 The Department has carefully considered Council's concerns in relation to accessibility and the Applicant's response.
- 6.3.62 On balance, the Department is satisfied that the proposal provides acceptable access in line with the relevant standards as:
- the proposal provides universal access to the both the Harris Street and Hassall Street entrances via a ramp on Harris Street and a platform lift on Hassall Street adjacent to the stairs
 - the universal access is supported by technical specialists and certified to meet the minimum provisions of the BCA & Disability (Access to Premises - Buildings) Standards 2010
 - the Applicant amended the ramp design so that it does not require any gradient change within the land required for local road widening
 - the Department is satisfied that the location and design of the proposed ramp on Harris Street does not traverse through high hazard flood waters and is considered acceptable as discussed in **Section 6.6**.
- 6.3.63 The Department agrees with the Applicant, in this instance, that providing an additional ramp on Hassall Street is not necessary as access is provided by the ramp on Harris Street and lift on Hassall Street. Further a switchback ramp arrangement would occupy a significant amount of frontage and would not be desirable from an design perspective.
- 6.3.64 The Department recommends conditions to ensure the access continues to comply with the BCA and appropriate standards, and to ensure the design of the ramp connection in proximity to the local road widening meets Council's requirements.
- 6.3.65 The Department is satisfied the proposal will incorporate measures to ensure access for people with disabilities across the proposal.

6.4 Residential amenity

Internal amenity

- 6.4.1 State Environmental Planning Policy No 65- Design Quality of Residential Apartment Development and the ADG provide planning guidance to ensure acceptable levels of internal amenity are provided to residential flat buildings including BTR.
- 6.4.2 The Housing SEPP identifies three areas where the consent authority must apply flexibility for BTR when considering ADG criteria including:
- (a) 4E Balconies and private open space
 - (b) 4G Storage
 - (c) 4K Apartment mix.
- 6.4.3 In addition, DPE's Fact sheet for Build-to-rent housing and flexible design provides further guidance in relation to implementing the ADG criteria associated with 4A Solar and daylight access, 4D Apartment size and layout and 4F Common circulation spaces.
- 6.4.4 The Applicant submitted a design report which provides a detailed analysis of the proposal's compliance with the design criteria and design guidance of the ADG.
- 6.4.5 The Department's has undertaken a detailed assessment of the proposal against SEPP 65 and the ADG considering the above requirements for flexibility against the development in **Appendix B**. The proposal does not strictly comply with the ADG in the following areas:
- 4D Apartment size
 - 29% of studio apartments are less than the minimum size
 - 40% of apartments do not meet the minimum bedroom sizes or the minimum bedroom dimension of 3m
 - 55% of apartments do not achieve the minimum living room width.
 - 4E Balconies and private open space
 - the majority of the terraces and balconies in the development are less than the minimum ADG area and the furnished studio apartment types do not have a balcony.
 - 4F Common circulation spaces
 - a total of three lifts are proposed for the 210 apartments (70 apartments sharing a single lift), which exceeds more than 40 apartments sharing a single lift.
 - 4G Storage
 - 86% of apartments achieve the required minimum internal storage within the apartment.
 - 4K Apartment mix
 - the proposal includes the following apartment mix:

- Studios – 39.6% (83) (24 are fully furnished)
- 1 beds – 14.8% (31)
- 2 beds– 44.8% (94) (29 with additional study)
- 3 beds – 1% (2)

6.4.6 The Department has considered the departures from the ADG in the context of the flexible design criteria and considers the departures are satisfactory as:

- the smaller studio apartments or narrower studio apartments are fully furnished
- some narrower apartments have an increased length to compensate for reduce width
- apartments with smaller bedrooms have an increased apartment size or balcony with ample daylight access
- the Applicant’s floor plans show furniture layouts which demonstrate the apartments will be functional and will satisfy resident requirements
- the proposal provides over 600m² of communal indoor and outdoor spaces, which and provides a high level of amenity to offset smaller balconies and private open space (as discussed below)
- the proposal is supported by a lift traffic analysis by ADP Consulting that concludes that the number of lifts to the building is sufficient to provide a peak period of lift service quality
- internal storage space within apartments is supplemented by a large communal basement storage which is allocated according to need of residents
- the proposed dwelling mix is appropriate as it provides a range of apartment types and sizes to cater for different household types within the CBD context.

6.4.7 The Department therefore concludes the minor departures from ADG criteria are considered acceptable and is overall satisfied that the proposed apartment design and communal areas will provide a good level of amenity for future residents.

Communal open space

6.4.8 In accordance with the ADG communal open space should have a minimum area of 25% of the site area, or 362 m² for this site.

6.4.9 The Applicant contends that it provides a total of 367 m² of communal open space, and a further 403m² of communal indoor spaces including an indoor pool, residents lounge and private dining spaces.

6.4.10 The Department has reviewed the Applicant’s plans and has formed an alternative view that the proposal provides a total of 197.5 m² of communal open space/outdoor areas as shown in **Table 9**.

Table 9 | Area of communal open space

Level	Area
Level 2 – adjacent pool	11.7 m ²
Level 7 – dog run	75.4 m ²
Level 32 – outdoor lounge	110.4 m ²
Total	197.5 m²

6.4.11 The key differences between the Applicant’s calculation and the Department’s analysis include exclusion of:

- the entrances to the residential and commercial lobbies and outdoor areas adjacent to the ground floor food and beverage/retail tenancy, required for accessibility/circulation or likely to be restricted to paying customers
- balconies on level 2 that have a minimum dimension less than 3m (consistent with ADG design guidance) or are only accessible via a commercial tenancy
- the fully enclosed areas on level 32.

6.4.12 Notwithstanding, the Department notes the ADG provides that where the communal open space is unable to be achieved, such as for small sites, sites within business zones or in a dense urban area, the provision of communal spaces elsewhere in the building, larger balconies or increased private open space, or demonstration of good proximity to open space can be appropriate.

6.4.13 The Department has considered the proposal against the ADG criteria and is satisfied that although less than 25% of the site area is provided as communal open space, the proposal provides sufficient communal space for residents as:

- the proposal provides over 400m² of communal indoor spaces including an indoor pool, residents lounge and private dining spaces
- outdoor areas of the proposal are supplemented by accessible decks and outdoor dining areas associated with the ground floor food and beverage/retail tenancy, and a commercial gym and wellness centre which will be accessible to residents
- residents will have access to Robin Thomas and James Ruse Reserves located directly east of the site.

6.4.14 The Department is satisfied that the communal open space/outdoor areas, commercial recreation facilities within the building and nearby public reserve are adequate to cater for the needs of residents.

6.5 Public domain and landscape

Land Reservation Acquisition Area and Public Domain

- 6.5.1 The PLEP 2011 Land Reservation Acquisition map identifies the requirement for Local Road Widening for 3.5m of the Harris Street frontage of the site. The proposed development accommodates this requirement with setbacks of 3.5m from the existing property boundary to the basement levels and ground level.
- 6.5.2 Council raised concern that the development did not include provision for dedication of the land and considered that it was in the public interest that dedication of the land occurs prior to determination.
- 6.5.3 Council also requested that the Applicant provide plans for works proposed in the Land Reservation Acquisition area including kerb and guttering associated with the new road alignment, in accordance with Council's requirements.
- 6.5.4 On 12 September 2023, the Applicant wrote to Council outlining its intention to enter into a planning agreement with Council to facilitate the dedication of the part of the site identified on the Land Reservation Acquisition Map to Council, at nil cost to Council. The Applicant's letter identifies that the dedication of land is conditional on the approval of a FSR of 11.5:1 across the entirety of the site and would occur prior to issue of an Occupation Certificate.
- 6.5.5 The Applicant also acknowledged that works within the reservation area would need to satisfy Council requirements and has requested that this matter is dealt with prior to Occupation Certificate.
- 6.5.6 The Department has considered Council's comments in relation to the timing of the dedication, in particular Council's request for the dedication of land to occur prior to determination.
- 6.5.7 The Department notes that if the land was dedicated prior to the determination of this application, the Applicant would be unable to use this part of the site area for the purposes of calculating the FSR. The Department does not consider this is the intention of the PLEP requirement and therefore considers it appropriate that the land dedication occur prior to issue of an Occupation Certificate in accordance with the Applicant's letter of offer.
- 6.5.8 The Department considers that the proposed works in the public domain and road widening area need to be agreed prior to Construction Certificate, with works completed prior to Occupation Certificate, and has recommend imposition of conditions of consent to this effect.
- 6.5.9 The Department is satisfied that the proposed conditions will satisfy the requirements for Local Road Widening, ensure appropriate public domain works and land dedication to Council for public benefit.

Deep soil planting

- 6.5.10 The site has a total developable area of 1,448 m² which requires a minimum deep soil area of 101 m² (7%) in accordance with the ADG.

- 6.5.11 The basement car park extends the full area of the site, excluding the land intended for acquisition and 1m setback from Clay Cliff Creek. This results in minimal deep soil landscaping on the site.
- 6.5.12 The ADG acknowledges that the design criteria for deep soil zones may not be able to be achieved on some sites where:
- the location and building typology have limited space at ground level (eg CBD, constrained sites, high density areas)
 - there is 100% site coverage or non-residential uses at ground floor level.
- 6.5.13 The proposal includes alternative opportunities for planting, with a 97m² structured deep soil area for planting is provided adjacent to Clay Cliff Creek, providing approximately 6m of soil above the lower mezzanine level of the building adjacent to Clay Cliff Creek. There is also 55m² deep soil area directly adjacent to Clay Cliff Creek.
- 6.5.14 The structured deep soil area, whilst not technically meeting the definition of deep soil area, combines with the deep soil area to provide in excess of the minimum deep soil area requirements. These areas will provide for lower height mass planting.
- 6.5.15 The Department considers that this is acceptable due to the location within Parramatta City Centre, the provision of the structured deep soil area and additional planting/ landscape areas within the building structure.
- 6.5.16 The Department is satisfied that the proposed structured deep soil area, deep soil area and on-site planting address the objectives for deep soil zones within the development.

Clay Cliff Creek and Corridor

- 6.5.17 Council and EHG have raised concerns regarding the treatment of the land adjacent to Clay Cliff Creek. Council considers that the bank of Clay Cliff Creek should be a corridor that achieves environmental and publicly accessible movement objectives, ultimately linking Wigram and Harris St. EHG considers that Clay Cliff Creek channel could be rehabilitated to a riparian corridor.
- 6.5.18 The Applicant notes naturalisation of Clay Cliff Creek is not planned to occur any time in the near future.
- 6.5.19 PDCP 2023 encourages naturalisation and semi-naturalisation of concrete floodway channels and creeks where feasible, and that development adjoining creeks must incorporate protection and conservation of riparian zones, facilitate human access, amenity and public safety as appropriate.
- 6.5.20 The Department has carefully considered the recommendations of Council and EHG, however considers that the proposed landscape treatment adjacent to Clay Cliff Creek is acceptable as:
- Clay Cliff Creek is a Sydney Water asset and not owned by the Applicant.
 - Sydney Water's land ownership is not continuous from Wigram Street to Harris Street, which will create difficulty in establishing a movement corridor in this location

- the land is not identified as a riparian corridor on Council's Riparian Land and Waterways Map
- the proposed structured deep soil area adjacent to the channel will enable the creation of a landscape zone, with opportunities for endemic fauna adjacent to Clay Cliff Creek.

6.5.21 The Department recommends conditions regarding planting within the corridor to ensure species reflect the relevant native vegetation community that once occurred in the locality.

6.5.22 The Department is satisfied that the landscaping treatment is appropriate for the CBD location.

6.6 Flooding

Existing conditions

6.6.1 The site has a ground level ranging from RL4.98 to RL5.78 and is located directly north of Clay Cliff Creek, a tributary of the Parramatta River. The site is subject to:

- flooding due to overland flow resulting from rainfall in the local catchment
- creek flooding as a result of Clay Cliff Creek rising
- riverine flooding rising from Parramatta River up Clay Cliff Creek.

6.6.2 Council's adopted flood study, the Lower Parramatta River Floodplain Risk Management Study – Flood Study Review (SKM 2005) indicates that the entire site is flood affected and identifies the following flood levels for the site **Figure 24**):

- 5% (1 in 20 years) Annual Exceedance Probability (AEP): 5.9m AHD
- 1% (1 in 100 years) AEP: 6.2m AHD
- Probable Maximum Flood (PMF): 9.5m AHD.

6.6.3 The Parramatta DCP establishes a Flood Planning Level (FPL) based on the 1% AEP event plus 0.5m freeboard. This equates to 6.7m AHD along the proposed building egress points and the Hassall Street frontage.

6.6.4 The site is identified as High Hazard – 1% AEP in Council's Flood Hazard Map (see **Figure 25**). Under current conditions flood evacuation using vehicles on local roads during a 1% AEP event may be unsafe as these roads would be flood affected.

- 6.6.6 The Applicant contends the model was developed using improved modelling software (compared to that available in 2005) and refined assumptions which are more reflective of current site and catchment wide conditions. These included:
- reflecting physical changes that have occurred in the catchment since 2005 including a sizable detention basin in Ollie Webb Reserve upstream of Clay Cliff Creek (which acts as flood storage)
 - that bridge crossings traversing Clay Cliff Creek had been modelled as culverts (restricting flow) in the 2005 model resulting in an overestimate of the flood levels upstream of each bridge structure.
 - modelling parameters that reflect current modelling methodologies and attempt to emulate the 2005 model conditions including flow rates which are similar or more conservative (higher) and consider tailwaters.
- 6.6.7 The Applicant's flood model results indicate pre-development flood levels of 4.9m and 5.7m during a 5% AEP and 1% AEP respectively on the upstream face of Harris Street bridge. This represents an overall reduction in flood levels when compared to Council adopted flood levels for the site (SKM, 2005).
- 6.6.8 The Applicant also provided a post development flood model which predicts:
- a 5% AEP level of 5.9m AHD attributed to overland flows from Hassall Street and Harris Street adjacent to the site.
 - a 1% AEP level of between 6.0m and 6.3m under post development conditions or 6.3m to 6.4m considering the influence of climate change by 2100.
 - during the 1% AEP event, most of the proposed development would be surrounded by low hazard floodwaters, with medium hazard flooding along the southern setback and at the southern end of the driveway.
 - the site would not receive or be surrounded by High Hazard floodwaters during the 1% AEP event.
- 6.6.9 The Applicant did not model a PMF event. Instead the Applicant adopted a level of 9.5m, attributed to riverine flooding of Parramatta River, based on the 2021 flood query information provided by Council. The site would be flood affected for a period of approximately six hours during a PMF event.
- 6.6.10 The Applicant's flooding expert therefore concludes the development would not have an adverse impact on flood behaviour for design events up to 1% AEP in magnitude, both in terms of peak flood levels and flood hazard.
- 6.6.11 The proposal includes the following flood management and mitigation measures for the site:
- a ground floor level of 7 m AHD, which is 0.7m above the 1% AEP level and 0.3m above the FPL of 6.7m adopted by Council
 - a raised crest at the basement driveway, which is the only vehicle access point to basement parking, at a height of 6.7m AHD, consistent with the FPL

- automatically activated flood gates across basement driveway and egress points that would be designed to protect against a PMF event and triggered when floodwaters approach the ramp crest
- a communal refuge area on level 2, which is located approximately 6 m above the PMF and the capacity for residents to shelter in their own apartments on higher levels
- communal safe refuge areas provided with emergency supplies, a 24 hour backup power supply and 6 hour backup of water and wastewater services
- a Flood Emergency Response Plan describing emergency measures and details of communal safe refuge areas
- flood alarms which may be manually activated or automatically triggered by flood waters
- flood signage displayed in the building indicating emergency response procedures if the flood alarm sounds
- the construction of the building and proposed publicly accessible veranda and associated ramp from Harris Street would be designed to withstand a PMF flood event.

Council and agency advice and the Applicant's response

6.6.12 The Department received a submission from Council objecting to the proposed development during exhibition of the EIS which cited flooding as a key issue. The Department has also received further advice from Council, EHG and SES in relation to flooding.

6.6.13 Council raised concerns that the proposed design measures to address flooding at the site are not suitable and do not respond to the high flood hazard appropriately. Council requested that the Applicant consider a 6m landscaped area between the southern boundary and the main building to avoid obstructing flood waters. This would require:

- reducing the proposed built form at the south side of the site (identified by Council to potentially obstruct flood water)
- removing the proposed publicly accessible veranda and associated ramp from Harris Street

6.6.14 Council also advised it is developing a new flood study prepared by Stantec (formerly Cardno), the Parramatta River Flood Study, which was released for exhibition in September 2023. However, Council advised the Department against the use of the model or model results until such time as the model is formally adopted.

6.6.15 The State Emergency Services (SES) raised concern about the flood risk for the property and considers that a shelter in place strategy is inappropriate.

6.6.16 EHG is of the view that the Applicant's flood modelling should not be relied upon and that the development is incompatible with the flood risk of the land. EHG also raised concerns regarding the use of flood gates to protect the basement car park as part of an emergency management plan as the solution was considered too complex and the consequence of failure too severe.

6.6.17 The Applicant responded to DPE requests for information and Council and agency advice by:

- confirming modelling of the 1% AEP considered 100% blockages (due to potential debris at bridges or restrictions in the channel)
- modelling of the 1% AEP using alternative modelling techniques and assumptions
- modelling the PMF event which confirmed that adopting a level of 9.5m for PMF design purposes is a conservative approach
- confirming PMF model results considered alternative blockage factors and confirming adequate freeboard would be maintained to ground floor levels and the basement access
- confirming that a 6 hour isolation period during the PMF is reasonable prediction based on an alternative assessment methodology
- consolidating and reducing the total area of the veranda and associated outdoor seating area and increasing the setback of the veranda from Clay Cliff creek
- clarifying access points and confirming passive and active flood mitigation measures
- clarifying the proposed flood evacuation signage, automated and manual controls as well as flood emergency response procedures.

Independent advice

- 6.6.18 The Department has considered the concerns raised by EHG, SES and Council. The Department acknowledges EHG's concerns about relying upon the Applicant's flood modelling. The Department accepts that Council's draft 2023 model has not yet been adopted and should therefore not be relied upon for the purpose of this proposal.
- 6.6.19 The Department engaged a flooding specialist, GRC Hydro (GRC), to undertake an independent peer review of the application to assist the Department in its assessment of the flooding impacts of the proposal and consider the concerns expressed by Council and EHG.
- 6.6.20 GRC undertook a review against the flood planning and floodplain risk management provisions within the PLEP 2011. GRC's advice is contained at **Appendix D** and concludes that:
- GRC supports the approach of the Applicant and considers that the site-specific modelling is reliable and has been carried out consistent with industry best practice
 - the assumptions supporting the Applicant's model were tested and found to be conservative as the model adopted conservative blockage factors for key flood events and higher estimated flows than in the catchment wide modelling completed by SKM in 2005 and consequently adopted by Council
 - GRC confirmed that impacts to flood levels are generally constrained to site and where these do occur offsite, impacts would be minor. Changes to velocity are localised, occurring in the immediate vicinity of the site and do not negatively impact flood risk
 - in the Clay Cliff Creek 1% AEP event, shallow flood depths do affect the site, however the hazard of these is not considered high and the flood risk can be managed by a shelter in place strategy

- the development complies with all relevant clauses of the PLEP with regards to flood planning and floodplain risk management
- the development incorporates a suitable range of passive and active flood mitigation measures which provide protection up to and including the PMF
- the proposed shelter in place strategy is appropriate having considered the DCP and the short term duration of potential isolation (6 hours) during a PMF.

Department's consideration

6.6.21 The Department has carefully considered the Applicant's proposal, the concerns raised by Council, EHG and SES and the independent advice provided by GRC. The Department has also considered section 5.21 of the PLEP as well as other relevant guidelines.

6.6.22 Following the outcomes of the independent review by GRC, the Department accepts the Applicant's modelling, which includes sensitivity analysis associated with climate change and blockage factors, which demonstrates that:

- there is no significant increase in flood levels on surrounding properties or adverse impacts to other properties as a result of the development
- the site should be considered at medium flood risk which reflects a reduced level of risk when compared to current catchment wide flood mapping
- the development is compatible with the flood function and behaviour of the land and will not adversely affect flood behaviour in a way that is detrimental to other properties.

6.6.23 In terms of flood safety, the Department accepts GRC's advice and is satisfied that the proposal would protect basement levels from the ingress of flood waters up to and including the riverine PMF with an automatically activated flood gate. The flood gate would be located across the driveway and triggered when floodwaters approach the ramp crest. The Department is also satisfied that flood barriers are also proposed to protect liftwells and stairwells to the basement.

6.6.24 The Department notes the loading dock and substation floor levels are located at a height of 5.6m and 6.2m respectively which are below the FPL. The Department is satisfied that:

- passive protection is provided to the substation during a 1% AEP event as the floor level provides a 0.1m freeboard but the substation would likely flood during a PMF event.
- additional active protection is proposed for the loading dock and waste storage areas (up to the PMF). The design proposes flood gates to the FPL (6.6m in this area) to protect the loading dock during a 1% AEP and incorporates flood doors to storage areas which would contain stored materials in the event of a flood
- these controls provide adequate protection to these less trafficked areas and that the residual risk would be appropriately managed through the implementation of the FERP and signage activated in the event of a flood.

- 6.6.25 The Department considers the proposed Shelter in Place strategy, which is consistent with Parramatta City Council's planning controls for the site, is an appropriate response to the flood hazard in and around the site and that evacuation is not an appropriate or feasible response. The Department is satisfied that the proposed communal refuge area, emergency supplies and back-up power, water and wastewater services would ensure the safety of occupants
- 6.6.26 The Department is also satisfied that appropriate emergency access is provided to the site via the veranda which has adopted a design level of 7m and walkway to Harris Street at 6.2m which is above the predicted 1% AEP levels in the affected area. The proposed solution meets the objectives of clause 7.9 of the PLEP and complies with the requirement to provide emergency access to land above the 1% AEP level.
- 6.6.27 The Department has also carefully considered the Parramatta DCP, which describes requirements for flood protection, and considers that the objectives of the DCP are met as:
- all proposed habitable floor levels are located above the FPL and PMF events
 - all non-habitable retail and commercial floor space located on the ground floor is at 7m, above the FPL
 - a flood hazard and risk assessment was undertaken by the Applicant which was reviewed by an independent specialist (GRC). The Department considers the assessment satisfactory and that the proposed flood mitigation measures are appropriate for the site
 - the design of the basement car park has adopted appropriate passive protection from flooding up to and including the FPL as the driveway crest is located at a height of 6.7m, which is above with the FPL of 6.6m at this location.
 - active protection in the form of flood gates would be provided and that the basement car park would be adequately protected from flooding up to and including the PMF.
- 6.6.28 In conclusion, the Department is satisfied that flood issues have been adequately addressed and the proposal will incorporate appropriate safety measures in the event of a flood as:
- the characteristics of flood behaviour during the full range of flood scenarios up to and including the PMF are well understood for the site and have undergone a robust, peer reviewed, analysis
 - the design appropriately minimises flood risk by proposing all habitable space above the PMF
 - robust analysis has informed conservative design levels for the ground floor, which are above the current FPL
 - basement levels are appropriately protected either passively through entry levels set at or above the FPL or by using active controls, generally consistent with measures described in the DCP

- the Applicant has satisfactorily demonstrated that the residual risks associated with flood waters can be managed through a shelter in place strategy and that evacuation is not an appropriate response during the PMF event
- a shelter in place strategy is appropriate considering the short timeframes available for flood warnings during a PMF event and that the duration of flood inundation is unlikely to exceed six hours.

6.6.29 The Department recommends conditions which require an appropriately qualified flood engineer to demonstrate that the design is able to withstand the forces of floodwaters, debris and buoyancy resulting from the PMF, that the flood mitigation measures are incorporated into the detailed design and the FERP is implemented during operation of the development.

6.7 Traffic, transport and accessibility

Existing conditions

6.7.1 The site is located within on the eastern edge of the Parramatta City Centre, within 500m east of Parramatta train station and bus interchange and is approximately 100m south of the nearest Parramatta light rail stop. It is located on the corner of Hassall Street, a local road, and Harris Street, a local collector road with two lanes in each direction. The Hassall/Harris Street intersection is a signalised intersection.

6.7.2 The Applicant provided a Traffic Impact Assessment (TIA) which considered the existing intersection operation at two nearby intersections (**Figure 26**):

- Hassall Street/Harris Street
- Parkes Street/Harris Street.



Figure 26 | Nearby Intersections (Source: Nearmap, 2023)

6.7.3 **Table 10** shows that both the Hassall Street/Harris Street and Parkes Street/Harris Street intersections currently operate satisfactorily. This also provides the baseline for assessing construction and operational impacts.

Table 10 | Level of Service (LoS) intersection analysis of existing conditions (Source: Applicant's RRFI)

Intersection	Peak	Average delay (sec)	95 th Percentile Queue (m)	Level of Service
Hassall Street/ Harris Street	AM	14	116	A
	PM	15	82	B
Parkes Street/ Harris Street	AM	54	156	D
	PM	39	157	C

6.7.4 The Department engaged a transport and traffic specialist, Pentelic Advisory (Pentelic), to undertake an independent peer review of the application to assist the Department in its assessment of the transport and traffic impacts of the proposal. Pentelic's advice is contained at **(Appendix E)**.

Construction traffic

- 6.7.5 The Applicant's TIA estimates that there will be an average of approximately 15 trucks per day accessing the site during construction, and up to 50 trucks per day during peak activities such as concrete pours.
- 6.7.6 Approximately 150 workers will be on-site at one time, with up to 250 workers on-site during peak activities. No construction worker parking will be provided, with workers encouraged to use public transport with arrangements for equipment/tool storage and drop off.
- 6.7.7 The Applicant provided an overview of the construction pedestrian and traffic management initiatives to be implemented as part of the development, which describes construction site access, construction vehicle movements, routes of travel, parking and access arrangements, pedestrian and cyclist management, and measures to address potential impacts. The Applicant proposes to prepare a detailed Construction Pedestrian and Traffic Management Plan (CPTMP) prior to commencement of construction.
- 6.7.8 TfNSW has recommended conditions requiring the Applicant prepare a CPTMP.
- 6.7.9 The Department notes the site is located within an established dense CBD environment and has limited access and in this context, it is likely that some construction traffic impacts would be unavoidable. The Department considers impacts can be kept within acceptable parameters subject to conditions requiring the preparation and implementation of a CPTMP and a Construction Worker Transportation Strategy which details the travel arrangements for construction workers in order to minimise demand for parking in nearby streets.

Operational traffic

- 6.7.10 The Applicant's TIA assessed the traffic impacts of the proposal by undertaking traffic counts combined with an analysis of existing and predicted movements from the proposal. The traffic modelling used the Roads and Maritime Service Technical Direction TDT 2013/04a to provide traffic generation rates for high density development. The calculations were based on:
- 0.027 trips per unit in the weekday AM peak hours
 - 0.12 trips per unit in the weekday PM peak hours.
- 6.7.11 Applying the above ratios, the site has the potential to generate 80 trips in the AM peak and 44 trips in the PM peak. The Applicant's TIA has used these trip rates within the traffic modelling.
- 6.7.12 The Applicant's TIA demonstrates that with traffic generated from the development all assessed intersections continued to perform satisfactorily and no reduction in the level of service is anticipated (**Table 11**).

Table 11 | Level of Service (LoS) future intersection operating conditions with development (Source: Applicant's RRFI)

Intersection	Peak	Average delay (sec)	95 th Percentile Queue (m)	Level of Service
Hassall Street/ Harris Street	AM	14	118	A
	PM	15	83	B
Parkes Street/ Harris Street	AM	56	158	D
	PM	40	163	C

6.7.13 TfNSW raised no objection to the proposal. TfNSW recommended the Green Travel Plan including the Travel Access Guide and Parking Management Plan be updated and submitted to TfNSW for review and endorsement, and that the Construction Traffic Management Plan be submitted to Council and TfNSW for approval.

6.7.14 Pentelic undertook a review of the Applicant's TIA and concludes that:

- the increase in traffic generated by the proposed development will be modest when distributed on the surrounding road network and will not result in adverse effects on the operational performance of the Hassall and Harris Street intersection or the Harris and Parkes Street intersection
- the proposed development has no unacceptable traffic implications in terms of road network capacity, with projected peak hour traffic volumes within acceptable limits.

6.7.15 The Department has considered the advice provided by TfNSW and Pentelic and is satisfied that the proposal would not result in unacceptable traffic impacts on the surrounding road network as:

- the Hassall Street/ Harris Street and Parkes Street/ Harris Street intersections will continue to operate at the same level of service
- the proposed traffic generation would not increase delays at the Hassall Street/ Harris Street intersection and would cause only a minor increased queue length of up to 2m.
- the proposed traffic generation would result in a minor increase in delays of up to 2 seconds at the intersection of Parkes Street/ Harris Street, with queue length increasing by only up to 6m.

6.7.16 The Department supports TfNSW's recommended conditions for a GTP, TAG and PMP to encourage public and active transport to further reduce traffic generation and has included the conditions accordingly.

Car Parking

6.7.17 In accordance with Clause 7.15 of PLEP 2011 a maximum of 86 car parking spaces are permitted on the residential component of the development in accordance with the following rates:

- Studio: 0.1 spaces per dwelling
- one bedroom: 0.3 spaces per dwelling
- two bedroom: 0.7 spaces per dwelling
- three bedroom: 1.0 spaces per dwelling.

6.7.18 In accordance with the formula for carparking for retail and commercial uses in Clause 7.15 of PLEP 2011 a maximum of 2 spaces are permitted for retail and commercial components of the development.

6.7.19 The proposal therefore may provide an overall maximum of 88 spaces for residential, retail and commercial uses.

6.7.20 The proposal provides 73 car parking spaces including 2 car share spaces, which complies with the PLEP 2011 requirement. The proposal also provide 116 bicycle spaces and end of trip facilities.

6.7.21 Council supported the provision of bicycle parking spaces within the development. TfNSW recommended that car parking should be kept to a minimum to encourage non-car transport modes.

6.7.22 Four public submissions raised concern that insufficient car parking is provided to cater for residents, retail and commercial tenants. Concern was also raised about impact to on-street parking.

6.7.23 In response, the Applicant has noted that one to two on-street carparking spaces will need to be removed permanently to allow for vehicle ingress/egress to the property and improve sight distances associated with the driveway access.

6.7.24 Pentelic Advisory advised that the proposed car parking and bicycle parking spaces should be adequate to accommodate the demand for parking generated by the proposal.

6.7.25 The Department has carefully considered the concerns raised in public submissions and the advice provided by Council and Pentelic. On balance, the Department considers the car parking provision is appropriate as:

- the site is located within 500m of Parramatta Station and bus interchange and 100m from the closest Parramatta light rail stop
- the site has excellent access to open space, amenities and employment opportunities in Parramatta CBD
- the proposal complies with the maximum car parking rates within the PLEP 2011
- the proposal provides two car share spaces to assist in discouraging personal car ownership and a reduction in overall car parking demand
- the proposal provides 116 bicycle spaces and end of trip facilities to encourage active transport

- the proposal is unlikely to have an adverse impact on on-street parking as two existing vehicle laybacks on Hassall Street will be removed and replaced with one vehicle layback for vehicular access to basement levels and the loading dock.

6.7.26 The Department therefore concludes that the car parking provision is appropriate for the development.

Loading dock design and vehicular access

6.7.27 All vehicular access to basement levels and the loading dock is provided to the site via a new entry and exit driveway at the western end of the site off Hassall Street.

6.7.28 The ground floor level includes one loading dock space to accommodate a 10.5m garbage truck.

6.7.29 Council raised concerns regarding swept path testing, pedestrian sight lines and the loading dock design.

6.7.30 In response, the Applicant provided:

- a turning path assessment for a waste vehicle which confirmed a 10.5 m garbage truck can enter the site in a forward direction, gain access to the waste loading bay and exit the site in a forward direction
- pedestrian sight line assessments for the driveway, which identifies that the sight line splay is not achieved to the west due to the adjoining building at No.31-37 Hassall Street. The Applicant notes that the driveway cannot be relocated due to access and flooding requirements and therefore recommends provision of a convex mirror, signage and flashing lights to warn pedestrians of vehicle movements.
- additional detail of loading dock design, including sections which demonstrate provision of a 4.7m height for the loading dock, location of the bin exhaust system and the detail of the operation of perforated roller shutter doors.

6.7.31 The Department has considered Council's concerns and the Applicant's response. The Department considers the proposed loading and access arrangements are acceptable as:

- the Applicant has demonstrated through swept path testing that a 10.5m garbage truck can enter and exit the site in a forward direction
- the location of the vehicle access, at the western end of the site on Hassell Street, is appropriate to respond to surrounding site levels, flood and overland flow issues and to setback the vehicle entrance from the Hassall/Harris Street intersection as much as possible
- the pedestrian sight lines can be accommodated through the provision of convex mirror, appropriate signage and flashing yellow light, as recommend by the Applicant and as supported by the Department's independent transport and traffic specialist
- the Applicant has provided additional detail on Loading Dock design including sections that demonstrate the provision of 4.7m overhead clearance for the loading dock, a bin exhaust system and perforated roller shutter door.

6.7.32 The Department recommends conditions requiring implementation of the Applicant's TIA's recommended measures to ensure pedestrian safety and warn of vehicle movements in and out of the loading dock and preparation of a Loading and Servicing Management Plan.

Electric vehicle charging facilities

6.7.33 The Applicant's ESD report identifies that design will explore provision of electric vehicle (EV) charging infrastructure for the residential and commercial carpark.

6.7.34 In October 2023, the National Construction Code was updated to require all new residential apartment car parking spaces and 20% of car parking spaces within commercial buildings to be provided with base infrastructure for EV charging.

6.7.35 Parramatta DCP requires all car parking spaces to be EV ready, plus EV connections for all car share spaces and 10% of commercial spaces.

6.7.36 Pentelic Advisory recommends that three EV charging parking spaces should be provided.

6.7.37 The Department considers that allowance for EV readiness and charging infrastructure would be consistent with current policy for EVs, the principles of ESD, the NSW Government's target to reach net zero by 2050 and the requirements of the National Construction Code.

6.7.38 The Department recommends conditions requiring compliance with the NCC (ie. provision of base infrastructure for EV charging for 100% of the residential car parking spaces), and for EV charging infrastructure to be provided to the two car share spaces and at least one additional parking space.

6.7.39 On this basis, the Department is satisfied that the proposal will provide appropriate electric vehicle charging facilities in line with the NCC and Parramatta DCP.

6.8 Other issues

The Department's consideration of other issues is provided in **Table 12**.

Table 12 | Department's consideration of other issues

Issue	Findings	Recommended Conditions
Aboriginal cultural heritage	<ul style="list-style-type: none"> • The Applicant submitted an Aboriginal Cultural Heritage Assessment Report (ACHAR) and an Aboriginal Archaeological Assessment. • The assessments determined that the site contains Aboriginal archaeological and cultural heritage significance and has the potential to contain subsurface Aboriginal archaeological deposits. • Heritage NSW (ACH) noted that no archaeological test excavations were undertaken, and considered that the test excavations should be completed at the EIS stage to inform the proposed development and the preparation of appropriate management and mitigation measures. • In response, the Applicant undertook archaeological test excavations and provided an updated ACHAR which details that a small number of artefacts were uncovered during test excavations however, salvage was not warranted as the artefacts were generally consistent with others from the Cumberland Plain, but too few artefacts were present for detailed comparative analysis. • Heritage NSW (ACH) concurred with the Applicant's assessment and considered that the ACHAR, following archaeological test excavations is adequate. • The Department has considered the findings of the Applicants ACHAR and Heritage NSW (ACH)'s advice. • The Department is satisfied that the Applicant's ACHAR included sufficient testing to characterise the site and confirms that the site has been highly disturbed. • The Department recommends conditions including provision of a heritage interpretation plan, site inductions that consider responsibilities in regard to Aboriginal objects and in regard to unexpected heritage finds 	<p>The Department recommends conditions to:</p> <ul style="list-style-type: none"> • require a heritage interpretation plan of the Aboriginal and non-Aboriginal history of the site, including Aboriginal community consultation • provide that site inductions consider responsibilities under the NPW Act and that it is offence to harm Aboriginal objects • provide for unexpected heritage finds
Non-Aboriginal Heritage and archaeology	<ul style="list-style-type: none"> • The site is not listed on the State Heritage Register or as a local heritage item or heritage conservation area on PLEP 2011. However the site is located in the vicinity of State and local heritage items including: 	<p>The Department recommends conditions to:</p> <ul style="list-style-type: none"> • require a heritage interpretation plan of the Aboriginal and non-Aboriginal history of the site

- State and local - Ancient Aboriginal and Early Colonial Landscape at Robin Thomas Reserve
- State and local – Experiment Farm Cottage
- Local – Experiment Farm Cottage environs and archaeological site
- Local – semi-detached cottages at 23 and 25 Hassall Street and 113 and 115 Wigram Street.
- The Applicant submitted a Historical Archaeological Assessment (HAA) and Statement of Heritage Impact (SoHI) which concludes:
 - heritage listed items in the vicinity of the study area will not be physically impacted upon and there will be no adverse impact on the surrounding area by the development of the proposed tower
 - the site has low historical archaeological potential
 - the site is unlikely to contain substantial evidence of early occupation.
- The Applicant also provided a Historical Archaeological Excavation Report (HAER) as part of its RtS which notes that a small number of artefacts were uncovered which were not considered significant. The Applicant's HAER concludes that no further monitoring, testing or excavation is necessary.
- The Department has considered the findings of the Applicant's HAA, SoHI and HAER and is satisfied that the proposal is unlikely to have any adverse impacts on the State and locally heritage listed items surrounding the site and is also unlikely to contain significant artefacts or substantial evidence of early occupation.
- The Department recommends conditions including provision of a heritage interpretation plan, site inductions that consider heritage issues and in regard to unexpected heritage finds.

Contamination and remediation

- The Applicant provided a Preliminary Site Investigation (PSI), a Detailed Site Investigation (DSI) and Supplementary Site Investigation for the site.
 - The reports identified contamination (polycyclic aromatic hydrocarbons (PAH) and asbestos) in some areas of the site above the adopted assessment criteria for the proposed mixed residential and commercial land use. The DSI concluded that the site can be made suitable for the proposed use subject to removal of fill/contaminated material.
 - In accordance with the DSI, the Applicant prepared a Remediation Action Plan (RAP) which identifies a need for
- The Department recommends conditions to require:
- engagement of a NSW EPA-accredited Site Auditor;
 - remediation of the site in accordance with the RAP
 - a site audit statement to be issued at the completion of the investigation, to ensure that the land is suitable for its proposed use and poses no risk to the environment and human health.
-

supplementary asbestos investigations, excavation and off-site disposal of the asbestos and PAH impacted fill, and a validation plan.

- The Department is satisfied that appropriate investigations have been undertaken to determine the environmental condition of the site and that the site can be made suitable for the proposed use subject to conditions including engagement of a NSW EPA-accredited site auditor, remediation of the site in accordance with a RAP and provision of a Site Audit Statement that confirms the land is suitable for its proposed use and poses no risk to the environment and human health.

Ecologically sustainable development (ESD)

- The Applicant provided an ESD Report and a BASIX Report.
 - The Applicant's ESD Report identifies that:
 - the residential component of the development will achieve 25% energy savings and 40% water savings compared to the standard benchmark
 - the whole building will achieve a 5 Star Green Star Buildings rating and a Climate Active Carbon Neutral Certification.
 - The Applicant's BASIX Report identifies:
 - for energy, a 30% improvement on the BASIX average benchmark
 - for water, a 49% improvement on the BASIX average benchmark
 - compliance with the minimum requirements for thermal comfort.
 - The Department has considered ESD in detail at **Appendix B** and concludes the proposal has appropriately incorporated ESD principles into its design.
 - The Department is satisfied that the proposed sustainability initiatives are acceptable and recommends conditions requiring the development achieve the minimum sustainability targets set out in the Applicant's ESD report.
- The Department recommends conditions that the proposal achieve the minimum sustainability targets.

State infrastructure contributions

- Clause 8.1 PLEP 2011 requires that development consent cannot be granted to residential development in an intensive urban development area unless the Secretary has certified that satisfactory arrangements (via Satisfactory Arrangement Certificate) have been made for the provision of designated State public infrastructure.
 - On 31 May 2023, the Applicant provided a letter of offer to enter into a State Voluntary Planning Agreement (VPA) with the Minister for Planning for
- No conditions are recommended, subject to the issue of a Satisfactory Arrangement Certificate prior to determination.

contributions towards designated State public infrastructure.

- On 21 December 2023, the Applicant executed a draft VPA () which is anticipated to be placed on public notification for 28 days in January 2024.
- As outlined in the letter provided at , the Department anticipates that upon execution of the VPA by the Minister, the Applicant will make the contribution and a Satisfactory Arrangement Certificate will be issued to the Independent Planning Commission to satisfy Clause 8.1 PLEP 2011.

Local contributions

- The proposal is subject to section 7.12 contributions under the Parramatta City Centre Local Infrastructure Contributions Plan 2022 (Amendment 1). The proposal would be liable for a contribution of 5% of the proposed cost of carrying out the development.
- The Department therefore recommends a condition requiring section 7.12 contributions be paid prior to issue of an occupation certificate in accordance with the Contributions Plan.
- The Department recommends a condition for the imposition of a local infrastructure contribution, in accordance with Council's Parramatta City Centre Local Infrastructure Contributions Plan 2022 (Amendment 1).

Utility requirements

- The Applicant submitted an Infrastructure Report which identifies new infrastructure for the site to enable new connections including electrical, sewer, domestic water, fire and water.
- Pursuant to clause 8.2 PLEP 2011, the Department referred the Report and relevant agency submissions to Council.
- In response, Council confirmed that adequate arrangements for public utility requirements have been made for the proposal.
- The Department is satisfied that the requirements of clause 8.2 have been met.
- The Department recommends conditions that utility works for the development must obtain relevant approvals from service providers, and dilapidation reports are required pre-construction, to protect public infrastructure.

Groundwater and water licensing

- The Applicant submitted a Preliminary Groundwater Impact Assessment which considered the anticipated groundwater inflow during the construction of the basement, the possible effects to the regional groundwater regime and disposal of groundwater to the Council stormwater system.
- DPE Water reviewed the Applicant's Preliminary Groundwater Impact Assessment and provided recommendations regarding water entitlement/water access licences and groundwater impact assessment.
- The Department is satisfied that DPE Water's recommended condition will ensure adequate arrangements are in place to manage groundwater during and post construction.
- The Department recommends a condition that the Applicant provide a Construction Dewatering Management Sub-Plan.

Airspace operations

- The Applicant has identified that the use of crane/s during construction would intrude into airspace around Bankstown airport and therefore the proposal is a controlled activity and requires approval under the Airports Act 1996 of the Commonwealth, Part 12, Division 4.
- The Applicant requested approval from the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (DITRDCA) for the controlled activity (the construction or other structures that cause an intrusion into airspace around airports)
- DITRDCA provided approval on 4 July 2023 (F23/87-02) for the controlled activity for the intrusion of the crane into prescribed airspace for Bankstown airport.
- The Department is satisfied that the required approvals are in place for the protection of the relevant Airspace Operations.
- The Department recommends a condition to require the Applicant to carry out the development in accordance with the decision from DITRDCA.

Wind impacts

- The Applicant submitted a pedestrian wind environment study, which modelled the wind impacts of the proposal against the relevant wind comfort criteria for the surrounding public domain and proposed open space areas.
- The study demonstrates all trafficable outdoor locations within and around the development will be suitable for their intended uses and meet applicable safety criteria subject to ground level planting and planter boxes on Level 32 and 33.c
- The study also confirmed that the proposed development would not adversely impact the existing wind conditions around the development.
- The Department is satisfied the proposal would not result in unacceptable wind impacts to neighbours and the public domain, subject to installation of the recommended mitigation measures.
- The Department recommends a condition requiring the implementation of all required wind mitigation measures.
- The Department has recommended a condition requiring implementation of the recommendations of the Wind Report.

Reflectivity

- The Applicant submitted a Solar Light Reflectivity Study which considers the effect of potential solar glare associated with the proposal. This Study made recommendations including limiting the reflectivity of the glazing, applying a small rotation to each individual panel and providing vertical fins to obstruct the view or overshadow glass.
- At RtS stage the Applicant rotated the eastern façade by 3 degrees and added vertical fins to the northern facade to address reflectivity and glare issues in
- The Department recommends conditions requiring incorporation of the reflectivity treatments and mitigation measures included within the Solar Light Reflectivity Study prior to issue of a construction certificate.

accordance with the above recommendations.

- The Department recommends a condition requiring implementation of the reflectivity treatments and mitigation measures included within the Solar Light Reflectivity Study.
- The Department is satisfied that with the incorporation of the proposed reflectivity treatments the proposal would not result in adverse reflectivity impacts

Construction Noise

- The proposal seeks approval for construction from 7am to 6pm, Monday to Friday and 8am to 1pm on Saturday, which align with the recommended construction hours in the Interim Construction Noise Guideline 2009 (ICNG).
- The Applicant submitted a Noise and Vibration Impact Assessment (NVIA) which estimates that proposed works have the potential to generate noise at the nearest affected residential receivers of between 61 and 79 dB(A) which exceed the noise management level of 65 to 66 dB(A) and in some cases also exceed the highly noise affected level of 75dB(A) which is identified by the ICNG as a point where sensitive receivers may be highly noise affected and additional mitigation is warranted.
- The Applicant's NVIA provides a range of mitigation measures which could include noise barriers/screens, use of silencers for engine noise and non-tonal alarms.
- The Department has considered the findings of the Applicant's NVIA and considers some noise exceedances during construction would be unavoidable given the proximity of the site to neighbouring properties.
- The Department therefore considers the following additional mitigations measures are necessary to mitigate noise impacts to the nearest residential properties"
 - preparation and implementation of a Construction Noise and Vibration Management Plan (CNVMP) incorporating additional mitigation measures to reduce noise impacts including community liaison, complaints handling, equipment selection and maintenance, non-tonal alarms, materials handling and work site training
 - all construction vehicles only to arrive to the work site within the permitted hours of construction
 - noisy work to only be undertaken in three continuous hour blocks
- On this basis, the Department is satisfied that construction works can be
- The Department recommends conditions requiring compliance with hours of work, respite periods and submission of a Construction Noise and Vibration Management SubPlan to manage noise impacts and notification and complaints handling processes.

appropriately managed within the proposed construction hours to minimise disruption to nearby amenity.

Social impact assessment	<ul style="list-style-type: none"> • The Applicant submitted a Social Impact Assessment (SIA) which considers the potential negative and positive social impacts associated with the proposal. • The Department is satisfied that the potential negative impacts of the proposal such as safety, air quality, hazardous materials and noise and vibration, can be addressed through conditions of consent. An Operational Management Plan should also be prepared. 	<ul style="list-style-type: none"> • The Department recommends conditions addressing potential social impacts during construction and operation., including an updated Operational Management Plan, prior to construction certificate.
Security and crime	<ul style="list-style-type: none"> • The Applicant submitted a Crime Prevention through Environmental Design (CPTED) assessment. • The Department is satisfied the proposal will incorporate appropriate CPTED measures, including well-lit entries to the site from the street, security-controlled access to the basement, and CCTV monitoring. 	<ul style="list-style-type: none"> • The Department recommends a condition to ensure that the development has incorporated the CPTED management and mitigation measures.
Waste management	<ul style="list-style-type: none"> • The Applicant submitted an Operational Waste Management Plan (WMP) which identified the various waste streams. Separate residential, commercial and bulky waste storage areas are proposed within the ground level and basement areas. • The WMP states Council will be engaged to collect the residential waste and recycling in accordance with Council's collection schedule, and bulky waste will be arranged with Council. • Council objected to the proposed dual chute system considering it presents a significant risk to waste collectors, and considered that insufficient food organics and garden organics bins were provided for the size of the development. • At RtS stage the Applicant submitted an updated WMP which provided an increase in food waste bins required for the proposal, and noted that the development will be staffed to allow any issues associated with recycling and garbage chutes to be addressed. • The Department considers the WMP acceptable, noting that BTR staff will be on-site and able to address issues associated with chutes. • The Department recommends a condition requiring compliance with the WMP. 	<ul style="list-style-type: none"> • The Department recommends a condition requiring compliance with the WMP.
Air pollution	<ul style="list-style-type: none"> • Council has raised concern that there are no measures to mitigate air pollution at the loading dock. 	<ul style="list-style-type: none"> • The Department recommends a condition requiring compliance with the WMP.

- The Applicant's WMP details the need to ensure BCA compliance, including ventilation, and that waste and recycling rooms must have their own exhaust ventilation system and natural ventilation with part of the floor area permanently unobstructed and opening direct to external air. The Applicant has also provided details of provision of a garbage exhaust over the loading dock and natural ventilation through the perforated loading dock roller shutters.
- The Department considers that the proposed roller shutters, in conjunction with the proposed management and mitigation measures outlined in the WMP, and BCA requirements, will be appropriate to address waste storage and air pollution.
- The Department recommends a condition requiring compliance with the WMP.

Stormwater management

- An existing 450mm stormwater pipe runs in a northwest alignment across the site. The Applicant has advised that the pipe is blocked.
 - The Applicant has proposed an alternate route for diversion, along Hassall St and Harris St. The Applicant consider that the cost of the works should be borne by Council through a reduction in s7.12 contributions.
 - Council supports the relocation of the asset, Council notes that the proposed basement levels of the development require the relocation of this asset and the Applicant should be responsible and cover the expense of relocating and restoring the stormwater infrastructure.
 - The Department considers the relocation of the stormwater pipe by the Applicant is necessary for the proposal and will assist in managing drainage and flooding issues. The Department therefore agrees with Council that the cost should be borne by the Applicant and not offset contributions.
 - The Department has recommended conditions of consent to ensure these works satisfy the requirements of Council.
- The Department recommends a condition requiring the Applicant to provide new stormwater infrastructure to the satisfaction of Council.
-

7 Evaluation

- 7.1.1 The Department has reviewed the Applicant's EIS, RtS and RRFI and assessed the merits of the proposal, taking into consideration advice from government agencies, concerns raised by Council and issues raised in the public submissions.
- 7.1.2 Following its detailed assessment, the Department concludes the proposal would provide a high-quality built form to contribute to the Parramatta CBD and the BTR apartments will contribute to a diverse housing mix in Parramatta.
- 7.1.3 The Department considers the proposal is acceptable as:
- it is consistent with the Greater Sydney Region Plan and the Central City District Plan's which aims to increase housing and jobs close to public transport, services, and amenities
 - it complies with the provisions of the PLEP 2011 and the Housing SEPP and provides a bulk and scale which is compatible with the future character of the area
 - it achieves design excellence by providing an architectural built form which is an outcome of a design excellence competition and is endorsed by the Design Integrity Panel
 - it provides habitable floor levels above the Council's Flood Planning Level (FPL), protection for property via driveway crests to the FPL and automated flood gates to the Probable Maximum Flood Level (PMF) and a Flood Emergency Response Plan that includes a Shelter in Place Strategy to ensure the safety of residents, workers and visitors in the event of a flood, consistent with Council's DCP.
 - it achieves a high level of residential amenity for future residents in accordance with the ADG when applied flexibly considering the Housing SEPP and DPE's flexible design provisions
 - it provides dedication of land for local road widening consistent with PLEP 2011
 - the Department recommends conditions in relation to design integrity, public domain and flooding to ensure the development makes a positive contribution to the local area
 - it would provide public benefits including 210 new build to rent apartments within the Parramatta CBD.
- 7.1.4 The Department's assessment therefore concludes the proposal is in the public interest and recommends the application is approved, subject to conditions (**Appendix H**).

8 Recommendation

- 8.1.1 The SSD application is referred to the Independent Planning Commission as Council has made a submission by way of objection in response to exhibition of the application.
- 8.1.2 The Department considers the proposal can be approved subject to the conditions of consent **(Appendix F)**
- 8.1.3 This assessment report is hereby presented to the Independent Planning Commission for determination.

Prepared by:
Caleb Ball
Senior Planning Officer

Recommended by:



Amy Watson
A/Director
State Significant Acceleration

Recommended by:



Keiran Thomas
A/Executive Director
Key Sites and Regional Assessments

Appendices

Appendix A – List of referenced documents

1. Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/projects/novus-build-rent-39-43-hassall-street-parramatta>

2. Submissions

<https://www.planningportal.nsw.gov.au/major-projects/projects/novus-build-rent-39-43-hassall-street-parramatta>

3. Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/projects/novus-build-rent-39-43-hassall-street-parramatta>

4. Additional information and Response to Request for Information

<https://www.planningportal.nsw.gov.au/major-projects/projects/novus-build-rent-39-43-hassall-street-parramatta>

Appendix B – Mandatory Matters for Consideration

B1 Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects set out in Section 1.3 of the Act. The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment, the objects should be considered to the extent they are relevant.

The Department has considered the proposal to be satisfactory with regard to the objects of the EP&A Act as detailed in **Table 13**.

Table 13 | Consideration of the proposal against the objects of section 1.3 the EP&A Act

Objects of section 1.3 of EP&A Act	Department's Response
a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	<ul style="list-style-type: none">The proposal promotes the social and economic welfare by providing diverse housing within a highly accessible site for transport and strengthens the role and function of Parramatta CBD as a key strategic centre.
b) to facilitate ecologically sustainable development (ESD) by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment	<ul style="list-style-type: none">The proposal has integrated ESD principles as discussed in Appendix B, Section B3.
c) to promote the orderly and economic use and development of land	<ul style="list-style-type: none">The proposal represents the orderly and economic use of the land as it will provide diverse housing options in a highly accessible location close to transport and services.The proposed land uses are permissible and the form of development has regard to the planning controls that apply to the site and the context of the surrounding area.
d) to promote the delivery and maintenance of affordable housing	<ul style="list-style-type: none">The proposal does not directly provide affordable housing, however the proposal does provide rental housing supply and a mix of apartment sizes.
e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	<ul style="list-style-type: none">The site is within a highly urbanised city centre, on a vacant site, and will have negligible impacts on native animals and plants, ecological communities and their habitats.On 15 November 2022 the Department determined that the application is not required to be accompanied by a BDAR.

f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)	<ul style="list-style-type: none"> • The site is not heritage listed (either State or local) and will not impact on any surrounding heritage items and/or conservation areas. • The Applicant has provided an ACHAR, HAA and SoHI which conclude that the proposal will not adversely impact the surrounding area or heritage items, that the site has been highly disturbed and has low potential to contain Aboriginal and non-Aboriginal archaeological remains. • The Department has recommended conditions relating to the management of unexpected archaeology during the construction phase of the development and a heritage interpretation plan (Section 6.8)
g) to promote good design and amenity of the built environment	<ul style="list-style-type: none"> • The proposal demonstrates a good design approach to the relevant planning controls and the context of the surrounding area. The design of the proposed building was subject to a design competition as discussed in Section 6.2. • The building has been designed to provide good levels of internal amenity and communal spaces for residents to enjoy as discussed at Section 6.3.
h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	<ul style="list-style-type: none"> • The application was accompanied by a BCA Report and an Accessibility Report that conclude the development has been designed to be accessible and inclusive and is capable to complying with the requirements of the relevant sections of the Act. • The Department recommends conditions of consent to ensure accessibility, to mitigate any impacts during the construction phase, and to ensure the construction and maintenance of the proposal is undertaken in accordance with relevant legislation, guidelines, policies and procedures.
i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	<ul style="list-style-type: none"> • The Department publicly exhibited the proposal as outlined in Section 5. This included consultation with Council and other public authorities and consideration of the responses received.
j) to provide increased opportunity for community participation in environmental planning and assessment.	<ul style="list-style-type: none"> • The Department publicly exhibited the proposal as outlined in Section 5, which included notifying adjoining landowners and displaying the proposal on the Department's website. The Department has considered all issues raised in submissions as part of its assessment.

B2 Section 4.15(1) matters for consideration

The matters for consideration under section 4.15 of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act have been addressed in **Table 14**.

Table 14 | Section 4.15(1) Matters for consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument (EPI)	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided below, at Section 6 and Appendix B of this report.
(a)(ii) any proposed instrument	Relevant applicable draft EPIs are considered below.
(a)(iii) and development control plan (DCP)	Under clause 2.10 of the Planning Systems SEPP, DCPs do not apply to SSD. However where appropriate, consideration has been given to relevant DCP provisions.
(a)(iia) any planning agreement	Not applicable.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6), public participation procedures for SSD and Schedule 2 relating to EIS.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The impacts of the proposal have been appropriately mitigated or conditioned as discussed in Section 6 of this report.
(c) the suitability of the site for the development	The site is suitable for the development as discussed in Section 6 of this report.
(d) any submissions	Consideration has been given to the submissions received during the exhibition of the proposal as summarised at Section 5 and considered at Section 6 of this report.
(e) the public interest	The proposal is in the public interest as discussed at Section 6 of this report.

B3 Ecologically sustainable development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing, and incentive mechanisms.

The proposal includes ESD initiatives and sustainability measures, which include a minimum 5-star NABERS energy and water rating for the non-residential component and a 5-star Green Star Design and As-Built rating for both the residential and non-residential components. A copy of the Applicant's ESD report can be viewed at <https://www.planningportal.nsw.gov.au/major-projects/projects/novus-build-rent-39-43-hassall-street-parramatta>.

For the residential components the proposal includes:

- for energy, a 30% improvement on the BASIX average benchmark
- for water, a 49% improvement on the BASIX average benchmark
- compliance with the minimum requirements for thermal comfort.

The Department has considered the project in relation to the ESD principles. The Precautionary and Inter-Generational Equity Principles have been applied in the decision-making process by a thorough assessment of the environmental impacts of the project.

Subject to conditions requiring the ESD measures and minimum sustainability targets are met, the proposed development is consistent with ESD principles in accordance with the objects of the EP&A Act.

B4 Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

B5 Environmental Planning Instruments (EPIs)

To satisfy the requirements of Section 4.15(a)(i) of the Act, this report includes references to the provisions of the EPIs that govern the carrying out of the proposal and have been taken into consideration in the Department's environmental assessment.

The EPIs that have been considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- Parramatta LEP 2011.

State Environmental Planning Policy (Planning Systems) 2021

Table 15| Planning Systems SEPP compliance table

Relevant sections	Comments	Compliance
<p>2.1 Aims of Chapter The aims of this policy are as follows: (a) to identify development that is State significant development</p>	The proposal is identified as SSD.	Yes
<p>2.6 Declaration of State significant development: Section 4.36 (1) Development is declared to be State significant development for the purposes of the Act if: (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and (b) the development is specified in Schedule 1 or 2.</p>	<p>The proposal is permissible with development consent. The development is a type specified in Schedule 1, being <i>27 Build-to-rent housing</i>.</p>	Yes
<p>Schedule 1 State significant development — general 27 Build-to-rent housing (1) Development permitted under the Housing SEPP, Chapter 3, Part 4 if— (a) the proposed development has a capital investment value of— (i) for development on land in the Greater Sydney Region—more than \$50 million, or (ii) for development on other land—more than \$30 million, and (b) the tenanted component of the proposed development has a value of at least 60% of the capital investment value of the proposed development, and (c) for development on land in Zone B3 Commercial Core—the proposed development does not involve development that is prohibited under an environmental planning instrument applying to the land, other than development for the purposes of multi dwelling housing, residential flat buildings or shop top housing, and (d) for development on other land—the proposed development does not involve development that is prohibited under an environmental planning instrument applying to the land.</p>	The proposal comprises development for the purpose of build to rent, it has a CIV in excess of \$50 million and the tenanted component of the development has a value of at least 60% of the CIV.	Yes

State Environmental Planning Policy (Housing) 2021

The Housing SEPP aims to facilitate the supply of affordable and diverse housing within NSW. It sets the standards for the development of different forms of residential accommodation including infill affordable housing, co-living, build-to-rent, and seniors housing.

An assessment of the development against the relevant considerations of the Housing SEPP is provided in **Table 17**.

Table 16 | Housing SEPP assessment

Clause(s)	Consideration and comments
<p>72 Development for the purposes of build-to-rent housing permitted with Consent</p> <p>(2) This Part applies to development for the purposes of multi dwelling housing, residential flat buildings or shop top housing on land—</p> <p>(a) in the following zones—</p> <p>(i) a zone in which development for the purposes of residential flat buildings is permissible under another environmental planning instrument,</p> <p>(ii) Zone B3 Commercial Core,</p> <p>(iii) Zone B4 Mixed Use,</p> <p>(iv) Zone B8 Metropolitan Centre, or</p> <p>(b) for which a site compatibility certificate has been issued under section 39.</p> <p>(iii) Zone B4 Mixed Use,</p> <p>(3) Development consent may be granted for development to which this Part applies if—</p> <p>(a) the development will result in at least 50 dwellings occupied, or intended to be occupied, by individuals under residential tenancy agreements, and</p> <p>(b) all buildings containing the dwellings are located on the same lot.</p> <p>(4) Part 7 does not apply to development permitted under this Part.</p>	<p>The proposal comprises development for the purposes of shop top housing, and the site is zoned B4 Mixed Use.</p> <p>The proposal will result in at least 50 dwellings occupied or intended to be occupied by individuals under residential tenancy agreements, and all buildings containing dwellings will be located on the same lot. A condition of consent requires lot consolidation prior to occupation.</p>
<p>Clause 73 Conditions of build-to-rent housing to apply for at least 15 years</p> <p>(1) Development consent must not be granted to the erection or use of a building for development to which this Part applies unless the consent authority is satisfied that, during the relevant period—</p> <p>(a) for development on land in Zone B3 Commercial Core—the building will not be subdivided into separate lots, and</p> <p>(b) for development on land in another zone—the tenanted component of the building will not be subdivided into separate lots, and</p> <p>© the tenanted component of the building will be—</p> <p>(i) owned and controlled by 1 person, and</p>	<p>The tenanted component of the building will not be subdivided into separate lots.</p> <p>The tenanted component of the building will be owned and controlled by one person and operated by one managing agent who provides on-site management.</p>

- (ii) operated by 1 managing agent, who provides on-site management.
- (2) (Repealed)
- (3) In this section— relevant period means—
 - (a) for development on land in Zone B3 Commercial Core—a period commencing on the day an occupation certificate is issued for all parts of the building or buildings to which the development relates and continuing in perpetuity, or
 - (b) otherwise—a period of 15 years commencing on the day an occupation certificate is issued for all parts of a building to which the development relates.

74 Non-discretionary development standards—the Act, s 4.15

- (1) The object of this section is to identify development standards for particular matters relating to development for the purposes of build-to-rent housing that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.
- (2) The following are non-discretionary development standards in relation to the carrying out of the development to which this Part applies—
 - (a) the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for a building on the land,
 - (b) for development on land in a zone in which no residential accommodation is permitted under another environmental planning instrument—a floor space ratio that is not more than the maximum permissible floor space ratio for other development on the land under another environmental planning instrument,
 - (c) if paragraph (b) does not apply—a floor space ratio that is not more than the maximum permissible floor space ratio for residential accommodation on the land under another environmental planning instrument,
 - (d) for development carried out wholly or partly on land in the Greater Sydney Region—
 - (i) for land within an accessible area—0.2 parking spaces for each dwelling, or
 - (ii) otherwise—0.5 parking spaces for each dwelling, or
 - (iii) if a relevant planning instrument specifies a requirement for a lower number of parking spaces—the lower number specified in the relevant planning instrument,
 - (e) if paragraph (d) does not apply—at least the number of parking spaces required under the relevant development control plan or local environmental plan for a residential flat building.

The land is not subject to a maximum height of building control.

The development proposes a FSR 11.5:1 which complies with the PLEP 2011 FSR control (which includes bonus floor space for design excellence).

The development provides 73 car parking spaces which complies with PLEP 2011 maximum parking rates for land in Parramatta City Centre.

75 Design requirements

- (1) This section applies to development to which this Part applies only if State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development applies to the building resulting from the development.
- (2) In determining an application for the modification of a development consent or a development application for the carrying

The development seeks to utilise the flexible design criteria under this clause. More detail on this is provided in the following section on State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development.

out of development to which this section applies, the consent authority must—

- (a) be flexible in applying the design criteria set out in the Apartment Design Guide, including, in particular, the design criteria set out in Part 4, items 4E, 4G and 4K, and
- (b) in its consideration of the objectives set out in the Apartment Design Guide, Part 4, consider the following—
 - (i) the amenities proposed to be provided to tenants residing in the building through common spaces and shared facilities and services,
 - (ii) whether the configuration and variety of dwellings in the building will provide adequate options to prospective tenants in relation to the size and layout of the dwellings,
 - (iii) whether tenants residing in the building will be able to relocate to other dwellings in the building that will better accommodate their housing requirements if their requirements change.

76 Active uses on ground floor of build-to-rent housing in business zones

- (1) The objective of this section is to ensure that, in relation to development for the purposes of build-to-rent housing, active uses are provided at the street level in business zones to encourage the presence and movement of people.
- (2) This section applies to development to which this Part applies if the development is on land in a business zone, including as part of a mixed use development.
- (3) Development consent must not be granted for development to which this section applies unless the consent authority is satisfied that a building resulting from the development will have an active street frontage.
- (4) An active street frontage is not required for a part of a building used for 1 or more of the following—
 - (a) entrances and lobbies,
 - (b) access for fire services,
 - (c) vehicular access.

The development site is zoned as B4 Mixed Use.

The development provides an active street frontage along Hassall Street and Harris Street as discussed in **Section 6**.

77 Conditions requiring land or contributions for affordable housing

Nothing in this Part overrides a requirement to dedicate land or pay a monetary contribution under the Act, section 7.32.

No conditions are proposed to require land or contributions for affordable housing.

78 Consideration of Apartment Design Guide for further subdivision of dwellings

Development consent must not be granted for development involving the subdivision of a residential flat building for which consent has been granted under this Part unless the consent authority has considered the relevant provisions of the Apartment Design Guide in relation to the part of the building affected by the subdivision

The proposal does not involve the subdivision of a residential flat building.

State Environmental Planning Policy (Resilience and Hazards) 2021

The Resilience and Hazards SEPP aims to ensure that potential contamination issues are considered in the determination of a development application.

The Applicant submitted a Preliminary Site Investigation, Detailed Site Investigation and Remediation Action Plan (RAP) that determined the site contains polycyclic aromatic hydrocarbons (PAHs) and asbestos contamination and requires remediation. Based on the proposal, it is considered the site can be made suitable for the proposed development.

The Department recommends conditions to address contamination and hazardous material.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The BASIX SEPP encourages sustainable residential development by setting targets that measure efficiency of buildings in relation to water and energy use and thermal comfort.

A BASIX certificate was submitted demonstrating the proposal achieves compliance with the BASIX water, energy and thermal comfort requirements under the SEPP and the BASIX targets set by PLEP 2011. The Department recommends a condition of consent requiring compliance with the BASIX certificate.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 (Vegetation in Non-Rural Areas) aims to preserve trees and other vegetation to protect amenity and biodiversity values. The Department considers the application is consistent with the aims of Chapter 2 as the site has no vegetation, and the application has been granted a BDAR Waiver.

Chapter 6 (Water Catchments) aims to ensure the protection and enhancement of regulated catchments including Sydney Harbour Catchment. The subject site is within the Sydney Harbour Catchment.

In deciding whether to grant consent the consent authority must consider water quality and quantity objectives, aquatic ecology, flooding, recreation and public access and total catchment management for the Sydney Harbour Catchment.

The Department has considered the applicable provisions of the Biodiversity and Conservation SEPP and is satisfied that the proposed development will not adversely impact water quality and quantity, aquatic ecology, flooding, recreation and public access or total catchment management. Conditions have been imposed to address stormwater management and erosion and sediment controls.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The Transport and Infrastructure SEPP (TISEPP) aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

An assessment of the development against the relevant considerations of the Transport and Infrastructure SEPP is provided in **Table 17**.

Table 17 | Transport and Infrastructure SEPP assessment

Clause(s)	Consideration and comments
2.48 Determination of development applications— other development	The application was referred to Endeavour Energy pursuant to clause 2.48 of the SEPP. Endeavour Energy requested any connection from the development to its infrastructure would require consultation, and the Applicant obtain any relevant approval. The Department notes a substation is internally located.
2.118 Development on proposed classified road	The development site is not located on land reserved for the purposes of a classified road.
2.119 Development with frontage to classified road	The development site does not have a frontage to a classified road.
2.120 Impact of road noise or vibration on non-road development	The development site is not located in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles.
2.122 Traffic-generating development	The development does not constitute traffic generating development in accordance with clause 2.122 of the TISEPP as it as it involves less than 300 dwellings.

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 of the Industry and Employment SEPP outlines the objectives and controls for signage across the state. The applicant has proposed a signage wall compromising of building identification signage. However, due to insufficient information the proposed signage is unable to be adequately assessed. A condition is recommended to be imposed to exclude the approval of signage from this consent and require that any signage require separate approval.

State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development (including Apartment Design Guide)

State Environmental Planning Policy 65 – Residential Apartment Development (SEPP 65) seeks to improve the design quality of residential developments and encourage innovative design. The ADG is closely linked to the principles of SEPP 65 and sets out best practice design principles for residential developments.

Prior to lodgement of the application, the Applicant held a design excellence competition in accordance with clause 7.12 of the PLEP 2011. The design competition is detailed in **Section 6** and under the assessment of the PLEP 2011 in this Appendix.

The Department assessed the residential component of the proposal against the SEPP 65 principles in **Table 18** and **Table 19**.

Table 18 | Design Quality Principles assessment

SEPP 65 Principle	Department's Comments
1. Context and neighbourhood	The Department considers that the proposal responds appropriately to the site context and carefully considers the flood affectation, provides an active street frontage to Hassall Street and Harris Street and considers the future envisioned character for the site and the precinct as discussed in Section 6 and is therefore consistent with Principle 1.
2. Built form and scale	<p>The Department considers the scale, bulk and height are suitable for the Parramatta CBD and are consistent with the future character of the area as discussed in Section 6.</p> <p>The proposal is subject to further review by the Design Integrity panel (DIP) and the Department considers the development is capable of achieving design excellence as discussed in Section 6.</p>
3. Density	<p>The proposed density complies with the PLEP 2011 maximum FSR of 11.5:1 which applies to the site. Further Department has assessed the density having regard to the built form and potential impacts of the floorspace on traffic generation, amenity, and demand on existing/future infrastructure in Section 6.</p> <p>The Department is satisfied the density of the development will contribute to housing diversity for the Parramatta CBD in a highly accessible location with good access to jobs and open space.</p> <p>The Department concludes the proposal is consistent with Principle 3.</p>
4. Sustainability	The proposal is designed to have acceptable sustainable measures such as natural cross ventilation and sunlight to apartments. The Department has recommended conditions requiring compliance with the submitted ESD strategy including NatHERS ratings and BASIX energy and water targets.
5. Landscape	The development provides a variety of landscaped areas throughout the site, which provides opportunities for social interaction and enhances the public domain (Section 6).
6. Amenity	The proposal complies with the requirements of SEPP 65 and has demonstrated that future residential units would be capable of achieving satisfactory residential amenity in terms of solar access, natural ventilation, and privacy (Section 6).
7. Safety	The proposal has incorporated the Crime Prevention Through Environmental Design (CPTED) principles and the Department recommends a condition requiring implementation of the recommendations of CPTED report (Section 6).
8. Housing diversity and social interaction	The proposal would contribute to housing diversity in the Parramatta CBD by providing rental accommodation and a mix of apartment sizes. The proposal provides a variety of communal spaces to encourage social interaction amongst residents.
9. Aesthetics	<p>A variety of materials and finishes are proposed for the development to achieve a high-quality building. The proposal has been through a design competition and has been subject to review by a Design Integrity Panel, to ensure the podium, tower and public domain can deliver design excellence.</p> <p>The Department considers that, subject to the ongoing oversight and review by Design Integrity Panel as recommended by the conditions of approval, the proposal will deliver a high standard of architectural design and achieve design excellence. The Department therefore considers the proposal satisfies Principle 9.</p>

Apartment Design Guide (ADG)

The Housing SEPP (under Chapter 3, Part 4, section 75) requires that the consent authority must be flexible in applying the ADG's criteria to applications to build a BTR development. In particular the consent authority must:

- (a) be flexible in applying the design criteria set out in the Apartment Design Guide, including, in particular, the design criteria set out in Part 4:
 - i. 4E: Balconies and private open space
 - ii. 4G: Storage
 - iii. 4K: Apartment mix.
- (b) in its consideration of the objectives set out in the Apartment Design Guide, Part 4, consider the following:
 - i. the amenities proposed to be provided to tenants residing in the building through common spaces and shared facilities and services
 - ii. whether the configuration and variety of dwellings in the building will provide adequate options to prospective tenants in relation to the size and layout of the dwellings
 - iii. whether tenants residing in the building will be able to relocate to other dwellings in the building that will better accommodate their housing requirements if their requirements change.

Considering Flexibility

The Department's *Build-to-rent housing and flexible design fact sheet* identifies there are different types of build-to-rent housing, and each development needs to reflect the context of its location and neighbourhood. There are aspects of building design the Housing SEPP does not mention where flexible design could bring greater benefits. These may be supported within the limits of the ADG. These are:

- (a) 4A: Solar and daylight access
- (b) 4D: Apartment size and layout
- (c) 4F: Common circulation spaces

Planning Circular 'Using the Apartment Design Guide'

On 29 June 2017, the Planning Circular 'Using the Apartment Design Guide' was issued by the Department. The Circular emphasized the ADG is not intended to be applied as a set of strict development standards and where it is not possible to satisfy the design criteria, the consent authority is to consider how, through good design, the objective can be achieved.

The Circular supports the Department's approach to assessing the residential amenity of the proposed buildings in that all proposed apartments cannot reasonably achieve every amenity design criteria in the ADG and that this is not the intention of the ADG.

An assessment against the provisions within the ADG, applying flexibility where sought, is provided in **Table 19**.

Table 19 | ADG Assessment

SEPP 65 Principle	Department's Comments
3A Site Analysis	The Applicant has prepared detailed site analysis that demonstrates design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.
3B Orientation	<p>The building type and layout responds to the streetscape and site and optimises solar access and cross ventilation within the development.</p> <p>The proposal does not significantly impact solar access to neighbouring properties to the west in mid winter, as discussed in Section 6.</p>
3C Public Domain Interface	<p>The transition between private and public domain would not compromise safety and security and amenity of the public domain is retained and enhanced.</p> <p>Planting on both the Hassall Street and Harris Street frontages softens the edges of the development.</p> <p>Conditions are recommended to require that the development incorporates Crime Prevention Through Environmental Design.</p>
<p>3D Communal and Public Open Space</p> <ul style="list-style-type: none"> Communal open space has a minimum area equal to 25% of the site area. 	<p>The site has a total developable area of 1,448m² which requires a minimum communal open space area of 362m² (25%).</p> <p>The development provides for a total of 197.5 m² of communal open space/outdoor areas across Level 2, Level 7 and Level 32, including a dog run/pet play space and outdoor lounge area.</p> <p>This is 164.5 m² less than the ADG recommendation for 25% of the site area (362m²).</p> <p>Notwithstanding, the proposal provides:</p> <ul style="list-style-type: none"> accessible decks and outdoor dining areas associated with the ground floor café and entrances over 400m² of communal indoor spaces including indoor pool, residents lounge and private dining spaces a commercial gym and wellness centre which will be accessible to residents and by the public reserve located directly east of the site. <p>On this basis, despite the proposal not providing communal open space equal to 25% of the site area, the Department is satisfied that the proposal provides a combination of high quality communal open space and communal indoor spaces to cater for the needs of future residents, which cumulatively equal more than 25% of the site area.</p>
<ul style="list-style-type: none"> Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of two hours between 9am and 3pm on 21 June (mid-winter). 	<p>The principal usable communal open space for the development is located on Level 32, being 110m² in area. This is located on the north eastern side of the building and achieves a minimum of 50% direct sunlight for a minimum of two hours between 9am and 3pm in mid-winter, complying with ADG requirements.</p>

3E Deep Soil Zones

- Deep soil zones are to meet the following minimum requirements:

Site area >1,500m²

Minimum dimensions of 6m and 7% of site area.

Site area >1,500m² with significant existing tree cover

Minimum dimensions of 6m and 7% of site area.

The ADG acknowledges that deep soil zones may not be able to be achieved on some sites where the location and building typology have limited space at ground level, such as CBD, constrained sites or high density areas)

The site has a total developable area of 1,448m² which requires a minimum deep soil area of 101m² (7%) with a minimum dimension of 6m.

The basement car park extends the full area of the site, excluding the land intended for acquisition and 1m setback from Clay Cliff Creek. This results in only 55m² of deep soil landscaping on the site.

However, a 97m² structured deep soil area for planting is provided adjacent to Clay Cliff Creek. This area will provide for lower height mass planting. This provides approximately 1.3m depth of soil above the lower mezzanine level of the building adjacent to Clay Cliff Creek. Together, these areas provide 152m² of area available for planting, which is in excess of the minimum deep soil area requirements.

The Department notes that the ADG recognises that deep soil zones may not be achievable in high density CBD locations. In this context, the Department considers the proposed deep soil and structured deep soil area is acceptable to accommodate landscape planting on the site.

3F Visual Privacy

- Minimum separation distance from buildings to the side and rear boundaries:

Height	Habitable rooms and balconies	Non-habitable rooms
Up to 12m (4 storeys)	6m	3m
Up to 25m (5-8 storeys)	9m	4.5m
Over 25m (9+ storeys)	12m	6m

While the ADG requires a minimum of 18m separation distance (5-8 storeys and above) between habitable rooms/ balconies and 24m separation distance (for 9 storeys and above) between habitable rooms/ balconies the Parramatta City Centre DCP has an alternate standard, requiring a building separation above street wall height of more than 18m, or 9m from the boundary, with flexibility provided for street wall height levels subject to site context. This is in recognition of the CBD location.

The development has a height of 34 storeys and adequate building separation combined with mitigation measures maintain visual privacy within the development and/or to surrounding properties. A detailed assessment on visual privacy is provided in **Section 6** of this report.

On the southern elevation from level 4 and above the setback of the building to Clay Cliff Creek is approximately 7m. With the 4.5m width of Clay Cliff Creek the proposal has a setback of approximately 9.25m to the centreline of Clay Cliff Creek. As such the setback complies with the objectives of the 9m setback from the boundary providing adequate separation from any other residential development to the south.

The proposal has a zero setback to the west adjoining the existing building to the west to level 7. The building to the west has been constructed with a blank eastern façade on the lot boundary which allows a future building on the subject site to also be built to the boundary. The Department considers a zero setback is appropriate given the site context.

To the south of this western elevation, beyond the blank eastern façade of the adjoining building, levels 1 to 3 include a variable setback from the boundary, with the balcony being approximately 5.6m from the boundary.

Levels 4 to 7 include a variable setback from the boundary, with the balconies setback approximately 5.5m from the boundary.

The proposal also includes translucent glazing and privacy screens to balconies to ensure visual privacy is achieved up to level 6. The Department has recommended a condition for privacy screens to be added to the level 7 balcony and dog run. While these spaces include planter boxes it is considered appropriate that additional measures are provided to minimise potential privacy impacts on the adjoining development.

	<p>The Department considers that the setbacks are acceptable as:</p> <ul style="list-style-type: none"> • they have been considered as part of the design competition, are supported by the Design Integrity Panel (DIP) and the proposal is deemed by the DIP capable of achieving design excellence • proposed privacy screens and translucent glazing will ensure visual privacy • the Department has recommended conditions for privacy screens to further mitigate privacy impacts.
<p>3G Pedestrian Access and Entries</p>	<p>Pedestrian access and entries to the development are accessible and easy to identify.</p>
<p>3H Vehicle Access</p>	<p>The vehicle access point is designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</p>
<p>3J Bicycle and Car Parking</p> <ul style="list-style-type: none"> • For development in the following locations: <ul style="list-style-type: none"> ○ on sites that are within 800m of a railway station or light rail stop in the Sydney Metropolitan Area, or ○ on land zoned, and sites within 400m of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre. • The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. • The car parking need for a development must be provided off-street. 	<p><u>Car Parking</u></p> <p>Car parking has been provided in accordance with the PLEP 2011 requirements (Clause 7.15), which provides a maximum parking provision of 88 spaces for the development. With 71 spaces and 2 car share spaces proposed the proposal complies with this maximum standard.</p> <p>The proposed car parking rate is considered appropriate given the high level of accessibility of the site both to transport options and to employment and recreational opportunities.</p> <p><u>Bicycle Parking</u></p> <p>Parramatta City Centre DCP recommends the provision of 1 bicycle space per dwelling, plus bicycle parking for retail and commercial users. This would equate to approximately 218 bicycle spaces for the development.</p> <p>Given the location of the development in close proximity to transport options and employment and recreational opportunities the provision of 116 spaces is considered acceptable. This rate of provision is consistent with the requirements of the DCP prior to 2 December 2022.</p> <p>With less than 10 bicycle spaces required to service the retail/commercial components of the development the end of journey facilities of 1 shower and change cubicle are considered appropriate.</p>
<p>4A Solar and Daylight Access</p> <ul style="list-style-type: none"> • Living rooms and private open spaces of at least 70% of units in a building receive minimum of 3 hours direct sunlight • A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter. 	<ul style="list-style-type: none"> • 96% of units receive at least 2 hours mid-winter. • 4% of units receive 0-2 hours of solar access between 9am and 3pm in mid-winter. <p>The application is consistent with the remaining objectives of this part of the ADG, ensuring that daylight access is satisfactory and incorporates shading in the warmer months.</p>
<p>4B Natural Ventilation</p> <ul style="list-style-type: none"> • At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be naturally ventilated 	<ul style="list-style-type: none"> • All habitable rooms are provided with at least one window for natural ventilation. • At least 62% (28/45 units) achieve cross ventilation up to and including level 8 in accordance with the ADG.

only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	The proposal uses a combination of sliding windows and doors and awning windows to achieve appropriate cross ventilation within the building.
<ul style="list-style-type: none"> Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line. 	Cross through units do not exceed 18m, measured glass line to glass line.
4C Ceiling Heights <ul style="list-style-type: none"> Measured from finished floor level to finished ceiling level, minimum ceiling heights are: <ul style="list-style-type: none"> <u>Habitable rooms</u> 2.7m. <u>Non-habitable rooms</u> 2.4m. 	<p>The ceiling heights within all units comply with the minimum requirements.</p> <p>2.4m bulkheads are used to conceal services in limited locations throughout habitable rooms.</p>
4D-1 Apartment Size and Layout <ul style="list-style-type: none"> Apartments are required to have the following minimum internal areas: <ul style="list-style-type: none"> <u>Studio</u> 35m². <u>One bedroom</u> 50m². <u>Two bedroom</u> 70m². <u>Three bedroom</u> 90m². The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each. 	<p>All the 1-Bed, 2-Bed and 3-Bed apartments meet the required minimum areas.</p> <p>The Furnished Studio type apartment (Studio type D located on levels 8 – 31 at 32.7m²) is less than the ADG minimum 35sqm for a Studio Apartment. However, this apartment is a different typology from the typical Studios, as it is a fully furnished studio apartment.</p> <p>The Department considers that this is acceptable as it is a minor deficiency in area, plans showing furniture layouts demonstrate functionality and units comply with the flexible design provisions supporting build-to-rent development.</p>
<ul style="list-style-type: none"> Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms. 	The Applicant states the proposal achieves compliance with the minimum glazed area to each habitable room.
<ul style="list-style-type: none"> Habitable room depths are limited to a maximum of 2.5 x the ceiling height. 	Living and dining rooms generally have a maximum depth of 8m, supported by 2.7m ceilings.
<ul style="list-style-type: none"> In open plan layout (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window 	Apartment type 2A is 8.2m in depth for the Living & Kitchen however it is characterised by cross ventilation and glazing to all sides of the balcony which enhances the openness of the living/kitchen spaces.
<ul style="list-style-type: none"> Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space). 	60% of apartments achieve compliance in functional dimensions, meeting or exceeding minimum dimensions in most cases.
<ul style="list-style-type: none"> Bedrooms have a minimum dimension of 3m (excluding wardrobe space). 	<p>Studio apartment type B has bedroom and living room minimum widths slightly less than the minimum however are compensated by increased length. There is a generous area of 55 sqm to offset the slightly narrower width.</p> <p>There is a similar arrangement applicable to new Studio apartment on Level 7, U704.</p> <p>Furnished Studio apartment type D has living room width less than 3.6m and bedroom less than 3m clear to joinery. Plans show furniture layouts that demonstrate functionality. While the</p>

	<p>apartment depth is limited glazing is maximised providing good daylight access.</p> <p>Studio apartment type A has living room width slightly less than the minimum however plans show furniture layouts that demonstrate functionality.</p> <p>2 Bed + Study type 2J has a recessed bedroom arrangement to the Master Bedroom. The bedroom faces solely north and has a small terrace providing good solar access.</p> <p>2-Bed type 2A has a corner cut off the second bedroom 3m x 3m dimension, due to façade stepping. There is a 3m width for the dominant proportion of the room. The plans provide furniture layouts and demonstrate sufficient space for functionality around the bed and additional space is provided within the length of the bedroom to offset.</p> <p>On Level 33, U3301 is similar with an area of reduced width compensated by a longer room.</p>
<ul style="list-style-type: none"> Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> <u>One bedroom apartments</u> 3.6m. <u>Two or three bedroom apartments</u> 4m. 	<p>For Furnished Studio apartment type D the living room width is less than 3.6m and bedroom is less than 3m clear to joinery.</p> <p>For Studio apartment type A the living room width is slightly less than the minimum however is compensated by increased length.</p>
<ul style="list-style-type: none"> The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts. 	<p>Yes, apart from the exceptions noted above.</p> <p>The Applicant has demonstrated that all necessary furniture can fit and still allow plenty of space for residents to move about.</p> <p>The Department is satisfied that non-compliances in terms of apartment size and layout are satisfactory in the context of flexible design provisions supporting build-to-rent development.</p>
<p>4E Private Open Space and Balconies</p> <ul style="list-style-type: none"> All apartments are required to have primary balconies as follows: <ul style="list-style-type: none"> <u>Studio apartments</u> 4m². <u>One bedroom apartments</u> 8m² with a minimum depth of 2m. <u>Two bedroom apartments</u> 10m² with a minimum depth of 2m. <u>Three+ bedroom apartments</u> 12m² with a minimum depth of 2.4m. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m. 	<p>The majority of the terraces and balconies in the development are less than the minimum ADG area.</p> <p>The furnished studio apartment types do not have a balcony.</p> <p>The proposal relies on flexibility in applying the design criteria set out in the Apartment Design Guide, including, in particular, the design criteria set out in Part 4, items 4E, 4G and 4K, as outlined in the Housing SEPP.</p> <p>The Department considers the reduction in private open space and balconies is acceptable as this is offset by the high quality communal outdoor and indoor spaces provided as part of the development.</p>
<p>4F Common Circulation and Spaces</p> <ul style="list-style-type: none"> The maximum number of apartments off a circulation core on a single level is eight For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40 	<p>The maximum number of units proposed on a single level is 8 that is serviced by 3 lifts.</p> <p>The development is to be 34 storeys and contains a total of 210 units. A total of 3 lifts are proposed. The Department notes that this would equate to 70 apartments per lift.</p>

	ADP Consulting undertook a lift traffic analysis that concludes that 3 lifts to the building is sufficient to provide a peak period of lift service quality and satisfies the relevant standard
4G Storage <ul style="list-style-type: none"> In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <ul style="list-style-type: none"> <u>Studio apartments</u> 4m³. <u>One bedroom apartments</u> 6m³. <u>Two bedroom apartments</u> 8m³. <u>Three+ bedroom apartments</u> 10m³. At least 50% of the required storage is to be located within the apartment. 	86% of Apartments achieve the required minimum internal storage within the apartment. <p>The proposal relies on flexibility in applying the design criteria set out in the Apartment Design Guide, including, in particular, the design criteria set out in Part 4, items 4E, 4G and 4K, as outlined in the Housing SEPP.</p> <p>The Department considers that appropriate storage is provided for residents, particularly as the shortfall is supplemented by a large communal basement storage which is allocated according to need of residents.</p>
4H Acoustic Privacy	The development minimises the transfer of noise through the siting of buildings and building layout and noise impacts are to be mitigated through layout and acoustic treatments. Conditions of consent are recommended to ensure noise and vibration impacts are minimised particularly in relation to communal areas.
4J Noise and Pollution	Hassall Street and Harris Street are not considered major roads. External noise and pollution are not expected to be significant.
4K Apartment Mix	<p>The development proposes a total of 210 units in the following mix:</p> <ul style="list-style-type: none"> Studio: 83 units (40%) 1 bed: 31 units (15%) 2 bed: 94 units (44%) 3 bed: 2 units (1%) <p>The proposal relies on flexibility in applying the design criteria set out in the Apartment Design Guide, including, in particular, the design criteria set out in Part 4, items 4E, 4G and 4K, as outlined in the Housing SEPP.</p> <p>The Department is satisfied that the proposal provides an appropriate apartment mix in the context that it is a BTR development. Despite the low number of 3 bedroom units, the Department is satisfied that the proposal provides a range of apartment types and sizes, including some apartments with studies, to cater for different household types now and into the future.</p>
4L Ground Floor Apartments	There are no ground floor apartments.
4M Facades	Building facades provide visual interest along the street.
4N Roof Design	The treatments to the roof are integrated into the building design. The roof is stepped to ensure solar access to Experiment Farm is maintained in accordance with LEP requirements.
4O Landscape Design <ul style="list-style-type: none"> Recommended planting in deep soil zones: SA: up to 850m² = 1 medium tree per 50m² of deep soil zone 	A detailed landscaping design is proposed that contributes to the streetscape and amenity. The landscape design includes native grasses to the south adjacent to Clay Cliff Creek, street trees on Harris St and Hassall St and a range of landscaping for communal open spaces. The Department has recommended

<ul style="list-style-type: none"> SA: between 850m²-1500m² = 1 large tree or 2 medium trees per 90m² of deep soil zone SA: greater than 1500m² = 1 large tree or 2 medium trees per 80m² of deep soil zone 	<p>conditions of consent in relation to street trees and landscaping of the public domain.</p>
<p>4P Planting on Structures</p> <ul style="list-style-type: none"> Minimum soil standards for plant types and sizes. 	<p>The development proposes planting above the basement car parking, on awnings, balconies and communal roof spaces that are appropriately selected and contribute to the quality and amenity of the development. Suitable soil depths are provided for the vegetation proposed upon the structures.</p>
<p>4Q Universal Design</p>	<p>A variety of apartments with adaptable designs and features are provided to promote flexible housing for all community members. 21% (45) of apartments can achieve the Liveable Housing Guidelines silver level and 15% (33) of units are adaptable.</p>
<p>4S Mixed Use</p>	<p>The development proposes commercial/ retail development located across 4 levels on the ground floor and Levels 1, 2 and 32 of the building. The non-residential ground floor uses activate the Hassall Street and Harris Street frontages, encourage pedestrian movements and enhance amenity for the residents.</p>
<p>4T Awnings and Signage</p>	<p>Awnings are well located and are integrated with the building design.</p>
<p>4U Energy Efficiency</p>	<p>The development incorporates passive environmental design and solar design to optimise heat storage in winter and reduce heat transfer in summer. Adequate natural ventilation would minimise the need for mechanical ventilation.</p>
<p>4V Water Management and Conservation</p>	<p>The development incorporates water sensitive urban design. Flood management systems are integrated into the site design.</p>
<p>4W Waste Management</p>	<p>Adequate bin storage is provided and designed to minimise impacts on the streetscape.</p>
<p>4X Building Maintenance</p>	<p>The materials are appropriately selected to minimise long term maintenance obligations. The materials have been considered as part of the design excellence process.</p>

Parramatta Local Environmental Plan 2011 (PLEP 2011)

The PLEP 2011 aims to encourage a range of housing and employment opportunities to meet the needs of existing and future residents of Parramatta. The PLEP 2011 also aims to support the growth of Parramatta as Sydney's second CBD while also promoting efficient and sustainable use of energy and resources in accordance with ecologically sustainable development principles.

The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the PLEP 2011 and those matters raised by Council in its assessment of the development. The Department concludes the development is consistent with the relevant provisions of the PLEP 2011. Consideration of the relevant clauses of the PLEP 2011 is provided in **Table 20**.

Table 20 | Consideration of the PLEP 2011

PLEP 2011 Clause	Consideration and comment
1.2 – Aims of the Plan	<p>The proposal is consistent with the aims of the PLEP 2011 in that:</p> <ul style="list-style-type: none"> the development provides for housing and employment opportunities to meet the needs of the existing and future residents, workers, and visitors of Parramatta the development supports the economic viability of Parramatta's commercial centre by enabling growth of the residential population with supporting retail in an appropriate location with access to transport and services the proposal reinforces Parramatta as Sydney's second CBD through the creation of jobs and housing growth.
Land Use Table – Zone B4 Mixed Use	<p>Shop top housing is permissible with consent in the B4 zone. While PLEP 2011 does not explicitly nominate build-to-rent housing as a permissible use within the B4 zone, the Housing SEPP enables certain residential accommodation to be used as build-to-rent housing in the B4 zone.</p>
Clause 4.3 Building height	<p>No maximum building height applies to the land.</p> <p>Building height is managed via clause 7.5 Sun Access which requires no additional overshadowing to Experiment Farm on 21 June in any year between 10am and 2pm.</p>
Clause 4.6 Exceptions to development standards	<p>The amended proposal does not include a request to vary a development standard under clause 4.6.</p>
Clause 5.10 Heritage conservation	<p>The site is not listed on the State Heritage Register or PLEP 2011.</p> <p>A Heritage Impact Statement (HIS) and a Historical Archaeological Assessment prepared by Comber consultants have been submitted with the application. The documents identify there are a number of heritage items listed on the SHR and PLEP 2011 which are within the vicinity of the site, and that the area has historical significance associated with a former dairy that operated on Hassall Street from 1888 to at least 1921. The Archaeological Assessment considers that substantial evidence of early occupation is unlikely to remain on the site.</p> <p>At RTS stage the Applicant provided a Historical Archaeological Excavation Report. A small number of artefacts were uncovered which were not considered significant. No further monitoring, testing or excavation was deemed necessary.</p> <p>An Aboriginal Cultural Heritage Assessment Report (ACHAR) and an Aboriginal Archaeological Assessment were also submitted with the application.</p>

The assessments determined that the site contains Aboriginal archaeological and cultural heritage significance and has the potential to contain subsurface Aboriginal archaeological deposits.

At RTS stage the Applicant provided an Aboriginal Cultural Heritage Assessment Report which detailed the findings from test excavations. A small number of artefacts were uncovered and salvage was not considered warranted.

The Department is satisfied that appropriate measures will be in place, through the recommended conditions of consent, to mitigate against any potential impact to the Aboriginal archaeological and cultural heritage significance of the site.

Clause 5.21 Flood planning

The land is located within the 1 in 100-year flood area and is affected by the probable maximum flood zone. The aim of this clause is to minimise flood risk to life and property and to allow development that is compatible with flood events and avoids adverse impacts on flood behaviour and the environment.

The Department is satisfied that the development is compatible with the flood function and will not adversely affect flood behaviour and incorporates appropriate measures to manage risk to life in the event of a flood as discussed in **Section 6**.

Clause 6.1 Acid sulfate soils

The land is identified as being within Class 4 Acid sulfate soils. The Applicant has provided an acid sulfate soils management plan for the proposed works.

Clause 4.4, Clause 7.3 Floor space ratio and Clause 7.13 Additional building height and floor space ratio

A maximum floor space ratio of 10:1 applies to the land as the Department is satisfied that the site of the building is an isolated site, the proposal is the winner of a competitive design process proposal and exhibits design excellence.

In accordance with Clause 7.13 bonus floor space of 15%, or up to 11.5:1, can be obtained for the proposal as it is the winner of a competitive design process and the proposal exhibits design excellence.

The proposal provides a FSR of 11.5:1 satisfying the maximum permissible FSR of 11.5:1.

Clause 7.5 Sun access

The proposal does not cause any additional overshadowing to Experiment Farm (as identified by the PLEP 2011 Sun Access Protection Map) on 21 June in any year between 10am and 2pm as confirmed by Experiment Farm Shadow Plans provided with the Architectural Drawings and by Surveyor's Certificate dated 9 August 2023.

Clause 7.7 Airspace Operations

The development is classified as a controlled activity as construction for the development proposes an intrusion into airspace around Bankstown airport and therefore approval is required under the *Airports Act 1996* of the Commonwealth, Part 12, Division 4.

The overall maximum height of the building is 120.7m AHD which will not penetrate the Obstacle Limitation Service (OLS) for Bankstown Airport. However the overall height of the crane required for construction is 176.8m AHD which will penetrate the Obstacle Limitation Service (OLS) for Bankstown Airport by 20.8m. The crane requires a controlled activity approval under the *Airports Act* which has been granted on 4 July 2023.

Clause 7.8 Active frontages

The land is identified as 'Active Frontage' on the Active Frontages Map. An active frontage is required for both Harris Street and Hassall Street. The proposal provides for an active frontage for part of the

	ground floor of the building facing Hassall Street and Harris Street as discussed in Section 6 .
Clause 7.9 Floodplain risk management	The land is identified on the Floodplain Risk Management Map. The aim of this clause is to enable occupants of a building to shelter in a building above the maximum flood level or to evacuate safely. The Department is satisfied that the building contains an area that is located above the probable maximum flood level, has an emergency electricity and water supply, has sufficient area to provide refuge for all occupants of the building, has an emergency access point to land above the 1% annual exceedance probability event and is able to withstand the forces of floodwaters, debris and buoyancy resulting from a probable maximum flood event. The Department has recommended conditions to ensure flood issues are addressed.
Clause 7.10 Application of Division	Specific design excellence provisions apply to the proposal as the land is located within Parramatta City Centre.
Clause 7.11 Design Excellence	
(i) standard of architectural design, materials and detailing	The Department is satisfied that the proposal achieves a high standard of architectural design, materials and detailing, with a mixed palette of building materials and finishes, provision of decks and landscaping and legible building entrances. The Department recommends conditions to ensure the continued involvement of the DIP to ensure the standard of architectural design, materials and detailing is maintained.
(j) form and external appearance of the development	The Department is satisfied that the form and external appearance responds to the site's context and will improve the quality and amenity of the public domain. The Department has recommended conditions of consent to ensure works in the Hassall Street and Harris Street are undertaken prior to occupation, ensuring a positive contribution to the public domain.
(k) whether the development detrimentally impacts on view corridors	There are no significant view corridors in the vicinity of the proposal.
(l) Suitability of the land for development	The project is located on the edge of the Parramatta CBD in a mixed-use precinct, within a highly accessible site for transport and employment opportunities. The site will be subject to remediation to ensure the land is suitable for the proposed land use, and will include mitigation measures to manage any potential flood issues. The Department is satisfied that the site is suitable for development as recognised through the zoning and development controls for the site.
(m) Existing and proposed uses and use mix	The project is located on the edge of the Parramatta CBD in a mixed-use precinct, within a highly accessible site for transport and employment opportunities. The proposed land-use mix complies with the requirements of the mixed-use zoning for the site. The project also provides residential amenities and commercial uses that will benefit future residents, including a pool, lounges, wellness centre and gym. The Department is satisfied the proposed land use mix is appropriate for the site.
(n) Heritage and archaeological issues and streetscape constraints or opportunities	Heritage and archaeological investigations have been undertaken for the project indicating there are no constraints to development. The adjoining building at 31-37 Hassall St is partially built to the boundary, impacting the streetscape. The Department is satisfied that the heritage, archaeological and streetscape issues are considered.
(o) The location of the proposed tower	The building includes a 3-storey podium (ground to level 2), a four storey tower base/larger floorplate (levels 3-7) that is built partially to the boundary of the adjoining mixed use building at No.31-37 Hassall

Street, with a slimmer tower above (levels 8-33). The proposed tower is setback 3m from the Hassall Street frontage, more than 8m from the western boundary and 7m from the southern boundary and is considered consistent with the preferred approach of Council to create a distinctive skyline of tall, slender towers setback from the streets. The location of the tower has been considered as part of the design competition process and has been carefully reviewed by the DIP. The Department is satisfied that the location of the tower is acceptable.

(p) Bulk, massing and modulation of buildings

The bulk, massing and modulation has been considered as part of the design competition process and has been carefully reviewed by the DIP. The Department is satisfied that the location of the bulk, massing and modulation of buildings is acceptable.

(q) Street frontage heights

Council has objected to the street frontage height requesting that the podium be increased to a minimum of four storeys and a maximum of six storeys.

The Applicant amended the design at RtS stage, to provide a minimal setback on Hassell Street adjacent to the adjoining premises up to Level 6 which improves the relationship with the neighbouring building to the west.

The DIP considered Council's concerns about the street frontage heights and maintain its support for the competition winning design.

The Department has considered the comments provided by the DIP and is satisfied that the street frontage heights, although not aligning with Council's recommendation for a zero setback, do not preclude the proposal from achieving design excellence.

(r) Environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,

The application is supported by various technical studies that confirm the proposal will not create adverse environmental impacts. Impacts on visual privacy for the adjoining apartments to the west have been mitigated through provisions of privacy screens and translucent glazing, and the proposal creates minimal additional overshadowing on the adjoining premises at winter solstice. The Department is satisfied that the proposal adequately addresses environmental impacts as detailed in **Section 6**.

(s) Principles of ecologically sustainable development

The proposal includes ESD initiatives that provide improved energy savings compared to standard benchmarks. The Department is satisfied the proposal is consistent with the principles of ecologically sustainable development.

(t) Pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network

The proposal satisfies requirements for pedestrian, cycle, vehicular and service access and circulation. The proposal provides pedestrian access at both Hassall St and Harris St linking to the existing public domain. Service access and circulation requirements are accommodated at the western side of the development. The Department is satisfied that access requirements are acceptable.

(u) The impact on, and proposed improvements to, the public domain,

The proposal has been setback 3.5m to Harris Street consistent with the requirement for future land acquisition for road purposes. Street trees are proposed on Hassall St and Harris St and the proposal includes dedication of land required for road widening. The Department has recommended conditions of consent in regard to public domain works associated with the road widening area and streets being undertaken prior to occupation, ensuring a positive contribution to the public domain.

(v) The impact on any special character area

The site is not in any special character area.

(w) Achieving appropriate interfaces at ground level between the building and the public domain	<p>Council objected to the proposed interface at ground level between the building and the public domain considering the proposal resulted in poor street activation and that the proposal did not provide a good connection to the public domain.</p> <p>In order to respond to this the Applicant has provided concrete 'bleacher' seating along Harris Street frontage, intended to improve the visual connection to Harris Street. The Applicant also adjusted the south east corner of the ground floor to locate the glass line closer to the Harris Street boundary.</p> <p>The ground floor level and interfaces with the public domain is a direct result of flood planning for the site. This results in difficulty in providing direct connections between the ground level and public domain. The proposal seeks to provide a 'raft' floating deck design with outdoor balconies to bring the activated edge closer to the street as part of the design approach.</p> <p>The relationship between the ground level and public domain were carefully considered as part of the design, as part of the design competition process and by the DIP.</p> <p>The DIP has considered Councils concerns and maintains its support for the competition winning design, which it considers is capable of achieving design excellence.</p> <p>The Department has considered the comments provided by the DIP. The Department supports the raft design response to flooding and connecting with Country and considers the changes made by the Applicant to improve the connection between the building and the public domain are positive and align with the proposal's achievement of design excellence.</p>
(x) Excellence and integration of landscape design	<p>The proposal includes landscaping and open space provided on ground level adjacent to Clay Cliff Creek, on Harris Street and Hassall Street, on level 2, level 7 and level 32, associated with the pool, dog run, and outdoor lounge, and includes a response to Country. The Department is satisfied that excellence of landscape and integration of landscape design will be achieved, particularly with improvements to the public domain on Hassall St and Harris St.</p>
Clause 7.15 Car parking - general	<p>This clause specifies the maximum number of carparking spaces for the development. Based on the proposed land use and rates the maximum number of car spaces that could be provided is 88 car spaces. The proposal provides for 71 car spaces and 2 car share spaces.</p>
Clause 7.19 Application of Division	<p>The provisions under this division apply to the subject site where applicable.</p>
Clause 7.20 Managing heritage impacts	<p>This clause is to ensure the management of heritage impacts in Parramatta City Centre. The Department considers the identified items and historical significance will not be impacted by the proposal as discussed against Clause 5.10 Heritage conservation.</p>
Clause 7.21 End of journey facilities	<p>This clause aims to facilitate pedestrian and cycling access to commercial premises. The provision applies to development involving the erection of a building that involves mixed use development with at least 600m² GFA to be used for commercial premises. The proposal includes 1,465.4 m² of commercial GFA.</p> <p>In accordance with PDCP 2011 the proposal should include 6 bicycle parking spaces for the retail/commercial uses, requiring one shower and change cubicle and 6 personal lockers.</p> <p>The proposal provides one unisex shower and change cubicle in the Lower Mezzanine level, and a total of 116 bicycle parking spaces for</p>

	<p>the development, satisfying the shower, change rooms and bicycle storage area requirement for these end of journey facilities.</p> <p>The Department recommends a condition requiring the provision of end of journey facilities for the commercial premises, including one shower and change cubicle, 6 bicycle parking spaces and 6 personal lockers allocated to commercial tenants.</p> <p>The Department is satisfied that the proposal will provide adequate end of journey facilities for the commercial premises.</p>
Clause 7.22 Dual water systems	The Department has recommended a condition to ensure the installation of a dual water reticulation system for potable and recycled water for the proposal.
Clause 7.23 High performing building design	This clause does not apply as the site area is less than 1,800m ² .
Clause 7.24 Commercial buildings in Zone B4 Mixed Use	This clause requires a floor space ratio of at least 1:1 to be used only for the purposes of commercial premises. The commercial premises include retail premises and office premises of 1,465.4 m ² , providing a floor space ratio of 1.01:1.
Clause 8.1 Intensive Urban Development Area	<p>Clause 8.1 PLEP 2011 requires that development consent cannot be granted to residential development in an intensive urban development area unless the Secretary has certified that satisfactory arrangements (via Satisfactory Arrangement Certificate) have been made for the provision of designated State public infrastructure.</p> <p>On 31 May 2023, the Applicant provided a letter of offer to enter into a State Voluntary Planning Agreement (VPA) with the Minister for Planning for contributions towards designated State public infrastructure.</p> <p>On 21 December 2023 the Applicant executed a draft VPA (Appendix F) which is anticipated to be placed on public notification for 28 days in January 2024.</p> <p>As outlined in the letter provided at Appendix G, the Department anticipates that upon execution of the VPA by the Minister, the Applicant will make the contribution and a Satisfactory Arrangement Certificate will be issued to the Independent Planning Commission to satisfy Clause 8.1 PLEP 2011.</p>
Clause 8.2 Public utility infrastructure	<p>Development consent must not be granted for development on land in an intensive urban development area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.</p> <p>Council provided advice via email on 13 October 2023 that Council is satisfied that the required public utility infrastructure will be provided for the proposal.</p>

Appendix C – Summary of the Department’s consideration of public submissions

A summary of the Department’s consideration of the issues raised in public submissions is provided at **Table 21**.

Table 21 | Department’s consideration of key issues raised in public submissions

Issue	Consideration
<ul style="list-style-type: none"> Overdevelopment/density 	<ul style="list-style-type: none"> The proposal complies the maximum floor space allowed for on the site. The proposal has been subject to extensive review and evolution through the design competition and Design Integrity Panel process and is considered to exhibit design excellence. The proposal has acceptable amenity impacts and traffic generation would have limited impact on the surrounding road network. The Department concludes that the height, scale, and density of the development is consistent with the future envisioned character for the site and precinct and the proposal would not unreasonably impact on the surrounding area.
<ul style="list-style-type: none"> Overshadowing of neighbouring properties 	<ul style="list-style-type: none"> Six adjoining residents/owners at No.31-37 Hassall Street, directly west of the site, have raised concern regarding the potential for overshadowing of their premises. As a result the Applicant has analysed solar impacts at 21 June, and concluded that the proposal does not generate any additional shadows on the neighbouring building after 11am. The Applicant has also demonstrated that due to the design of the adjoining building it casts shadows on itself, and particularly on the eastern balconies which face the proposed development. The Department acknowledges that the proposal will result in additional overshadowing of the adjoining development at No.31-37 Hassall Street at equinox. Development of the site with a tall building could be envisaged by the CBD location and development controls for the site, with resulting impacts. The Department has carefully considered the overshadowing impacts on the existing dwellings at No.31-37 Hassall Street and considers that some overshadowing is unavoidable as a result of the development of the site and, noting this impact is outside of the protected hours in mid-winter, this is considered acceptable in the circumstances.
<ul style="list-style-type: none"> Privacy for neighbouring properties 	<ul style="list-style-type: none"> The proposal has been amended to include privacy screens and translucent glazing to levels 1-6 to reduce potential for overlooking.

	<ul style="list-style-type: none"> The Department considers that the provision of translucent glazing and privacy screens up to level 6 will minimise impacts on privacy of the adjoining development. However on level 7 the communal dog run area and the residential balcony also have the potential to impact on privacy. This was raised in one public submission. The Department has recommended a condition for privacy screens to be added to the level 7 balcony and dog run area. While these spaces include planter boxes it is considered appropriate that additional measures are provided to minimise potential privacy impacts on the adjoining development. The Department has considered the amenity and privacy outcomes of the existing dwellings at No.31-37 Hassall Street. The Department considers that the proposal, with a requirement for additional screening and translucent glazing, is acceptable as impacts on visual privacy will be appropriately mitigated.
<ul style="list-style-type: none"> Insufficient car parking and loss of on-street parking 	<ul style="list-style-type: none"> The Department considers the proposed car parking provision is acceptable as it is consistent with the relevant requirements of the PLEP 2011. The Department supports reduced car parking on the site in the context of its excellent access to transport, open space, amenities and employment in the Parramatta CBD. The Department also notes that the proposal is only likely to require the removal of two on-street parking space from Hassall Street. The Department considers this is unlikely to have a material effect on the availability of on street parking and is acceptable.
<ul style="list-style-type: none"> The proposal is out of scale with existing development, has a high FSR 	<ul style="list-style-type: none"> The proposal aligns with the maximum floor space allowed for on the site, and is consistent with heights proposed for new development in the area. The Department concludes that the development is consistent with the future envisioned character for the site and the precinct as it undergoes transformation.
<ul style="list-style-type: none"> The site is unsuitable and should not be deemed an isolated site 	<ul style="list-style-type: none"> The site is zoned for mixed use development and controls enable the height and floor space proposed. The Department is satisfied that the site is suitable and is an 'isolated site' as discussed in Section 6.
<ul style="list-style-type: none"> The height will provide an unacceptable level of shadowing, reducing the 	<ul style="list-style-type: none"> The height of the proposal does not provide any overshadowing to Experiment Farm, as verified by a surveyor.

amenity and enjoyment of the park

-
- The increased population as a result of the development will place further strains on open spaces and recreational areas
 - The planning controls for the property envisage an increased population for the site and the precinct, and an increased demand for local infrastructure including open space and recreational areas. This has been considered by Council in its local contribution plan which applies to the development.
 - The Department recommends a condition of consent requiring payment of Section 7.12 contributions to Council, which will contribute to funding open spaces and recreational areas in Parramatta.

-
- The proposal will adversely impact the value of the adjoining premises
 - The Department has assessed the merits of the modification in detail at **Section 6** of this report and concludes, subject to conditions, the development has acceptable impacts. The Department also considers that the development will exhibit design excellence and will enhance the local economy through increasing jobs during construction and during the operation of the development. As such, the Department considers that the proposal is unlikely to result in any significant adverse impacts on property prices.

-
- The cumulative impact of developments in the area on schools
 - Based on the Applicant's Social Infrastructure Assessment (SIA) the proposed future resident mix is estimated to include approximately 28 primary and 12 secondary school aged children. The Applicant's SIA indicates there is capacity at Arthur Phillip High School, but other schools are close to or exceeding capacity (based on the school's permanent buildings).
 - NSW Education and School Infrastructure NSW are responsible with monitoring and projecting population growth and planning school infrastructure accordingly.
 - The Department is satisfied that School Infrastructure NSW will ensure that schools will be available for school age children within the development.

-
- Environmental impacts and climate change and impacts on infrastructure
 - The Department is satisfied that any environmental impacts will be negligible, and that climate change has been addressed through adoption of ESD initiatives and through sensitivity analysis associated with flooding, as discussed in **Section 6**.
 - The Department is satisfied that impacts on infrastructure can be adequately addressed as part of the development, through:
 - dedication of land for Local Road Widening
 - public domain works in Hassall Street and Harris Street
 - contributions toward local and State infrastructure.
-

The Department has recommended conditions to ensure the proposal does not adversely impact infrastructure.

-
- Construction issues -potential damage of neighbouring properties and health impacts
 - The Department acknowledges the concerns raised in relation to potential construction impacts. To minimise and mitigate adverse impacts, the Department recommends conditions:
 - requiring the offer of a pre-construction survey for adjoining properties, a post-construction survey to ascertain whether the construction works caused any damage to buildings surveyed, and where damage occurred as a result of the construction works, the Applicant to repair, or pay the full costs associated with repairing the damaged buildings
 - limit on construction hours, preparation and implementation of construction environmental management plan, including noise and vibration, soil and water management, management of dust and odour and community consultation and complaints handling.
-

Appendix D – Independent Flooding Advice

<https://www.planningportal.nsw.gov.au/major-projects/projects/novus-build-rent-39-43-hassall-street-parramatta>

Appendix E - Independent Transport and Traffic Advice

<https://www.planningportal.nsw.gov.au/major-projects/projects/novus-build-rent-39-43-hassall-street-parramatta>

Appendix F – Applicant Executed State VPA

<https://www.planningportal.nsw.gov.au/major-projects/projects/novus-build-rent-39-43-hassall-street-parramatta>

Appendix G – Letter regarding Satisfactory Arrangements Certificate

<https://www.planningportal.nsw.gov.au/major-projects/projects/novus-build-rent-39-43-hassall-street-parramatta>

Appendix H – Recommended Instrument of Consent

<https://www.planningportal.nsw.gov.au/major-projects/projects/novus-build-rent-39-43-hassall-street-parramatta>