

Department of Planning, Housing and Infrastructure

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Gregory Place Build-to-Rent

State Significant Development Assessment Report (SSD-31179510)

September 2026





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Preface

This assessment report provides a record of the Department of Planning, Housing and Infrastructure's (the Department) assessment and evaluation of the State significant development (SSD) application for the Gregory Place build-to-rent development located at 2A Gregory Place, Harris Park, lodged by 2A Gregory Place Pty Limited. The report includes:

- an explanation of why the project is considered SSD and who the consent authority is
- an assessment of the project against government policy and statutory requirements, including mandatory considerations
- a demonstration of how matters raised by the community and other stakeholders have been considered
- an explanation of any changes made to the project during the assessment process
- an assessment of the likely environmental, social and economic impacts of the project
- an evaluation which weighs up the likely impacts and benefits of the project, having regard to the proposed mitigations, offsets, community views and expert advice; and provides a view on whether the impacts are on balance, acceptable
- an opinion on whether the project is approvable or not, along with the reasons, to assist the Independent Planning Commission in making an informed decision about whether development consent for the project can be granted and any conditions that should be imposed.

Executive Summary

This report details the Department's assessment of a State significant development application (SSD) for the Gregory Place build-to-rent development (SSD-31179510). 2A Gregory Place Pty Limited (the Applicant) seeks concept approval for a build-to-rent (BTR) development comprising seven building envelopes ranging in height from 2-8 storeys, at 2A Gregory Place, Harris Park in the City of Parramatta local government area (LGA).

No building or construction works are proposed to be undertaken as part of the concept proposal. All future development would be subject to separate applications.

The project is classified SSD under section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because the primary purpose of the development is for BTR housing, with an estimated development cost (EDC) of more than \$50 million, which satisfies the criteria under section 27, schedule 1 of *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP).

The application was lodged following a Site Compatibility Certificate (SCC) being issued for the site, which made residential flat buildings permissible with consent in the IN1 General Industrial zone. In the absence of updated built form controls that would normally accompany such a change, the Department has undertaken a merit assessment of the proposed built form to determine an appropriate planning outcome for the site.

The Department publicly exhibited the environmental impact assessment (EIS) from 2 to 29 August 2022. During the exhibition period, the Department received:

- 101 objections and a petition objecting to the proposal with 4,636 signatures
- a submission from City of Parramatta Council (Council) objecting to the proposal
- advice from nine Government agencies.

The Minister for Planning and Public Spaces is the consent authority for the project under section 4.5(a) of the EP&A Act. However, the application is referred to the Independent Planning Commission (IPC) for determination as the Minister's delegate as there are at least 50 public submissions objecting to the proposal prior to amendments to section 2.7 of the Planning Systems SEPP.

Key concerns raised in submissions related to the built form of the proposal as well as the potential heritage, flooding, traffic and parking impacts of the proposal.

The Applicant submitted a Response to Submissions (RtS) and Amendment Report on 16 December 2025 in response to issues raised during the public exhibition period (**Appendix A**). Key changes made to the proposal include a reduction in BTR units (from 483 to 320 units), reconfiguration of the

built form including a reduction in height (from 7-8 storeys to 2-8 storeys), addition of ancillary retail uses, a 30 m wide public through-site link and increased setbacks to all boundaries.

The Department has undertaken a detailed merit assessment of the proposal in accordance with the relevant matters under section 4.15(1) of the EP&A Act, the issues raised in submissions, the Applicant's response and additional information.

The Department's assessment concludes that the proposal is acceptable for the following reasons:

- it supports State government priorities to deliver well-located housing by delivering indicatively 320 BTR apartments, and retail premises in a highly accessible location
- the site is strategically well located to accommodate the proposed development noting its proximity to the Parramatta CBD, a key growth centre, which provides a range of jobs, services and other amenities. The site is also located within 500 m from Parramatta train station and future Parramatta Metro Station providing high frequency public transport services
- it would provide a range of public benefits through the provision of 50% of the BTR units for affordable housing for a minimum 15 years, a 30 m wide publicly accessible landscaped corridor, and a 6 m wide walkway along Clay Cliff Creek
- the amended proposal presents a considered design response that improves its relationship with the nearby heritage items, through greater separation, a more appropriate transition in height and scale and a more recessive built form outcome. Key measures introduced to minimise heritage impacts include the provision of a 30 m wide publicly accessible landscaped corridor aligned with the adjoining heritage items and the introduction of lower-scale 2-4 storey building envelopes, setback 12 m from the northern boundary providing a more sympathetic heritage interface.
- the proposed height variation is considered to be acceptable, given the site already accommodates an existing industrial building up to eight storeys, the site sits within 250 m of the Paramatta CBD which is characterised by tall buildings, and it would not result in any significant or unreasonable visual or other amenity impacts on surrounding properties
- the Department's assessment of flood impacts has been informed by independent expert flood advice and the Department is satisfied the proposal can achieve suitable habitable floor levels above the 1% Annual Exceedance Probability (AEP) flood level, provide refuge above the probable maximum flood (PMF) level, and incorporates appropriate mitigation and management measures to minimise flood risk for future residents to an acceptable level, subject to conditions

- future detailed development applications will need to appropriately consider noise associated with the existing place of public worship, including acoustic attenuation measures and other management measures to inform future tenants of the noise source.
- it would not result in unreasonable overshadowing, view, privacy or traffic impacts on adjoining residential development or the public domain.

The Department has also recommended a suite of conditions to appropriately address any residual issues.

Following its detailed assessment, the Department considers the project is in the public interest and concludes that the project is approvable, subject to conditions.

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1 Introduction

1.1 Project location

1. The site is located in Harris Park, less than 200 m from the eastern edge of the Parramatta city centre. The site sits within close proximity to existing State heritage listed items, including Hambledon Cottage immediately to the south, Experiment Farm and Elizabeth Farm to the north-west. The site is currently occupied by an industrial development containing buildings ranging up to eight storeys in height. The site was formerly used for manufacturing, and is currently mostly disused, with some spaces used for commercial offices.
2. Project location details are described in Table 1. The subject site is shown in Figure 1 and Figure 2.

Table 1 | Key aspects of the project site

Aspect	Description
Address	2A Gregory Place, Harris Park
Local Government Area (LGA)	City of Parramatta
Legal description	Lot 2 in DP 802801
Site area	19,485 m ²
Existing development	Light industrial uses, including offices, and former pharmaceutical factory
Surrounding roads	The site has a frontage to Gregory Place only, to the east of the site which provides vehicular and pedestrian access to the site
Surrounding development	• North: Hambleden Cottage and reserve • South: Our Lady of Lebanon Co Cathedral and childcare centre, and low-high density residential development • West: Experiment Farm reserve and Clay Cliff Creek (which also bisects the site) • East (across Gregory Place): low density residential development

Aspect	Description
Heritage	The site is not identified as a heritage item or within a heritage conservation area. However, the site is surrounded by several State and local heritage items and heritage conservation. State heritage items: • Elizabeth Farm House (I00001) and Experiment Farm archaeological site (A00768) and public reserve associated with Elizabeth Farm (I00285) • Experiment Farm Cottage and environs (I00768) • Hambledon Cottage, grounds and archaeology (01888) Local heritage items: • Hambledon Cottage and all trees (I504) • Timber cottages (I532) • Boundary Stone (I254) Local heritage conservation areas: • Elizabeth Farm Conservation Area • Experiment Farm Conservation Area • Harris Park West Conservation Area Refer to Figure 10
Topography	The site slopes from south-west to the south-east corner of the site (RL 9.09 m to RL 4.45 m).
Public transport	• Parramatta train station – 500 m west • Harris Park train station – 650 m south-west • Macquarie Street light rail station – 300 m north-west
Flooding	The site is identified as flood prone land and is affected by the 1% Annual Exceedance probability (AEP) event and the Probable Maximum Flood (PMF) in both local and riverine events.
Easements or covenants	An existing easement for stormwater exists over the Clay Cliff Creek open stormwater channel.

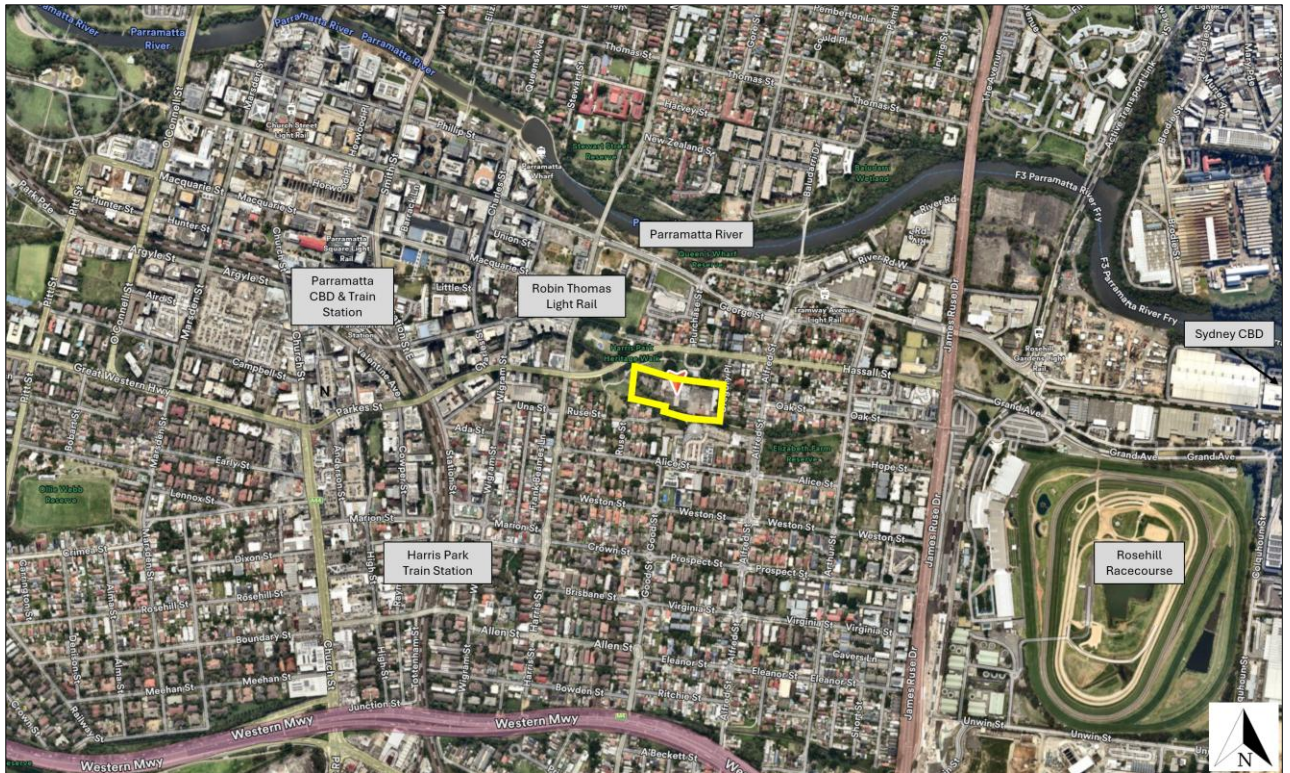


Figure 1 | Regional context map (Source: Nearmap 2026)



Figure 2 | Local context map (Source: Nearmap 2026)

2 Project

2.1 Project overview

3. The proposal seeks concept approval for a BTR development comprising seven building envelopes ranging between 2-8 storeys in height, with 50% of units being affordable housing for 15 years, and two publicly accessible landscaped areas.
4. No building or construction works are proposed to be undertaken as part of the concept proposal. All future development would be subject to separate applications.
5. The key aspects of the project are provided in detail in the Project Description chapter of the EIS and Amendment Report (see **Appendix A**) and are outlined in **Table 2**.

Table 2 | Key aspects of the project

Aspect	Description		
Land uses	Residential flat buildings comprising BTR units (with 50% affordable for 15 years) and ancillary retail premises.		
Building envelopes	Seven building envelopes above one shared basement, comprising:		
	Building Envelopes	Use	Max. Building Height
	Building A1	Residential/Retail	RL 13.55-20.25 (2-4 storeys)
	Building A2	Residential	RL 19.85-33.25 (4-8 storeys)
	Building A3	Residential	RL 26.15 (6 storeys)
	Building B1	Residential/Retail	RL 13.55-20.25 (2-4 storeys)
	Building B2	Residential	RL 26.15-32.85 (6-8 storeys)
	Building B3	Residential	RL 32.45 (8 storeys)
	Building C	Residential	RL 19.85-26.55 (4-6 storeys)
Floor space ratio (FSR) / Gross floor area (GFA)	Maximum FSR of 1.59:1, with a total GFA of 31,073 m², comprising: - a maximum residential GFA of 30,933 m² - a maximum retail GFA of 140 m².		
Affordable housing	Minimum of 50% of all dwellings are to be affordable housing for a period of 15 years.		
Access	New internal road from Gregory Place along the northern boundary and terminating in a cul-de-sac.		

Aspect	Description
	Dedicated basement vehicle access from Gregory Place to the future two level basement.
Landscaping, open space and tree planting	Total landscaped area of 12,491.2 m² of open space within the site, comprising: - publicly accessible open space area, made up of: 30 m wide landscaped corridor in the centre of the site 6 m wide Clay Cliff Creek walk - communal open space area equal to 18.4% of the site area - deep soil areas equal to 13.9% of the site area - replacement tree planting at a ratio of 2:1.
Staging	The detailed design development application will be undertaken in one future stage.
EDC	\$156,886,297
Employment	860 construction jobs and 20 operational jobs, as part of the future development.
Indicative reference scheme	Dwellings: The application does not seek consent for the number of dwellings. However, the development has been designed to accommodate a maximum of 320 BTR dwellings.
	Parking: The application does not seek consent for car parking. However, the development has been designed to accommodate two levels of basement parking with a maximum of 367 parking spaces, comprising: 272 residential parking spaces 80 residential visitor parking spaces 5 retail parking spaces 8 at-grade short-stay parking spaces on the proposed internal road.

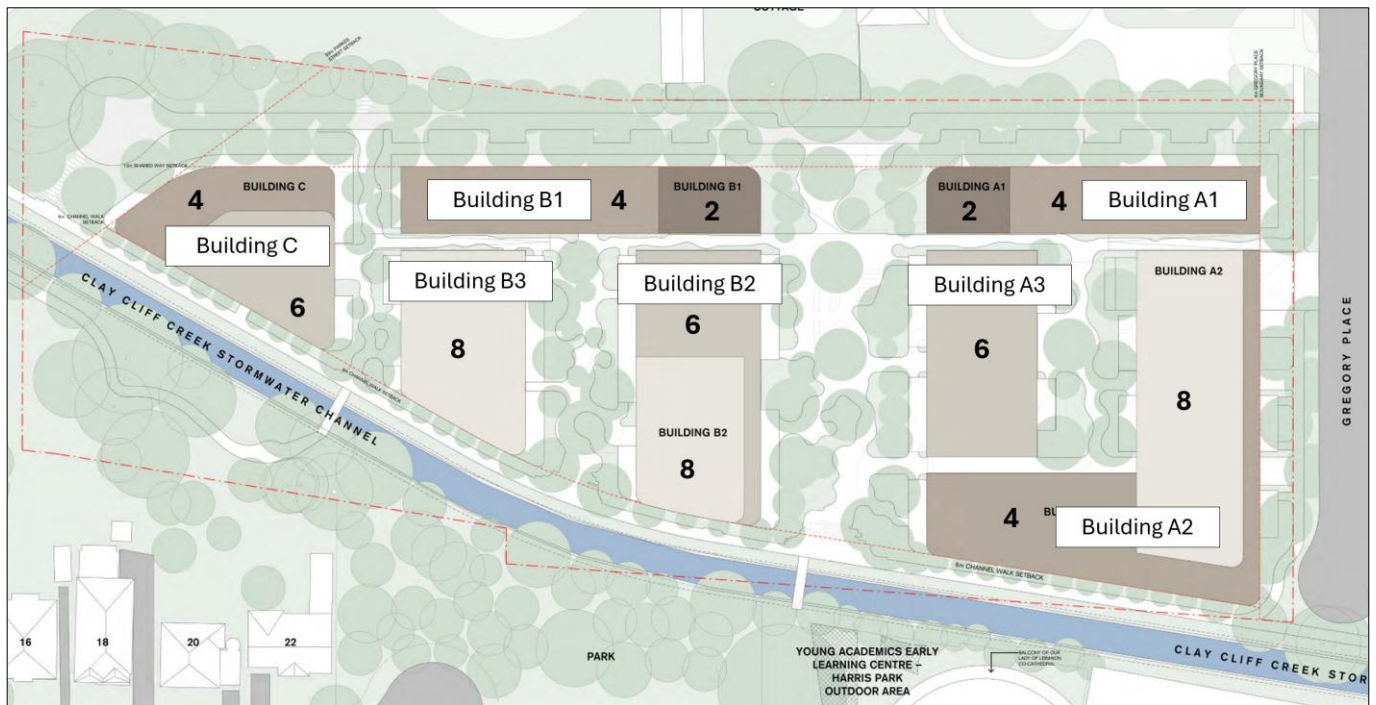


Figure 3 | Concept Envelope – Site Plan, with number of storeys labelled (Source: Applicant’s Amendment Report)



Figure 4 | Concept Envelope – 3D North East (Source: Applicant’s Amendment Report)

3 Policy and statutory context

3.1 Housing supply

6. The NSW Government has a target of 377,000 well-located homes by 2029. This policy supports the National Housing Accord that provides a national target of delivering 1.2 million new, well-located homes by 2029.
7. In February 2021, BTR housing was introduced into the NSW planning system to recognise and support this emergent development type. These provisions were introduced to support the viability of BTR housing as an emerging diverse housing type in well located areas, where market residential development may not be permitted.
8. An SSD pathway for BTR housing was also introduced for large scale BTR developments. This SSD application has been submitted pursuant to these initiatives that aim to support the delivery of well-located BTR housing.

3.2 Permissibility and assessment pathway

9. Details of the legal pathway under which consent is sought, and the permissibility of the project are provided in Table 3 below.

Table 3 | Permissibility and assessment pathway

Consideration	Description
Assessment pathway	The project is declared SSD under section 4.36 of the EP&A Act as it satisfies the criteria under section 2.6(1) and section 27 of Schedule 1 of the Planning Systems SEPP, as: • it proposes BTR housing with a CIV* in the Greater Sydney Region of more than \$50 million • the tenanted component represents more than 60% of the estimated EDC • the development does not involve development that is prohibited under an EPI applying to the land. *Note: Schedule 6, Part 11 of the EP&A Regulation 2021 provides savings provisions for the use of CIV, noting that this is referred to as an Estimated Development Cost (EDC) for development applications lodged after 4 March 2024.
Consent authority	The Minister is the declared consent authority under section 4.5(a) of the EP&A Act. However, the application is referred to Independent Planning Commission (IPC) for determination as the Minister's delegate (under delegation dated 14

Consideration	Description
	September 2011), as there are at least 50 public submissions objecting to the proposal prior to amendments to section 2.7 of the Planning Systems SEPP.
Permissibility	The site is zoned IN1 General Industrial under the Parramatta LEP 2011. However, a site compatibility certificate was issued for the site in 2017 under the <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> and allows consideration of a development application for a residential flat building (refer to Section 3.2.1). BTR development, in the form a residential flat building, is permissible with consent where a SCC has been issued pursuant to section 72 of the <i>State Environmental Planning Policy (Housing) 2021</i> (Housing SEPP). Schedule 7A Savings and transitional provisions (3)(4) also reiterates the continued application of SCCs and the use of Part 4, Build-to-rent housing for SCCs issued for residential flat buildings under clause 37 of the ARH SEPP.

3.2.1 Site Compatibility Certificate

10. A site compatibility certificate (SCC) was issued for the site on 19 July 2017, under Division 5, Clause 37(5) of the former *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARH SEPP).
11. The proposal relies on the SCC which makes residential flat buildings permissible where it would otherwise be prohibited under the IN1 General Industrial zone.
12. The SCC requires a minimum 50% of all dwellings of the development to be for affordable housing for a minimum 10 years.
13. While the SCC had an expiration date of 19 July 2022, it remains valid as the SSD application was lodged before this date in accordance with section 39(10) of the Housing SEPP.
14. The SCC does not specify any built form controls but provides the following conditions:
 1. *Prior to lodgement of a development application, a partnership with a social housing provider will be in place in accordance with Division 5 of State Environmental Planning Policy (Affordable Rental Housing) 2009.*
 2. *Consultation with the NSW Office of Environment and Heritage and the Heritage Council of NSW regarding bulk and scale, and design principles to protect surrounding heritage items is to be undertaken through the development application process.*

3. *The final development layout, design and number of dwellings will be subject to the consent authority being satisfied with the resolution of issues relating to:*

- *surrounding heritage items;*
- *form, height, bulk, scale, setbacks, landscaping and residential amenity; and*
- *traffic and access, flood risk management and soil contamination.*

15. The Department has considered the SCC conditions in its assessment of the concept development application considered in **Section 5**.

3.3 Other approvals and authorisations

16. Under section 4.41 of the EP&A Act, a number of other authorisations required under other Acts are not required for SSD. This is because all relevant issues are considered during the assessment of the SSD application.
17. Under section 4.42 of the EP&A Act, certain approvals cannot be refused if they are necessary to carry out the SSD. These authorisations must be substantially consistent with any SSD development consent for the project.
18. The Department has consulted with and considered the advice of the relevant government agencies responsible for these other authorisations in its assessment of the project (see **Section 4** and **Section 5**). Suitable conditions have been included in the recommended conditions of consent (see **Appendix D**).

3.4 Planning Secretary's environmental assessment requirements

19. The Department's review determined that the EIS addresses each matter set out in the Planning Secretary's environmental assessment requirements (SEARs) issued on 28 April 2022 and is sufficient to enable an adequate consideration and assessment of the project for determination purposes.

3.5 Mandatory matters for consideration

20. Mandatory matters for consideration include:
- matters of consideration required by the EP&A Act
 - objects of the EP&A Act and ecologically sustainable development (ESD)
 - biodiversity development assessment report
 - matters of consideration required by the EP&A Regulation

- matters of consideration required by environmental planning instruments.
21. The Department's consideration of these matters is summarised in **Appendix B** and is satisfied that the development meets statutory requirements.

4 Engagement

4.1 Exhibition of the EIS

4.1.1 Public exhibition of the EIS

22. After accepting the development application and EIS, the Department:
- publicly exhibited the project from 2 to 29 August 2022 on the NSW Planning Portal
 - notified occupiers and landowners in the vicinity of the site about the public exhibition
 - notified and invited comment from relevant Government agencies and Council.
23. The Department received 101 objections from the public, advice from nine Government agencies and an objection from Council.
24. Department officers conducted a site visit on 9 September 2022 and 24 February 2026 to understand the context and the issues raised in submissions.
25. Following the exhibition period, the Department asked the Applicant to respond to the issues raised in submissions and the comments received from Government agencies and Council.

4.1.2 Summary of public submissions

26. The Department received 101 objections during the public exhibition period of the EIS.
27. The key issues raised in the public submissions is provided in **Table 5** and a link to all submissions in full is provided in **Appendix A**.

Table 4 | Key issues raised in public submissions on the EIS

Issue	Number and % of Submissions
Heritage preservation	54 (53%)
Traffic/parking/access	46 (45%)
Built form and scale	40 (39%)
Impact on the operation of the adjoining place of public worship	34 (33%)
Overshadowing	25 (24%)
Visual impact	14 (13%)

Issue	Number and % of Submissions
Noise impacts	14 (13%)
Social impact	13 (12%)
Privacy impact	12 (11%)
Inconsistency with planning controls	10 (9%)
Aboriginal cultural heritage	8 (8%)
Flooding	6 (6%)
Inadequate information in the application	5 (5%)
Building layout/design	5 (5%)
Tree preservation, ecological impact	5 (5%)
Archaeology (heritage)	3 (3%)
Construction impacts	3 (3%)
Contamination	2 (2%)
Water table/groundwater impact	1 (1%)
View loss	1 (1%)

4.1.3 Council and Government agency advice

28. Council made a submission by way of objection during the public exhibition of the EIS and advice was received from Government agencies. Council's submission and agency advice informed the Applicant's Amendment Report. The EIS advice provided is superseded by advice relating to the Amendment Report summarised in Section 4.2.1 and 4.2.2.

4.2 Amendment Report

29. On 10 December 2025, the Applicant made an application for an amendment to the DA on the NSW Planning Portal, in response to concerns raised about the proposed built form of the proposal and the associated potential heritage impacts.

30. On 16 December 2025, the Department accepted the application to amend the DA. The Amendment Report also included a response to submissions which responded to the issues raised during the exhibition of the EIS (see **Appendix A**).
31. The Department made the Amendment Report publicly available on the NSW Planning Portal and notified relevant government agencies and Council. The Amendment Report incorporated the following changes:
- reduction in indicative residential units from 483 to 320 units, and introduction of an ancillary retail use to Building A1 and Building B1
 - reconfiguration of building envelopes, comprising:
 - reduced building heights from predominately 7-8 storeys to varied heights from 2-8 storeys
 - reduced height and reconfiguring Building C to better respond to heritage concerns by considering the view corridor between and the curtilage of Experiment Farm and Hambleden Cottage
 - reduced total GFA from 48,685 m² to 31,073 m²
 - creation of a public through site link/landscape corridor in the centre of the site to provide visibility between heritage items and link Hambledon Cottage to the Clay Cliff Creek pedestrian walk
 - introduction of a single east/west cul-de-sac driveway and one shared basement under the entire site, with parking reduced to 1 space per unit, and 1 space per 15 units for visitor spaces.
32. Refer to **Figure 5** and **Figure 6** for a comparison between the exhibited and amended proposal.



Figure 5 | EIS Concept Envelope – 3D North East (Source: Applicant’s EIS)



Figure 6 | Amended Concept Envelope – 3D North East (Source: Applicant’s Amendment Report)

33. In response to the changes, the Department received further submissions from Council and nine Government agencies, which were provided to the Applicant for its consideration.

4.2.1 Summary of advice received from Government agencies

34. A summary of the final Government agency advice on the Amendment Report is provided in Table 5. A link to the full copy of the advice is provided in **Appendix A**.

Table 5 | Summary of agency advice on Amendment Report

Agency	Advice summary
NSW Department of Climate Change, Energy, the Environment and Water – Conservation Programs, Heritage and Regulation Group (CPHR)	CPHR acknowledged Council's concerns with the flood modelling provided and required the following additional flood assessment: • refinement of the flood model in consultation with Council • assessment of the full range of relevant flood scenarios (including Parramatta River Probable Maximum Flood (PMF)) • consideration of the suitability of the land for residential use • structural integrity of the built form • emergency evacuation arrangements during a flood event, including the appropriateness of the shelter-in-place approach A new Biodiversity Development Assessment Report (BDAR) Waiver was issued on 24 September 2025 to reflect the amended proposal.
NSW State Emergency Services (NSW SES)	NSW SES remain concerned with intensifying residential land use below the flood planning level (FPL). Additionally, NSW SES requests: • advice from CPHR and Council regarding the flood behaviour of the site • updating the Flood Impact Risk Assessment (FIRA) to ensure it has been prepared in accordance with NSW Government Guidelines • re-consideration of the use of shelter-in-place as the primary flood management strategy.
Transport for New South Wales (TfNSW)	TfNSW noted the site's access to public transport and recommended limiting the number of car parking spaces onsite and providing adequate end-of-trip facilities and bicycle storage to support active transport usage.
Heritage NSW – Heritage Council	The Heritage Council noted the substantial improvements of the amended design compared to the EIS in relation to heritage considerations and impacts. The Heritage Council provided the following to be included as conditions of consent for the detailed design stage:

Agency	Advice summary
	• northern boundary fencing should be developed in consultation with Hambledon Cottage management • a Heritage Interpretation Plan (HIP) should be prepared prior to any works occurring on the site and submitted as part of the detailed design application • the detailed design application should further consider visual impacts on Hambledon Cottage and Experiment Farm, and ensure the materials and finishes are modern in nature, sympathetic in colour and should not visually detract or overwhelm the curtilage of surrounding heritage items • archaeological monitoring should occur during any demolition or construction works.
Heritage NSW – Aboriginal Cultural Heritage (HNSW ACH)	Following the submission of additional information, HNSW ACH raised no concerns with the proposal and provided recommended conditions relating to: • continued consultation with Registered Aboriginal Parties (RAPs) • an addendum to the ACHAR that considers any relevant archaeological impacts from remediation works and/or excavation • implementation of the Heritage Management Plan.
NSW Department of Climate Change, Energy, the Environment and Water – Water Group (DCCEEW Water)	DCCEEW Water raised no concerns with the proposal and recommended the following be provided at detailed design stage: • quantifying the maximum annual volume of water take due to aquifer interference activities and the ability to acquire sufficient water entitlement • acquiring a water access licence (WAL) to account for the maximum predicted water take • assessment of impacts due to aquifer interference activities.
Fire and Rescue NSW (FRNSW)	FRNSW did not raise any concerns with the proposal and recommended a condition be imposed for a Fire Safety Study to be prepared at the detailed design stage.
Endeavour Energy	Endeavour Energy raised no concerns with the proposal and provided standard conditions of consent.

4.2.2 Summary of council submissions

35. Council provided a further submission in response to the Amendment Report, noting that it maintains its objection to the proposal and reiterating key issues. A link to all submissions is provided in **Appendix A**.
36. A summary of the outstanding issues raised by Council is provided below:
- **flooding** – there are inconsistencies between Council’s flood modelling and the Applicant’s flood modelling, and implications of site works on flood behaviour. Primarily, Council contends the Applicant’s flood modelling underestimates the extent of flooding on the site and does not consider riverine flooding from the Parramatta River
 - **heritage** – the proposal does not appropriately respond to adjoining heritage items, and the Clay Cliff Creek corridor
 - **built form** – concern is raised with the proposed height of buildings, site layout, including 30 m wide open space and delineation of public/private spaces and the adverse visual impact on surrounding heritage and heritage parklands
 - **site layout** – concern is raised with the lack of street address provided to all buildings within the site which has the potential to impact site navigation, legibility and access
 - **Clay Cliff Creek** – the 6 m setback to Clay Cliff Creek is inadequate to facilitate a meaningful activated creek-edge interface and requests this be increased to 10 m.

4.2.3 Other feedback received

37. The Department received additional correspondence from three members of the public outside the exhibition period, following the submission of the Applicant’s Amendment Report. These submissions raised concern with heritage impacts, scale and massing and interface issues to adjoining properties. The concerns raised have been considered in the Department’s assessment in **Section 5**.
38. The Department also received a Position Paper from Our Lady of Lebanon Co-Cathedral on behalf of The Trustees of the Roman Catholic Church for the Diocese of Saint Maron, Sydney objecting to the proposal. The paper raised matters consistent with its previous submission received by the Department during exhibition of the EIS. These concerns have been considered in the assessment of the application.

5 Assessment

39. The Department has assessed the proposal, considering all documentation submitted by the Applicant, all issues raised in submissions and all advice provided by Government agencies.
40. The issues below are considered by the Department to be key assessment issues and are discussed in the following sections:
- built form
 - heritage
 - flooding.
41. The Department's consideration of other issues is described in **Section 5.4** and the appendices of this report.

5.1 Built form

42. Council and public submissions raised concern about the built form and scale of the proposal, the variation to the height control and the associated visual and heritage impacts.
43. The Department has undertaken a merit assessment of the proposal having regard to the site's context, the SCC, applicable planning controls and the potential impacts of the proposal. Given the significance of the nearby heritage items, the Department has assessed the proposal's potential heritage impacts separately in **Section 5.2**.
44. In response to the concerns raised during the exhibition of the original proposal, the Applicant amended the proposed building envelopes from predominantly 7-8 storeys to 2-8 storeys across the site (**Figure 7**). Other key changes included:
- reducing the height and building footprint of Building C from 7-8 storeys to 4-6 storeys to reduce visual impact on Experiment Farm
 - introducing lower scale 2-4 storey building envelopes (Buildings A1 and B1) to provide an improved interface and transition to the higher built form along the southern part of the site
 - reducing the height of Building A2 from 7-8 storeys to 4-6 storeys adjacent to Our Lady of Lebanon Co Cathedral (OLOLC) and childcare centre to the south, and provide a minimum 18 m separation to the OLOLC and childcare centre.

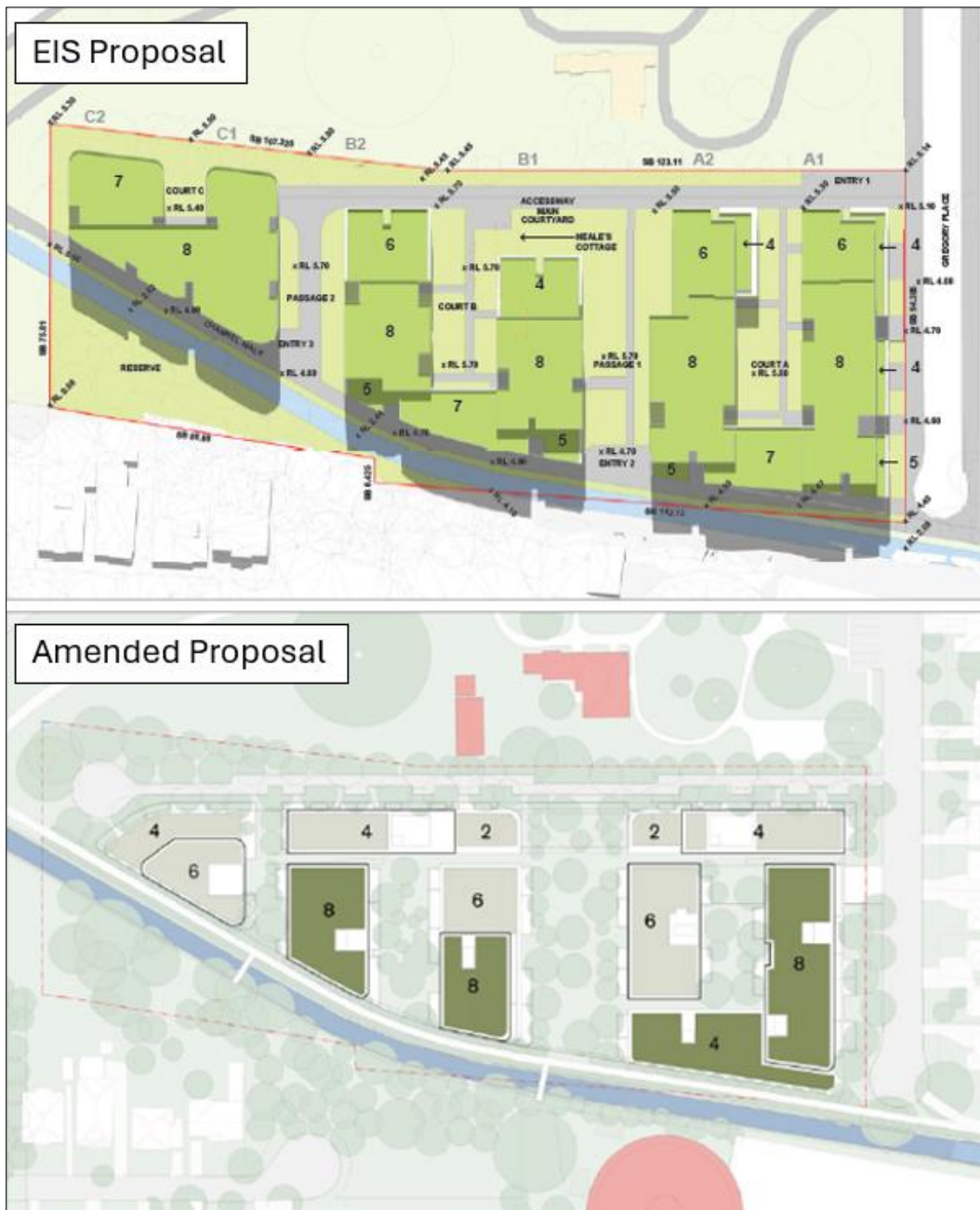


Figure 7 | EIS and amended building heights (Source: Applicant's EIS and Amendment Report)

45. The site has a maximum permissible building height of 9.2 m under *Parramatta Local Environmental Plan 2011* (PLEP 2011). The amended proposal seeks approval for seven building envelopes of varied heights from 9.11 m (2 storeys) to 29 m (8 storeys) which exceeds the maximum height control by a maximum of 19.91 m (216.4% variation) (Table 13 and Figure 8). In order to account for the flood affectation of the site and ensure resident safety, the Department has recommended a condition of consent to increase finished floor levels and the building heights by 110 mm, as discussed in Section 5.3.

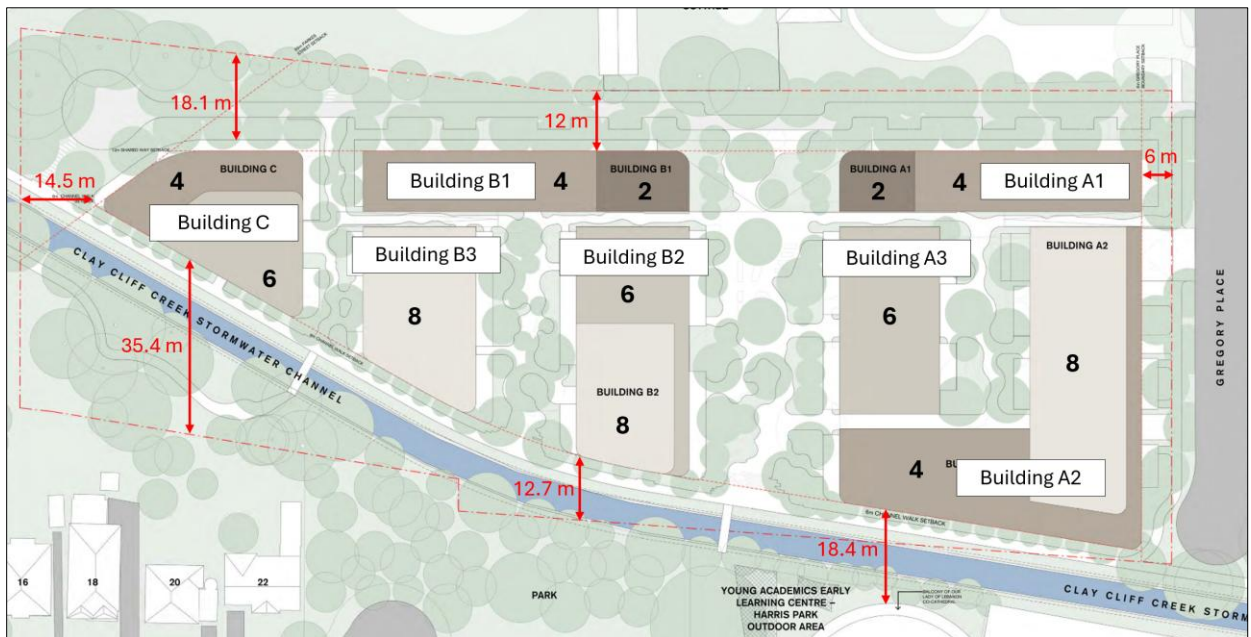


Figure 8 | Concept site layout with number of storeys and setbacks labelled (Source: Applicant's Amendment Report)

46. The Applicant submitted a clause 4.6 written request to vary the maximum permissible building heights under PLEP 2011. The Department has carefully considered the Applicant's clause 4.6 variation request in **Appendix C** and is satisfied that compliance with the height of buildings development standard is unreasonable and unnecessary and there are sufficient environmental planning grounds to justify the proposed variation.
47. The Applicant also prepared a Visual Impact Assessment (VIA) (Appendix A) that evaluates the visual impacts of the proposed building envelopes (i.e. no articulation or other design elements) from key viewpoints within surrounding streets and adjoining residential properties. Impacts have been categorised based on who would be impacted, the sensitivity of the use and the magnitude of impact. The analysis has also incorporated mature tree plantings that are representative of components of the landscaping proposed. As this has been relied upon in the VIA, conditions of consent regarding tree planting have been recommended.
48. The VIA concludes that the majority of views would be subject to a moderate or lower visual impact from the assessed viewpoints. Two views are considered to be subject to a moderate-high visual impact, including a view from the OLOLC balcony to the south and a view from Gregory Place.
49. While the proposed height variations are significant, in the absence of updated built form controls that would normally accompany such a change, the Department has undertaken a merit assessment of the site's strategic context as well as the proposed built form to determine an appropriate planning outcome for the site.

50. The Department is satisfied the proposal is consistent with the NSW Government's strategic planning and housing reforms, which seek to increase housing supply, including affordable housing, in well-located areas with access to high-frequency public transport, amenities and employment opportunities. In particular, the Department notes the proposal sits within walking distance of:
- the Parramatta CBD, which has been identified as a key growth centre and Sydney's second CBD, and provides a range of jobs opportunities, shops services and other amenities
 - Parramatta Station, the future Sydney Metro West station, the Parramatta light rail and the Parramatta bus interchange, which provides high frequency public transport access to a range of destinations.
51. The Department also notes that the proposal would provide 50% of all dwellings being provided as affordable housing for 15 years, consistent with the requirements of the SCC. This would provide a significant public benefit through the provision of much needed affordable housing, in a well-located area.
52. Further, the site already accommodates an eight-storey building and is located within an area containing other tall buildings, within the backdrop of the Parramatta CBD. In this context, building heights up to eight storeys are considered reasonable and consistent with the existing and emerging character of the area.
53. The Department is therefore satisfied the proposal aligns with Government policy and the site is strategically well located to accommodate additional height and density in an accessible location to support housing delivery.
54. The Department has also considered the merits of the amended proposal, which has sought to provide a more considered design response to its location. The Department is satisfied that the built form of the proposal is acceptable for the following reasons:
- the built form layout provides a more balanced and sensitive distribution of height and represents a significant improvement compared to the current industrial development on the site, which includes an existing 8-storey (25 m) building on the western boundary that adversely affects views from Experiment Farm Reserve, Hambledon Cottage and OLOLC (refer to Figure 9).
 - the Applicant's amended design has reduced the bulk and scale, visual impacts of the proposal and improved solar access, which include:
 - lowering northern buildings adjoining Hambledon Cottage from 4-8 storeys to 2-4 storeys
 - providing an approximate 30 m publicly accessible landscaped corridor linking Hambledon Cottage and OLOLC

- reconfiguring taller elements to ensure the childcare centre receives at least 2 hours of mid-winter solar access
- reducing Building C to 4–6 storeys and stepping it down towards the Experiment Farm curtilage to improve visual connections to Hambledon Cottage



Figure 9 | View of the site from Experiment Farm Parklands, facing south-west (Source: DPHI 2026)

- the proposed height, density and visual impacts are compatible with the existing and emerging character of the area. This is supported by the presence of existing tall buildings on the site and future mixed-use developments to the north west, including Novus on Harris (34-storey development at 39-43 Hassall Street) and Cosmopolitan Parramatta (42 and 43 storey towers at 34 Hassall Street)
- the stepped built form responds appropriately to its context by concentrating the tallest elements centrally within the site and along Gregory Place to create a defined street edge in line with Council's comments and reduce visual dominance at sensitive boundaries
- the VIA demonstrates the proposal will not have an unacceptable visual impact when viewed from key vantage points from Gregory Place and Hambledon Cottage, or from more distant perspectives, and view loss impacts will be negligible as the site and surrounding area does not benefit from any existing significant views
- the amended site layout, increased setbacks and reduced building envelope heights minimise visual impacts on adjoining heritage items and provide an appropriate transition to the site's most sensitive heritage interfaces, particularly Hambledon Cottage

- the orientation of building envelopes, future building articulation, generous building separation distances and extensive landscaping (including a 30 m central landscaped corridor, Clay Clif Creek walk and mature tree planting) provides visual relief, improves openness and softens the appearance of the taller built form
- the proposal maintains acceptable amenity for neighbouring properties in terms of visual impact, overshadowing, privacy and view sharing (refer to Section 5.4)
- the proposed built form remains subordinate to the prominent OLOLC when viewed from key public vantage points, ensuring the Co Cathedral continues to be a dominant skyline element.

55. Overall, the Department is satisfied that the site is strategically well located to accommodate additional height and density given its proximity to the Parramatta CBD and nearby public transport options. Further, the amended proposal provides a more appropriate transition in height and scale, an improved urban design outcome and would not result in any significant amenity or visual impacts.

5.2 Heritage

56. Concerns were raised by the community, Council and HNSW – Heritage Council (Heritage Council) about the potential heritage impact of the development on the surrounding State heritage listed items, being Hambledon Cottage, Experiment Farm and Elizabeth Farm (Figure 10).

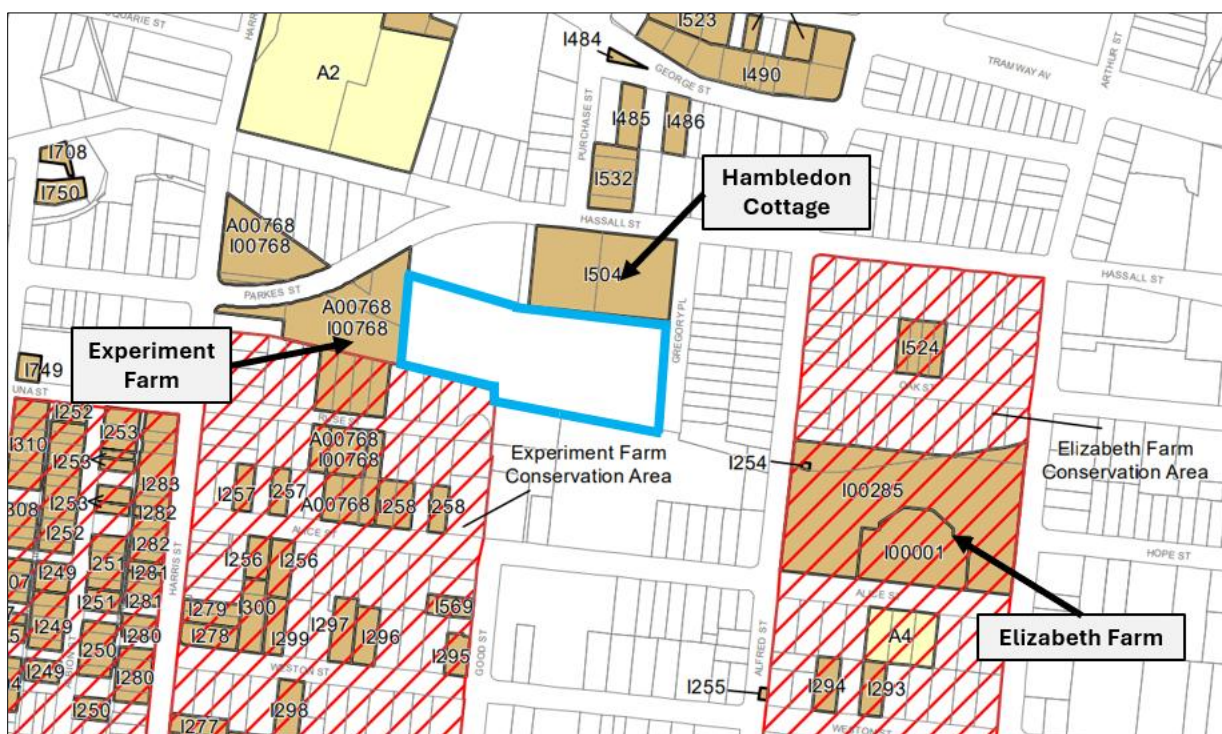


Figure 10 | Heritage map (Source: Parramatta LEP 2011)

57. The key potential impact associated with the proposal relates to the potential adverse visual impact to the setting and curtilage of the surrounding heritage items. The proposed development would not directly impact the significance of the surrounding heritage items in terms of their historic associations, physical fabric, aesthetic value or other identified heritage value.
58. As outlined earlier, the Applicant amended the original proposal in direct response to the heritage concerns identified during the EIS exhibition period.
59. The amended proposal has sought to respond to those concerns by improving the relationship of the proposal to the surrounding heritage items through greater building separation, a more considered transition in height and scale and a more recessive built form response. The Department's assessment of these changes and the potential impacts of the proposal on each heritage item is outlined below.

5.2.1 Hambledon Cottage

60. Immediately adjacent to the north of the site is Hambledon Cottage, which is identified as an item of State heritage significance. The significance of Hambledon Cottage relates to it being a 'fine and rare example of an 1820s domestic building'. The site was a component of the Elizabeth Farm estate which had a direct association with the Macarthur's, considered to be one of the most influential families in Australian History.
61. The aesthetic significance of the site is described on the State Heritage Register as:
- "Hambledon Cottage has State aesthetic significance as a fine and rare colonial era cottage, the plan configuration of which is very intact and which has retained a relatively large amount of fine early fabric. It has significance as a part of the Macarthur's Elizabeth Farm Estate and because of its setting, which contains trees planted by the Macarthur family, views and vistas to Elizabeth Farm's surviving early tree plantings, nearby Experiment Farm cottage's estate, and the Queen's Wharf precinct on Parramatta River."*
62. In response to concerns raised by public submissions, Council and the NSW Heritage Council, the amended proposal incorporates the following key design changes:
- a 30 m wide publicly accessible landscaped corridor aligned directly south of Hambledon Cottage and the adjoining Coach's Cottage
 - introducing Building A1 and Building B1, that have been designed at 2-4 storeys in height and setback 12 m from the northern boundary and the interface with Hambledon Cottage.
63. The Applicant's amended VIA assesses viewpoints in and around Hambledon Cottage (Figure 11 and Figure 14) which concludes the proposal would result in a moderate to negligible impact to Hambledon Cottage.



Figure 57 - Existing



Figure 58 - Proposed

Figure 11 | Comparative Viewpoint 6 – view from Hambledon Cottage looking south-east (Source: Applicant's Amendment Report)

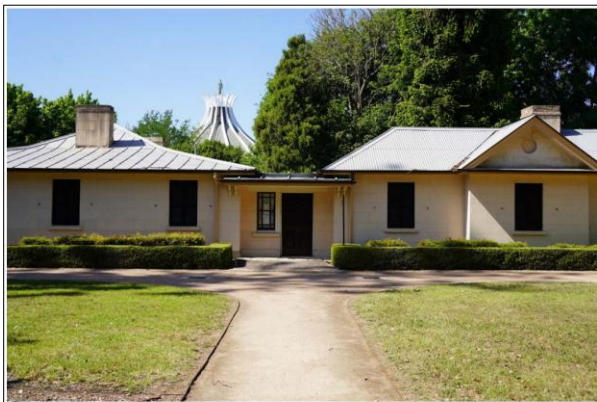


Figure 61 - Existing



Figure 62 - Proposed

Figure 12 | Comparative Viewpoint 8 – view from Hambledon Cottage looking south (Source: Applicant's Amendment Report)



Figure 63 - Existing



Figure 64 - Proposed

Figure 13 | Comparative Viewpoint 9 – view from Hambledon Cottage looking south-southwest (Source: Applicant's Amendment Report)



Figure 14 | Comparative Viewpoint 10 – view from Hambledon Cottage looking south-west (Source: Applicant’s Amendment Report)

64. The Department considers the Applicant’s revised proposal is acceptable as:
- the positioning of the 30 m landscaped corridor and 2-storey elements of Buildings A1 and B1 directly behind provides visual relief at the interface of the Cottage and the development
 - a 12 m northern setback enables greater separation and mature landscaping to screen and soften the built form from key viewpoints within the Hambledon Cottage site
 - removal of the existing large scale industrial buildings, particularly the 25 m (8 storey) brick structure, significantly improves the visual backdrop and setting of Hambledon Cottage (refer to Figure 13)
 - conditions of consent will address materiality and northern boundary fencing, with opportunities to strengthen connections between Hambledon Cottage, the landscaped corridor and the Clay Cliff Creek heritage walk.

5.2.2 Experiment Farm Cottage and Reserve

65. Immediately to the north, west and south-west of the site is Experiment Farm and Experiment Farm reserve. The Experiment Farm Cottage is located to the south-west, with existing low density residential dwellings separating the cottage from the subject site, while Experiment Farm reserve is directly to the west and north of the site.
66. The significance of Experiment Farm relates to its identification as an archetypal Australian colonial house that helped pioneer the use of the verandah. The Cottage is largely intact in terms of layout and functions of the built form and was occupied by John Harris who was the surgeon of the colony until the mid-1800’s and is considered one of the first successful agricultural sites in Australia. Experiment Farm was located directly adjacent to the former boundary of Elizabeth Farm, and both sites worked together during the 17-1800’s.
67. In response to concerns raised in public submissions, Council and the NSW Heritage Council, the amended proposal incorporates the following key design changes to Building C:

- the height of Building C was reduced from 7-8 storeys to 4-6 storeys,
- the building footprint of Building C was significantly reduced
- the western setback of Building C was increased to allow for an approximately 18 m setback to the northern boundary, and a 14 m setback to the western boundary of the site (refer to Figure 8).

68. The Applicant's amended VIA assesses viewpoints in and around Experiment Farm (Figure 15 and Figure 18) and these views have been assessed to result in moderate impact to low impact to Experiment Farm.



Figure 47 - Existing



Figure 48 - Proposed

Figure 15 | Comparative View 1 - view from Experiment Farm looking north-east (Source: Applicant's Amendment Report) - low



Figure 53 - Existing



Figure 54 - Proposed

Figure 16 | Comparative View 4 - view from Experiment Farm Reserve looking south-east (Source: Applicant's Amendment Report) - moderate



Figure 55 - Existing



Figure 56 - Proposed

Figure 17 | Comparative View 5 - view from Experiment Farm Reserve looking east (Source: Applicant's Amendment Report) - moderate



Figure 75 - Existing



Figure 76 - Proposed

Figure 18 | Comparative View 15 - view from Experiment Farm Reserve looking east (Source: Applicant's Amendment Report) - moderate

69. The Department considers the Applicant's revised proposal is acceptable as:
- the reduced building footprint and height, combined with the increased setback from 5 m to 12-18 m to the northern boundary and 6 m to 14 m to the western boundary, significantly reduces potential visual impacts on Experiment Farm Cottage and Reserve and enhances the visual connection between Experiment Farm and Hambledon Cottage (Figure 8)
 - the increased setbacks enable additional mature tree planting and landscaping, further screening the built form from key viewpoints
 - the visual impact—particularly in Comparative Views 4 and 15—are considered minor, noting that the existing 25-metre brick industrial building proposed for demolition currently contributes substantially to visual obstruction
 - the future detailed DA will refine building articulation and materiality to soften the built form and further reduce potential visual impacts on the heritage item.

5.2.3 Elizabeth Farm

70. Elizabeth Farm is located approximately 130 m to the east of the site and is connected to the site through a pedestrian crossing over Alfred Street and the Clay Cliff Creek Heritage Walk from Alfred Street to Gregroy Place.
71. The heritage significance of Hambledon Cottage and Experiment Farm is connected to the original Elizabeth Farm that occupied a larger portion of land that included Hambledon Cottage and adjoined Experiment Farm. The site is currently 1 hectare in size and comprises a garden, single storey 18th century English vernacular cottage which comprises three connected buildings. The physical heritage significance of the site comprises the dwelling, the gardens and the entire curtilage of the site, and is representative of Australian building methods in the late 18th and 19th centuries.
72. Public submissions raised concern with the potential adverse visual impact from the proposal on Elizabeth Farm.
73. While it is considered that the site is sufficiently separated and visual obscured from Elizabeth Farm so as to not adversely impact the heritage significance, the Applicant's VIA included two specific viewpoints related to Elizabeth Farm.
74. View Corridor 9 (Figure 19) was taken from adjacent to the Elizabeth Farm cottage looking north-west, towards the site. The view demonstrates that with the existing mature trees, considered as part of the heritage significance of the site, the site and any future built form would not be visible and would not adversely impact the heritage significance of the site.



Figure 19 | View Corridor 9 – view from Elizabeth Farm, looking north-west (Source: Applicant's Amendment Report)

75. Viewpoint 16 (Figure 20), provides a comparative view from the north-western corner of the Elizabeth Farm curtilage. The view demonstrates that the proposal would be visible against the backdrop of an adjoining building.



Figure 20 | Comparative View 16 - view from north-western corner of Elizabeth Farm, looking north-west (Source: Applicant's Amendment Report)

76. The Department considers the impact on Elizabeth Farm acceptable as:
- the proposed development is sufficiently separated from Elizabeth Farm Cottage by over 250 m and would be largely screened by existing and proposed tree planting
 - the proposal would have negligible visual impact, with this aspect already disrupted by the existing 4-storey Our Lady of Mercy aged-care facility at 128A Alfred Street, Harris Park
 - incorporation of the Clay Cliff Creek Heritage Walk will restore an appropriate physical and interpretive connection between the site and Elizabeth Farm, compensating for the loss of any former visual relationship.
77. While the Department acknowledges that the proposed development would be visible from Elizabeth Farm Cottage from certain viewpoints, the visual impacts are considered to be negligible. The Department is satisfied the amended building envelopes have appropriately minimised the potential visual impacts to an acceptable level.

5.2.4 NSW Heritage Council Approvals Committee

78. The amended proposal was presented to the Heritage Council of NSW on 30 September 2025. The Heritage Council Approvals Committee (the Committee) Resolution 2025-43, advised:
- the revised scheme has responded to a number of concerns previously raised by the Committee in terms of impacts on context, setting and visual connection between adjoining heritage items
 - the Committee supports:

- the proposed 30 m wide public landscaped corridor as it provides a visual link between Hambledon Cottage and OLOLC
 - the reduction in Building C's footprint and height from 7-8 storeys to 4-6 storeys as it provides additional parkland to Experiment Farm and improves view lines
 - the proposed maximum 2-storey height in the immediate vicinity of Hambledon Cottage
 - future detailed DAs are to continue the consideration of design excellence and connection to country and ensure the visual mass, particularly on the northern elevation, is sufficiently modulated and articulated.
79. As expressed through the resolution, the Heritage Council noted the substantial improvements of the development in relation to proposed design responses to reduce impact on the surrounding heritage items. The Heritage Council also recommended conditions of consent relating to a Heritage Interpretation Plan, boundary fencing design, and preparation of an Archaeological Work Method during construction.
80. The Department has recommended the above to be incorporated as conditions of consent to be addressed within future detailed DAs.

5.2.5 National Heritage Nomination

81. The surrounding items of State heritage significance were nominated in the 'Priority Assessment List' for the 2024-2025 National Heritage List. The items being grouped as 'Elizabeth Farm, Experiment Farm and Hambledon Cottage (NSW)'. The nominated area is identified in Figure 21.
82. The summary of the reasons for inclusion is as follows:
- "Well-articulated nomination providing a strong basis for further assessment due to claims of being the first European Land Grant and association with Macarthur and early European farming. Further work is required on determining First Nations interest, including their history and connection to the place pre and during colonial settlement. Shared history would be an important inclusion."*
83. The Commonwealth Department of Climate Change, Energy, the Environment and Water - Heritage Division has a statutory requirement to complete the assessment of this priority list item by 30 June 2029, noting that the assessment may be completed earlier.
84. The Applicant's Statement of Heritage Impact (SOHI) notes that while the statement of significance for the sites identifies long scale views between the three heritage items, the current conditions of the site and its surrounds limit the visual connection between these sites, and the curtilage in general. This is largely due to the existing tall historic trees within Hambledon

Cottage, western portion of Elizabeth Farm and the escarpment on the north-eastern portion of Experiment Farm, as well as existing built form between Experiment Farm and Elizabeth Farm.

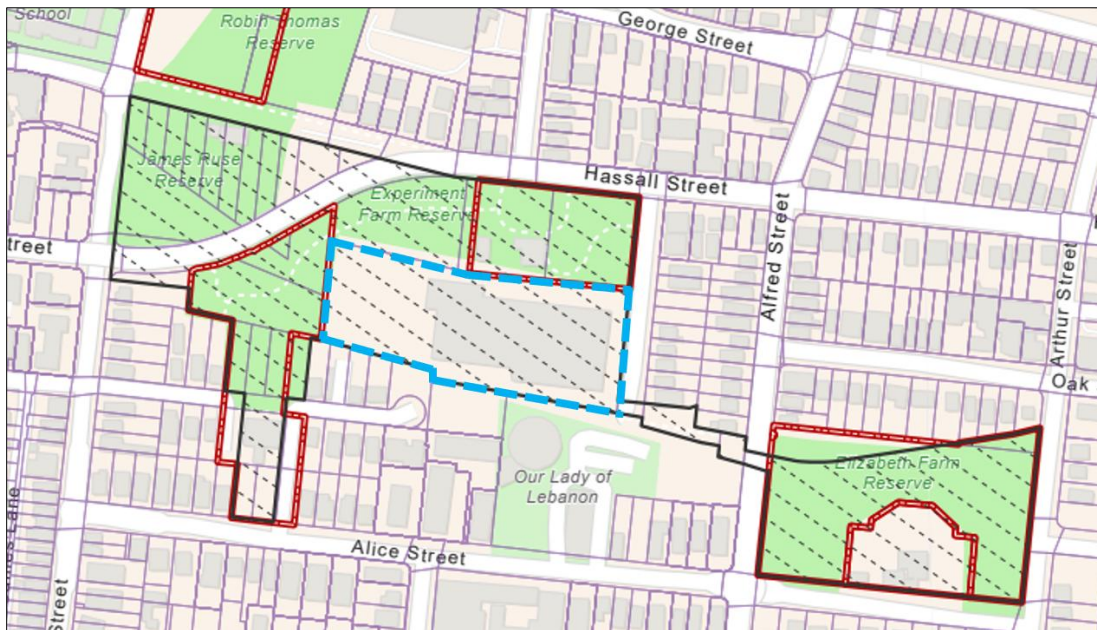


Figure 21 | Nominated National Heritage Item shown in black, existing State heritage items shown in red and the subject site shown in blue (Source: Commonwealth DCCEEW)

85. While the Department acknowledges the National Heritage nomination and the significance of the heritage items, the Department is satisfied that the amended proposal has improved the relationship of the proposal to the heritage items through greater separation, a more considered transition in height and scale and a more recessive built form response.
86. Further, the replacement of the existing industrial buildings with a well-resolved proposal is considered to represent an improved heritage and urban design outcome for the site. The Department also notes the Heritage Council Approvals Committee supported the amendments made to the proposal.

For these reasons, the Department is satisfied the revised proposal is acceptable and would not result in any unreasonable impacts on the setting and curtilage of nearby heritage items. The Department has also recommended a range of conditions relating to heritage, including the preparation of a Heritage Interpretation Plan (HIP), consultation with authorities responsible for neighbouring heritage items during the detailed design stage regarding fencing, materiality and mitigation measures to improve visual impact, and an Archaeological Work Method Statement to cover any findings during construction.

5.3 Flooding

87. The site is mapped as flood prone land that is subject to riverine flooding from Parramatta River to the north, and local flooding from Clay Cliff Creek immediately to the south and partially within

the site (refer to Figure 22). The site is affected by the 1% Annual Exceedance Probability (AEP) event and Probable Maximum Flood (PMF) event for both local and riverine flooding.



Figure 22 | Location of Clay Cliff Creek and Parramatta River and locations of the modelled flood levels by Rhelm (Source: Nearmap 2026)

5.3.1 Application history

88. At the time the SSD application was originally lodged in June 2022, Council had not completed the Parramatta River Flood Study 2024 (PRFS). As the PRFS was not available in draft or final form, the Applicant's flood consultant developed their own flood model for the development.
89. The Applicant's Amendment Report was supported by an updated flood assessment, which assessed the impacts of the development on flooding from Clay Cliff Creek only. An assessment of riverine flooding from Parramatta River was not presented in the Applicant's updated flood assessment as the Applicant contends the site would not be inundated by the Parramatta River in a 1% AEP event.
90. Council, DCCEEW CPHR and NSW SES raised the following concerns in relation to flooding, based on the Amendment Report:
 - the Applicant's flood assessment understates the extent of flooding (including overestimating the capacity of Clay Cliff Creek) and the impact of flooding compared to Council's adopted 2024 PRFS flood levels which shows significant flooding across the site

in a 1% AEP and PMF event, with H6 flood hazard level across the site, and does not consider any PMF riverine flooding from Parramatta River

- the submitted modelling does not adequately consider climate change national rainfall intensity standards
- the information provided has not adequately assessed offsite flood impacts for adjoining properties, building structural stability or basement entry design
- the development should not intensify residential yield below the flood planning level (FPL) and that shelter-in-place (SIP) may not be appropriate
- the proposal does not meet the requirements of clause 5.21 of PLEP as Council considers there is significant flood inundation and high hazard conditions at the site
- DCCEEW CPHR noted that there may be duplicated sub catchment errors in the PRFS, which may result in inaccurate flood levels.

91. To thoroughly consider the concerns raised by the community, Government agencies and Council, the Department engaged independent flood engineers, Rhelm, to undertake independent flood modelling and review the Applicant's flood assessment including the FPL for the proposal, flood risks and impacts, mitigation measures and consistency with relevant planning controls (the Rhelm Advice) (**Appendix D**).
92. The Rhelm Advice determined the FPLs for the proposal to be between those calculated in the Applicant's FIRA and the PRFS. The Rhelm Advice also identified issues with the Applicant's FIRA modelling, noting that the Applicant's FIRA did not undertake any riverine flood modelling. The primary issues identified related to duplication of inflows as well as calibration and scaling inconsistencies that resulted in the Applicant's model under estimating flood levels.
93. The Rhelm Advice concluded that the Applicant's model should not be relied upon. Instead, it recommended using the PRFS as the base model as it had been through a more comprehensive model calibration and validation procedure. However, Rhelm also identified the need for further refinements to the PRFS through targeted flood model enhancements and climate change modelling to determine a more site-specific flood model for the site (refer to **Appendix D** for more detail on this analysis).
94. As such, the Department is satisfied that utilising the flood modelling and associated flood planning levels determined by the Rhelm Advice is appropriate in this instance. The following assessment of flooding is based on the Rhelm Advice.

5.3.2 Flood impacts

95. As noted above, the site is subject to riverine flooding and local flooding in both the 1% AEP and PMF events. The Rhelm flood modelling identified the following flood impacts:

Clay Cliff Creek (local)

96. The site is subject to the following pre-development local flooding on the western side of the site (location P01, Figure 22):
- during a 1% AEP event, flood levels peak at 5.32 m AHD
 - during a PMF event, flood levels peak at 6.46 m AHD.
97. The site is subject to the following post-development local flooding on the western side of the site (location P01, Figure 22):
- during a 1% AEP event, flood levels peak at 5.34 m AHD
 - during a PMF event:
 - flood levels peak at 6.45 m AHD
 - flood hazard levels varying from H3 – unsafe for vehicles, children and elderly to H5 – unsafe for vehicles and people and all buildings vulnerable to structural damage, some less robust building types vulnerable to failure.

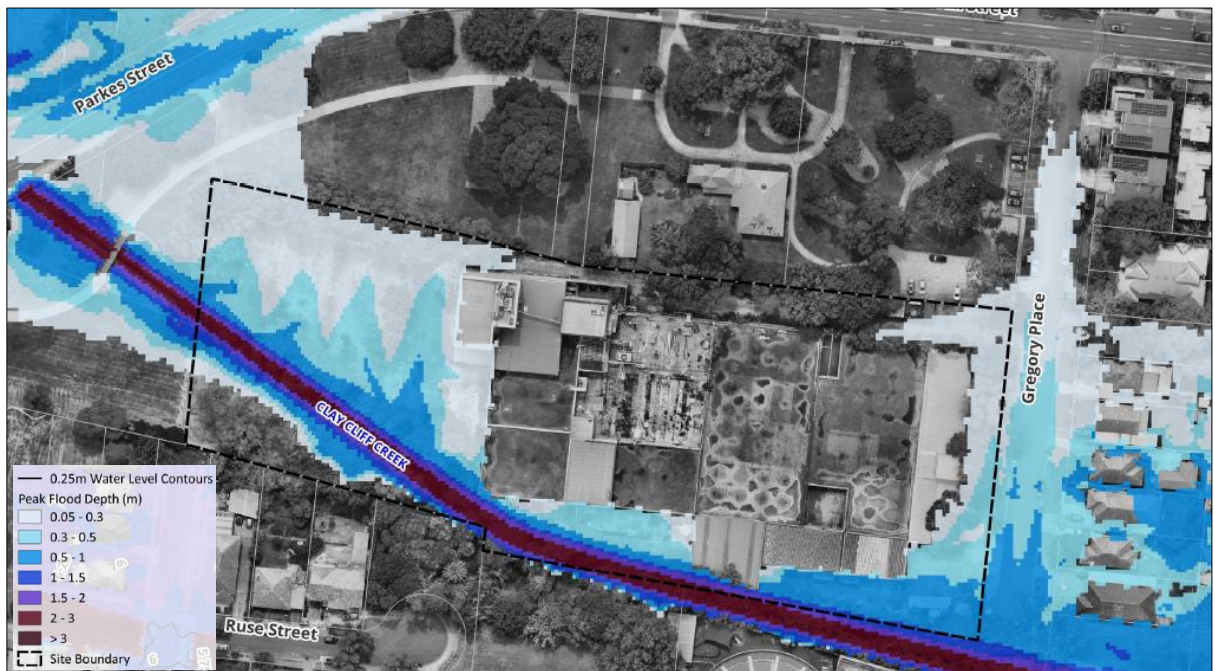


Figure 23 | Pre-development 1% AEP local flood depth (Source: Rhelm)

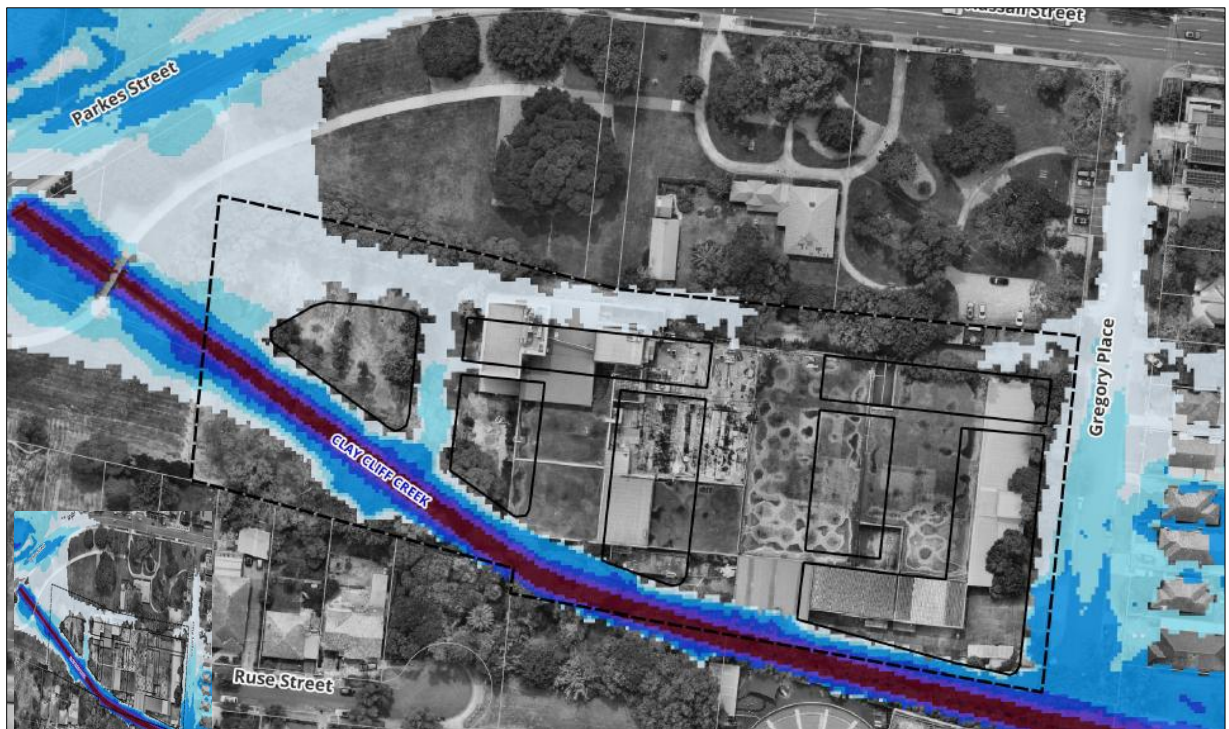


Figure 24 | Post-development 1% AEP local flood depth (Source: Rhelm)

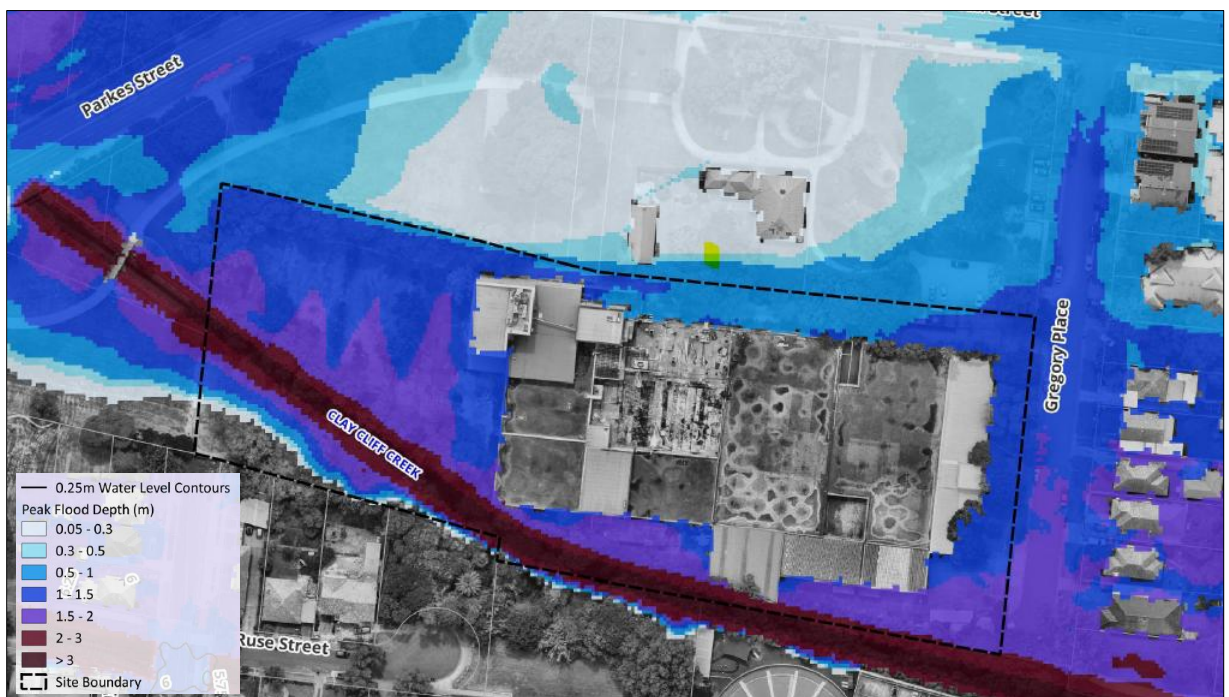


Figure 25 | Pre-development PMF local flood depth (Source: Rhelm)

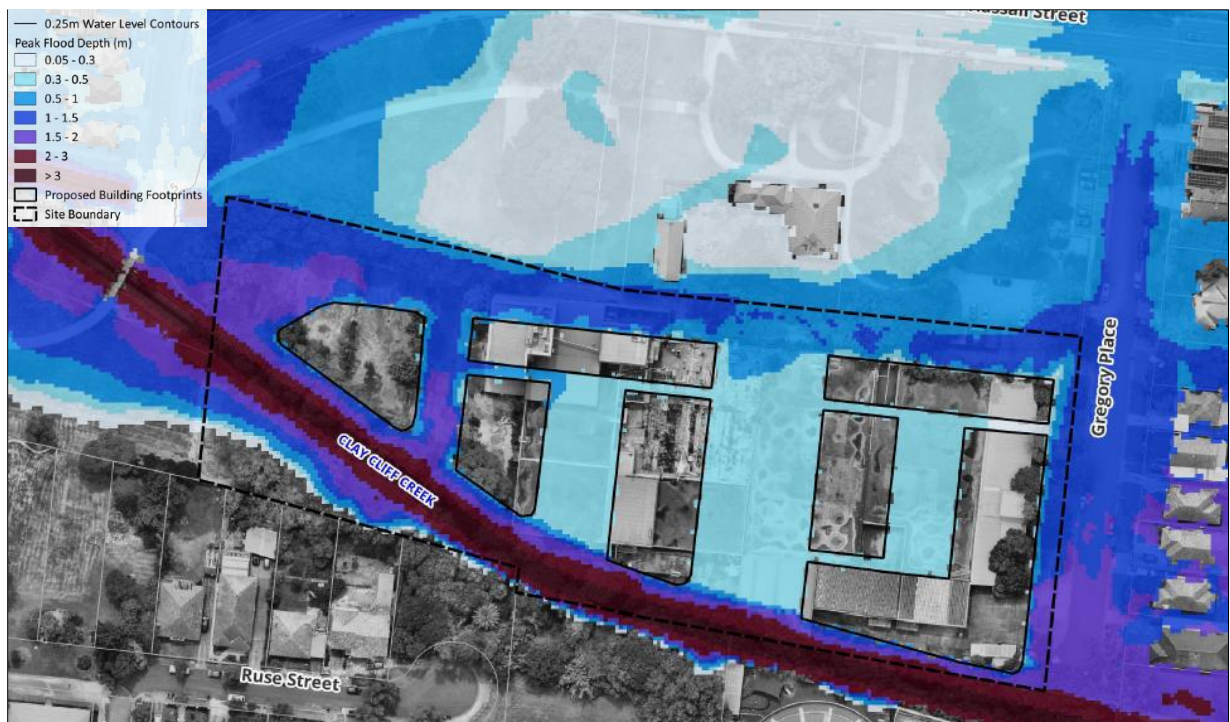


Figure 26 | Post-development PMF local flood depth (Source: Rhelm)

Parramatta River (riverine)

98. The site is subject to the following pre-development riverine flooding:

- during a 1% AEP event, flood levels peak at 5.49 m AHD at the western side of the site (P01)
- during a PMF event, flood levels peak at 9.42 m AHD at the south of the site (P02)

99. The site is subject to the following post-development riverine flooding:

- during a 1% AEP event, flood levels peak at 5.49 m AHD at the western side of the site (P01)
- during a PMF event:
 - flood levels peak at 9.34 m AHD at the western side of the site (P01). It is noted this is a slight reduction in PMF flood levels compared to those in the pre-development scenario as the site is entirely inundated during a PMF event and the location of Building C, compared to the existing built form on the site, results in reduction in flood waters being conveyed along Clay Cliff Creek
 - due to the proposed site regrading and onsite drainage works
 - a flood hazard level of predominately H6 hazard classification – unsafe for vehicles and people, and all building types are considered vulnerable to failure across the site
 - low flood water velocities ranging from 0.01 to 2 m/s

- the site is isolated for over 12 hours.

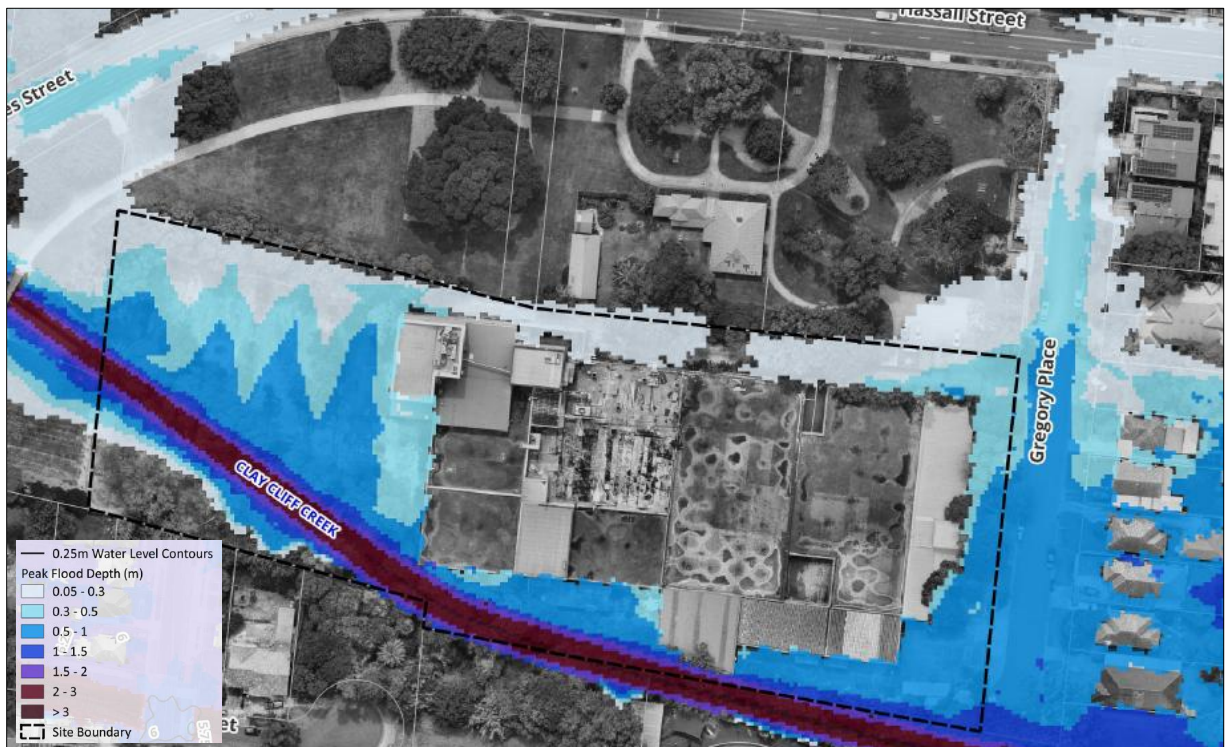


Figure 27 | Pre-development 1% AEP riverine flood depth (Source: Rhelm)



Figure 28 | Post-development 1% AEP riverine flood depth (Source: Rhelm)



Figure 29 | Pre-development PMF riverine flood depth (Source: Rhelm)

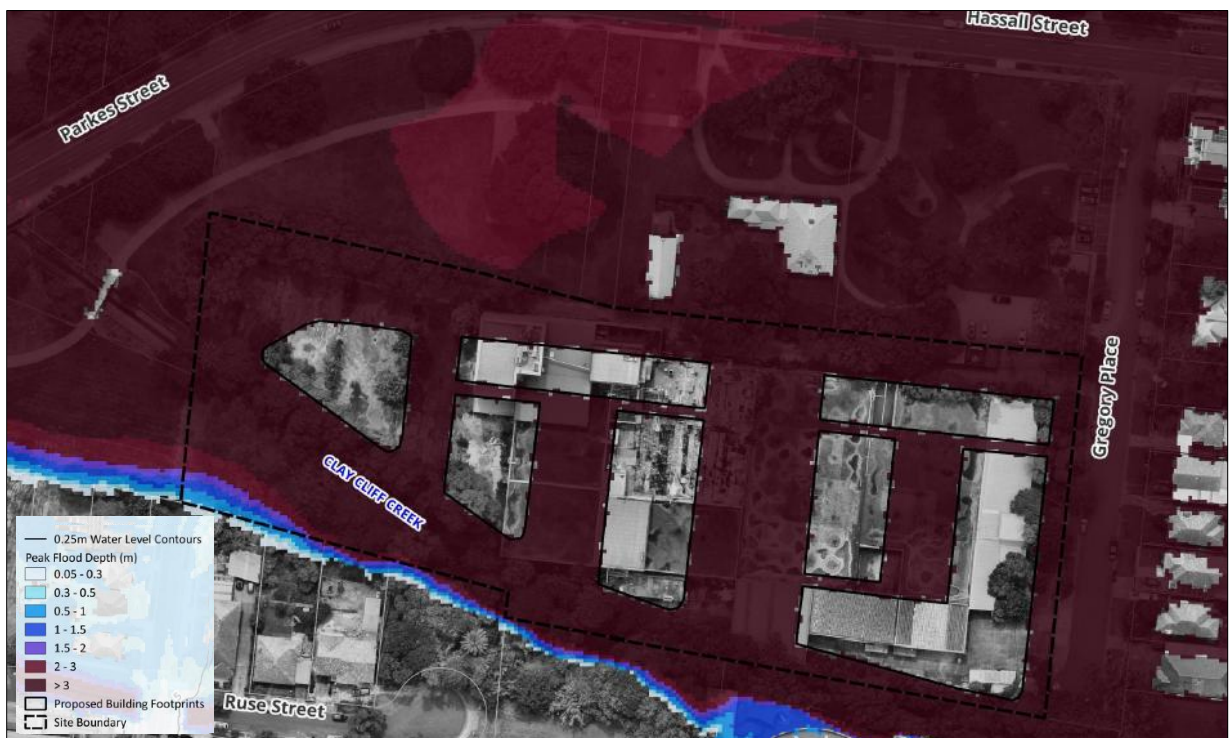


Figure 30 | Post-development PMF riverine flood depth (Source: Rhelm)

Post-development offsite impacts

100. The Rhelm Advice identified the following off-site catchment impacts under post-development conditions:

- during local flood events, changes in offsite impacts are generally less than 20 mm, with minor localised flooding outside of the western and northern site boundaries up to 40-60 mm.
- during a riverine 1% AEP event, changes in offsite peak flood levels are less than 20 mm to the north-west of the site within the Experiment Farm parklands
- during a riverine PMF event, changes in offsite peak flood levels are less than 80 mm to the north-west of the site within the Experiment Farm parklands. It is also demonstrated that off-site impacts are reduced to the north during a PMF event.

5.3.3 Policy framework

101. Clause 5.21 of the PLEP 2011 outlines matters that must be considered and that the consent authority must be satisfied of prior to granting consent to development on flood prone land. This includes:

- compatibility with the flood behaviours on the land
- demonstrating no adverse flooding affectation impacts on neighbouring land or the environment
- safe occupation, evacuation and appropriate mitigation measures to manage risk to life.

102. Although development control plans (DCPs) do not apply to State significant development, the Department notes Council's DCP 2011 includes flood design and operational guidelines for development of flood liable land that is specific to the area, as well as guidance in the PRFS. Key guidelines include:

- the FPL is to be the higher of the 1% AEP riverine flood level or the 1% AEP overland flow flood level, plus a minimum 500 mm freeboard safety factor. The adopted 1% AEP flood level reflects the highest flood level predicted across a range of modelled scenarios, including future climate change conditions to 2150 ('1% AEP in 2150')
- basement parking within flood prone land must demonstrate:
 - effective flood proofing against all floods up to the PMF, likely requiring self-triggering and self-powered flood gates
 - passive protection against the ingress of water at least up to the FPL, likely requiring a driveway crest at or above the FPL
 - a flood free evacuation path from the basement and ground floor to a safe refuge above the PMF
- Shelter-in-place (SIP) requirements, including;

- refuge areas above the PMF to be maintained in perpetuity
 - refuge areas that are designed for a refuge stay of a minimum of 72 hours
 - failsafe access to the refuge area from anywhere in the building, with an entry/exit point located above the FPL.
103. The Department also notes that the site is identified under Council's DCP as a partially medium flood risk precinct (north and east) and high flood risk precinct; with only future Building C, B3 and the southern-most elements of Building B2 and A2 that front Clay Cliff Creek identified in a high risk area. Council's DCP states that residential development is not suitable for land identified within a high flood risk precinct.
104. In addition to Council's policies, flood risk assessment is supported by broader State Government policy frameworks, including the:
- *NSW Flood Risk Management Manual*, which provides a holistic framework for managing flood-prone land, supporting risk-informed land use planning, development controls, and emergency response strategies
 - *NSW Shelter-in-Place Guideline for Flash Flooding*, which helps assess when it's safe for people to remain on-site during flash floods
 - NSW Planning Circular PS 24-001 Update on addressing flood risk in planning decisions which enforces a risk-based approach to flood assessment in land use planning and development decisions, ensuring that proposals are evaluated proportionately to their flood risk to support safer, more resilient communities.

5.3.4 Flood response

Physical mitigation measures

105. The Rhelm Advice modelled higher flood levels at the site for both 1% AEP events and PMF events than the Applicant. In line with the PRFS requirements for FPLs, the Rhelm Advice determined a FPL of 6.11 m AHD for the site based on the identified 1% AEP in 2150 riverine flood event, plus 500 mm freeboard.
106. Similarly, in accordance with Council's DCP, the proposed basement driveway crest on the site's eastern Gregory Place frontage is required to be raised to the FPL (from the proposed 5.1 m AHD to 6.06 m AHD) at location P04 (see **Figure 22**) to provide passive protection from 1% AEP flood events. In addition, the basement driveway will be required to be fitted with flood proofing against all events up to the PMF.
107. The Department has recommended conditions of consent requiring the detailed design of future development on the site to demonstrate:

- the FPL of the ground floor to be set at 6.11 m AHD, based on the highest 1% AEP in 2150 riverine event levels at the site + 500 mm freeboard
- for the basement:
 - the crest to be set at 6.06 m AHD, based on the 1% AEP in 2150 riverine event levels at the proposed driveway location + 500 mm freeboard,
 - to be protected from riverine PMF flood waters by a flood barrier to a level of 10 m AHD, which is slightly higher than the PMF level + 500 mm but accounts for any water velocity impacts and ensures complete protection against basement inundation.

Shelter-in-place

108. The Applicant's FIRA was supported by a FERP that specified a SIP emergency response plan that would be achieved through:
- a refuge area on level 1 of each building above a height of 10 m AHD, above the modelled riverine PMF flood level, requiring adequate bathroom facilities and emergency supplies (not indicated on any indicative floor plans)
 - recommendation to ensure the provision of an emergency electricity and water supply to cater for 7 hours of isolation
 - flood alarms and details of responsibilities of building managers and residents to communicate flood warnings.
109. The Department and the Rhelm Advice agree with using SIP as the primary evacuation procedure during flood events, following the investigation of all potential flood evacuation options, including options for elevated evacuation bridges over Clay Cliff Creek offsite to southern properties given the higher ground RLs to the south. It is also noted that the Rhelm Advice determined the site would be isolated for longer than 12 hours, but less than 72 as advised by Council's DCP.
110. The Department acknowledges that the development and the flood behaviour at the site is not entirely consistent with the NSW *Shelter-in-Place Guideline for Flash Flooding*, in regard to consideration of offsite evacuation, duration of flash flooding and time of isolation and the site being subject to high hazard flooding.
111. However, the Department agrees with the Rhelm advice that the use of SIP is acceptable in this instance, as:
- the proposed emergency response strategy does not conflict with any emergency strategies for the area, and ensures that NSW SES are the primary advice and warning provider in flood events

- based on the current information available, off-site evacuation is not achievable before or during a PMF event
- flash flooding is the primary flood risk at the site, both from local and riverine flooding
- flood inundation will occur in less than 6 hours in a Parramatta riverine PMF flood event
- the site and surrounding road network will experience high hazard flooding, however, will be of a low velocity
- the following conditions of consent will be imposed to be addressed in the submission of the detailed design DA:
 - the provision of a refuge area within each building that:
 - has a minimum FFL of 10 m AHD
 - provides for a minimum of 2 m² gross floor area (GFA) per bedroom below a FFL of less than 10 m AHD. It is noted that the SIP Guidelines recommends 2 m² per person which the Department considers appropriate to be applied per bedroom. The 10 m AHD FFL is based on the Applicant's FERP recommendations and indicative Level 1 FFL. This FFL is a minimum of 600 mm above the identified PMF level (9.34m AHD) and ensures passive protection of residents during a PMF event
 - has an emergency supply of electricity and water that will not be impacted by flood waters for the duration of refuge
 - has heating and cooling, bathroom facilities, emergency food supply, first aid and an automated external defibrillator (AED) to cater for 72 hours of isolation
 - detailed exploration and investigation of any off-site evacuation opportunities above the PMF and a determination that no other evacuation options would be achievable
 - the preparation of a revised FERP that reflects the amendments to the design and ensures all aspects of the *NSW Shelter-in-Place Guideline for Flash Flooding* have been addressed.

Department's conclusion

112. The Department has carefully considered the Rhelm Advice, Council's flood study and flood design requirements, and acknowledges the concerns raised by Council, Government agencies, and the community.

113. The Department acknowledges that the site is subject to existing flood constraints, particularly during the 1% AEP and PMF flood events. However, the Department is satisfied that the flooding impacts can be appropriately mitigated by proposed physical mitigation measures and flood emergency response is appropriate as:
- subject to conditions of consent, the proposal is capable of complying with the revised flood planning level determined by the Rhelm Advice and is consistent with the flood planning requirements of Council's DCP
 - the development generally results in minimal offsite impacts, with any impacts larger than 20 mm restricted to the existing state heritage listed Experiment Farm parklands which is unlikely to be subject to future development and Hambledon Cottage, of which the maximum impact around the cottage itself remains at or below 20 mm
 - subject to conditions of consent, the basement driveway crest will be raised to the identified flood planning level at the driveway location, with flood proofing required up to the riverine PMF level
 - subject to conditions of consent, the development will have the required areas of refuge above the PMF level, equipped with all requirements as outlined in the NSW *Shelter-in-Place Guideline for Flash Flooding* and will be certified to be structurally stable during a PMF event
 - the development, while inconsistent with some of the recommended conditions of the NSW *Shelter-in-Place Guideline for Flash Flooding*, is able to meet the recommended procedures and mitigation measures, subject to conditions of consent
 - despite part of the site being identified as being high risk flood precinct, the development provides for appropriate mitigation measures that would reduce the risk to life for future residents.
114. The Department is satisfied that, subject to detailed design and further investigation, the site is able to accommodate the proposed residential development.

5.4 Other issues

115. The Department's consideration of other issues is summarised in **Table 6** below.

Table 6 | Assessment of other issues

Issue	Findings and conclusions	Recommended conditions
Density	The development proposes a maximum GFA of 31,073 m², comprising: • 30.933 m² residential GFA • 140 m² retail GFA The site is not subject to a maximum FSR control under PLEP 2011 or the Housing SEPP. No submissions raised specific concern with the proposed density, other built form concerns are addressed in Section 5.1. The Department recommends a condition of consent ensuring the maximum GFA proposed is not exceeded in the future detailed DAs to ensure consistency with the built form envelopes proposed. The Department considers the proposed density is acceptable as: • the proposed building envelopes respond to surrounding land uses and step the built form down to sensitive interfaces and provide visual relief where appropriate • the proposal is consistent with the site's location in a strategic growth precinct with good access to public transport and services • the visual and amenity impacts of the proposal are considered acceptable for an urban renewal project of this scale as discussed in Section 5.1 • the proposal would not result in any significant traffic or car parking impacts, subject to conditions.	The Department recommends a condition of consent restricting the maximum GFA.
Parking	Public submissions raised concern about inadequate parking provided to service the development. The Housing SEPP includes a non-discretionary development standard (NDDS) that establishes a minimum parking rate of 0.2	No conditions recommended.

Issue	Findings and conclusions	Recommended conditions
	parking spaces per BTR unit, which equates to a minimum requirement of 64 spaces for the BTR component. While Development Control Plans (DCPs) do not apply to SSD applications, the Parramatta Development Control Plan 2011 (PDCP) provides minimum parking rates for retail and residential visitors, of a minimum of five car parking spaces for the retail component and 82 for residential visitor parking. Based on the indicative reference scheme, the development proposes 367 parking spaces comprising: • 272 residential parking spaces • 82 residential visitor parking spaces • 5 retail parking spaces • 8 at-grade short-stay parking spaces. The Department notes that based on the indicative reference scheme, the proposal is capable of complying with parking requirements under the Housing SEPP and PDCP. The Department considers that the parking provided is therefore adequate to service the development.	
Traffic generation	Public submissions raised concern about the potential for increased traffic congestion in the local area. It is noted that Council and TfNSW raised no concerns regarding traffic generation. The Applicant's amended Traffic Impact Assessment (TIA) concluded that the development is expected to generate a total of 61 and 48 vehicle trips per hour in the AM and PM peak periods. Based on traffic surveys, and the estimated traffic generated by the proposal, the Level of Service (LoS) for surrounding intersections is expected to remain the same except the Hassall Street/Gregory Place intersection. The SIDRA analysis indicates for vehicles turning right at this intersection (from Gregory Place to Hassall Street) currently operates at LoS E and D in the AM and PM periods, respectively. The traffic generated by the proposal is expected to reduce the	Condition recommended to provide a median island on Hassall Street to restrict vehicle movements at the Hassall Street / Gregory Place intersection.

Issue	Findings and conclusions	Recommended conditions
	performance of the intersection to LoS F and E in the AM and PM peak periods respectively. Council's recommended conditions included providing a median island in Hassall Street to restrict vehicle movements at the Hassall Street / Gregory Place intersection to left in, left out only, at the cost of the Applicant. The Department has recommended a condition of consent be imposed to require the construction of a median island on Hassall Street. Overall, the Department is satisfied the proposal is acceptable as: • the construction of a median island will improve safety and ensure vehicle movements on Hassall Street are not congested by vehicles turning right into Gregory Place • the left turn from Gregory Place to Hassall Street remains at a LoS A • the site is in a highly accessible local with multiple modal options available to residents • the traffic generation data is based on a residential flat building and does not account for the development being used for BTR and affordable housing, which may result in more residents using public transport. The Department therefore concludes that the traffic impacts of the proposal are unlikely to have significant impacts on the local road network, subject to conditions.	
Landscaping and open space	The development provides a total landscaped area of 12,491.2m², comprising: • publicly accessible open space area, comprising: – 30 m wide landscaped corridor in the centre of the site – 6 m wide Clay Cliff Creek walk • communal open space area equal to 18.4% of the site • deep soil areas covering 13.9% of the site. The Department considers that the development provides an adequate mix of private and public landscaped areas that	The Department recommends conditions requiring an easement for 24-hour public access to the 6 m Clay Cliff Creek Walk and the 30 m landscaped corridor.

Issue	Findings and conclusions	Recommended conditions
	provide for social connection between future residents and the surrounding community. The landscaped corridor and Clay Cliff Creek Walk provide physical and visual connections to the surrounding heritage items. A condition is recommended requiring an easement for 24-hour public access will be provided over the landscaped corridor and the 6 m wide Clay Cliff Creek walk. Overall, the Department is satisfied the proposed landscaped areas will provide adequate landscaping and tree planting that will be further considered in future detailed DA.	
Tree removal/ replacement	The existing site comprises 223 existing trees and proposes to remove 180 trees based on the indicative concept plans. The Arboricultural Impact Assessment (AIA) notes that a large number of tree species proposed for removal are considered weeds. While it is acknowledged the proposal results in a significant amount of tree removal to facilitate the future development, the proposal provides indicative landscape plans that indicate significant mature tree planting throughout the site. As referenced in Section 5.1 and 5.2, a condition has been recommended regarding tree planting that was relied upon in the Applicant's VIA. Additionally, a condition of consent has been imposed requiring replacement planting at a ratio of 2:1, which would equate to 446 trees on the site post construction. The Department considers the proposed tree removal acceptable as the majority of trees are weed species and the indicative scheme notes that the site will incorporate 64% of the site area as landscaped area.	The Department recommends conditions requiring replacement tree planting at a minimum of a 2:1 ratio, and the inclusion of trees of a minimum pot size of 200L.
Overshadowing	Public submissions and Council raised concern with the exhibited proposal's overshadowing of the OLOLC childcare centre immediately to the south of the site. The EIS design resulted in the childcare centre not receiving solar access to 30% of the outdoor play area for a minimum of 2 hours between 8 am and 4 pm on 21 June, resulting in the childcare centre being inconsistent with the <i>Childcare Planning Guideline</i>.	No conditions recommended.

Issue	Findings and conclusions	Recommended conditions
	Based on a 75-child centre and the existing 579.42 m² outdoor play area, at least 173 m² of outdoor space is to receive a minimum of 2 hours of solar access. The revised design in the amended DA exceeds this minimum requirement and ensures the centre receives adequate solar access between 10am and 2pm. The site is also subject to clause 7.5 of PLEP 2011 which specifies that no additional shadow can impact Experiment Farm between 10 am and 2 pm on 21 June. The shadow diagrams provided demonstrate that Experiment Farm is not impacted by overshadowing from the development between 10 am and 2 pm on 21 June. The Department considers that the overshadowing produced by the building envelopes acceptable, noting that overshadowing impacts will be considered again at the detailed DA stage.	
Visual Privacy	Public submission raised concern with the potential privacy and overlooking concerns from the development to the OLOLC and childcare centre to the south of the site. The proposed development provides a minimum 18 m separation from Building A2 to the OLOLC and childcare centre (Figure 8). This separation meets the ADG minimum building separation requirements. The Department considers the proposed building separation provided to the south is adequate to ensure visual privacy is maintained and overlooking is minimised. Additionally, the southern setback will be highly landscaped with large canopy trees to further reduce any potential impacts. Conditions of consent have also been recommended to ensure further consideration of privacy and overlooking to the south, and ensuring the screening trees identified in the proposal and VIA are incorporated in the future detailed DA(s).	The Department recommends conditions requiring: • consideration of visual privacy and overlooking to the south • the planting of identified screening trees of a minimum 200L pot size.

Issue	Findings and conclusions	Recommended conditions
Future residential amenity	The application notes that future detailed development is capable of complying with the requirements of the Housing SEPP and the recommended design standards of the Apartment Design Guide (ADG). The Department has undertaken an assessment of this based on the indicative reference scheme in Appendix B. Notwithstanding, the indicative reference scheme identifies that the development would be inconsistent with the recommended building separation under 3F Visual Privacy of the ADG. Specifically, Building C and Building B3 propose a 12 m building separation which does not meet the minimum separation requirement of 18 m for development above 4 storeys in height. The Department considers visual privacy between buildings on site a key consideration and recommends a condition of consent be implemented to ensure a minimum of separation between buildings above 4-storeys to be 18 m. The Department considers that the development either achieves all other recommended ADG recommendations or are capable of achieving the relevant ADG recommendations in the detailed design phase.	The Department recommends a condition to ensure all buildings above 4-storeys, achieve a minimum building separation of 18 m in accordance with the recommendations of the ADG.
Stormwater	The application includes an Integrated Water Management Plan (IWMP), which sets out a concept stormwater strategy for the site. The Department notes the proposal is for concept approval and the precise location and design of stormwater infrastructure is subject to further detailed design. Notwithstanding, the concept IWMP indicates that the necessary stormwater infrastructure can be provided, and connections can be made to appropriately manage stormwater volume and quality, subject to future detailed design and location considerations.	No conditions recommended.
Operational noise	The application includes an Acoustic Assessment Report (AAR), which considers the existing noise environment, indicative noise and vibration impacts on surrounding properties and	No conditions recommended.

Issue	Findings and conclusions	Recommended conditions
	recommends potential management and mitigation measures for construction and operational noise impacts. The AAR considers that operational noise would arise mainly from cumulative impacts from mechanical plant, car park/vehicle noise, communal uses and publicly accessible spaces within the site. The AAR concludes that the proposal would not result in adverse operational noise impact on neighbouring properties (or apartments within the development) in accordance with relevant guidelines and noise criteria. Mitigation measures will be incorporated into the detailed design and will include management practices, treatment of mechanical plant and car park exhausts, residential glazing specifications based on orientation and exposure, location of communal facilities and acoustic screening of elevated communal or private spaces as required. Based on the AAR, the Department considers future operational noise impacts are capable of being managed and mitigated, subject to consideration of the future detailed design and operation of the development.	
Our Lady of Lebanon Co Cathedral (OLOLC) Acoustic amenity	Immediately to the south of the site is OLOLC; a place of public worship that holds regular religious services and special events, including extended or larger services during Easter and Christmas periods. In its submissions, OLOLC raised concern with potential complaints from future residents on noise produced from the place of worship's regular activities as a place of worship. To ensure OLOLC is appropriately recognised and potential impacts managed, the Department recommends a condition of consent be imposed requiring future detailed DAs to appropriately consider noise associated with the existing place of public worship, including acoustic attenuation measures and other management measures to inform future BTR tenants of the noise source.	The Department recommends the following conditions: • detailed acoustic assessment of OLOLC operations and implementation of potential acoustic attenuation and other management measures,

Issue	Findings and conclusions	Recommended conditions
		where necessary.
Construction noise / vibration	Public submissions raised concern with adverse impacts from the construction of the development. The AAR outlines likely future construction noise and vibration impacts and management and mitigation measures. The Interim Construction Noise Guidelines (ICNG) sets noise management levels (NML), standard construction hours and notes that noise impacts above 75 dB represent a point where sensitive receivers may be ‘highly noise affected’. The AAR has considered the potential construction impacts and noted the most significant impacts would occur during excavation and piling, however, would likely remain below the highly noise affected limit for residential receivers. To address potential noise impacts, the AAR recommends future DA(s) include management and mitigation measures relating to noise and vibration. The Department has considered the findings of the AAR and notes that appropriate mitigation measures could reduce noise and vibration impacts to an acceptable level, subject to further assessment at the detailed DA stage.	No conditions recommended.
Contamination	Council raised concern with the potential contamination of the site, and the management of any remediation works required. The community raised concern with the timing of the Preliminary Site Investigation being conducted in 2015 and the accuracy of data prepared. The application is supported by a Preliminary Site Investigation (PSI), a Detailed Phase 2 Contamination Investigation (DCI), and a Remediation Action Plan (RAP). The site has operated for industrial purposes since the 1950s, with multiple structural alterations occurring between 1950 and 1994, and the investigations confirm that contamination is present and requires appropriate management. The DCI identified the following contamination issues:	The Department recommends conditions requiring: - the reassessment of contamination on site - the preparation of an acid sulfate soils management plan

Issue	Findings and conclusions	Recommended conditions
	• asbestos containing fibre cement fragments beneath existing concrete slabs • carcinogenic PAHs in soil at concentrations exceeding human health criteria • low level volatile and semi volatile compounds in fill soils near the former manufacturing/offices/laboratory area, the ETP tank, and former chemical store • the presence of acid sulfate soils, requiring preparation of an Acid Sulfate Soils Management Plan • a suspected underground storage tank (UST), which — if located — must be decommissioned in accordance with relevant regulatory requirements. A Remediation Action Plan (RAP) has been prepared to address all known and potential contamination issues and outlines the following remediation steps: • decommissioning and removal of any redundant USTs and associated infrastructure • decommissioning and removal of the redundant ETP, including liquid contents and associated infrastructure • delineation, excavation and disposal of contaminated soils to a licensed landfill. The DCI concludes that the site can be made suitable for the proposed residential development, subject to implementation of the RAP. The Department is satisfied that the level of assessment is appropriate for a concept development application and acknowledges the validity of the technical findings. Given Council and community concerns regarding the age of the contamination reports, the Department recommends a further round of contamination assessment occur before the submission of any detailed development application, along with an updated RAP and Acid Sulfate Soils Management Plan as required.	• the implementation of the RAP (as amended from reassessment).

6 Evaluation

116. The Department's assessment has considered the relevant matters and objects of the EP&A Act, including the principles of ESD, advice from government agencies, local councils and public submissions, and government policies and plans.
117. The Department's assessment concludes that the proposal is acceptable as:
- it supports State government priorities to deliver well-located housing by delivering indicatively 320 BTR apartments, and retail premises in a highly accessible location
 - the site is strategically well located to accommodate the proposed development noting its proximity to the Parramatta CBD, a key growth centre, which provides a range of jobs, services and other amenities. The site is also located within 500 m from Parramatta train station and future Parramatta Metro Station providing high frequency public transport services
 - it would provide a range of public benefits through the provision of 50% of the BTR units for affordable housing for a minimum 15 years, a 30 m wide publicly accessible landscaped corridor, and a 6 m wide walkway along Clay Cliff Creek
 - the amended proposal presents a considered design response that improves its relationship with the nearby heritage items, through greater separation, a more appropriate transition in height and scale and a more recessive built form outcome. Key measures include the provision of a 30 m wide publicly accessible landscaped corridor aligned with the adjoining heritage items and the introduction of lower-scale 2-4 storey building envelopes, setback 12 m from the northern boundary providing a more sympathetic heritage interface.
 - the proposed height variation is considered to be acceptable, given the site already accommodates an existing industrial building up to eight storeys, the site sits within 250m of the Paramatta CBD which is characterised by tall buildings, and it would not result in any significant visual or other amenity impacts on surrounding properties
 - the Department's assessment of flood impacts has been informed by independent expert flood advice and the Department is satisfied the proposal can achieve suitable habitable floor levels above the 1% AEP flood level, provide refuge above the probable maximum flood (PMF) level, and incorporates appropriate mitigation and management measures to minimise flood risk for future residents to an acceptable level, subject to conditions
 - future detailed development applications will need to appropriately consider noise associated with the existing place of public worship, including acoustic attenuation measures and other management measures to inform future tenants of the noise source

- the Department has recommended a range of conditions to manage any residual environmental impacts. See the recommended conditions of consent at **Appendix D**.
118. Overall, the Department considers the impacts of the development are acceptable and can be appropriately managed or mitigated through the implementation of recommended conditions of consent. Consequently, the Department considers the proposal is in the public interest and is approvable, subject to conditions.

Appendices

Appendix A – List of referenced documents, submissions and advice

The following documents can be accessed at <https://www.planningportal.nsw.gov.au/major-projects/projects/gregory-place-build-rent>.

- Environmental Impact Statement
- Amendment report
- Response to submission report
- Applicant's additional information
- Biodiversity Development Assessment Report
- Submissions (public and Council)
- Government agency advice.

Appendix B – Statutory considerations

Matters of consideration required by the EP&A Act

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department's consideration of these matters is shown in **Table 7** below.

Table 7 | Matters for consideration

Matter for consideration	Department's assessment
Environmental planning instruments, proposed instruments, development control plans & planning agreements	Appendix B
EP&A Regulation	Appendix B
Likely impacts	Section 5 – Assessment
Suitability of the site	Section 1.1 – Project location, Section 3 – Policy and statutory context and Section 5 – Assessment
Public submissions	Section 4 – Engagement and Section 5 – Assessment
Public interest	Section 4 – Engagement, Section 5 – Assessment and Section 6 – Evaluation

Objects of the EP&A Act

In determining the application, the consent authority should consider whether the project is consistent with the relevant objects of the EP&A Act (s 1.3) including the principles of ESD. Consideration of those factors is described in **Table 8** below.

As a result of its analysis, the Department is satisfied that the development is consistent with the objectives of the EP&A Act and the principles of ESD.

Table 8 | Objects of the EP&A Act and how they have been considered

Object	Consideration
(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,	• The proposal promotes the social and economic welfare of the community by providing additional housing and jobs at a highly accessible site, contributing to the achievement of State, regional and local planning objectives. • The proposed development does not have any impacts on the State's natural or other resources.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	• The proposal includes ESD initiatives and sustainability measures, which includes designing the building to target a 7-star NatHERs rating.
(c) to promote the orderly and economic use and development of land,	• The proposal represents the orderly and economic use of the land primarily as it will increase employment and housing opportunities near services and public transport. • The proposed land uses are permissible through the site compatibility certificate, and the form of the development has regard to the planning controls that apply to the site, the character of the locality and the context of surrounding sites.
(d) to promote the delivery and maintenance of affordable housing,	• The proposal will deliver BTR units which contributes to housing supply.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	• The proposal will not adversely affect the protection of the environment.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	• The proposal will not impact cultural heritage, including Aboriginal cultural heritage.
(g) to promote good design and amenity of the built environment,	• The proposal demonstrates a good design approach to the relevant planning controls and

Object	Consideration
	local character, as discussed in detail in Section 5.1. The proposal is informed by consultation with the State Design Review Panel (SDRP) and has been designed to minimise amenity impacts to neighbours and the surrounding environment and to provide good levels of internal amenity. • Other amenity impacts would be managed by the recommended conditions of consent, including further assessment to be undertaken at the detailed design stage of the application.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	• Future detailed development application will include detailed report(s) confirming the development is capable of meeting relevant construction standards.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	• The Department publicly exhibited the proposal as outlined in Section 4. This included consultation with Council and other Government agencies, and consideration of their responses.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	• The Department publicly exhibited the application, which included notifying adjoining landowners and displaying the application on the Department's website. • The Department placed the Applicant's RtS and Amendment Report, and additional information on its website, in addition to providing a copy to Council and relevant Government agencies. • The engagement activities carried out by the Department are detailed in Section 4.

Biodiversity development assessment report

Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all SSD applications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the project is not likely to have any significant impact on biodiversity values (as identified in the BC Act and in the *Biodiversity Conservation Regulation 2017*).

A BDAR Waiver request, reflecting the amended design, was submitted to the Department on 12 September 2025. The Environmental Agency Head and Team Leader, Social and Diverse Housing Assessments, as delegate of the Planning Secretary, determined that the development is not likely to have any significant impact on biodiversity values. A BDAR Waiver was granted on 24 September 2025.

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 Department required the applicant to demonstrate how the principles of ESD have been incorporated into the project, including how it addresses:

- national best practice sustainable building principles to improve environmental performance and reduce ecological impact
- projected climate change impacts.

The Applicant's ESD Report prepared by SLR Consulting Australia confirms the proposal will:

- commit to a 7 Star NABERS Energy Target for the residential component of the development
- meet BASIX Energy and Water targets and
- incorporate the following examples of sustainable design:
 - passive and active energy saving measures such as operable windows to enhance natural ventilation and maximising solar access
 - high thermal mass materials, including concrete slabs and recycled materials and low level volatile organic compound paints and floor coverings
 - LED energy efficient lighting and motion sensors where possible
 - centralised bulk metered hot water system
 - individual 1-phase air-conditioning units
 - kitchen and bathroom fittings of 4-5 star energy ratings

- solar PV system
- landscaping to assist with cooling during summer months and to assist with wind amelioration.

The Department has considered the proposed development in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making process via a thorough assessment of the potential environmental impacts of the proposal. The concept proposal demonstrates ESD principles can be implemented under future DA(s) as described in the Applicant's EIS, which has been prepared in accordance with the objects of the EP&A Act.

EP&A Regulation

The EP&A Regulation requires the applicant to have regard to the *State Significant Development Guidelines* when preparing their application. In addition, the SEARs require the applicant to have regard to the following:

- *Social Impact Assessment Guideline for State Significant Projects*
- *Undertaking Engagement Guidelines for State Significant Projects*

The Department considers the requirements of the EP&A Regulations have been complied with.

Environmental Planning Instruments (EPIs)

State Environmental Planning Policy (Planning Systems) 2021

The proposal is State significant development under section 27 of Schedule 1 of the Planning Systems SEPP, well as the Site Compatibility Certificate (SCC) as discussed in **Section 3**.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The SEPP (Transport and Infrastructure) 2021 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.

The Department referred the development to TfNSW and Endeavour Energy, who raised no objection to the proposal subject to the imposition of conditions. The Department considers the proposed development to be consistent with the SEPP given the consultation and consideration of infrastructure, transport, traffic and parking and noise and vibration issues in **Section 5.4** and recommended conditions of consent in **Appendix D**.

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 Resilience and Hazards SEPP requires the consent authority to consider whether the land is contaminated, and if so, whether the land is suitable for the purpose of the proposed development.

As discussed in Section 5.4, the Department is satisfied that based on the information submitted that the site can be made suitable for the proposed residential development. Further assessment will be undertaken during any future detailed development applications.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 of the Biodiversity and Conservation SEPP aims to protect the biodiversity value of trees and other vegetation in non-rural areas. As noted above, a BDAR waiver was granted on 24 September 2025, which satisfies the applicable provisions of Chapter 2 of the Biodiversity and Conservation SEPP.

State Environmental Planning Policy (Sustainable Buildings) 2022

The Sustainable Buildings SEPP encourages sustainable buildings design and construction of more sustainable buildings across to help meet climate change targets.

The proposal seeks consent for the concept BTR development comprising residential accommodation (BTR housing and affordable housing), and ground floor retail premises. No physical works are proposed under this application.

Any future DA(s) for building works must demonstrate the future building achieves compliance with the relevant standards under the Sustainable Buildings SEPP. SEARs for future detailed DA(s) will require the lodgment of a BASIX assessment for future assessment.

State Environmental Planning Policy (Housing) 2021

A summary of the Department’s consideration of the relevant standards contained in the Housing SEPP are provided in **Table 9** below.

Table 9 | Housing SEPP compliance table

Housing SEPP standard	Consideration
Schedule 7A Savings and transitional provisions	
8. State Environmental Planning Policy Amendment (Housing) 2023	(8)(1)(a) states that amendment made to this policy by the specified amending policy does not apply to an application made, but not determined, on or before 14 December 2023, which relates to the subject application.

Housing SEPP standard	Consideration
	All relevant sections included in the 2023 Housing SEPP amendment are the versions prior to the amendment, with all other sections the current Chapter 3, Part 4 provisions.

Chapter 2, Part 2 – Development for affordable housing

Division 5 – Residential flat buildings – social housing providers, public authorities and joint ventures

39. Site compatibility certificates	An SCC was issued under Division 5, Clause 37(5) of the Affordable Rental Housing SEPP. Section 39(10) of the Housing SEPP states that the SCC remains valid as it had not expired at the time the application was made. Schedule 7A Savings and transitional provisions (3)(4) also reiterates the continues application of SCCs and the use of Part 4, Build-to-rent housing for SCCs issued for residential flat buildings under clause 37 of the ARH SEPP.
40. Must be used for affordable housing for at least 15 years	The 50% affordable housing, as required by the SCC, will be affordable housing for a period of 15 years. A condition of consent will be imposed to this effect.

Chapter 3, Part 4 – Build-to-rent housing

72. Development for the purposes of build-to-rent housing permitted with consent	- The site is zoned IN1 General Industrial, which prohibits residential accommodation. As discussed in Section 3, the site is subject to an SCC that permits residential flat buildings on the site. 72(2) notes this part applies to development for the purposes of residential flat buildings on land in which an SCC has been issued under section 39, and therefore, BTR development is permitted on the site. - All dwellings onsite will be occupied under a residential tenancy agreement, and all buildings will be located on the same lot of land. Noting that 50% of the dwellings will be affordable housing in line with the requirements of the SCC. - The development is for a concept approval so the exact number of dwellings is not known at this stage, however, all dwellings onsite will be BTR, and 50% affordable housing. A condition of consent will be imposed to this effect.
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Housing SEPP standard	Consideration
73. Conditions of build-to-rent housing to apply for at least 15 years	• Pacific Community Housing is a registered community housing provider and will own and manage the BTR and affordable housing for a minimum of 15 years. • Conditions of consent will be imposed on future detailed DA(s) ensuring the development will not be subdivided, will be owned and controlled by one community housing provider and will provide one managing agent who provides onsite management, for a minimum of 15 years from the date of the final Occupation Certificate relating to the BTR or affordable housing component of the development.
74. (2)(a) Non-discretionary (development standard - building height)	• The site is subject to a maximum permitted building height of 9.2 m pursuant to PLEP 2011. • The development proposes a maximum building height of 29 m, which equates to a 19.8 m (215%) variation to the development standard. A clause 4.6 variation request to vary clause 4.3 of PLEP 2011 has been provided and assessed in Appendix C.
74. (2)(b) Non-discretionary development standard - FSR	• The site has no prescribed maximum FSR under the PLEP 2011. • The Department is therefore satisfied the proposal is consistent with this non-discretionary standard.
74. (2)(d) Non-discretionary development standard - parking	• The site is located in an accessible area and therefore, the minimum 0.2 parking spaces per dwelling applies to the development. For a total of 320 units, this equates to a minimum of 64 spaces for the BTR component of the development. • The development is capable of providing a total of 359 spaces comprising 272 BTR spaces, and 87 spaces for visitors and the ancillary retail use. • The Department supports the proposed parking, as discussed in Section 5.4.
75. Design requirements	Note: the 2023 Housing SEPP Amendment (14 December 2023) altered this clause to remove reference to the repealed SEPP 65. As this application was lodged prior to this amendment, SEPP 65 continues to apply to the development as opposed to Chapter 4 of the Housing SEPP. • This provision allows a flexible approach to applying the design criteria set out in the ADG, including, in particular, the design

Housing SEPP standard	Consideration
	criteria set out in Part 4, items 4E (private open space and balconies), 4G (storage) and 4K (apartment mix).
76. Active uses on ground floor of build-to-rent housing in business zones.	Not applicable, the site is not located in a business zone.
77. Contributions on Affordable Housing	Section 7.32 of the EP&A Act does not apply to the subject development as there is no SEPP that identifies a need for affordable housing on this site. Notwithstanding, the development provides 50% of residential product as affordable housing.
78. Subdivision	The proposal does not involve subdivision.

Chapter 4 – Design of residential apartment development

143. Application of chapter	This chapter applies as the proposal is for shop top housing, is a new building and is at least three storeys with at least four units.
147. Determination of development applications and modification applications for residential apartment development	- The Department has considered: - the quality of the design of the development with respect to the design principles set out in Schedule 9 (refer below). - The ADG (refer hereunder).
148 (2)(a) Non-discretionary development standards - parking	- As noted above, the proposal provides one parking space for a car share vehicle. The Applicant has prepared a clause 4.6 variation request in support of the proposal's non-compliance with 74(2)(d). - The Department supports the proposed parking on this site, as discussed in Section 5.4 and Appendix E.
148 (2)(b) Non-discretionary development standards – internal area	This non-discretionary development standard requires the internal area for each apartment to equal or be greater than the recommended minimum internal area in the ADG. The studio apartment types range in size, primarily less than the recommended minimum internal area of (35m²), with a minimum area of 27m². However, as noted above the proposal seeks to use the flexible design criteria under section 75, as discussed further in Table 11.

Housing SEPP standard	Consideration
148 (2)(c) Non-discretionary development standards – ceiling heights	Ceiling heights are proposed to comply with the recommended minimum ceiling heights in the ADG.

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

Pursuant to the 2023 Housing SEPP Amendment, SEPP 65 continues to apply to the development and the relevant provisions are assessed in **Table 10**.

Table 10 | SEPP 65 - Schedule 1 Assessment

Schedule 1 Design Quality Principles	
1. Context and neighbourhood character	- The Department is satisfied that the proposal has appropriately responded to the surrounding context, being low density residential development, items of heritage significance and large place of public worship. - While the development exceeds the maximum building height control for the site, it is generally consistent with the height of existing buildings on the site, and the site layout respects the value of surrounding heritage items and residential development.
2. Built form and scale	- As discussed above, the proposed scale and layout has been designed to respect the heritage significance of surrounding development and reduce the impact on heritage curtilage, where possible. - The built form proposed has been designed to respond to clause 7.5 of PLEP 2011 and the overshadowing controls of the Childcare Planning Guidelines in regard to the appropriate level of overshadowing of neighbouring properties. The development centres the highest bulk of the built form and reduces to 2-4 storeys within the direct visual curtilage of Hambledon Cottage. The built form and site layout is discussed in detail in Section 5.1
3. Density	The Department has assessed density having regard to the built form and potential impacts of the floorspace, such as traffic generation, amenity impacts and demand on existing/future infrastructure in Section 5.4.

Schedule 1 Design Quality Principles

	The Department is satisfied the proposal has strategic merit and does not have unacceptable adverse built form, traffic or amenity impacts. The proposal revitalises the dilapidated industrial site and surrounds, and includes public domain improvements resulting in public benefit.
4. Sustainability	The Applicant submitted an ESD Report demonstrating a commitment to ESD principles and a commitment to a 7 Star NABERS Energy Target for the residential component of the development.
5. Landscape	The Department is satisfied the proposed landscaping, including deep soil zones, communal open space, the 30 m public landscaped corridor and the 6 m wide continuation of the Clay Cliff Creek walk.
6. Amenity	The Department is satisfied that the proposal is capable of achieving satisfactory residential amenity in accordance with the ADG, as assessed below. Impacts of the built form on surrounding amenity, such as in relation to visual impact and solar impacts, are considered in Section 5.1.
7. Safety	The Applicant has submitted a CPTED report. The Department has reviewed the CPTED report and is satisfied that the proposal provides an appropriate framework to ensure the site and public domain is safe.
8. Housing diversity and social interaction	- The Department is satisfied that the provision of BtR, with 50% affordable housing will increase housing supply in the locality and is capable of providing a mix of apartment types and sizes under a tenancy agreement. - Additionally, the development provides adequate publicly accessible spaces and retail development to activate the site and encourage social interaction.
9. Aesthetics	The proposal has been subject to three reviews by the SDRP which has informed the proposed building envelopes, public domain interface and urban design.

Apartment Design Guide (ADG)

The ADG provides guidelines for residential flat building development to ensure apartments are provided with an appropriate level of amenity. The application only seeks approval for a concept building envelope at this stage. A reference scheme was submitted with the RTS and Amendment Report with indicative floor plans to demonstrate how a future building within the envelope, and the site layout would be consistent with the ADG guidelines.

A consistency assessment against the guidelines within the ADG is provided in **Table 11**.

Table 11 | ADG consistency assessment

ADG Principle	Department's Comments	Consistent
3A Site Analysis	The Applicant has prepared a 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.	Consistent
3B Orientation	The building type and layout responds to the streetscape, surrounding heritage items and site constraints, while optimising solar access within the development and minimising overshadowing to neighbouring properties during mid-winter.	Consistent
3C Public Domain Interface	The transition between private and public domain would not compromise safety and security and would enhance the public domain. Noting the Heritage Council recommendations regarding fencing to be prepared in consultation with the adjoining Hambledon Cottage to the north which will form a condition of consent.	Consistent
3D Communal and Public Open Space 25% of the site area = 4,871.35 m ² 50% to receive minimum two hours on June 21 (9am-3pm)	The development provides 3,582.4 m² (18.4%) of private communal open space within the development. This is in the form of rooftop communal open spaces as well as external ground floor spaces. The development also provides an additional 8,908.7 m² (45.7%) of publicly accessible open space area. The Department considers that the publicly accessible open space area is able to be considered in the communal open space calculations and therefore, the development is consistent with this control. The Department is satisfied a minimum of 2,435.6 m² of communal open space is capable of receiving a minimum	Consistent

ADG Principle	Department's Comments	Consistent
	of two hours of solar access between 9am-3pm on 21 June (mid-winter).	
3E Deep Soil Zones Minimum dimensions of 6m 7% of site area = 1,363.95 m ²	The development provides 2,705.2 m ² (13.9%) of deep soil zones of a minimum 6 m in width.	Consistent
3F Visual Privacy 24m between habitable rooms and balconies, 12m between non-habitable rooms.	The development provides adequate building separation distances from 1-4 storeys, being a minimum of 12m between habitable rooms and balconies. The development does not meet the minimum recommended ADG separation between habitable rooms and balconies above 4 storeys between Building C and Building B3, noting a minimum 4 m variation. The Department recommends a condition of consent requiring design amendments to ensure adequate minimum building separation distances are achieved during the detailed design development applications.	Not consistent – to be conditioned.
3G Pedestrian Access and Entries	To be defined at detailed design. Pedestrian access and entries to the development are capable of being designed to be accessible and easy to identify from the surrounding roads. Wayfinding signage will be incorporated throughout the site and within the basement.	Capable of consistency
3H Vehicle Access	The vehicle access point is designed and located to achieve safety, minimise conflicts between pedestrians and vehicles, and create high quality streetscapes.	Consistent
3J Bicycle and Car Parking	To be defined at detailed design. Indicative parking complies with Housing SEPP and Council DCP for retail. See Section 5.4 for detailed discussion on car parking.	Capable of consistency
4A Solar and Daylight Access Minimum of 2 hours direct sunlight to at least 70% of	To be defined at detailed design. The indicative floor plans under the reference scheme indicate 246 of 320 units (77%) of units are capable of	Capable of consistency

ADG Principle	Department's Comments	Consistent
units (living rooms and private open space) in mid-winter. A maximum of 15% of units receive no direct sunlight.	receiving the required 2 hours of sunlight to the living rooms and private open space in mid-winter.	
4B Natural Ventilation At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.	To be defined at detailed design. The indicative floor plans provided indicate 201 of 320 units (63%) are capable of achieving natural cross ventilation requirements.	Capable of consistency
4C Ceiling Heights	To be defined at detailed design.	Capable of consistency
4D Apartment Size and Layout	To be defined at detailed design.	Capable of consistency
4E Private Open Space and Balconies	To be defined at detailed design.	Capable of consistency
4F Common Circulation and Spaces	To be defined at detailed design.	Capable of consistency
4G Storage	To be defined at detailed design.	Capable of consistency
4H Acoustic Privacy and 4J Noise and Pollution	To be defined at detailed design.	Capable of consistency
4K Apartment Mix	To be defined at detailed design.	Capable of consistency
4M Facades	To be defined at detailed design.	Capable of consistency
4N Roof Design	To be defined at detailed design.	Capable of consistency

ADG Principle	Department's Comments	Consistent
4O Landscape Design and 4P Planting on Structures	A detailed landscape plan has been provided for the podium areas and public domain. The landscape design contributes to the streetscape.	Consistent
4Q Universal Design 20% silver-level liveable. Reference to Council's DCP for recommended provision of adaptable apartments.	To be defined at detailed design.	Capable of consistency
4T Awnings and Signage	To be defined at detailed design.	Capable of consistency
4U Energy Efficiency	To be defined at detailed design.	Capable of consistency
4V Water Management and Conservation	To be defined at detailed design.	Capable of consistency
4W Waste Management	To be defined at detailed design.	Capable of consistency
4X Building Maintenance	To be defined at detailed design.	Capable of consistency

Parramatta Local Environmental Plan 2011 (PLEP 2011)

The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of PLEP 2011 and those matters raised by Council in its assessment of the development application. PLEP 2011 has been repealed and replaced with Parramatta Local Environmental Plan 2023, however, clause 1.8A(1) of PLEP 2023 notes that this Plan does not apply to any application made but not determined prior to commencement of the Plan. PLEP 2023 was made on 30 June 2023, and the subject application was made on 15 July 2022.

The Department concludes that the development is consistent with the relevant provisions of PLEP 2011. Consideration of the relevant clauses of is provided in **Table 12**.

Table 12 | PLEP 2011 compliance assessment

PLEP 2011 Requirement	Department's Comments
Zoning IN1 General Industrial	The BTR proposal is permissible through the SCC and the provisions of the Housing SEPP.

PLEP 2011 Requirement	Department's Comments
	While the development isn't directly consistent with the majority objectives of the zone, the development is consistent with the objectives of the Housing SEPP and meets the requirements of the SCC. The development is consistent with the objectives of the zone through the provision of employment opportunities, through construction and ongoing management of the BTR development, and through providing non-industrial uses that serve the needs of workers and visitors.
2.6 Subdivision – consent requirements	A condition of consent will be imposed ensuring the development cannot be subdivided for a minimum of 15 years to ensure all BTR units are on the same lot of land in accordance with the Housing SEPP.
4.3 Height of buildings	The site is subject to a maximum building height of 9.2 m. The development proposes building heights from 9 m (2 storeys) to 29 m (8 storeys). The application is supported by a clause 4.6 variation request that is addressed in Appendix C.
4.4 Floor space ratio	The site is not subject to a maximum floor space ratio.
4.6 Exceptions to development standards	The application includes a clause 4.6 Variation request to vary the mapped maximum building height, as discussed in Section 5.1 and Appendix C .
5.10 Heritage Conservation	The site is not identified as being State or local heritage listed, however, is bounded but a number of items of heritage significance as listed in Section 1.1 . The potential impact of the development on surrounding heritage items is addressed in Section 5.2 .
5.21 Flood Planning	The site is affected by local and riverine flooding up to the PMF. The flood affectation of the site, as well as proposed mitigation measures, are addressed in detail in Section 5.3. The Department considers the development; • does not adversely affect flood behaviour in a way that results in unacceptable offsite flood impacts • provides appropriate evacuation procedures, through shelter-in-place, and will provide appropriate refuge areas within each building during a PMF event • will be built at slightly above the PDCP identified flood planning level, being 1% AEP level + 500mm freeboard to ensure appropriate management of risk to life during any flood event • does not adversely affect the environment or cause avoidable erosion.

PLEP 2011 Requirement	Department's Comments
	Subject to conditions of consent to be addressed at the detailed design stage, the development is considered to appropriately manage flooding on the site through appropriate evacuation procedures, management of risk to life and limiting offsite impacts.
6.1 Acid sulfate soils	The site is identified as being impacted by acid sulfate soils, as such a condition will be imposed requiring the preparation of an acid sulfate soils management plan.
6.2 Earthworks	The application is for a concept proposal only and no physical works are proposed.
7.5 Sun access	This clause applies to Experiment Farm and requires that the heritage item is not affected by any additional overshadowing between 10am and 2pm. The application is supported by shadow diagrams that indicate that the proposed built form will not result in any additional shadow between 10am and 2pm on 21 June.

Appendix C – Clause 4.6 Variation Request – Height

Clause 4.6(2) of PLEP 2011 permits the consent authority to consider varying a development standard imposed by an EPI. The aim of clause 4.6 is to provide an appropriate degree of flexibility in applying development standards, to achieve better development outcomes. In considering a proposed variation, clause 4.6 requires the following:

- 3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that:*
- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
 - (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.*

In accordance with clause 4.6(3), the Applicant has prepared a written request to vary the height of buildings development standard as it applies to the site.

The Department's consideration of the Applicant's request is provided below with reference to the Guide to Varying Development Standards November 2023 and other relevant tests.

Nature of the variation

A maximum building height of 9.2m applies to the site, pursuant to clause 4.3 Building Heights of PLEP 2011.

The development proposes varying heights from 9 m to 29 m across the site as shown in **Table 13** and **Figure 31**, being a maximum of 215.2% variation to the maximum permitted height. The proposal is for a concept application only, and the development will approve building envelopes of a number of storeys, with a maximum RL of each envelope. A building height for each envelope will not directly be approved but can be inferred based on the submitted concept plan.

The Applicant has submitted a written request, seeking a variation to the height development standard that applies to the site (see **Appendix A**).

As outlined in **Section 5.3**, the site is subject to flooding that would require a flood planning level to be set at RL 6.11. The development proposed a ground floor level at RL 6.0 across the site and the Clause 4.6 variation request is based on a ground floor of RL 6.0. Conditions of consent will be imposed to ensure the ground floor RL is raised to 6.11 and the maximum building height increased accordingly.

Table 13 | Proposed building envelope heights

Building	Storeys	Proposed height (m)	Recommended height (m)	Height exceedance over 9.2 m based on recommended height (m)	Percentage variation based on recommended height
Building A1	2	9	9.11	-0.09	-1.0%
	4	15	15.11	5.91	64.2%
Building A2	4	15	15.11	5.91	64.2%
	8	29	29.11	19.91	216.4%
Building A3	6	21	21.11	11.91	129.5%
Building B1	2	9	9.11	-0.09	-1.0%
	4	15	15.11	5.91	64.2%
Building B2	6	21	21.11	11.91	129.5%
	8	29	29.11	19.91	216.4%
Building B3	8	29	29.11	19.91	216.4%
Building C	4	15	15.11	5.91	64.2%
	6	21	21.11	11.91	129.5%

Figure 31 demonstrates the distribution of height across the site and it is noted that only portions of Building B1 and Building A1 comply with the 9.2 m height limit, with the remaining number of storeys exceeding 9.2 m.

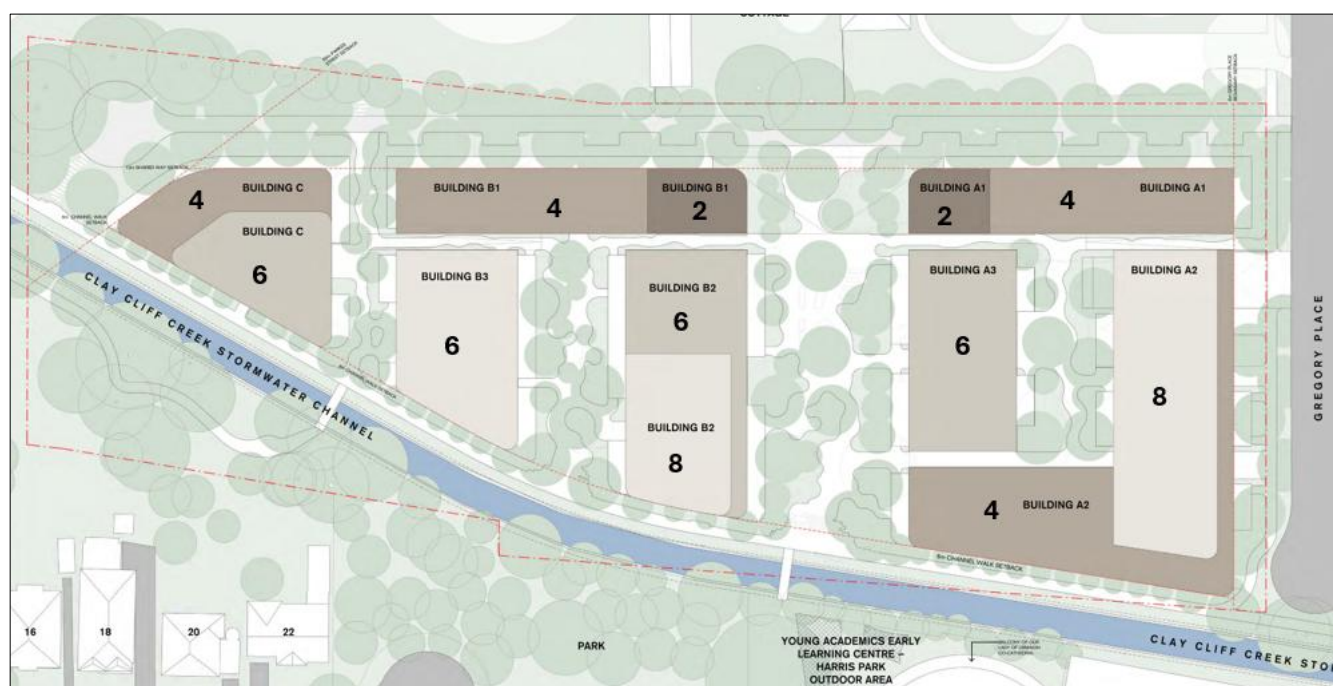


Figure 31 | Concept site layout with number of storeys labelled (Source: Applicant's Amendment Report)

Has the applicant demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances

The Applicant demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, having regard to the first test outlined in *Wehbe v Pittwater Council* [2007] NSWLEC 827. The first test establishes that compliance with the development standard would be unreasonable or unnecessary where the proposed development achieves the objectives of the standard.

The objectives for the height of buildings development standard are as follows:

- (a) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,*
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- (c) to require the height of future buildings to have regard to heritage sites and their settings,*
- (d) to ensure the preservation of historic views,*
- (e) to reinforce and respect the existing character and scale of low density residential areas,*
- (f) to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.*

The Department has considered the Applicant's request and concludes the development achieves the objectives of the height of buildings development standard as:

- the development proposes varying heights from 2 to 8 storeys across the site that provides appropriate transition across the site from the heritage items to the north and west, and the childcare centre to the south
- in contrast to the proposal, the existing industrial development provides an 8 storey building of 25 m height immediately on the western boundary, adjacent to the Experiment Farm heritage curtilage which results in significant adverse visual impact to Experiment Farm, Hambledon Cottage and OLOLC and surrounding low density residential development. The proposed development provides an improved and considered transition of built form throughout the site
- the amended site layout includes amendments to the proposal to reduce the visual impact and impact on heritage items, and improve solar access to neighbouring properties through
 - reduction in height of northern buildings immediately adjacent to Hambledon Cottage to 2-4 storeys

- introduction of a 30 m publicly accessible landscape corridor which opens up the site and provides a visual connection between Hambledon Cottage and Our Lady of Lebanon Cathedral
- the landscaped corridor, combined with the reconfiguration of the higher density portions of the development, result in the childcare centre to the south receiving a minimum of 2 hours of direct solar access to the outdoor play area between 9am and 3pm on 21 June
- Building C has been reduced in height to 4-6 storeys and stepped down towards the Experiment Farm curtilage to allow for a visual connection between Experiment Farm and Hambledon Cottage and a reduction in visual impact from the existing 8 storeys
- the development respects the low density residential development in the vicinity of the site through the stepping of the built form and the congregation of the highest point of the building fronting Gregory Place to define the street, and in the centre of the site on the western side of the landscaped corridor to reduce the visual dominance from the height of the development
- the development has been designed to ensure the Clay Cliff Creek walk achieves an adequate level of solar access.

The Department is satisfied the development meets the objectives of clause 4.3 PLEP2011.

Has the applicant demonstrated there are sufficient environmental planning grounds to justify the contravention of the development standard

The Applicant's written request justifies contravention of the development standard on the following environmental planning grounds:

- an improved public domain and environmental outcome is achieved through:
 - the increased landscaped separation between buildings, and increased communal open space and publicly accessible open space
 - improved solar access throughout the development, to the Clay Cliff Creek walk and to neighbouring properties
 - framing of heritage items and reduced impact on heritage curtilage through increased setbacks strategically located to reduce visual impact
- the proposed development is broadly consistent with each objective of the EP&A Act, notwithstanding the variation to the development standard

- the additional height is consistent with the existing built form on the site; however, the site layout is more considered and provides an improved outcome for the site from an amenity and visual impact perspective.

The Department considers the Applicant has adequately demonstrated there are environmental planning grounds for the proposed variation to the development standard. The variation would result in supportable planning outcomes. In particular, the:

- proposal meets the objectives of the height of building control as it does not adversely impact the curtilage of surrounding heritage items and provides an appropriate and considered transition of height throughout the site
- proposed height does not present adverse additional bulk nor does it present adverse additional amenity (including overshadowing) impacts to the public domain, within the site or surrounding items of heritage significance
- the proposal has been reviewed by the SDRP on three occasions and the design evolution and site planning results in an improved outcome from the existing condition of the site, and the originally submitted design
- the increased height allows for 64% of the site to be landscaped area in the form of communal open space, publicly accessible landscaped areas and deep soil planting.

Appendix D – Flooding Advice prepared by Rhelm

Appendix E - Recommended instrument of consent