

SYDNEY CENTRAL CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	2018SWC044
DA Number	DA/1056/2016/A
LGA	City of Parramatta
Proposed Development	<p>Section 4.55(1A) modification to consent for construction of two high density residential flat buildings with associated podium base comprising of 386 units.</p> <p>The modifications include changes to internal configuration of apartments, external changes, changes to external finishes and reconfiguration of roof gardens.</p>
Street Address	1-5 & 7 Carter Street & 23 Uhrig Road, LIDCOMBE NSW, 2141 (Lot 16 DP 225350, Lot 17 DP 225350, Lot 18 DP 225350)
Applicant	Karimbla Properties (No. 51) Pty. Ltd.
Owner	The Trust Company Limited
Date of DA lodgement	9 January 2018
Number of Submissions	Nil
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 4A of the EP&A Act)	Pursuant to Clause 3 of Schedule 4A of the Environmental Planning and Assessment Act 1979, the original development application had a capital investment value of more than \$20 million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (Infrastructure) 2007. • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. • State Environmental Planning Policy No. 55 – Remediation of Land. • State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development). • State Environmental Planning Policy (Sydney Harbour Catchment) 2005. • State Environmental Planning Policy (State and Regional Development) 2011. • Auburn Local Environmental Plan 2010. • Auburn Development Control Plan 2010. • Carter Street Precinct Development Control Plan 2016. • Carter Street Precinct Development Contributions Plan 2016.
List all documents submitted with this report for the Panel's consideration	Attachment 1 – Architectural Drawings
Report prepared by	Matthew Di Maggio Development Assessment Officer, City Significant Development
Report date	23 March 2018

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
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Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
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Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	N/A
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Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)?	No
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Conditions

Have draft conditions been provided to the applicant for comment?	Yes
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ASSESSMENT REPORT – MODIFICATION OF CONSENTS
Environmental Planning & Assessment Act 1979

SUMMARY

Application details

DA No:	DA/1056/2016/A
Assessment Officer:	Matthew Di Maggio
Property:	Lot 16 DP 225350, Lot 17 DP 225350, Lot 18 DP 225350, 1-5 Carter Street, 7 Carter Street and 23 Uhrig Road, LIDCOMBE NSW 2141
Proposal:	<p>Section 4.55(1A) modification to consent for construction of two high density residential flat buildings with associated podium base comprising of 386 units.</p> <p>The modifications include changes to internal configuration of apartments, external changes, changes to external finishes and reconfiguration of roof gardens.</p>
Date of receipt:	9 January 2018
Applicant:	Karimbla Properties (No 51) Pty Ltd
Owner:	The Trust Company Limited
Submissions received:	N/A
Conciliation conference held:	N/A
Property owned by a	
Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor
Political donations/gifts disclosed:	None disclosed on the application form
Recommendation:	Approval

Legislative requirements

Environmental Planning Instruments	<ul style="list-style-type: none">• State Environmental Planning Policy (Infrastructure) 2007.• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.• State Environmental Planning Policy No. 55 – Remediation of Land.• State Environmental Planning Policy No. 65
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(Design Quality of Residential Apartment Development).

- State Environmental Planning Policy (Sydney Harbour Catchment) 2005.
- State Environmental Planning Policy (State and Regional Development) 2011.
- Auburn Local Environmental Plan 2010.
- Auburn Development Control Plan 2010.
- Carter Street Precinct Development Control Plan 2016.
- Carter Street Precinct Development Contributions Plan 2016.

Zoning	R4 High Density Residential & RE1 Public Recreation
Bushfire Prone Land	No
Heritage	No
Heritage Conservation Area	No
Integrated development	No
Crown Development	No
Designated Development	No
Delegation	Sydney Central City Planning Panel

Development application history:

<i>Application</i>	<i>Status</i>	<i>Details</i>
DA 1056/2016	Approved 09.08.17	Construction of two high density residential flat buildings with associated podium base comprising of 385 units. The application was determined by the Sydney West Central Planning Panel.

Related applications:

<i>Application</i>	<i>Status</i>	<i>Details</i>
DA 429/2016	Approved 21.11.16	Consolidation of existing lots and road reserves and re-subdivision to create five (5) development lots, residual road and open space lots, road construction and stormwater drainage works.
DA 620/2016	Approved 16.4.17	Construction of a mixed use development comprising 273 residential apartments and 435 parking spaces and a child care centre.

Site context

The Carter Street Priority Precinct comprises 52 ha of land bounded by Sydney Olympic Park, the M4 Motorway, Haslams Creek and land immediately adjacent to Birnie Avenue. Rezoning for the Precinct was finalised in November 2015. Transformation to a high density residential precinct is underway, with construction well advanced on some sites.



Figure 1: Aerial photo of Carter Street Priority precinct.

Site description and location

Consent was granted by Council on 21 November 2016 to DA 429/2016 to re-subdivide the land shown at Figure 2 below.

The land to which the subject application relates is known as part 1-5 and 7 Carter Street and 23 Uhrig Road. The proposal would occupy proposed Lot 4 of that subdivision, as shown at Figure 3 below. That allotment is irregular in shape, with an area of 15,784m² and having a 95m frontage to Carter Street. The site is approximately 195 metres by direct measurement to the north of the M4 Western Motorway to the south.

All former structures on the site have been demolished and early works have commenced (Figure 4).

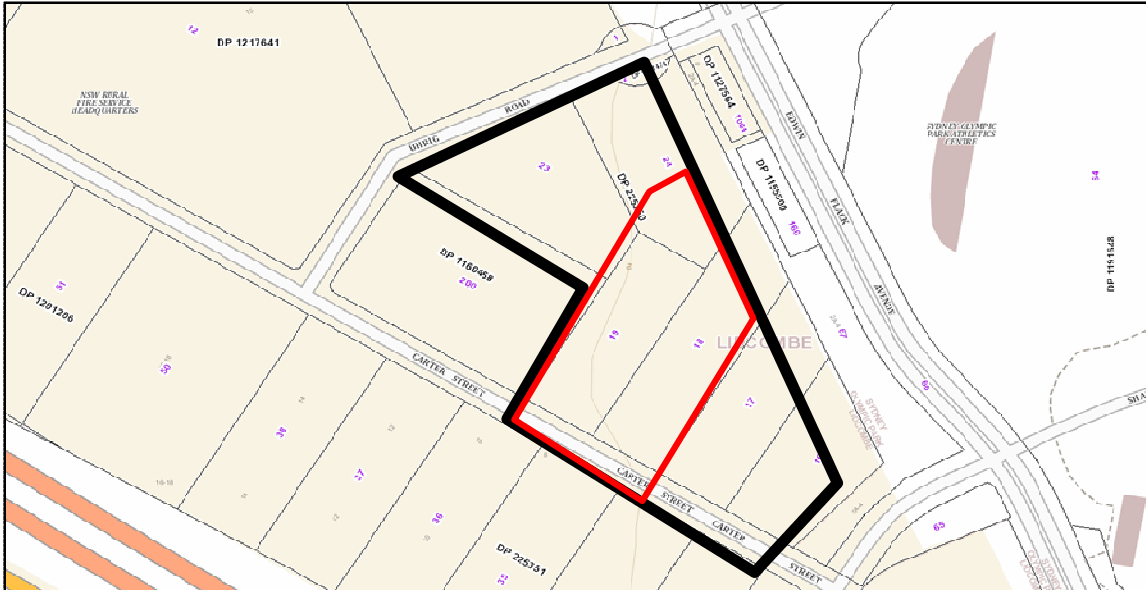


Figure 2: Land the subject of DA 429/2016 outlined in black, with the subject site (Phase 2) outlined in red.



Figure 3: Land of the subject modification.

ASSESSMENT UNDER SECTION 4.55

THE PROPOSAL

Consent is sought to modify the approved development as follows:

1. Modification to development description to amend an error as follows:

“Construction of two high density residential flat buildings with associated podium base comprising ~~385~~ 386 units”.

Planning comment: The above has been confirmed by manually counting and correlating the number of units on the approved/modified plans versus the approved/modified cover sheets. An additional unit, which was not accounted for during the original assessment, was located on level 1 within tower F of building 2B.

2. Amendments to condition 39 to reflect correct no. of parking spaces as follows:

39. A total of ~~542~~ 543 parking spaces are to be provided, allocated as follows:

- *~~465~~ 466 resident spaces*
- *77 visitor spaces*

Planning comment: The provision of the additional space provides an increased benefit and the proposal remains compliant with Carter Street DCP 2016 parking rates (refer to compliance discussion below).

3. Amendments to condition no. 1 to correspond with the following design amendments:

2A - Parking Level 1:

- New lift servicing up to level 11, adjacent to bin storage area on southern side of the building;
- Mail room location moved to eastern side of new lift and increased in size from 9.8m² to 18.9m²;
- Bin storage room moved to western side of new lift;
- Stair pressurisation plant room added to existing stair case;
- Valve room location moved to eastern side of mail room;
- Waste water discharge room moved;
- Staircase within eastern middle portion moved to adjacent to eastern basement wall;
- CPC area deleted;
- Turfed area with western corner deleted and replaced with hardstand area;
- 16 visitor bike spaces deleted; and
- Car wash bay deleted.

Planning comment: With respect to the deletion of the 16 visitor bike spaces, condition 40 remains unaltered by the subject modification application, and the proponent is still required to provide 416 bike spaces as part of the proposal.

In terms of the deletion of the car wash bay, there is no statutory or policy document that requires its provision.

2A - Level Ground

- Deletion of turfed area adjacent to apartment 'D. G39' to be replaced with permeable gravel;
- Deletion of turfed area adjacent to apartment 'C. G27' to be replaced with hardstand area;
- Staircase shifted from car parking area by 2m to lobby area adjacent to apartment 'C. G25';
- Study added to 2-bedroom apartment 'C. G42' and floor space increased from 85.7m² to 90.2m²;
- Study deleted from 1-bedroom apartment 'D. G45' and floor space reduced from 65.7m² to 55.4m²;
- Study added to 2-bedroom apartment 'C. G27' and floor space increased from 90.6m² to 90.7m²;
- 3-bedroom apartment 'C. G31' floor space increased from 99.2m² to 103.7m²;
- 2-bedroom apartment 'D. G46' floor space increased from 86.7m² to 86.8m²;
- 2-bedroom loft apartment 'C. G35' balcony (1.2m²) deleted and replaced with wardrobe;
- 2-bedroom apartment 'C. G25' floor space reduced from 84.4m² to 81.8m²;
- 2-bedroom apartment 'C. G30' floor space reduced from 86.5m² to 84.1m²;
- 1-bedroom apartment 'C. G29' floor space reduced from 53.6m² to 52.8m²;
- and
- 1-bedroom apartment 'C. G28' floor space reduced from 53.4m² to 52.5m².

2A - Level 1:

- Staircase shifted from car parking area by 2m to lobby area adjacent to apartment 'D. 145';
- Study added to 2-bedroom apartment 'C. 131' and floor space increased from 87m² to 88.8m²;
- Study added to 2- bedroom apartment 'D. 142' and floor space increased from 87.1m² to 87.8m²;
- Study added to 2-bedroom apartment 'C. 127';
- 3-bedroom apartment 'D. 147' floor space reduced from 103.9m² to 103.6m² and balcony reduced from 17.6m² to 15.4m²;
- 2-bedroom apartment 'C.132' floor space increased from 84.2m² to 84.6m²;
- 2-bedroom apartment 'C. 130' floor space increased from 85.8m² to 86m² and balcony reduced from 11.8m² to 10.4m²;
- 2-bedroom apartment 'C. 125' floor space increased from 85.2m² to 85.5m² and balcony size reduced from 15.2m² to 11.6m²;

- 2-bedroom apartment 'D. 145' floor space increased from 85.3m² to 86.7m² and balcony sized reduced from 15.4m² to 11.6m²;
- 1-bedroom apartment 'D. 146' balcony reduced from 14.7m² to 8.2m²;
- 1-bedroom apartment C. 129' floor space reduced from 53.6m² to 52.8m²; and
- 1- bedroom apartment 'D. 139' floor space increased from 77.7m² to 78.9m².

2A - Level 2:

- Staircase shifted from car parking area by 2m to lobby area adjacent to apartment 'D. 245';
- Study added to 2-bedroom apartment 'C. 231' and floor space increased from 87m² to 88.7m²;
- Study added to 2-bedroom apartment 'C. 227' and floor space increased from 89.8m² to 90.7m²;
- Study added to 2-bedroom apartment 'C. 226' and floor space reduced from 91m² to 90.3m²;
- Study added to 2-bedroom apartment 'D.242; and floor space increased from 87.1m² to 87.8m²;
- Lobby area adjacent to apartment 'C. 227' reduced by 13m²;
- 3-bedroom apartment 'D. 247' floor space reduced from 104.2m² to 103.9m² and balcony reduced from 17.6m² to 15.4m²;
- 3-bedroom apartment 'D. 243' floor space increased from 109.8m² to 108.2m²;
- 2-bedroom apartment 'C. 233' floor space increased from 84.2m² to 84.6m²;
- 2-bedroom apartment 'C. 232' floor space increased from 84.2m² to 84.6m²;
- 2-bedroom apartment 'C. 230' floor space reduced from 85.9m² to 84.2m² and balcony reduced from 11.8m² to 10.4m²;
- 2-bedroom apartment 'D. 245' floor space increased from 85.1m² to 85.3m² and balcony reduced from 15.4m² to 11.6m²;
- 2-bedroom apartment 'C. 225' floor space reduced from 84.9m² to 84.8m² and balcony reduced from 15.2m² to 11.6m²;
- 2-bedroom apartment 'D. 239' floor space increased from 77.7m² to 78.9m²;
- 1-bedroom apartment 'D. 246' balcony reduced from 14.7m² to 8.2m²; and
- 1-bedroom apartment 'C. 229' floor space reduced from 53.6m² to 52.8m².

2A – Level 3:

- Staircase shifted from car parking area by 2m to lobby area adjacent to apartment 'D. 345';
- Plant area increased from 80.5m² to 80.7m²;
- Portion of lobby area and gravelled roof area adjacent to apartment 'C. 327' deleted and void area of 20m² added;
- Study added to 2-bedroom apartment 'C. 327' and floor space increased from 89.3m² to 89.7m²;

- Study added to 2-bedroom apartment 'C. 326' and floor space reduced from 89.9m² to 89.1m²;
- 3-bedroom apartment 'D. 347' floor space reduced from 103.3m² to 102.5m² and balcony reduced from 17.6m² to 15.4m²;
- 3-bedroom apartment 'D. 343' floor space reduced from 110.4m² to 109.8m²
- 2-bedroom apartment 'C. 325' floor space increased from 84.9m² to 85.8m² and balcony reduced from 15.2m² to 11.6m²;
- 2-bedroom apartment 'C. 340' floor space reduced from 83.7m² to 83.4m²;
- 2-bedroom apartment 'D. 339' floor space increased from 77.5m² to 79.4m²;
- 2-bedroom apartment 'D. 341' floor space reduced from 83.6m² to 83.2m²;
- 2-bedroom apartment 'D. 342' floor space reduced from 87.4m² to 87.1m²;
- 2-bedroom apartment 'C. 333' floor space increased from 84.2m² to 84.6m²;
- 2-bedroom apartment 'C. 332' floor space increased from 83.7m² to 84.3m²;
- 2-bedroom apartment 'C. 331' floor space increased from 86.2m² to 88.4m² and balcony reduced from 19.7m² to 16.1m²;
- 2-bedroom apartment 'C. 330' floor space increased from 85.5m² to 84.7m² and balcony reduced from 11.8m² to 10.4m²;
- 1-bedroom apartment 'D. 346' balcony reduced from 14.7m² to 8.2m²;
- 1-bedroom apartment 'C. 335' floor space increased from 64.3m² to 66.7m²;
- and
- 1-bedroom apartment 'C. 329' floor space increased from 52.7m² to 52.8m².

2A - Level 4:

- Roof garden and staircase in south western corner re-orientated;
- Roof garden and staircase in north eastern corner area reduced from 48.1m² to 45.6m²;
- Roof garden within central northern portion increased in area from 45.1m² to 64.3m²;
- Gravel roof area on northern side of the building reduced;
- Landscaping area added to separate roof gardens on eastern side;
- Study added to 2-bedroom apartment 'C. 426' and floor space increased from 88.6m² to 90.1m²;
- Study added to 2-bedroom apartment 'C. 429' and floor space increased from 86.3m² to 89.7m²;
- 3-bedroom apartment 'D. 443' floor space reduced from 103.9m² to 100.8m² and balcony reduced from 17.6m² to 15.4m²;
- 3-bedroom apartment 'C. 430' floor space reduced from 105m² to 100.8m²;
- 3-bedroom apartment 'D. 441' floor space reduced from 104.1m² to 103.8m²;
- 3-bedroom apartment 'C. 425' courtyard increased from 26.7m² to 33m²;
- 2-bedroom apartment 'D. 440' floor space reduced from 78.2m² to 78.1m² and courtyard increased from 34.2m² to 39.1m²;
- 2-bedroom apartment 'D. 439' floor space increased from 77.7m² to 78.9m²;

- 2-bedroom apartment 'C. 432' floor space increased from 82.4m² to 82.7m²;
- 1-bedroom apartment 'D. 442' balcony reduced from 14.7m² to 8.2m²; and
- 1-bedroom apartment 'C. 431' floor space increased from 56.7m² to 57m² and layout flipped.

2A - Level 5:

- Staircase servicing roof in south western corner reorientated.
- Study added to 2-bedroom apartment 'C. 529' and floor space increased from 86.2m² to 88.4m²;
- Study added to 2-bedroom apartment 'C. 526' and floor space increased from 88.9m² to 90.4m²;
- 3-bedroom apartment 'D. 543' floor space reduced from 103.9m² to 103.6m² and balcony reduced from 17.6m² to 15.4m²;
- 3-bedroom apartment 'C. 530' floor space reduced from 105m² to 101m²;
- Study added to 2-bedroom apartment 'D. 542';
- 3-bedroom apartment 'D. 541' floor space reduced from 104.1m² to 103.8m²;
- 2-bedroom apartment 'C. 532' floor space increased from 82.4m² to 82.7m²;
- 2-bedroom apartment 'D. 539' floor space increased from 77.7m² to 78.9m²; and
- 1-bedroom apartment 'C. 531' floor space increased from 56.7m² to 57.6m² and layout flipped.

2A - Level 6:

- Study added to 2-bedroom apartment 'D. 645';
- Study added to 1-bedroom apartment 'D. 643' and floor space increased from 53.6m² to 55.3m² and balcony reduced from 14.8m² to 11.6m²;
- Study added to 2-bedroom apartment 'C. 629' and floor space increased from 86.3m² to 89.6m²;
- Study added to 2-bedroom apartment 'C. 626' and floor space increased from 88.9m² to 90.6m²;
- 3-bedroom apartment 'D. 646' floor space reduced from 103.9m² to 103.6m² and balcony reduced from 17.6m² to 15.4m²;
- 3-bedroom apartment 'D. 641' floor space reduced from 103.7m² to 103.4m² and balcony reduced from 17.6m² to 15.4m²;
- 3-bedroom apartment 'D. 642' floor space increased from 103.9m² to 104.2m² and balcony reduced from 17.6m² to 15.4m²;
- 3-bedroom apartment 'C. 630' floor space reduced from 105m² to 101m²;
- 2-bedroom apartment 'D. 639' floor space increased from 77.7m² to 78.9m²;
- 2-bedroom apartment 'C. 632' floor space increased from 82.4m² to 82.7m²; and
- 1-bedroom apartment 'C. 631' floor space increased from 56.7m² to 57.4m² and layout flipped.

2A – Levels 7 to 10:

- Study added to 2-bedroom apartments 'D. 745 to 1045';
- Study added to 2-bedroom apartments 'C. 729-1029' and floor space increased from 86.3m² to 89.6m²;
- Study added to 2-bedroom apartments 'C. 726 to 1026' and floor space increased from 88.9m² to 90.6m²;
- Study added to 1-bedroom apartments 'D. 743 to 1043' and floor space increased from 53.6m² to 55.3m² and balcony reduced from 14.8m² to 11.6m²;
- 3-bedroom apartments 'D. 746 to 1046' floor space reduced from 103.9m² to 103.6m² and balcony reduced from 17.6m² to 15.4m²;
- 3-bedroom apartments 'D. 742 to 1042' floor space increased from 103.9m² to 104.2m²;
- 3-bedroom apartments 'D. 741 to 1041' floor space reduced from 103.7m² to 103.4m²;
- 3-bedroom apartments 'C. 730 to 1030' floor space reduced from 105m² to 101m²;
- 2-bedroom apartments 'D. 739 to 1039' floor space increased from 77.7m² to 78.9m²;
- 2-bedroom apartments 'C. 732-1032' floor space increased from 82.4m² to 82.7m²; and
- 1-bedroom apartments 'C. 731 to 1031' floor space increased from 56.7m² to 57.4m² and layout flipped.

2A – Level 11:

- Study added to 2-bedroom apartment 'D. 1145';
- Study added to 2-bedroom apartment 'C. 1129' and floor space increased from 85.9m² to 88.7m²;
- Study added to 2-bedroom apartment 'C. 1126' and floor space increased from 89.9m² to 90.3m²;
- Study added to 1-bedroom apartment 'D. 1143' and floor space increased from 53.6m² to 55.3m² and balcony reduced from 14.8m² to 11.6m²;
- 3-bedroom apartment 'D. 1146' floor space reduced from 103.9m² to 103.6m² and balcony reduced from 17.6m² to 15.4m²;
- 3-bedroom apartment 'D. 1141' floor space reduced from 103.7m² to 103.4m²;
- 3-bedroom apartment 'C. 1130' floor space reduced from 105m² to 100.9m²;
- 3-bedroom apartment 'D. 1142' floor space increased from 103.9m² to 104.2m²;
- 3-bedroom apartment 'C. 1125' floor space increased from 105.4m² to 106.4m² and balcony reduced from 17.6m² to 15.4m²;
- 2-bedroom apartment 'C. 1132' floor space increased from 82.7m² to 82.5m²;
- 2-bedroom apartment 'D. 1139' floor space increased from 77.7m² to 78.9m²;

- 1-bedroom apartment 'C. 1131' floor space increased from 56.7m² to 57m² and layout flipped.

2A – Level 12:

- Study added to 2-bedroom apartment 'D. 1245';
- Study added to 1-bedroom apartment 'D. 1243' and floor space increased from 52.5m² to 55.3m² and balcony reduced from 14.8m² to 11.6m²;
- 3-bedroom apartment 'D. 1246' floor space reduced from 103.5m² to 102.6m² and balcony reduced from 17.6m² to 15.4m²;
- 3-bedroom apartment 'D. 1241' floor space increased from 101.9m² to 103.3m²;
- 3-bedroom apartment 'D. 1242' floor space increased from 103.2m² to 106.9m²;
- 2-bedroom apartment 'D. 1239' floor space increased from 77.7m² to 78.9m²;
- 2-bedroom apartment 'C. 1240' floor space reduced from 78.1m² to 77.9m²;
- Roof Plant reduced from 190.9m² to 139.9m²;
- Roof garden area servicing 3-bedroom apartment 'C. 1130' reduced from 129m² to 25.2m²;
- Roof garden area servicing 2-bedroom apartment 'C. 1126' reduced from 90.2m² to 50.8m²;
- Roof garden area servicing 3-bedroom apartment 'C. 1125' reduced from 65m² to 18.9m²;
- Roof garden area servicing 2-bedroom apartment 'C. 1129' reduced from 53.1m² to 27.6m²; and
- Roof garden area servicing 2-bedroom apartment 'C. 1132' reduced from 52.3m² to 16.9m².

2A – Level 13 (roof):

- Roof Plant reduced from 203.2m² to 174.6m²;
- Amendments to layout of roof garden in north-eastern corner;
- Roof garden area servicing 3-bedroom apartment 'D. 1246' increased from 64.4m² to 78.2m²; and
- Roof garden area servicing 3-bedroom apartment 'D. 1242' increased from 37.5m² to 68.5m².

2B - Level 1:

- Study added to 2-bedroom apartment 'F. 163' and floor space increased from 89.4m² to 91.5m² and balcony reduced from 17.3m² to 10.3m²; and
- Study added to 2-bedroom apartment 'F. 162' and floor space reduced from 90.3m² to 89.6m².

2B - Level 2:

- Study added to 2-bedroom apartment 'F. 263' and floor space increased from 89.7m² to 91.8m² and balcony reduced from 12.3m² to 10.1m²; and
- Study added to 2-bedroom apartment 'F. 162' and floor space reduced from 90.3m² to 89.6m².

2B - Level 3:

- Study added to 2-bedroom apartment 'F. 363', floor space increased from 90.3m² to 92.4m² and balcony reduced from 12.3m² to 10.1m²; and
- 2-bedroom apartment 'F. 362' and floor space reduced from 90m² to 88.8m².

2B - Level 4:

- Wall constructed between roof gardens located at the south-western portion of the building; and
- Solid wall constructed around the south-western corner of the swimming pool area.

2B - Level 6:

- Study added to 2-bedroom apartment 'F. 662' and floor space reduced from 85.4m² to 84.9m².

2B - Level 7 to 11

- Study added to 2-bedroom apartment 'F. 762-1162' and floor space reduced from 85.4m² to 84.9m² and balcony reduced from 15.8m² to 11.5m².

External façade building 2A:

- Addition of translucent glass 50% and fritted glass on selected windows;
- Addition of black, aluminium shading device;
- Deletion of use of white tiles;
- Deletion of dark grey precast concrete; and
- Deletion of orange and grey aluminium metal work.

External façade building 2B:

- Addition of white, metal perforated screen on selected units in lieu of teal coloured screen; and
- Deletion of grey, precast concrete.

Note: Although ground works have commenced, the above works *have not* been completed.

Has the consent lapsed? No, valid until 18 August 2022.

The following is an assessment of the modification against the relevant section of the Environmental Planning and Assessment Act 1979.

Section 4.55 – 1a: Modifications involving minimal environmental impact

The following clause must be satisfied for 4.55(1a) modification applications:

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied the modification is of minimal environmental impact;*
- (b) it is satisfied the development as modified would be substantially the same development as that for which consent has already been granted; and*
- (c) it has notified the application in accordance with the regulations, or a development control plan, and has considered any submissions.*

The above 'test' is satisfied given:

- The amendments would not result in any adverse outcomes for the natural or built environments beyond those accepted in conjunction with the assessment of the original development application;
- In terms of both quantitative and qualitative considerations, the development as amended would remain substantially the same as that already approved given the scope of the changes do not:
 - Comprise any radical transformation of the consent; or
 - Relate to material and essential features of the approved development.

Section 4.55 – All applications for modifications

The following clause must be satisfied for 4.55 modification applications:

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

- The matters for consideration prescribed under section 4.15(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act) are addressed directly below.

ENVIRONMENTAL PLANNING INSTRUMENTS

STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

SEPP 55 was considered under the assessment of the original development application and measures proposed to ameliorate potential impacts were deemed acceptable under the original application. The subject modifications do not propose changes in this regard.

STATE ENVIRONMENTAL PLANNING POLICY – BASIX

SEPP BASIX was considered during the assessment of the original development application.

- Changes proposed did not require the lodgement of an amended BASIX Certificate. The BASIX condition, condition No. 109, is not required to be amended.

SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005 (DEEMED SEPP)

The SREP was considered during the assessment of the original development application.

The site is not located on the foreshore or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development.

The development remains consistent with the controls contained with the deemed SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The provisions of SEPP (Infrastructure) 2007 were considered in the assessment of the original development application.

The modifications do not necessitate amendments to the conditions included to address the requirements of the SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017

The removal of trees on the subject property were considered during the assessment of the original application.

Additional tree removal is not proposed under the subject modification.

STATE ENVIRONMENTAL PLANNING POLICY 65 (DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT)

This Policy aims to improve the design quality of residential flat development. The original proposal was assessed and deemed compliant against the following matters relevant to SEPP 65 for consideration:

- Design Excellence Advisory Panel (DEAP) consideration;
- The 9 SEPP 65 Design Quality Principles; and
- The Apartment Design Guide (ADG).

The subject application was referred to Council's City Architect in lieu of DEAP, given the minor nature of modifications proposed. This matter is discussed in further detail below.

The proposal remains compliant with the 9 design quality principles, as the modifications are predominately for internal layout reconfigurations and minor, facade material amendments only. The modifications do not affect the development's approved density, scale, form or

landscape treatment and the proposal remains satisfactory in terms of its provision of amenity, safety and sustainability.

In terms of ADG numerical compliance, the modifications only affect apartment layouts and sizes parameters. Notwithstanding, the development remain compliant as follows:

ASSESSMENT

Apartment size and layout

Note: The minimum internal areas include one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.

Control	Requirement	Proposal	Compliance
Apartment size and layout	Studio 35m ²	N/A	N/A
	1 bedroom 50m ²	52.7m ² (min.)	Yes
	2 bedroom 70m ²	81.8m ² (min.)	Yes
	3 bedroom 95m ²	101m ² (min.)	Yes
	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.	Complies	Yes
	Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry)	Complies	Yes
	Habitable room depths are limited to a maximum of 2.5 x ceiling height. 2.5 x 3 = 7.5m	<7.5m	Yes
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	<8m	Yes
	Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space).	Complies	Yes
Private open space and balconies	Bedrooms have a minimum dimension of 3m.	Complies	Yes
	Living rooms or combined living/dining rooms have a minimum width of: - 3.6m for studio and 1 bedroom apartments. - 4m for 2 and 3 bedroom apartments.	Complies	Yes

Private open space and balconies

Note: Storage areas on balconies is additional to the minimum balcony size.

Control	Requirement	Proposal	Compliance
Private open space and balconies	1 bedroom = 8m ² x 2m	8.2m ² x 2m (min.)	Yes
	2 bedrooms = 10m ² x 2m	10.1m ² x 2m (min.)	Yes
	3+ bedrooms = 12m ² x	15.4m ² x 2.4m (min.)	Yes

	2.4m		
	For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.	N/A No change to existing.	N/A
Storage Note: Storage is accessible from either circulation or living areas. Storage provided on balconies (in addition to the minimum balcony size) is integrated into the balcony design, weather proof and screened from view from the street.			
Control	Requirement	Proposal	Compliance
Storage	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <ul style="list-style-type: none"> • Studio 4m² • 1 bedroom 6m² • 2 bedroom 8m² • 3 bedroom 10m² 	1 bedroom: 6m ² (min.) 2 bedrooms: 8m ² (min.) 3 bedrooms: 10m ² (min.)	Yes
	At least 50% of the required storage is to be located within the apartment. Left over space such as under stairs is used for storage	All apartments comply.	
Common circulation and spaces	The maximum number of apartments off a circulation core on a single level is eight.	N/A. No change to existing.	N/A

Auburn Local Environmental Plan 2010 (ALEP 2010)

The relevant matters to be considered under the ALEP 2010 for the proposed modifications are outlined below.

Development standard	Original DA	Modification	Compliance
Height of Buildings Allowable = 42m	No Approved = <ul style="list-style-type: none"> • Tower C – 43.34m (non-compliance is 1.34m) • Tower D – 46.10m (non-compliance is 4.10m) • Tower E – 44.26m (non-compliance is 2.26m) • Tower F – 44.19m (non-compliance is 	N/A, no change to existing.	N/A

	2.19m)		
Floor Space Ratio Allowable = 39,460m ² or 2.5:1	Yes Approved = 39,453m ² or 2.5:1	Proposed = 39,460m ² or 2.5:1	Yes

Auburn Development Control Plan 2010 (ADCP 2010)

The relevant matters to be considered under the ADCP 2010 for the proposed modifications are outlined below.

Auburn DCP 2010			
Development Control	Original DA	Modification	Compliance
2.6 Floor to ceiling heights D1. The minimum floor to ceiling height shall be 2.7m. This does not apply to mezzanines.	Complied	Complies	Yes
2.9.1 Materials D1. All developments shall be constructed from durable, high quality materials.	Complied	Complies	Yes
2.11 Apartment mix and flexibility D1. A variety of apartment types between studio, one, two, three and three plus-bedroom apartments shall be provided, particularly in large apartment buildings.	Complied	Complies	Yes
3.5 Private open space D1. Private open space shall be provided for each dwelling in the form of a balcony, roof terrace or, for dwellings on the ground floor, a courtyard. D2. Dwellings on the ground floor shall be provided with private open space that has a minimum area of 9m ² and a minimum dimension of 2.5m. D3. Dwellings located above ground level shall be provided with a balcony or roof terrace that has a minimum area of 8m ² and a minimum dimension of 2m.	No The control conflicts with the design criteria contained in the ADG, which took precedence. ADG compliance was achieved.	No The control conflicts with the design criteria contained in the ADG, which takes precedence. ADG compliance is achieved.	No, but satisfactory on merit.
7.2 Storage	No	No	No, but satisfactory on

D1. Storage space of 8m ³ per dwelling shall be provided. This space may form part of a garage or be a lockable unit at the side of the garage.	The control conflicts with the design criteria contained in the ADG, which took precedence. ADG compliance was achieved.	The control conflicts with the design criteria contained in the ADG, which takes precedence. ADG compliance is achieved.	merit.
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Carter Street Development Control Plan 2016 (CSDCP 2016)

The relevant matters to be considered under the CSDCP 2016 for the proposed modifications are outlined below.

Auburn DCP 2010

Development Control	Original DA	Modification	Compliance
4.5 Vehicular access and parking Maximum rate: 566	542 proposed. Complied	543 proposed. Complies	Yes

REFERRALS

INTERNAL REFERRALS	COMMENT
City Architect	<ul style="list-style-type: none"> Supported material changes. The addition of studies was supported in apartments where kitchen sizes and storage spaces remain unaltered, subject to fixed joinery. However, the addition of studies in certain apartments was not supported, due to a perceived loss of amenity caused by a reduction in size of kitchen and storage areas. <p>Planning comment: The ADG does not provide guidance with respect to kitchen sizes. Notwithstanding, the proposal still meets all relevant controls with respect to apartment sizes, balcony sizes, provision of windows, storage areas and general layout requirements, therefore providing a satisfactory level of amenity. An additional condition pertaining to fixed joinery has been recommended.</p>
EXTERNAL REFERRALS	COMMENTS
No external referrals required.	

PUBLIC CONSULTATION

In accordance with Table 2 of clause 3.3.3 “*Development applications not requiring notification and advertising*” of the ADCP 2010, Section 4.55(1A) applications do not require notification.

CONCILIATION CONFERENCE

Conciliation Conference

As notification was not undertaken, a conciliation conference was not required.

DEVELOPMENT CONTRIBUTIONS

The modifications do not discernably increase the original estimated cost of the proposal, given that the approved building envelopes remain unaltered.

CONCLUSION

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal *remains* suitable for the site and *remains* in the public interest. Therefore, it is recommended that the application be approved subject to the imposition of appropriate conditions.

RECOMMENDATION

Approval

That the Sydney Central City Planning Panel as the consent authority, modify development consent DA/1056/2016/A for construction of two high density residential flat buildings with associated podium base comprising of 386 units to include modifications comprising changes to the internal configuration of apartments, external changes, changes to external finishes and reconfiguration of roof gardens on land at 1-5 Carter Street, 7 Carter Street and 23 Uhrig Road, Lidcombe as shown on the plans submitted with the modification of determination, for a period of five (5) years from the date on the **original** Notice of Determination subject to the following modifications:

Modification to condition nos. 1 and 39 respectively:

- 1 The development is to be carried out in accordance with the following **architectural plans** prepared by SJB Architects, endorsed with Council's Stamp as well as the documentation listed below, except where amended by other conditions of this consent and/or any plan annotations:

Drawing No. and issue	Title	Dated
DA 2209-P1 Issue 23 24	2A Parking Level 1	24.07.17 08.12.2017
DA 2210-G Issue 24-24	2A Level Ground	13.06.17 08.12.2017

DA 2211-01 Issue 21 24	2A Level 1	13.06.17 08.12.2017
DA 2212-02 Issue 21 24	2A Level 2	13.06.17 08.12.2017
DA 2213-03 Issue 21 24	2A Level 3	13.06.17 08.12.2017
DA 2214-04 Issue 21 24	2A Level 4	13.06.17 08.12.2017
DA 2215-05 Issue 21 24	2A Level 5	13.06.17 08.12.2017
DA 2216-06 Issue 21 24	2A Level 6	13.06.17 08.12.2017
DA 2217-07 Issue 21 24	2A Level 7- Level 10	13.06.17 08.12.2017
DA 2221-11 Issue 21 24	2A Level 11	13.06.17 08.12.2017
DA 2222-12 Issue 21 24	2A Level 12	13.06.17 08.12.2017
DA 2223-13 Issue 21 24	2A Level 13 (Roof)	13.06.17 08.12.2017
DA 2301 Issue 24 25	2A Site Through Link Elevation	13.06.17 23.02.2018
DA 2302 Issue 24 25	2A Proposed East Street Elevation	13.06.17 23.02.2018
DA 2303 Issue 24 25	2A Carter Street Elevation	13.06.17 23.02.2018
DA 2304 Issue 24 25	2A Proposed West Street Elevation	13.06.17 23.02.2018
DA 2401 Issue 24 25	2A Section 01	13.06.17 23.02.2018
DA 2402 Issue 24 25	2A Section 02	13.06.17 23.02.2018
DA 2420 Issue 25	Façade Section (1:20)	23.02.2018
DA 2508-P2 Issue 21	2B Parking Level 2	13.06.17
DA 2509-P1 Issue 21	2B Parking Level 1	13.06.17
DA 2510-G Issue 23	2B Level Ground	24.07.17
DA 2511-01 Issue 22 24	2B Level 1	04.07.17 08.12.2017
DA 2512-02 Issue 22 24	2B Level 2	04.07.17 08.12.2017
DA 2513-03 Issue 22 24	2B Level 3	04.07.17 08.12.2017
DA 2514-04 Issue 22 24	2B Level 4	04.07.17 08.12.2017
DA 2515-05 Issue 22	2B Level 5	04.07.17
DA 2516-06 Issue 22 24	2B Level 6	04.07.17 08.12.2017
DA 2517-07 Issue 22 24	2B Level 7 – Level 11	04.07.17 08.12.2017
DA 2522-12 Issue 22	2B Level 12	04.07.17

DA 2523-13 Issue 22	2B Level 13 (Roof)	04.07.17
DA 2601 Issue 22 25	2B Proposed North Street Elevation	04.07.17 23.02.2018
DA 2602 Issue 24 25	2B Proposed East Street Elevation	13.06.17 23.02.2018
DA 2603 Issue 24 25	2B Site Through Link Elevation	13.06.17 23.02.2018
DA 2604 Issue 23 25	2B Proposed West Street Elevation	24.07.17 23.02.2018
DA 2701 Issue 24 25	2B Section 01	13.06.17 23.02.2018
DA 2702 Issue 24 25	2B Section 02	13.06.17 23.02.2018
DA 2705 Issue 21	Façade elevations and sections	13.06.17
DA 2801 Issue 21	Adaptable Apartments A	13.06.17 08.12.2017
DA 2802 Issue 24	Adaptable Apartments B	08.12.2017
DA 2850 Issue 24	GFA Calculation	08.12.2017
DA 2851 Issue 24	GFA Calculation	08.12.2017
DA 2852 Issue 24	GFA Calculation	08.12.2017
DA 2853 Issue 24	GFA Calculation	08.12.2017
SP 5001 Issue 23	2A Podium (Typical) articulation zone	24.7.17
SP 5002 Issue 23	2A Tower (Typical) articulation zone	24.7.17
SP 5003 Issue 23	2B Podium (Typical) articulation zone	24.7.17
SP 5004 Issue 23	2B Tower (Typical) articulation zone	24.7.17

39 A total of ~~542~~ **543** parking spaces are to be provided, allocated as follows:

- ~~465~~ **466** resident spaces
- 77 visitor spaces

The spaces are to be provided in accordance with the approved plans and with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the relevant Construction Certificate.

Prior to the first Occupation Certificate (interim or final) the applicant is to submit written evidence to Council demonstrating that offers of a car space to car share providers have been made together with the outcome of the offers or a letter of commitment to the service.

Where agreement for a car share space is secured the following requirements apply:

- The car share vehicle must be provided with a designated on street parking space, the location and details for which must be subject to the prior approval of Council's Local Traffic Committee; and
- Payment of any adopted fees and charges which may be in place at that time.

Where an on street parking space is approved, that parking space and payment of any fees must be made prior to the issue of the first Occupation Certificate (interim or final).

Reason: To comply with Council's parking requirements and Australian Standards.

The following is an additional condition:

57C Prior to the issue of the relevant construction certificate, the Principal Certifying Authority is to confirm the use of fixed joinery within all units including studies. These details are required to be demonstrated on all relevant architectural plans accompanying the application for the relevant construction certificate.

Reason: To ensure the intended uses of the studies.

All other conditions of DA/1056/2016/A remain unmodified.