

Report to Sydney Central City Planning Panel

SWCCP reference	PPSSCC-226
DA No.	DA/1263/2016/B PAN-70359
Date of receipt	02 March 2021
Proposal	Section 4.55(2) modification to a residential tower
Street address	12A Parkes Street – Harris Park
Property Description	Lot 1 DP623527
Applicant	Soho (Parramatta) Pty Ltd c/- Mecone NSW Pty Ltd
Owner	Soho (Parramatta) Pty Ltd
Submissions	None
Recommendation	Approval subject to modified 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 (at the time of lodgement), the development has a capital investment value of more than \$30 million and triggers the requirements for a Section 4.55(2) modification determination.
List of All Relevant s4.15(1)(a) Matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act and Regulations • SEPP 55 (Remediation) • SEPP 65 (Design Quality of Residential Apartment Development) • SEPP (Building Sustainability Index: BASIX) 2004 • SEPP (Sydney Harbour Catchment) 2005 • SEPP (State and Regional Development) 2011 • SEPP (Infrastructure) 2007 • SEPP (Coastal Management) 2018 • Parramatta Local Environmental Plan 2011 • Parramatta Development Control Plan 2011
List all documents submitted with this report for the Panel's consideration	Refer to Condition 1 (bolded text) within Attachment A
Report prepared By	Kate Lafferty (Executive Planner – City Significant Development)
Report Date	30 September 2021

Summary of Sec 4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP **Yes**

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (Sec 7.24)?
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions **Not Applicable**

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report **Applicant has agreed to draft conditions**

ASSESSMENT REPORT – SECTION 4.55 MODIFICATION

Environmental Planning & Assessment Act 1979

SUMMARY

Application details

DA No:	DA/1263/2016/B (PAN-70359) (PPSSCC-226)
Assessment officer:	Kate Lafferty
Property:	12A Parkes Street – Harris Park Lot 1 DP623527
Proposal:	Section 4.55(2) modification of DA/1263/2016 for the construction of a 23 storey mixed use development comprising 113 residential units and 3 levels of basement parking. Modifications include the construction of 2 additional residential levels, reconfiguration of some existing residential floor plates, internal layout changes to the lobby and terrace levels, changes to the facade, and a reduction in parking spaces.
Date of receipt:	02 March 2021
Applicant:	Soho (Parramatta) Pty Ltd c/- Mecone NSW Pty Ltd
Owner:	Soho (Parramatta) Pty Ltd
Submissions received:	No submissions received
Is the property owned by a Council employee or Councillor:	No
Council application:	No
Issues:	Floor Space Ratio (the proposal exceeds the Parramatta LEP 2011 floor space ratio control by 918m ² which equates to a 12.9% variation)
Recommendation:	Approval
Delegation:	Sydney Central City Regional Planning Panel (See discussion under “Delegation” section of the report)

Legislative requirements

Zoning:	Mixed Use B4
Permissible:	Parramatta Local Environmental Plan 2011
Relevant legislation/policies:	Parramatta Local Environmental Plan 2011 Parramatta Development Control Plan 2011 Parramatta CBD Development Contributions Plan 2007 (Amendment 5)
Variations:	Floor Space Ratio
Integrated development:	Yes – Water NSW – No referral of this application is required (no change to basement)
Crown development:	No
Designated development:	No

The site

Site Area:	888.6m ²
Easements/rights of way:	None affected by this application
Heritage item:	No
In the vicinity of a heritage item:	<p>The site is located within proximity to the following heritage items:</p> <ul style="list-style-type: none">• 113-115 Wigram Street – single storey attached Victorian cottages• 23-25 Hassall Street – single storey attached cottages <p>The proposed modifications would not impact on these heritage items.</p>
Site History:	See Background section below

SITE AND SURROUNDS

The site is an irregular shaped block located on the north-western corner of Parkes Street and Wigram Street, Harris Park.

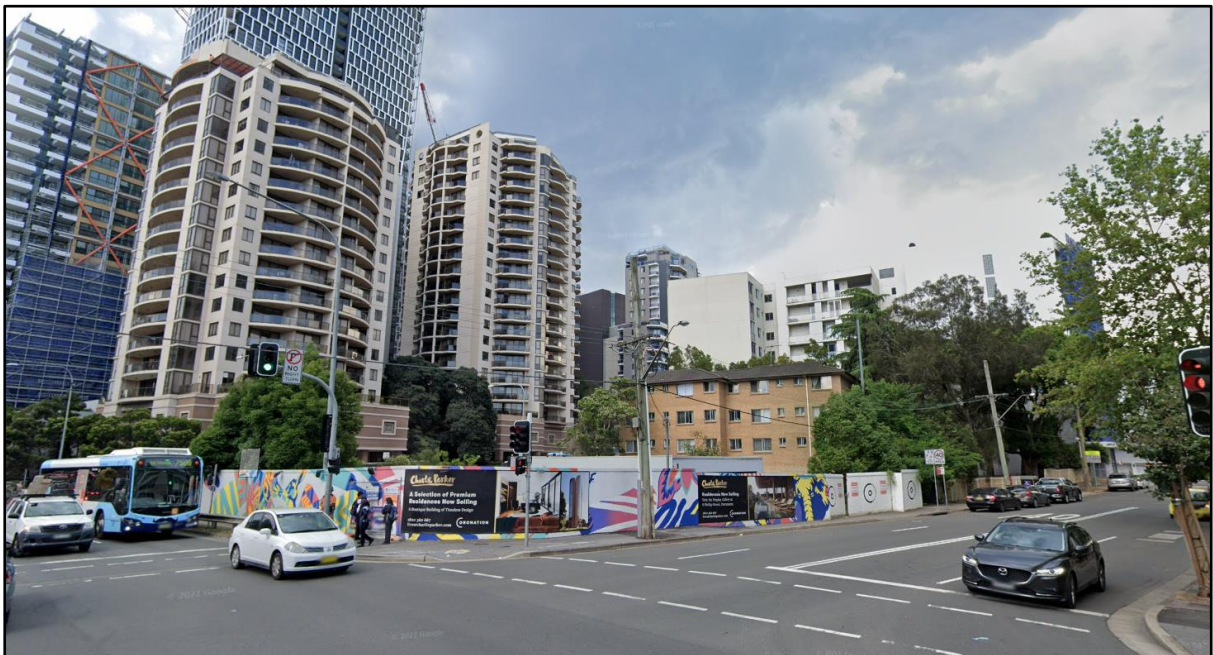
The site has a frontage to Wigram Street (31.6m), Parkes Street (10.5m) and Charles Street (17.2m). The site area is 888.6m². The site is highly constrained to a small footprint bounded by Clay Cliff Creek, which is open concrete culvert to the north, and roads on all other boundaries.

The site is located in close proximity to Parramatta CBD, the transport interchange, Harris Park railway station, local schools and the future developments at Parramatta square.

The site is currently vacant.



Locality Map (subject site outlined in red)



**View of the subject site – corner of Parkes Street & Wigram Street
(Source: Google Street View – Image Captured Nov 2020)**

The subject site is surrounded by the following development:

North	Clay Cliff Creek - an open concrete channel is located along the northern boundary of the site.
South	A five (5) storey commercial development is located on the opposite side of Parkes Street, at 20-24 Parkes Street and adjacent is a four storey commercial building at No. 7k Parkes Street.

	In addition, there is a small open space (pocket park) located across the street opposite the site on the south-western corner at the intersection of Wigram and Parkes Street.
East	A 39 storey mixed use development has been approved at 14-20 Parkes Street, across the road from the subject site. The site is currently under construction.
West	Adjacent to the western boundary of the site is the Charles Street bus layover, with layover spaces for buses provided on both sides of Charles Street. Opposite in Charles Street is a 16 storey mixed use development (13-15 Hassall Street).

BACKGROUND

The following planning history is of relevance to the proposed development.

Application	Details
DA/120/2017	An application for demolition of existing structures and construction of a temporary residential sales office/display unit was approved on 30 June 2017.
RZ/22/2014	Planning Proposal submitted for an increase to FSR on the site. The Planning Proposal was approved on 23 August 2019 and the amendments to the Parramatta LEP 2011 were gazetted. The controls were primarily changed as follows: <ul style="list-style-type: none"> • FSR increase from 4:1 to 8:1 • Application of maximum parking rates • Exemption from Clause 7.2 FSR sliding scale.
DA/1263/2016	An application for the construction of a 22 storey residential flat building comprising of 113 residential units and 3 levels of basement parking was approved by the regional planning panel on 9 October 2019.
DA/1263/2016/A	A Section 4.55(1A) modification to remove the requirement for fully “tanked” basement structure and instead allow for a “drained” basement structure was refused on 15 May 2020.

PROPOSED MODIFICATIONS

The proposal involves the following primary modifications:

- Construction of 2 additional residential levels (resulting in an additional 8 apartments)
- Reconfiguration of three existing residential floorplates (resulting in an additional 5 apartments)

Note - Additional levels and reconfiguration results in an additional 13 apartments in total.

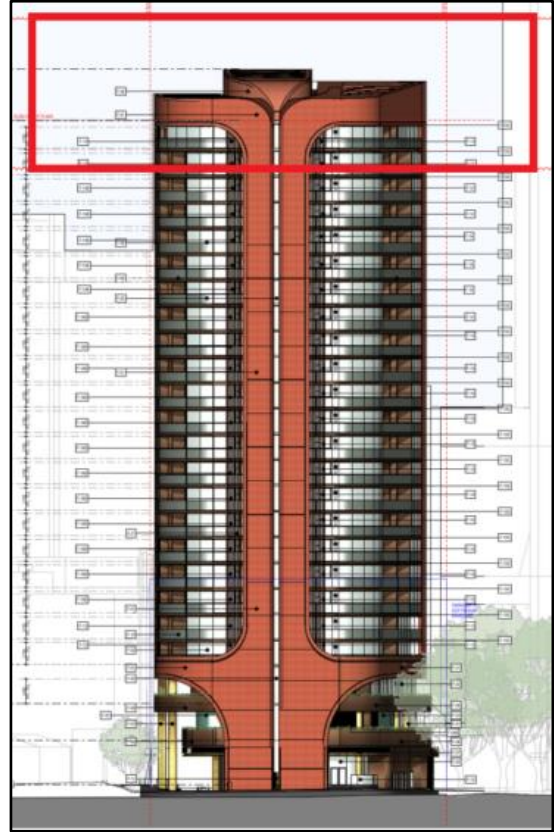
Proposed Level	Changes Compared with Approved Levels
Level 25 (Roof)	Level 23 reconfigured
Level 24 (Plant)	Level 22 reconfigured
Level 23	Level 21 reconfigured (+ 2 apartments)
Level 22 Level 21	New added levels – replicated L20 (+ 8 apartments)
Level 20 Level 19	Level 19 and Level 20 reconfigured - replicated L08-L18 (+ 3 apartments)
Level 1 to Level 18	Primarily unchanged

- Minor internal layout changes to lobby and terrace levels (including the addition of a function room)

- Minor changes to the façade (including the addition of awning windows and windows behind screens)
- 1 car space reduction in total parking in order to accommodate required accessible spaces.



Photomontage of proposed development



Proposed development height change

DELEGATION

The original development application was determined by the Sydney Central City Planning Panel as the CIV of the proposed development was over \$30 million.

Under the provisions of Clause 123BA of the Environmental Planning and Assessment Regulation 2000, Council or the regional panel may be the determining authority for Section 4.55 applications. In this regard, Clause 123BA(2) reads as follows:

- (2) *A council is not to determine, on behalf of a regional panel, an application to modify a development consent under section 4.55(2) of the Act if the application is of a kind specified in the Instruction on Functions Exercisable by Council on Behalf of Sydney District or Regional Planning Panels--Applications to Modify Development Consents published on the NSW planning portal on 30 June 2020.*

In accordance with the Panel **Instruction on Functions** the following is noted:

A council is **not** to determine an application under section 4.55(2) of the Act to modify a development consent granted by a regional panel if the application:

Trigger	Comment
<ul style="list-style-type: none"> Proposes amendments to a condition of development consent recommended in the council assessment report but which was amended by the panel, or 	Condition 12 of the consent relating to height was amended by the Panel. The modification seeks to alter this condition.
<ul style="list-style-type: none"> Proposes amendments to a condition of development consent that was not included in the council assessment report but which was added by the panel, or 	According to the Panel Determination and Statement of Reasons – no additional conditions were included in the recommendation which are impacted by the modification.
<ul style="list-style-type: none"> Meets the criteria relating to conflict of interest, contentious development or departure from development standards set out in Schedule 1 to this instruction. 	Criteria discussed below.
Schedule 1 Criteria	
1. Conflict of interest Development for which the applicant or landowner is: <ul style="list-style-type: none"> (a) the council, (b) a councillor, (c) a member of council staff who is principally involved in the exercise of council's functions under the <i>Environmental Planning and Assessment Act 1979</i>, (d) a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or (e) a relative (within the meaning of the <i>Local Government Act 1993</i>) of a person referred to in (b) to (d). 	No stated conflict of interest.
2. Contentious development Development that is the subject of 10 or more unique submissions by way of objection.	No submissions received. The development is not considered contentious.
3. Departure from development standards Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.	The development does contravene development standards. The modification contravenes the FSR standard in LEP 2011.

Given that the application does trigger matters above, the Sydney Central City Planning Panel is the determining authority.

ASSESSMENT

REGIONAL PANEL BRIEFING

The application was considered at a SCCPP Briefing Meeting held on 1 July 2020. Members of the panel in attendance were Abigail Goldberg (Chair), David Ryan and Jane Fielding.

The key issues discussed at the Panel Briefing Meeting are as follows:

- The Panel noted the matters raised in the Briefing Note, and the issues these raise in relation to:
 - The development approval process undertaken by the Applicant;
 - Alignment with planning controls and strategic planning intent for the site.
- Council's planner noted that the Applicant has proposed reducing the height of the proposal by one floor since the Briefing Note was prepared. Should this be carried through, the reduced height of the proposal will be compliant with planning controls.
- The Panel considers achieving a height compliant development to be a positive step.

- Council's planner noted that FSR non-compliance will be reduced if height is reduced, however FSR will still exceed the controls by 13%.
- The Panel noted that the revised, non-compliant FSR would need to be assessed in relation to its planning merit and environmental impact.
- In addition, the Panel noted that the application will need to be updated to ensure the requisite facilities are provided for the additional levels, including storage and the like.

Planning Comment: The application has been amended to reduce the height by one (1) floor. The application therefore proposes an additional 2 floors with a compliant height but a FSR non-compliance of 12.9%. This assessment report considers the impacts of the proposed non-compliance and the matters raised at the panel briefing meeting.

REFERRALS

External Referrals

Agency	Comment
TfNSW (Parramatta Light Rail)	Comments received. No objections raised.
Sydney Water	Comments received. No objections raised.
Endeavour Energy	Comments received. No objections received.

Internal Referrals

Referral	Comment
Design Competition Jury	The Design Competition Jury has reviewed the proposal and raises no issues with the proposed modifications. The Jury are supportive of the proposed additional residential levels, and consider it to be consistent with the objectives of Design Excellence. The height, bulk and scale of the proposal is generally consistent with the emerging built form typology in the surrounding area.
Traffic	Comments received. No objections raised. Amendments to approved conditions are recommended (including changes to the car parking and bicycle numbers). It is noted that the referral recommends additional conditions be imposed requiring a car share space and the provision and review of a green travel plan. Neither of these conditions are specifically related to the modifications and are not considered warranted.
Accessibility Officer	Comments received. Minor adjustments to the design will need to be carried out – for example, provision of a mixture of left hand and right hand transfers onto the WC pan, continual accessible paths of travel in outdoor communal areas. These matters are generally covered by existing conditions of consent however minor changes to Condition 28 are proposed to address additional concerns.
Environmental Health (Waste)	Comments received. No objections raised.
Environmental Health (Acoustic)	Comments received. No objections raised.

PUBLIC CONSULTATION

Modification applications are subject to notification in accordance with Council's notification procedures contained within Appendix 5 of DCP 2011. The application was advertised and notified between 10 March and 31 March 2021 and a sign was placed on site.

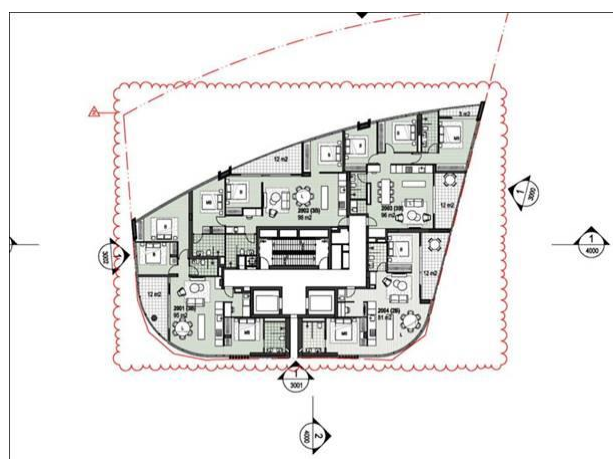
No submissions were received.

AMENDED PLANS

Yes

Summary of amendments

- The plans were amended by reducing the number of additional levels from 3 floors to 2 floors.
- The plans were later amended by changing the proposed floor plan of Level 20 and Level 21 to reduce the overall number of apartments from 12 to 8 (to increase the number of 3 bedroom apartments). These levels are to be replaced with the approved Level 20 floor plan – see below.



Approved Level 20 (original application)



Proposed Levels 8-22 (modification application)

Amended Plans re-advertised or re notified

No

Reason amendments not renotified

In accordance with clause A5.5.9 of the Parramatta DCP 2011 notification procedures entitled "Notification of Amended Development Applications Where the Development is Substantially Unchanged", the application did not require re-notification as the amended application is considered to be substantially the same development and does not result in a greater environmental impact.

SECTION 4.55 MATTERS OF CONSIDERATION

Has the consent lapsed?

No – consent lapses on 30 October 2024

Section 4.55(2) Modification

Substantially the same development

The proposed development to be modified is considered to be substantially the same development as to that which the original development consent relates as the amendments do not change the nature of the original approval, being a high rise residential development.

When considering the cumulative quantitative and qualitative changes, the retention of the material and essential features of the project (including land use and built form), the proposed modifications do not 'radically transform' the approved development. It is considered that the proposal is 'essentially or materially the same' as the approved development. In this regard, the proposed development to be modified is considered to be substantially the same development as to that which the original development consent relates.

Notification & Submissions

The application was notified as per the provisions of Appendix 5 of Parramatta DCP 2011. No submissions were received in response to the notification.

SECTION 4.15 ASSESSMENT - EVALUATION OF PROPOSED MODIFICATIONS

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 (EPA ACT)

The sections of the EPA Act which require consideration are addressed below.

Section	Comment
Application of Part 7 of Biodiversity Conservation Act 2016 (Section 1.7)	The site is in an established urban area with low ecological significance. No threatened species, populations or ecological communities, or their habitats are impacted by the proposal.
Function of Sydney District and Regional Planning Panels (Section 2.15)	The Sydney Central City Planning Panel is the consent authority for this application. See discussions earlier within this report under the heading "Delegation".
Evaluation (Section 4.15)	This section specifies the matters that a consent authority must consider when determining a development application. Refer to section below for details.
Integrated Development (Section 4.46)	The original application was Integrated Development as a water supply work approval is required under Section 90(2) of the Water Management Act 2000. The modification does not impact upon the General Terms of Approval issued for the development.

The proposed modifications have been assessed in accordance with the matters for consideration under Section 4.15 of the EP&A Act, 1979. This is indicated below.

ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy No. 55 – Remediation of Land

This matter was considered in the assessment of the original application. There are no proposed modifications which would impact upon that assessment. No additional excavation is being proposed and there is change to the approved land use.

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

Design Quality Principles

The design quality principles are maintained. Increased amenity is provided for the future occupants with function room added to the communal area on the Terrace Floor.

Apartment Design Guide (ADG)

The SEPP requires consideration of the ADG which supports the 9 design quality principles by giving greater detail as to how those principles might be achieved. The table below considers the proposal against key design criteria in the ADG:

The table below considers the proposal against key design criteria in the ADG.

Standard	Requirement	Comment												
PART 3 – SITING THE DEVELOPMENT														
3B: Orientation	No change to the approved orientation of the building.													
3C: Public Domain Interface	No significant changes to the public domain interfaces. There are minor changes to the location of utilities – booster valve and water meter which do not have any significant impacts.													
3D: Communal & Public Open Space	No change to the location or amount of communal open space. It is noted however that a function room has replaced the gym on the terrace, with the gym relocated to the western side of the floor.													
3E: Deep Soil	No change to the original approved deep soil provisions.													
3F: Visual Privacy	<table border="1"> <thead> <tr> <th>Building Height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr> </thead> <tbody> <tr> <td>up to 12m (4 storeys)</td><td>12m</td><td>6m</td></tr> <tr> <td>up to 25m (5-8 storeys)</td><td>18m</td><td>9m</td></tr> <tr> <td>over 25m (9+ storeys)</td><td>24m</td><td>12m</td></tr> </tbody> </table>	Building Height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	12m	6m	up to 25m (5-8 storeys)	18m	9m	over 25m (9+ storeys)	24m	12m	No changes proposed to approved setbacks or separation distances.
Building Height	Habitable rooms and balconies	Non-habitable rooms												
up to 12m (4 storeys)	12m	6m												
up to 25m (5-8 storeys)	18m	9m												
over 25m (9+ storeys)	24m	12m												
3G: Pedestrian Access and Entries	No changes proposed to the approved pedestrian access and entry. The lobby has been slightly increased in size to improve amenity.													
3H: Vehicle Access	No changes proposed to the vehicular access on the site.													
3J: Bicycle and car parking	<p><i>The site is within 800m of Parramatta train station. As such RMS rates apply or Council prescribed rates whichever is the lesser. In this regard, the LEP sets the rates for the site which are less than the RMS rates.</i></p> <p>Bicycle parking for residents should be secure and easy to access from common areas</p>	<p>See LEP compliance table.</p> <p>Additional bicycle parking is provided for the additional apartments proposed.</p>												
PART 4 – DESIGNING THE BUILDING														
4A: Daylight / Solar Access	At least 70% of living rooms and private open space to receive at least 2 hours direct sunlight between 9.00am and 3.00pm on 21 June	107 apartments (85%) Yes												
	A maximum of 15% of apartments are permitted to receive no direct sunlight between 9.00am and 3.00pm on 21 June	20 apartments (15%) Yes												
<p><u>Solar Access Impacts on adjoining properties:</u></p> <p>Overshadowing of neighbouring properties during the Winter Solstice is inevitable given the height of the proposed development and the dense urban form within the city centre.</p>														

Standard	Requirement	Comment	
<p>The additional height created by the architectural roof feature will cause minimal overshadowing to nearby properties. The shadow analysis indicates the following:</p> <ul style="list-style-type: none">• minor extended overshadowing primarily across the railway, roads and existing affected vacant or commercial properties in Ada Street and Wigram Street in the morning hours• minor extended overshadowing across the roofs of residential properties in Wigram Street and Albion Street in the afternoon hours• Minor encroachment of shadows onto front yards of newly affected properties in Albion Street (2 x residential properties) in the afternoon at 2pm• Additional properties within Albion Street, Harris Street and Alice Street are impacted in part late in the afternoon at 3pm for a short period of time. The majority of these properties are not impacted by the proposed development at any other time.• There would be no overshadowing of Experiment Farm between 10am and 2pm midwinter, consistent with the CBD Planning Proposal. <p>There is no significant impact to any existing residential properties or additional residential properties as a result of the increase in height of the development. The overshadowing impacts are considered acceptable given the nature of the controls on the site and the dense urban environment.</p>			
4B: Natural Ventilation	At least 60% of apartments are to be naturally cross ventilated.	64% of apartments (53 in the 1 st 9 storeys) are cross ventilated.	Yes
	Apartment depth is not to exceed 18m	No change to approved apartment depths.	
4C: Ceiling heights	Min. 2.7m habitable Min 2.4m non-habitable Min 3.3m for mixed use	Residential = 2.7m floor to ceiling = 3.16m (min) floor to floor	Yes
4D: Apartment size & layout	Studio – 35m ² 1 bed – 50m ² 2 bed – 70m ² 3 bed – 90m ² <i>(note: minimum internal size increases by 5m² for additional bathrooms, 10m² for 4 + bedroom)</i>	All reconfigured apartments and new apartments comply with the minimum apartment size and layout - with the exception of unit 2301 which is a 1-bed unit with two bathrooms. The unit area is 54m ² while the required area is 55m ² (due to the second bathroom). This is considered acceptable given the bathroom consists only of a toilet and sink and is well under 5m ² .	
	All rooms to have a window in an external wall with a total minimum glass area not less than 10% of the floor area of the room		
	Habitable room depths to be a maximum 2.5 x the ceiling height (=6.75m)		
	Maximum depth (open plan) 8m from a window		
	Master bedrooms – 10m ² Other bedrooms – 9m ² Bedroom dimensions – 3m ²		
	Living rooms have a width of: <ul style="list-style-type: none">• 3.6m for studio/1bed• 4m for 2 or 3 bed		
4E: Private open space & balconies	Studio – 4m ² 1bd – 8m ² / 2m 2bd - 10m ² /2m 3bd – 12m ² /2.4m	All reconfigured apartments and new apartments comply with the minimum private open space requirements.	
	Ground or podium apartments to have POS of 15m ² /3m	Not applicable.	

Standard	Requirement	Comment
4F: Common circulation & spaces	Max. apartments off circulation core on single level = 8-12	No change to the approved circulation spaces. The building has a maximum of 6 apartments off a circulation core.
4G: Storage	Internal storage is provided in the additional apartments. Additional storage area has been provided within the basement.	
4H: Acoustic Privacy	No change to approved internal configurations which would result in any additional acoustic privacy issues.	
4J: Noise and pollution	The application includes an acoustic assessment report which states that the <i>“Wood & Grieves Acoustic Report for Development Application demonstrates that compliance with suitable internal noise level goals is achievable with typical façade constructions. The application of similar façade treatments to the additional levels of residential apartments and the altered apartments will also achieve compliance.”</i> A condition is already included in the consent requiring compliance with the report be implemented. Only minor changes to this condition are required to reflect the comments of the acoustic assessment.	
4K: Apartment Mix	A range of apartment types and sizes is provided to cater for different household types. The development has the following bedroom mix:- <ul style="list-style-type: none"> • 79 x studio/1 bedroom apartments (63%) – originally approved at 62% • 39 x 2 bedroom apartments (29%) – originally approved at 30% • 10 x 3 bedroom apartments (8%) – originally approved at 8%. The apartment mix is consistent to that which has been approved. The units vary in size, amenity, orientation and outlook to provide a mix for future home occupants. A variety of apartments are provided across all levels of the apartment building.	
4M: Facades	Minor changes have been made to the facades – including the addition of awning windows and windows behind screens. The modifications do not adversely impact upon the visual appearance of the building. The application has been reviewed by the Design Competition Jury who have raised no concerns regarding the minor façade changes.	
4N: Roof design	No change to the approved roof design.	
4O: Landscape Design	No change to the approved landscaping of the site.	
4P: Planting on structures	No change to the approved planting of the site.	
4Q: Universal Design	The application proposes a commensurate increase in the number of adaptable apartments (=13) and liveable apartments (=26) to comply with the requirements of the ADG.	
4S: Mixed Use	Not applicable. The proposed development is a residential flat building.	
4T: Awnings and Signage	No changes proposed.	
4U: Energy Efficiency	An updated BASIX Certificate has been submitted that demonstrates the development satisfies energy efficiency requirements.	
4V: Water management	The BASIX Certificate demonstrates that the development achieves greater than the target mark for water conservation.	
4W: Waste management	Appropriate waste facilities have been provided. The refuse store on the ground floor has been increased to cater for the additional apartments. The application was referred to Council's Waste Officer who raises no concerns with the proposal.	
4X: Building maintenance	No changes proposed that would impact upon the building maintenance requirements of the development.	

State Environmental Planning Policy (Infrastructure) 2007

The modifications proposed do not impact upon the assessment of the original application.

State Environmental Planning Policy – Basix

A revised Basix certificate has been submitted with the modification application. The BASIX certificate demonstrates the development satisfies energy efficiency requirements. It is noted that an amended Basix certificate will be required to be submitted to reflect the latest plan amendments for Levels 20 and 21.

State Environmental Planning Policy (Coastal Management) 2018

The site is not affected by the provisions of the Coastal Management SEPP.

State Environmental Planning Policy (Sydney Harbour Catchment) 2005

The modifications proposed do not impact upon the assessment of the original application.

Parramatta Local Environmental Plan 2011

Development standard	Proposal	Compliance
2.3 Zoning B4 – Mixed Use	The proposed use is defined as a residential flat building which is permissible with development consent in the zone. There are no proposed changes to the approved use of the land.	Yes
Zone Objectives	The proposal is considered to be in keeping with the objectives of the B4 Mixed Use zone for the following reasons: <ul style="list-style-type: none">• The proposal provides additional residential in a highly accessible area.• The proposal provides upgrades to the public domain.	Yes
4.3 Height of Buildings LEP Height = 72m Design Comp Bonus +15% Control = 82.8m (max)	Height = max 82.8 (roof floor) The original application measured height to the topmost part of the building (top of roof structure) which was 82.8m and compliant with LEP2011. The modification seeks consideration of the roof element as an architectural roof feature which would be allowed to breach the height controls under Clause 5.6 of LEP2011. This would enable the applicant to achieve additional residential floors up to the permissible height limit.	Yes
4.4 Floor Space Ratio LEP FSR = 8:1 Design Comp Bonus +15% Control = 9.2:1	Site Area = 888.6m ² Allowable FS = 8,175.12m ² Proposed FS = 9093m ² Proposed FSR = 10.23:1 See separate discussion on floor space at the end of the LEP table.	NO
4.6 Exceptions to Development Standards	The proposal does propose variations to the floor space ratio development standards. As this is a modification application, Clause 4.6 is not applicable.	N/A
5.6 Architectural Roof Features	The proposal contains a very distinctive architectural roof feature containing roof structures (including plant and lift/stair overruns). This feature:	Yes

Development standard	Proposal	Compliance
	<ul style="list-style-type: none"> comprises a decorative element on the uppermost portion of the building is not an advertising structure does not include floor space area and is not reasonably capable of modification to include floor space area will cause minimal overshadowing. <p>The architectural roof feature exceeds the height by 6.3m (max) however may be granted under this clause of the LEP.</p>	
5.10 Heritage conservation	<p>The site is not identified as a heritage item nor is it located within a heritage conservation area.</p> <p>The site is located within proximity to the following heritage items:</p> <ul style="list-style-type: none"> 113-115 Wigram Street – single storey attached Victorian cottages 23-25 Hassall Street – single storey attached cottages <p>Given the separation between location of development activities and the listed items and given adequate design response to the context, the nature of the proposal which is generally in keeping with planning controls, it is deemed that heritage values will not be adversely impacted as a result of this proposal.</p>	Yes
6.1 Acid Sulfate Soils	No additional excavation is proposed as part of this application which would impact upon previous conclusions regarding acid sulfate soils.	Yes
6.2 Earthworks	No additional earthworks are proposed as part of this application.	N/A
6.3 Flood Planning	The site is flood affected and lies within the floodway of Clay Cliff Creek. According to Council's adopted flood modelling, the site is surrounded by 'High Hazard' flow conditions in a 1% AEP event. There are no proposed changes that would impact upon the flood affectation of the site. All ground floor levels remain unchanged. The level of density within the flood area is considered acceptable as it is minor and consistent with the strategic densities throughout the City Centre.	Yes
7.4 Sun Access	The proposal would not overshadow Jubilee Park, Parramatta Square or Lancer Barracks during the solar protection window (12pm – 2pm).	Yes
7.6 Air Space Operations	This clause requires the consent authority to not grant consent to a development that is a controlled activity within the meaning of Division 4 of Part 12 of the <i>Airports Act 1996</i> unless the applicant has obtained approval for the controlled activity. The Bankstown Airport OLS of RL156m AHD is not breached (proposal is RL96.1) and therefore a controlled activity approval is not required.	Yes
7.10 Design Excellence	The proposal is the winning entry in a design competition and has received the designation of	Yes

Development standard	Proposal	Compliance
	<p>'design excellence'. The modified design as submitted has been reviewed by the design jury and found to be acceptable. In this regard, the Design Jury states as follows:</p> <ul style="list-style-type: none"> • The Jury are supportive of the proposed additional residential levels, and consider it to be consistent with the objectives of Design Excellence. The height, bulk and scale of the proposal is generally consistent with the emerging built form typology in the surrounding area. • Key features of the original design competition winning scheme, including the roof feature, curved form and communal open terrace have been retained. The design development and retention of the 'Capital Red Brick' façade is also strongly supported by the Jury. • The Jury are pleased that FJMT have been retained as Project Architect, and have been engaged to prepare all necessary Architectural Drawings and Design Reports to support this and any future application. • The Jury look forward to reviewing the design development of the proposal at prior to the issue of the relevant Construction Certificate. 	
7.16 Development on land at 12A Parkes, Harris Park	This clause applies to the site and relates to the satisfaction of certain flood related matters including shelter in place, emergency access points and structural soundness. There are no proposed changes that would impact upon the flood affectation of the site.	Yes
7.16(4) Car Parking 54 spaces (residential) permitted at a maximum	<p>One approved car space is proposed to be removed to enable the provision of adequate accessible parking in the basement. The proposed modifications would allow for a maximum of 54 spaces.</p> <p>47 residential car spaces have been provided, which complies with the LEP provisions.</p>	Yes

Non-Compliance with Floor Space Ratio

The original application had an approved FSR of 9.2:1 which was compliant with Parramatta LEP 2011.

The modification seeks alterations to the approved building and an additional 2 x residential floors (an additional 918m² of floor space) which results in a FSR of 10.2:1. It should be noted that approximately 830m² of the floor space creates an additional 8 apartments in the proposed the 2 new floors, whilst the remainder is used located throughout the building with minor alterations to the approved floor plan configuration.

The FSR is a 918m² increase which equates to a 12.9% variation to the current FSR controls of Parramatta LEP 2011 (inclusive of the design competition bonus of 15%).

Strategic Considerations

The site has recently been the subject of a site specific planning proposal (SSPP) and the current LEP controls on this site came into effect on 23 August 2019 (LEP Amendment No. 34).

The draft CBD Planning Proposal does not amend the current controls on the site. No incentive floor space has been provided for this site. Council's *Community Engagement Report* (prepared to address exhibition responses) notes that the site was not afforded an increased floor space primarily because it had been the subject of a recent site specific planning proposal (SSPP), which involved rigorous technical analysis; statutory decisions by Council, DPIE and design excellence panel; and consultation with the community, statutory authorities and service providers.

The applicant lodged a submission in response to the exhibition of the draft CBD Planning Proposal requesting an increased height to 122m and increased FSR to 10:1. This submission was considered by Council officers and the following is noted within the *Community Engagement Report* in response to that submission:

In the case of the subject site, an FSR of 8:1 was considered an appropriate outcome balancing the issues of the small size (approximately 900sqm) with the isolated nature and flood affection and achieving a proportional built form. This is consistent with the provisions of the draft clause 7.2 FSR. In addition, if the site had not been the subject of a SSPP as posed by the submitter, clause 7.2 FSR would also apply and the resulting FSR for the site would be 6:1 given the land area is less than 1000sqm.

Notwithstanding that the submission was not supported in the *Community Engagement Report*, the report noted that there is merit for further investigation of these matters at a later date.

In terms of allowing additional floor space through the development modification process, the proposal is considered acceptable in this particular instance for the following reasons:

- **Objectives of the current zone and floor space ratio provisions**

The proposed development is not contrary to the objectives of the B4 Mixed Use zone applying to the land. The proposal integrates suitable residential development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

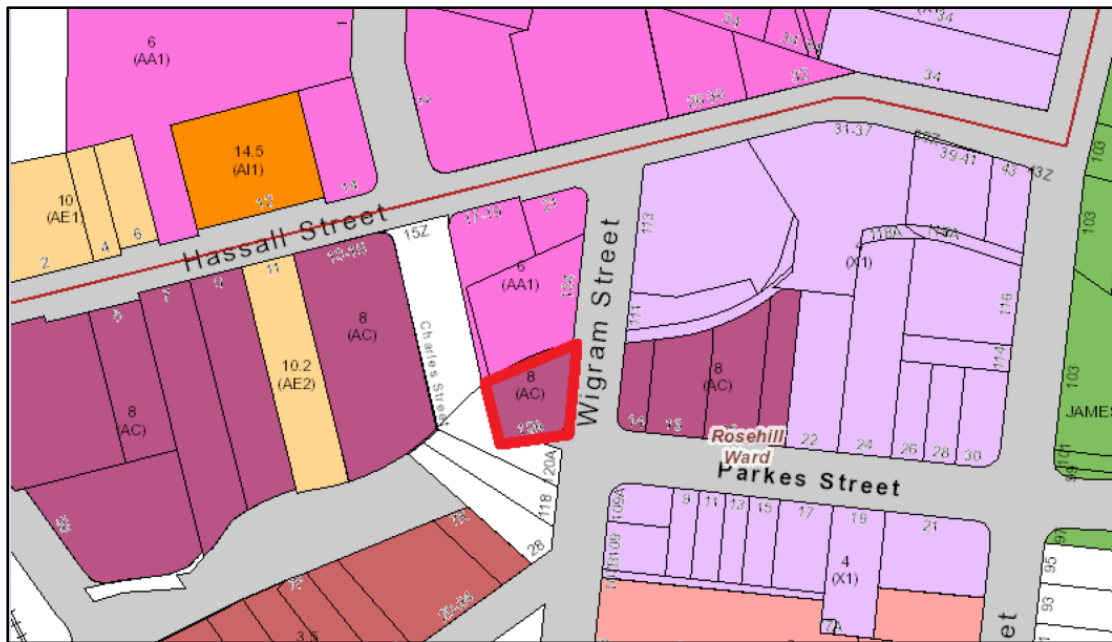
The proposed development is not contrary to the objectives of the floor space ratio provisions in LEP 2011. The proposal provides a transition in built form (with a compliant height) and land use intensity (with only 8 additional apartments), has regard to heritage sites and their settings and respects the existing character and scale of low density residential areas (predominately considering the minor impacts on development in Harris Park to the south).

- **Objectives and intended outcomes of the draft CBD PP**

The proposed development is not contrary to the objectives and intended outcomes of the draft CBD PP. In particular, the proposal increases the capacity for new dwellings so as to create a dynamic and diverse city and meet targets in the Central City District plan and ensures that tall buildings are of an appropriate form for their size and context.

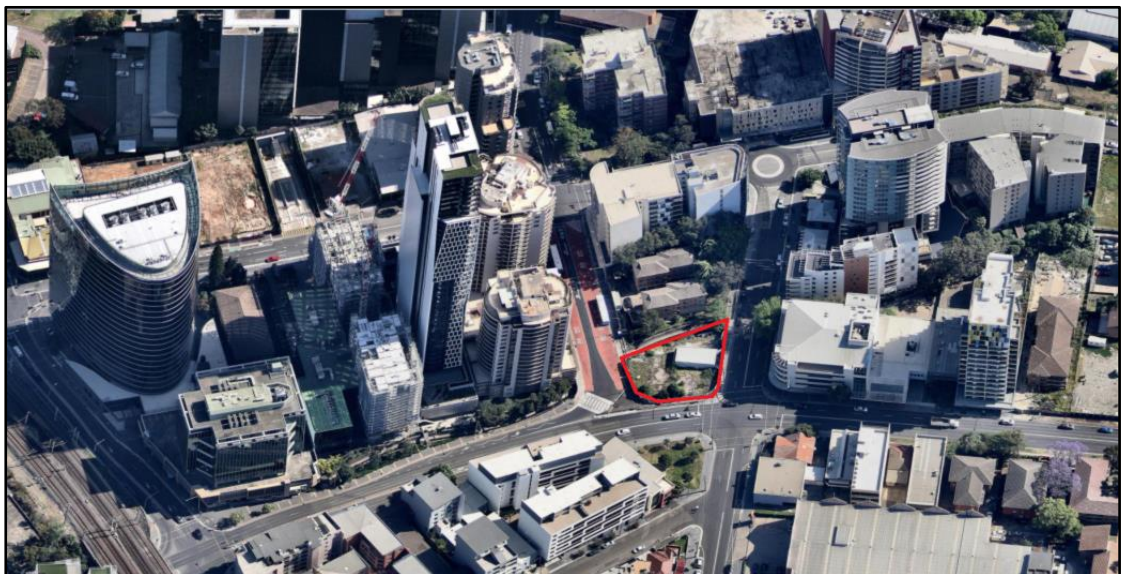
- **Context of the Existing and Future Area**

The subject site has a FSR of 8:1 which is consistent with sites in the immediate vicinity, particularly along Parkes Street. This is indicated in the map below.



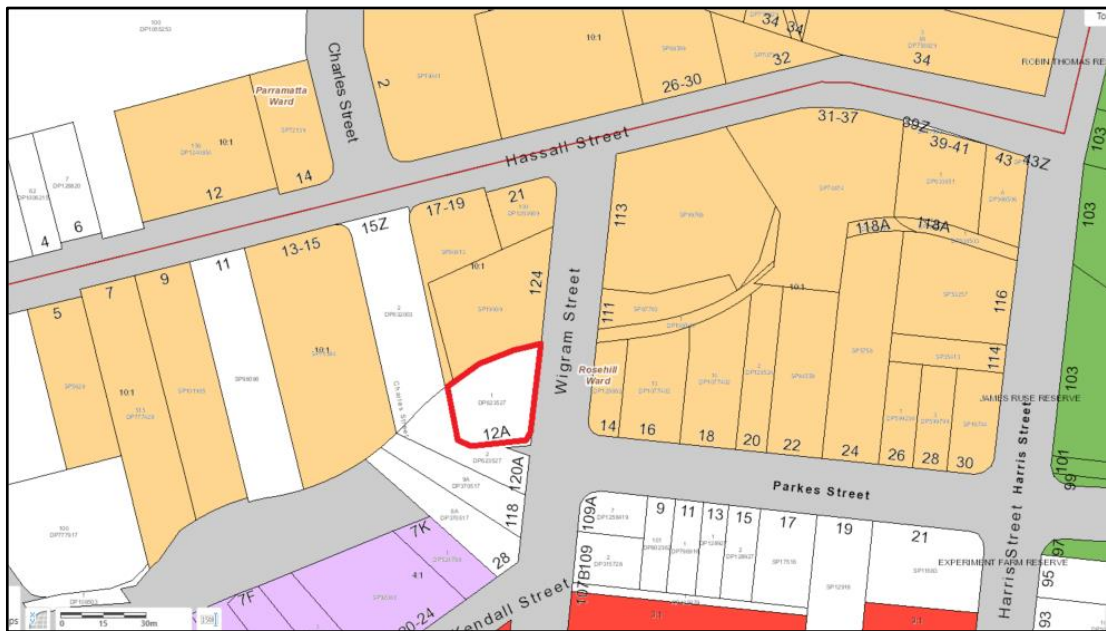
Extract from Parramatta LEP 2011 (FSR map)

The proposed development would result in having a base FSR equivalent to 9:1 (without the design excellence bonus). The development in terms of its resultant bulk and scale would not be out of character with the surrounding area. This section of the CBD contains high rise residential and mixed use buildings, and despite the proposed floor space exceedance, the building results in a taller slender tower, rather than bulking out the floorplates. The existing surrounding built form is indicated in the aerial view below.



Panoramic view of surrounding area (Source – Nearthmaps 06.09.2021)

The context of the future planning controls of the immediate area allows for an incentive floor space ratio of up to 10:1. This is indicated in the map below.



Extract from draft CBD Planning Proposal (Incentive FSR map)

As can be seen from the above map, the majority of sites surrounding the subject site north of Parkes Street have an incentive FSR of 10:1. This is a common incentive FSR throughout the city centre under the draft controls and allows for a certain level of consistency for the acceptance of floor space. These sites would also achieve additional height and floor space bonuses through the design excellence process (15%) and high performing building provisions (5%) within the draft CBD planning proposal.

The proposed development at a proposed FSR of 10.2:1 is not inconsistent with the future built form of the surrounding area, which is likely to be built at a much higher floor space than the subject proposal, considering the development standards applying and development bonuses available.

- **Site Isolation**

The site is considered to be isolated as it is directly adjoins roads to the east, south and west and adjoins Clay Cliff Creek to the north. The site cannot be amalgamated with any other site to increase opportunity to provide additional density. It is noted that the sliding scale previously applicable to the site under Clause 7.2 of LEP2011 (restricting floor space based on site area), was “turned off” under the SSPP and the site (Special Provisions Area 8) is currently exempt from the floor space sliding scale. Despite the site size and isolation, the site can suitably accommodate the additional 8 apartments without impacting on the amenity of the future occupants of the building and the amenity of the surrounding area. This is discussed further within the report.

- **Appropriate analysis**

The modification proposed has been the subject of technical analysis, review by the design competition panel, consultation with service providers and the community through public exhibition. In this regard, no significant impacts are identified through the technical analysis, design review or through the consultation process with service providers or the general public (no submissions were received during the exhibition of the application).

- **Future strategic consideration**

As discussed earlier, the applicant lodged a submission to the draft CBD Planning Proposal requesting an increased height to 122m and increased FSR to 10:1. This submission was considered by Council officers and the following conclusion is noted within the *Community Engagement Report*:

The submitter's proposed changes to the incentive height and FSR maps represent a change greater than 10 per cent and is therefore likely to trigger the need for the re-exhibition of the CBD PP if incorporated and other planning and urban design issues have not been tested. Despite the above, the submitter's site meets the definition of an isolated site as it has road frontages on three sides and Clay Cliff Creek on its fourth frontage. Therefore, any increase in height and FSR would need to be carefully assessed given the flooding constraints experienced by this site.

*In conclusion, Council officers see there **is merit in further investigation** of the submitter's proposed height and FSR increases at a later stage.*

It is therefore clear from the above that a higher density may have merit and will be further investigated by Council's Land Use Planning team at a later date. It should also be noted that this modification application does not seek any increase beyond the permissible height restrictions, and seeks a floor space well below the requested 10:1 in the submission as discussed within the *Community Engagement Report*.

Therefore following the above discussions, the departure from the current and proposed floor space ratio controls are considered acceptable in this circumstance as they relate to this site and this application.

Impacts of additional floor space

In terms of considering the impacts of the proposed additional floor space, it is important to consider the capacity of the development to provide for future occupants and the environmental impacts of the proposal. These are discussed below.

- **Capacity to provide adequate facilities for future occupants**

The additional floor space results in an additional 8 apartments within the building. The capacity to provide for these additional units is indicated below.

Services	The application was referred to Endeavour Energy and Sydney Water and no concerns were raised in regard to the additional density proposed or provision of services.
Car Parking	No additional car parking is to be provided for the increased number of apartments. The provision of car parking is set at a maximum rate within the City Centre, and therefore the proposal complies with statutory requirements. The site is within walking distance to the train and bus interchange in Parramatta. No objections to the car parking provision has been raised by Council's Traffic team.
Bicycles	Additional storage for bicycles has been provided in accordance with Parramatta DCP 2011 requirements.

Waste	The refuse storage area within the ground floor has been increased in size. No concerns were raised by Council's Waste Management Officer.
Storage	Adequate storage has been provided within the apartments and basement and complies with the ADG requirements.
Communal	Although no additional communal areas are required for the increased density, the application proposes improved communal facilities for the occupants of the site – including an increased lobby area and the provision of an enclosed function room for the use by the residents.

- **Consideration of environmental impacts**

The additional floor space is primarily contained within the additional 2 floors being added to the building. This height increase (although compliant with legislative requirements) has the potential to result in adverse environmental impacts. These are discussed below.

Services	This matter has been discussed above. There is no indication that services will be significantly impacted by the increased density.
Excavation	No additional excavation is proposed and therefore no additional impacts will arise in terms of acid sulfate soils, contamination, potential archaeological matters or groundwater affects.
Flooding	The site is flood affected. There are no changes to the ground floor which would impact upon the flooding movement or risk of the site. All new apartments are located well above the flood planning levels.
Traffic	No additional car parking is proposed and therefore there is no additional traffic generation expected as a result of the increased density.
Built Form	The additional floor space is to be accommodated within a relatively similar building envelope to that originally approved, with the exception of the height increase (which remains compliant with LEP controls). The setbacks to the building remain unchanged. The height increase is marginal in terms of visual perception from the public domain. The application has been reviewed by the design competition jury who conclude that they <i>“are supportive of the proposed additional residential levels, and consider it to be consistent with the objectives of Design Excellence. The height, bulk and scale of the proposal is generally consistent with the emerging built form typology in the surrounding area.”</i>
Heritage	<p>The additional floor space would not significantly impact upon the local heritage nearby. There is no overshadowing of these items as a result of the increased height.</p> <p>Whilst a small number of properties within the Harris Park West Conservation Area and Experiment Farm Conservation area are affected by the increased height, the proposal does not create any overshadowing impacts as identified on the draft CBD PP 'Sun Access Protection Map' as indicated in the diagram below.</p>



Extract from Sun Access Protection Map (draft CBD PP) indicating sites which impact areas to be protected (area shaded purple '5' is Experiment Farm)

As part of the CBD PP process, Council undertook testing of the overshadowing impacts of development upon these important areas of heritage. The Community Engagement Report discussed the following in response to the applicant's submission to the draft CBD PP requesting additional height and density for this site:

Testing of the overshadowing impacts associated with the submission for 12A Parkes Street are detailed in a supplement overshadowing technical paper (April 2021) which is attached to the revised CBD PP. In summary, the results of the testing indicate indicates:

- *The additional height requested results in 4 additional parcels within the Harris Park HCA falling below the 2 hour of sunlight access minimum threshold (an increase of 2% of the total parcels within the Conservation Area) in combination with additional overshadowing from submissions lodged at 14-20 Parkes Street and 56 Station Street East.*
- *The increased height also results in additional overshadowing to the Experiment Farm Heritage Conservation Area but does not cause any parcels in that area to fall below the 2 hour sunlight access minimum threshold.*

Furthermore, Council's supplement paper (April 2021) also notes that the additional overshadowing from 56 Station St East, 12A Parkes St and 14-20 Parkes St, when evaluated separately, did not of themselves result in any additional land parcels in the Harris Park West Heritage Conservation Area failing the two-hour benchmark. However, the cumulative impacts of the overshadowing - particularly the overshadowing cast by 12A Parkes St and 14-20 Parkes St in quick succession, followed by 56 Station Street East in the later afternoon contributed to four additional land parcels in the Harris Park West failing the two-hour benchmark. The additional overshadowing of four land parcels, however, constituted less than a 10% increase to overshadowing in the HCA and is considered a less-than-significant impact.

Overlooking	The additional apartments located at the higher levels of the building and are unlikely to create any additional privacy concerns for adjoining properties due to the setbacks and similar positioned apartments already approved on the site.
Overshadowing	<p>As discussed earlier within this report, the additional height will cause minimal overshadowing to nearby properties.</p> <p>There is no significant impact to any existing residential properties or additional residential properties as a result of the increase in height of the development. The overshadowing impacts are considered acceptable given the nature of the controls on the site and the dense urban environment.</p>

Draft Environmental Planning Instruments

The following draft environmental Planning instruments have been considered in the assessment of this modification.

Draft EPI	Comment
Planning Proposal – Draft Consolidated City of Parramatta Local Environmental Plan	This draft LEP does not propose any changes to the controls for this site and as such, further consideration of this document is not necessary.
Parramatta CBD Planning Proposal	This site is subject to the Parramatta CBD Planning Proposal. As the planning proposal has been publicly exhibited, it is a formal matter for consideration for the purposes of section 4.15 of the Act. The matters related to non-compliances with proposed FSR controls are discussed within this report.
Design and Place SEPP Explanation of Intended Effect	Whilst this document is a matter of consideration under the Act, the EIE does not provide any explicit controls and further detail will be provided under the Draft for Exhibition Stage 2 in late 2021 which will grant further detail into the changes to the controls. While the EIE may provide imminence regarding desired timeframes of finalisation it does not provide any certainty of the controls and therefore its determining weight would be minimal. The assessment and current recommendation of approval remains unchanged.

Development Control Plans

DCP	Comment
Parramatta Development Control Plan 2011	<p>The modifications do not significantly impact upon the assessment of the original application. There are no changes that would require any re-assessment of matters within the DCP, particularly as most of the matters have been addressed under the ADG and LEP assessment above.</p> <p>Notwithstanding this, the following additional matter/s have been assessed:</p>

	<p>Wind Impacts</p> <p>A wind assessment has been submitted with the application. In this regard CPP has conducted a review of the proposed development in terms of impact on the pedestrian level wind environment. The focus of this study was an assessment of the impact of minor changes to the building design compared to a previously assessed design. Data from previous wind tunnel tests conducted for the site were used to inform this review. In summary, the report concludes that the proposed modifications are not considered sufficient to have a material impact on pedestrian wind comfort or safety, and the previously reported results remain applicable.</p>
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VOLUNTARY PLANNING AGREEMENT

The subject site has a voluntary planning agreement registered on the title which involves a monetary contribution to be paid in relation to development as a result of the previously adopted planning proposal. This modification application does not impact upon that agreement.

DEVELOPMENT CONTRIBUTIONS

The proposed additional works will increase the estimated cost of the development, which will result in greater developer contributions being required in accordance with *Parramatta City Centre S94A Development Contribution Plan (Amendment No. 5)*. **Condition 18** of the consent requiring the payment of contributions is to be modified to reflect the amended QS report.

Draft Parramatta CBD Local Infrastructure Contributions Plan

This plan is in draft form only and is currently on exhibition until 20 September 2021. The proposed modifications are to be assessed against the current *Parramatta City Centre S94A Development Contribution Plan (Amendment No. 5)*, as outlined above.

CONCLUSION

After consideration of the development against the relevant statutory and policy provisions, the proposed modifications are considered to be acceptable and worthy of support. The application is therefore recommended for approval subject to the modification of conditions as listed below.

Note: Amendments to the plans were received increasing the number of 3 x bedroom units to improve the apartment mix. The application proposes to replace the proposed Level 21 and Level 22 with the approved Level 20 floorplan. This assessment report was prepared based upon these changes. Final amended plans and elevations were not submitted, and therefore an additional condition has been included within the *Recommendation* requiring the submission of these amended plans and elevations to Council's satisfaction.

Reasons for Approval

Having regard to the assessment within this report, the proposal is considered to be suitable for approval for the following reasons:

- The proposal is of a built form which is compatible with the type of development envisaged for the site under Parramatta Local Environmental Plan 2011 and the draft CBD Planning Proposal
- The proposal will contribute to the overall housing supply of the local government area
- The proposal does not result in any unreasonable environmental impacts and provides for a high quality architectural and urban design outcome.
- For the reasons given above, approval of the application is in the public interest.

It is noted that the applicant has reviewed the recommendation and modified conditions and raises no objection.

RECOMMENDATION

Approval

That the Sydney City Central Planning Panel as the determining authority, **APPROVE** the application to modify development consent to Development Application No. DA/1263/2016 for the construction of 2 additional residential levels, reconfiguration of some existing residential floor plates, internal layout changes to the lobby and terrace levels, changes to the facade, and a reduction in parking spaces on land at 12A Parkes Street, Harris Park subject to the following modified conditions:

(A) Amend Condition 1 to read as follows:

1. The development is to be carried out in accordance with the following plans 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:

Architectural Drawings

Drawing/Plan No.	Rev	Plan Title	Dated
1000	10	Cover Plan	23.06.21
2002	5	Basement 3 Floor Plan	23.06.21
2003	6	Basement 2 Floor Plan	23.06.21
2004	7	Basement 1 Floor Plan	23.06.21
2010	6	Ground Floor Plan	08.02.21
2011	5	Terrace Floor Plan	08.02.21
2022	7	Level 02 Floor Plan	08.02.21
2023	7	Level 03-04 Type E Floor Plan	08.02.21
2025	4	Level 05-07 Type C Floor Plan	08.02.21
2028	8	Level 08-22 Type B Floor Plan	23.06.21
2043	2	Level 23 Floor Plan	23.06.21
2044	2	Level 24 Roof Plant	23.06.21
2045	2	Level 25 Roof	23.06.21
2050	6	Adaptable & Liveable Apartments	23.06.21
3000	9	Elevation East	23.06.21

Drawing/Plan No.	Rev	Plan Title	Dated
3001	9	Elevation South	23.06.21
3002	9	Elevation West	23.06.21
3003	9	Elevation North	23.06.21
4000	7	Sections	23.06.21
5001	4	Height Plane Diagram	23.06.21

Civil Drawings/Stormwater

Drawing/Plan No.	Issue	Plan Title	Dated
1820-DA SW020	E	Stormwater Design by Mance Arraj	20.06.18

Landscape Drawings

Drawing/Plan No.	Issue	Plan Title	Dated
8000		Cover Page prepared by FJMT	25.10.18
8001		Function Analysis – Pedestrian Circulation prepared by FJMT	25.10.18
8002		Ground Floor Plan – Landscape Concept Plan prepared by FJMT	25.10.18
8003		Podium Terrace Floor – Landscape Concept Plan prepared by FJMT	25.10.18
8003		Level 2 Terrace Floor – Landscape Concept Plan prepared by FJMT	25.10.18
8100		Landscape Sections prepared by FJMT	25.10.18

Specialist Reports

Document	Ref No.	Issue	Prepared By	Dated
Statement of Environmental Effects			Mecone	21.12.2016
Statement of Environment Effects Addendum			Mecone	08.01.2018
Statement of Environment Effects Addendum			Mecone	19.07.2018
Waste Management Plan			MRA Consulting Group	21.12.2016
Waste Management Plan Addendum letter			MRA Consulting Group	17.07.2018
Waste Management Plan Addendum			MRA Consulting	12.04.2019

letter			Group	
Finishes Schedule				
BASIX Certificate (to be revised as per Condition 14B)	No.753318M_13		BASIX	30.06.2021
BASIX Compliance Report	29735-SYD-G		Wood & Grieve Engineers	21.05.2019
Acoustic Report	29735-SYD-N		Wood & Grieve Engineers	08.11.2017
Acoustic Report	No.20201342.1 /1101A/R0/RA		Acoustic Logic	11.01.2021
Urban Design Report (with floor plans)			FJMT	00.09.2018
Design Report Addendum	CPHP Project Rev08		FJMT	23.06.2021
Wind Report	CPP Project 9445		CPP	00.12.2016
Wind Report Addendum letter	CPP Project 13392		CPP	08.04.2019
Amended Architectural Plans			FJMT	
Independent Flood Assessment Final Report			Molino Stewart	00.04.2018
On Site Detention Report		Rev A	Mance Arraj	00.06.2018
Transport for NSW requirements			TfNSW	04.07.2019
Roads and Maritime Services requirements	SYD17I00066/02		Roads and Maritime Services	07.03.2019
General Terms of Approval from Office of Water			Water NSW	06.02.2017

Note: In the event of any inconsistency between the architectural plan(s) and the landscape plan(s) and/or stormwater disposal plan(s) (if applicable), the architectural plan(s) shall prevail to the extent of the inconsistency.

Reason: To ensure the work is carried out in accordance with the approved plans.

(B) Amend Condition 12 to read as follows:

12. The building hereby approved must not exceed a maximum height of **RL96.100** metres, inclusive of all **architectural roof features**, lift over-runs, vents, chimneys, aerials, antennas, lighting rods, any roof top garden planting, exhaust flues, etc. A survey report confirming compliance is to be submitted to the satisfaction of the Principal Certifying Authority prior to the release of any Occupation Certificate. A copy of the report is to be provided to Council for their records.

Reason: To comply with the requirements of the Parramatta LEP 2011 and the Design Excellence.

(C) Add Condition 14A to read as follows:

- 14A. Level 21 and Level 22 of the building are to be replaced with **a plan consistent with** the floor plan entitled "Level 20 Floor Plan" Drawing No. 2040 Revision 2 dated 05 July 2018 prepared by FJMT on each floor. Final plans and elevations are to be submitted for the approval of the Group Manager Development and Traffic Services, before the issue of the relevant Construction Certificate.

Reason: To provide an improved apartment mix and confirm the details of the application.

(D) Add Condition 14B to read as follows:

- 14B. A revised Basix Certificate is to be prepared for the building to include the apartment changes required in Condition 14A above. The revised certificate is to be submitted to the satisfaction of the Principal Certifying Authority before the issue of the relevant construction certificate. A copy is to be forwarded to Council.

Reason: To comply with Basix requirements.

(E) Amend Condition 16 to read as follows:

16. Prior to the issue of the relevant Construction Certificate, written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and City of Parramatta Council, stating that all works/methods/procedures/control measures approved by Council in the following report are reflected in the construction drawings as per the Acoustic Report No. 29735-SYD-G, dated **8 November 2017**, prepared by Wood & Grieve Engineers and **Acoustic Report No.20201342.1/1101A/R0/RA, dated 11 January 2021, prepared by Acoustic Logic.**

Reason: To demonstrate compliance with submitted reports.

(F) Amend Condition 18 to read as follows:

Section 7.12 Contributions

18. A monetary contribution comprising **\$1,514,983.56** is payable to City of Parramatta in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 and the *Parramatta City Centre S94A Development Contribution Plan (Amendment No. 5)*. Payment must be by EFTPOS, bank cheque or credit card only.

The contribution required by this condition must be paid before the issue of the first occupation certificate in respect of any building to which this consent relates. In that instance, an occupation certificate cannot be issued until Council have confirmed in writing that the contribution levy has been received in full.

Note however that payment of the contribution will be required prior to the issue of any Construction Certificate if no Construction Certificate in respect of the erection of any building to which the consent relates has been issued before or on 25 September 2022 (or later if extended by the NSW Government), the monetary contribution must be paid before the issue of the any Construction Certificate after that date for any such building.

The contribution levy is subject to indexation on a quarterly basis in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the

Australian Statistician. At the time of payment, the contribution levy may have been the subject of indexation.

Parramatta Section 94A Development Contributions Plan (Amendment No. 5) can be viewed on Council's website at:

http://www.parracity.nsw.gov.au/build/forms_and_planning_controls/developer_contributions

Reason: To comply with legislative requirements.

(G) Amend Condition 26 to read as follows:

26. The development must incorporate **13** adaptable dwellings. Plans submitted with the Construction Certificate must illustrate that the required adaptable dwellings have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

Reason: To ensure the required adaptable dwellings are appropriately designed.

(H) Amend Condition 27 to read as follows:

27. At least **26** of the residential units shall be designed and fit-out to achieve the 'silver level' requirements as set out in the Liveable Housing Design Guidelines Details published by Liveable Housing Australia. Details shall be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

Reason: To comply with Liveable Housing Australia requirements.

(I) Amend Condition 28 to read as follows:

28. Detailed plans to the satisfaction of the Certifying Authority is to accompany the application for a Construction Certificate confirming satisfactory arrangements have been made in relation to compliance with Universal Access to the development. The plans shall be amended to resolve the following matters:-

- (a) The accessible lift will need to be rotated 90 degrees to provide compliant access.
- (b) Ensure the active leaf of the double doors at the south eastern corner provides 850mm clear opening.
- (c) The pinch point at the eastern end of the entry corridor providing access to the lifts will require a finished minimum width of 1000mm.
- (d) The north western entry, requires to have the circulation requirements on the latch side, the stairs encroach into this entry thus creating a dangerous situation.
- (e) In case of flooding, egress from the building for a person with mobility impairment can be achieved through the turntable area. Latch side clearances are required at both the egress door adjacent to the northern face of the letterboxes and the egress door adjacent to the turntable. With both these doors compliant, a secondary controlled entry for pedestrians traveling to the site via Wigram Street can be achieved.
- (f) Ensure the adaptable units provide a mixture of left and right hand transfers onto the WC pan. This will enable a greater choice for person that have difficulties transferring in certain directions.**

Reason: To comply with Universal Access requirements.

(J) Amend Condition 66 to read as follows:

66. **47** car parking spaces maximum including 12 accessible parking spaces are to be provided in accordance with the approved plans referenced in condition 1 and with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate.

Note that 1 parking space in basement level 1 is to be reserved and marked for the use of couriers, deliveries and tradesmen.

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

(K) Amend Condition 67 to read as follows:

67. 64 bicycle parking spaces/racks are to be provided on-site and used accordingly. The dimensions and layout of the bicycle storage/racks are to comply with AS 2890.3 - 2015. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To comply with Council's parking requirements.

(L) Amend Condition 75 to read as follows:

75. At least 26 of the residential units shall be designed and fit-out to achieve the 'silver level' requirements as set out in the Liveable Housing Design Guidelines Details published by Liveable Housing Australia. Details shall be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

Reason: To ensure study rooms are not converted to use as bedrooms.

(K) Amend Condition 102 to read as follows:

102. Oversize vehicles using local roads require approval from the National Heavy Vehicle Regulator (NHVR). The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through NHVR's portal (www.nhvr.gov.au/about-us/nhvr-portal), prior to driving through local roads within Parramatta LGA.

Reason: To ensure maintenance of Council's assets.

(M) Amend Condition 118 to read as follows:

118. Under Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all design measures identified in the BASIX Certificate No. **753318M_13** (as amended by the revised Basix Certificate required under Condition 14B of this consent), will be complied with prior to occupation.

Reason: To comply with legislative requirements of Clause 97A of the Environmental Planning & Assessment Regulation 2000.

(N) Amend Condition 128 to read as follows:

128. Certification must be provided prior to the issue of an occupation certificate that thirteen (13) adaptable apartments have achieved a class C design in accordance with the requirements of AS 4299 -1995.

Reason: To ensure the required adaptable dwellings are appropriately designed.

(O) Amend Condition 131 to read as follows:

131. Confirmation that 26 apartments comply with the Liveable Housing Guidelines Silver Level design feature is to be prepared by a suitably qualified consultant and submitted to Council prior to the issue of an Occupation Certificate.

Reason: To ensure that the development provides accessible dwelling options for future occupants.

(P) Amend Condition 143 to read as follows:

143. Prior to the issue of an occupation certificate (Interim or Final), written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and City of Parramatta Council, stating that all works/methods/procedures/control measures approved by Council in the following report have been completed:

(a) Acoustic Report No. 29735-SYD-N, dated 21.11.2017, prepared by Wood & Grieve Engineers

(b) Acoustic Report No.20201342.1/1101A/R0/RA, dated 11 January 2021, prepared by Acoustic Logic.

Reason: To demonstrate compliance with submitted reports.