

## SYDNEY CENTRAL CITY PLANNING PANEL COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSCC-467
<b>DA Number</b>	DA/344/2023
<b>LGA</b>	City of Parramatta
<b>Proposed Development</b>	Demolition, tree removal and construction of 2 residential flat buildings over basement car parking with associated site and landscaping works. The application is Nominated Integrated Development pursuant to the Water Management Act 2000.
<b>Street Address</b>	85-91 Thomas Street, Parramatta, NSW 2150
<b>Applicant</b>	Century 888 Pty Ltd
<b>Owner</b>	Century 888 Pty Ltd
<b>Date of DA lodgement</b>	15 June 2023
<b>Date of Amendment of DA</b>	28 May 2024
<b>Number of Submissions</b>	An overall total of three (3) unique submissions during three (3) separate notification periods.
<b>Recommendation</b>	Approval
<b>Regional Development Criteria</b>	Development with a capital investment value of more than \$30 million. (\$30,455,751.00)
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act 1979</li> <li>• Environmental Planning and Assessment Regulation 2021</li> <li>• State Environmental Planning Policy (Housing) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Sustainable Building) 2022</li> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• Parramatta Local Environmental Plan 2023 (PLEP 2023)</li> <li>• Parramatta Development Control Plan 2023 (PDCP 2023)</li> <li>• Apartment Design Guide</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Attachment 1 – Architectural Plans</li> <li>• Attachment 2 – DEAP Comments</li> <li>• Attachment 3 – Amended Clause 4.6 Variation Request – Height</li> <li>• Attachment 4 – Amended Clause 4.6 Variation Request – Floor Space Ratio</li> <li>• Attachment 5 – Original SCCPP Assessment Report</li> <li>• Attachment 6 – Formal request to Panel to Amend Development Application and Defer Determination</li> <li>• Attachment 7 – Clarification of Supplementary Material</li> <li>• Attachment 8 – Record of Deferral – SCCPP (2 December 2024)</li> <li>• Attachment 9 – Draft Recommended Conditions of Consent</li> <li>• Attachment 10 – s7.11 Contributions Condition Change Request</li> </ul>
<b>Clause 4.6 requests</b>	Clause 4.3 – Height

	Clause 4.4 – Floor space ratio
<b>Summary of key submissions</b>	<ul style="list-style-type: none"> <li>• Traffic impacts/congestion</li> <li>• Overshadowing</li> <li>• Visual privacy impacts</li> <li>• Overdevelopment of area</li> <li>• Height variation setting a precedent</li> </ul>
<b>Report prepared by</b>	Eamon Murphy - Senior Development Assessment Officer
<b>Report date</b>	6 March 2025

<b>Summary of s4.15 matters</b> Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
<b>Legislative clauses requiring consent authority satisfaction</b> 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
<b>Clause 4.6 Exceptions to development standards</b> 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?	Yes
<b>Special Infrastructure Contributions</b> Does the DA require Special Infrastructure Contributions conditions (S94EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	N/A
<b>Conditions</b> Have draft conditions been provided to the applicant for comment? <i>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</i>	Yes

## 1. Executive Summary

The proposal seeks consent for the demolition of existing structures, construction of 2 residential flat buildings with a shared basement with associated site and landscaping works. The buildings will include a single basement level and 62 apartments.

The development application was reported to the Sydney Central City Planning Panel (the Panel) on the 21 November 2024 with a recommendation for refusal (see Attachment 5). The refusal was based on the Architectural Plans (Revision D, dated 16/05/2024).

A request was made by the applicant to the panel to defer the determination of the application to enable consideration of amended plans. In this regard, the applicant sought an amendment of the Development Application (on 22 November 2024) pursuant to Section 37 of the Environmental Planning & Assessment Regulation 2021.

The Panel on 2 December 2024 deferred determination of the matter until 20/03/2025.

The panel deferred the determination “to allow for the comprehensive assessment of amended plans as provided by the applicant, noting that these plans provide for a reduction in the number of units, as well as a reduction in floor space and height of the proposed building. The plans do however introduce communal open space on the rooftop, requiring renotification of neighbours so that they may be informed of this change”.

The Panel directed that:

1. Council is requested to commence re-notification of the application as soon as possible, noting that this is likely to be early February 2025
2. Council is requested to provide an addendum assessment report responding to the amended plans above, which is to be uploaded to the Planning Portal by 20 March 2025

3. *When the updated assessment report is received the Panel will determine the application by way of electronic determination.*

The amended application was re-notified on 13 January 2025 concluding on 11 February.

Subsequently changes were made to the proposal and identified in the amended architectural plans (Revision F, dated 21/11/2024 – see Attachment 1)

The applicant has provided the following commentary in relation to the changes proposed as part of the amended application:

1. *Deletion of 2 x 3 bedroom dwellings from level 3 (i.e. top floor) and a consequent reduction in the overall number of dwellings from 64 to 62.*
2. *Following the deletion of 2 dwellings, the gross floor area is now 4,490m<sup>2</sup> and the floor space ratio is 0.87:1 (or, if that part of the site that was rezoned from R4 to RE1 without any compensation to the landowner, was able to be considered as part of the 'site area' - which we consider to be equitable and reasonable in the circumstances, it would be a compliant 0.8:1).*
3. *Following the deletion of 2 x dwellings from the top floor, the extent of the height breach has been reduced. These height breaches are limited predominantly to lift overruns, stair cores, as well as parapets. The height breach is also largely a result of the substantial gradient towards the rear of the subject site.*
4. *Delete all communal open space (CoS) from the foreshore zone and relocate all such COS to the roof top (i.e. Level 3) as well as to Level 2 (noting that the previously proposed central courtyard COS remains unchanged). This change was made in response to comments from the NSW Department of Planning and Environment - Water. This department has since issued its General Terms of Approval for the proposal.*
5. *Adjusted the layout of some dwellings on Level 2 such that the overall number of dual key apartments has been reduced by 5, and the number of 1 bedroom dwellings increases by 5 and the number of 2 bedroom dwellings increases by 1 (note: this amendment was made to address the concern raised in Council's assessment report regarding the number of dual key apartments in the proposal. These changes have not resulted in any further changes to the number of dwellings as mentioned at point 1 above, neither have they resulted in any changes to the envelope of the proposal.*
6. *Converted dwellings A.201 and B.203 to adaptable units to respond to Council's comment in its assessment report in relation to the overall number of adaptable dwellings.*
7. *Given the overall number of dwellings has reduced, 1 car space has been replaced with 2 new accessible spaces to reflect the additional adaptable units. The overall parking supply continues to comply with the Paramatta Development Control Plan 2023 and there are no implications for FSR as the PDCP 2023 parking control is a minimum rather than a maximum requirement.*
8. *The ground floor dwelling balconies which previously extended within the front setback are now deleted and replaced with landscaping only. The front setback is now 4m in depth and effectively entirely unencumbered with any impervious material. Whilst we were of the view that the balconies' position within the front setback zone was acceptable, this amendment has been made as Council raised concern with the matter in its assessment report to the Panel.*

The amended proposal now comprises a total of 62 units, with the following breakdown:

- 16 x studio units (25.8%)
- 25 x 1 bedroom units (40.3%)
- 9 x 2 bedroom units (14.5%)
- 12 x 3 bedroom units (19.4%)

With respect to principal issues outlined in the original assessment report, it is noted that the amended proposal still includes Parramatta LEP 2023 variations to both Clause 4.3 - Height and Clause 4.4 - Floor Space Ratio albeit with some changes, which reduce the overall extent of the variations. They are discussed later in this report. The assessment and justification for the variations remain the same as tabled in the original assessment report.

As previously established, the land is located upon the banks of the Parramatta River and is not within an area exempted from the requirement of controlled activity approvals pursuant to section 91 of the *Water Management Act 2000*. In this case, given works are proposed on waterfront land (land within 40m of riverbed), a controlled activity approval is required. To this extent, nominated integrated development approval is required from the **Department of Planning and Environment – Water** pursuant to section 91 of the *Water Management Act 2000*.

It is noted that the **Department of Planning and Environment – Water** did not provide General Terms of Approval (GTA) in relation to the previous proposal. If the relevant approval body does not issue GTA, in accordance with Section 4.47(4) of the EP&A Act 1979, consent cannot be granted. On this basis, the failure of the relevant approval body to issue GTA was one of the reasons for recommending refusal in the original assessment report. However, the amended proposal was sent to **Department of Planning and Environment – Water** who subsequently provided General Terms of Approval, therefore satisfying this requirement.

This addendum report addresses the amended plans and provides an assessment and commentary where relevant.

For the above reasons and others raised throughout this addendum report, Council now supports the application and is recommending approval subject to conditions of consent.

## 2. Timeline

The following timeline outlines events since the original assessment report was presented to the panel on 21 November 2024:

Date	Description
21 November 2024	The Panel Secretariat sent correspondence to Council staff and the applicant to advise that the “ <i>Panel postponed determination for one week as a result of information provided in the discussion on 21 November 2024.</i> ”
22 November 2024	The applicant formally requested to amend the Development Application pursuant to <i>Section 37</i> of the <i>Environmental Planning &amp; Assessment Regulation 2021</i> and at the same time, put in writing their earlier verbal request to defer the determination of the Development Application.  Amended materials (including architectural plans and Clause 4.6 requests), along with the above formal requests, were uploaded by the applicant to the NSW Planning Portal.
26 November 2024	The applicant uploaded amended landscape plans and NatHERS certificates to the NSW Planning Portal.
27 November 2024	The applicant uploaded amended civil engineering/stormwater plans to the NSW Planning Portal.
27 November 2024	Council staff sent correspondence to the Panel Secretariat advising receipt of the amended material and that they appeared to be acceptable. It was also advised that the amended material would be re-notified due to the introduction of a rooftop communal area and that the notification period would likely conclude in early February 2025. The panel was also advised that internal referrals would be sent out to enable Council staff to review the amended information and that an addendum report would be subsequently prepared.
2 December 2024	The Panel issued a formal <i>Record of Deferral</i> of DA/344/2023 with a future determination date of March 2025.
9 January 2025	A representative of the Panel wrote to Council staff requesting an update on the status of the application and of the assessment of the amended materials by Monday 13 January 2025.
13 January 2025	Council staff wrote to the Panel outlining the status of the assessment of the application, and details of the re-notification.
21 February 2025	Internal referrals from Council's engineering, landscaping, biodiversity and contributions team are completed.
28 February 2025	A draft set of recommended conditions of consent were forwarded to the applicant for review.

12 March 2025	The applicant responded accepting the draft recommended conditions with the exception of Condition 25, relating to the timing of contributions under s7.11. (refer to attachment 10)
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### 3. Referrals

The following section outlines the responses from each of the internal and external referrals in relation to the amended Development Application.

#### External

Authority	Comment
Department of Planning and Environment - Water	The Department of Planning and Environment – Water issued General Terms of Approval (GTA).

#### Internal

Referral	Comment
Landscaping	Supported subject to conditions of consent.
Senior Catchment and Development Engineer	Supported subject to conditions of consent.
Biodiversity	Supported subject to conditions of consent.
Public Domain & Urban Design	Supported subject to conditions of consent.
Contributions	Supported subject to conditions of consent.

### 4. Environmental Planning Instruments

Environmental Planning Instruments of relevance, and where any changes have occurred since the original assessment, are addressed below:

#### State Environmental Planning Policy (Biodiversity and Conservation) 2021

##### Chapter 2 Vegetation in Non-Rural areas.

The State Environmental Planning Policy (Biodiversity and Conservation) 2021 applies to the site. The aims of the plan are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of the non-rural areas of the State through the preservation of trees and other vegetation.

Council's Senior Landscape and Tree Management Officer has reviewed and supports the amended proposal subject to conditions of consent.

In addition, Council's Senior Biodiversity Assessment Officer reviewed and supports the amended proposal. While it was noted in the original assessment report that a Vegetation Management Plan (VMP) was previously requested, Council's Senior Biodiversity Assessment Officer is satisfied that the matter can be dealt with via a condition of consent requiring the applicant to submit the VMP prior to the issue of a Construction Certificate.

##### Chapter 6 – Water Catchments

This Chapter applies to the entirety of the Parramatta Local Government Area as identified on the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 Sydney Harbour Catchment Map. The subject site is located within the 'Foreshores and Waterways Map', and partially within the 'Rocky Foreshores and Significant Seagrasses Map' and in this regard is considered is Nominated Integrated Development pursuant to the Water Management Act 2000.

In these circumstances, prior to granting consent Council must obtain from the relevant approval body General Terms of Approval (GTA) in relation to the development.

The amended Development Application was referred to the Department of Planning and Environment – Water.

The Department of Planning and Environment – Water are supportive of the amended proposal and provided General Terms of Approval (GTA) to be included as part of the consent if granted. As a result, the proposal is now considered to comply with Chapters 2 and 6 of State Environmental Planning Policy (Biodiversity and Conservation) 2021.

## State Environmental Planning Policy (Housing) 2021

### Chapter 4

The provisions of Chapter 4 Design of Residential Apartment Development under *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) are relevant to the proposed development.

### APARTMENT DESIGN GUIDE

The SEPP requires consideration of the ADG. The revised table below considers and compares the amended proposal against key matters where relevant, and where changes have occurred since, in the previous assessment:

Clause	Comment	Compliance - Original Assessment	Compliance – Amended Plans																
<b>Part 2 – Developing the controls</b>																			
<b>2E Building Depth</b>																			
Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line.	The proposed building comprises a depth of approx. 40 metres from north to south.	No	Maintains non-compliance, however the building is now considered to be well articulated.																
<b>2F Building Separation</b>																			
<table border="1"> <thead> <tr> <th>Building Height</th><th>Habitable to Habitable</th><th>Non-habitable to Habitable</th><th>Non-habitable to non-habitable</th></tr> </thead> <tbody> <tr> <td>up to 12m (4 storeys)</td><td>12m</td><td>9m</td><td>6m</td></tr> <tr> <td>Up to 25m (5-8 storeys)</td><td>18m</td><td>9m</td><td>13.5m</td></tr> <tr> <td>Over 25m (9+ storeys)</td><td>24m</td><td>12m</td><td>18m</td></tr> </tbody> </table>	Building Height	Habitable to Habitable	Non-habitable to Habitable	Non-habitable to non-habitable	up to 12m (4 storeys)	12m	9m	6m	Up to 25m (5-8 storeys)	18m	9m	13.5m	Over 25m (9+ storeys)	24m	12m	18m	The two buildings are only separated by a distance of 9.07m at areas of habitable to habitable.	No – However considered acceptable on merit.	The distance separation has not altered through the amended plans; however, it is considered acceptable on merit.
Building Height	Habitable to Habitable	Non-habitable to Habitable	Non-habitable to non-habitable																
up to 12m (4 storeys)	12m	9m	6m																
Up to 25m (5-8 storeys)	18m	9m	13.5m																
Over 25m (9+ storeys)	24m	12m	18m																
<b>2G Street Setbacks</b>																			
<p>Determine street setback controls relative to the desired streetscape and building forms, for example:</p> <ul style="list-style-type: none"> <li>Define a future streetscape with the front building line</li> <li>Match existing development</li> <li>Step back from special buildings</li> <li>Retain significant trees</li> <li>In centres the street setback may need to be consistent to reinforce the street edge</li> <li>Consider articulation zones accommodating balconies,</li> </ul>	<p>The proposal achieves a front setback of 4 metres albeit with some ground floor terraces (POS) encroaching into the setback area, giving them a front setback of 2.750m.</p> <p>It is also noted that the basement encroaches 1 metre into the 4-metre setback, resulting in a 3-metre setback, which has implications for adequate provision of landscaping and deep soil.</p>	No	<p>No changes however, the setbacks are considered to match/or are compatible within the existing streetscape and adjoining developments.</p> <p>Acceptable on merit.</p>																

Clause	Comment	Compliance - Original Assessment	Compliance – Amended Plans
landscaping etc. within the street setback • Use a setback range where the desired character is for variation within overall consistency, or where subdivision is at an angle to the street Manage corner sites and secondary road frontages			
<b>2H Side and rear setbacks</b>			
Test side and rear setbacks with height controls for overshadowing of the site, adjoining properties and open spaces:  • building separation and visual privacy • communal and private open space deep soil zone requirements	The proposal achieves fully compliant side building setbacks, however, only provides a 3m rear setback where it should be a minimum of 4m.	No	No change.  On merit no objections to the rear setback given it is fronting the adjoining RE1 zoned land.
<b>Part 3 – Siting the Development</b>			
<b>3C Public Domain Interface</b>			
Transition between private & public domain is achieved without compromising safety and security and amenity of the public domain is retained and enhanced.	The proposal does not allow for an appropriate transition between private and public space.  Adequate details of public domain works have not been submitted. Therefore, the amenity of the public domain cannot be ascertained.	No	Yes, the applicant has relocated the communal open space to the roof of level 3, in addition to level 2 and ground level.
<b>3D Communal &amp; Public Open Space</b>			
Provide communal open space with an area equal to 25% of site	Council has concerns regarding the usability of the proposed communal open space (COS). The proposed communal open space is to cater for a range of age groups and is to provide sufficient area for recreation. As proposed, the usable area of the communal open space is unclear, with what appears to be several walls and ramps shown on the plan.  Due to the lack of appropriate details, an accurate calculation was not possible.  Details of landscaping for the COS have not been provided. In addition, there will likely be	No	Yes  The communal open space has been relocated to the roof on level 3 in addition to communal open space on the ground level.  An area of 1,290.2m <sup>2</sup> is required to be provided and a combined area of 1,648m <sup>2</sup> or 32% is provided.  The Department of Planning & Environment are

Clause	Comment	Compliance - Original Assessment	Compliance – Amended Plans
	<p>conflict with the COS and the public walkway on the southern portion of the COS.</p> <p>It is also noted that the Department of Planning and Environment – Water are not supportive of the proposal in its current form and raised significant concerns with the proposed outdoor communal space area and path/stairs to the existing shared river path encroaching into the required inner and outer Vegetated Riparian Zone (VRZ) from the boundary of the adjacent mapped coastal wetland. This is considered to be a contravention of the Department's Controlled Activity Guidelines for Riparian Corridors that require no encroachments into the inner VRZ (in this case 20m from the coastal wetland boundary).</p>		now supportive of the proposal and the relocated COS.
Minimum 50% of usable area of communal open space to receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June.	It appears that 50% of the usable area of communal open space does not achieve direct sunlight for a minimum of 2 hours between 9am and 3pm on 21 June.	No	<p>Yes</p> <p>A minimum 50% of the communal open space is now provided with a minimum 2 hour solar access.</p>
<b>3E Deep Soil Zone</b>			
<p>Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.</p> <p>Deep soil zones are to be provided equal to 7% of the site area and with min dimension of 6m for sites areas greater than 1500m<sup>2</sup></p>	The areas nominated as deep soil on the plans do not appear to comply and are located within areas that steeply fall to the foreshore area, with no details of landscaping or planting species. The deep soil areas also include impervious areas; ramps, steps, retaining walls etc.	No	<p>Yes</p> <p>The RE1 zoned land is for sole use as a deep soil zone.</p>
<b>3F Visual Privacy</b>			
Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required	While amendments have been provided which now comprise extensive screening	No	No, however on merit is acceptable



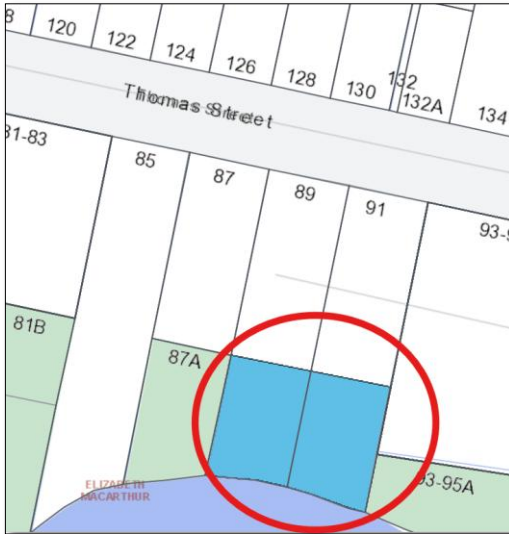
Clause	Comment	Compliance - Original Assessment	Compliance – Amended Plans												
<p>separation distances from buildings to the side and rear boundaries are as follows:</p> <table><tr><th>Building Height</th><th>Habitable rooms &amp; balconies</th><th>Non habitable rooms</th></tr><tr><td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>Over 25m (9+ storeys)</td><td>12</td><td>6</td></tr></table>	Building Height	Habitable rooms & balconies	Non habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12	6	on the balconies situated on the eastern and western elevations, the proposed development does not comply with the minimum separation distances between buildings and side and rear boundaries.		<p>The courtyards on the ground level extend by 2 metres into the 6-metre side boundary, whilst 6 metres is provided on all remaining levels of the development.</p> <p>The proposal still provides sufficient separation, balconies are provided with extensive screening to assist in maintaining privacy</p>
Building Height	Habitable rooms & balconies	Non habitable rooms													
Up to 12m (4 storeys)	6m	3m													
Up to 25m (5-8 storeys)	9m	4.5m													
Over 25m (9+ storeys)	12	6													
Part 4 - Designing the Building															
4D Apartment size and layout															
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m	Not all ground level courtyards meet the minimum depth dimensions of 3m.	No	No, however acceptable on merit acceptable, as the outdoor areas are sufficient as an extension of the living area												
4O Landscape Design															
<p>Landscape design contributes to the streetscape and amenity. Landscape design is viable and sustainable.</p> <p>Sites greater than 1,500m²: 1 large tree or 2 medium trees per 80m² of deep soil zone</p>	Council’s Landscape and Tree Management Officer has reviewed the application and does not support the proposal in its current form.	No	Council’s Landscape and Tree Management Officer has reviewed and supports the amended proposal subject to conditions of consent.												
4P Planting on Structures															
Appropriate soil profiles to be provided.	Council’s Landscape and Tree Management Officer has reviewed the application and notes that the soil depth and soil volume within planters and over the basement appear to be inadequate and do not meet the requirements of the ADG. Subsequently, Council’s Landscape and Tree Management Officer does not support the proposal in its current form.	No	Council’s Landscape and Tree Management Officer has reviewed and supports the amended proposal subject to conditions of consent.												

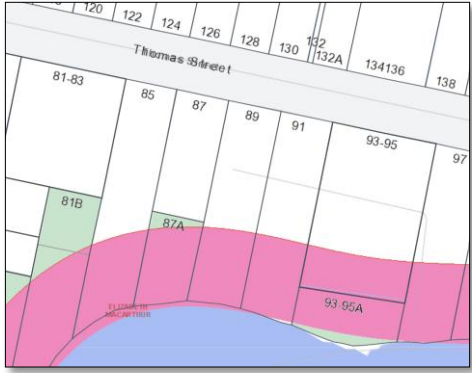
It is considered that the proposal now satisfies the provisions and requirements of Chapter 4 Design of Residential Apartment Development under *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) and whilst there are some minor non-compliances the revised scheme is considered acceptable, and support can now be recommended.

## PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2023

The relevant matters (and where non-compliances were identified as part of the original assessment) to be considered under Parramatta Local Environmental Plan 2023 for the amended development are outlined and discussed below.

Standards and Provisions	Compliance	Amended plans compliance
<b>Part 4 Principal development standards</b>		
<b>Section 4.3 Height of buildings</b> Allowable: 11m	<p>Proposed: 13.85m (eastern building) &amp; 14.45m (western building)</p> <p>The proposed eastern building has a maximum height of 13.85m, and the western building has a maximum height of 14.45m. This equates to a 2.85m (25.9%) variation to the numerical height standard of 11m for the eastern building, and a 3.45m (31.36%) variation to the western building. The variation to the standard relates to portions of the 4th storey element, roof parapet, and lift overruns.</p> <p>The height variation is supported.</p>	<p>Proposed: 12.68m (eastern building) &amp; 13.75m (western building)</p> <p>The proposed eastern building has a maximum height of 12.68m, and the western building has a maximum height of 13.75m. This equates to a 1.68m (15.3%) variation to the numerical height standard of 11m for the eastern building, and a 2.75m (25%) variation to the western building. The variation to the standard relates to elements of the 3 storey, roof parapet, and lift overruns.</p> <p>The height of the eastern building has been reduced by 1.17m whilst the western building has been reduced by 0.7m.</p> <p>The reduced height variation can be supported.</p>
<b>Section 4.4 Floor space ratio</b> Allowable: 0.8:1 or 4,128.56m <sup>2</sup>	<p>Proposed FSR: 0:98:1 or 5,037m<sup>2</sup></p> <p>Proposed developable site area is 5,160.7m<sup>2</sup> (R4 zone) – Shown as Site 1 on the plans. As per cl4.5 of LEP 2023, subclause (4):</p> <p><i>Exclusions from site area</i>  <i>The following land must be excluded from the site area—</i>  (a) <i>land on which the proposed development is prohibited, whether under this Plan or any other law,</i></p> <p>It is noted that on the plans the applicant has incorrectly included the southern portion of No. 85, which is zoned RE1 Recreation, shown as Site 2 (1,161m<sup>2</sup>) on the plans, in the total site area for the purposes of calculating the floor space ratio to achieve a FSR of 0.796:1 which would be compliant.</p> <p>5,160.7m<sup>2</sup> and 1,161m<sup>2</sup> = 0.796:1 or 6,321.7m<sup>2</sup></p> <p>Discussed further at the end of this table.</p>	<p>Proposed FSR: 0.87 or 4,490m<sup>2</sup></p> <p>Reduction from previous plans of 670.7m<sup>2</sup> or 0.11:1</p> <p>Permissible FSR: 0.8:1 – proposal exceeds by 361.44m<sup>2</sup> or 8.72%</p> <p>In combination with the reduction in height and FSR it is considered the development more appropriate for the site.</p> <p>The FSR can be supported.</p>

<b>Section 4.6 Exceptions to Development Standards</b>	Variations to the above development standards are proposed and is discussed below.	Addressed in report.
<b>Section 6.3 Biodiversity</b>	The southern portion of the site where the proposed Communal Open Space is located, is mapped as an area of biodiversity. The applicant has not satisfactorily addressed s6.3 or demonstrated that the works will not impact this area.	Council's Senior Biodiversity Assessment Officer reviewed and supports the amended proposal. While it was noted in the original assessment report that a Vegetation Management Plan (VMP) was previously requested, Council's Senior Biodiversity Assessment Officer is satisfied that the matter can be dealt with via a condition of consent requiring the applicant to submit the VMP prior to the issue of a Construction Certificate.
<b>Section 6.4 Riparian land and waterways</b>  (1) The objective of this clause is to protect and maintain the following—  (a) water quality and natural water flows in waterways,  (b) the stability of the bed and banks of waterways,  (c) aquatic and riparian habitats and ecological communities,  (d) ecological processes in waterways and riparian areas,  (e) groundwater systems.	<p>The subject site is identified on the Natural Resources map as being Riparian Land and Waterways.</p> <p>The area of land affected was originally proposed to have been dedicated to Council as noted earlier in the report however now comprises the relocated common open space (COS).</p>  <p>The Department of Planning and Environment – Water are not supportive of the proposal in its current form and raised significant concerns with the proposed outdoor communal space area and path/stairs to the existing shared river path encroaching into the required inner and outer Vegetated Riparian Zone (VRZ) from the boundary of the adjacent mapped coastal wetland.</p> <p>In this regard, the amended proposal has failed to satisfy the relevant objectives of s6.4 of Parramatta LEP 2023 and is not supported.</p>	<p>Council's Senior Biodiversity Assessment Officer reviewed and supports the amended proposal.</p> <p>In addition, The Department of Planning and Environment – Water are supportive of the amended proposal and provided General Terms of Approval (GTA) to be included as part of the consent if granted.</p>

<p><b>Section 6.6 Foreshore Area</b></p> <p>The objective of this clause is to protect the Parramatta River and its tributaries by ensuring development in the foreshore area—</p> <p>(a) will not impact natural foreshore processes, and</p> <p>(b) will not affect the significance and amenity of the area, and</p> <p>(c) will be compatible with the riverine environment.</p>	<p>The subject site is identified on the map as including a Foreshore Area.</p> <p>The area of land affected was originally proposed to have been dedicated to Council as noted earlier in this report however now comprises the relocated common open space (COS).</p>  <p>The Department of Planning and Environment – Water are not supportive of the proposal in its current form and raised significant concerns with the proposed outdoor communal space area and path/stairs to the existing shared river path encroaching into the required inner and outer Vegetated Riparian Zone (VRZ) from the boundary of the adjacent mapped coastal wetland.</p> <p>This is considered to be a contravention of the Department's Controlled Activity Guidelines for Riparian Corridors that require no encroachments into the inner VRZ (in this case 20m from the coastal wetland boundary) and that any encroachments into the outer VRZ (a further 20m from the inner VRZ boundary) are offset with appropriate riparian offsets.</p> <p>In this regard, the amended proposal has failed to satisfy the relevant objectives of s6.6 of Parramatta LEP 2023 and is not supported.</p>	<p>Yes, the land is now being provided as a deep soil zone and the communal open space has been relocated.</p> <p>The Department of Planning and Environment – Water are supportive of the amended proposal and provided General Terms of Approval (GTA) to be included as part of the consent if granted.</p>
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## **SECTION 4.6 EXCEPTIONS TO DEVELOPMENT STANDARDS**

Clause 4.6 of Parramatta LEP 2023 allows Council to provide an appropriate degree of flexibility in applying certain development standards, where flexibility would achieve better outcomes. Refer to the previous assessment report (Attachment 5) for a full assessment against the requirements of clause 4.6. Below is an assessment of the changes made, noting that both the height and FSR have been reduced as part of the amended plans.

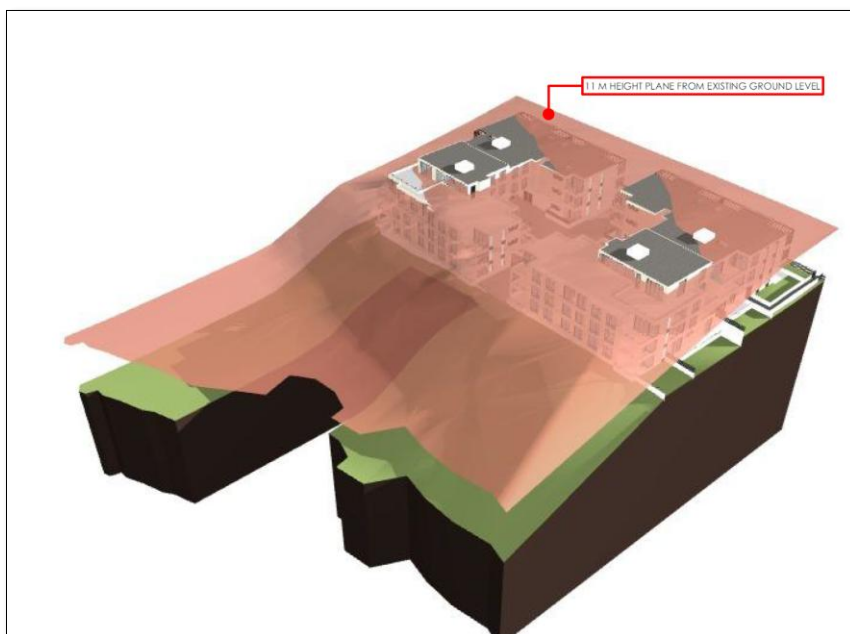
### **Height Variation Request**

The original proposal did not comply with the maximum 11m building height development standard detailed in Clause 4.3 of the Parramatta LEP 2023. The proposed eastern building had a maximum height of 13.85m, and the western building had a maximum height of 14.45m. This equated to a 2.85m (25.9%) variation to the numerical height standard of 11m for the eastern building, and a 3.45m (31.36%) variation to the western building. The variation to the standard

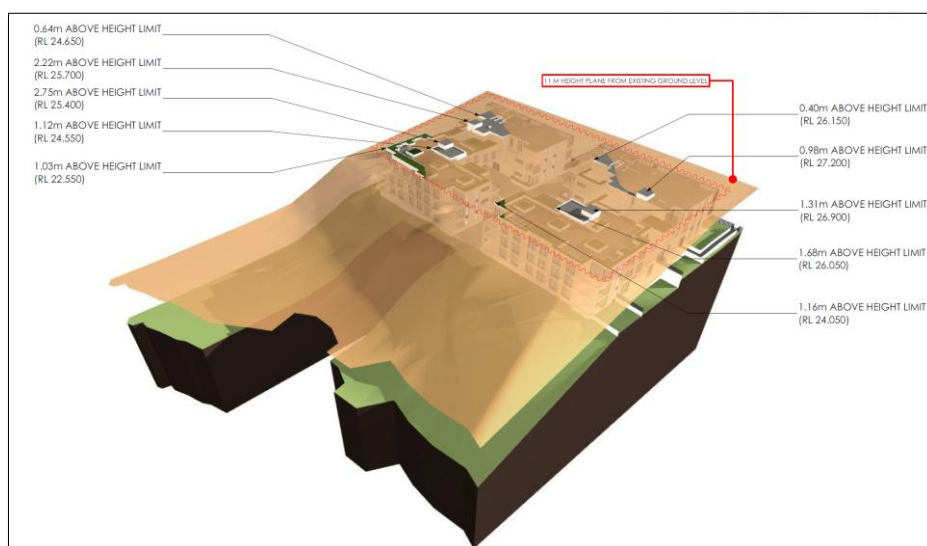
related to portions of the 4th storey element, roof parapet, and lift overruns. It is noted that the height variation was supported as part of the original assessment.

The amended proposal has reduced the overall height with the eastern building comprising a maximum height of 12.68m, and the western building comprising a maximum height of 13.75m. This equates to a 1.68m (15.3%) variation to the numerical height standard of 11m for the eastern building, and a 2.75m (25%) variation to the western building. The variation to the standard relates to elements of the 3 storey, roof parapet, and lift overruns. The height of the eastern building has been reduced by 1.17m whilst the western building has been reduced by 0.7m.

Given the departure to this development standard, the applicant has submitted an amended request to vary the height standard under Clause 4.6 of the Parramatta LEP 2023 (See Attachment 3).



**Figure 1: Original Height Plane Analysis – Revision D**



**Figure 2: Amended Height Plane Analysis – Revision F**

## Conclusion

In summary, it is considered that breaching the height standard is appropriate as it is consistent with the envisioned built form expected for the Morton Street Precinct.

It is considered that the applicant's written request has adequately addressed the matters required to be demonstrated and that the request to vary the height development standard within Parramatta LEP 2023 can be supported as the

proposal continues to achieve the objectives of the height development standard and the zoning and is in the public interest. In reaching this conclusion, regard has been given to the relevant Judgements of the LEC.

### **Floor Space Ratio Variation Request**

The original proposal did not comply with the maximum 0.8:1 floor space ratio development standard detailed in Clause 4.4 of the Parramatta LEP and was not supported.

The maximum permitted floor space ratio under Parramatta LEP 2023 is 0.8:1. The original floor space ratio was 0.98:1 or 5,037m<sup>2</sup>. The amended proposal now provides a floor space ratio of 0.87:1 or 4,490m<sup>2</sup> which, while a reduction of 447m<sup>2</sup> from the previous proposal, is still a departure from the standard.

In this regard, the applicant has submitted an amended request to vary the floor space ratio standard under Clause 4.6 of the Parramatta LEP 2023 (See Attachment 4).

It is considered that there are sufficient planning grounds to support the variation and recommend the variation be supported. The overall built form has been reduced and is not considered excessive, as evidenced in the amended scheme. It is also noted that the front setback achieves the required minimum 4m setback, and the ground floor terraces no longer encroach into the front setback areas, resulting in an acceptable overall visual portrayal of the building platform. The density of development is now considered consistent with the strategic planning intent of the Morton Street precinct, as evidenced by the amended proposal, and compliance with the various controls.

### **Conclusion**

In summary, the breaching of the floor space ratio standard is now considered appropriate as it is consistent with the strategic planning intent of the Morton Street precinct, as evidenced by the compliance with the relevant DCP standards.

It is considered that the applicant's written request has adequately addressed the matters required to be demonstrated and that the request to vary the floor space ratio development standard within Parramatta LEP 2023 can be supported as the proposal achieves the objectives of the FSR development standard. In reaching this conclusion, regard has been given to the relevant Judgements of the LEC.

## **5. DEVELOPMENT CONTROL PLAN**

### **PARRAMATTA DEVELOPMENT CONTROL PLAN 2023**

The relevant matters (and where non-compliances were identified as part of the original assessment) to be considered under Parramatta Development Control Plan 2023 for the amended development are outlined and discussed below.

<b>Development Control</b>	<b>Comment</b>	<b>Compliance - Original Assessment</b>	<b>Compliance - Amended Plans</b>
<b>Part 2 – Design in Context</b>			
<b>2.9 Public Domain</b>	Council's Public Domain team have reviewed the application and request additional information regarding the proposed front setbacks, street tree planting and landscaping.	No	Council's Public Domain team have reviewed and support the amended proposal and have provided conditions of consent to be imposed.
<b>2.10 Accessibility and Connectivity</b>	The proposed front setback includes a number of pathways for pedestrian access and one point of vehicular access. The proposed design scheme is not considered to dominate the front setback with stairs, ramps, level changes, handrails and other servicing structures.	No	This matter is now considered acceptable given the common open space has been relocated.

	However, given the common open space is proposed to be located within the foreshore area and adjacent to the existing public walkway, it is unclear how access and connectivity will be managed between the private and public spaces.		
<b>Part 3 – Residential Development</b>			
<b>3.1 Housing Diversity and Choice</b>			
<b>3.1.2 Dwelling Mix</b> <i>The following dwelling mix is required for RFBs, containing 10 or more dwellings:</i> <ul style="list-style-type: none"> <li>(a) 10-20% of dwellings to have 3 or more bedrooms.</li> <li>(b) <b>60-75% of dwellings to have 2 bedrooms.</b></li> <li>(c) 10-20% of dwellings to have 1 bedroom/studio.</li> </ul>	The development has incorporated the following apartment mix: <ul style="list-style-type: none"> <li>• 19 x studio units (27%)</li> <li>• 30 x 1-bedroom units (42%)</li> <li>• <b>9 x 2-bedroom units (13%) (this is due to a large number of the two-bedroom units being designed as dual key apartments)</b></li> <li>• 13 x 3-bedroom units (18%)</li> </ul>	No	No, but acceptable on merit as a mix of unit types are provided throughout the amended development as follows: <ul style="list-style-type: none"> <li>• 16 x studio units (25.8%)</li> <li>• 25 x 1 bedroom units (40.3%)</li> <li>• 9 x 2 bedroom units (14.5%)</li> <li>• 12 x 3 bedroom units (19.4%)</li> </ul>
<b>3.1.3 Accessible and Adaptable Housing</b> <i>Residential flat buildings are to provide adaptable housing in accordance with the below:</i> <ul style="list-style-type: none"> <li>• 10 or more apartments = 15% total dwellings</li> </ul>	Council's Universal Design (Accessibility) Officer has reviewed the application, is satisfied and has provided conditions to be imposed in the event of an approval.  However, while 11 adaptable units are required, it is noted that only eight (8) adaptable units have been proposed, which is only 11.3%.	No	Yes, 10 adaptable units are now provided and this is considered satisfactory.
<b>3.2 General Residential Controls</b>			
<b>3.2.2 Visual and Acoustic Privacy</b>	The proposed development does not comply with the minimum separation distances between buildings and side and rear boundaries as specified in Section 3F of the ADG.	No	No, however amended proposal is considered acceptable on merit.
<b>3.5 Apartment Buildings</b>			
<b>3.5.1 Key Development Standards for Apartment Buildings</b>			
<b>Street Setback</b>			
6m front setback (including 3m setback for landscape)	The subject site is within the Morton Street Precinct which requires a 4-metre front setback. The proposal achieves a front setback of 4 metres albeit with some ground floor terraces (POS) encroaching into the setback area, giving them a front setback of 2.750m.	No	Yes, the ground floor terraces have been amended to no longer encroach into the setback therefore providing greater landscaping, which is considered acceptable.

	<p>It is also noted that the basement encroaches 1 metre into the 4-metre setback, resulting in a 3-metre setback, which has implications for adequate provision of landscaping and deep soil.</p> <p>The 1m reduction to the front setback could also compromise the streetscape's quality or pedestrian experience.</p>		
<b>3.5.1.4 Open Space and Landscape</b>			
<p><u>Deep Soil Zone</u> Required: Min. 30% of the site (50% to be located at the rear)</p> <p>On sites over 1,500m<sup>2</sup>, a min. dimension of 6m will be required for at least 7% of the total site area in accordance with the ADG.</p> <p>The remaining 23% of the deep soil zone may be provided with a minimum dimension of 4m x 4m.</p>	<p><b>Site Area:</b> 5,160.7m<sup>2</sup></p> <p><b>Required:</b> 1,548.2m<sup>2</sup> or 30%</p> <p><b>Proposed (as stated on the plans):</b> 1,571m<sup>2</sup> or 30.4%. (with 3m dimensions)</p> <p>However, the area nominated as deep soil on the plans do not appear to comply and are located within areas that steeply fall to the foreshore area, with no details of landscaping or planting species. These deep soil areas also include impervious areas; ramps, steps, retaining walls etc.</p>	No	<p>Site area: 5,160.7m<sup>2</sup></p> <p>Required 1,548.2m<sup>2</sup> or 30%</p> <p>Provided: 1,570m<sup>2</sup> or 30%</p> <p>The amended landscape plans are considered acceptable and have been reviewed by Council's Landscape and Tree Management officer who supports the amended proposal subject to conditions of consent.</p>
<p><u>Basements</u> Where basements are provided and extend beyond the building envelope, a min. soil depth of 1.2m is to be provided, measured from the top of the slab, and will not be calculated as part of the deep soil zone.</p>	<p>Council's Landscape and Tree Management Officer has reviewed the application and notes that the soil depth and soil volume within planters and over the basement appear to be inadequate and do not meet the requirements of the ADG. Subsequently, Council's Landscape and Tree Management Officer does not support the proposal in its current form.</p>	No	<p>The amended landscape plans are considered acceptable and have been reviewed by Council's Landscape and Tree Management officer who supports the amended proposal subject to conditions of consent.</p>
<p><u>Communal Open Space</u> Residential flat buildings must provide communal open space to meet the requirements of Section 3D of the Apartment Design Guide.</p>	<p>Proposed: 1,306m<sup>2</sup> or 25%</p> <p>The proposed communal open space is to cater for a range of age groups and is to provide sufficient area for recreation.</p> <p>It is noted that the communal open space was previously proposed to be located within the foreshore area, which was unusable but has now been amended to be located on the rooftop which is considered an improved outcome for the development and will provide better amenity for future occupants. The application has now demonstrated</p>	No	<p>Yes</p> <p>1,648m<sup>2</sup> or 32%</p> <p>The COS has been relocated to the roof on level 3, which is more suited for the development.</p>



	that the proposed communal open space is usable and practical for residents.		
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## **PDCP 2023 Part 8 - Morton Street Precinct**

<b>Part 8 Local Centre - Morton Street – Controls for Building Form Type B</b>			
<b>Control</b>	<b>Comment</b>	<b>Original Assessment</b>	<b>Amended Plans</b>
Street Setbacks  Minimum 4 metres and maximum of 6 metres from property boundary.	The proposal achieves a front setback of 4 metres albeit with some ground floor terraces (POS) encroaching into the setback area, giving them a front setback of 2.750m.  It is also noted that the basement encroaches 1 metre into the 4-metre setback, resulting in a 3-metre setback, which has implications for adequate provision of landscaping and deep soil.	No	Yes – the plans have been amended to provide a 4-metre setback and is considered acceptable.

## **6. EP&A REGULATION 2021**

Conditions of consent have been recommended for compliance with the relevant sections of the EP&A Regulations 2021.

## **7. PUBLIC CONSULTATION**

### **NOTIFICATION AND ADVERTISING**

The application was notified, on three separate occasions, in accordance with Council's Consolidated Notification Procedures. Overall, three (3) unique submissions were received across all notification periods.

For the purposes of this addendum report, two (2) submissions were received during the latest re-notification period. The submissions were from objectors who submitted objections during the previous two notification periods.

In the latest submissions, concerns were raised that acceptance of the height variation could set a precedence. Concerns were raised previously about overdevelopment of the site (which included the overall height); however specifically referring to the development setting a precedence was not raised.

With the exception of the height variation issue, no new concerns were raised with the amended proposal. Refer to the previous assessment report (Attachment 5) where the original concerns were addressed.

With respect to the height issue, it is noted that the height has in fact been reduced overall from an originally proposed height of 13.85m (eastern building) & 14.45m (western building) to 12.68m (eastern building) & 13.75m (western building). The height of the eastern building has been reduced by 1.17m whilst the western building has been reduced by 0.7m. The variation to the standard principally relates to elements of the 3 storey, roof parapet, and lift overruns. As noted elsewhere in this addendum report, the height variation is considered acceptable and is supported.

## **8. SUITABILITY OF THE SITE**

The site comprises several constraints including being mapped as being within a foreshore area and riparian and waterways pursuant to Parramatta LEP 2023, and also that the site, being located on the northern bank of the Parramatta River, is classified as being partly within the High Flood Risk Precinct (the southern section near the riverbank), partly within the Low Flood Risk Precinct, with the remainder of the site not being flood-affected.

As indicated earlier in this report, Council is satisfied that the site is suitable for the development as proposed as the application has satisfactorily demonstrated that the proposal adequately accounts for and addresses these risks.

## **9. DEVELOPMENT CONTRIBUTIONS**

### Section 7.11 Contributions

A condition of consent has been recommended for the payment of the Section 7.11 contribution of \$1,058,964.44 in accordance with the City of Parramatta (Outside CBD) Development Contributions Plan 2021.

## **10. BONDS**

A condition of consent relating to the payment of a Security Bond has been imposed.

## **11. PUBLIC INTEREST**

Due to the matters outlined in the report, it is considered that the amended proposal is in the public interest.

## **12. CONCLUSION**

The Development Application has been assessed under the relevant heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy (Housing) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Sustainable Building) 2022, State Environmental Planning Policy (Planning Systems) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, Parramatta Local Environmental Plan 2023 (PLEP 2023) and Parramatta Development Control Plan 2023 (PDCP 2023) and is considered to be satisfactory. Therefore, it is recommended that the application be approved subject to the imposition of appropriate conditions.

## **13. RECOMMENDATION**

Pursuant to Section 4.16 of the Environmental Planning and Assessment Act, 1979 that the City of Parramatta Council **approve** Development Application DA/344/2023 for a period of five (5) years within which physical commencement is to occur from the date on the Notice of Determination, subject to conditions of consent (See Attachment 9) and the following reasons:

- a. The development is permissible pursuant to Paramatta Local Environmental Plan 2023.
- b. The development is consistent with the objectives of the zone.
- c. The development and is compatible with the surrounding locality.
- d. For the reasons given above, approval of the application is in the public interest.