

**Sydney Central City Planning Panel  
Section 4.56 Assessment Report  
Environmental Planning & Assessment Act 1979**

Summary	
Panel reference no.	PPSSCC-678
DA No:	DA/845/2022/A
Local Government Area (LGA)	City of Parramatta
Proposal	Section 4.56 to approved 13-storey shop-top housing development, specifically modifications to parking layout, services, ground floor layout to increase lobby and shop and reduce restaurant/cafe, external access to restaurant/cafe and Level 1 COS, apartment layouts, materials and finishes, and condition 62.
Property	9-11 Thallon Street, Carlingford
Applicant	D. R. Design (NSW) PTY Limited
Date of receipt	4 April 2025
Total number of submissions	Three (3)
Number of unique objections	Three (3)
Recommendation	Approval
Regional Development Criteria	Application does not meet the criteria for delegation to Council staff as per the Sydney Central City Planning Panel resolution dated 26 March 2024, as the proposal meets the criteria relating to departure from development standards set out in Schedule 1 of Instruction on Functions Exercisable by Council on Behalf of Sydney District or Regional Planning Panels – Applications to Modify Development Consents.
Relevant S. 4.15(1)(a) matters	<ul style="list-style-type: none"> <li>• <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></li> <li>• <i>State Environmental Planning Policy (Sustainable Buildings) 2021</i></li> <li>• <i>State Environmental Planning Policy (Housing) 2021</i></li> <li>• <i>Parramatta Local Environmental Plan 2023</i></li> <li>• <i>Apartment Design Guide</i></li> <li>• <i>Parramatta Development Control Plan 2023</i></li> </ul>
Documents submitted with this report	<ul style="list-style-type: none"> <li>• Appendix 1 – Recommended (Modified) Conditions of Consent</li> <li>• Appendix 2 – Architectural Drawings</li> <li>• Appendix 3 – BASIX Certificate</li> <li>• Appendix 4 – NatHERS Certificate</li> <li>• Appendix 5 – Design Verification Statement</li> <li>• Appendix 6 – Public Submissions</li> <li>• Appendix 7 – FSR Variation Justification</li> <li>• Appendix 8 – Endeavour Energy Referral Response</li> </ul>
Summary of key submissions	Increased traffic generation, infrastructure constraints, impact on property values, loss of solar access and amenity, construction impacts, social impacts (crime), noise impacts, impacts on shared services (plumbing, fire safety etc.).
Report prepared by	Douglas Bennett, Senior Development Assessment Officer, City Significant Development Team

**Contact us:**

council@cityofparramatta.nsw.gov.au | 02 9806 5050  
 @cityofparramatta | PO Box 32, Parramatta, NSW 2124  
 ABN 49 907 174 773 | [cityofparramatta.nsw.gov.au](http://cityofparramatta.nsw.gov.au)

Report date	25 September 2025
<b>Additional Matters</b>	
<b>Summary of s. 4.15 matters</b> Have all recommendations in relation to relevant s. 4.15 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?	N/A
<b>Special Infrastructure Contributions</b> Does the DA require Special Infrastructure Contributions conditions (S7.24)?  <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 purpose of this report is to provide a full environmental assessment of modification application DA/845/2022/A at 9-11 Thallon Street, Carlingford against the relevant matters under s. 4.15 and 4.56 of the *Environmental Planning & Assessment Act 1979* for the benefit of the consent authority, being the Sydney Central City Planning Panel. Supplementary matters such as application history, site history, agency & stakeholder comments, and a detailed overview of the proposal are also included in this report to ensure the consent authority has all necessary information to make an informed decision.

The proposal seeks approval for modifications to the previously approved 13-storey shop-top housing development at 9-11 Thallon Street, Carlingford (DA/845/2022/A). The modifications include changes to the parking layout, services, ground floor configuration (increasing lobby and shop area, reducing restaurant/café space), external access arrangements, apartment layouts, materials and finishes, and amendments to certain conditions of consent. The amended application maintains the approved number of residential units (83), with adjustments to the dwelling mix and minor increases in gross floor area. The development continues to provide active ground floor uses and maintains compliance with key planning controls, including those relating to high-density residential zoning, building height, and floor space ratio.

Key issues identified during assessment include:

- Non-compliance with certain Apartment Design Guide (ADG) and Development Control Plan (DCP) controls, particularly regarding unit depth, dwelling mix, and pedestrian pathways in the basement.
- Potential conflicts between basement design and stormwater infrastructure.
- Amenity concerns for specific units (notably Units 1.02 and 1.03) due to proximity to communal areas and access paths.

- Shortfall in residential parking provision relative to DCP requirements, though this is offset by proximity to public transport and no increase in overall density.

Agency and public feedback has been considered as follows:

- Three public submissions were received, raising concerns about increased traffic, infrastructure constraints, property values, solar access, amenity, construction impacts, social impacts, noise, and shared services. The assessment found that the modifications would not increase density or car parking, and conditions have been imposed to mitigate amenity and privacy impacts.
- Internal referrals (City Design, Traffic and Transport) resulted in further plan amendments and recommended conditions to address design, access, and parking issues.
- External referral to Endeavour Energy raised no new issues beyond those previously addressed.

To address the identified issues and issues raised by agencies, internal referral bodies, and objectors, the following ameliorative measures are recommended.

- Conditions of consent requiring installation of fencing and expanded landscaping to protect the privacy of affected first floor units.
- Provision of a painted pedestrian pathway in the basement to ensure safe access between parking and commercial tenancies.
- Retention of conditions requiring bathroom windows for natural light and ventilation where possible.
- Amendments to landscape and civil plans to reflect the latest architectural changes and ensure no conflict with stormwater infrastructure.
- Existing conditions of consent to be updated to reflect proposed reallocation of parking spaces.

Overall, the proposed modifications are assessed as being substantially the same as the originally approved development, with the recommended conditions ensuring that key issues are appropriately managed and the development remains in the public interest.

The findings and recommendations in this report reflect the views of Council Officers and have not been formally endorsed at a Council meeting.

## 2. Application History

The application was submitted through the NSW Planning Portal on 4 April 2025. Application fees were paid on 16 April 2025 and the application was legally lodged on the same day. The application was also lodged on the NSW Planning Portal on 16 April 2025.

The application was placed on public exhibition between 28 April 2025 and 19 May 2025. Three public submissions were received during the formal exhibition period. Renotification occurred between 13 June and 14 July due to an administrative error made during initial notification. No additional public submissions were received.

Notice of the application's lodgement was given to the Sydney Central City Planning Panel through the NSW Planning Portal on 30 April 2025 under PPSSCC-678.

## 3. The Subject Site

### 2.1 Description and Conditions

Description and Conditions
The subject site is known as 9-11 Thallon Street, Carlingford. The current property description is Lot CP SP 37411. The site is irregular in shape with street frontage to Thallon Street to the west.
The subject site has an area of 3,173sqm. The site is improved by a multi-dwelling housing development constructed circa 1980.
The site is zoned R4 High Density Residential under the <i>Parramatta Local Environmental Plan 2023</i> . The surrounding/nearby properties are zoned R4 High Density Residential, RE1 Public Recreation, SP2 Rail

Infrastructure Facility, and E1 Local Centre and comprise low to high density residential developments. Carlingford Light Rail station is located to the south of the site.

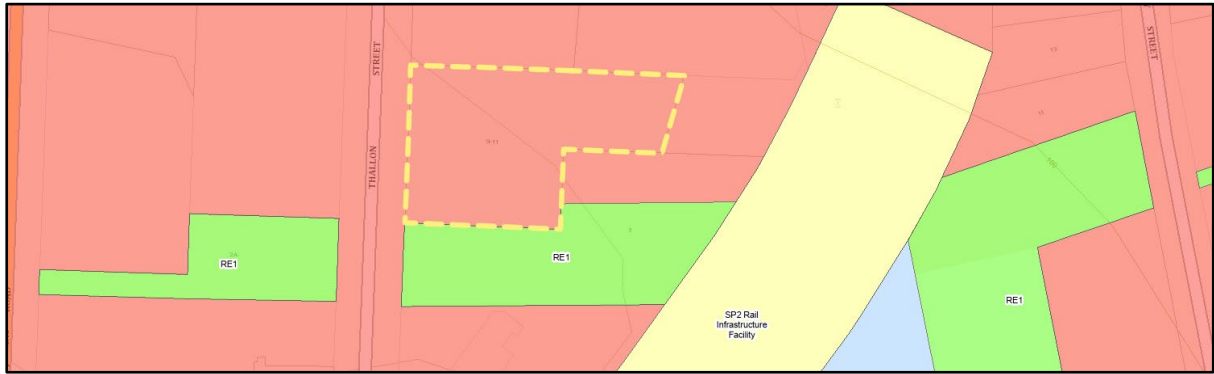


Figure 1: Zoning

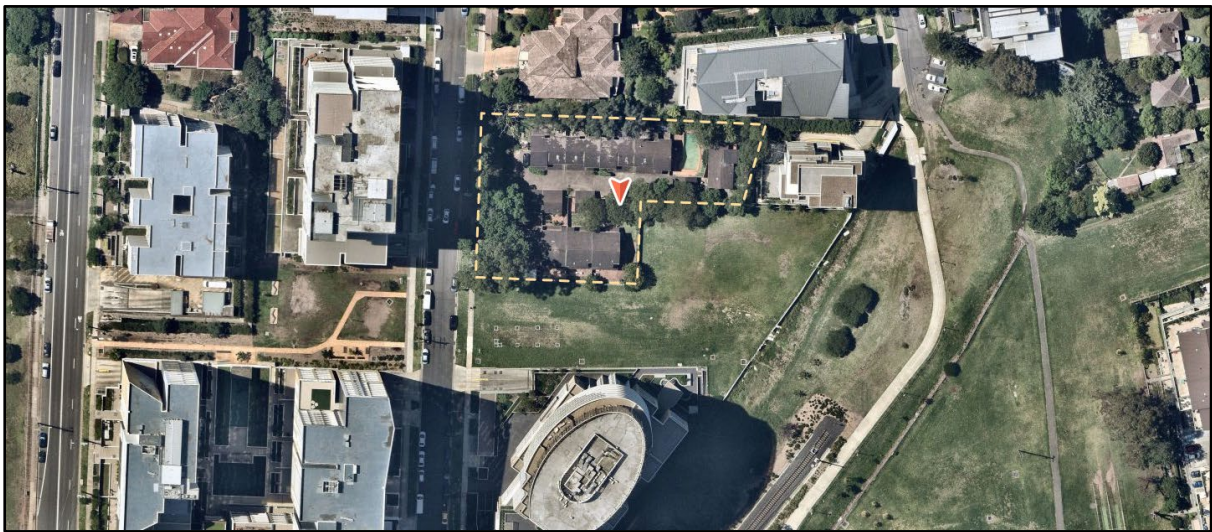


Figure 2: Nearmap



Figure 3: Approved Development (DA/845/2022)

## 2.2 Site Planning History

Application No.	Comments
DA/845/2022	Development application DA/845/2022 was determined for refusal by the Sydney Central City Planning Panel on 5 June 2023. The application sought consent for demolition of existing buildings, tree removal and construction of a 12-storey mixed use building comprising retail and restaurant on the ground floor, 91 apartments above and 4 levels of basement parking for 134 vehicles. An appeal to the NSW Land and Environment Court was subsequently lodged by the applicant. On 10 July 2024, the NSW Land and Environment Court upheld the appeal and granted consent to the application.

## 4. The Proposal

### Original Proposal

The application originally sought consent to modify development consent DA/845/2022 to institute several changes to the approved plans. The total quantity of carparking spaces remains the same (137) whilst motorcycle parking is proposed to be reduced from 25 spaces to 6 spaces. Bicycle parking spaces are proposed to be increased from 73 spaces to 82 spaces. The total quantity of units is proposed to increase from 83 to 84 units with the following changes to the approved dwelling mix.

- Studio: 0 units (no change)
- 1-bedroom: 0 units (Reduction of 1 units)
- 2-bedroom: 40 units (reduction of 3 units)
- 3-bedroom: 38 units (increase of 17 units)
- 4-bedroom: 6 units (reduction of 12 units)

An overview of the original design changes to each level and elevation of the approved development is provided as follows.

#### Basement Level 3

- Replacement of five (5) motorcycle parking spaces with one (1) car space.
- Relocation of fire tank and pump room to Basement Level 1.
- Provision of eight (8) additional parking spaces.
- Expansion of basement footprint through decrease in northern boundary setback from 2.685m to 2.5m, and decrease in southern boundary setback for part of basement from 18.19m to 17.87m.

#### Basement Level 2

- Replacement of seven (7) motorcycle spaces with one (1) visitor carparking space.
- Provision of six (6) additional bicycle parking spaces.
- Conversion of three (3) accessible parking spaces to regular car parking spaces.
- Reconfiguration of carparking and deletion of two ambulant circulation spaces.
- Expansion of basement footprint through decrease in northern boundary setback from 2.685m to 2.5m, and decrease in southern boundary setback for part of basement from 18.19m to 17.87m.

#### Basement Level 1

- Replacement of seven (7) motorcycle spaces and eight (8) bicycle parking spaces with two (2) visitor carparking spaces.
- Expansion of retail/restaurant waste storage room.
- Relocated fire tank.
- Provision of additional accessible parking space and ambulant area.
- Provision of four (4) bicycle parking spaces
- Expansion of basement footprint through decrease in northern boundary setback from 2.685m to 2.5m, and decrease in southern boundary setback for part of basement from 18.19m to 17.87m.
- Deletion of 10 parking spaces to accommodate fire tank.

#### Ground Floor

- Increase in lobby area from 87sqm to 132sqm and relocation of mailbox area.
- Retail tenancy expanded from 40sqm to 100sqm and relocated to the east.
- Reduction of restaurant/café tenancy from 192sqm to 98sqm, with primary frontage to the east and north.
- Switchboard room replaced with firepump room.
- One (1) carparking space replaced with four (4) bicycle parking spaces.
- Overall increase in gross floor area from 535sqm (approved) to 548.8sqm.

#### Level 1

- Reconfiguration of units to provide five (5) 2-bedroom units (4 previously approved), four (4) 3-bedroom units (2 previously approved), and no 4-bedroom units (1 previously approved). Overall increase of two (2) units including an additional 2-bedroom unit where restaurant void and roof was previously approved.
- Reconfiguration of internal circulation areas on each level.
- Overall increase in gross floor area from 769sqm to 950.5sqm (primarily from provision of additional unit and infill of void over restaurant).

#### Level 2-3

- Reconfiguration of units to provide five (5) 2-bedroom units (6 previously approved), four (4) 3-bedroom units (2 previously approved), and no 4-bedroom units (1 previously approved) on each level.
- Reconfiguration of internal circulation areas on each level.
- Infill of 2m-wide void facing Thallon Street.
- Overall increase in gross floor area from 939sqm to 947.9sqm (per floor).

#### Level 4-8

- Reconfiguration of units to provide no 1-bedroom units (1 previously approved), three (3) 2-bedroom units (no change from previously approved), four (4) 3-bedroom units (2 previously approved), and one (1) 4-bedroom unit (2 previously approved) on each level.
- Reconfiguration of internal circulation areas on each level.
- Infill of 2m-wide void facing Thallon Street.
- Overall increase in gross floor area from 827sqm to 856.5sqm (per floor).

#### Level 9

- Reconfiguration of units to provide no 1-bedroom units (1 previously approved), four (4) 2-bedroom units (no change from previously approved), two (2) 3-bedroom units (none previously approved), and no 4-bedroom units (1 previously approved).
- Infill of 2m-wide void facing Thallon Street.
- Reconfiguration of internal circulation area.
- Overall increase in gross floor area from 576sqm to 594.1sqm.

#### Level 10

- Reconfiguration of units to provide no 1-bedroom units (1 previously approved), three (3) 2-bedroom units (no change from previously approved), two (2) 3-bedroom units (none previously approved), and no 4-bedroom units (1 previously approved).
- Infill of 2m-wide void facing Thallon Street.
- Reconfiguration of internal circulation area.
- Overall increase in gross floor area from 512sqm to 529.2sqm.

#### Level 11

- Reconfiguration of units to provide no 1-bedroom units (1 previously approved), three (3) 2-bedroom units (2 previously approved), one (1) 3-bedroom unit (no change from previously approved), and no 4-bedroom units (no change from previously approved).

- Reconfiguration of internal circulation area.
- Infill of 2m-wide void facing Thallon Street.
- Increase in communal open space area from 18sqm to 39sqm.
- Overall increase in gross floor area from 388sqm to 396.3sqm.

#### Level 12

- Reconfiguration of units to provide no 1-bedroom units (1 previously approved), no 2-bedroom units (1 previously approved), one (1) 3-bedroom unit (no change from previously approved), and one (1) 4-bedroom unit (none previously approved).
- Relocation of Communal Open Space area and increase from 36sqm to 48sqm.
- CP Exhaust and Hot Water room switched.
- Reconfiguration of internal circulation area.
- Infill of 2m-wide void facing Thallon Street.
- Overall decrease in gross floor area from 296sqm to 295.7sqm.

#### Roof

- Void filled.
- SP supply air rooms relocated.

#### External facades

- Precast white frame amended from precast concrete to light weight aluminium for Level 4 and above.
- COL-01 material added to lobby entry feature only.
- West facing bathroom windows sill height raised from Level 4 and above.
- Screening at roof plant adjusted to louvred screens reducing extent of paint and render.
- Elevations generally amended to reflect changes to unit layout on each floor.

As a result of the above noted design changes (and unit quantity/mix changes), the application originally proposed an overall increase in gross floor area from 9,090sqm to 9,492.8sqm.

No change is proposed to the quantity of adaptable units or liveable units in the approved development. No changes to the approved landscape design are proposed.

#### Amended Application (1 July 2025)

Amendments to the application were made on 1 July 2025. The design changes proposed in the original application were kept with the exception of the following:

- Changes to quantity of units is no longer proposed (83 units as approved to remain). Dwelling mix amended as follows
  - 8 x studio/one-bedroom units (+7 from approved application)
  - 32 x two-bedroom units (-11 from approved application)
  - 37 x three-bedroom units (+16 from approved application)
  - 6 x four-bedroom units (- 12 from approved application)
- Gross floor area increased to 9,163sqm – an increase of 73sqm from approved GFA and reduction of 329.8sqm from the original modification application.
- Basement Level 1 – commercial lift shifted southward and waste room reduced in size.
- Ground floor – width and frontage of residential lobby decreased to 5.5m, width of retail tenancy increased, restaurant tenancy size increased and floor level raised to RL 92.6, external stairs and planter removed at park interface (introduced as part of the original modification application), access path between car park and retail tenancy modified ceiling height of restaurant increased.
- Level 1 – Unit 1.05 reduced in size and layout, Unit 1.09 removed, Unit 1.08 reconfigured to a 2-bedroom unit.
- Level 2-3 – Unit 2.07/3.07 reduced in size.
- Level 4-8 – Unit 4.06/5.06/6.06/7.06/8.06 amended from a 2-bedroom unit to a 1-bedroom unit.
- Level 9 – Unit 9.05 amended from a 2-bedroom unit to a 1-bedroom unit.
- Level 10 – Unit 10.04 amended from a 2-bedroom unit to a 1-bedroom unit.
- Level 11 – Unit 11.02 amended from a 2-bedroom unit to a 1-bedroom unit.

- Level 12 – Unit 12.01 reduced in size and layout.
- External – west facing lobby window reinstated, bathroom windows to units amended from square to vertical expression.
- Reinstatement of 2m wide void facing Fallon Street on western elevation (deleted under the original modification application).

Amended Application (25 July 2025)

Further amendments to the application were made on 25 July 2025. The amendments include the following changes to submitted architectural drawings.

- Amendments to ground floor including reconfiguration to commercial tenancies to provide direct street frontage for restaurant tenancy. Restaurant tenancy increased to 160sqm, retail tenancy decreased to 81sq, and residential lobby width decreased to 4m.
- Annotations on Level 1 amended to correct error showing new fencing proposed along southern boundary.

Modifications are proposed to conditions of consent as noted below. Additions are presented in **bold** and **yellow highlight**, with deletions presented in ~~strike through~~.

Proposed Modification		Comment	
<p>Description of Approved Development</p> <p><i>Demolition of existing structures and construction of a <del>12</del> <b>13</b>-storey mixed used development containing <del>83</del> <b>84</b> residential units above 3 levels of basement parking, including the removal of trees</i></p>		<p>The applicant proposes amendments to the description of the development on the Notice of Determination. The amendments seek to correct an error on the original determination notice relating to the number of storeys approved under the consent. The approved development contains 13 storeys plus 3 levels of basement parking and not 12 storeys with 3 levels of basement parking.</p> <p>In addition, the applicant seeks to amend the number of residential units approved in the description of development to reflect the amended architectural plans. <u>However, the amended application no longer seeks consent for this particular amendment.</u></p>	
<p>Approved Plans &amp; Supporting Documents</p> <p>1. Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.</p>		<p>The applicant proposes to amend Condition 1 to institute the proposed design changes mentioned above. The amendments seek to incorporate the amended architectural plans into the consent.</p>	
Drawing No.	Issue	Plan Title	Dated
DA-0-001	<del>P</del> <b>R</b>	Cover Sheet	<del>13/03/2024</del> <b>30/06/2025</b>
DA-0-115	<del>N</del> <b>O</b>	Site Plan	<del>24/01/2024</del> <b>25/03/2025</b>
DA-0-201	<del>Q</del> <b>S</b>	Basement 3	<del>13/03/2024</del> <b>25/03/2025</b>
DA-0-202	<del>Q</del> <b>S</b>	Basement 2	<del>13/03/2024</del> <b>25/03/2025</b>
DA-0-203	<del>Q</del> <b>T</b>	Basement 1	<del>13/03/2024</del> <b>30/06/2025</b>
DA-0-211	<del>P</del> <b>T</b>	Ground Floor Plan	<del>13/03/2024</del> <b>25/07/2025</b>
DA-0-212	<del>Q</del> <b>R</b>	Level 1 Floor Plan	<del>24/01/2024</del> <b>25/07/2025</b>

DA-0-213	Θ Q	Level 2-3 Floor Plan	24/01/2024 30/06/2025
DA-0-214	Θ Q	Level 4-8 Floor Plan	24/01/2024 30/06/2025
DA-0-215	Θ Q	Level 9 Floor Plan	24/01/2024 30/06/2025
DA-0-216	Α C	Level 10 Floor Plan	21/02/2024 30/06/2025
DA-0-217	Α C	Level 11 Floor Plan	21/02/2024 30/06/2025
DA-0-218	Ρ R	Level 12 Floor Plan	21/02/2024 30/06/2025
DA-0-219	Ρ Q	Roof Plan	21/02/2024 25/03/2025
DA-0-301	Ν P	Street Elevation	21/02/2024 30/06/2025
DA-0-311	Ρ Q	East Elevation	21/02/2024 25/03/2025
DA-0-312	Ρ R	West Elevation	21/02/2024 30/06/2025
DA-0-313	Ν P	North Elevation	21/02/2024 30/06/2025
DA-0-314	Ν P	South Elevation	21/02/2024 30/06/2025
DA-0-401	Θ P	Section A	21/02/2024 25/03/2025
DA-0-402	Ν P	Section B	21/02/2024 25/03/2025
DA-0-403	Ν P	Section C	21/02/2024 30/06/2025
DA-0-404	B	Section D	30/06/2025
DA-0-405	A	Detail 1.20	25/03/2025
DA-0-601	A	Balcony Detail	21/02/2024
DA-0-971	Ν O	Finishes Schedule	21/02/2024 25/03/2025
DA-0-972	Θ E	East Elevation - Finishes Schedule	21/02/2024 25/03/2025
DA-0-973	Θ E	West Elevation - Finishes Schedule	21/02/2024 25/03/2025
DA-0-974	Θ E	North Elevation - Finishes Schedule	21/02/2024 25/03/2025
DA-0-975	Θ E	South Elevation - Finishes Schedule	21/02/2024 25/03/2025

In the event of any inconsistency between the approved plans and/or the civil drawings and/or

<p><i>landscape plans and/or supporting documentation, the approved plans prevail.</i></p> <p><i>In the event of any inconsistency between the approved plans and a condition of consent, the condition prevails.</i></p> <p><i>An inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.</i></p> <p><i>Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development</i></p> <p>[all other tables under Condition 1 to remain in situ]</p>	
<p><i>Design Amendments</i></p> <p><i>62. Prior to the issue of the relevant Occupation Certificate the following design amendments must be made:</i></p> <p><i>a) <del>In apartments 02 and 08 on levels 2-3 inclusive, the locations of the second bathroom and the laundry are to be swapped.</del></i></p> <p><i>b) <del>In apartments 07 on levels 4-8 the locations of the second bathroom and the laundry are to be swapped.</del></i></p> <p><i>c) <del>In apartments 02 on levels 4-8 the door to the second bathroom should be relocated adjacent to the two bedrooms which it serves, and the shower flipped to the west. This may necessitate a reduction in depth to the adjacent bedroom robe.</del></i></p> <p><i>d) <del>In apartment 103, the location of the bathroom and the study is to be swapped.</del></i></p> <p><i>e) <del>All bathrooms with frontages to external walls should be provided with windows that provide natural daylight (at a minimum) and preferably naturally ventilate. BCA advice should be sought.</del></i></p> <p><i>Reason: To create a more thoughtful design.</i></p>	<p>The applicant proposes the deletion of parts a) to e) of Condition 62 as the proponent claims the required design changes have been instituted into the architectural drawings submitted as part of this application.</p>
<p>The works approved under DA/845/2022 have not commenced.</p> <p>The development consent is due to lapse on 10 July 2029.</p>	



Figure 4: Proposed (modified) Development

### 5. Section 4.56 Assessment

The Application is lodged under s. 4.56 of the *Environmental Planning & Assessment Act 1979*. An assessment of the Application against the relevant provisions of s. 4.56 of the Act is undertaken as follows.

Environmental Planning & Assessment Act 1979		
Section	Provision	Assessment
4.56(1)	A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the Court and subject to and in accordance with the regulations, modify the development consent if— (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and	A full assessment of the proposal against this matter for consideration has been undertaken in Section 4.1 of this Report.
	(b) it has notified the application in accordance with— (i) the regulations, if the regulations so require, and (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for	Section 105 of the <i>Environmental Planning &amp; Assessment Regulation 2021</i> contains provisions relating to the notification of modification applications under s. 4.56 of the Act. The Regulation requires that if a modification application is required by a community participation plan to be notified or advertised and the development consent was granted by the Court on appeal, the

	<p>modification of a development consent, and</p>	<p>modification application must be notified or advertised by the consent authority to which the original development application was made.</p> <p>The City of Parramatta Community Engagement Strategy requires that modification applications lodged under s. 4.56 of the Act be notified as per the original application. The original application was notified for a total of 28 days between 8 November and 6 December 2022.</p> <p>Section 105(3) also requires the consent authority to notify the Court of the way in which the application was notified or advertised, the period for submissions required by the community participation plan, and the period during which the application was notified or advertised. The Land and Environment Court NSW was notified on 16 June 2025.</p>
	<p>(c) it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and</p>	<p>During the notification period of the original development application, a total of nine submissions from six members of the public were received.</p> <p>Each person who made a submission in respect of the original development application was notified of the modification application by way of written notice to the last address known to Council.</p>
	<p>(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.</p>	<p>A total of three (3) submissions were received during the initial notification period. All submissions have been considered as part of the assessment undertaken in this report.</p>
<p>4.56(1A)</p>	<p>In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.</p>	<p>Specific reasons for approval were not provided by the consent authority (NSW Land and Environment Court) at the time of determination.</p> <p>An assessment of the application against the relevant provisions of s. 4.15 has been undertaken in Section 5 of this Report.</p>

#### 4.1 Substantially the Same Development (s. 4.56(1)(a))

For the purposes of s. 4.56(1)(a) of the *Environmental Planning & Assessment Act 1979*, the applicant bears the onus of satisfying the consent authority that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted (*Vacik Pty Ltd v Penrith City Council*, unreported, 24 February 1992).

In *Vacik Pty Ltd v Penrith City Council*, Stein J states that it is not appropriate to simply say that the nature of the development as amended would be the same use and therefore substantially the same development. Stein J goes on to say that it is necessary to consider whether the proposed modified development would be *essentially or materially* or *having the same essence* as that which had been originally approved.

Bigbold J in his decision in *Moto Projects No 2 Pty Limited v North Sydney Council* [1999] 106 LGERA 298, states at paragraphs 55 and 56:

*The requisite factual finding obviously requires a comparison between the development, as currently approved, and the development as proposed to be modified. The result of the comparison must be a finding that the modified development is “essentially or materially” the same as the (currently) approved development.*

*The comparative task does not merely involve a comparison of the physical features or components of the development as currently approved and modified where that comparative exercise is undertaken in some type of sterile vacuum. Rather, the comparison involves an appreciation, qualitative, as well as quantitative, of the developments being compared in their proper contexts (including the circumstances in which the development consent was granted).*

In addition to the above, a recent decision by Preston CJ in *Canterbury-Bankstown Council v Realize Architecture Pty Ltd* [2024] NSWLEC 31, requires a holistic assessment of the quantitative and qualitative impacts of the modified proposal. In that regard, the assessment has been provided below:

<b>Section 4.56 Assessment</b>	
Criterion	Assessment
Qualitative Impacts	<p>Qualitative changes to the approved development are largely limited to minor building design changes. Increase to the communal open space would result in enhanced amenity for future residents, whilst changes to apartment layout and internal services would have little impact on design and amenity. Ground floor changes result in little qualitative impacts as the level of street activation approved under the original development application remains effectively the same. Other design changes to the approved development largely maintain the design quality of the development and continue to provide acceptable levels of internal and external amenity.</p> <p>The approved land-uses remain unchanged and the modifications would not change the shop-top housing nature of the approved development.</p>
Quantitative Impacts	<p>Quantitative changes to the approved development are summarised as follows.</p> <ul style="list-style-type: none"> <li>• Increase in retail tenancy floor area (40sqm to 81sqm) and decrease in restaurant tenancy floor area (192sqm to 160sqm).</li> <li>• Decrease in residential lobby floor area from 87sqm to 79sqm.</li> <li>• Reduction in motorcycle parking from 25 spaces to 6 spaces.</li> <li>• Increase in bicycle parking from 73 spaces to 82 spaces.</li> </ul>

	<ul style="list-style-type: none"> <li>• Following changes to dwelling mix <ul style="list-style-type: none"> <li>○ 8 x studio/one-bedroom units.</li> <li>○ 32 x two-bedroom units.</li> <li>○ 37 x three-bedroom units.</li> <li>○ 6 x four-bedroom units.</li> </ul> </li> <li>• Increase in gross floor area from 9,090sqm to 9,163sqm.</li> </ul> <p>The quantitative impacts of the application would result in a development that is of the same essence as that which had been originally approved. The changes maintain the general characteristics of the approved development (basement vehicle &amp; bicycle parking and shop-top housing above). The quantitative changes are relatively minor in the context of the approved development with the exception of the increase in gross floor area. However, the numerical increase in gross floor area is considered to be broadly acceptable and in keeping with the essence of the approved development as it would not result in substantial changes to the main characteristics of the approved development nor changes to its appearance from the public domain.</p>
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Based on a holistic consideration of the above differences, the modified development is still considered to be substantially the same as the original approved development. The modified proposal retains the approved uses within the mixed-use development and generally retains the presentation to the street.

## 6. Section 4.15 Assessment

The Application is assessed against the relevant provisions of s. 4.15 of the *Environmental Planning & Assessment Act 1979* as follows.

### 5.1 Section 4.15(1)(a)(i) – Provisions of any environmental planning instrument

Section 4.15(1)(a)(i) of the *Environmental Planning & Assessment Act 1979* requires a consent authority to take into consideration the provisions of any environmental planning instrument as are of relevance to the development the subject of the modification application.

The following environmental planning instruments are considered to be relevant for the purposes of the s. 4.15 assessment.

<b>State Environmental Planning Policy (Sustainable Buildings) 2021</b>		
Chapter 2 Standards for residential development - BASIX		
Clause	Provision	Assessment
2.1	Standards for BASIX development and BASIX optional development	The application is accompanied by an amended BASIX Certificate, as required under the SEPP. Amended BASIX stamped plans have also been provided.

<b>State Environmental Planning Policy (Transport and Infrastructure) 2021</b>		
Chapter 2 Infrastructure		
Clause	Provision	Assessment
2.48	Determination of development applications – other development	The modification application meets the criteria set out under cl. 2.48 of the SEPP in

		that it involves external changes to development carried out within 5m of an exposed overhead electricity power line. Written notice to the electricity supply authority (Endeavour Energy) for the area inviting comments about potential safety risks was completed through the NSW Planning Portal. Consideration of the electricity supply authority's response has been undertaken in Section 6 of this report in accordance with s. 2.48(2)(b) of the SEPP.
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<b>State Environmental Planning Policy (Housing) 2021</b>		
<b>Chapter 4 Design of Residential Apartment Development</b>		
<b>Clause</b>	<b>Provision</b>	<b>Assessment</b>
146	Referral to design review panel for modification applications	The application's accompanying design verification statement verifies that the author of the architectural drawings designed the original development as a qualified designer. As such, a referral to the design review panel is not required, pursuant to the provisions of s. 146 of the SEPP.
147	Determination of development applications and modification applications for residential apartment development	An assessment of the modification application against the design principles under Schedule 9 of the SEPP as well as the Apartment Design Guide, has been undertaken in this report in accordance with the requirements of s. 147(1) of the SEPP.
148	Non-discretionary development standards for residential apartment development – the Act, s. 4.15	<p>The development (as modified) continues to meet the non-discretionary development standards under s. 148 of the SEPP in relation to car parking and ceiling heights. The development (as modified) does not however meet the internal minimum area requirements of the ADG. Unit 4.06 on levels 4-8 comprises an internal area of 74sqm, whereas the ADG requires a minimum area of 75sqm. As the application does not meet this non-discretionary development standard, more onerous standards for this matter can be required.</p> <p>The identified non-compliance is considered to be minor in nature and does not otherwise result in poor amenity outcomes for residents. As such, more onerous standards are not required.</p>
<b>Schedule 9 Design Principles for Residential Apartment Development</b>		
<b>Clause</b>	<b>Provision</b>	<b>Assessment</b>
1	Context and Neighbourhood Character	The development as proposed to be modified remains compatible with the high density character of the surrounding area. The development (as modified) would maintain an active street frontage to Thallon

		Street and a positive interface with the adjoining parks and light rail corridor.
2	Built Form and Scale	The built form and scale of the development remains largely unchanged as a result of the proposed modifications.
3	Density	No change is proposed to the density approved at the site. An enhanced level of amenity is provided to (future) residents under the proposed modifications as a result of the increase in communal open space on Level 11.
4	Sustainability	The development (as modified) includes naturally cross-ventilated apartments and a sufficient amount of units which receive more than 2 hours of sunlight during the winter solstice. The application's accompanying BASIX certificate certifies that the development (as modified) will continue to meet relevant sustainability standards.
5	Landscape	No change is formally proposed to the approved landscape design of the development. However, proposed design changes to basement setbacks and communal open space on Levels 11 and 12 will require amended landscape plans to be prepared. It is therefore recommended that Condition 27 be amended, requiring amended landscape plans which account for design changes in the most recently approved architectural plans.
6	Amenity	Sufficient internal residential amenity is provided for all units with the exception of units 1.02 & 1.03 where unacceptable visual privacy impacts have been identified. These impacts can be sufficiently ameliorated by way of condition of consent.
7	Safety	The development (as modified) generally adheres to CPTED principles. Secure and separated access to the residential and commercial components of the development are provided on ground floor level. Both commercial tenancies are designed with frontages to Thallon Street, encouraging passive surveillance of the public domain.
8	Housing Diversity and Social Interaction	The amendments to the dwelling mix within the approved scheme, whilst inconsistent with Council's DCP requirements, provide an appropriate mix of housing to cater to larger family households, which tend to be underprovided by the market.
9	Aesthetics	The minor external design changes are broadly consistent with the high quality aesthetic appearance of the development as originally approved.

Apartment Design Guide		
Clause	Provision	Assessment
3C	Public Domain Interface	The proposed amendments to the approved development are broadly consistent with the objectives and design guidance under Part 3C of the ADG. Opportunities for concealment within the development are minimised and sufficient opportunities for interaction between residents and the public domain is provided within the front setback and residential lobby.
3D	Communal and Public Open Space	The development (as modified) provides a total of 903sqm of communal open space, exceeding the minimum 793.25sqm required under Part 3D of the ADG. The communal areas are designed in accordance with the design guidance under Part 3D and will receive sufficient quantities of sunlight during the winter solstice.
3E	Deep Soil Zones	The development (as modified) meets the minimum deep soil zone requirements under Part 3E of the ADG, notwithstanding the reduction in basement level setbacks.
3F	Visual Privacy	<p>Units have largely been designed to afford sufficient visual privacy in accordance with the design guidance under Part 3F of the ADG with the exception of Units 1.02 &amp; 1.03. The access path to the outdoor communal area passes within proximity to windows of these units. This is broadly inconsistent with the design guidance under Part 3F including the following.</p> <p><i>“Communal open space, common areas and access paths should be separated from private open space and windows to apartments, particularly habitable room windows.”</i></p> <p>A condition of consent is recommended requiring fencing along the access path leading to the outdoor recreation area, to enhance visual privacy and amenity for residents in Unit 1.03. In addition, a condition is recommended requiring the expansion of the outdoor landscaped area to prevent direct viewlines into the bedroom in Unit 1.02.</p>
3G	Pedestrian Access and Entries	The revised residential lobby is generally consistent with the design guidance and objectives under Part 3G of the ADG. The lobby/entry remains clearly identifiable from the streetscape.
3J	Bicycle and Car Parking	No change is made to the quantity of car parking within the approved development.

		<p>The development continues to meet the car parking requirements under Part 3J of the ADG.</p> <p>The increase in on-site bicycle parking facilities (including the location of visitor bicycle parking on the ground floor) is broadly consistent with the design guidance under Part 3J.</p>
4A	Solar and Daylight Access	<p>The development (as modified) includes at least 70% of units receiving a minimum of 2 hours of sunlight during the winter solstice and only 4% of units receiving no sunlight. The application meets the design criteria and guidance under Part 4A of the ADG.</p>
4B	Natural Ventilation	<p>At least 70% of units in the first 9 levels are naturally cross-ventilated, exceeding the requirements of the design criteria under Part 4B of the ADG.</p>
4C	Ceiling Heights	<p>The development (as modified) includes 3m ceiling heights for apartments, exceeding the minimum 2.7m requirement under Part 4C of the ADG. In addition, 3.3m ceiling height is provided within the commercial tenancies to enable flexibility.</p>
4D	Apartment Size and Layout	<p>The majority of units within the development (as modified) meet the minimum internal area requirements under Part 4D of the ADG with the exception of the two-bedroom unit labelled Unit 4.06 on levels 4-8. The minimum internal area requirement for this unit is 70sqm plus an additional 5sqm as the unit contains more than one bathroom. The proposed unit size is approximately 74sqm, 1sqm short of the minimum requirement. Due to the minor nature of this shortfall and otherwise high amenity provided in this unit, the shortfall is considered to be acceptable.</p> <p>In addition to the above, it is noted that Part 4D of the ADG prescribes a maximum habitable room depth of 8m for units with an open plan layout. The development (as modified) includes at least 9 units which exceed this maximum requirement. At least three of these units are adaptable and require greater circulation room in key living areas. Two units are corner three-bedroom apartments with dissected living areas. The remaining units are two-bedroom units with kitchens that share external walls and could accommodate a window opening.</p> <p>In order to enhance compliance with the design criteria requirements of Part 4D of</p>

		<p>the ADG, amendments to Condition 62 is recommended requiring small clerestory windows for walls adjacent to the kitchen area in Unit 2.04. In addition, it is recommended that Condition 62 be amended to require design changes prior to issue of construction certificate rather than occupation certificate, to ensure the design changes are made before works commence.</p> <p>The development (as modified) generally meets all other design criteria requirements under Part 4D of the ADG.</p>
4E	Private Open Space and Balconies	All balconies and private open spaces generally meet the design criteria and guidance under Part 4E of the ADG.
4F	Common Circulation and Spaces	<p>Requirements under Part 4F of the ADG include a maximum number of eight units off the circulation core on a single level. The development as approved includes a maximum of nine units off the circulation core on levels 2 and 3, whereas the development as modified includes a maximum of nine units off the circulation core on levels 1, 2, and 3.</p> <p>The marginal increase in non-compliance with the design criteria under Part 4F is considered to be negligible and would not detract from the amenity and functionality of the building.</p>
4K	Apartment Mix	The development as modified provides a variety of apartment types, in accordance with the design guidance in Part 4K.
4M	Facades	The minor alterations to the external façade proposed under the application are broadly in keeping with the design guidance under Part 4M of the ADG. The introduction of lightweight aluminium for Levels 4 and above facilitates the articulation of the façade and is sympathetic with the overall high design quality of the building.
4N	Roof Design	The minor alterations to the roof form, including the adjustments to rooftop plant screening, are broadly in keeping with the design guidance under Part 4N of the ADG.
4S	Mixed Use	The application is broadly consistent with the design guidance under Part 4S of the ADG, in that separate residential/commercial entry points are provided on the ground floor.

Parramatta Local Environmental Plan 2023		
Clause	Provision	Assessment
R4	High Density Residential	<p>The application is largely consistent with the relevant objectives of the R4 High Density Residential zone including the following.</p> <ul style="list-style-type: none"> <li>• <i>To provide for the housing needs of the community within a high density residential environment.</i></li> <li>• <i>To provide a variety of housing types within a high density residential environment.</i></li> <li>• <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i></li> <li>• <i>To provide for high density residential development close to open space, major transport nodes, services and employment opportunities.</i></li> </ul> <p>The application maintains the approved high density use of the site within close proximity to (future) parkland and Carlingford Light Rail Station. The amendments to the approved development would continue to provide a range of housing types with sufficient amenity. The reconfiguration of ground floor commercial tenancies would enable viable commercial land uses with appropriate frontages to Thallon Street.</p>
4.3	Height of Buildings	No change is proposed to the approved height of building.
4.4	Floor Space Ratio	<p>The maximum permissible floor space ratio shown for the site on the Floor Space Ratio Map under the <i>Parramatta Local Environmental Plan 2023</i> is 1.99:1 equating to a total permissible gross floor area of 6,314.27. The development as approved included a gross floor area of 9,090.0sqm with a total floor space ratio of 2.86:1 (43.71% variation). The application seeks consent for a total gross floor area of 9,163sqm with a total floor space ratio of 2.89:1 – a 1.04% increase from the approved development.</p> <p>The application is accompanied by a Floor Space Ratio Variation Justification which includes an assessment of the proposed increase in floor area (and subsequent increase in variation to floor space ratio) against the objectives of Clause 4.4. The assessment is well founded in that it demonstrates that the marginal increase in floor space is negligible and will not</p>

		increase the overall bulk and scale of the development. As such, the increase in floor space is considered to be acceptable.
6.2	Earthworks	The decrease in basement level setbacks to the northern boundary will necessitate additional earthworks to support the proposed development. However, the increase in earthworks is considered to be minor and does not warrant additional geotechnical assessment. The development (as modified) remains generally consistent with the objectives and provisions of cl. 6.2 of the <i>Parramatta Local Environmental Plan 2023</i> .
6.5	Stormwater Management	The proposed changes would not result in an increase in impermeable surfaces at the site. It is noted that the decreased northern basement setback would result in the basement level conflicting with approved stormwater infrastructure. To ameliorate this conflict, amendments to Condition 28 are proposed, requiring the submission of amended civil plans to the principal certifying authority prior to the issue of any construction certificate.

## 5.2 Section 4.15(1)(a)(ii) – Provisions of any proposed instrument

Section 4.15(1)(a)(ii) of the *Environmental Planning & Assessment Act 1979* requires a consent authority to take into consideration the provisions of any proposed instrument that is, or has been, the subject of public consultation under the Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved).

As of the date of writing, there are no proposed environmental planning instruments that are of relevance to the development the subject of the modification application.

## 5.3 Section 4.15(1)(a)(iii) – Provisions of any development control plan

Section 4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979* requires a consent authority to take into consideration the provisions of any development control plan as are of relevance to the development the subject of the modification application.

The relevant development control plan that is applicable to the site and proposed development is the Parramatta Development Control Plan 2023. An assessment of the proposal against the relevant provisions of the plan has been undertaken in the following table. The provisions of the development control plan have been applied in accordance with the requirements of s. 4.15(3A) of the Act.

Parramatta Development Control Plan 2023		
Part 3 – Residential Development		
Control	Provision	Assessment
3.1.2	Dwelling Mix	Control C.03 requires the following dwelling mix for shop-top housing developments. <ul style="list-style-type: none"> <li>10% - 20% of dwellings to have 3 or more bedrooms.</li> </ul>

		<ul style="list-style-type: none"> <li>• 60% - 75% of dwellings to have 2 bedrooms.</li> <li>• 10% - 20% of dwellings to have 1 bedroom/studio.</li> </ul> <p>The approved development includes the following dwelling mix.</p> <ul style="list-style-type: none"> <li>• 38.55% of dwellings have 3 or more bedrooms.</li> <li>• 48.19% of dwellings have 2 bedrooms.</li> <li>• 9.6% of dwellings have 1-bedroom/studio.</li> </ul> <p>The application (as amended) proposes the following adjusted dwelling mix:</p> <ul style="list-style-type: none"> <li>• 52% of dwellings have 3 or more bedrooms.</li> <li>• 38% of dwellings have 2 bedrooms.</li> <li>• 10% of dwellings have 1-bedroom/studio.</li> </ul> <p>The approved development was originally assessed under <i>The Hills Development Control Plan 2012</i> which included the following requirements in relation to dwelling mix.</p> <ul style="list-style-type: none"> <li>• No more than 25% of the dwelling yield is to comprise either studio or one-bedroom apartments.</li> <li>• No less than 10% of the dwelling yield is to comprise apartments with three or more bedrooms.</li> </ul> <p>The proposed amendments maintain compliance with the above controls. Whilst the application does not comply with the dwelling mix requirements set out in the <i>Parramatta Development Control Plan 2023</i>, enforcing strict compliance is considered to be unreasonable and unnecessary in this circumstance given the development was compliant (in relation to dwelling mix) at the time of determination. In addition, the oversupply of three and four-bedroom units is considered to broadly align with the identified need for larger units in Council’s Housing Strategy.</p> <p>The application broadly aligns with all other relevant controls under section 3.1.2 including requirements for three-bedroom and accessible units to be located on lower levels.</p>
<p>3.2.2</p>	<p>Visual and Acoustic Privacy</p>	<p>The application is partially inconsistent with the relevant objectives under Section 3.2.2 of the <i>Parramatta Development</i></p>

		<p><i>Control Plan 2023</i> due to visual privacy impacts on Units 1.02 &amp; 1.03. The reconfiguration of the lobby and access pathway to the communal open space on Level 1 gives rise to visual privacy impacts on these units. A condition of consent is recommended requiring the provision of fencing along the access path (or the like) &amp; expansion of outdoor landscaped area to maintain the visual privacy of residents in these units.</p>
3.5.2	Key Development Standards for Shop-Top Housing and Mixed-Use Development	<p>The application is largely compliant with the objectives and controls under Section 3.5.2 of the <i>Parramatta Development Control Plan 2023</i>. The design changes, including reduced basement setbacks to the northern boundary, reconfiguration of ground floor commercial tenancies and changes to the residential lobby achieve compliance with relevant controls.</p> <p>However, it is noted that the application is potentially inconsistent with control C.05(b) of Section 3.5.2.5 which requires safe and convenient pedestrian movement within basement carparks. No discernible pedestrian pathway from retail/commercial parking spaces to the commercial tenancies has been included in the design of the basement. A condition of consent is recommended requiring a painted pedestrian pathway through the basement carpark to ensure safe pedestrian movement.</p>
<b>Part 6 – Traffic and Transport</b>		
<b>Control</b>	<b>Provision</b>	<b>Assessment</b>
6.2	Parking and Vehicular Access	<p>The application is partially inconsistent with the requirements of Control C.22 which requires the design and layout of car parking areas to provide for suitable and safe pedestrian movements, including safe pedestrian access to buildings. No separated pedestrian pathway from commercial/retail spaces to the retail/commercial tenancies has been provided. A condition of consent is recommended requiring the provision of a painted pedestrian pathway within Basement Level 1 to ensure safe access to the retail/commercial tenancy.</p> <p>The amendments to the provision of motorcycle parking spaces from 25 to 6 spaces maintains compliance with the minimum motorcycle parking rate of 3</p>

		<p>spaces under Part 6 of the <i>Parramatta Development Control Plan 2023</i>.</p> <p>The amended application meets the minimum parking requirement (16 spaces) for the retail and restaurant tenancies notwithstanding the reallocation of ten commercial carparking spaces to the residential use.</p> <p>The application is broadly consistent with all other relevant objectives and controls under this Part.</p>
<b>Part 8 – Centres, Precincts, Special Character Areas, and Specific Sites</b>		
<b>8.2.8 Carlingford Local Centre</b>		
Control	Provision	Assessment
8.2.8.1	Carlingford Central	<p>The site is located within the ‘Carlingford Central Precinct’ as identified under Section 8.2.8.1 of the DCP.</p> <p>The proposed modifications to the approved development would maintain the development’s compliance with the desired future character of this precinct. In addition, the modifications accord with the general master plan principles for the precinct including the following.</p> <ul style="list-style-type: none"> <li>• <i>Provide for home office and ancillary commercial and convenience retail uses on ground floor areas of developments on pedestrian routes to the light rail station.</i></li> </ul> <p>The proposed modifications would maintain active ground floor uses along the (future) pedestrian route to Carlingford Light Rail Station.</p>
8.2.8.1.5	Residential Development Types	<p>The proposed modification application maintains some existing non-compliances with controls under Section 8.2.8.1.5 including the following.</p> <ul style="list-style-type: none"> <li>• <i>Single-aspect apartments should be limited in depth to 8m to windows (C.01)</i></li> </ul> <p>The modifications would not exacerbate the adverse amenity impacts arising from existing non-compliance with the above control.</p> <p>The application otherwise broadly complies with objectives and controls under Section 8.2.8.1.5 including the following.</p> <ul style="list-style-type: none"> <li>• <i>Provide a diversity of residential flat building/apartment types, which cater</i></li> </ul>

		<p><i>for different household requirements now and in the future (O.01).</i></p> <ul style="list-style-type: none"> <li>• <i>Ensure the building positively contributes to the public domain and streetscape by: fronting onto major streets with active uses.</i></li> </ul> <p>The proposed apartment mix is broadly consistent with identified demographic trends in Council's local housing strategy. In addition, the revised configuration of ground floor commercial units ensures the development has a frontage to the streetscape with active uses.</p>
8.2.8.1.6	Building Form	<p>The application is generally consistent with the relevant objectives and controls including the following:</p> <ul style="list-style-type: none"> <li>• <i>Allow for the provision of open space of an appropriate size and proportion for recreational activities for building occupants (O.15)</i></li> </ul> <p>The expansion of the communal open space on Level 11 enhances compliance with the above objective.</p> <p>It is noted however that the reconfiguration of units and access corridors on level 1 give rise to privacy impacts on Units 1.02 &amp; 1.03, conflicting with the below objective.</p> <ul style="list-style-type: none"> <li>• <i>Provide visual and acoustic privacy for existing and new residents (O.13).</i></li> </ul> <p>Conditions of consent are recommended requiring fencing to be installed &amp; the expansion of landscaped area to protect the residential amenity of these units.</p>
8.2.8.1.8	Building Design	<p>The application is broadly consistent with relevant objectives under Section 8.2.8.1.8 including the following.</p> <ul style="list-style-type: none"> <li>• <i>Promote high architectural quality in residential flat buildings (O.1).</i></li> </ul> <p>The architectural quality of the development remains largely unchanged from that originally approved.</p> <p>Areas of potential non-compliance include the following.</p> <ul style="list-style-type: none"> <li>• <i>Limit views into adjoining private open spaces and living rooms (O.23).</i></li> <li>• <i>Minimise direct overlooking of main internal living areas and private open space of dwellings both within and of adjoining development through building design, window locations and sizes,</i></li> </ul>

		<p><i>landscaping and screening devices (C.31).</i></p> <p>It is noted that the amended Level 1 floorplan includes a pathway from the internal residential lobby to the outdoor communal facilities that enables direct overlooking of habitable areas of Units 1.20 &amp; 1.03. To ensure compliance with the above objective and control, a condition of consent is recommended requiring the provision of fencing along the pathway, along with the expansion of outdoor landscaped area to protect the privacy of residents in these units.</p>
8.2.8.1.10	Solar Access, Natural Ventilation and Building Orientation	<p>It is noted that the application seeks consent for the deletion of Condition 62 which includes the following requirement in relation to natural ventilation:</p> <p><i>e) All bathrooms with frontages to external walls should be provided with windows that provide natural daylight (at a minimum) and preferably naturally ventilate.</i></p> <p>The application's accompanying SEE states that all bathrooms which share a wall with an external wall now include appropriately designed awning windows. Upon review of the plans, it is noted that no such windows are provided for bathrooms in units notated as 2.06, 4.05, 9.04, 10.03, and 11.01. The omission of windows for the bathrooms of these units is inconsistent with the requirements of Condition 62(e) as well as the following objective under Section 8.2.8.1.10:</p> <ul style="list-style-type: none"> <li>• <i>Provide natural ventilation in non-habitable rooms, where possible (O.05).</i></li> </ul> <p>To achieve compliance with the above objective and requirements of Condition 62(e), it is recommended that Condition 62(e) be retained in situ.</p>
8.2.8.1.11	Access and Parking	<p>Under the provisions of Section 8.2.8.1.11 of the Parramatta Development Control Plan 2023, the residential component of the development is required to provide approximately 192 parking spaces, including 34 designated for visitors.</p> <p>The approved development currently falls short of this requirement by providing only 105 spaces for the residential component (including 17 visitor spaces). The proposed modification seeks to reallocate ten</p>

		<p>parking spaces from the commercial component to the residential component, resulting in a total of 115 residential spaces. While this adjustment marginally reduces the extent of non-compliance, the development still presents a shortfall of approximately 64 residential parking spaces.</p> <p>However, as the overall number of on-site parking spaces and residential units remains unchanged, strict adherence to the numerical parking requirement is considered to be both unreasonable and unnecessary in this instance. The modification application does not intensify the development or alter its approved scale, and the reallocation improves the residential parking provision without compromising commercial functionality. In addition, it is noted that the site is well serviced by active and public transport methods, further negating the need for additional on-site parking.</p>
8.2.8.1.15	Adaptable Housing	<p>Despite changes to the approved dwelling mix, the application maintains compliance with adaptable housing provisions under Section 8.2.8.1.15 of the <i>Parramatta Development Control Plan 2023</i>. The amended scheme includes a minimum of 5% of units as adaptable housing, in accordance with DCP controls. Suitable accessible parking arrangements continue to be provided in the basement parking levels of the development.</p>

#### **5.4 Section 4.15(1)(a)(iia) – Provisions of any planning agreement or draft planning agreement**

Section 4.15(1)(a)(iia) of the *Environmental Planning & Assessment Act 1979* requires a consent authority to take into consideration the provisions of any planning agreement or draft planning agreement made under s. 7.4 of the Act as are of relevance to the development the subject of the modification application.

Whilst Condition 9 of the existing approval requires the applicant to enter into a legal agreement in accordance with the The Planning Agreement Offer Dated 22 May 2024, this agreement has not been formalised as yet. This modification does not seek to alter the Offer made or alter the Condition 9 of the consent.

#### **5.5 Section 4.15(1)(a)(iv) – Provisions of the Regulation**

Section 4.15(1)(a)(iv) of the *Environmental Planning & Assessment Act 1979* requires a consent authority to take into consideration the provisions of the *Environmental Planning & Assessment Regulation 2021* as are of relevance to the development the subject of the modification application.

There are no provisions under the regulation that are applicable to the subject modification application.

## 5.6 Section 4.15(1)(b) – The likely impacts of the development

Section 4.15(1)(b) of the *Environmental Planning & Assessment Act 1979* requires a consent authority to take into consideration likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality. An assessment of the likely impacts of the development as modified has been undertaken in the following table.

Likely Impacts	
Criterion	Assessment
Environmental	<p>Natural</p> <p>The proposed modifications will have little impact on the natural environment. Whilst the minor decrease in the northern basement level setback would result in a reduction in deep soil, Condition 27 of the consent requires the relocation of trees approved to be planted in this location. As such, the reduction in deep soil zone at this location is considered to be insignificant. No other changes are proposed to deep soil zones or ground floor landscaping. It is recommended that Condition 27 be amended to ensure the landscape design for Levels 11 and 12 are updated to reflect the minor design changes made to those levels under this application.</p> <p>Accordingly, impact on the natural environment is considered to be minimal.</p>
	<p>Built</p> <p>The proposed modifications would have minimal impact on the built environment. The high quality architectural design approved under the original development application remains largely intact with only few minor changes to the external façade of the building. The alterations to the ground floor commercial tenancies would ensure that active frontages to Thallon Street are provided for both units, resulting in a positive streetscape contribution. Material changes to the facade are negligible and would not detract from the articulation of the building.</p>
Social	<p>Social impacts are anticipated to be minimal. The changes to the dwelling mix, whilst technically inconsistent with DCP requirements, would provide adequate housing choice and diversity in the locality, particularly for larger households. Where minor adverse social impacts have been identified in this assessment report (i.e. absence of identifiable pedestrian pathway in basement carpark), these impacts can be appropriately ameliorated through the imposition of recommended conditions of consent.</p>
Economic	<p>The application would yield positive economic impacts through the provision of principal entry points to the commercial tenancies on Thallon Street. The provision of these entry points will ensure adequate visibility of both tenancies from the public domain and ensure their commercial viability.</p>

## 5.7 Section 4.15(1)(c) – The suitability of the site for the development

Section 4.15(1)(c) of the *Environmental Planning & Assessment Act 1979* requires a consent authority to take into consideration the suitability of the site for the development as proposed.

The proposed modification(s) do not alter the original assessment of the suitability of the site for the development undertaken as part of the determination of the original development application.

## 5.8 Section 4.15(1)(d) – Any submissions made in accordance with the Act or Regulation

Section 4.15(1)(d) of the *Environmental Planning & Assessment Act 1979* requires a consent authority to take into consideration any submissions made in accordance with the Act or the *Environmental Planning & Assessment Regulation 2021*.

The Application was notified in accordance with Appendix 1 of Council's *Community Engagement Strategy 2022* between 28 April and 19 May 2025 and renotified between 13 June and 14 July. A total of three submissions were received. The issues raised within those submission are addressed in the following table, with issues grouped into common areas/themes to avoid repetition.

Public Submissions	
Issue	Response
Increased traffic generation	The proposed modification application (as amended) will not result in an increase in the quantity of units nor result in an increase in on-site car parking. A decrease in motorcycle parking and increase in on-site bicycle parking would result in a decrease in motor vehicles travelling to and from the site. In addition, the site is located within close proximity to Carlingford Light Rail Station as well as other active and public transport infrastructure. It is considered likely that the proximity of the site to such infrastructure would encourage residents to utilise active and public modes of transport.
Insufficient student capacity at Carlingford West Public School	As noted above, no increase in density is proposed at the site. Nevertheless, it is noted that works are presently underway to increase the student capacity of Carlingford West Public School and Cumberland High School (SSD-43065987) to accommodate the growing population in the locality. As such, this matter of contention is considered to be not applicable to the application.
Potential for impact on property values	The potential for impact on individual property values is not a relevant matter for consideration under s. 4.15 of the <i>Environmental Planning &amp; Assessment Act 1979</i> (see <i>Platinum West Holdings Pty Ltd v Sutherland Shire Council [2021] NSWLEC 1273</i> at paragraph 33).
Loss of solar access	The proposed amendments do not increase the overall height of the approved development. Overshadowing arising from the approved building envelope would therefore remain the same.
Loss of amenity	The proposed modifications would not result in increased amenity impacts on adjoining/nearby sites. Modifications largely relate to minor design changes and alterations to on-site services.
Construction impacts	Construction impacts associated with the approved development are temporary in nature only. Conditions of consent have been imposed under DA/845/2022 to mitigate adverse impacts associated with ongoing construction works and ensure minimal impact on residential amenity.
Lack of social infrastructure to support increased density	No density increase is proposed under the modification application (as amended).
Theft and Crime	The application does not propose any additional land-uses associated with increases in anti-social or criminal activity. The proposed modifications would not result in an increased risk to the community as they largely relate to minor design changes and reconfiguration of on-site services.
Increase in noise associated with commercial units	The modifications to the commercial units are unlikely to give rise to additional noise impacts. Modifications to these tenancies are largely limited to layout and internal configuration, with the overall commercial floor space remaining largely the same as approved.

Impact on shared services (plumbing, fire safety, and garbage collection).	The modifications to the approved development would not result in a substantial increase in use of shared services. The modifications largely relate to minor design changes and reconfiguration of on-site services.
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## 5.9 Section 4.15(1)(e) – The public interest

Section 4.15(1)(e) of the *Environmental Planning & Assessment Act 1979* requires a consent authority to take into consideration the public interest in the evaluation of the development application.

Based on the findings of the s. 4.15 assessment undertaken in this report, the proposal is considered to be in the public interest.

## 7. Other Matters

### 6.1 Referrals

The modification application was referred to several internal and external stakeholders. Referrals and stakeholder comments are summarised in the following table.

Internal Referrals	
Stakeholder	Comment
City Design	<p>Amended plans were submitted in response to comments issued by Council’s City Design team. The plans largely addressed concerns raised by Council’s City Design team with the exception of the following matters:</p> <ul style="list-style-type: none"> <li>• Ground floor restaurant does not have direct access from street.</li> <li>• Retail carparking lacks direct connection to commercial tenancies.</li> <li>• First floor lobby window is blocked and replaced with an entrance to the outdoor communal space, creating privacy issues for residents passing apartments to access this space.</li> <li>• Bathroom windows facing the internal articulation have been removed for the apartments on the western side, reducing solar amenity.</li> </ul> <p>The following recommendations were made by Council’s City Design team to address the above concerns.</p> <ul style="list-style-type: none"> <li>• Reduce width of residential lobby to provide a visible direct interface with the street for all commercial tenancies.</li> <li>• Safe pedestrian path from retail car spaces to the commercial tenancies via street.</li> <li>• Provide an additional direct exit from first floor lobby corridor to the pool area of the communal open space and retain two window openings from the corridor space next to the lifts. Alternatively, provide privacy screening (or similar measure) to Unit 1.03.</li> <li>• Increase planting depth between the balcony of unit 12.01 and the communal open space of level 12 for privacy.</li> <li>• Create highlight windows to the bathrooms for the apartments on the western side facing the internal articulation.</li> </ul> <p>In response to the above recommendations, the applicant amended the architectural drawings to include a direct street frontage for the restaurant tenancy and an expanded retail tenancy with a reduced residential lobby width.</p>

	Conditions of consent are recommended which incorporate most of the above (remaining) recommendations. A safe (painted) pedestrian footpath through the carpark to the street will likely create conflict due to low pedestrian visibility at the carparks entrance – as such, a condition is recommended requiring a safe (painted) footpath is to be provided from the carpark to the rear corridor leading to the commercial tenancies. In addition, a condition requiring fencing along the external rear access path to the outdoor recreation area is also recommended, to maintain amenity and visual privacy for Unit 1.03.
Traffic and Transport	Satisfied – Conditions 69, 70, and 71 to be updated to reflect changes to parking arrangements/provision.

External Referral	
Stakeholder	Comment
Endeavour Energy	Comments provided by Endeavour Energy referred to previous comments made under the original development application. No new matters/issues were raised by Endeavour Energy.

## 6.2 Bonds & Contributions

An adjusted development contribution is not payable as the value of the modification works do not increase the estimated development cost.

The original development consent includes a condition of consent which requires the payment of a financial contribution based on a percentage of the cost of development. As the financial contribution has not been paid to date, this condition remains applicable under this application and does not require further amendment.

## 6.3 Conciliation Conference

On 11 December 2017, Council resolved that:

*If more than 7 unique submissions are received over the whole LGA in the form of an objection relating to a development application during a formal notification period, Council will host a conciliation conference at Council offices.*

*All conferences to be chaired by the appropriate senior staff member, with attendees to include: written objectors, the applicant and interested councillors.*

*This clause applies regardless of the size and scale of the development application and for the sake of clarity, includes s. 96 applications.*

The application received three (3) unique submissions during the formal notification period and as a result, a conciliation conference was not required to be offered to the applicant.

## 8. Conclusion

### Recommendation – Approval Subject to Conditions

Pursuant to s. 4.56 of the *Environmental Planning & Assessment Act 1979*, it is recommended that the Sydney Central City Planning Panel grant consent to DA/845/2022/A with amendments made to the following conditions of consent. Additions are identified in **bold** and **highlighted yellow**, with deletions identified in ~~strikethrough~~.

PART A – GENERAL CONDITIONS

## Approved Plans &amp; Supporting Documents

1. Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Architectural Drawings

Drawing No.	Issue	Plan Title	Dated
DA-0-001	P S	Cover Sheet	13/03/2024 05/09/2025
DA-0-005	H	BASIX Thermal Specification	05/09/2025
DA-0-102	L	Demolition Plan	24/01/2024
DA-0-115	N P	Site Plan	24/01/2024 05/09/2025
DA-0-201	Q S	Basement 3	13/03/2024 25/03/2025
DA-0-202	Q S	Basement 2	13/03/2024 25/03/2025
DA-0-203	Q T	Basement 1	13/03/2024 30/06/2025
DA-0-211	P T	Ground Floor Plan	13/03/2024 25/07/2025
DA-0-212	Q S	Level 1 Floor Plan	24/01/2024 05/09/2025
DA-0-213	Q R	Level 2-3 Floor Plan	24/01/2024 05/09/2025
DA-0-214	Q R	Level 4-8 Floor Plan	24/01/2024 05/09/2025
DA-0-215	Q R	Level 9 Floor Plan	24/01/2024 05/09/2025
DA-0-216	A D	Level 10 Floor Plan	21/02/2024 05/09/2025
DA-0-217	A D	Level 11 Floor Plan	21/02/2024 05/09/2025
DA-0-218	P R	Level 12 Floor Plan	21/02/2024 30/06/2025
DA-0-219	P Q	Roof Plan	21/02/2024 25/03/2025
DA-0-221	M	Pre, Post – Adaptable Units I	25/03/2025
DA-0-222	N	Pre, Post – Adaptable Units II	25/03/2025
DA-0-223	O	Livable Units	25/03/2025
DA-0-301	N P	Street Elevation	21/02/2024 30/06/2025
DA-0-311	P Q	East Elevation	21/02/2024 25/03/2025
DA-0-312	P R	West Elevation	21/02/2024 30/06/2025
DA-0-313	N P	North Elevation	21/02/2024 30/06/2025
DA-0-314	N P	South Elevation	21/02/2024 30/06/2025
DA-0-401	Q P	Section A	21/02/2024 25/03/2025

DA-0-402	<b>N P</b>	Section B	21/02/2024 <b>25/03/2025</b>
DA-0-403	<b>N P</b>	Section C	21/02/2024 <b>30/06/2025</b>
<b>DA-0-404</b>	<b>B</b>	<b>Section D</b>	<b>30/06/2025</b>
<b>DA-0-405</b>	<b>A</b>	<b>Detail 1.20</b>	<b>25/03/2025</b>
DA-0-601	A	Balcony Detail	21/02/2024
DA-0-971	<b>N O</b>	Finishes Schedule	21/02/2024 <b>25/03/2025</b>
DA-0-972	<b>Ð F</b>	East Elevation – Finishes Schedule	21/02/2024 <b>01/08/2025</b>
DA-0-973	<b>Ð G</b>	West Elevation – Finishes Schedule	21/02/2024 <b>01/08/2025</b>
DA-0-974	<b>Ð E</b>	North Elevation – Finishes Schedule	21/02/2024 <b>25/03/2025</b>
DA-0-975	<b>Ð F</b>	South Elevation – Finishes Schedule	21/02/2024 <b>01/08/2025</b>

#### Civil Drawings/Stormwater

Drawing No.	Issue	Plan Title	Dated
000	B	Cover Sheet	06/10/2023
101	D	Stormwater Concept Plan Basement Level 3 Sheet 1 of 2	07/03/2024
102	A	Stormwater Concept Plan Basement Level 3 Sheet 2 of 2	15/09/2023
103	D	Stormwater Concept Plan Basement Level 2	07/03/2024
104	D	Stormwater Concept Plan Basement Level 1	07/03/2024
105	D	Stormwater Concept Plan Ground Floor	07/03/2024
106	D	Stormwater Concept Plan Level 1	07/03/2024
107	A	On Site Detention Details and Calculations Sheet 1 of 2	15/09/2023
108	A	On site Detention Details and Calculations Sheet 2 of 2	15/09/2023
109	B	Catchment Plan and Music Results	07/03/2023
110	A	Sediment and Erosion Control Plan and Details	15/09/2023
111	A	Miscellaneous details sheet	15/09/2023
112	A	OSD Catchment Plan	06/10/2023

#### Landscape Drawings

Drawing No.	Issue	Plan Title	Dated
1	G	Overall Site Plan	14/03/2024
2	G	Landscape Plan – Ground Floor	14/03/2024
3	G	Details Plan – Ground	14/03/2024
4	G	Planting Plan - Ground	14/03/2024
5	G	Landscape Plan – Level 1	14/03/2024
6	G	Details Plan – Level 1	14/03/2024
7	G	Planting Plan – Level 1	14/03/2024
8	G	Landscape Plan – Level 4-8	14/03/2024
9	G	Details Plan	14/03/2024
10	G	Planting Schedule	14/03/2024

#### Specialist Reports

Document	Ref No.	Issue	Prepared By	Dated
Amended Waste Management Plan	22052	-	Dickens Solutions	March 2024
Statement of Compliance Access for People with a Disability	222041	A	Accessible Building Solutions	18/03/2024
BASIX Certificate and stamped plans	No. 1326437M_03 No. 1326437M_05		LC Consulting Engineers	15/05/2024 05/09/2025
Groundwater Impact Assessment	6856-3-R1	2	Asset Geo Enviro	25/03/2024
Acoustic Assessment	20221214.1/0610A/R0/RR	0	Acoustic Logic	06/10/2022
Arboricultural Impact Assessment			All Arbor Solutions	10/08/2022
NatHERS Certificate	0007976700		LC Consulting Engineers	05/09/2025

*In the event of any inconsistency between the approved plans and/or the civil drawings and/or landscape plans and/or supporting documentation, the approved plans prevail.*

*In the event of any inconsistency between the approved plans and a condition of consent, the condition prevails.*

*An inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.*

*Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.*

#### **Condition modified under DA/845/2022/A.**

#### **PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**

*(Note: Some conditions contained in other sections of this consent (including prior to occupation/use commencing) may need to be considered when preparing detailed drawings/specifications for the Construction Certificate.)*

#### **Landscaping Plan**

27. The final Landscape Plan must be consistent with plans numbered sheets 1 to 10, rev G, dated 14.03.2024, prepared by Paul Scrivener Landscape together with any additional criteria required by the Development Consent to the satisfaction of the Certifying Authority addressing the following requirements:

- (a) All landscape plans to include the SRZ and TPZ of trees to be retained and protected for coordination. (Tree no's 1, 2, 5, 6, 7, 25-33, 36, 42, 44-46, 53-57, 59 as per the Arboricultural Impact Assessment Report by All Arbor Solutions dated 10 August 2022).
- (b) Ensure all replacement trees are planted with a minimum setback of 3.5m to the outside wall or edge of a legally constructed building or the proposed development and a minimum 2m distance from any proposed or existing drainage line. Relocate trees accordingly.
- (c) Delete all proposed edging within the Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) of the trees to be retained to avoid severing the roots.

- (d) Delete all proposed planting within the Structural Root Zone (SRZ) of the trees to be retained to avoid severing the roots.
- (e) All proposed groundcovers and shrubs within the Tree Protection Zone (TPZ) of the trees to be retained are to be reduced in size to tubestock only to avoid severing the roots.
- (f) Change the street tree species quantities as per conditions.
- (g) Updated the proposed plant schedule indicating the above changes, planting locations, species type (including both botanic / common name) mature dimensions, plant numbers and the size of the containers at planting.
- (h) Delete the 'tree stake' detail from the typical tree planting detail as the tree should be self-supporting from the nursery.
- (i) The street tree pit detail is to be updated. To ensure the soil volume is achieved under the paving and it is connected to the adjacent landscape areas, a structural pavement system is required such as a structural / modular cells within the paved area to mitigate against soil compaction and to maximise aeration and porosity in the tree root zone. The base of the tree pit shall incorporate a drainage layer and pipe that connects to nearest stormwater pit.
- (j) Extent of the modular cells is to be indicated on the plans.
- (k) Landscape plans are to be updated to reflect the design of the approved development in the most recently approved architectural drawings under Condition 1. This includes changes to landscaping along the northern boundary (within the 2.5m basement setback) and communal open space landscaping on Levels 11 and 12.**
- (l) The landscaped area between the outdoor pool and Unit 1.02 shall be expanded at least 2m south to ensure all windows on the eastern elevation of this unit immediately adjoin the landscaped area.**

Before the issue of the relevant Construction Certificate, the revised landscape plans are to be submitted to the written satisfaction of Council's Manager Development and Traffic Services Unit to ensure the existing trees have been adequately retained and protected and all works within the TPZ of the existing trees has been modified accordingly as per these conditions.

Reason: To ensure restoration of environmental amenity.

#### **Condition modified under DA/845/2022/A.**

##### Stormwater Disposal

28. All roof water and surface water is to be connected to an operable drainage system. Details are to be shown on the plans and documentation accompanying the application for a Construction Certificate.

**Prior to the issue of any Construction Certificate, the civil plans shall be amended to the satisfaction of the principal certifying authority to account for the most recent approved architectural plans under Condition 1. This includes the relocation of stormwater pipes and inlets adjacent to the northern boundary to ensure these services do not conflict with the basement level below.**

Reason: To ensure satisfactory stormwater disposal.

#### **Condition modified under DA/845/2022/A.**

##### Design Amendments

62. Prior to the issue of the relevant Occupation **Construction** Certificate, the following design amendments must be made:
- a) ~~In apartments 02 and 08 on levels 2-3 inclusive, the locations of the second bathroom and the laundry are to be swapped.~~
  - b) ~~In apartments 07 on levels 4-8 the locations of the second bathroom and the laundry are to be swapped.~~
  - c) ~~In apartments 02 on levels 4-8 the door to the second bathroom should be relocated adjacent to the two bedrooms which it serves, and the shower flipped to the west. This may necessitate a reduction in depth to the adjacent bedroom robe.~~

~~d) In apartment 103, the location of the bathroom and the study is to be swapped.~~

- a) All bathrooms with frontages to external walls should be provided with windows that provide natural daylight (at a minimum) and preferably naturally ventilate. BCA advice should be sought.
- b) 2m high fencing must be provided along the north and western side of the external pathway between the building and principal outdoor recreation area on Level 1 to ensure adequate privacy and amenity is afforded to residents in Unit 1.03.**
- c) The landscaped area between the outdoor pool and Unit 1.02 shall be expanded at least 2m south to ensure all windows on the eastern elevation of this unit immediately adjoin the landscaped area.**
- d) A safe and identifiable (painted) pedestrian pathway from the retail/commercial parking spaces through the basement car park to the rear access corridor to the commercial tenancies shall be provided.**
- e) Provide a minimum 2m high privacy screen between the communal open space and balcony area of Unit 12.01 (for the full depth of the balcony) to increase privacy and amenity.**
- f) Clerestory windows (800mm x 1500mm) shall be provided for the kitchen areas which share external walls in units labelled 2.04 (Levels 2-3).**

Reason: To create a more thoughtful design **and ensure adequate privacy & amenity is provided to all units.**

**Condition modified under DA/845/2022/A.**

*Bicycle Parking*

69. ~~88~~ **88** bicycle spaces/racks, as shown on the plans, are to be provided on-site and used accordingly for residential and residential visitor uses. The bicycle storage/racks are to comply with AS2890.3-2015. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To comply with Council's parking requirements.

**Condition modified under DA/845/2022/A.**

*Motorcycle Parking*

70. ~~25~~ **6** motorcycle spaces are to be provided on-site and used accordingly. The dimensions of the motorcycle spaces are to comply with Clause 2.4.7 and Figure 2.7 of AS 2890.1-2004. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To comply with Council's parking requirements.

**Condition modified under DA/845/2022/A.**

*Car Parking*

71. Parking spaces are to be provided in accordance with the approved plans and with AS 2890.1 and AS 2890.6. A total of 138 parking spaces are to be provided and be allocated as follows.
- ~~88~~ **98** parking spaces for the residential units plus 1 additional car wash bay and 1 EV Charging bay.
  - 17 visitor parking spaces.
  - ~~3~~ **6** retail use.
  - ~~29~~ **16** restaurant parking spaces.

Details are to be illustrated on plans submitted with the construction certificate.

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

**Condition modified under DA/845/2022/A.**

All other conditions to remain in situ.