



**SYDNEY CENTRAL CITY PLANNING PANEL
COUNCIL ASSESSMENT REPORT**

Panel Reference	PPSSCC-762
DA Number	DA/428/2025 PAN-558516
LGA	City of Parramatta Council
Proposed Development	Construction of an additional 10 storeys (60 apartments) on Building E approved under DA/738/2016 as amended, and reconfiguration of the basement parking on Site 1.
Street Address	83 Church Street, Parramatta NSW 2150
Property Description	Lot 100 in DP 1249271
Applicant	Sebastian Aguilar On behalf of Early Street Development Pty Limited
Owner	JQZ Seventeen Pty Ltd
Date of Lodgement	21 August 2025
Recommendation	Approval subject to conditions
Regional Development Criteria	Pursuant to Part 2.4 and Clause 2 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021, the development has a capital investment value of more than \$30 million.
List of All Relevant s4.15 Matters	• Environmental Planning and Assessment Act and Regulations • SEPP (Planning Systems) 2021 • SEPP (Sustainable Buildings) 2022 • SEPP (Housing) 2021 • SEPP (Biodiversity and Conservation) 2021 • SEPP (Resilience and Hazards) 2021 • SEPP (Transport and Infrastructure) 2021 • Parramatta Local Environmental Plan 2023 • Parramatta Development Control Plan 2023
List of Relevant Documents	Attachment A – Surrender of Consent Attachment B – Recommended Conditions of Consent Attachment C – Architectural Drawings
Number of Submissions	11 submissions (2 x unique submissions)
Summary of Key Submissions	• Loss of sunlight • Loss of views • Increased traffic and congestion • Noise and amenity impacts • Pressure on infrastructure • Character of the area • Privacy impacts
Report Prepared By	Kate Lafferty Executive Planner – City Significant Development
Report Date	5 January 2026

Summary of S4.15 matters

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

Yes

Legislative clauses requiring consent authority satisfaction

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

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

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

N/A

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Yes

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report.

1. Executive Summary

This report considers a proposal for the construction of an additional 10 storeys (60 apartments) on Building E approved under DA/738/2016 (as amended) and reconfiguration of the basement parking on Site 1.

The proposal is a result of the recent planning proposal gazetted on the site which enables additional floor space to that which applied at the time of the base building approval.

There are no significant site constraints on the land. The mixed-use development approved under DA/738/2016 is currently under construction on the site.

The proposed building generally retains the design competition winning architectural expression, materials and development quality as approved under DA/738/2016. The development has been subject to review by Council's Design Excellence Team and is considered to be consistent with the design excellence provisions of Parramatta Local Environmental Plan 2023.

The amenity impacts on adjoining and nearby properties are considered to be reasonable based on the high-density character of the area and the built forms envisaged by the planning controls. It is considered that the proposed increase in occupants would not unduly compromise the function of the local road network or demand for community infrastructure.

Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any fundamental issues of concern. The application is considered satisfactory when evaluated against Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

It is considered that any potential adverse impacts of the proposed works can be avoided or mitigated by the imposition of suitable conditions of development consent.

This report recommends that the Panel approve the application subject to conditions of consent.

2. Key Issues

The key issues identified in relation to the proposed development include:

Design Excellence	The original application was a winning design through a design competition. Under Clause 7.29(4) of Parramatta LEP 2023 a further design competition is not required for the proposed additional 10 storeys as the development comprises alterations or additions to a building, and the design of the building is the result of a design competition. Council's Design Excellence Team have reviewed the application in detail and are supportive of the proposed design. It is considered that the proposed development maintains design excellence.
Consistency with Concept Approval	The proposed development is not consistent with the approved concept plan for the site (DA/706/2014). The applicant is seeking the voluntary surrender of consent of this concept approval within Attachment A of this report. This is discussed further within the report.

3. Site Context

The subject site consists of one of two main development sites located on the western side of Church Street, south of the Great Western Highway in Parramatta.

The subject development precinct contains 3 sites which have a concept approval under DA/706/2014. The current approved detailed application (DA/738/2016) only involves the development of Site 1 and Site 2 of the development precinct (being 63 and 83 Church Street). Site 3, being 57 Church Street, is proposed as a public park and will be the subject of a separate future development application.

The property details of the sites approved under the detailed development application (DA/738/2016) are shown in the table below.

Site	Address	Legal Description	Site Area
Northern Parcel – Site 1	83 Church Street	Lot 100 DP 1249271	7136m ²
Central Parcel – Site 2	63 Church Street	Lot 102 DP 1249271	4519m ²

Note – the areas above are based upon the current lot descriptions and do not include the road lots that have been dedicated to Council.

The sites have previously been used for automotive services and car showrooms, sales areas, office space and workshop spaces. Site 1 is under construction for the mixed-use development. Sites 2 and 3 are currently mostly vacant.

Development surrounding the subject site includes:

- To the north of Site 1 (opposite and along Great Western Highway) is a car showroom and residential flat buildings, with residential flat buildings also located to the south of Site 1 in Early Street.
- To the south of Site 2 (opposite and along Lansdowne Street) are car showrooms and low density residential dwelling houses
- Immediately to the west of Site 1 is a motorcycle showroom and residential flat buildings (approx. 3-4 storeys in height)
- Immediately to the west of Site 2 are residential flat buildings (approx. 3-4 storeys in height) and a single storey automotive workshop
- To the east of the precinct (opposite and along Church Street) is a pub and commercial car yard activities.

The subject site has access to public transport, with Parramatta Transport Interchange approximately 300m walking distance from the site. The site is in close proximity to retail, commercial and entertainment facilities within the CBD. Large public open spaces are also within close proximity, with Jubilee Park located to the east and Ollie Webb Reserve located to the west.

The aerial photo below shows the two main development sites and their relationship to adjoining properties.



Aerial Location Map (Site 1 and Site 2 are outlined in red)

Source: Nearmaps dated 31.12.2025

This application only relates to Site 1 which is bounded by Great Western Highway, Church Street and Early Street and has a site area of 7,136m² (see area outlined in black on figure below).



Location of Proposed Development

Source: SEE Urbis 25 June 2025

4. Background

Reference	Application
RZ/9/2011	Planning Proposal A planning proposal was submitted to Council and sought the following: • Rezoning of the sites from B5 (Business Development) to the current zoning (split between B5 Business Development & B4 Mixed Use Development) allowing for commercial and mixed use development on the site • Increasing the height of buildings on the sites • Increasing the floor space ratio on the sites. The gateway determination dated 10 October 2012 approved the planning proposal to proceed to amend Parramatta City Centre LEP 2007 to rezone the subject sites. Amendment 9 of Parramatta Local Environmental Plan 2007 was gazetted on 26 September 2014.
LA/386/2013	Architectural Design Competition The Design Competition Jury met on 4 March 2014. They considered designs by a nominated shortlist of 3 independent architects/firms that have demonstrated experience in designing high quality apartments and commercial buildings being: 1. Turner Studios 2. Allen Jack & Cottier 3. SJB The jury recommended that the design be shared by the architects/firms (Turner Studios and AJ+C) and identified issues that needed to be further addressed to ensure design excellence. The Jury was consulted at pre-DA stage and DA stage regarding the achievement of design excellence.
DA/706/2014	Development Application – Concept Approval A development application for the concept approval for the re-development of 3 development sites within the Auto Alley precinct, including the construction of 7 buildings containing 753 apartments and approximately 39,000m² of retail/commercial floor space on Site 1 and Site 2 and the provision of a public park on Site 3 was approved by the Sydney West JRPP on 29 June 2016. This was a staged application for a concept proposal under Section 83B of the Environmental Planning and Assessment Act, 1979. No works were proposed as part of the application. The concept approval secured a 15% 'design excellence' height and FSR bonus per the then applicable LEP.
DA/738/2016	Development Application – Detailed Application (Site 1 and Site 2) 83 Church Street and 44 Early Street (Site 1) Demolition, tree removal, consolidation of lots, construction of a 10 storey hotel containing 275 rooms and associated activities fronting Church Street, two residential towers (20 storey and 40 storey) containing a total of 542 apartments over 2 levels of a retail/commercial podium at the rear of the site, with associated landscaping and plaza works. 63 Church Street (Site 2)

	Demolition, tree removal, construction of a 10 storey non-residential building fronting Church Street, and a mixed use tower containing 9 levels of non-residential floor space and 22 storeys comprising 235 apartments at the rear of the site, with associated landscaping and plaza works. The application was approved by the Sydney West Central Planning Panel on 9 August 2017.
DA/738/2016/A	Section 4.55(1A) modification to an approved mixed use development. Modifications included: Amending condition 23 to change the timing of delivery of the Transport deed, amending condition 24 regarding creation of covenants and easements with regards to the bridge, and adding a new condition 24A with respect to RMS approvals with regard to the bridge. This application was withdrawn on 16 October 2018.
DA/738/2016/B	Section 4.55(1) modification to an approved mixed use development. The modification involved amending Condition 25 to allow the staging of the road dedication. The application was approved under delegated authority on 20 December 2018.
DA/738/2016/C	Section 4.55(2) modification to an approved mixed use development. The proposed modification relates to Site 1 of the approved development and includes the correction of minor discrepancies in the description, reduction in the size of the basement footprint, reduction of the number of apartments from 538 to 524, relocation of commercial floor space in the basement to the podium level, relocation of a residential floor from Building D to Building E, height changes to Buildings D, E and F and other minor design related changes. The application was withdrawn on 25 August 2020.
DA/738/2016/D	Section 4.55(1A) modification to the mixed use development approved under DA/738/2016 seeking deletion of condition 116 relating to tanked basement construction. This application was approved under delegated authority on 30 July 2024.
DA/738/2016/E	Section 4.55(1A) modification to an approved mixed use development seeking to modify condition 60 of the consent to change the timing of submission of the drainage study. This application was approved under delegated authority on 16 November 2023.
DA/738/2016/F	Section 4.55(2) application to modify the approved mixed use development on the site. Modifications include: internal and external design modifications to the hotel building (Building F) and inclusion of the fitout and use of the hotel; internal and external design modifications of Buildings D and E including apartment mix and layouts, basement level changes including use and reduction of excavation and car parking; design changes to the public domain; inclusion of strata subdivision and amendments to various conditions of consent. This application was approved under delegated authority on 19 December 2024.
DA/738/2016/G	Section 4.55(1A) modification to an approved mixed use development seeking to modify condition 60 of the consent to change the requirements and timing of submission of flood related information. This application was approved under delegated authority on 4 November 2024.
DA/738/2016/H	Section 4.55(1A) modification to an approved mixed use development seeking minor internal modifications to Building F and reconfiguration of the porte cochere. This application was approved under delegated authority on 19 March 2025.
DA/738/2016/I	Section 4.55(1A) application to an approved mixed use development to modify Condition 30 of the consent to amend the timing for the submission of the final Arts Plan and modify Condition 19B to amend the

	timing of the VPA registration. This application was approved under delegated authority on 20 February 2025.
DA/738/2016/J	Section 4.55(1A) application to an approved mixed use development seeking amendments to Condition 19 and Condition 116 to remove the requirement for a tanked basement on Site 2. This application is currently under assessment.
DA/738/2016/K	Section 4.55(1A) modification to an approved mixed use development. The modification seeks to modify Building F (hotel) on Site 1 including amending the floor to ceiling heights, amending the internal staircase, Church Street façade, minor modifications to the hotel room dimensions and modification to the wording of Condition 135 (public domain construction). This application was approved under delegated authority on 20 August 2025.
DA/738/2016/L	Section 4.55(1A) modification to an approved mixed use development (DA/738/2016) seeking the addition of 300mm deep shade elements to the intermediate panels of the eastern façade of Building F (hotel building) on Site 1. This application was approved under delegated authority on 07 October 2025.
RZ/3/2024	Amendment 19 to the Parramatta Local Environmental Plan 2023 (PLEP 2023) was made on 28 November 2025. The amendment relates to a site-specific Planning Proposal for land at 63-83 Church Street, Parramatta. The amendments to PLEP 2023 are as follows: • Increase the floor space ratio control from 7.2:1 to 8.4:1 for land at 83 Church Street, Parramatta (Site 1). • Increase the height of buildings control from 90m to 118m for land at 63 Church Street, Parramatta (Site 2). • Amend the quantum of gross floor area to be used for non-residential from 40% of Site 1 to 25% of the combined GFA of all buildings across Site 1 and 2. • For Sites 1 and 2, switch off the provisions within Clause 7.14 competitive design process of the PLEP 2023 and apply the new Clause 7.29 (4) to exempt any future application comprising of alterations and additions from the competitive design process to ensure compliance with the approved winning design excellence competition scheme. • For Site 1, switch off Clause 7.24 dual water systems of the PLEP 2023 and apply the new Clause 7.29(5) if the development comprises alterations or additions to a building. • Amend Schedule 1 Additional Permitted Uses to allow for residential basement carparking and storage cages within the E2 Commercial Centre zone. The subject development application has been assessed against the current amended Parramatta LEP 2023.
DA/428/2025	Development application for the construction of an additional 10 storeys (60 apartments) on Building E approved under DA/738/2016 as amended, and reconfiguration of the basement parking on Site 1. The application is to be determined by the Sydney Central City Planning Panel. This is the subject application.

5. The Proposal

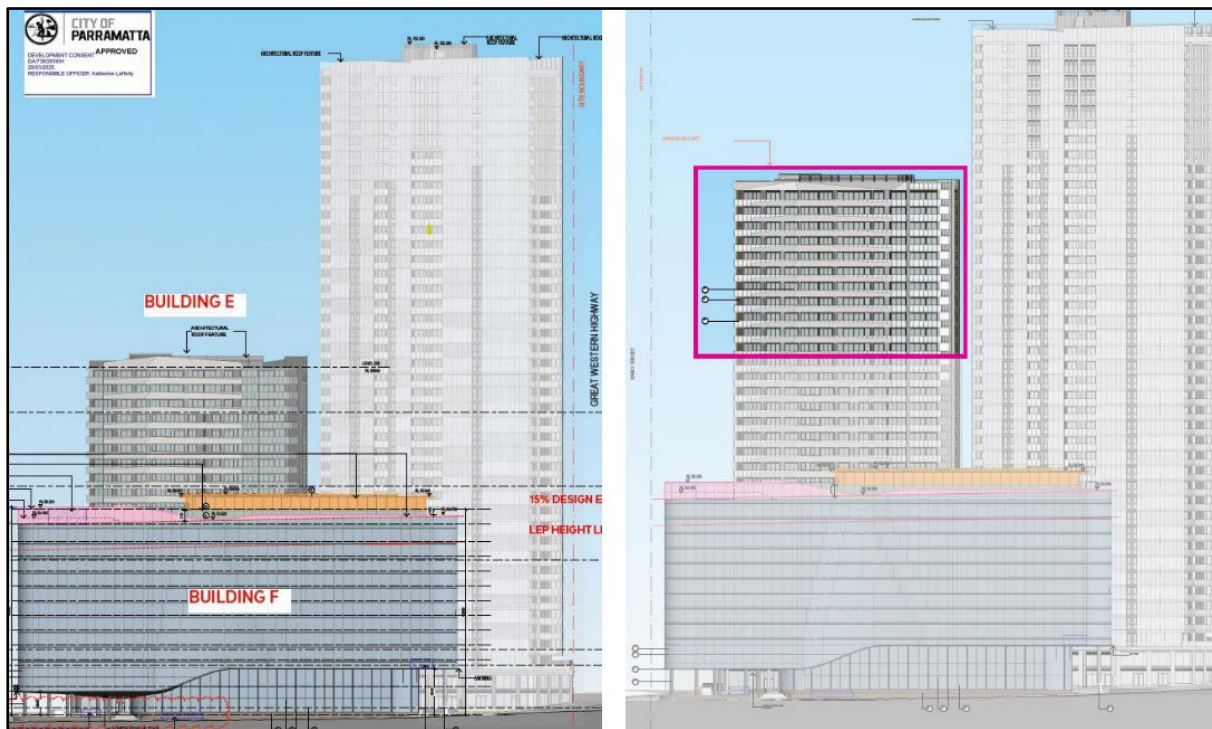
Approval is sought for the construction of an additional 10 storeys on Building E approved under DA/738/2016 (as amended) and includes the following:

- Additional residential gross floor area of 6,040m².
- Increase in the total apartments on Site 1 from 479 to 539 (+60) consisting of:
 - 40 x 2-bedroom apartments
 - 20 x 3-bedroom apartments
- Internal reallocation of car parking spaces in the basement levels, including bicycle parking and storage areas.
- Revision of the waste room configuration to accommodate additional bin storage for residential apartments.

The new apartments will be located in the proposed additional residential storeys.

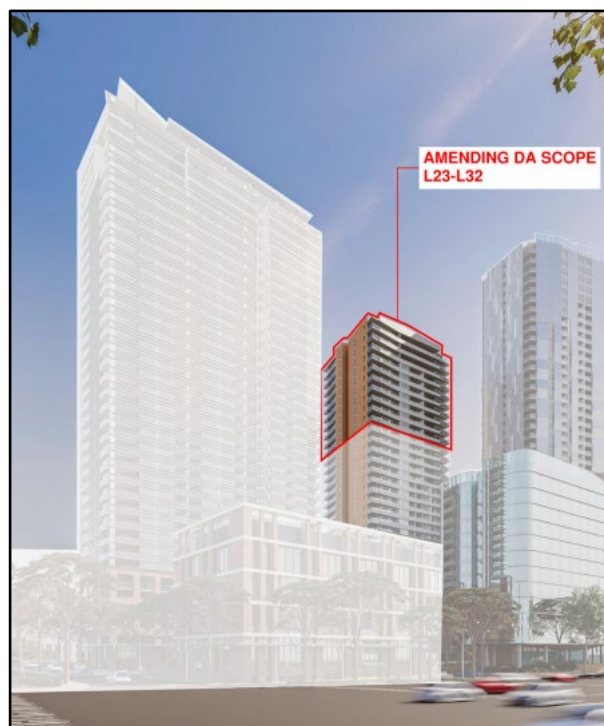
No additional apartments or changes to the lower levels of Building E, Building D, or the hotel (Building F) are proposed.

Estimated Development Cost = \$30,840,808 (excluding GST)



Approved Site 1 buildings

Proposed Site 1 buildings



Amending DA scope
(Source: AJC Design Report June 2025)

6. Comparison between Base DA and Amending DA

Approved development application DA/738/2016 – Site 1 (as modified)	Proposed development as amended by subject application
<u>Building E only</u>	<u>Building E only</u>
No. of Storeys: 22	No. of Storeys: 32
Building Height: 75.6m	Building Height: 109.9m
No. of Basements: 5	No. of Basements: 5
Gross Floor Area: 62,862m ²	Gross Floor Area: 68,902m ²
Floor Space Ratio: 8.28:1	Floor Space Ratio: 9.66:1
Residential Apartments: 479	Residential Apartments: 539
Parking: 775 (total)	Parking: 756 (total)
Adaptable Dwellings: 48 (total)	Adaptable Dwellings: 57 (total)
Liveable Dwellings: Not stated (total)	Liveable Dwellings: 12 (amending DA) and 108 (total)

7. Referrals

7.1 External Referrals

The application was referred to the following external agencies.

Agency	Comment
TfNSW	TfNSW provided correspondence noting that the proposed development is anticipated to result in additional 11 trips/hour on the surrounding network, which will unlikely impact the surrounding classified road network. No further comments were made.
Endeavour Energy	Endeavour Energy provided correspondence which outlined the updated existing energy infrastructure and referred to comments made under the previous modification application DA/738/2016/F

	which are applicable to this application. As this amended application is required to comply with the requirements of DA/738/2016 as amended, no further comments are made. It is noted however that the existing planned substation may need to be upgraded as part of this application to cater for the increased density.
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7.2 Internal Referrals

The application was referred to the following internal technical specialists.

Referral Specialist	Comment
ESD consultant (FLUX)	Council's ESD consultant has reviewed the application and supporting documentation. The application is considered satisfactory in terms of NatHERs and Basix requirements, and the sustainability controls of Parramatta DCP 2023. Conditions of consent are recommended to be imposed on any consent granted.
Wind consultant (MEL)	Council's wind consultant has advised that the information submitted does not adequately indicate the proposed development will result in acceptable wind conditions at ground level. As the wind impacts have been measured with the proposed trees in place, only the comfort criteria can be ascertained. The safety criteria cannot be based upon an older report (2016/2017 report) as this only tested the lower buildings and is based on a 8/9 year old report and testing which does not consider the changed built form in the Parramatta area (the proximity model). Council's wind consultant advises that the wind environment can likely be made suitable without significant design changes, however this would be subject to demonstration through further testing. A condition therefore requiring further testing of the wind environment is recommended to be imposed on any consent granted. It is noted that the design has already been amended by including wind screens to balconies to assist in mitigating wind impacts to residents. These changes have been reviewed, and found satisfactory by Council's Design Excellence team. It is likely that any new measures required would be provided at ground level within the plaza area.
Design Excellence	Council's Design Excellence team have reviewed the application and amendments and support the proposed development, noting that the proposal maintains design excellence.
Accessibility Officer	Council's Universal Access Officer raises no concerns with the proposal. The application is supported subject to the imposition of conditions requiring the provision of 9 x adaptable apartments and 9 x spaces for parking for people with disabilities.
Traffic	Council's Traffic Officer raises no concerns with the proposed development. It is noted however that the car parking spaces for the amending DA have not been indicated on the plans. This will be resolved when DA/738/2016 is modified to appropriately facilitate the amendments required and redistribute the car

	parking spaces. A condition is recommended to be imposed to cover this matter.
Environmental Health (Acoustic)	Based on the information provided, the proposal can be supported with standard and special conditions. Relevant conditions are included within the Recommendation section of this report.
Environmental Health (Waste)	Based on the information provided, the proposal can be supported with standard conditions. Relevant conditions are included within the Recommendation section of this report.
Operational Waste	Council's Operational Waste Officer raises no concerns with the proposal. Relevant conditions are included within the Recommendation section of this report.
Contributions Officer	Council's Contributions Officer advises that the proposed development for DA/428/2025 is specifically defined as part of the <i>Proposed Development</i> under VPA/21/2024. In accordance with Clause 7.4 and Clause 9(e) of VPA/21/2024, there is no requirement for additional monetary contributions under Sections 7.11 or 7.12 of the Act for DA/428/2025.

8. Environmental Planning and Assessment Act 1979

8.1 Section 4.15 – Evaluation

This section specifies the matters that a consent authority must consider when determining a development application, and these are addressed in the table below.

Provision	Comment
Section 4.15 (1)(a)(i) - Environmental planning instruments	Refer to Section 9
Section 4.15 (1)(a)(ii) - Draft planning instruments	Not applicable
Section 4.15 (1)(a)(iii) - Development control plans	Refer to Section 10
Section 4.15 (1)(a)(iiia) - Planning agreements	Refer to Section 11
Section 4.15 (1)(a)(iv) - The regulations	Refer to Section 13
Section 4.15 (1)(a)(v) - <i>Repealed</i>	Not applicable
Section 4.15 (1)(b) - Likely impacts	Refer to Section 14
Section 4.15 (1)(c) - Site suitability	Refer to Section 15
Section 4.15 (1)(d) - Submissions	Refer to Section 16
Section 4.15 (1)(e) - The public interest	Refer to Section 17

8.2 Section 4.55: Amending Development Application

An 'amending' development application is one that seeks to modify development in an already approved development consent by proposing changes but does not operate under section 4.55 of the Environmental Planning and Assessment Act 1979. There is therefore no need to meet the 'substantially the same development' test in that section.

The decision in *Gordon & Valich Pty Ltd v City of Sydney Council* [2007] NSWLEC 780 results in the following outcomes:

1. While an applicant may submit a new application for a similar or modified form of development, any approval granted does not directly amend the previous consent but rather results in a new and separate approval, which may have the effect of overriding or altering an earlier one.
2. An 'amending development application' can be approved subject to a condition requiring the modification or surrender of the existing development consent.

3. The consent authority assessing an 'amending development application' is to identify the already approved development which is being retained and continued under the application and differentiate it with the amended development that is being sought. The identified differences then need to be considered in the broader context of the building as a whole, not just in isolation.

The development proposed under this amending development application therefore does not override the base building consent approved under DA/738/2016. Conditions of consent have been imposed under this DA to ensure that DA/738/2016 is modified to appropriately facilitate the amendments required. In this regard, a notice of modification to development consent DA/738/2016 (as amended) is to be submitted to Council pursuant to the requirements of Clause 67 of the Environmental Planning and Assessment Regulation 2021.

8.3 Division 4.4 – Concept development applications

A concept development application has been approved for the site (DA/706/2014). As outlined above, that application provided for the re-development of the site, including building envelopes.

Division 4.4 of the EPA Act relates to the special procedures concerning concept development applications. In this regard, Section 4.24(2) requires the following:

(2) While any consent granted on the determination of a concept development application for a site remains in force, the determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site.

The proposed development results in an increase in the height of Building E by 45%, which is not considered to be consistent with the concept approval.

The applicant has submitted a written notice for the voluntary surrender of development consent under Clause 68 of the Environmental Planning and Assessment Regulation 2021. This notice is at **Attachment A**.

Council officers have reviewed the notice and considered the request for the surrender of the consent of the concept approval. In this regard, the following is noted:

- The concept plan was not a requirement of Council but lodged by the original owners of the property in 2014 to obtain certainty over the future development of the sites.
- Detailed DAs have been approved under the concept plan for Site 1 and Site 2.
- The detailed DAs on Site 1 and Site 2 were legally approved at the time as being consistent with the approved concept plan, and therefore the removal of the concept plan would not impact on the validity of the consents granted.
- The park on Site 3 remains secured as part of the VPA requirements. The specific design of the park is to be resolved through a future detailed DA.
- The recent amendment to the Parramatta LEP 2023 enables development on the land which is inconsistent with the approved concept plan by allowing a greater floor space on Site 1 and a greater height on Site 2.
- There are site specific controls in Section 9.10.2 of the Parramatta DCP 2023 which guide development on the 3 sites.

Approval is sought for the consent authority (the Regional Planning Panel) to accept the surrender of the consent prior to determining the subject development application. This is reflected in the Recommendation section of this report.

9. Environmental Planning Instruments

9.1 SEPP (Planning Systems) 2021

Clause 2.19 Declaration of regionally significant development

The development has a capital investment value greater than \$30 million. This application is captured by Part 2.4 of this policy which provides that the Sydney Central City Planning Panel is the determining authority for this application.

9.2 SEPP (Housing) 2021

Chapter 4 Design of Residential Apartment Development

Chapter 4 of the SEPP applies to the development as the proposal is for a new building (the definition of building includes part of a building), is more than 3 storeys in height and has more than 4 dwellings. Clause 147 requires that residential flat buildings satisfactorily address 9 design quality principles, consider any advice from a Design Review Panel, and consider the recommendations in the Apartment Design Guide.

This Policy aims to improve the design quality of residential flat development. This proposal has been assessed against the following matters relevant to SEPP 65 for consideration:

- The 9 SEPP 65 Design Quality Principles
- The Apartment Design Guide (ADG)

Design Quality Principles

SEPP 65 sets 9 design quality principles. The development has adequately addressed the 9 design quality principles in the following way:

Design quality principle	Response
Context	The amending DA generally retains the approved presentation of the buildings to the street. It retains the mixed-use nature of the development. Accordingly, it is considered to continue to be compatible with the existing context and neighbourhood character.
Built form	The built form is generally consistent with the approved design competition winning scheme. However, the amending DA will contribute to increased bulk and scale as a result of the proposed additional storeys. This has been envisaged within the recent amendments to Parramatta LEP 2023 which enables an increase in floor space on Site 1 (the subject of this application). The amended scheme was referred to Council's Design Excellence team, who raised no objection to the built form or scale.
Density	The proposal would result in a density appropriate for the site and its context, in terms of floor space yield, number of units and potential number of new residents. The proposed density of the development is regarded as sustainable and consistent with the envisaged yield on the site.
Sustainability, resource, energy & water efficiency	The proposal meets the relevant BASIX requirements for the residential units in the development. The application was referred to an external ESD consultant who raised no objection to the amended BASIX Certificate and supporting documentation.

Landscape	Not applicable. The additional 10 storeys does not impact upon the approved landscaping within the site.																					
Amenity	The proposal is considered to be satisfactory in this regard, optimising internal amenity through appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas. The proposal provides for an acceptable unit mix and typology for housing choice and provides access and facilities for people with disabilities.																					
Safety & security	The proposal does not increase the opportunity for crime and the additional apartments provide for greater natural surveillance opportunities. The building has been designed to be satisfactory in terms of perceived safety in the public domain.																					
Social dimensions/housing affordability	This principle requires development respond to the social context and needs of the local community in terms of lifestyles, affordability, access to social facilities and optimising the provision of housing to suit the social mix and provide for the desired future community. It is considered that the proposal generally satisfies these requirements. The proposed unit mix for the additional levels is as follows: <table><tr><th>Bedroom Size</th><th>Number</th><th>% of Apartments</th></tr><tr><td>2 bedroom</td><td>40 apartments</td><td>67%</td></tr><tr><td>3+ bedroom</td><td>20 apartments</td><td>33%</td></tr></table> This will result in an overall unit mix of Site 1 (Building E plus Building D) as follows: <table><tr><th>Bedroom Size</th><th>Number</th><th>% of Apartments</th></tr><tr><td>1 bedroom</td><td>94 apartments</td><td>17%</td></tr><tr><td>2 bedroom</td><td>359 apartments</td><td>67%</td></tr><tr><td>3+ bedroom</td><td>86 apartments</td><td>16%</td></tr></table>	Bedroom Size	Number	% of Apartments	2 bedroom	40 apartments	67%	3+ bedroom	20 apartments	33%	Bedroom Size	Number	% of Apartments	1 bedroom	94 apartments	17%	2 bedroom	359 apartments	67%	3+ bedroom	86 apartments	16%
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Aesthetics	As discussed, the proposed development is considered to generally retain the positive design elements that are contained within the winning entry of the previous design competition. It is still appropriate in terms of the composition of building elements, textures, materials and colours and reflects the use, internal design and structure of the resultant building. The building is considered to aesthetically respond to the environment and context, contributing in an appropriate manner to the desired future character of the area.																					

Design Review Panel

The application was not considered by a formal design review panel.

The original application for the base building was a winning design through a design competition. Under Clause 7.29(4) of the Parramatta LEP 2023, the competitive design process requirements of Clause 7.14 do not apply to the proposed amending application as the development comprises alterations and additions to a building, and the design of the building is a result of a design competition.

Notwithstanding this, the design integrity of the building was assessed by Council's Design Excellence Team, who raised no objection to the proposal and advise that design excellence is maintained for the building.

Apartment Design Guide (ADG)

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

PARAMETER	DESIGN CRITERIA			PROPOSAL	COMPLIANCE												
Communal Open Space	Min 25% of the site area (based on residential site area of 3,879m ²)			No change – The existing communal open spaces are considered to provide sufficient capacity for the additional residents.	Yes												
	Min 50% of the communal open space is to receive 2 hours direct sunlight between 9.00am and 3.00pm on June 21			Minimum 2hours (in the afternoon)	Yes												
Deep soil zone	7% of the overall site area Minimum dimension of 6m required			No change	N/A												
Building Separation	<table><tr><th>Building Height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>up to 12m (4 storeys)</td><td>12m</td><td>6m</td></tr><tr><td>up to 25m (5-8 storeys)</td><td>18m</td><td>9m</td></tr><tr><td>over 25m (9+ storeys)</td><td>24m</td><td>12m</td></tr></table>			Building Height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	12m	6m	up to 25m (5-8 storeys)	18m	9m	over 25m (9+ storeys)	24m	12m	No change Consistent with the approved DA and is a repetition of the approved lower level 20-22 below.	N/A
	Building Height	Habitable rooms and balconies	Non-habitable rooms														
	up to 12m (4 storeys)	12m	6m														
	up to 25m (5-8 storeys)	18m	9m														
over 25m (9+ storeys)	24m	12m															
Solar Access	At least 70% of living rooms and private open space to receive at least 2 hours direct sunlight between 9.00a.m and 3.00p.m on June 21			50 apartments (or 83%) receive solar access In total a minimum of 79% apartments (428 out of 539) in Building E achieve solar access	Yes												
	A maximum of 15% of apartments are permitted to receive no direct sunlight between 9.00am and 3.00pm midwinter.			No apartments receive zero solar access	Yes												
Cross Ventilation	At least 60% of apartments are to be naturally cross ventilated.			There are no changes to the first 9 storeys of the building and therefore compliance with natural cross ventilation is maintained – being 61.5% (or 70/114) of apartments.	N/A												
	Apartment depth is not to exceed 18m			Complies. Consistent with the approved DA and is a repetition of the approved lower level 20-22 below.	Yes												
Ceiling Heights	2.7m for habitable, 2.4m for non-habitable			2.7m minimum.	Yes												
Apartment Size	Studio – 35m ² 1 bd – 50m ² 2 bd – 70m ² 3 bd – 90m ²			Complies	Yes												

	(note: minimum internal size increases by 5m ² for additional bathrooms, 10m ² for 4 + bedroom)		
	All rooms to have a window in an external wall with a total minimum glass area not less than 10% of the floor area of the room.	Complies.	Yes
	Habitable room depths to be a maximum 2.5 x the ceiling height (=6.75m)	Complies.	Yes
	Maximum depth (open plan) 8m from a window.	Complies.	Yes
Bedroom size	Master bedrooms – 10m ² Other bedrooms – 9m ² Bedroom dimensions – 3m min. Living rooms have a width of: • 3.6m for studio/1bd • 4m for 2 or 3 bd	Complies.	Yes
Balconies	Studio – 4m ² 1bd – 8m ² / 2m 2bd - 10m ² /2m 3bd – 12m ² /2.4m	Complies.	N/A
	Ground or podium apartments to have POS of 15m ² /3m	No change.	N/A
Circulation	Maximum 8 apartments per level	6 apartments per floor	Yes
Storage	1bd – 6m ³ 2bd – 8m ³ 3bd – 10m ³	2bd – 10-33m ³ 3bd – 19-39m ³	Yes
Liveable Units	20% = 12 apartments	12 apartments	Yes

9.3 SEPP (Sustainable Buildings) 2022

The application is accompanied by the relevant NatHERS and BASIX certificates that list sustainability commitments. The requirements outlined in the BASIX certificates have been satisfied in the design of the proposal. An external ESD consultant has reviewed and confirmed that the requirements outlined in the BASIX certificate have been satisfied. Standard conditions will be imposed to ensure BASIX commitments are fulfilled during the construction of the development.

9.4 SEPP (Biodiversity and Conservation) 2021

Chapter 2 - Vegetation in non-rural areas

No vegetation removal is required as part of this application.

Chapter 6 - Water Catchment

This chapter of the policy applies to all of the City of Parramatta local government area. It aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing principles and controls for the whole catchment.

The nature of this project and the location of the site are such that there are no specific controls which directly apply, with the exception of the objective of improved water quality. That outcome will be achieved through the original application which imposed conditions to address

the collection and discharge of water. The additions to the approved building will be connected to the approved stormwater system.

9.5 SEPP (Resilience and Hazards) 2021

Chapter 4 - Remediation of Land

Clause 4.6 of this policy requires the consent authority to consider if land is contaminated and, if so, whether it is suitable, or can be made suitable, for a proposed use.

This matter was considered and found satisfactory in the assessment of the original application for the development of the site. The proposed development does not involve any additional excavation, disturbance of the ground or new uses.

9.6 SEPP (Transport and Infrastructure) 2021

Chapter 2 – Infrastructure

Development likely to affect electricity transmission or distribution networks

The proposed development is in the vicinity of electricity infrastructure. This has been addressed in the assessment and approval of the base building application DA/738/2016. The proposed additional storeys do not impact upon the existing electricity infrastructure. Compliance with the base DA will be required as part of any consent granted for the proposed development.

Frontage to a Classified Road

The subject site adjoins a classified road and accordingly Sections 2.118, 2.119 and 2.120 of the SEPP is applicable.

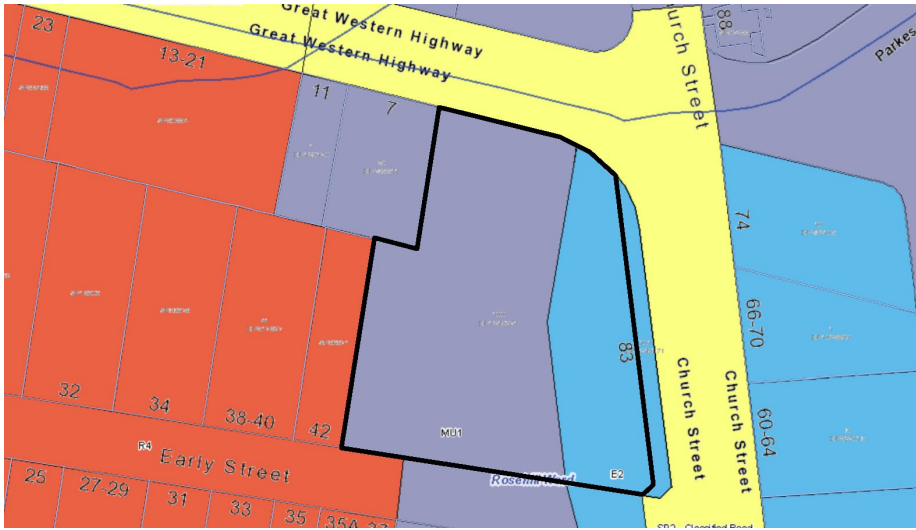
- | | |
|---------------|--|
| Section 2.118 | <u>Development on proposed classified road</u>
The proposal was referred to TfNSW, who advised that they had no further comment other than the traffic generated would unlikely impact the surrounding classified road network. |
| Section 2.119 | <u>Development with frontage to classified road</u>
The proposal does not seek to modify the approved vehicular access points on the site. No objections were received from TfNSW. |
| Section 2.100 | <u>Impact of road noise or vibration on non-road development</u>
An Acoustic Report was provided and referred to Council's Environmental Health Officer who raised no objections, subject to the imposition of conditions. |

Traffic Generating Development

The proposal does not trigger a referral to TfNSW under Schedule 3 of the SEPP as the proposed development does not contains more than 200 car parking spaces. The approved car parking on site will be retained and redistributed between the approved and proposed land uses.

9.7 Parramatta Local Environmental Plan 2023

The provisions of Parramatta LEP 2023 as of relevance to the application is discussed in the table below.

Standards and Provisions	Compliance
Part 2 Permitted or prohibited development	
Site 1 is partially zoned Mixed Use MU1 and partially zoned Commercial Centre E2 under the provisions of Parramatta LEP 2023. The subject proposal is indicated within the zoning extract below. 	
The proposal for the additional residential levels on Building E is located within the MU1 zone applying to the land, and is defined as a residential flat building which is part of a mixed use development. These definitions are as follows: • residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing. • mixed use development means a building or place comprising 2 or more different land uses. These uses are permissible with consent within the zoning applying to the land. Part of the proposal involves reconfiguration of the basement car parking levels which are located across both zones applying to the land. Residential parking (and ancillary residential uses) were previously prohibited within the E2 Commercial Centre zone on the land. The recent LEP amendment added an additional permitted use to allow residential parking and residential storages cages within the E2 Commercial Centre zone. The reconfigured and reallocated car parking and storage complies with the zoning restrictions. Clause 25 of Schedule 1 Additional Permitted Uses reads as follows: 25 Use of land at 63 and 83 Church Street, Parramatta (1) This clause applies to the following land— (a) Lot 100, DP 1249271, 83 Church Street, Parramatta, (b) Lot 102, DP 1249271, 63 Church Street, Parramatta. (2) Development for the purposes of residential flat buildings is permitted with development consent. (3) Subclause (2) does not apply unless the consent authority is satisfied that development for the purposes of residential flat buildings, other than the following when located in the basement of a building, will not be carried out on land in Zone E2 Commercial Centre—	

(a) parking spaces for vehicles, (b) storage cages used to store the personal items of residents. Residential parking spaces (and storage cages) are therefore permitted on the entire site within both zonings applying to the land. The reconfigured and reallocated car parking and storage complies with the zoning restrictions.	
Part 4 Principal development standards	
Cl. 4.1 Minimum Lot Size (MLS)	N/A for this application
Cl. 4.1AA MLS – Community title	N/A for this application
Cl. 4.1A MLS – Strata Schemes in R2	N/A for this application
Cl. 4.1B MLS – Attached dwellings	N/A for this application
Cl. 4.1C – Dual Occs/Manor Homes	N/A for this application
Cl. 4.2 Rural Subdivision	Does Not Apply
Cl. 4.3 Height of buildings Allowable: Building E Maximum 118m + DE Bonus 15% = 135.7m	Proposed: Building E = 109.9m
Cl. 4.4 Floor space ratio Allowable: Maximum 8.4:1 + DE Bonus 15% = 9.66:1	Proposed: = 68,902m ² or 9.66:1
Cl. 4.6 Exceptions to Development Standards	N/A for this modification application
Part 5 Miscellaneous provisions	
Cl. 5.1 Relevant acquisition authority	N/A for this application
Cl. 5.1A Development on land intended to be acquired for public purposes	N/A for this application
Cl. 5.2 Classification and reclassification of public land	N/A for this application
Cl. 5.3 Development near zone boundaries	N/A for this application
Cl. 5.4 Controls relating to miscellaneous permissible uses	N/A for this application
Cl. 5.5 Controls relating to secondary dwellings on land in a rural zone	Does Not Apply
Cl. 5.6 Architectural roof features	This clause allows architectural roof features to extend beyond the height limit prescribed by Clause 4.3. There are changes to the proposed roof features as part of this application. The architectural roof feature is contained within the maximum height permitted on the site.
Cl. 5.7 Development below mean high water mark	N/A for this application
Cl. 5.8 Conversion of fire alarms	N/A for this application
Cl. 5.9 Dwelling house or secondary dwelling affected by natural disaster	Does Not Apply
Cl. 5.10 Heritage conservation	The site of proposed development is not individually heritage listed and is not within a heritage conservation area. The site is not in close proximity to any heritage items. The site is identified as having low sensitivity under the Aboriginal Pleistocene Study.

	No additional excavation works are proposed as part of the amending application and no additional investigations are warranted in this instance.
Cl. 5.11 Bush fire hazard reduction	N/A for this application
Cl. 5.12 Infrastructure development and use of existing buildings of the Crown	N/A for this application
Cl. 5.13 Eco-tourist facilities	Does Not Apply
Cl. 5.14 Siding Spring Observatory—maintaining dark sky	Does Not Apply
Cl. 5.15 Defence communications facility	Does Not Apply
Cl. 5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones	Does Not Apply
Cl. 5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	Does Not Apply
Cl. 5.18 Intensive livestock agriculture	Does Not Apply
Cl. 5.19 Pond-based, tank-based and oyster aquaculture	N/A for this application
Cl. 5.20 Standards that cannot be used to refuse consent—playing and performing music	N/A for this application
Cl. 5.21 Flood Planning	There are no flooding implications for the application due to the nature of the proposed additions to the upper levels of the approved building on site. There are no additional works at ground level.
Cl. 5.22 Special flood considerations	Does Not Apply
Cl. 5.23 Public bushland	N/A for this application
Cl. 5.24 Farm stay accommodation	Does Not Apply
Cl. 5.25 Farm gate premises	Does Not Apply
Part 6 Additional local provisions	
Cl. 6. 1 Acid sulfate soils	This matter was assessed as part of the original application for the base building. No additional excavation is proposed and therefore there are no impacts upon acid sulfate soils as part of this application.
Cl. 6. 2 Earthworks	This matter was assessed as part of the original application for the base building. No additional earthworks are proposed as part of this application.
Cl. 6. 3 Biodiversity	The subject site is not identified as containing biodiversity on the 'Natural Resources – Biodiversity Map'. Notwithstanding this, the proposal does not have any additional impacts on the biodiversity of the area due to the nature of the proposed additional residential levels.
Cl. 6. 4 Riparian land and waterways	N/A for this application
Cl. 6. 5 Stormwater management	The proposed additional levels will result in the capture of some additional wind driven rain. Whilst this may result in the need for additional OSD capacity, given the OSD tank is already complete, this is not possible. However, this is not considered to be sufficient reason to refuse the application.

	The proposal does not have any additional impacts on stormwater management due to the nature of the proposed additions. The stormwater will connect to the approved infrastructure.
Cl. 6. 6 Foreshore area	The site is not located in the foreshore area.
Cl. 6. 7 Essential services	This matter was assessed as part of the original application for the base building. The additional apartments will have access to essential services to the site.
Cl. 6. 8 Landslide risk	N/A for this application
Cl. 6. 9 Restricted premises	N/A for this application
Cl. 6. 10 Location of sex services premises	N/A for this application
Cl. 6. 11 Dual occupancies prohibited on certain land	N/A for this application
Cl. 6. 12 Ground floor development in Zone E1	N/A for this application
Cl. 6. 13 Design excellence	N/A for this application
Cl. 6. 14 Concurrence of Planning Secretary	N/A for this application
Cl. 6. 15 Development on certain land at Westmead	N/A for this application
Cl. 6. 16 Development on certain land at Granville	N/A for this application
Cl. 6. 17 Underground power lines on certain land at Carlingford	N/A for this application
Cl. 6. 18 Subdivisions for dual occupancies on certain land at Parramatta	N/A for this application
Cl. 6. 19 Subdivisions for dual occupancies prohibited on certain land	N/A for this application
Cl. 6. 20 Height of buildings for certain land in Telopea Precinct	N/A for this application
Cl. 6. 21 Floor space ratio for certain land in Telopea Precinct	N/A for this application
Cl. 6. 22 Development at 241–245 Pennant Hills Road, Carlingford	N/A for this application
Cl. 6. 23 Development requiring the preparation of development control plan	N/A for this application
Part 7 Additional local provisions – Parramatta City Centre	
Division 1 Preliminary	
Cl7.1 Land to which Part applies	This Part applies to land in Parramatta City Centre. This Part applies to the proposed development.
Division 2 Development standards generally	
Cl.7.3 Floor Space Ratio	Refer Clause 4.4
Cl.7.4 Floor space ratio—Parramatta Park and Park Edge Highly Sensitive Area	N/A for this application
Cl.7.5 Additional floor space ratio—“Area 3” and “Area 5”	N/A for this application
Cl.7.6 Development control plan for “Area 3” and “Area 5”	N/A for this application
Cl.7.7 Sun access	N/A for this application
Cl.7.8 Serviced apartments	N/A for this application
Cl.7.9 Airspace operations	N/A for this application
Cl.7.10 Active frontages	N/A for this application
Cl.7.11 Floodplain risk management	There are no changes to the flood risk management of the site as a result of the proposed development.

Division 3 Design excellence

Cl.7.13 Design excellence

Council's Design Excellence team have reviewed the application and amendments and support the proposed development, noting that the proposal maintains design excellence.

Cl.7.14 Competitive design process

The base building was the subject of a design competition. Under Clause 7.29(4) of Parramatta LEP 2023 a further design competition is not required for the proposed additional 10 storeys as the development comprises alterations or additions to a building, and the design of the building is the result of a design competition.

Cl.7.15 Additional building height and floor space ratio

This clause enables a 15% bonus for height and floor space to development that is the winner of a competitive design process. This was sought and approved in the original development application.

Division 4 Car parking

Cl.7.16 Application of Division

This division applies to the application.

Cl.7.17 Car parking—general

The proposed additional 60 apartments would allow a maximum of 48 additional car parking spaces on site under the current LEP – being 0.7 spaces per 1 bed x 40 (28) + 1 space per 3 bed = 1 x 20 (20).

The application proposes to provide 48 car spaces for the proposed development.

The current approved basement provides for a mix of residential and non-residential car parking across all 5 basements. This was largely due to the previous restrictions associated with permissibility due to the split zoning across the site. Residential parking is now permitted in the E2 zoning for this site under the recent LEP amendments. In order to provide an improved efficiency in parking, it is now proposed to locate residential parking across Basement Levels 3 to 5 with all non-residential parking being located within Basement Levels 1 to 2 only.

As a result of this re-allocation, and minor reconfiguration to allow for additional waste storage and residential storage, there is an overall reduction of 19 car spaces on the site. This is shown as a decrease in residential visitor parking (-52 spaces) and decrease in hotel and retail/commercial parking (-15 spaces). The re-allocation also involves some columns being slightly relocated with adjacent car parking spaces repositioned to maintain design compliance against Australian Standards. These changes are summarised below.

Land Use	Approved (Mod L) Condition 26A	Proposed	Difference
Residential	479 (inc. 54 accessible)	527	+ 48 spaces
Residential Visitor	84 (inc. 3 wash bay)	31	- 53 spaces
Retail	60	80	- 6 spaces
Commercial	26		
Hotel	126	118	- 8 spaces
Total	775	756	- 19 spaces

It is noted that the original application for the site (DA/738/2016) was assessed under the previous Parramatta LEP2011 which allowed for a greater number of car parking spaces on the site.

The maximum number of spaces under the current LEP2023 for Site 1 (including this application) would be as follows:

- Residential = 366
- Visitor = Nil

- Retail = 5
- Commercial = 7
- Hotel = 61
- **Total = 391 car parking spaces**

Council's Traffic Officer has reviewed the application and notes the following:

The proposal seeks to provide an additional 60 units whilst reducing car parking by 19 car spaces. In this regard, the proposal complies with PLEP2023 rates (which are maximum rates) and will result in a superior transport outcome noting the overall reduction of parking will also likely result in reduced traffic generation. This is supported from a both a traffic and parking perspective.

Given the proposed car parking for the additional 60 apartments complies with the current LEP2023, and the proposed development seeks to reduce the overall number of approved car parking spaces on site, the car parking is considered acceptable for the Site 1 development.

The reallocation of car parking will need to be clearly indicated on new plans to be submitted and approved by Council when DA/738/2016 is modified to appropriately facilitate the amendments required.

Cl. 7.18 Car parking for certain land	N/A for this application																
Cl. 7.19 Car parking—Parramatta Park and Park Edge Highly Sensitive Area	N/A for this application																
Cl. 7.20 Use of car parking spaces by persons other than occupants of building	N/A for this application																
Division 5 Provisions for Parramatta City Centre other than “Area A”																	
Cl.7.21 Application of Division	This Division applies.																
Cl.7.22 Managing heritage impacts	N/A for this application. The site is not a heritage item, is not adjoining a heritage item or within a heritage conservation area.																
Cl.7.23 End of journey facilities	N/A for this application																
Cl.7.24 Dual water systems	N/A for this application – Clause 7.29(5) exempts the development from this provision.																
Cl.7.25 High performing building design	N/A for this application																
Cl.7.26 Commercial premises on certain land	N/A for this application																
Cl.7.28 Additional floor space ratio for office premises	N/A for this application – the site is not within Area B on the Special Provisions Map																
Cl.7.28A Additional floor space ratio for “Area 2” and “Area 4”	N/A for this application – the site is not within Area 2 or Area 4 on the Special Provisions Map																
Division 5 Provisions for Parramatta City Centre other than “Area A”																	
Cl.7.29 63 and 83 Church Street, Parramatta																	
(1) This clause applies to the following land at Church Street, Parramatta— (a) Lot 100, DP 1249271, 83 Church Street (Site 1), (b) Lot 102, DP 1249271, 63 Church Street (Site 2). (2) The objectives of this clause are to ensure that development on the land— (a) provides employment opportunities in the precinct by ensuring that a minimum proportion of the available floor space is provided for commercial purposes, and (b) the scale and bulk of the development does not adversely impact the amenity of the precinct.	(1) This clause applies to the subject site (Site 1). (2) The proposal satisfies the objectives of the clause as the wider site will still contain a sufficient proportion of non-residential floor space and the increased scale and bulk does not adversely impact the amenity of the precinct. These matters are discussed in further detail elsewhere within this report. (3) The proposal will comply with the land use split requirements as follows:																
	<table><tr><th>Floor Space</th><th>Site 1</th><th>Site 2</th><th>Total</th></tr><tr><td>Non Res (m²)</td><td>22,614</td><td>16,503</td><td>39,117</td></tr><tr><td>Total FS (m²)</td><td>68,904</td><td>34,895</td><td>103,797</td></tr><tr><td>% Non-Res</td><td>32.8%</td><td>47%</td><td>37%</td></tr></table>	Floor Space	Site 1	Site 2	Total	Non Res (m ²)	22,614	16,503	39,117	Total FS (m ²)	68,904	34,895	103,797	% Non-Res	32.8%	47%	37%
Floor Space	Site 1	Site 2	Total														
Non Res (m ²)	22,614	16,503	39,117														
Total FS (m ²)	68,904	34,895	103,797														
% Non-Res	32.8%	47%	37%														

(3) Development consent must not be granted to development, including staged development, involving the erection of a building on Site 1 or Site 2 unless the consent authority is satisfied— (a) at least 25% of the combined gross floor area of all buildings on Site 1 and Site 2 will be used for purposes other than residential accommodation or serviced apartments, and (b) (Repealed) (c) the gross floor area of each storey of a building on Site 1 above a height of 40m will not exceed 700m². (4) Clause 7.14 does not apply to development carried out under this clause if the consent authority is satisfied that— (a) the development comprises alterations or additions to a building, and (b) the design of the building is the result of a design competition. (5) Clause 7.24 does not apply to development carried out under this clause if the consent authority is satisfied that the development comprises alterations or additions to a building.	37% of the combined gross floor area of all buildings on Site 1 and Site 2 will be used for purposes other than residential accommodation or serviced apartments, which complies with this requirement. The maximum GFA of each storey is 700m². (4) The competitive design process requirements of Clause 7.14 do not apply as the development comprises alterations and additions to a building, and the design of the building is a result of a design competition. (5) The dual piping requirements of Clause 7.24 do not apply as the development comprises alterations and additions to the building.
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Note – “Does Not Apply” refers to the clause not being adopted under the PLEP 2023.

10. Development Control Plans

The original application for the base building (DA/738/2016) was assessed under the provisions of the Parramatta Development Control Plan 2011. This plan has since been repealed.

Parramatta Development Control Plan 2023

The site is now subject to the provisions of the Parramatta Development Control Plan 2023. The relevant controls of this DCP are discussed below. It is noted that the majority of controls for this development are contained within Part 9 – City Centre Controls.

Development Control	Comments	Compliance
Part 2 – Design in Context		
2.10 Accessibility and Connectivity	The development retains satisfactory accessibility and connectivity. There are no changes to the approved through site link plaza or access to the building.	Yes
2.11 Access for People with a disability	The development retains satisfactory accessibility. There are no changes to the approved pedestrian or parking access to the building.	Yes
2.12 Amenities in buildings available to the public	Not applicable to this application. Amenities are retained on the retail ground floor of the rear podium building.	N/A
2.13 Culture and public art	The public art requirements under the base development DA/738/2016 are considered to be sufficient to cover the proposed additional density.	Yes
2.14 Safety and Security	There are no impacts on the safety and security of the site and occupants as a result of the additional proposed apartments. The additional apartments will allow for greater natural surveillance of the public and private domain.	Yes
Part 3 – Residential Development		

Not Applicable. See Part 9 – City Centre Controls (including site specific controls for the subject site).		
Part 4 – Non-Residential Development		
Not Applicable. The proposed development does not contain any non-residential land uses.		
Part 5 – Environmental Management		
5.1 Water Management		
5.1.1 Flooding	There are no changes to the flood risk management of the site as a result of the proposed development.	N/A
5.1.2 Water Sensitive Design	There are no proposed changes to the building that would impact upon the original assessment of this matter in the base DA.	N/A
5.1.3 Stormwater Management	See LEP assessment above.	Yes
5.2 Hazard and Pollution Management		
5.2.1 Control of Soil Erosion and Sedimentation	There are no proposed changes to the building that would impact upon the original assessment of this matter in the base DA.	N/A
5.2.2 Acid Sulfate Soils	No additional excavation is proposed as part of the amending application.	N/A
5.2.3 Salinity	No additional excavation is proposed as part of the amending application.	N/A
5.2.4 Earthworks and Development of Sloping Land	No additional excavation is proposed as part of the amending application.	N/A
5.2.5 Land Contamination	No additional excavation is proposed as part of the amending application.	N/A
5.2.6 Air Quality	The proposal does not impact on air quality. The proposed units are sufficiently set back from the Church Street frontage to ensure the units will not be unduly impacted by air quality.	Yes
5.2.7 Bush Fire Prone Land	The site is not identified as bushfire prone.	N/A
5.3 Protection of the Natural Environment	There are no proposed changes to the building that would impact upon the original assessment of this matter in the base DA.	N/A
5.4 Environmental Performance		
5.4.8 Waste Management	A revised operational waste management plan has been submitted and is considered satisfactory.	Yes
Part 6 – Traffic and Transport		
The proposed modifications maintain the approved access points and basement parking for all land uses. The number of car parking spaces has been changed to reflect the additional apartments. This has been discussed within the LEP2023 section of this report.		
Council's Traffic Officer has reviewed the application in terms of sustainable transport, access, bicycle parking and loading. The application was found to be supportable subject to conditions.		
Part 7 – Heritage & Archaeology		
Not Applicable. The site is not identified as a heritage item, is not located within a heritage conservation area and is not in the vicinity of a heritage item.		
Part 8 – Centres, precincts, special character areas & Specific Sites		
Not Applicable.		
Part 9 – City Centre Controls		
The majority of the controls are not relevant to the application as the subject site has site specific controls under Section 9.10 of the DCP. Specific matters not addressed elsewhere are discussed below.		
9.3.9 Dwelling Mix	The proposed modifications seek to alter the approved dwelling mix of the entire Site 1 residential component which now aligns more with the DCP requirements as shown below. This is considered acceptable as it provides an improved outcome compared to the approved scheme.	In part

	DCP Requirement		Approved	Proposed
	Studio	10-20%	Nil	Nil
	1 Bed		94 (20%)	94 (17%)
	2 Bed	55-70%	319 (66%)	359 (67%)
	3 Bed+	10-20%	66 (14%)	86 (16%)
	4 bed	5-10%	Nil	Nil
	Total		479	539
		It is noted that both the approved and proposed development does not provide for any 4-bedroom apartments. This is considered acceptable in the circumstances as the new floors replicate those below and the amending DA introduces a higher proportion of larger apartments (being 33% of the new apartments). Adaptable – 15% required = 9 (15% provided) Livable – 20% required = 12 (20% provided)		
9.8 Environmental Sustainability • High Performing Buildings • Dual Water Systems • All Electric Buildings • Urban Cooling • Solar Light Reflectivity • Natural Refrigerants • Bird Friendly Design • Wind Mitigation		The environmental sustainability requirements have been reviewed by Council's ESD consultant. It is noted that some flexibility has been applied to this amending application since these controls were not applicable during the original base DA application. Notwithstanding this, the applicant has achieved a satisfactory level of environmental sustainability within the modified design, including adequate Basix, NatHERs, electric vehicle charging, urban cooling through appropriate roofing materials, urban heat index considerations, reflectivity, natural refrigerants and bird friendly design. A Basix certificate and Reflectivity Report have been submitted with the application. Council's ESD consultant (Flux) have reviewed all documentation submitted and are satisfied with the ESD requirements for the proposal. The additional 10 storeys are likely to have additional wind impacts. The application was submitted with a wind impact assessment (based upon a wind tunnel test). Council's wind consultant has advised that the information submitted does not adequately indicate the proposed development will result in acceptable wind conditions at ground level. The issue is that the impacts have been measured with the proposed trees only, so only the comfort criteria can be ascertained. Safety criteria cannot rely on proposed trees, and cannot be based upon an older report (2016/2017 report) as this only tested the lower buildings and is based on a 8/9 year old report and testing which does not consider the changed built form in the Parramatta area (the proximity model). Council's wind consultant advises that the wind environment can likely be made suitable without significant design changes, however this would be subject to demonstration through further testing. A condition therefore requiring further testing of the wind environment is recommended to be imposed on any consent granted.		
9.10 Site Specific Controls 9.10.2 - 57, 63 and 87 Church Street and 44 Early Street				
Future Desired Character		The proposed addition to the base building maintains the future desired character of the area. In this regard, the proposal provides a range of apartment dwellings in high-density building forms. The retention of the non-residential		
		Yes		

	land uses and through site link on site maintains and provides for increased activity and a revitalised public domain.	
Site Objectives	The proposed additional residential density maintains the site objectives. In this regard the proposal: • Creates an urban environment that provides a mix of uses including high density residential, commercial, retail and community facilities. • Ensures built form articulation and an attractive composition of building elements with a strong relationship between buildings and streetscape. • Ensures building height is distributed across the site having regard for orientation, overshadowing and views and vistas suitable for this gateway to Parramatta. • Provides a visual and physical connection throughout the site for a high level of surveillance and safety. • Accommodates generated traffic and mitigates traffic effects.	Yes
Public Domain	The proposed changes do not impact upon the approved public domain requirements of the DCP.	Yes
Building Form	The proposed modifications generally maintain the objectives and controls of the building form requirements of the DCP. It is noted however that Building E is now 10 storeys higher than anticipated within the DCP controls. This additional 10 storeys however are permitted through the recent amendments to the Parramatta LEP 2023 which permits an increase to the floor space on the site in the form of additional storeys to Building E. No other changes are proposed to the building envelopes, setbacks, separation, frontages, activities and entries.	In part
Sustainability, Microclimate & Water	The proposed modifications maintain the objectives and controls of the sustainability requirements of the DCP. The application was reviewed by Council's external ESD consultant and found to be supportable.	Yes
Access, Parking and Servicing	The proposed additional density does not impact upon the approved vehicular or pedestrian access points or servicing areas. The application was reviewed by Council's Traffic Officer and found to be supportable.	Yes
PART 10 – LATE NIGHT TRADING		
Not applicable for the residential development.		

11. Planning Agreements

The site formerly had a planning agreement which included monetary contributions, provision of public domain and delivery of a commercial suite to Council. This planning agreement was revoked and a new planning agreement has been registered on the title.

The new voluntary planning agreement which has been entered into provides for the following:

- Provision of public domain and access (including a through site link).
- Provision of a community and cultural hub on Site 2.
- Provision of a new park on Site 3.

This planning agreement was executed on 30 October 2025.

The only deliverables that may be associated with the proposed development are as follows as indicated in Schedule 1 'Contributions Schedule' of the VPA:

No.	Item	Public Purpose	Type of Contribution	Scope	Timing of Provision	Estimated Amount / Value of Item
1.	Footpath 'H' (Site 1)	The provision of public pedestrian access	Construction of part of the Works, and specifically, Footpath 'H'	Footpath design and construction on Site 1 and marked 'H' on the Staging Plan at Schedule 2 of this agreement.	Practical Completion of Site 1 Footpath 'H' is to occur prior to the issue of any Occupation Certificate for a residential apartment on Site 1. (refer clause 7.1(e)(i))	\$901,149
2.	Through-Site Link 'X' (Site 1)	The provision of public pedestrian access	Construction of part of the Works, and specifically, Through-Site Link 'X'.	Through-site link design and construction on Site 1 and marked 'X' on the Staging Plan at Schedule 2 of this agreement.	Practical Completion of Through-Site Link 'X' is to occur prior to the issue of any Occupation Certificate for a residential apartment on Site 1. (refer clause 7.1(e)(ii))	\$2,498,339
7	Dedication of 'G' and Footpath 'H' (Site 1)	The provision of public pedestrian access	Dedication	Dedication to Council of the footpath on Site 1 and marked 'G' and Footpath 'H' on the Staging Plan at Schedule 2 of this agreement.	Dedication must commence within 45 days of obtaining the Certificate of Practical Completion for Site 1 Footpath 'H' (refer clause 7.2(b)(i))	N/A

Indicative Staging Plan

Table 1. VPA dedications key

ID	Description
1 - Northern site	
B	Ground level retail
C	Residential and commercial podium
D	Residential tower 1
E	Residential tower 2
F	Hotel building
G	Setback and road widening works (Completed)
H	Line marking works for cycle way / footpath
X	Pedestrian north-south link
Z	Pedestrian bridge easement
2 - Central site	
I	Ground level retail
J	Residential podium
K	Residential tower
L	Community and Cultural Hub
O	Setback and road widening works (Completed)
P	Line marking works for cycle way / footpath
Y	Pedestrian north-south link
3 - Southern site	
Q	New park

Table 2. Staging key

ID	Description
	Stage 1
	Stage 2
	Stage 3

Both the revocation of the old VPA and the new VPA were executed on 30 October 2025 and have been lodged for registration at the NSW Land Registry Office on 28 November 2025.

At the time of this report, the revocation and new VPA have not been registered however have been issued with the following dealing numbers:

- AV661333 – revocation
- AV661334 – new VPA

A condition requiring compliance with the new VPA is contained within the Recommendation section of this report.

12. Development Contributions and Bonds

12.1 Local Infrastructure Contributions

No additional developer contributions are required for the development given Clause 9(e) of the voluntary planning agreement applicable to the site covers the additional density proposed. This clause states the following:

The Council will not levy any contribution under section 7.11 or section 7.12 of the Act on any application for the Proposed Development of the Land. The parties agree that the Monetary Contribution made under this agreement and the Existing Monetary Contribution are the sole contributions required under section 7.11 or section 7.12 of the Act for the Proposed Development on the Land.

Note: The “Proposed Development” is defined under Clause 1 of the planning agreement as:

Proposed Development means:

- (a) **Site 1, Building E: the addition of 10 residential storeys (to 32 storeys) increasing apartment numbers and corresponding adjustments to lower levels;**

- (b) *Site 2, Building K: the replacement of the lower 7 levels of commercial floors to residential uses and the addition of 9 storeys (to 40 storeys) of residential units;*
- (c) *Site 2, Building L: the reduction from 10 storeys to 4 storeys, with the introduction of the Community and Cultural Hub;*
- (d) **Basement: general changes to basement layout to allocate parking as required.**
- (e) *Site 3 - remediation, design, construction and embellishment of public open space.*

12.2 State Infrastructure Contributions

The Housing and Productivity Contribution (HPC) is an integrated approach for growth planning and infrastructure provision to support the delivery of new housing and jobs.

The *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* came into effect on the 1 October 2023 and applies to all development applications lodged on or after 1 October 2023. In this case as the subject development application was lodged on the 21 August 2025, the HPC is applicable.

As the proposed development results in the creation of 60 x high density residential units, the payable contributions are calculated as follows:

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	\$600,000
Total housing and productivity contribution (60 apartments @ \$10,000/apartment)	\$600,000

A condition of consent has been imposed requiring the contribution to be paid prior to the issue of a Construction Certificate. The contribution is subject to indexation in line with CPI.

12.3 Development Bonds

A development bond will be payable to Council for the protection of the adjacent road pavement and public assets during construction works. The development bond will be imposed in accordance with Council's Schedule of Fees and Charges 2025/2026 as follows:

Section	Type	Amount
Section 2.4.8	Works valued over \$1,000,000	\$318,408.08

13. Regulations

Applicable Regulation considerations including compliance with the Building Code of Australia, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection are addressed as part of recommended conditions of consent.

14. Likely Impacts of the Development

The likely impacts of the development have been discussed within this report and it is considered that the impacts are consistent with those that are to be expected given the applicable planning framework and previous approvals on the site. The impacts that arise are acceptable, subject to the imposition of appropriate conditions.

15. Site Suitability

The subject site was established as being suitable for the base development under the

concept approval (DA/706/2014) and the base detailed approval (DA/738/2016). The amending DA does not alter this assessment as it retains the mixed-use nature of the development. The additional apartments are also compatible with this assessment.

The increased residential density was envisaged as part of the recent planning proposal and subsequent amendments to the Parramatta LEP 2023. The increased residential density is considered to be acceptable due to the proximity of the site with the City Centre and the public transport nodes.

No other natural hazards or site constraints are likely to have a significant adverse impact on the proposed development. Accordingly, the site is considered to be suitable for the proposed development subject to the conditions provided within the recommendation to this report.

16. Submissions

The application was notified for a period of 21 days in accordance with Clause 10.5 of the Consolidated Notification Requirements of the Community Engagement Strategy 2024–2028.

The notification period was between 1 September to 21 September 2025.

In response to the notification period, 11 x submissions were received. There are 2 groups of submissions that can be considered unique being –

- (a) 2 submissions
- (b) 9 submissions.

All submissions objected to the proposed development and were similar in content.

All objectors are from the development at 88 Church Street which is located opposite the site on the north-eastern corner of Church Street and Parkes Street. The location of the subject site and the objectors' site is indicated within the map below.



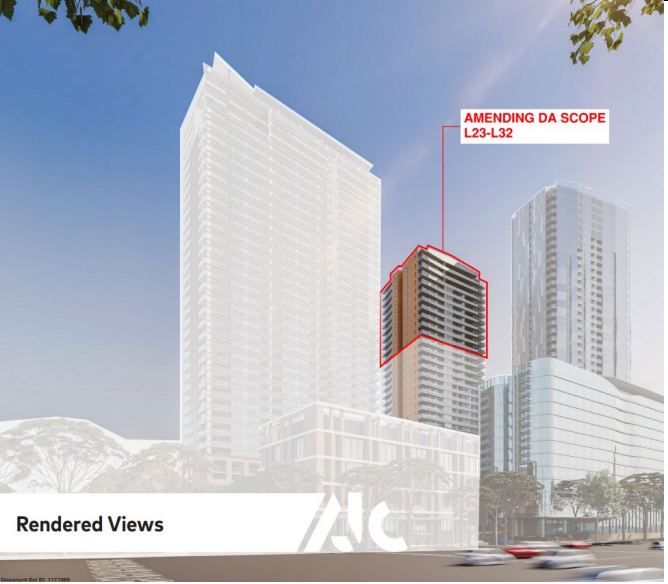
Locality Map indicating subject site and objectors' site (indicated by a star)

The issues raised within the submissions are discussed in the table below.

Issue Raised	Planning Comment
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Loss of sunlight The additional height will create overshadowing across multiple apartments.	The objections regarding loss of sunlight were from the property at 88 Church Street, which is located across the intersection to the north-east of the proposed development. No shadows from the proposed development are cast in this direction. Notwithstanding the objectors' properties will not be impacted by overshadowing, the additional 10 storeys will cast additional shadows onto properties to the south of the site. Cumulative shadow diagrams have been included within the <i>Design Report</i> submitted with the development application. As a result of the additional height on Building E, the additional shadowing will be cast on 3 additional properties along Rosehill Street, and 2 additional properties along Inkerman Street, including commercial properties fronting Church Street. The additional overshadowing to Rosehill and Inkerman Street is only between 9:00am to 10:00am. The additional overshadowing to commercial properties are cast between 1:00-3:00pm. All properties receive sunlight for the remainder of the day, well in accordance with the accepted minimum 2 hours of solar access required under the ADG.
Loss of Views <i>No commentary was provided regarding this matter.</i>	It is considered that the proposed 10 storey addition to the approved Building E would not result in any significant view loss. Given the distance of the proposal from 88 Church Street, the proposal would only result in the loss of negligible district views forming a very small part of the overall vista of those units.  View (ground level) on the corner of Great Western Highway and Church Street (adjoining 88 Church Street property)
Increased traffic and congestion Reconfigured basements and more apartments mean more cars fighting for already strained road space around our building. The surrounding streets are at capacity during peak hours, and any further	The application complies with the required on-site car parking requirements under the provisions of Parramatta LEP 2023. The overall number of car parking spaces will be decreased by 19 on the site, however the remaining spaces have been redistributed to different land uses, thereby changing the traffic generation expectations for the site.

increase will cause gridlock, worsen safety risks for pedestrians and cyclists, increase vehicle emissions, and further degrade local air quality.	It is noted that the Traffic and Parking Assessment report submitted with the application estimated the traffic generation for the proposed development is expected to generate an additional 11 vehicle trips per hour during the busiest peak period. The generation of additional vehicle trips during weekday peak hours by the proposed development is consistent with the anticipated development of the area and is not expected to have a significant traffic impact on the surrounding road networks. In addition, both TfNSW and Council's Traffic Officer have reviewed the application and conclude that the proposal is unlikely to adversely impact on the surrounding road network. The proposal is considered to result in a negligible increase to vehicle emissions.
Noise and amenity impacts Construction on this scale next door will bring years of disruption, noise, and dust.	The approved development on Site 1 is currently under construction and Site 2 has not yet commenced construction. It is expected that the construction of the additional 10 storeys will not unreasonably expand the construction timeframe for the development on these sites. Notwithstanding this, appropriate conditions will be imposed on any consent granted that minimise construction impacts (including time restrictions, noise and dust control).
Pressure on infrastructure More residents next door will increase demand on local services, parking, and street access, impacting quality of life.	The proposed increase in number of apartments and residents is consistent with the anticipated development of the area (per the LEP). The overall development on Site 1 (and Site 2) will improve access to retail and commercial activities and provide for pedestrian plazas for the local community to use. Site 3 will provide a public aprk. The additional housing will generate additional public revenue for infrastructure provision. As such the proposal will result in a net increase in public infrastructure.
Out of Character This is not a small change — it is a fundamental shift to the scale of development in the immediate neighbourhood.	The proposed additional 10 storeys on Building E does not radically transform the character of the area. The building adjoins approved towers that are between 31 and 42 storeys in height. The proposed development is permissible and compliant with the floor space ratio and height controls under Parramatta LEP 2023.

	 Rendered Views View of the approved and proposed development on Site 1 and Site 2 from Church Street
Privacy Impacts Privacy impacts will increase due to overlooking from higher levels	The proposed additional residential levels are located approximately 120m from the 88 Church Street property. It is considered that there will be no privacy impacts to the objectors' properties.

Summary of amendments

Yes

Minor amendments were made to install a full-height glazed screen on the western corner balconies of the elevated levels of Building E. This was required to mitigate potential wind impacts.

Amended Plans re-advertised or re notified

No

Reason amendments not renotified

In accordance with Appendix 1 (Consolidated Notification Requirements) of Council's Community Engagement Strategy, the application did not require re-notification as the amended application is considered to be substantially the same development and does not result in a greater environmental impact.

17. Public Interest

Having regard to the assessment within this report, and subject to conditions, it is concluded that the proposal is in the public interest for the following reasons:

- The proposal is in accordance with the type of development envisaged for the site under Parramatta Local Environmental Plan 2023
- The proposal will contribute to the overall housing supply of the local government area
- The proposal suitably integrates the residential with commercial and retail development in an accessible location to maximise public transport patronage and encourage walking and cycling
- The proposal does not result in any unreasonable environmental impacts and exhibits design excellence.

18. Disclosure of Political Donations and Gifts

No disclosures of any political donations or gifts have been declared by the applicant or any

organisation / persons that have made submissions in respect to the proposed development.

19. Summary and Conclusion

The application has been assessed relative to Section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls. On balance the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework.

The proposed development is appropriately located within a locality earmarked for high-density residential redevelopment, and reflects the additional development envisaged under the recent Parramatta LEP 2023 amendments as a result of the site specific planning proposal.

Having regard to the assessment of the proposal from a merit perspective, Council officers are satisfied that the development has been responsibly designed and provides for acceptable levels of amenity for future residents. It is considered that the proposal successfully minimises adverse impacts on the amenity of neighbouring properties. Hence the development is consistent with the intentions of the relevant planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land.

The application is recommended for approval subject to the imposition of appropriate conditions.

Reasons for Approval

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

- The proposal is in accordance with the type of development envisaged for the site under Parramatta Local Environmental Plan 2023
- The proposal will contribute to the overall housing supply of the local government area
- The proposal suitably integrates the residential with commercial and retail development in an accessible location to maximise public transport patronage and encourage walking and cycling
- The proposal does not result in any unreasonable environmental impacts and exhibits design excellence
- For the reasons given above, approval of the application is in the public interest.

20. Recommendation

- (a)** That the Sydney Central City Planning Panel, as the consent authority supports the voluntary surrender of concept consent DA/704/2014 as outlined within **Attachment A** per Section 4.63 of the Environmental Planning and Assessment Act 1979 and provides written notice of the surrender of consent under Clause 68(4) of the Environmental Planning and Assessment Regulation 2021.
- (b)** That the Sydney Central City Planning Panel, as the determining authority, grant consent to Development Application No. DA/428/2025 for the construction of an additional 10 storeys (60 apartments) on Building E approved under DA/738/2016 as amended, and reconfiguration of the basement parking on Site 1 on land at 83 Church Street, Parramatta for a period of five (5) years from the date on the Notice of Determination for physical commencement to occur subject to the conditions contained within **Attachment B**.