



SYDNEY CENTRAL CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-803
DA Number	DA/685/2024/B
LGA	City of Parramatta Council
Proposed Development	Section 4.55(2) modification to alterations and additions to a mixed-use building. The modifications include two additional storeys, resulting in the increase of residential units from 92 to 102, along with associated updated unit mix. The amendments will also result in an increase in co-living units from 128 to 131 and associated reduction in communal living areas. The application is to be determined by the Sydney Central City Planning Panel.
Street Address	38-42 East Street, Granville
Applicant	Mave Grand Pty Ltd
Owner	Mave Grand Pty Ltd
Date of DA lodgement on Portal	17 March 2026
Number of Submissions	Nil
Recommendation	Approval
Regional Development Criteria	DA/685/2024 was determined by the Regional Planning Panel. As per the requirements of the <i>Instruction on Functions Exercisable by Council on Behalf of Sydney District or Regional Planning Panels – Applications to Modify Development Consents</i> published on the NSW planning portal 30 June 2020, the proposed additional storeys will result in >10% variation to the mapped development standards applicable to the subject site and must be referred back to the Regional Planning Panel for determination.
List of all relevant s4.15(1)(a) matters	• Environmental Planning and Assessment Act 1979 • Environmental Planning and Assessment Regulation 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Housing) 2021 • State Environmental Planning Policy (Sustainable Buildings) 2022 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • Parramatta Local Environmental Plan (LEP) 2023 • Parramatta Development Control Plan (DCP) 2023
List all documents submitted with this report for the Panel's consideration	Attachment 1 – Recommended Modified Conditions of Consent Attachment 2 – Architectural Drawings Attachment 3 – Applicant Agreement to Draft Conditions
Clause 4.6 requests	N/A
Summary of key submissions	N/A
Report prepared by	Darren Wan, Executive Planner, City Significant Development & Alex McDougall, Team Leader, City Significant Development
Report date	6 August 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**

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)? **No**

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

EXECUTIVE SUMMARY

The application seeks approval for modification to an 'amending DA' approved to the mixed-use development under construction at 38–42 East Street, Granville. The modification proposes two additional storeys above the previously approved five-storey addition added pursuant to the Housing SEPP affordable housing 'bonuses', increasing the development from 92 to 102 residential units and from 128 to 131 co-living rooms. The proposal also includes increasing affordable housing provision from 24 to 27 units, reconfigures communal spaces and relocates rooftop plant infrastructure.

The proposal has been assessed against the requirements of Section 4.55 of the Environmental Planning and Assessment Act 1979 and is considered to be substantially the same development as previously approved. Although the modification increases building height, floor space and dwelling yield, the development retains its approved mixed-use function, design character and built form, with the additional levels replicating approved floorplates and resulting in minor additional environmental impacts.

The proposal exceeds the 30% maximum building height and floor space ratio 'bonuses' available for affordable housing under the incentive framework in the Housing SEPP. Council considers that such additional yield should be accompanied by a commensurate increase in affordable housing provision. Subject to conditions securing additional affordable housing beyond the applicant's offer, the public benefits associated with increased housing supply and affordable housing are considered sufficient to justify the minor additional environmental impacts.

While the proposal would result in incremental increases to bulk, overshadowing, glare, wind, traffic, infrastructure demand and the like, the impacts of the additional height and density are considered to be offset subject to the recommended affordable housing provision. The site remains well suited to increased residential density given its proximity to Granville Town Centre and major public transport infrastructure. All internal and external referrals supported the proposal and no public submissions were received during notification.

Accordingly, the modified proposal is considered suitable for the site, in the public interest and worthy of approval, subject to conditions including the delivery of additional affordable housing, updated contributions and other modifications reflecting the increased development yield.

SUBJECT SITE

The site area is 1,496.4sqm.

The subject site is currently an active construction site.



Figure 1. The three sites that combine to make up the subject site

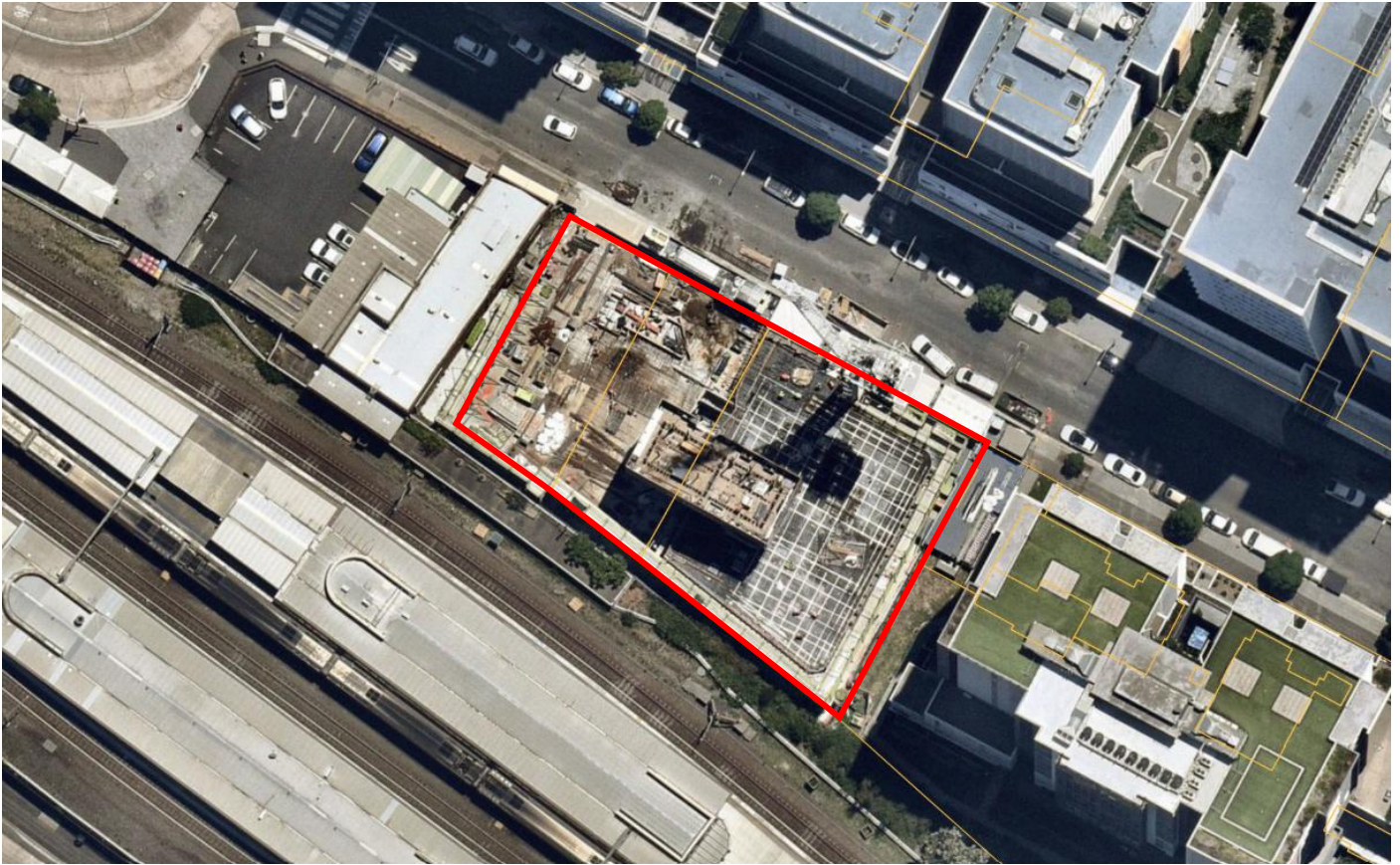


Figure 2: Aerial image of the subject site and surrounding context (Source: Nearmaps)

SITE CONTEXT

As detailed in the table below, DA/716/2020 was originally approved on 19 July 2022 for a 26 storey shop-top housing development. The originally approved development contained 2 retail tenancies, 3 levels of podium carpark and 108 residential units.

DA/685/2024 was approved on 18 September 2025 as an ‘amending development application’ which amended the ‘base consent’ DA/716/2020 to include an additional 5 storeys, resulting in a total of 110 total residential units and 84 co-living apartments. Of the 110 residential units, 24 were nominated as affordable for a minimum period of 15 years.

This consent was modified on 30 March 2025 under DA/685/2024/A, which increased the quantum of co-living units (to 128) and decreased the quantum of residential units (to 92). No changes were made to the affordable housing component.

In the approval for DA/685/2024, a condition was imposed that required a ‘Notice of Modification’ to be provided by the applicant pursuant to the requirements under Clause 67 of the Environmental Planning and Assessment Regulations 2021 to update the base consent to be consistent with the amending DA. This notice has been sent to Council and the condition has been satisfied.

SITE HISTORY

DA/716/2020	Section 8.3 review of determination for DA/716/2020 for lot consolidation, demolition and construction of a 26 storey mixed-use development comprising 2 retail tenancies on the ground floor, 3 levels of podium car parking comprising 76 car spaces and 108 residential units above. The application was Nominated Integrated development under the provisions of the Water Management Act 2000. The application was determined by the Sydney Central City Planning Panel. Approved 19 July 2022
DA/716/2020/A	Section 4.55(2) modification to DA/716/2020 seeking to construct an additional basement level, reduce the overall number of floors from 26 to 25, and to amend the internal layout on each floor to accommodate the revised structural grid, building core and services requirements. The modification application was determined by the Sydney Central City Planning Panel. Approved 21 November 2024
DA/716/2020/B	Section 4.55(1A) modification to DA/716/2020 seeking removal of the basement level, internal layout changes including removal of staircase connecting the basement with ground floor level, addition of storage areas, bicycle parking, reduction in parking spaces from 69 spaces to 63 along with changes to conditions of consent 1 and 115 in relation to parking space requirements. Approved 4 February 2025
DA/716/2020/C	Section 4.55(1) modification to DA/716/2020 for approved lot consolidation, demolition and construction of a 26-storey mixed-use development comprising 2 retail tenancies on the ground floor, 3 levels of podium car parking comprising 76 car spaces and 108 residential units above. The application was determined by the Sydney Central City Planning Panel. The modification amended Condition No. 22 relating to contributions fees. Approved 20 March 2025
DA/716/2020/D	Section 4.55(1A) modification to DA/716/2020 for lot consolidation, demolition and construction of a 26 storey mixed-use development comprising 2 retail tenancies on the ground floor, 3 levels of podium car parking and residential units above. The modification included changes to the landscaping to accommodate a substation relocation. Approved 12 November 2025
DA/685/2024	Alterations and additions to an approved 26 storey, 108 apartment development to facilitate the delivery of an additional 5 storeys, with 2 additional residential apartments and 84 additional co-living apartments, with the proposal utilising the 30% FSR and height bonus under the infill affordable housing provisions of the Housing SEPP. The application was determined by the Sydney Central City Planning Panel. Approved 18 September 2025
DA/685/2024/A	Section 4.55(2) modification to approved alterations and additions to an approved mixed-use building. The modifications include increasing the number of co-living rooms from 84 to 128 and reducing the number of residential units from 110 to 92. Approved 30 March 2026

THE PROPOSAL

The modification seeks to amend the plans to increase the overall building height of the development by 2 storeys.

Specifically, the proposed amendments comprise:

- 2 additional storeys. The floor plate of the additional storeys will mirror approved levels 24-28. As a result, the approved floor plate of Level 29 is now Level 31 and Level 30 is now Level 32.
- Increase in the number of co-living rooms from 128 to 131 (+3) rooms with communal living space located on level 4 being converted to this occupancy.
- Increase in residential units from 92 to 102 (+10) with an updated unit mix as follows:

Bedroom	Approved Modification (/A)	This Modification (/B)
1 Bedroom	24 (26%)	24 (23.5%)
2 Bedroom	58 (63%)	66 (64.7%)
3 Bedroom	10 (11%)	12 (11.8%)

- Increase the number of affordable units from 24 to 27, and redistribution of affordable units across levels 13-19. 2,034m² or 16%¹ of the total GFA has been allocated as affordable housing. The affordable housing distribution is shown below:

Level	Approved Modification (/A)	This Modification (/B)
13	4 units	4 units
14	4 units	4 units
15	4 units	4 units
16	4 units	4 units
17	4 units	4 units
18	4 units	4 units
19	No units	3 units
TOTAL	24 units	27 units

The proposal changes the mix of affordable housing to 14 x 1 bedroom units and 13 x 2 bedroom units.

Two of these units would be provided as affordable in perpetuity as opposed to the standard 15 years.

- Conversion of a void area on the ground floor to accommodate 10 x bicycle parking racks.
- Increase the communal living space on Level 32 by converting an area previously approved as hot water plantroom.
- Amend the lift lobby layout for rooftop communal open space and increase the extent of the covered area on the roof.
- Relocate the hot water plant room to Level 33 as well as amendment to the perimeter steel structure and addition of louvres on the south-western elevation.
- Minor amendments to various conditions (95, 97, 103 and 137) to correct errors and ensure relevance to the development as proposed to be revised

Amended Plans provided during the assessment of the approval:

13 May 2026

The initial modified proposal did not seek additional co-living rooms and proposed to have 103 residential units, however, the applicant submitted amended documents that included the additional 3 co-living units, which have been described above. The amended documents also deleted an additional residential unit on Level 32 to replace it with additional communal living areas.

17 June 2026

The initial modified proposal did not include any additional affordable housing. Following a request from Council officers to increase the quantum of affordable housing GFA, the applicant provided a revised distribution of affordable housing which resulted in an increase of 3 affordable units on level 19 (total 27 affordable units).

13 July 2026

Following further negotiations for an increased quantum of affordable housing, the applicant offered to provide 2 of the additional 3 units as affordable in perpetuity in lieu of the temporary 15 year timeframe.

Have the works been completed?

No

Has the consent lapsed?

No, whilst work on the base building has commenced it is uncertain if the current 'amending' consent has been activated yet.

Lapsing date of consent:

22 September 2030

ASSESSMENT UNDER SECTION 4.55

SECTION 4.55(2)

(a) it is satisfied that the development to which the consent as modified relates is the same or substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and

The consent, as modified, retains a development that is substantially the same as the original approval. See further assessment below.

¹ The applicant has included a proportion of the common areas at ground level, level 4 and level 32 in their calculation of affordable housing percentage, which is considered to be contentious. This would be resolved subject to the proposed affordable housing condition below.

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

(c) it has notified the application in accordance with:

(i) the regulations, if the regulations so require, or
(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 modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

SECTION 4.55(3)

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

The modified proposal does not seek amendments to any conditions imposed as a requirement of concurrence.

The modification was notified between 26 March and 21 April 2026 in accordance with the notification procedures prescribed in Council's Community Engagement Strategy.

No submissions were received in relation to this modified proposal.

An assessment against the relevant matters contained within s4.15 are addressed further in this report. In addition, as the original application was determined by the Regional panel, the modified proposal must be considered against the reasons for approval given by the Panel. The Panel determination specifies that the reasons for approval are the same as the reasons outlined in the Council Assessment Report.

Please see discussion below.

Reason for Approval	Comment
The proposed building generally retains the design competition winning architectural expression, materials and development quality as approved under DA/716/2020. The development has been subject to review by Council's Design Advisory Panel (DAP) and is considered to be consistent with the Design Excellence provisions of Parramatta Local Environmental Plan 2023.	The modification will increase the height of the development by 2 additional storeys but will not alter the general presentation of the development as approved. As the additional storeys will generally retain the external appearance of the building, it was decided that the modification did not require reassessment by the DAP. All works have been reviewed by Council's Design Excellence team who accepts the Design Verification Statement provided by Studio.SC that confirms the modified proposal is still consistent with the design excellence provisions of PLEP2023.
The development will provide a range of housing stock close to the Granville Town Centre and transport node and will retain the ground floor retail presentation to East Street.	The modified proposal continues to provide a range of housing stock, albeit a different mix, incorporating an increased number of co-living housing units and residential units. The ground floor retail has also been retained.
The site constraints include the proximity to the rail corridor to the south, and the applicant has demonstrated that the design adequately accounts for and addresses these risks.	The modified proposal does not alter the approved building interface to the rail corridor to the south.
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. Accordingly, consent is recommended subject to conditions.	The modified proposal has also been assessed against the provisions of Section 4.15 (see below).

ASSESSMENT OF WHETHER THE PROPOSAL IS SUBSTANTIALLY THE SAME

In considering whether the development is substantially the same, the applicant bears the onus of satisfying the consent authority that the modified development is substantially the same as the original development (*Vacik Pty Ltd v Penrith City Council*, unreported, 24 February 1992). In this judgement, Stein J states that it is not appropriate to simply say that the nature of the development, in this case the use of the site as a residential flat building, 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. These comments are reiterated in *Trinvass Pty Ltd v The Council of the City of Sydney* [2018] NSWLEC 77.

Bignold J in his decision in *Moto Projects No 2 Pty Limited v North Sydney Council* [1999] 106 LGERA 298, states that:

“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:

Quantitative Assessment

- Increase the provision of additional levels to the development from 5 to 7.
- Increase in building height from 104.4m to 111.3m.
- Increase in overall GFA from 11,672m² to 12,712m²
- Increase in the number of co-living rooms from 128 to 131
- Increase maximum number of potential co-living occupants from 256 to 262
- Increase in the number of residential units from 92 to 102
- Increase in the number of affordable units from 24 to 27 (2 of which are in perpetuity)
- Increase in the number of bicycle racks from 39 to 49
- Decrease total communal open space from 715m² to 710m²
- Increase total communal living areas from 280m² to 300m²

Qualitative Assessment

- Reconfiguration of communal living areas and open space to accommodate the additional co-living units on level 4.
- Relocation of hot water service room to Level 33, including new louvres on the south-west elevation.

The *Realize Architecture* judgement above relied on evaluating the impact of each extent of change in the modification. This exercise has been undertaken in the table below:

	Extent of change	Evaluation	Significance for 4.55 ‘test’	Impacts
Height				
Additional storeys proposed	Was 5 storeys Now 7 storeys 40% increase	• Will increase visual bulk of building. • Will increase overshadowing impacts. • Will increase wind impacts. • Will increase glare impacts (from additional glazing)	HIGH	• The approval resulted in bulk that was inconsistent with the emerging built form character of locality permissible under current LEP height controls. The proposal will increase that inconsistency.
Max Height (m)	Was 104.4m Now 111.3m 7% increase			• There will be some additional overshadowing, wind and glare impacts.

Density				
FSR	Was 7.8:1 Now 8.5:1 9% increase	• Will increase traffic. • Will increase demand on infrastructure (parks, community centres, etc) • Will assist in achievement of housing targets. • Will assist in provision of affordable housing.	HIGH	• The proposal does not include additional car parking. Notwithstanding, the additional residents will generate increased traffic trips (higher usage of existing spaces, and additional car share and ride share demand). However, this additional traffic impact will be minor relative to the existing approval. • The proposal will result in an increase in demand for services. • Council is already meeting its housing targets and as such this has no impact. • The proposal will result in a negligible increase in affordable housing.
Apartment yield	Was 92 units Now 102 units +10 units or 11% increase			
Co-living yield	Was 128 rooms Now 131 rooms +3 rooms or 2% increase			
Bicycle Racks	Was 39 racks Now 49 racks +10 or 25.6% increase	• Provides alternate travel options for occupants	LOW	NEGLIGIBLE
Communal Open Space	Was 715m ² Now 710m ² -5m ² or 0.7% decrease	• Is a function of increased co-living yield • Already oversupply of COS in approved development	LOW	NEGLIGIBLE
Communal Living Area	Was 280m ² Now 300m ² +20m ² or 7.1% increase	• Is a function of increased co-living yield • Communal living area updated in level 33.	LOW	NEGLIGIBLE

Conclusion

Based on a holistic consideration of the above differences, the modified development is still considered to be substantially the same as the original approved amending development application for the following reasons:

- It will not alter the additions overall function as part of a mixed-use building. It changes the ratio in which the uses are distributed through the building but does not introduce any new uses.
- The increase in height, and associated bulk from additional floors, will not make the modified building significantly more conspicuous given the setting and context of the site.
- The additional levels will retain consistent floorplates.
- The additional environmental impacts are commensurate with the existing impacts.

ASSESSMENT UNDER SECTION 4.15

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land

The modified proposal does not alter the original assessment undertaken against the relevant provisions of the State and Environmental Planning Policy (Resilience and Hazards) 2021 in the original Development Application.

State Environmental Planning Policy (Housing) 2021 – Chapter 2 Affordable Housing – Part 2 Division 1 Infill Affordable Housing

Clause	Approved Development	Modified Proposal
Clause 15C(1)	The land is zoned MU1 Mixed Use where co-living housing, residential flat buildings and shop top housing are all permitted with consent. The approved development provides 1,752m² (15% of total GFA) as affordable housing. The subject site is within an accessible area. As such, the division applies.	The zoning and proposed uses of the development remain unchanged. The proposal has increased the quantum of affordable housing to provide 2,034m², about 16% of total GFA. However, it is noted that the way in which the applicant has calculated affordable housing GFA includes common areas that it is not clear can be included. The subject site remains in an accessible area. As such, the division applies.
16 (Mapped FSR is 6:1) (Mapped Height is 82m)	The approved development provides 1,752m² (15% of total GFA) as affordable housing in order to utilise the maximum 30% additional height and FSR 'bonus' provisions. The resultant GFA of 11,672m² equates to a FSR of 7.8:1 which complies when all bonuses are calculated. The maximum height permitted is therefore 106.6m and the amending DA approved a maximum building height of 104.4m.	Does not comply The proposal includes 2,034m² (16% of total GFA) as affordable housing. The proposed total GFA of 12,712m² equates to a FSR of 8.5:1 which exceeds the maximum FSR allowable even when bonuses are applied. The maximum building height permitted is 106.6m and this modification seeks to increase the maximum building height to 111.3m and exceeds the maximum building height allowable even when bonuses are applied. Please refer to LEP variation discussion below for more detail.
Clause 19 – Non-discretionary Development Standards		
19(2) The following are non-discretionary development standards in relation to the residential development to which this division applies -		
19(2)(a)	The subject site has an area of 1,496.4m ² .	Complies (Unchanged)
19(2)(b)	The amending DA did not seek to change the quantum of approved landscaped area. The current consent approves 420m ² of landscaped area, equating to 28% of site area.	Does not comply (Unchanged) Negligible change in the area of landscaping proposed.
19(2)(c)	The amending DA did not seek to change the quantum of approved deep soil zone. The current consent does not have any deep soil zone approved.	Does not comply (Unchanged) No change in the area of deep soil zone proposed.
19(2)(d)	84 out of 92 apartments (91%) receive 2 hours to balcony and internal living area between 9am and 3pm.	Complies 91 out of 102 apartments (89%) receive 2 hours to balcony and internal living area between 9am and 3pm.
19(2)(g)	Unit sizes satisfy the minimum requirements as specified in the ADG.	Complies (Unchanged) The additional storeys replicate approved floor plates.

Clause 20 – Design Requirements		
20(3)	The amending DA generally retained the approved presentation of the building to the street, which is consistent with the evolving high-density character of the area.	Complies. The additional storeys will further add to the inconsistency of the tower with the surrounding area, but it is minor relative to that which is already approved.
Clause 21 – Must be used for affordable housing for at least 15 years		
21(1)	The applicant submitted a letter from a registered housing provider outlining that they will be managing the 24 affordable housing units. A condition of consent was included to ensure this clause is satisfied.	The conditions will need to be updated to account for the additional affordable housing units proposed (and the further affordable housing units recommended below).
Clause 22 Subdivision permitted with consent	This amending DA does not seek any stratum subdivision or strata subdivision. Further stratum and strata subdivision will form part of a future DA and/or make use of Exempt and Complying SEPP provisions.	Unchanged.

State Environmental Planning Policy (Housing) 2021 – Chapter 3 Diverse Housing – Part 3 Co-living Housing

Clause	Approved Development	Modified Proposal
Clause 68 – Non-discretionary development standards – The Act, s4.15		
68(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of co-living housing that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.		
68(2)(a)	The amending DA did not seek to benefit from this ‘bonus’.	Unchanged.
68(2)(c)	Required = 274m ² Proposed = 280m ² split between Level 4 and the rooftop (all >3m min. dim.).	Yes. Required = 280m ² Proposed = 300m ² split between Level 4 and the rooftop (all >3m min. dim.).
68(2)(d)	Required = 299.22m ² Proposed = 715m ² split between Level 4 and the rooftop (all >3m min. dim.).	Yes. Required = 299.22m ² Proposed = 710m ² split between Level 4 and the rooftop (all >3m min. dim.).
68(2)(e)	There is no parking assigned to the co-living units and therefore does not comply with the non-discretionary development standard. However, the variation is considered to be acceptable on merit as the site is within close proximity to public transport options and the site is assigned maximum parking rates under the PDGP2023 to limit car movements in the locality.	Does not comply (Unchanged)
Clause 69 – Standards for co-living housing		
69(1) Development consent must not be granted for development for the purposes of co-living housing unless the consent authority is satisfied that —		
69(1)(a)	All rooms are compliant with the minimum and maximum requirements.	Complies. The additional co-living housing units replicate the approved layouts.
69(1)(b)	The subject site has an area of 1,496.4m ²	Complies.
69(1)(d)	The manager’s office has been moved to the ground level lobby.	Complies.
69(1)(e)	Ground floor uses fronting East Street will be restricted to the approved retail tenancies.	Complies.

69(1)(f)	Each room is self-contained with kitchen, bathroom and laundry facilities.	Complies.
69(1)(g)	Each room will contain a maximum of 2 occupants. This will be enforced by way of a condition of consent.	Complies. Existing co-living max occupancy condition to be updated to account for 3 additional rooms.
69(1)(h)	The proposal would decrease the overall quantum of bicycle racks, but still comply with the maximum rate prescribed in PDCP2023. Although compliant, the removal of the bicycle racks is considered to be detrimental to the amenity of the future co-living occupants as they are not assigned any car parking and will have limited storage space. Accordingly, a condition of consent has been imposed to require converting the void space next to the lifts on the ground floor to accommodate 14 additional bicycle storage spaces (applicant supports this condition).	Yes. The modified proposal has shown that only 10 additional bicycle storage racks fit inside the aforementioned void space. This is considered to be acceptable as the required rate is a maximum. As the bicycle racks are shown on the plans, Condition 21A can be deleted as part of this mod.
69(2) Development consent must not be granted for development for the purposes of co-living housing unless the consent authority considers whether—		
69(2)(b)	Other than a minor non-compliance at Level 9, the co-living levels will comply with the separation requirements. The co-living development will be within the envelope of the approved building and will not alter the approved building separations and thus is considered to be acceptable.	Unchanged.
69(2)(c)	The rooftop internal communal living area is located on the western side of the building and will receive adequate solar access during the afternoon period.	Unchanged.
69(2)(f)	The design maintains the competition winning design of the base development, which is consistent with the emerging high-density character of the area. This amending DA has been considered by DAP to ensure that design excellence is maintained.	Yes. The relocated plant room on Level 33 will have new louvres on the south-western elevation which will have negligible impact to the design excellence of the building.
Clause 70 No Subdivision	No subdivision proposed.	Unchanged.

State Environmental Planning Policy (Housing) 2021 – Chapter 4 Design of Residential Apartment Development

Chapter 4 of the SEPP was assessed during the assessment of the parent DA. The modified proposal required reassessment of some of the items within the ADG and has been found to maintain consistency with the design principles of the SEPP. The relevant provisions have been discussed below:

Standard	Approved	Modified Proposal	Compliance
Part 3			
3B-2: Overshadowing	The amended development had an increased bulk and scale, however, it was not anticipated to create unacceptable overshadowing impacts given the rail corridor and car parks to the south. The additional building height will extend the shadow of the building onto some residential properties onto Enid Ave to the south, however due to the distance and slender profile of the building the shadow will not stay in the same place for long	The modified proposal increases the extent of additional levels from 5-7 and in turn will slightly increase the extent of overshadowing. As shown on the shadow diagrams, the shadow of the building will continue to overshadow the residential properties on Enid Avenue, and also slightly overshadow the public Granville Memorial Park. These properties and the Park will	Acceptable, given the offsetting public benefit of additional market and additional affordable housing required by condition (see below).

Standard	Approved	Modified Proposal	Compliance
	periods of time. Accordingly, the properties on Enid Ave will still retain acceptable levels of solar access.	still retain acceptable levels of solar access. The playground in the park will lose about 30 minutes of solar access at mid-winter.	
3D: Communal & Public Open Space	48% (715m ²) of residential communal open space is provided on Level 4 and the rooftop.	47.4% (710m ²) of residential communal open space is provided on Level 4 and the rooftop.	Yes
	The rooftop open space was reduced to 291m ² further reducing the solar access to 40%. However, the justification for the reduction is still deemed to be relevant given the rooftop open space is the primary communal area for the building and will receive uninterrupted sunlight during mid-winter.	The rooftop open space has been increased to 300m ² increasing the solar access to (42%). However, this still falls short of the required 50%. The justification for the reduction previously utilised in the amending DA and mod is still deemed to be relevant given the rooftop open space is the primary communal area for the building and will receive uninterrupted sunlight during mid-winter.	No, but acceptable.
Part 4			
4A: Daylight / Solar Access	84 out of 92 apartments (91%) receive 2 hours to balcony and internal living area between 9am and 3pm.	91 out of 102 apartments (89%) receive 2 hours to balcony and internal living area between 9am and 3pm.	Yes
	8 out of 92 apartments (8.6%) receive no solar access	8 out of 102 apartments (7.8%) receive no solar access	Yes
4D: Apartment size and layouts	1b-min 50m ² 2b-min 75m ² 3b-min 95m ²	Unchanged.	Yes
4E: Private open space & balconies	The overall width of the balconies on the northern elevation are slightly under the minimum 2m requirement but still provide the required 10m ² and considered to be acceptable.	Unchanged.	No, but acceptable.
4G: Storage	Storage has been decreased to reflect the reduction of residential units. A condition of consent has been imposed to ensure the adequate quantum of storage is provided.	Storage provided within the apartments and within the parking levels.	Yes. Existing condition requires compliance for new units.
4H: Acoustic Privacy	The driveway was widened to 9.2m and the access stairs were removed. Regardless, the driveway remains 3m away from the nearest bedroom and still complies with the design guideline.	Unchanged.	Yes
4M: Facades	Some small changes to accommodate revised use mix, but consistent with approval.	Apart from the additional levels which will replicate existing approved levels, the only other change will be additional louvres on the south-western elevation to service the plant room on Level 33.	Yes
4Q: Universal Design	The development achieved 20% of the total apartments incorporating the Liveable Housing Guideline's silver level universal design features.	Unchanged. 24 of 102 units continue to achieve the Liveable Housing Guideline's silver level universal design features.	Yes. The existing condition continues to be appropriate.
4U: Energy Efficiency	The BASIX Certificate continued to demonstrate the development	The modified proposal was accompanied by an updated BASIX	Yes. BASIX condition to be updated

Standard	Approved	Modified Proposal	Compliance
	meets the pass mark for energy efficiency.	Certificate that was reviewed by Council's ESD Consultants. It was found that the updated BASIX certificate continues to demonstrate compliance with the energy efficiency marks.	accordingly.

Parramatta Local Environmental Plan 2023 (PLEP 2023)

The relevant provisions of the PLEP 2023 have been considered in the assessment of the modification application and are outlined below.

2.3 Permissibility & Zone Objectives

The proposal does not introduce any new uses; the existing approved uses include retail, co-living housing and residential flat building remain permissible.

The proposal would continue to achieve the zone objectives.

4.3 Height of Buildings

The mapped height limit at the site is 82m. The height limit with the Housing SEPP 'bonus' is 106.6m.

The modified proposal would increase the building height from 104.4m up to 111.3m.

The proposal would constitute a total variation of 35.7% relative to the mapped control and 4.4% relative to the Housing SEPP bonus.

The objectives of the height standard are as follows:

- (a) to provide appropriate height transitions between buildings,*
- (b) to ensure the height of buildings is compatible with the height of existing and desired future development in the surrounding area,*
- (c) to require the height of future buildings to be appropriate in relation to heritage sites and their settings,*
- (d) to reinforce and respect the existing character and scale of low density residential areas,*
- (e) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- (f) to preserve historic views,*
- (g) to maintain satisfactory sky exposure and daylight to—*
 - (i) existing buildings in commercial centres, and*
 - (ii) the sides and rear of tower forms, and*
 - (iii) key areas of the public domain, including parks, streets and lanes.*

The approved amending DA significantly stretched the building's achievement of several objectives, notable (a), (b), (e) and (g). The proposed modification puts further strain on achievement of these objectives.

Please refer to discussion below.

4.4 Floor Space Ratio

The mapped FSR limit at the site is 6:1. The FSR limit with the Housing SEPP 'bonus' is 7.8:1.

The modified proposal will increase the gross floor area from 11,672m² (7.8:1) to 12,712m² (8.5:1).

The proposal would constitute a total variation of 42% relative to the mapped control and 9 % relative to the Housing SEPP bonus.

The objectives of the FSR standard are as follows:

- (a) to ensure buildings are compatible with the bulk, scale and character of existing and desired future development in the surrounding area,*
- (b) to regulate density of development and generation of vehicular and pedestrian traffic,*
- (c) to provide a transition in built form and land use intensity,*

- (d) to require the bulk and scale of future buildings to be appropriate in relation to heritage sites and their settings,*
- (e) to reinforce and respect the existing character and scale of low density residential areas.*

The approved amending DA significantly stretched the building's achievement of several objectives, notable (a), (b) and (c). The proposed modification puts further strain on achievement of these objectives.

Please refer to discussion below.

Discussion regarding non-compliance with Clause 4.3 and Clause 4.4

As this is a modification application, Clause 4.6 is not applicable. The merit in varying Clause 4.3 and 4.4 is discussed below.

The Housing SEPP established that there is a public benefit to allowing additional floor space and building height above mapped standards subject to a commensurate provision of affordable housing.

Clause 16 of the Housing SEPP provides for a maximum 30% 'bonus' to GFA and building height (relative to mapped controls) where affordable housing is provided at the maximum rate of 15% for a period of 15 years. Presumably the State Government, in setting these controls, came to the view that this proportionality balanced the public benefits of affordable housing with the public impacts of additional building height and FSR. This modified proposal seeks additional floor space and building height on top of the maximum bonuses already approved so does not comply. The variation will require a merit assessment and need to demonstrate a clear public benefit.

In Council's view, where a proposal seeks to exceed the incentive framework established by this Clause, it would be reasonable for the affordable housing contribution to increase commensurately with the additional development yield sought. This appears to be the most appropriate basis upon which any additional variation could be justified as being in the public interest since the increased density will result in increased public impacts such as bulk, glare, overshadowing, wind and traffic generation and the strain on achievement of the development standard objectives outlined above.

In that regard, two options were presented to the applicant:

- **Option 1:** The total GFA sought in this modified proposal represents a variation of 42% of additional floor space when compared to the maximum GFA permitted under PLEP23. To follow the principle outlined in subclause 16(2) of the Housing SEPP – that a bonus percentage twice the affordable housing percentage is appropriate – a commensurate amount of affordable housing would therefore be 21% of total GFA. This equates to 12 additional affordable dwellings (i.e. 6 one-bedroom units and 6 two-bedroom units) on top of the 24 already approved (for 15 years).
- **Option 2:** Alternatively, if the lifespan of the building is conservatively projected to be approximately 45 years, a commensurate affordable housing contribution would be securing less units, but have them provided as affordable in perpetuity. In this case it was suggested that 4 additional units (2 one-bedroom and 2 two-bedroom units) be allocated as affordable in perpetuity, on top of the 24 already approved (for 15 years).

In both options above, the total additional number of 'affordable housing unit years' would be 180².

The applicant's current offer, of 1 unit for 15 years and 2 units for 45 years, would be equivalent to only 105 'affordable housing unit years' and as such is not considered to be commensurate with the proportionality established in the Housing SEPP.

Council considers that either of the above options would be necessary (subject to no specific unreasonable amenity impacts, assessed elsewhere in this report) to demonstrate a net public benefit.

Council also acknowledges that the subject site is in an area with good public transport access, as some of the additional late afternoon overshadowing impacts just a road and the train line corridor.

Accordingly, a condition of consent has been imposed to secure the commensurate additional affordable housing outlined above.

6.13 Design Excellence

The base DA was subject to a Design Competition, and the amending DA was referred to Council's Design Advisory Panel in lieu of a further design competition. In both cases it was determined that the development exhibited design excellence.

² Option 1: 12 units x 15 years or Option 2: 4 units x 45 years

This modified proposal will not have significant impact on the external design of the building as the additional levels will replicate the approved floor plate. It has been referred to Council's Design Excellence team who raised no objections. In that regard, this clause is considered to be satisfied.

Parramatta Development Control Plan 2023 (PDCP 2023)

The relevant objectives and requirements of the PDCP 2023 have been considered in the assessment of the modification application and are outlined below.

3.1 Housing Diversity and Choice

The modified proposal will have the following dwelling mix:

- 1 bedroom - 24 (23.5%) proposed (required 10-20%)
- 2 bedroom - 66 (64.7%) proposed (required 60-75%)
- 3 bedroom - 12 (11.8%) proposed (required 10-20%)

Whilst reducing the extent, the modified proposal will still have a minor non-compliance with the 10-20% requirement for 1 bedroom units but is considered to be acceptable as the additional co-living units means the overall development has a whole continues to sufficiently provide a diverse mix of housing and affordable housing.

The DCP requires 15% of dwellings be adaptable. The consent already requires 17 dwellings be adaptable, which is more than 15% of the total dwellings now proposed. As such, the existing condition is sufficient for compliance.

5.4.1 Energy Efficiency

As discussed, the modified proposal provided updated BASIX certificates and NatHERS documentation. The updated documents were referred to an external ESD consultant who acknowledged that the modified proposal is considered to continue to comply with the requirements prescribed under this section of the DCP.

5.4.4 Solar Light Reflectivity (Glare)

The proposal will result in a slight increase in glare. The existing condition requiring glare be sufficiently minimised to the rail line (and train drivers) is considered to be sufficient.

5.4.7 Wind Mitigation

While the applicant did not submit an updated wind report, the proposal was referred to Council's external wind expert who was of the view that the proposal was not likely to have a significant impact on pedestrian wind conditions. Notwithstanding, there will be a reduction in wind comfort at ground level. Subject to the offsetting public benefit of additional affordable housing (subject to condition) the impact is considered to be acceptable.

5.4.8 Waste Management

The existing waste management facilities on site are considered to be sufficient to accommodate the increased waste generated by the additional proposed occupancy. The applicant has submitted an updated Waste Management Plan which will be incorporated into the consent notice.

6.2 Parking and Vehicular Access

The proposal does not include any additional parking. Notwithstanding, the increase in dwellings and residents is likely to increase trip generation at the site. The increase is considered to be minor and subject to the offsetting public benefit of additional affordable housing (subject to condition) is considered to be acceptable.

6.3 Bicycle Parking

Bicycle parking is recommended to be provided at 1 rack per 2 dwellings. Accordingly, 51 racks are required.

The modified proposal will fill in an area previously used as just a void and provide an additional 10 bicycle racks, totalling 49. Whilst there will be a shortfall of 2 racks, the non-compliance is considered to be minor and acceptable given the proximity of the site to major public transport hubs.

8.5.4 – 38-42 East Street Granville

The modified proposal continues to maintain the desired future character of the subject site and generally maintains the approved built form and massing of the development.

Likely Impacts of the Development

The modified proposal seeks to deliver an additional 2 storeys on top of the additional 5 storeys already approved. There will inevitably be impacts including the following

- Additional visual bulk,
- Increased overshadowing,
- Increased traffic generation,
- Increased glare,
- Increased wind downdraft, and
- Increased demand on local infrastructure.

A merit assessment has been undertaken and found that the increased impacts are relatively minor and acceptable due to the nature of the modification. The proposed increase in housing supply, and in particular affordable housing (subject to condition), is considered to be a sufficient public benefit to offset the minor impacts as a result of the modified proposal.

Summary

For the reasons outlined in this report, it is considered that the modified proposal will have acceptable environmental impacts subject to conditions of consent.

The Suitability of the Site

The suitability of the site for the development was addressed in the original application. The modified proposal will not change that assessment.

In particular, it was established that the subject site is a desirable location to increase density as the housing and affordable housing will be close to a major public transport hub. Additionally, the nature of the site means that the increased bulk of the building will have acceptable overshadowing impacts to the properties to the south.

The Public Interest

The modified proposal has been assessed by internal Council stakeholders. Appropriate revised conditions are recommended to reflect the increased density. With the imposition of these conditions of consent, the modified proposal is not considered to create additional unacceptable amenity impacts to the surrounding locality and whilst increasing both affordable housing and market housing stock.

Accordingly, the modification has shown to provide acceptable amounts of public benefit.

INTERNAL REFERRALS	
Traffic	Supported.
Design Excellence	Supported.
Landscaping	Supported.
Contributions	Supported.
EXTERNAL REFERRALS	
Endeavour Energy	Supported.
TfNSW	Supported.
Sydney Water	Supported.
ESD	Supported.
Wind	Supported.
Quantity Surveyor	Supported.

PUBLIC CONSULTATION

The modification application was notified in accordance with Council's Community Engagement Strategy between 26 March and 21 April 2026. In response, no submissions were received.

CONCILIATION CONFERENCE

Conciliation Conference – Not Required

DEVELOPMENT CONTRIBUTIONS / VPAs

As the applicant has already paid the existing Council Contribution condition and the Housing Productivity Contribution condition, new conditions have been added for the additional housing approved under the subject modification application. Credits for contributions have been provided in line with the applicant's affordable housing offer, and a note is added to the affordable housing and contributions conditions that the contribution amount will need to be updated subject to the affordable housing option the applicant chooses.

CONCLUSION

After consideration of the development against Sections 4.55 and 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the modified proposal *is* suitable for the site and *is* in the public interest. Therefore, it is recommended that the application be approved subject to the imposition of appropriate modified conditions.

RECOMMENDATION

Approval

That the Sydney Central City Planning Panel, as the consent authority, modify development consent DA/685/2024 for an amendment to a mixed-use development to implement the modifications outlined in this report, on land at Lot 1 DP 1009146, Lot 1 DP 195784 & Lot 1 DP 996285 (38-42 East Street) GRANVILLE as shown on the plans submitted with the modification of determination, for a period of five (5) years from the date on the **original** Notice of Determination subject to the modified conditions in the attached Appendix, for the following reasons:

1. The proposal will, subject to conditions, be consistent with the aims and objectives of the relevant Acts and planning instruments.
2. The proposal will, subject to conditions, be in the public interest.