

Sydney Central City Planning Panel
Section 4.55(2) Assessment Report
Environmental Planning & Assessment Act 1979

Summary	
Panel reference no.	PPSSCC-804
DA No:	DA/61/2018/C
Local Government Area (LGA):	City of Parramatta
Property:	48, 49, 53, and 54 Beecroft Road, Epping 52, 54, and 54R Rawson Street, Epping
Proposal:	Section 4.55(2) modification to approved 21 storey mixed use development, including revisions to podium design and layout, tower façade, unit mix, basement and car parking.
Date of receipt:	26 February 2026
Applicant:	DGS Epping Development Pty Ltd
Owner:	Linsland Pty Ltd & Epping Tower Pty Ltd
Property owned by a Council employee or Councillor:	No
Political donations/gifts disclosed:	None
Submissions received:	Five (5)
Unique objections received:	Five (5)
Recommendation:	Approval
Regional development criteria:	Original development application classified as regionally significant (>\$30 million EDC). Subject modification application meets criteria under <i>Instruction on Functions Exercisable by Council on Behalf of Sydney District or Regional Planning Panels—Applications to Modify Development Consents</i> as it represents a departure from development standards by more than 10% (FSR). Pursuant to s. 275 of the <i>Environmental Planning & Assessment Regulation 2021</i> , the application is required to be determined by the Sydney Central City Regional Planning Panel.
Relevant s. 4.15(1)(a) matters:	• <i>Environmental Planning & Assessment Act 1979</i> • <i>Environmental Planning & Assessment Regulation 2021</i> • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>

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	• <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> • <i>State Environmental Planning Policy (Housing) 2021</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>Parramatta Local Environmental Plan 2023</i> • <i>Parramatta Development Control Plan 2023</i> • <i>Apartment Design Guide</i>
Documents submitted with this report:	• Appendix 1 – Amended Conditions of Consent • Appendix 2 – Architectural Drawings, Landscape Drawings & Civil Drawings • Appendix 3 – Applicant Acceptance of Conditions • Appendix 4 – Consolidated Public Submissions
Summary of key submissions:	Overdevelopment, traffic and congestion, design quality, status of development consent, alignment with strategic planning for Epping.
Report prepared by:	Douglas Bennett, Senior Development Assessment Officer, City Significant Development Team
Report date:	21 August 2026

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1. Application History

The application was submitted through the NSW Planning Portal on 26 February 2026. Application fees were paid on 2 March 2026, and the application was legally lodged on the same day. The application was formally lodged on 3 March 2026 on the NSW Planning Portal.

The application was placed on public exhibition between 12 March and 2 April 2026. Five (5) public submissions were received during the exhibition period, all made by way of objection.

2. The Subject Site

2.1 Description and Conditions

Description and Conditions
The subject site is known as 48, 49, 53, and 54 Beecroft Road and 52, 54, and 54R Rawson Street, Epping. The current property description is Lot 100 DP1274400, Lot 2 DP 592094, Lot 1 DP 541808, Lot 1 DP 592094, Lot 2 DP541808, Lot 4 DP 541960, Lot A DP 325036 and Lot 3 DP 541960. The site has a primary street frontage to Beecroft Road and secondary street frontage to Rawson Street. The site is also bounded by lanes to the north and south. The subject site has an area of 2,156sqm and is irregular in shape. The site exhibits a cross-fall of approximately 3.45 metres from a high point of RL 95.65m in the south-eastern corner on Beecroft Road to a low point of RL 90.7m in the north-western corner on Rawson Street.
The site is improved by 6 commercial buildings of 1 and 2 storeys in height, including the Epping Walk retail arcade which also serves as a pedestrian through-site link on private land between Beecroft Road and Rawson Street.
The site is zoned E1 Local Centre under the <i>Parramatta Local Environmental Plan 2023</i> . The surrounding properties are also zoned E1 Local Centre and comprise similar commercial development. Beecroft Road and the adjoining Main Northern (railway) Line are zoned SP2 Infrastructure.

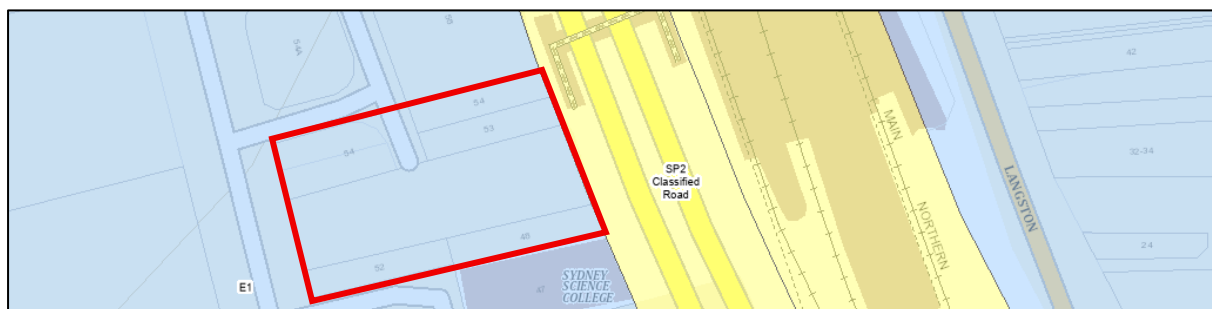


Figure 1: Zoning (Site outlined in red)

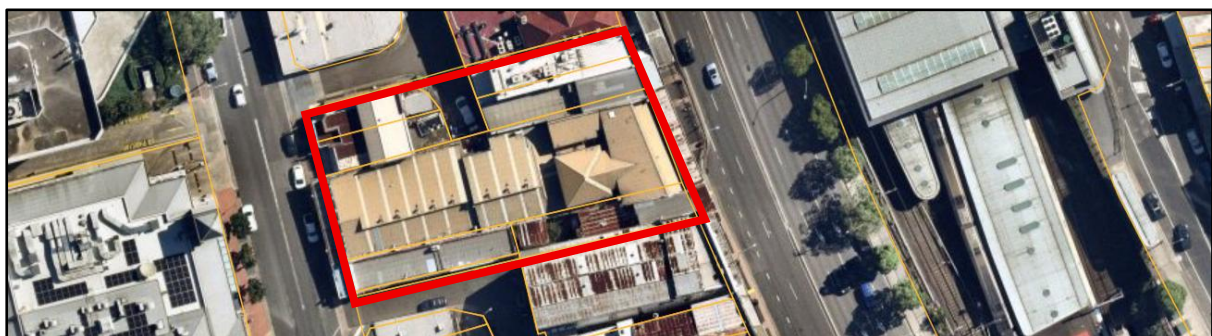


Figure 2: Nearmap Imagery (15 March 2026) (Site outlined in red)

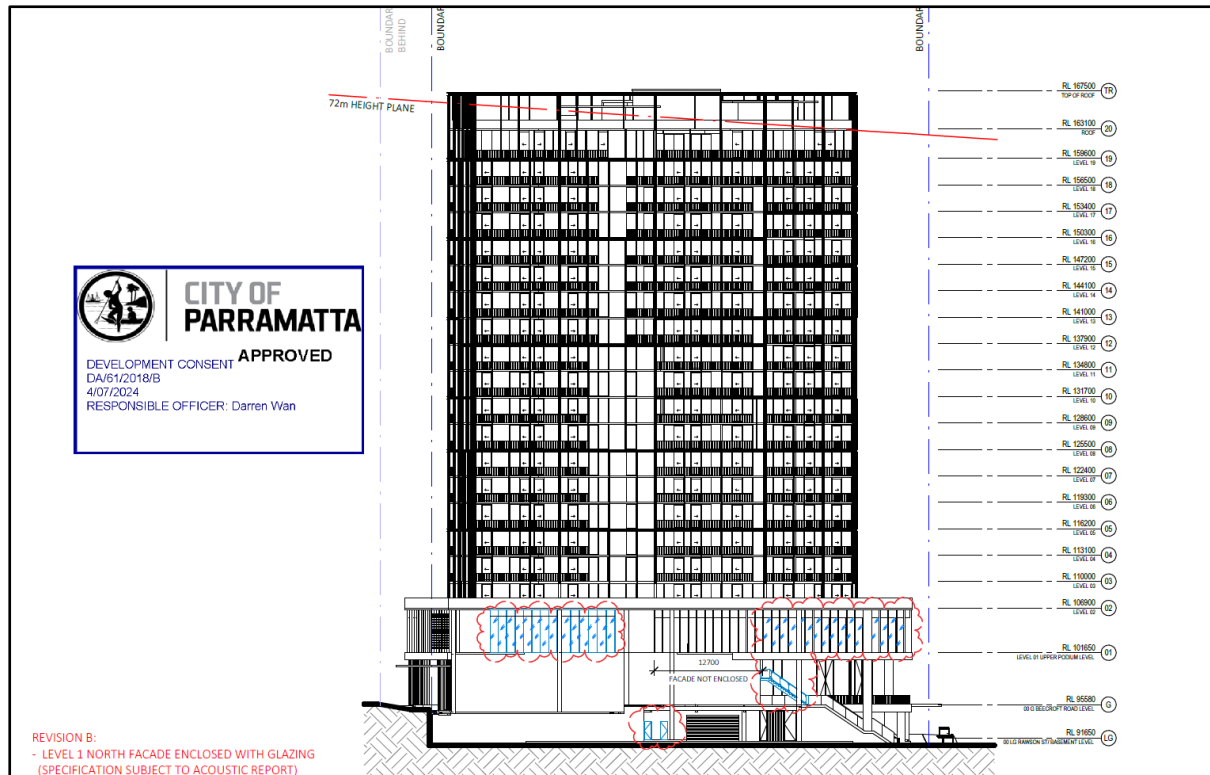


Figure 3: Approved Development (Northern Elevation) under DA/61/2018/B.

2.2 Site Planning History

Application No.	Comments
DA/61/2018	DA/61/2018 was approved by the Sydney Central City Planning Panel (SCCPP) for the construction of a 21 storey mixed use building comprising 2 – 3 storey podium containing 5 retail tenancies and 18 storeys of shop-top housing containing 130 apartments (46 x 1 bed, 70 x 2 bed and 14 x 3 bed) over 4 storeys of basement car parking; public through-site link; and demolition of existing buildings on 4 September 2019. The approved development included a variation to the height of buildings development standard of 6%.
DA/61/2018/A	Modification application DA/61/2018/B was approved by the Sydney Central City Planning Panel (SCCPP) on 13 May 2023 for the modification of the approved mixed-use development to incorporate Lot 100 DP 127440 and its accompanying floor space into a modified development. The modification resulted in a revised site area of 2,156m ² and a gross floor area of 12,903m ² or FSR of 5.99:1 which complied with the maximum FSR for the site of 6:1.
DA/61/2018/B	Modification application DA/61/2018/B was approved by City of Parramatta Council on 2 July 2024 for modifications to the approved development to incorporate additional commercial floor space on Level 1. A 9.86% variation to the floor space ratio development standard was approved.

3. The Proposal

Proposed Development

The application seeks consent for amendments to the approved design of the building, to institute the following changes:

- Increase in floor space from 14,211sqm (6.59:1) to 14,450sqm (6.7:1) representing a cumulative variation (across all modification applications) to the prescribed floor space ratio development standard (6:1) of 11.6%.
- Increase in overall building height from RL 167.5 to RL 168.3 metres, representing a 0.4% increase from the approved scheme and an overall exceedance of the 72m height limit by 7.15%.
- Provision of additional 11 residential parking spaces (total: 162 spaces).
- Reduction in dwellings from 123 to 122. Adjustment to unit mix includes:
 - 17 x one-bedroom units (+3 from approved (as modified)).
 - 65 x two-bedroom units (-16 from approved (as modified)).
 - 38 x three-bedroom units (+11 from approved (as modified)).
 - 2 x four-bedroom units (+1 from approved (as modified)).

The proposal incorporates a revised building core configuration applied consistently throughout the development. This includes changes to lift and stair arrangements, internal circulation and services, reflected across basement, podium and residential levels. Floor-to-floor heights are amended selectively across the building.

A breakdown of proposed changes to each floor level is summarised as follows.

Basement Levels

Basement levels are reconfigured, including partial deletion of Basement Level 4 and redistribution of parking, bicycle storage and services. One residential lift is deleted, a new fire stair is introduced, the commercial lift is relocated into the main building core, and end-of-trip facilities are relocated to the lower ground floor. These works result in a net increase of 11 residential parking spaces, with no reduction in commercial or retail parking. One accessible residential parking space is replaced by a standard residential space.

Lower Ground Level

The lower ground floor layout is amended to reflect the revised core and servicing arrangements. Two additional retail tenancies are introduced along the Rawson Street frontage, and services and waste rooms are relocated. The residential lobby is removed from this level.

Ground Level

The ground floor is reconfigured to accommodate the relocated residential lobby and revised internal circulation. Retail tenancies are rearranged and expanded, and a relocated and enlarged commercial lobby is introduced with access from Beecroft Road and the pedestrian laneway. A colonnade is proposed along the southern upper ground floor elevation.

Floor-to-floor height is reduced by approximately 900 mm, resulting in a proposed ground floor height of approximately 5.7 m.

Level 1 (Commercial)

Level 1 commercial floor space is reconfigured, including changes to tenancy layouts and circulation. Planter beds along the Level 1 façade are removed, with associated façade and

services amendments. Floor-to-floor height is reduced by approximately 250 mm, resulting in a proposed height of approximately 5.0 m.

Level 2

Level 2 residential layouts are amended, with minor adjustments to the floorplate envelope. The dwelling mix changes as follows:

- 4 × three-bedroom dwellings (+3)
- 1 × two-bedroom dwelling (−4)
- 1 × one-bedroom dwelling (+1)

Levels 3–9

Residential apartments are reconfigured across these levels, with minor floorplate and façade adjustments. Balcony AC units have been removed and relocated into a consolidated plant room on each level. The dwelling mix changes on these floors are as follows:

- 2 × three-bedroom dwellings (+2)
- 4 × two-bedroom dwellings (−2)
- 1 × one-bedroom dwelling (−1)

Floor-to-floor heights increase by approximately 50 mm, resulting in a proposed floor-to-floor height of approximately 3.15 m.

Levels 10–11

Balcony AC units have been removed and relocated into a consolidated plant room on each level. The dwelling mix changes on these floors are as follows:

- 2 × three-bedroom dwellings (+2)
- 4 × two-bedroom dwellings (−3)
- 1 × one-bedroom dwelling (+1)

Floor-to-floor heights increase by approximately 50 mm (consistent with Levels 3–18).

Levels 12–18

Balcony AC units have been removed and relocated into a consolidated plant room on each level. The dwelling mix changes on these floors are as follows:

- 2 × three-bedroom dwellings (−1)
- 4 × two-bedroom dwellings (+1)
- 1 × one-bedroom dwelling (+1)

Floor-to-floor heights increase by approximately 50 mm (consistent with Levels 3–18).

Level 19

Balcony AC units have been removed and relocated into a consolidated plant room on each level. The dwelling mix changes on these floors are as follows:

- 2 × four-bedroom dwellings (+1)
- 2 × three-bedroom dwellings (−1)

Floor-to-floor height remains generally consistent with approved residential levels.

Roof Level

The roof layout is reconfigured, including changes to communal open space, circulation and services. Communal open space increases to approximately 544.9 sqm.

The maximum building height increases from RL 167.5 m to RL 168.3 m, arising from an increase of approximately 800 mm to the lift overrun. No additional habitable storeys are proposed.

External Changes

External façade amendments are proposed at podium and tower levels to reflect internal reconfiguration and revised floor-to-floor heights. These include removal of Level 1 planter beds, modification of podium articulation, adjustment of façade grid elements, and relocation of louvres and services. No new storeys are introduced.

In addition to the proposed physical changes to the approved development, a number of conditions of consent are proposed to be modified, as summarised below. Proposed changes are presented in **bold** and **yellow highlight**, with deletions presented in ~~strikethrough~~.

Proposed Modification	Comment
<i>Approved Plans and Supporting Documentation</i> 1. [Approved Architectural, Civil, and Landscape Drawings & Reports/Documentation]	The proponent seeks to modify Condition 1 of DA/61/2018 (as amended) to substitute approved plans and documents with the amended plans and documents accompanying the application. This amendment would formally incorporate the proposed changes into the consent.
<i>Car Parking Allocation</i> 11. <i>Parking spaces are to be provided in accordance with the approved plans and with AS 2890.1, AS2890.2 and AS 2890.6.</i> <i>A total of 151 191 car parking spaces are to be provided and be located as follows:</i> <i>a. 96 107 spaces for the residential units including 14 13 spaces as accessible parking;</i> <i>b. 18 residential visitor parking spaces including 1 spaces as accessible parking and 3 spaces for electric vehicles;</i> <i>c. 27 spaces for retail including 2 spaces as accessible parking;</i> <i>d. 6 commercial/business spaces including 2 spaces as accessible parking; and</i> <i>e. 4 spaces for car share.</i> <i>Note that one of the residential spaces are to be allocated to residential visitors to comply with the DCP requirements. Details are to be illustrated on plans submitted with the construction certificate application.</i> <i>Reason: To comply with Council's parking requirements and Australian Standards.</i>	The proponent seeks to amend Condition 11 to institute the following changes: • Increase the total number of parking spaces from 151 to 191 (reflecting the maximum parking provision permitted under the Parramatta Development Control Plan 2023). It is noted that the amended basement plans only demonstrate the provision of 162 parking spaces, comprising 107 resident spaces, 18 visitor spaces, 27 retail spaces, 6 commercial spaces and 4 car-share spaces. The 191-space figure appears to have been derived from the applicant's calculation of maximum parking rates permissible under the DCP, including a maximum allocation of 43 retail spaces and 28 commercial spaces. By comparison, the amended plans only provide 27 retail spaces and 6 commercial spaces. Accordingly, the difference of 29 spaces represents the gap between the maximum parking provision theoretically permitted under the DCP and the actual parking

<i>Note: Amended as per DA/61/2018/B</i>	supply illustrated on the amended plans.; • Increase the provision of residential parking from 96 to 107 spaces and reducing the number of residential accessible parking spaces from 14 to 13; and, • Delete requirement for re-allocation of one residential parking space to a visitor space. No specific reason is provided for the proposed deletion of the requirement to re-allocate one residential parking space to a visitor space.
<i>Drawing Modifications</i> <i>51. Notwithstanding Condition 1, the following drawing modifications shall be submitted to the satisfaction of Council's Manager DTSU prior to the issue of the relevant Construction Certificate:</i> <i>a. The landings on the switch back ramp leading from the basement to the Rawson Street entry must provide a clear circulation width no less than 1540mm as shown in AS1428.1 Fig 25(C).</i> <i>b. Ensure step-free access to lift lobby apron at all basement levels.</i> <i>c. Details of the amenities block at Beecroft Road ground level shall be provided.</i> <i>d. Ensure the entries to the retail outlets are to provide compliant step free low level thresholds with any variation in heights taken up within the retail 25 spaces without distorting the footpath.</i> <i>Reason: To improve safety and accessibility for residents.</i> <i>Note: Amended by DA/61/2018/A</i>	The proponent seeks to amend Condition 51 to delete requirements relating to modification of approved plans. Specifically, the requirement for clear circulation on landings on the switch back ramp from Rawson Street is proposed to be deleted, as the amended plans accompanying the Application no longer propose such a ramp. In addition, the requirement for details on the amenities block at ground level is proposed to be deleted as the ground floor amenities block has been relocated to basement level 1 with sufficient details now shown.
<i>Car Parking Allocation</i> <i>92. Parking spaces are to be provided in accordance with the approved plans and with AS 2890.1, AS2890.2 and AS 2890.6.</i> <i>A total of 151 191 car parking spaces are to be provided and be located as follows:</i> <i>f. 96 107 spaces for the residential units including 14 13 spaces as accessible parking;</i> <i>g. 18 residential visitor parking spaces including 1 spaces as accessible parking and 3 spaces for electric vehicles;</i>	The proponent seeks to amend Condition 92 in line with Condition 11.

h. 27 spaces for retail including 2 spaces as accessible parking; i. 6 commercial/business spaces including 2 spaces as accessible parking; and j. 4 spaces for car share. Note that one of the residential spaces are to be allocated to residential visitors to comply with the DCP requirements. Details are to be illustrated on plans submitted with the construction certificate application. Reason: To comply with Council's parking requirements and Australian Standards. Note: Amended as per DA/61/2018/B	
Bicycle Parking 93. 155 149 bicycle spaces/racks are to be provided on-site and used accordingly. The bicycle storage/racks are to comply with AS 2890.3-2015. Details are to be illustrated on plans submitted with the construction certificate. Reason: To comply with Council's parking requirements. Note: Amended as per DA/61/2018/B	The proponent seeks to amend Condition 93 to reflect reduced bicycle parking requirements arising from proposed modifications to the approved design of the development.
Parking amendments 94. The bicycle parking and motorcycle parking spaces adjacent to the Cold Water Pump room on the lower ground floor plan shall be relocated within the basement. Details demonstrating compliance are to be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the relevant construction certificate. Reason: To provide compliant manoeuvring space for adjacent parking spaces.	The proponent seeks to delete Condition 94, as the bicycle parking and motorcycle parking spaces were moved under DA/61/2018/A. The retention of this condition in the consent is therefore superfluous.
Accessible car parking 97. At least 19 18 accessible car parking spaces must be provided as part of the total car parking requirements (at least 14 13 residential, 1 residential visitor, 2 commercial and 2 retail). These spaces, and access to these spaces, must comply with AS2890.6: 'Parking facilities', 'Off-street parking for people with disabilities', AS1428.1: 'Design for access and mobility', 'General requirements for access - New building work' 2001 and 2009, and AS1428.4: 'Design for	The proponent seeks to amend Condition 97 to reflect proposed changes to car parking provision within the development.

access and mobility', 'Tactile ground surface indicators for orientation of people with vision impairment', 'Means to assist the orientation of people with vision impairment - Tactile ground surface indicators' 1992 and 2009. Details are to accompany each application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation.

Note: Amended as per DA/61/2018/B

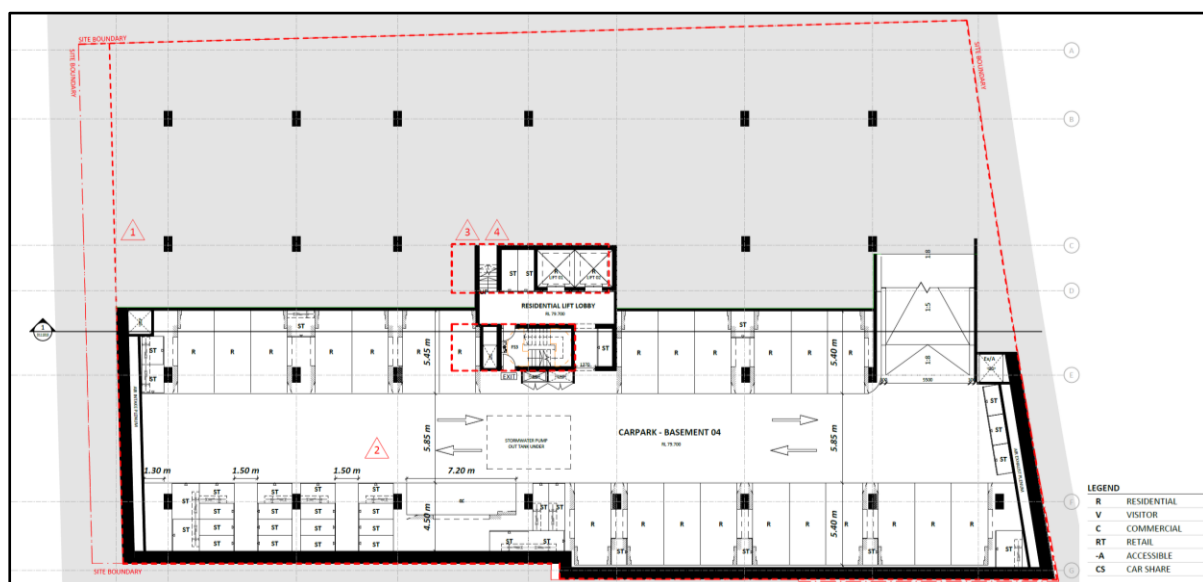
BASIX Compliance

178. Under Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all design measures identified in the BASIX Certificate No. 741782M_07 **741782M_08**, will be complied with prior to occupation

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

The proponent seeks to amend Condition 178 to substitute the approved BASIX Certificate with the amended certificate accompanying the application. The amended certificate has been prepared based on the amended architectural plans accompanying the application.

The development consent is due to lapse on 10 September 2026 by virtue of Schedule 6, Part 15, Section 40 of the *Environmental Planning & Assessment Regulation 2021*.



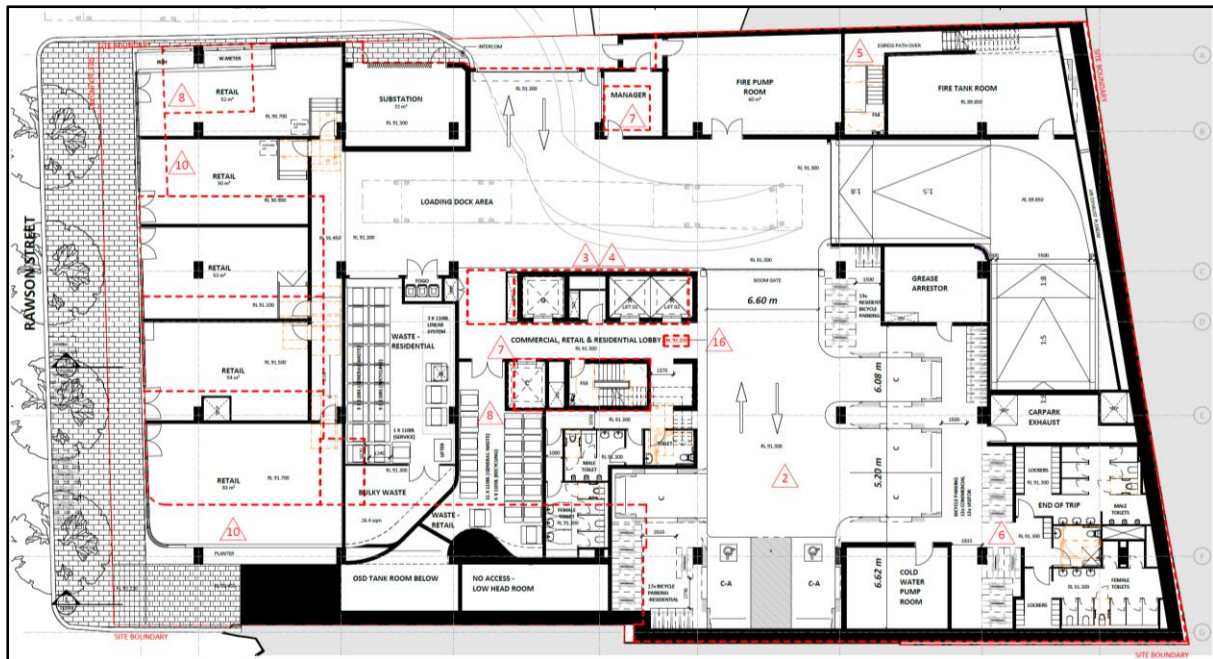


Figure 5: Modifications to Lower Ground Level

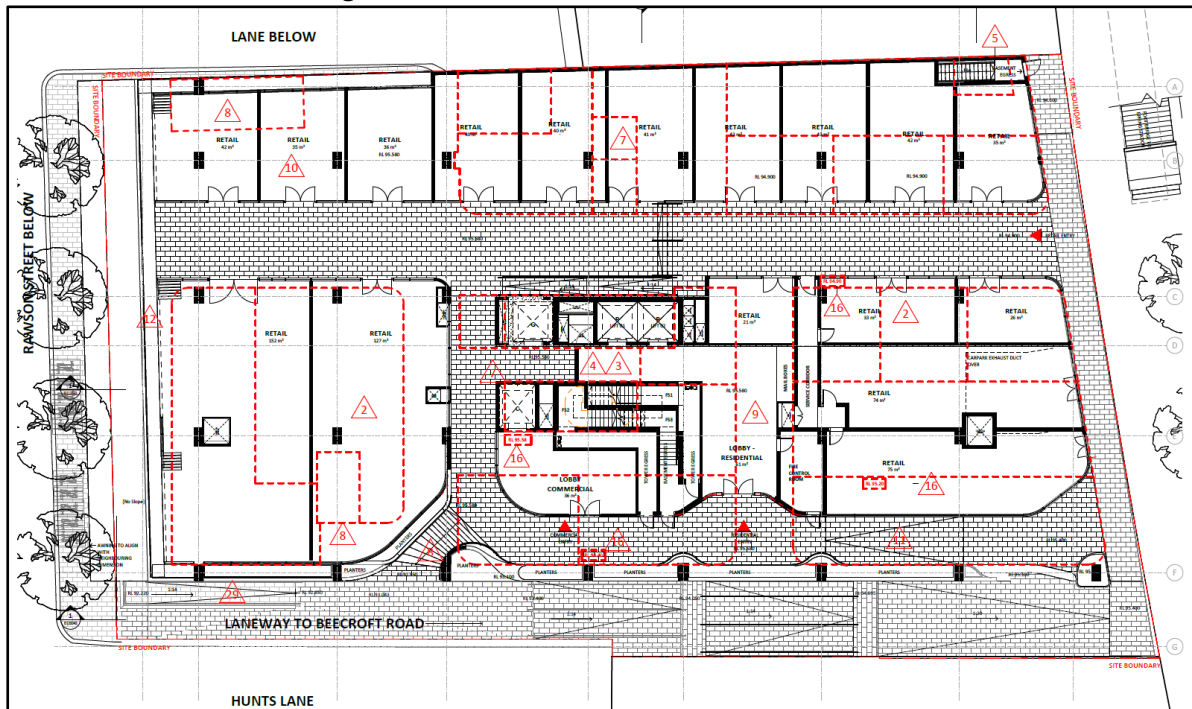


Figure 6: Modifications to Ground Level

4. Section 4.55 Assessment

The Application is lodged under s. 4.55(2) of the *Environmental Planning & Assessment Act 1979*. An assessment of the Application against the relevant provisions of s. 4.55 of the Act is undertaken as follows.

Environmental Planning & Assessment Act 1979		
Section	Provision	Assessment
4.55(2)	<i>A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—</i>	See below.
	<i>(a) it is satisfied that the development to which the consent as modified relates is 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</i>	A detailed analysis of whether the development to which the consent as modified relates is substantially the same development for which consent was originally granted has been undertaken at Section 4.1 of this Report.
	<i>(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</i>	Development consent DA/61/2018 includes conditions of consent that form part of a concurrence issued by Sydney Metro. No amendments to these conditions are proposed by the proponent and the envelope of the basement does not increase. As such, no consultation for the purposes of s. 4.55(2)(b) of the Act is required.
	<i>(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</i>	Section 107 of the <i>Environmental Planning & Assessment Regulation 2021</i> requires that modification applications under s. 4.55(2) of the Act be notified or advertised for the minimum period specified under Schedule 1, clause 10 or in the same way as the original development application was notified or advertised. Schedule 1, clause 10 of the Act requires notification for the period specified in the consent authority's community participation plan if the plan

		specifies such a period for the application. The City of Parramatta Community Engagement Strategy requires notification of s. 4.55(2) modification applications as per the original development application. The original application was notified for a total of 21 days between 28 February and 21 March 2018. As such, the application was notified between 12 March and 2 April 2026.
	<i>(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.</i>	A total of five (5) submissions were received during the notification period. All submissions have been considered as part of the assessment undertaken in this report (see Section 5.8).
4.55(3)	<i>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.</i>	An assessment of the application against the reasons for approval has been undertaken at Section 4.2 of this Report. An assessment of the application against the relevant provisions of s. 4.15 has been undertaken at Section 5 of this Report.

4.1 Substantially the Same Development (s. 4.55(2)(a))

For the purposes of s. 4.55(2)(a) of the *Environmental Planning & Assessment Act 1979*, the applicant bears the onus of satisfying the consent authority that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted (*Vacik Pty Ltd v Penrith City Council*, unreported, 24 February 1992). In *Vacik Pty Ltd v Penrith City Council*, Stein J states that it is not appropriate to simply say that the nature of the development as amended would be the same use and therefore substantially the same development. Stein J continues 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.

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

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

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

Based on the findings of Bignold J in *Moto Projects No 2 Pty Limited v North Sydney Council* and the guiding principle set out by Stein J in *Vacik Pty Ltd v Penrith City Council*, an assessment of the proposed modified development to determine if it is substantially the same as the original development requires an assessment of the **qualitative** and **quantitative** impacts of the modified proposal.

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 qualitative and quantitative impacts of the modified proposal.

A holistic assessment of the qualitative and quantitative impacts has been undertaken in the following table.

S. 4.55(2)(a) Assessment		
Criterion	Assessment	
Qualitative Impacts	From a qualitative perspective, the proposed modifications do not alter the underlying nature, character or purpose of the development as approved. The development remains a mixed-use shop-top housing scheme comprising ground and podium-level commercial and retail uses with residential apartments above, supported by basement parking and communal facilities. The fundamental built form, land use mix, height in storeys, and relationship of the development to the surrounding public domain and adjoining properties remain consistent with the scheme originally approved.	
	The proposed changes primarily relate to internal reconfiguration, redistribution of floor space between approved uses, refinements to building layout and modest adjustments to building dimensions within the previously approved envelope. While there are alterations to unit mix, communal open space provision and internal arrangements, these changes do not introduce new land uses, a new building typology, or a materially different development outcome when assessed in its proper planning context. The modified development continues to reflect the same essential planning concept, scale and intensity as the development originally approved.	
Quantitative Impacts	Key numerical changes between the development as originally approved and the proposed modifications are summarised as follows.	
	Height	The development as originally approved provided for a maximum building height of RL 167.5. The proposed modifications would increase the overall building height from RL 167.5 to RL 168.3 metres, as a result of a slight increase in the height of the lift overrun, representing a 0.4% increase from the approved scheme and an overall exceedance of the 72m height limit by 7.15%.

		The increase is limited in magnitude and does not introduce an additional storey, alter the overall height envelope in a discernible way, or change the fundamental built form approved under the original consent. From a quantitative perspective, the increase represents a minor numerical change only and does not give rise to a development outcome that is materially different in height or scale from that previously approved.
	Floor Space	The development as originally approved comprised approximately 12,367sqm of gross floor area, including 1,033sqm of commercial floor space and 11,334sqm of residential floor space, with an overall floor space ratio of 5.99:1. The proposed modifications would result in a total gross floor area of 14,450sqm, comprising 2,703sqm of commercial floor space and 11,747sqm of residential floor space, with an overall floor space ratio of 6.7:1. This equates to an overall (cumulative) increase of approximately 2,083sqm or 11.6% in gross floor area relative to the original approval. The increase is primarily attributable to additional commercial floor space and reflects changes previously approved to the site area and building envelope under earlier modification applications. While the numerical increase is measurable, it does not introduce new land uses, fundamentally alter the distribution of uses within the building, or result in an expanded height envelope. Quantitatively, the proposal remains comparable in scale, intensity and function to the development as originally approved.
	Dwellings	The original development approval provided for approximately 130 residential dwellings. The cumulative effect of the proposed modifications, when considered with previously approved modification applications, would result in a total of 122 dwellings, representing a reduction of approximately 8 dwellings or -6.15%. The reduction in dwelling numbers arises from changes to unit layouts and an increased provision of larger dwellings rather than changes in building bulk or intensity. From a quantitative perspective, the overall residential yield remains broadly consistent with the originally approved scheme and does not result in a materially different development outcome.
	Unit Mix	The original development approval comprised 46 one-bedroom units, 70 two-bedroom units and 14 three-bedroom units. No four-bedroom units were approved. Under the modified scheme, the unit mix would comprise 17 one-bedroom units, 65 two-bedroom units, 38 three-bedroom units and 2 four-bedroom units. The overall quantum of dwellings is reduced, with a numerical shift toward larger apartments. While the distribution of unit types is altered, the development continues to function as a residential shop-top housing scheme and does not introduce a

		materially different form or density of residential accommodation. The quantitative change relates to internal residential configuration rather than scale or use, and does not, of itself, alter the substance of the approved development.
	Parking	The original development approval provided a total of 127 parking spaces, comprising 85 residential spaces, 19 residential visitor spaces, 19 retail spaces and 4 car share spaces. Under the proposed modifications, parking provision would increase to a total of 162 spaces, comprising 107 residential spaces, 18 residential visitor spaces, 27 retail spaces, 6 commercial spaces and 4 car share spaces. This represents an increase of approximately 35 parking spaces overall. The increase in parking provision is associated with changes to the basement layout and site area previously approved under earlier modification applications, rather than an increase in basement depth, additional basement levels, or increased excavation impacts. The increase in on-site parking is inconsistent with requirements under Council's Development Control Plan (see comment in Section 5 of this report) and is proposed to be modified by amended conditions of consent. Subject to the amended condition the proposal will not have a material additional impact on traffic, and the impact will be substantially the same as approved.
	Floor-to-floor heights	The approved development provided floor-to-floor heights of approximately 3.1m to the residential tower, 5.25m to the Level 1 commercial floor, 6.07m to retail at ground level and 3.93m at lower ground level. Under the modified proposal, residential floor-to-floor heights would increase marginally to approximately 3.15m, commercial heights at Level 1 would reduce to approximately 5.0m, ground floor retail heights would reduce to approximately 5.17m, and lower ground floor retail heights would remain unchanged. The numerical changes to floor-to-floor heights are minor and involve both increases and reductions. These changes do not affect the approved building envelope, number of storeys or overall scale of development, and remain within a range typical of mixed-use development of this nature. Quantitatively, the proposal remains consistent with the development as originally approved.
	Communal Open Space	The originally approved development included approximately 1,850sqm of communal open space. The modified proposal would provide approximately 544.98sqm of communal open space, representing a reduction of approximately 1,305sqm overall. While this represents a substantial numerical reduction, the communal open space remains consolidated within the development and continues to service the residential component of the proposal. The reduction does not involve a change in land use, building envelope or

		development scale, and does not introduce a fundamentally different development outcome from that originally approved when assessed in the context of the section 4.55(2)(a) test.
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Based on the above assessment, the modified development **is** substantially the same as the original approved development as the development is materially the same in terms of use, intensity and environmental impacts.

4.2 Reasons for Approval (s. 4.55(3))

An assessment of the proposed modifications against the reasons for approval given by the consent authority (Sydney Central City Planning Panel) at the time of determination of DA/61/2018 has been undertaken in the following table.

Section 4.55(3) Assessment – Reasons for Approval		
No.	Reason	Assessment
1	<i>The proposal will add to the stock and range of housing available in the locality and, as such, improve housing choice and affordability.</i>	The proposed modifications include additional larger, family-sized apartments which contribute to the diversity of housing choice and stock in the locality. As such, the proposed modifications are considered to be generally consistent with this reason for approval.
2	<i>The proposal is consistent with the relevant objectives of the B2 Local Centre zone and will provide well activated retail space at ground floor level.</i>	The development as proposed to be modified is considered to be consistent with the (now) E1 Local Centre zone. See assessment under Section 5 of this report.
3	<i>The proposal is well designed and has the support of the Council's DEAP. It will improve the built form of Epping town centre.</i>	The proposed modifications would not substantially alter the visual appearance of the approved development. No referral to DEAP was required as part of the assessment of the application, as amendments are largely limited to internal design changes. However, the proposal has been reviewed by Council's Urban Design team (see discussion on Urban Design team comments in Section 6 of this report). The development (as proposed to be modified) will continue to contribute to the visual interest of the streetscape and built form of Epping once built.
4	<i>The site of the proposal development is suited to the intended use and being close to the railway station will foster greater use of public transport. The inclusion of a Green Travel Plan will further encourage use of public transport.</i>	The proposed modifications include an increase in on-site carparking despite the overall reduction in units. The increase results in non-compliance with maximum residential parking rates under the PDCP 2023 and will likely entrench car dependence within households and discourage public transport use. As such, amendments to Condition 11 are proposed, ensuring that the provision of on-site residential parking be no more than the maximum permitted under Council's controls, with excess spaces to be re-allocated to non-residential uses. The

		amendments will ensure the amended proposal continues to align with this reason for approval.
5	<i>The Panel has carefully considered all issues raised in public submissions and considers that most have been resolved by amendments to the proposed design and/or conditions to be imposed or are not of sufficient magnitude to warrant refusal.</i>	The four amendments to the development (as originally approved) which addressed outstanding design concerns (Condition 51) are partially retained under the proposal. Amendments requiring clear circulation widths on landings of a (pedestrian) switchback between the lower-ground floor and ground floor and details of the amenities block at ground level are proposed to be deleted as the switchback and ground floor amenities block are no longer proposed. An alternative amenities block is provided on basement level 1 with sufficient detail. Matters raised in public submissions received during the exhibition period of the subject modification application have been assessed and addressed under Section 5 of this report.
6	<i>For the reasons given above approval of the application is in the public interest.</i>	The proposed modifications would not alter the original finding of the approved development being in the public interest. See Section 5 of this report.

5. Section 4.15 Assessment

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

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

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

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

State Environmental Planning Policy (Biodiversity and Conservation) 2021		
Chapter 6 Water Catchments		
Part 6.2 Development in regulated catchments		
Division 2 Controls on development generally		
Clause	Provision	Assessment
6.6	Water quality and quantity	The application proposes some minor changes to the site's stormwater system. The proposed minor variations in pipe levels do not significantly impact overall stormwater system. The changes do not result in an increase in site run-off and are unlikely to result in any additional environmental impacts to the Sydney Harbour Catchment.
6.7	Aquatic ecology	
6.8	Flooding	
6.9	Recreation and public access	
6.10	Total catchment management	

State Environmental Planning Policy (Sustainable Buildings) 2022		
Chapter 2 Standards for residential development - BASIX		
Clause	Provision	Assessment
2.1	Standards for BASIX development and BASIX optional development	The application is accompanied by an amended BASIX certificate which has been reviewed by Council’s external sustainability consultant. The certificate is consistent with the requirements of Chapter 2 of the SEPP.
2.2	Standards not affected by environmental planning instruments or development control plans	
Chapter 3 Standards for non-residential development		
Clause	Provision	Assessment
3.1	Application of Chapter	The provisions of Chapter 3 contain standards to be considered in relation to the granting of development consent for non-residential development. As the application relates to the modification of an existing consent, the provisions of Chapter 3 of the SEPP are not applicable.
3.2	Development consent for non-residential development	
3.3	Other considerations for large commercial development	

State Environmental Planning Policy (Transport and Infrastructure) 2021		
Chapter 2 Infrastructure		
Part 2.3 Development Controls		
Division 5 Electricity Transmission or Distribution		
Subdivision 2 Development Likely to Affect an Electricity Transmission or Distribution Network		
Clause	Provision	Assessment
2.48	Determination of development applications – other development	The development (as proposed to be modified) meets the criteria under cl. 2.48(1) as it involves development that is carried out adjacent to electricity substations and easements. Subsection (2) requires the consent authority to provide notice to the electricity supply authority prior to the determination of any modification application which the clause relates. Notice was provided to Endeavour Energy on 5 May 2026. A response from Endeavour Energy was received which included recommendations for additional conditions of consent. These conditions are recommended to be incorporated into the (modified) consent.
Division 15 Railways		
Subdivision 2 Development in or Adjacent to Rail Corridors – Notification and Other Requirements		
Clause	Provision	Assessment
2.98	Development adjacent to rail corridors	The requirements of cl. 2.98 are not applicable to the subject application, as they relate only to matters to be actioned/taken into consideration prior to the determination of a development application.
2.99	Excavation in, above, below or adjacent to rail corridors	Subsection (3) requires concurrence of the rail authority for development that involves penetration of ground to a depth of at least 2m below ground level on land within 25m of a rail corridor. Concurrence from Sydney Metro was provided on 18 March 2026.
2.100	Impact of rail noise or vibration on non-rail development	Subsection (3) requires the consent authority to ensure noise criteria is met for residential accommodation on land adjacent to a rail corridor. The application is accompanied by a Noise and Vibration Impact Assessment which has been reviewed by Council's Environmental Health (Acoustic) Team and considered to be satisfactory. The report demonstrates compliance with the noise criteria under s. 2.100. As such, the requirements of this clause have been met.

State Environmental Planning Policy (Housing) 2021		
Chapter 4 Design of Residential Apartment Development		
Clause	Provision	Assessment
146	Referral to design review panel for modification applications	Subsection (2) of cl. 146 of the <i>State Environmental Planning Policy (Housing) 2021</i> requires the following.

		<i>(2) If the statement by the qualified designer required to accompany the modification application under the Environmental Planning and Assessment Regulation 2021, section 102(1) does not verify that the qualified designer designed, or directed the design of, the original development, the consent authority must refer the modification application to the relevant design review panel for advice before determining the modification application.</i> The subject modification application is accompanied by a statement by a qualified designer that does not verify that the qualified designer designed or directed the design of the original development. It is noted that the architect of the original development (DA/61/2018) was Woods Bagot – the architectural plans accompanying this application have been prepared by PTW Architects. A referral to the ‘relevant design review panel’ is not required however, as there is no design review panel (established by the Minister) for the City of Parramatta Local Government Area. As such, the provisions of cl. 146 do not apply to the subject modification application. Notwithstanding, Council’s Urban Design team have reviewed the proposal and provided expert comment – see discussion on comments in Section 6 of this report.
147	Determination of development applications and modification applications for residential apartment development	Subsection (1)(a) and (b) requires the consent authority to consider the proposed modifications against the design principles under Schedule 9 of the SEPP as well as the relevant provisions of the Apartment Design Guide prior to the determination of the application. An assessment against each matter has been provided below.
148	Non-discretionary development standards for residential apartment development – the Act, s 4.15	The application is assessed against the following relevant non-discretionary development standards set out under subsection (2). <i>(a) the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,</i> Part 3J of the <i>Apartment Design Guide</i> requires that parking be provided at the minimum rates prescribed under the <i>Guide to Traffic Generating Development</i> or Council’s controls, whichever is less. The minimum rates under the Guide require approximately 122 resident parking spaces and 24

	visitor spaces. However, it is noted that the <i>Guide to Traffic Generating Development</i> has been subsequently superseded by the <i>Guide to Transport Impact Assessment</i>. The minimum parking required under the updated Guide is approximately 100 resident parking spaces and 17 visitor spaces. Parking controls under the <i>Parramatta Development Control Plan 2023</i> prescribe maximum parking rates for resident parking, adopting the same rate for residential flat buildings outlined in the <i>Guide to Transport Impact Assessment</i>. As such, the maximum parking rates under Council's DCP is approximately 100 resident parking spaces. However, Council's DCP sets out a minimum rate for visitor parking, adopting the same rate outlined in the <i>Guide to Transport Impact Assessment</i>. Therefore, the minimum visitor parking required under the DCP is approximately 17 visitor spaces. As the maximum parking rates identified in the DCP strictly require less parking than minimum rates (or no scope for further parking to be provided whilst maintaining compliance), the parking controls under the DCP are considered to be applicable for the purposes of subclause (2)(a). The ability to enforce Council's maximum parking controls in Epping, notwithstanding the SEPP, was tested in the LEC case of <i>Pirasta Pty Ltd v Parramatta City Council [2019] NSWLEC 1627</i>. In dismissing that appeal, Commissioner Walsh stated (At paragraph 33), "...I agree with the submissions of Mr Seton that the RMS Guide and the particulars relating SEPP 65 to parking are concerned with ensuring there is not an undersupply of parking in development projects. The tenor (and words at cl 30(1)(a) of SEPP 65) are concerned with "minimum amount of car parking supplied". The intent of the policy change contained in the DCP in May 2019 is in an entirely different direction. It is concerned with limiting parking in areas like the site which are close to the public transport hub at Epping to encourage its use over private cars. There is no inconsistency of concern here, and the "cannot be used as grounds to refuse" test of cl 30 of SEPP 65 does not apply". The application proposes an increase in approved parking by 11 spaces, accompanied with reconfigurations to dwelling mix (and subsequently, changes to parking maximums). The gross departure
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from parking maximums under the application is approximately 7 spaces in excess of the residential parking permitted under the DCP (107 spaces proposed). The provision of residential visitor parking spaces is in accordance with the DCP requirements as 18 visitor parking spaces are proposed.

Given the changes to the unit mix (including reduction in quantum of dwellings), and proximity of the site to Epping Railway Station (and local bus services), the proposed increase in residential on-site parking is not supported.

Amendments to Condition 11 are recommended, requiring the provision of a security shutter (in lieu of a boom gate as currently shown on submitted architectural plans, in accordance with requirements of Condition 99) from Basement Level 1 to Basement Level 2 to allow the re-allocation of seven (7) resident parking spaces to retail spaces. The condition also requires the relocation of storage cages into the resident-only areas of the basement car park (see figures below).

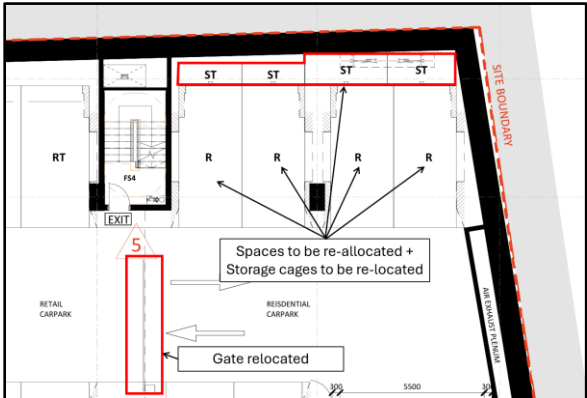


Figure 7 Basement Level 1

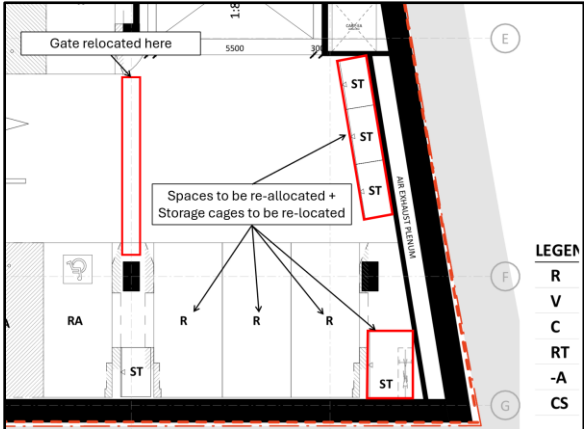


Figure 8 Basement Level 2

		In addition, the requirement for the re-allocation of one residential space to a residential visitor space in Condition 11 is recommended to be deleted, as compliance with residential parking rates can be achieved through re-allocation of seven (7) spaces to retail use. It is noted that parking requirements under Condition 11 are repeated verbatim at Condition 92. It is therefore also recommended that Condition 92 be deleted. <i>(b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide,</i> All units comply with the minimum internal area requirements under the ADG. <i>(c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.</i> All levels comply with the minimum requirements under Part 4C of the ADG.
Schedule 9 Design Principles for Residential Apartment Development		
Clause	Provision	Assessment
1	Context and Neighbourhood Character	The modified proposal maintains consistency with the approved built form and continues to respond appropriately to the existing and desired future character of the locality. The amendments do not alter the development's established relationship with the surrounding context in terms of scale, form, or architectural expression. The changes to the ground floor maintain active street frontages and an internal commercial arcade, in line with the character of Epping town centre. However, it is noted that the amended drawings include the deletion of planting on the podium which is inconsistent with the desired future character of the area (pursuant to controls in the <i>Parramatta Development Control Plan 2023</i>). As such, amendments to Condition 51 are recommended, requiring the provision of planting on the podium.
2	Built Form and Scale	The proposal does not introduce any significant change to the approved building envelope, height or massing. While minor design amendments are proposed, the overall built form remains consistent

		with the approved scheme and continues to be compatible with the scale of development in the surrounding context.
3	Density	The proposal reduces the number of approved dwellings and does not result in any increase in development intensity. The revised density remains compatible with the capacity of the site and surrounding infrastructure and continues to achieve an appropriate level of development for the locality.
4	Sustainability	The modifications do not materially alter the environmental performance of the development. The proposal continues to provide for appropriate solar access, natural ventilation and energy efficiency consistent with the approved design, and any minor internal changes do not diminish the overall sustainability outcomes. The amended BASIX certificate ensures the approved development as modified remains compliant with the SEPP (Sustainable Buildings).
5	Landscape	The proposal includes a revised communal open space and landscape arrangement that results in a reduced overall provision compared to the originally approved development, but a marginal increase relative to the most recently approved modified scheme. While the extent of communal open space remains below that initially approved, the proposal continues to provide functional and usable landscaped areas that support resident amenity, and the landscape outcome remains consistent with the overall design intent. As noted above, the amended architectural plans include the deletion of planting on the podium which is considered to be inconsistent with the principles under cl. 5. Amendments to Condition 51 are recommended, requiring the provision of planting on the podium, reflecting the pre-existing planting arrangement approved under DA/61/2018/B.
6	Amenity	The proposed modifications result in a reduced level of communal open space compared to the originally approved development, representing a variation from the initial amenity outcomes. Notwithstanding, the proposal achieves a marginal improvement over the most recently approved modification and continues to provide acceptable levels of residential amenity, including access to outdoor space, sunlight, ventilation, outlook and privacy. The extent of the reduction is not considered to materially compromise the overall amenity of future occupants.

7	Safety	It is noted that Condition 49 requires a number of design amendments to address safety and crime prevention concerns identified in the original development scheme, including the removal of concealed trap points associated with the lower ground floor vehicle entry, the upper ground floor lift core, and the stairway connecting the upper ground floor to the first-floor communal terrace. These requirements were based on the originally approved architectural plans and warrant reconsideration having regard to the amended design. The concerns relating to the lower ground floor vehicle shutter location are no longer relevant, as the amended plans now incorporate a shutter at the laneway entrance to the basement car park, thereby eliminating the previously identified trap point. Similarly, the concerns relating to the stairway between the upper ground floor and first-floor communal terrace have been resolved, as the communal terrace and associated stairway no longer form part of the approved development. In relation to the upper ground floor, whilst the amended design has the potential to create new concealed trap points after hours, the proponent has noted in the application's accompanying design report that security gates will be installed at the southern pedestrian entrance and eastern pedestrian entrance to close off the commercial arcade after hours. This measure is considered to be appropriate. Based on the above, it is recommended that Condition 49 be deleted in its entirety and Condition 232 be amended to clarify that roller shutters on individual retail tenancies are not permitted, but two security gates over the principal pedestrian entry points to the commercial arcade are required to be installed, maintained, and used to close off the area after hours. In addition, Condition 184 is recommended to be modified to clarify that a right-of-way for public access is not required for the internal areas of the commercial arcade. The proposal otherwise maintains the approved access arrangements and passive surveillance opportunities throughout the development. The modifications do not compromise safety outcomes, and the building otherwise continues to incorporate
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		appropriate measures to support safe movement and secure residential environments.
8	Housing Diversity and Social Interaction	The reduction in dwelling numbers does not adversely impact the diversity of the housing mix within the development. The proposal continues to provide a range of dwelling types and retains communal spaces that facilitate opportunities for social interaction.
9	Aesthetics	The architectural expression, material palette and overall design quality of the development are largely consistent with the approved scheme. The proposed changes do not detract from the visual coherence of the building, and the development continues to achieve a satisfactory aesthetic outcome, subject to conditions.

Apartment Design Guide		
Chapter 3 Siting the Development		
Clause	Provision	Assessment
3D	Communal and Public Open Space	Minimum communal open space requirements under Part 3D of the ADG require approximately 539sqm of space within the residential flat building. The adjusted communal open space comprises 544.89sqm at level 20, maintaining compliance with the ADG. In addition, the ADG requires at least 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June. Whilst solar diagrams of the communal open space have not been provided, it is noted that the rooftop space would likely receive maximum sunlight throughout the year, particularly as the rooftop space sits above the maximum building height limit of the site and adjoining sites.
3G	Pedestrian Access and Entries	Objective 3G-1 require building entries and pedestrian access to connect to and address the public domain. Whilst the revised pedestrian entry to the residential flat building does not have a direct street frontage, this non-compliance with objective 3G-1 is considered to be acceptable as it maintains a substantially active commercial frontage on Beecroft Road in accordance with Council's development control plan. The entrance is otherwise easily accessible from the street through the southern colonnade adjacent the through site link. The proposed amendments otherwise comply with the objectives in Part 3G.
3J	Bicycle and Car Parking	See assessment against car parking provisions under Part 3J of the ADG in the above table. The

		application is broadly consistent with the other remaining provisions relating to car park design and bicycle parking in Part 3J as the modified development provides: • secure access to underground parking for residents; and, • appropriate bicycle and other modal parking.
Chapter 4 Designing the Building		
Clause	Provision	Assessment
4A	Solar and Daylight Access	The amended proposal maintains compliance with solar access & natural ventilation requirements under Parts 4A and 4B of the ADG.
4B	Natural Ventilation	The acoustic plenums required by Condition 109 make cross ventilation possible while maintaining acoustic amenity relative to Beecroft Road.
4E	Private Open Space and Balconies	The amended proposal maintains compliance with the minimum private open space and balcony requirements under the ADG. The balconies are improved by the relocation of AC compressors off of balconies to shared plant rooms.
4F	Common circulation and spaces	The amended proposal includes a maximum of seven (7) units off the circulation core, in compliance with the maximum eight (8) permitted under the ADG. However, it is noted that the ADG prescribes a maximum of one lift per 40 units in buildings over 10 storeys. The amended proposal includes a total of two (2) residential lifts for 123 units, resulting in a ratio of 1 lift per 61.5 units. Council raised concerns regarding the reduction in lift numbers during the assessment process. In response, the applicant submitted a Lift Services Report which concluded that the proposed provision of two lifts operating at a speed of 2.5m/s would provide an absolute minimum level of service for residents. Notwithstanding this, the applicant agreed to provide lifts capable of achieving a minimum speed of 3.5m/s to improve resident amenity and reduce waiting times. To ensure an appropriate level of amenity and accessibility is provided to future occupants, a condition of consent is recommended requiring all residential lifts to achieve a minimum operating speed of 3.5m/s.
4G	Storage	The amended proposal maintains compliance with the storage requirements under the ADG. In addition, it is noted that the previous storage cage arrangements under the original approved plans whereby cages were arranged between car spaces and could potentially have been illegally removed to provide additional parking spaces, has been deleted from the amended plans. As such, condition 195

		(which requires the deletion of this arrangement) can be deleted.
4H	Acoustic Privacy	Apartments within the amended proposal are generally arranged to group rooms with similar noise requirements adjacent to each other. However, it is noted that several bedrooms are located immediately adjoining a designated plant room between Levels 3 and 19. The potential noise impacts on these bedrooms arising from the adjoining plant rooms are not specifically addressed in the application's accompanying acoustic assessment. In addition, Condition 47 was imposed as part of the original consent to ensure that bedrooms and other noise-sensitive rooms within residential units were generally located adjacent to similar room types in neighbouring units, thereby reducing the potential for noise transmission, minimising sleep disturbance, and maintaining an appropriate level of acoustic amenity. While the condition originally referred to residential units identified as Type A02 on Levels 2–18, subsequent modification approvals have altered the approved apartment layouts and the current architectural plans no longer contain this unit type. Notwithstanding these changes, the amended plans continue to include instances where noise-sensitive rooms, including bedrooms, adjoin potential noise-generating areas such as living rooms, kitchens, dining rooms and plant rooms across common or party walls. Accordingly, it is recommended that Condition 47 be amended to require the submission of an updated acoustic assessment to Council's satisfaction prior to the issue of the relevant Construction Certificate. The assessment is to demonstrate that residential units containing noise-sensitive rooms adjoining noise-generating areas across a common or party wall will achieve acceptable internal noise levels and identify any acoustic treatments or other mitigation measures necessary to ensure an appropriate level of acoustic amenity for future occupants.
4J	Noise and Pollution	The application's accompanying noise impact assessment appropriately assesses the noise impacts from nearby noise generating sources such as Beecroft Road and Great Northern Railway. The report has been reviewed by Council's Environmental Health team and found to be acceptable. In addition, it is noted that Condition

		104 requires units to be constructed to achieve a specified internal noise criteria, in accordance with the requirements of the SEPP (Transport and Infrastructure) 2021. This condition will be retained under the application. Condition 109 requires detailed design information for acoustic vents shown on superseded architectural drawings to be submitted to the satisfaction of Council's Manager DTSU prior to the issue of a Construction Certificate. The condition was originally imposed because the approved development included apartments that relied on cross-ventilation from openings facing Beecroft Road, requiring acoustic ventilation measures to mitigate traffic noise intrusion while maintaining adequate ventilation outcomes. The amended scheme continues to include residential units that have openings and achieve cross-ventilation via the Beecroft Road frontage. While the specific units and layouts identified in the original approval have changed, the underlying acoustic issue remains. Accordingly, it is recommended that Condition 109 be amended to apply generally to all residential units with openings to and cross-ventilation from Beecroft Road, to ensure appropriate acoustic ventilation measures are incorporated into the final building design, and satisfactory internal acoustic amenity is achieved for future occupants.
4K	Apartment Mix	The amended proposal provides a variety of apartment types, in accordance with ADG requirements.
4M	Facades	The amended proposal includes an external façade that is largely similar to the existing approved façade, with minor changes to the fenestration pattern and location of external balconies. The amended proposal generally accords with the design principles of Part 4M of the ADG.
4N	Roof Design	The amended proposal retains communal rooftop open space which is well integrated into the building envelope and largely invisible from the streetscape. The proposal generally accords with the design principles of Part 4N of the ADG.
4O	Landscape Design	The amended landscape plans have been reviewed by Council's landscape officer and found to be acceptable. The amended proposal is therefore generally compliant with the landscape design principles under Part 4O of the ADG.

		Notwithstanding, it is noted that the amended proposal includes the removal of planters/landscaping within the podium of the development which is not supported. Amendments to Condition 51 are recommended, requiring the provision of planting on the roof of the podium to reflect pre-existing planting arrangements approved under DA/61/2018/B. It is noted that Condition 100 requires the tree pots illustrated on landscape plan L-106 (rooftop landscape plan) to be replaced with planters. However, the amended landscape plans now illustrate all trees within the rooftop communal space as being within planter beds. As such, it is recommended that Condition 100 be deleted.
4Q	Universal Design	The proposed development achieves appropriate universal design requirements, subject to an amended condition of consent being imposed, requiring at least 6 adaptable units with left-hand transfer in the bathrooms.
4S	Mixed Use	Separated entry to the residential component of the building at ground level is provided, in accordance with the design principles of Part 4S of the ADG.
4W	Waste Management	Sufficient residential waste storage facilities are provided within the basement level adjacent to the loading dock, in accordance with the general design principles under Part 4W of the ADG.

Parramatta Local Environmental Plan 2023		
Clause	Provision	Assessment
E1	Local Centre	The application does not seek to change or introduce any approved land use. The proposal generally maintains consistency with the relevant objectives of the E1 Local Centre zone. The proposal includes the relocation of the approved amenities facilities associated with the retail and commercial tenancies from their previously approved location to Basement Level 1 (relative to Church Street), whilst remaining at ground floor level relative to Rawson Street. Although this represents a change to the approved layout, the facilities will continue to serve the needs of people who work in and visit the site and are therefore consistent with the zone objective to provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area. The facilities will remain readily accessible to retail and commercial tenants and their customers and are located adjacent to commercial/retail parking areas.

		To ensure the facilities remain easily identifiable and accessible, it is recommended that the existing content of Condition 194 (which duplicates Condition 193) be replaced with a requirement for appropriate wayfinding signage directing staff and customers to the facilities. In addition, it is recommended that the requirement under Condition 51(c) to provide further details of the amenities facilities be deleted, as the submitted plans already demonstrate sufficient detail regarding the proposed bathroom facilities.
4.3	Height of buildings	The application proposes a minor increase in building height from (approved) RL 167.5 (76.35m) to RL 168.3 (77.15m) representing a 0.4% increase from the approved scheme and an overall exceedance of the 72m height limit of 7.15%. The height increase is confined to the lift overrun. This increase is considered to be relatively minor in nature with minimal environmental impact and maintains compliance with the relevant objectives under cl. 4.3.
4.4	Floor Space Ratio	The application proposes an increase in gross floor area from 14,211sqm (6.59:1) to 14,450sqm (6.702:1) representing a 1.68% increase from the approved scheme and an overall exceedance of 11.7% from the permitted floor space ratio of 6:1 (12,936sqm) for the site. The 11.7% departure from the prescribed floor space ratio development standard from the site largely derives from the approval of modification application DA/61/2018/B which approved a 9.8% departure. This departure was supported on the basis that the additional excess floor space did not alter the building envelope as originally approved, would have negligible traffic impacts, and provided a significant increase in commercial floor space at the site, resulting in an increase in local employment opportunities in Epping. The departure was therefore considered to have strategic merit and was subsequently supported by Council. The additional 239sqm of floor space proposed includes an increase of residential floor space by 166sqm and an increase in commercial floor space by 73sqm. The increases arise from a reconfiguration of residential floor plates (and adjustment to dwelling mix) and an extension of the Level 1 (commercial) floorplate to the building line.

		These minor adjustments do not result in substantial changes to the external appearance and design to the approved development and would maintain existing approved impacts. No additional parking generation is anticipated as a result of the increase in commercial floorspace. Whilst parking generation is anticipated to increase for the residential component, this is largely as a result of the adjustments to the dwelling mix (including increase in three and four-bedroom units) rather than a result of increase in floor space. The proposed increase in floorspace is therefore considered to be negligible. The amended proposal maintains compliance with the relevant objectives of Clause 4.4.
4.6	Exceptions to development standards	The application proposes variations to the prescribed floor space ratio development standard and height of building development standard. However, as the application seeks to modify an existing development consent, the provisions of clause 4.6 do not apply to the subject application. Instead, an assessment of the proposed variations on their merits has been undertaken above, with reference to the relevant objectives of the standards.
6.1	Acid Sulfate Soils	The site is identified as Class 5 Acid Sulfate Soils under the PLEP 2023. The alterations to basement levels include a reduction in footprint at Basement Level 4. No additional assessment of acid sulfate soils is required as a result to changes to the basement footprint and existing conditions of consent (such as Condition 119) will ensure that acid sulfate soils are adequately addressed during works.
6.2	Earthworks	The proposed changes to the basement footprint at basement level 4 will result in a reduced scope of earthworks to facilitate the approved development. The proposal maintains compliance with the objectives and general principles of cl. 6.2.
6.5	Stormwater Management	Minor changes are proposed to the provision of stormwater services within the approved development. The changes have been reviewed by Council's catchment engineer and deemed to be acceptable. The proposal maintains compliance with the objectives and principles of cl. 6.5.
6.7	Essential Services	The site is connected to all essential services pursuant to cl. 6.7.
6.12	Ground floor development in Zone E1	The amended proposal maintains sufficient ground floor activation, in accordance with the requirements of cl. 6.12.

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

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

On 19 June 2026, the *State Environmental Planning Policy Amendment (Concurrences and Consultations) 2026* was made. The Policy commenced on 1 July 2026 and amended various State Environmental Planning Policies to consolidate concurrence and consultation requirements into a single instrument, being the *State Environmental Planning Policy (Planning Systems) 2021*. The amendments also provide for the Development Coordination Authority to act as the concurrence authority for relevant concurrence and consultation matters.

Clause 4.46 of the *State Environmental Planning Policy (Planning Systems) 2021* contains a savings provision which provides that any modification application lodged, but not finally determined, before the commencement of the amending Policy is to be determined as if the amendments had not commenced. As the subject modification application was lodged prior to 1 July 2026 and had not been finally determined at that time, it has been assessed against the relevant provisions of the applicable State Environmental Planning Policies as they existed immediately before the commencement of the *State Environmental Planning Policy Amendment (Concurrences and Consultations) 2026*.

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

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

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

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

Parramatta Development Control Plan 2023		
Part 5 – Environmental Management		
Control	Provision	Assessment
5.1	Water Management	The application proposes minor changes to the approved stormwater management measures which have been peer reviewed by Council's catchment engineer and are considered to be acceptable. The proposal maintains compliance with the relevant objectives and controls under Section 5.1.

5.4	Environmental Performance	The application is accompanied by an amended BASIX certificate (and associated stamped plans) which have been peer reviewed by Council's external sustainability consultant. The amended design complies with the relevant sustainability requirements under the SEPP Sustainable Buildings and relevant provisions of Section 5.4 of the DCP.
Part 6 – Traffic and Transport		
6.3 Bicycle Parking		
Control	Provision	Assessment
C.03	Minimum Bicycle Parking Rates	The application proposes a minor reduction in approved bicycle parking from 155 spaces to 149. Approximately 121 residential bicycle parking spaces are proposed along with 13 visitor spaces and 14 spaces dedicated to commercial (office) use, with no retail bicycle parking spaces proposed. The amended architectural drawings illustrate at least 13 residential visitor bicycle parking spaces within basement levels, which accords with the minimum requirements under Part 6 of the DCP. However, it is noted that whilst the DCP requires 122 resident bicycle parking spaces, only 121 have been shown on amended architectural drawings. Amendments to Condition 122 are recommended, requiring the provision of at least 122 resident bicycle parking spaces within the basement to maintain compliance with the provisions of the DCP. The provision of 2,703sqm of commercial floor space (office + retail combined) incurs a minimum bicycle parking requirement of 11 employee spaces and 6 visitor spaces under Part 6 of the DCP to be shared between all commercial uses. It is recommended that Condition 93 be amended to require a minimum of 11 employee spaces and 6 visitor spaces within the approved development.
Part 8 – Centres, Precincts, Special Character Areas, and Specific Sites		
8.1 Strategic Centres		
8.1.1 Epping Strategic Centre		
8.1.1.1 Epping Central		
Control	Provision	Assessment
8.1.1.1.1	Desired Future Character	The application maintains compliance with the desired future character statement within the PDGP 2023. Proposed design amendments maintain a high-density mixed-use development adjacent to Epping railway interchange and provide high-quality, activated street frontages to both Beecroft Road and Rawson Street. Amendments to the internal commercial arcade maintain a pedestrian

		throughfare through the site and improve pedestrian connections in the centre more broadly. The application also broadly maintains compliance with the relevant controls under 8.1.1.1.1 including (but not limited to) the following. • The pedestrian laneway and through-site link are maintained and provide active, legible, ground floor frontages (C.04). • 24-hour pedestrian link between Beecroft Road and Rawson Street maintained (C.06). • A well-articulated façade is maintained, adding to the visual interest of the area (C.34). • Commercial/retail floor-to-ceiling heights comply with minimum requirements (C.54). • Basement commercial service areas are adequately separated from residential services and are not readily visible from the public domain (C.55). • Active frontages are promoted along public streets (C.62). • Residential parking in basement levels is appropriately separated from commercial/retail parking (C.68). • Minimum six (6) motorcycle parking spaces provided in accordance with minimum requirements (C.68). However, it is noted that the amendments to the approved development result in non-compliance with the following controls. • Control C.08 which requires podium planting. Podium planting no longer forms part of the amended landscape plans. Amendments to Condition 51 are recommended, requiring the incorporation of planting on the podium to ensure compliance with this control. • Control C.46 requires continuous awnings along Beecroft Road and Rawson Street. A full width awning, extending over the public domain, is included to Rawson Street. However, as no awning is proposed along Beecroft Road, amendments to Conditions 51 and 73 are proposed to require an awning over the public domain along Beecroft Road. • Control C.56 which requires residential entries to be clearly visible and directly accessible from the street or public domain. The proposed residential lobby/entrance is located within the site and does not have a direct frontage to either Rawson Street or Beecroft Road. However, it is noted that the
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		most recent approved plans also do not include residential entry with direct street frontage. The existing approved entry is located at lower-ground level and is partially subterranean – the proposed relocation of residential entry to the ground level is considered to be an improved design outcome and is therefore supported. • Control C.68 which provides maximum car parking rates. Maximum parking allowed for the development under the DCP is approximately 100 spaces for the residential component (with minimum of 17 visitor parking spaces), 40 spaces for retail, and 21 spaces for commercial. The amended proposal includes 107 residential spaces, 18 residential visitor spaces, 27 retail spaces and 6 commercial spaces. Whilst the residential visitor, retail, and commercial parking spaces are compliant with the parking rates under the DCP, the residential parking exceeds the maximum amount permitted by seven spaces. Amendments to Condition 11 are recommended, requiring the relocation of the boom gate from Basement Level 1 to Basement Level 2 (to be replaced with security shutter as required by Condition 99) to allow the re-allocation of seven (7) resident parking spaces to retail spaces. The condition also requires the relocation of storage cages into the resident-only areas of the basement car park (see Figures 7 and 8 above). The amended proposal maintains compliance with accessible parking controls, car share requirements, and commercial bicycle parking requirements under the DCP.
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5.4 Section 4.15(1)(a)(iia) – Provisions of any planning agreement or draft planning agreement

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

There are no planning agreements or draft planning agreements that are relevant to the site or the subject modification application.

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

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

The proposed modification application does not alter the requirements of the regulation which are of relevance to the approved development.

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

Section 4.15(1)(b) of the *Environmental Planning & Assessment Act 1979* requires a consent authority to take into consideration the significant likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality. Section 65A of the *Environmental Planning & Assessment Regulation 2021* includes limitations on the scope of matters that can be considered under s. 4.15(1)(b) of the Act. Specifically, the Regulation prescribes that the significant likely impacts of other development for which consent is not sought in the application are factors that are not to be considered for the purposes of s. 4.15(1)(b).

It is considered that the proposed modifications do not give rise to significant economic, environmental, social, or other impacts.

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

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

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

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

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

The Application was notified in accordance with Appendix 1 of Council's Community Engagement Strategy 2022 between 12 March and 2 April 2026. A total of five (5) submissions were received. Of these five (5) submissions, three do not address the scope of the proposed modifications and instead object to the approved development itself, seemingly under the misapprehension that the application proposes a new mixed-use development. These submissions have been noted but are not relevant to the assessment of the modification application, as they do not address matters arising from the proposed modifications.

The issues raised within the remaining submissions are addressed in the following table, with issues grouped into common areas/themes to avoid repetition.

Public Submissions	
Issue	Response
<i>The development consent has lapsed.</i>	It is acknowledged that the lapse date on the notice of determination for DA/61/2018/B notes that the consent lapsed on 10 September 2024. However, pursuant to provisions of cl. 40, Part 15, Schedule 6 of the <i>Environmental Planning &</i>

	<i>Assessment Regulation 2021</i>, the consent continues to benefit from the two-year extension provisions that previously formed part of the <i>Environmental Planning & Assessment Act 1979</i> under s. 4.53. As such, the consent is due to lapse on 10 September 2026.
<i>The Traffic Impact Assessment does not account for cumulative impacts from surrounding and future development and other traffic measures in the area.</i>	The proposed modifications result in a minor increase in site traffic generation arising from changes to the approved dwelling mix. Notwithstanding, the development continues to provide on-site car parking within the basement levels to satisfy the minimum and maximum parking rates prescribed under Council's DCP. Amended conditions of consent are recommended which require the re-allocation of excess residential parking spaces to non-residential uses to ensure compliance is achieved. A modification application under s4.55 does not require a reassessment of all cumulative impacts associated with broader precinct growth, but rather an assessment of whether the proposed changes materially alter the impacts of the approved development. In this instance, while the amended proposal has been supported by an updated Traffic and Parking Impact Assessment (reviewed and accepted by Council's Traffic Engineer), the modifications do not result in a material change to the traffic impacts previously identified. Accordingly, the development is not considered to give rise to any additional cumulative impacts beyond those already assessed and accepted.
<i>The proposal conflicts with the strategic direction established by City of Parramatta Council and Transport for New South Wales, including the Epping Town Centre Master Plan 2025.</i>	The approved development (as amended) is consistent with the Epping Town Centre Master Plan 2025 and the broader strategic planning framework for Epping. The Master Plan identifies the subject site for redevelopment and reflects the approved building envelope and associated design outcomes, including active street frontages to Beecroft Road and Rawson Street. Accordingly, the proposed modifications do not give rise to any inconsistency with the stated strategic direction.
<i>The design of the development is not compatible with the desired character of Epping.</i>	The proposed modifications involve minor changes to the external façade of the approved development and do not materially alter the built form or design intent as previously approved. Where changes to the façade would otherwise detract from the desired character of Epping (such as deletion of podium planting), amended conditions of consent are recommended requiring rectification. Accordingly, the modifications are not considered to affect the anticipated streetscape outcomes or the desired future character of the area.
<i>The proposal will result in increased overshadowing which will negatively impact pedestrian amenity, usability of public spaces,</i>	The minor (0.8m) increase in building height under this application will not result in additional adverse overshadowing impacts.

<i>overall liveability for residents.</i>	
<i>Infrastructure must come before further density and development in Epping.</i>	The issue of infrastructure delivery in Epping is recognised and is being addressed through broader strategic planning processes and contributions frameworks. The approved development has already been assessed against the relevant strategic planning controls and infrastructure servicing requirements at the time of determination. While the proposed modifications result in a minor increase in residential and commercial floor space, they also reduce the overall number of residential units by one and do not materially alter the intensity of development or infrastructure demand as previously assessed. Accordingly, the modifications do not give rise to any additional inconsistency with infrastructure planning for the area. In addition, it is noted that since the time of determination, infrastructure projects such as the Epping Bridge Project have been announced and funded to alleviate infrastructure constraints in the area.

5.9 Section 4.15(1)(e) – The public interest

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

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

6. Other Matters

6.1 Referrals

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

Internal Referrals	
Stakeholder	Comment
Urban Design	Council's urban design team made a number of recommended design changes including the following. • Extend and connect the residential lobby to Beecroft Road to provide a clear street address and a legible and separated entry minimising any CPTED risk. • Extend and connect the commercial lobby to Hunts Lane to activate the new through-site link, provide a clear street address and a legible and separated entry minimising any CPTED risk. • Enclose the ground floor arcade space at openings to Beecroft Road, Rawson Street and Hunts Lane so that it reads as an internal space which can be closed outside of business hours. • Extend the ground floor tenancies and lobbies along the southern elevation to the building line to better address the street and the lane, with direct entry provided from the through-site link running perpendicular to the southern boundary. The design recommendations were put to the applicant but were not subsequently adopted. Notwithstanding that the applicant has not adopted the recommended design changes, the amended proposal is considered to remain acceptable from an urban design perspective. In particular, it is noted that the most recent approved scheme for the development does not incorporate either a commercial or residential lobby with direct street frontage. The absence of direct street-addressed lobbies has therefore already been established as an acceptable design outcome for the site, and the current proposal is generally consistent with that approved arrangement. Notably, the proposed amendments include relocation of the residential lobby to ground floor level, accessed directly from the internal commercial arcade. This represents an improvement over the approved scheme, which locates the lobby in a partially subterranean configuration off the lower ground floor, and results in a more legible and accessible entry for residents. Further, the ability to extend the residential and commercial lobbies to the street frontage is constrained by the central location of the lift core within the building. Any such extension

	would necessitate a substantial reconfiguration of the ground floor, resulting in a notable reduction in active retail floor space. This would represent a less favourable strategic outcome, particularly given the site's location within a highly accessible centre where active ground floor uses are sought to be maximised. The retention of an open arcade configuration is also supported. The open nature of the arcade provides opportunities for natural light penetration, ventilation and visual connectivity, contributing positively to the amenity of the commercial areas and the through-site link. While the enclosure of the arcade could offer greater control outside of trading hours, the current design achieves a reasonable balance between functionality and amenity. In addition, security gates are proposed (and required as per amended conditions of consent) to close off the arcade after hours, thus enhancing security and aligning with Crime Prevention Through Environmental Design principles. In relation to the street interface, the proposed built form continues to present an adequate and legible frontage to Beecroft Road, Rawson Street and Hunts Lane. The development maintains an appropriate urban address and contributes to the overall streetscape character, notwithstanding that the tenancy line has not been extended fully to the building line at Level 1. Based on the above, no recommendations are made for amendments to conditions of consent in relation to comments provided by Council's Urban Design team.
Public Domain	Supported, subject to amended conditions including amendments to public domain construction drawing conditions. In addition, Condition 50 is recommended to be deleted. The condition requires revised alignment drawings for public domain areas which demonstrate that the cross-fall will be between 1.0% and 2.5%. Confirmation on levels and cross-fall in public domain areas have been provided under the application's amended drawings and as such this condition can be deleted.
Universal Access	Supported, subject to a condition of consent being imposed requiring at least 6 units to have left-hand transfer onto the pans in bathrooms (i.e. shower/pan locations swapped) to achieve equitable access and achieve compliance with Part F4D5(g) of the BCA. Amendments to Condition 32 are recommended in this regard.
Contributions	Supported, subject to amended conditions.
Catchment Engineer	Supported, subject to amended conditions.
Landscape Officer	Supported.
Traffic and Transport Officer	Supported, subject to amended conditions.

Environmental Health (Acoustic) Officer	Supported, subject to retention of existing (acoustic) conditions.
Environmental Health (Waste) Officer	Supported, subject to amended conditions.

External Referrals	
Stakeholder	Comment
ESD Consultant	Supported, subject to amended conditions.
Quantity Surveyor	Council's external Quantity Surveyor peer reviewed the application's accompanying Estimated Development Cost report and considered its findings to be satisfactory.

Agency Referrals	
Stakeholder	Comment
Sydney Metro	Supported, subject to conditions.
Endeavour Energy	Supported, subject to conditions.

6.2 Contributions

It is noted that contributions are required to be paid pursuant to the terms of Condition 22 of DA/61/2018 (as amended). As of the date of writing, contributions remain outstanding.

An adjusted development contribution is required to be paid as the modification works increase the gross floor area of the approved development, as well as decrease the overall quantity of residential units. The following contribution amount has been calculated based on the application's accompanying Quantity Surveyor's Report and the *City of Parramatta Council Section 94 Development Contributions Plan (Former Hornsby LGA Land and Epping Town Centre)*.

Contributions		
Cost of Works	Amount (\$)	Contribution amount (\$)
Proposed estimated cost of works (DA/61/2018/C)	104,527,500	2,209,405.03

As specific commercial uses have not been identified/proposed by the proponent for the first-floor commercial component, the office/business premises contribution rate has been applied to this area. This method ensures consistency with the applicable contributions plan.

Credits for any existing use or floor space have not been applied to the above contributions calculation due to the absence of a detailed survey plan identifying the existing building and associated uses. Accordingly, amendments to Condition 22 are proposed to allow the applicant to submit further information, in the form of a detailed survey, to establish whether any credits are applicable under the *City of Parramatta Council Section 94 Development Contributions Plan (Former Hornsby LGA Land and Epping Town Centre)*. Should Council determine that credits are applicable, the contributions amount payable may be adjusted accordingly at the time of payment.

6.3 Conciliation Conference

On 11 December 2017, Council resolved that:

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

The application received five (5) unique submissions during the formal notification period and as a result, a conciliation conference was not required to be offered to the applicant.

6.4 Housekeeping Amendments

Minor housekeeping amendments to conditions of consent are also recommended as part of this modification application to ensure consistency between conditions and to ensure the intent of conditions are appropriately achieved. The following housekeeping amendments are recommended.

Housekeeping Amendments		
Condition No.	Condition	Amendment
26	Security Bonds	A typo is contained within this condition as follows. <i>“Street furniture (\$206q0 per street tree in current financial year)”</i> It is recommended that this condition be amended to correct the typo and ensure the condition reads as follows. <i>“Street furniture (\$2060 per item in current financial year)”</i>
35	Waste and Recycling Storage Facilities	This condition is proposed to be amended to include reference to all non-residential uses (not just retail). The current wording of the condition excludes requirement for waste storage facilities within the commercial units of Level 1 which is inconsistent with the intent and reason of the condition.
38A	Storage of Bins Between Collection Periods	It is noted that this condition is a duplicate of Condition 236 and can therefore be deleted.
38D	Management of waste storage facilities	It is noted that this condition is a duplicate of Condition 235 and can therefore be deleted.
72	Public Domain Requirements	The condition requires the provision of multi-media conduits in an unspecified location: <i>“A conduit for Council’s multi-media facilities</i>

		<i>shall be installed to the full length of the street frontages on ... Street. The conduit must be positioned and installed in accordance with Council's design standard drawing and specifications.</i>" Upon consultation with Council's public domain team, it was determined that this requirement of the condition was erroneously imposed as there are no plans for the provision of multi-media conduits within this part of Epping. As such, it is recommended that this part of the condition be deleted.
106	<i>Energy Provider Requirements for Substations</i>	It is noted that this condition is a duplicate of Condition 31 and can therefore be deleted.
190	<i>Strata Subdivision Certificate</i>	It is noted that Condition 190 makes reference to the <i>Strata Schemes (Freehold Development) Act 1973</i> which was repealed prior to the issue of the original development consent. In addition, the condition sets out a requirement for an application to be made to Council to obtain approval of the strata plan. It is noted that the successor to the <i>Strata Schemes (Freehold Development) Act 1973</i> (being the <i>Strata Schemes Development Act 2015</i>) allows for the issue of strata plans by Council or by private certifier. Given the above, it is recommended that the content of this condition be replaced to delete reference to any specific legislation and instead generally require that a strata certificate must not be issued for the development until a Final Occupation Certificate has been issued.
192	<i>Drawing Modifications - Residential</i>	A typo is noted in these conditions: "... to the
193	<i>Wayfinding Signage</i>	

		<i>satisfaction of Council's Manage DTSU..."</i>
221	<i>Provision of Endeavour Energy Services</i>	It is noted that this condition is a duplicate of Condition 179 and can therefore be deleted.

6.5 Consent Authority

The application seeks to modify a development consent for a Regionally Significant Development that was originally determined by the Sydney Central City Planning Panel. The relevant consent authority for modification applications under section 4.55(2) of the *Environmental Planning and Assessment Act 1979* is established by s. 275 of the *Environmental Planning and Assessment Regulation 2021*. Section 275(2) provides:

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

The subject application falls within a category of modification specified in the *Instruction on Functions Exercisable by Council on Behalf of Sydney District or Regional Planning Panels – Applications to Modify Development Consents*. In particular, the application triggers Schedule 1, Item 3 of the Instruction, which relates to departures from development standards:

3. *Departure from development standards*
Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.

The additional gross floor area proposed under the modification would, if approved, result in a cumulative variation to the site's floor space ratio development standard of approximately 11.7%. As the proposal would exceed the prescribed floor space ratio by more than 10%, it falls within the category of development identified in the Instruction and must therefore be determined by the Sydney Central City Planning Panel rather than Council acting under delegation.

7. Recommendation & Conclusion

Recommendation – Approval

Pursuant to s. 4.55 of the *Environmental Planning & Assessment Act 1979*, it is recommended that the Sydney Central City Planning Panel grant consent to DA/61/2018/C.

Conditions of DA/61/2018 are to be modified as follows. Additions are identified in **bold** and highlighted yellow, with deletions identified in ~~strikethrough~~.

Amend Condition 1 as follows.

Approved Plans and Supporting Documentation

1. The development must be carried out in accordance with the plans and documentation listed below, and endorsed with Council's stamp, except where amended by Council and/or other conditions of this consent:

*Architectural Drawings (~~Dickson Rothschild~~ **Peddle Thorp & Walker Pty Ltd** Job No: 20-075 **PA030601**)*

<i>Plan No.</i>	<i>Issue</i>	<i>Plan Title</i>	<i>Dated</i>
A-DA-0000	16	COVER SHEET	02/08/2019
DA-1101	E	SITE PLAN	17/04/2024
DA-1191	A	PHOTOMONTAGE – SOUTH ELEVATION	12/12/2023
DA-1192	A	PHOTOMONTAGE – EAST ELEVATION	12/12/2023
DA-1193	A	PHOTOMONTAGE – NORTH ELEVATION	12/12/2023
DA-1194	A	PHOTOMONTAGE – WEST ELEVATION	12/12/2023
A-DA-1201	16	BASEMENT LEVEL – B04	26/09/2022
A-DA-1202	16	BASEMENT LEVEL – B03	26/09/2022
DA-1203	D	BASEMENT 2 FLOOR PLAN	12/12/2023
DA-1204	J	BASEMENT 1 FLOOR PLAN	12/12/2023
DA-1205	K	LOWER GROUND FLOOR PLAN	12/12/2023
DA-1206	K	GROUND FLOOR PLAN	12/12/2023
DA-1207	N	LEVEL 1 FLOOR PLAN	12/12/2023
DA-1208	A	LEVEL 2 FLOOR PLAN	17/04/2024
A-DA-1209	15	LEVEL 3 – 9 (TYPICAL)	26/09/2022
A-DA-1210	14	LEVEL 10 – 11 (TYPICAL)	26/09/2022
A-DA-1211	14	LEVEL 12 – 18 (TYPICAL)	26/09/2022
A-DA-1212	15	LEVEL 19	26/09/2022
A-DA-1213	14	ROOF PLAN	26/09/2022
A-DA-1214	3	DEMOLITION PLAN – GROUND	02/08/2019
DA-1301	B	ELEVATION SOUTH	12/12/2023
DA-1301A	B	ELEVATION SOUTH – 1 TO 200	12/12/2023
DA-1302	B	ELEVATION EAST – BEECROFT RD	12/12/2023

Plan No.	Issue	Plan Title	Dated
DA-1302A	B	ELEVATION EAST – BEECROFT RD – 1 TO 200	12/12/2023
DA-1303	B	ELEVATION NORTH	12/12/2023
DA-1303A	B	ELEVATION NORTH – 1 TO 200	12/12/2023
DA-1304	B	ELEVATION WEST – RAWSON ST	12/12/2023
DA-1304A	B	ELEVATION WEST – RAWSON ST – 1 TO 200	12/12/2023
DA-1311	B	SECTION - EAST WEST	12/12/2023
DA-1312	B	SECTION - NORTH SOUTH	12/12/2023
DA-1313	C	SECTION - CAR PARK 1	12/12/2023
DA-1314	C	SECTION - CAR PARK 2	12/12/2023
DA-1315	C	SECTION - CAR PARK 3	12/12/2023
A-DA-1316	1	SECTION - LANEWAY	02/08/2019
A-DA-2901	9	ADAPTABLE & LIVABLE UNITS	26/09/2022
A-DA-2951	9	APARTMENT STORAGE AREA PLANS	26/09/2022
A-DA-2952	8	APARTMENT STORAGE AREA PLANS	08/12/2021
DA-2971	D	GFA DIAGRAMS	12/12/2023
A-DA-2972	14	GFA PLANS 2	26/09/2022
A-DA-2973	8	GFA PLANS 3	08/12/2021
A-DA-6001	7	WINDOWS SCHEDULE LEVEL 2 - 9	26/09/2022
A-DA-6002	7	WINDOWS SCHEDULE LEVEL 10 - 11	26/09/2022
A-DA-6003	7	WINDOWS SCHEDULE LEVEL 12 - 18	26/09/2022
A-DA-6004	7	WINDOWS SCHEDULE LEVEL 19	26/09/2022
A-DA-6005	1	FACADE & MATERIALS 1	26/09/2022
A-DA-9001	7	PERSPECTIVE 1	02/08/2019
DA-9002	A	PERSPECTIVE 2	12/12/2023
DA-9003	A	PERSPECTIVE 3	12/12/2023
DA-A100010	C	DEVELOPMENT DATA SHEET	16/12/2025
DA-A100020	A	BASIX NOTES	16/02/2026
DA-A200030	A	SITE PLAN	08/12/2025
DA-A200060	A	SITE ANALYSIS	08/12/2025
DA-A930010	A	PERSPECTIVE 1	08/12/2025
DA-A930020	A	PERSPECTIVE 2	08/12/2025
DA-A930030	B	PERSPECTIVE 3	23/06/2026
DA-A930040	A	PERSPECTIVE 4	08/12/2025
DA-B1B0710	A	BASEMENT 04 PLAN	08/12/2025
DA-B1B0810	A	BASEMENT 03 PLAN	08/12/2025
DA-B1B0910	A	BASEMENT 02 PLAN	08/12/2025
DA-B1B1010	A	BASEMENT 01 PLAN	08/12/2025
DA-B1G0010	B	LOWER GROUND FLOOR PLAN - RAWSON STREET	23/06/2026

Plan No.	Issue	Plan Title	Dated
DA-B1G0110	C	GROUND FLOOR PLAN - BEECROFT ROAD	20/07/2026
DA-B1L0110	B	LEVEL 01 PLAN	15/12/2025
DA-B1L0210	A	LEVEL 02 PLAN	08/12/2025
DA-B1L0310	B	LEVEL 03-18 PLAN	09/06/2026
DA-B1L1910	A	LEVEL 19 PLAN	08/12/2025
DA-B1ROF10	A	ROOF PLAN	08/12/2025
DA-C1E1010	B	SOUTH ELEVATION	23/06/2026
DA-C1E1020	B	SOUTH ELEVATION - PODIUM	23/06/2026
DA-C1E2010	A	EAST ELEVATION	08/12/2025
DA-C1E2020	A	EAST ELEVATION - PODIUM	08/12/2025
DA-C1E3010	A	NORTH ELEVATION	08/12/2025
DA-C1E3020	A	NORTH ELEVATION - PODIUM	08/12/2025
DA-C1E4010	B	WEST ELEVATION	23/06/2026
DA-C1E4020	B	WEST ELEVATION - PODIUM	23/06/2026
DA-C9L0210	A	WINDOW SCHEDULE - LEVEL 02	08/12/2025
DA-C9L0310	A	WINDOW SCHEDULE - LEVEL 03-18	08/12/2025
DA-C9L1910	A	WINDOW SCHEDULE - LEVEL 19	08/12/2025
DA-C910010	A	FACADE MATERIALS 1	08/12/2025
DA-D111010	A	SECTION - EAST WEST	08/12/2025
DA-D112010	A	SECTION - NORTH SOUTH	08/12/2025
DA-D120010	A	SECTION - CAR PARK 1	08/12/2025
DA-D120040	B	SECTION - LANEWAY	23/06/2026
DA-Q12D010	C	ADG2D-GFA DIAGRAMS	16/12/2025
DA-Q14A110	A	ADG4A1-SOLAR ACCESS & CROSS VENT COMPLIANCE DIAGRAMS	08/12/2025
DA-Q14A120	A	ADG4A1-SOLAR ACCESS - SUN-EYE DIAGRAMS	08/12/2025
DA-Q14G110	A	ADG4G1-INTERNAL STORAGE	08/12/2025
DA-Q14Q210	A	ADAPTABLE & LIVABLE APARTMENTS	08/12/2025

Civil Drawings (Bornhorst & Ward Job No: 16115)

Plan No.	Issue	Plan Title	Dated
C0000	D	Cover Sheet	17/05/19
C0001	D	Legend	17/05/19
C0210	F	Existing and Proposed Contours	29/07/19
C0310	F	Verge Sections Layout	29/07/19
C0420	D	North Laneway Verge Longitudinal Section	17/05/19
C0421	D	Beecroft Rd Verge Longitudinal Section	17/05/19
C0422	D	Hunts Lane Verge Longitudinal Section	17/05/19

Plan No.	Issue	Plan Title	Dated
C0423	D	Rawson St Verge Longitudinal Section	17/05/19
C0500	D	North Laneway Verge Sections Sheet 1	17/05/19
C0501	D	North Laneway Verge Sections Sheet 2	17/05/19
C0502	D	Beecroft Rd Verge Sections	17/05/19
C0503	E	Hunts Ln Verge Sections Sheet 1	17/05/19
C0504	E	Hunts Ln Verge Sections Sheet 2	17/05/19
C0505	E	Hunts Ln Verge Sections Sheet 3	17/05/19
C0506	E	Rawson St Verge Sections Sheet 1	17/05/19
C0507	E	Rawson St Verge Sections Sheet 2	17/05/19
DA-C0000	G	Cover Sheet	07/02/19
DA-C0001	G	Legend	07/02/19
DA-C0002	G	Erosion and Sediment Control Notes and Details	07/02/19
DA-C0003	G	Erosion and Sediment Control Layout	07/02/19
DA-C0004	H	OSD Tank Layout Rawson St Level	07/02/19
DA-C0005	J	Level 1 Basement Layout	07/02/19
DA-C0008	F	Stormwater Longitudinal Section	07/02/19
DA-C0010	H	OSD Tank Sections Sheet 1	07/02/19
DA-C0011	H	OSD Tank Sections Sheet 2	07/02/19
DA-C0012	H	OSD Tank Sections Sheet 3	07/02/19
DA-C0013	H	OSD Tank Sections Sheet 4	07/02/19
DA-C0020	B	Drainage Catchment Layout	07/02/19

Further Civil Drawings (Wilson Consulting Engineers)

Plan No.	Issue	Plan Title	Dated
210803 - C00	1 2	Title, Notes & Sediment Erosion	26/04/2022 13/01/2026
210803 - C01	2 9	Site Plan – Ground Floor	05/10/2022 24/06/2026
210803 - C02	1 6	Site Plan – First Floor	26/04/2022 24/06/2026
210803 - C03	2 4	Detail Plan 1	05/10/2022 10/02/2023
210803 - C04	2 3	Detail Plan 2	05/10/2022 09/12/2022
210803 - C05	1 3	Detail Plan 3	05/10/2022 10/02/2023
210803 - C10	1	Sections North Laneway	26/04/2022
210803 - C11	1 3	Sections Beecroft Rd	26/04/2022 24/06/2026

Plan No.	Issue	Plan Title	Dated
210803 – C12	4	Sections Hunts Lane	26/04/2022 24/06/2026
210803 – C13	2	Sections Rawson Street	26/04/2022 24/06/2026

Landscape Drawings (Urbis Job No: ND1745)

Plan No.	Issue	Plan Title	Dated
L-000	M R	Cover Sheet + Drawing Register + Legend	19/04/2024 02/07/2026
L-101	L M	Lower Ground Level Landscape Layout Plan	19/04/2024 02/07/2026
L-102	M O	Ground Level Landscape Layout Plan	19/04/2024 02/07/2026
L-103	G	Level 01 – Podium Landscape Layout Plan	19/04/2024 15/01/2026
L-104	E H	Roof Landscape Layout Plan	19/04/2024 15/01/2026
L-105	K O	Plant Schedule	19/04/2024 02/07/2026
L-106	F	Roof Landscape Layout Plan Level 02 – Podium Landscape Layout Plan	19/04/2024 15/01/2026

Accompanying Reports

Documents	Reference Number	Prepared By	Dated
Access Assessment Report Statement of Compliance Access for People with a Disability	221217-225243	Accessible Business Solutions	04/12/23 16/12/25
Acoustic Report	16SYA0015-R02_2	TTM	13/02/19
Investigation of acoustic treatment to façade for natural ventilation purposes	16SYA0015-D03_1	TTM	17/10/18
BASIX	741782M_069	EMF Griffiths	21/04/22 09/06/26
BCA Assessment Report	2023/2692.1	Steve Watson and Partners	06/12/23
Design Report	Revision A	Woods Bagot	09/11/17
Economic Report	-	Atlas Economics	12/12/23
Green Travel Plan	N123	TTPS	11/12/23

Report on Geotechnical Investigation	85816.03	Douglas Partners	06/07/18
Report on Numerical Modelling and Impact Assessment	85816.05	Douglas Partners	12/02/19
Landscape	ND1745 [9]	Urbis	02/08/19
Lift Services	216655	EMF Griffiths	14/01/17
NCC.Access.Fire Safety	10141-NCC-r4	Credwell	10/11/17
Preliminary Numerical Analyses of Shoring Walls	85816.02	Douglas Partners	11/07/18
Nationwide House Energy Rating Scheme	0003401750 0012789740	EMF Griffiths	27/11/18 19/02/26
Preliminary Site Investigation	85816.00	Douglas Partners	27/10/17
Social Impact Assessment	15780-02	Ethos Urban	09/07/18
Statement of Environmental Effects	15780-01	Ethos Urban	09/07/18
S4.55 Statement of Environmental Effects	B	Mecone	29/04/24
Stormwater Management Plan	16115-D	BornHorst & Ward	July 2018
Thermal Performance Specifications	N/A	EMF Griffiths	26/10/18
Traffic Impact Statement	N123/2023/S4.55/TIA	TTPS	11/12/23
Traffic Calming Measures	Figure 3	Ethos Urban	31/10/22
Waste Management	16BRW0018_7	FTM	08/12/23
Wind Comfort Conditions Memorandum	1804388	RWDI	21/08/19
S4.55 Noise and Vibration Impact Assessment	20251161.1/1301A/R1/GC (Rev. 1)	Acoustic Logic	16/01/26
Operational Waste Management Plan	708129 (Rev. D)	Elephants Foot	29/01/26
Traffic and Parking Impact Assessment	N123/2025/S4.55-MOD3/TIA/1	Traffic and Transport Planning Solutions	09/02/26
Section 4.55 Modification Architectural Design Report	-	PTW Architects	12/01/26

Note: In the event of any inconsistency between the architectural plans, landscape plans, stormwater disposal plans or photomontages, the architectural plans shall prevail to the extent of the inconsistency.

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

Note: Amended as per DA/61/2018/A, & DA/61/2018/B, and DA/61/2018/C.

Amend Condition 11 as follows.

Car Parking Allocation

11. *Parking spaces are to be provided in accordance with the approved plans and with AS 2890.1, AS2890.2 and AS 2890.6, including the location of wheel stops.*

A total maximum of 151 162 car parking spaces are to be provided and be located as follows:

- a) 96 Maximum 100 spaces for the residential units including 14 13 spaces as accessible parking;*
- b) Minimum of 18 residential visitor parking spaces including 1 spaces as accessible parking and 3 spaces for electric vehicles;*
- c) 27 spaces for retail including 2 spaces as accessible parking;*
- d) 6 commercial/business spaces including 2 spaces as accessible parking; and*
- e) A maximum of 40 parking spaces for commercial and retail uses comprising:

 - (i) A maximum of 40 spaces for retail uses;*
 - (ii) A maximum of 21 spaces for commercial uses; and,**
- f) 4 spaces for car share.*

Note that one of the residential spaces are to be allocated to residential visitors to comply with the DCP requirements. For the purposes of paragraph (e) above, the boom gate separating residential parking spaces and commercial/retail parking spaces illustrated on basement level 1 of the approved plans shall be relocated to basement level 2 (and replaced with a security shutter as required by Condition 99) to facilitate the re-allocation of seven (7) residential parking spaces (as notated on approved plans) to retail spaces or commercial spaces or a combination of both. Associated residential storage cages shall also be relocated to resident-only basement areas/levels. Details are to be illustrated on plans submitted with the construction certificate application.

For the avoidance of doubt, this condition permits only the re-allocation of existing approved parking spaces and does not authorise or otherwise endorse the creation or provision of any additional parking spaces beyond the 162 spaces approved by this consent. The maximum parking rates specified in paragraph (e) do not constitute an approval for additional parking spaces to be provided in order to achieve those maximum rates.

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

Note: Amended as per DA/61/2018/B and DA/61/2018/C.

Insert Condition 17A as follows.

Additional Endeavour Energy Requirements

- 17A. In addition to the above Endeavour Energy requirements, compliance with the following additional conditions (as listed under the document titled Standard Conditions for Development Applications and Planning Proposals Version 11A) must be achieved.**

- Condition 5 – Before You Dig**
- Condition 17 – Excavation**
- Condition 20 – Look Up and Live**
- Condition 21 – Modifications**

- **Condition 23 – Network Asset Design**
 - **Condition 24 – Network Connection**
 - **Condition 30 – Safety Clearances**
 - **Condition 32 – Service Conductors**
 - **Condition 33 – Street Infrastructure**
- Reason: Endeavour Energy requirement.**

Note: Added under DA/61/2018/C.

Add Condition 20A as follows.

Residential Lifts

- 20A. All residential lifts within the approved development shall be designed, installed and maintained to operate at a minimum rated speed of 3.5 metres per second (m/s). The lift specifications must demonstrate compliance with this requirement to the satisfaction of the Principal Certifier prior to the issue of any Occupation Certificate for the residential component of the development.**

Reason: To ensure appropriate residential amenity and access is achieved.

Note: Added under DA/61/2018/C.

Amend Condition 22 as follows.

Developer Contributions

22. A monetary contribution comprising ~~\$2,333,802.91~~ **\$2,209,405.03** is payable to the City of Parramatta Council prior to the issue of any Construction Certificate in accordance with City of Parramatta Council Section 94 Development Contributions Plan (Former Hornsby LGA Land and Epping Town Centre) and Section 7.11 of the Environmental Planning and Assessment Act 1979 as set out below:

<i>Contribution Type</i>	<i>Amount</i>
<i>Plan Administration</i>	\$ 4,434.18 4,197.82
<i>Community Facilities</i>	\$ 181,569.87 171,891.71
<i>Drainage & Water Quality</i>	\$ 40,141.48 38,001.83
<i>Open Space & Recreation</i>	\$ 1,587,452.75 1,502,837.31
<i>Public Domain</i>	\$ 338,168.03 320,142.77
<i>Roads & Shared Paths</i>	\$ 182,036.60 172,333.58
<i>Total</i>	\$ 2,333,802.91 2,209,405.03

All contributions will be index linked in accordance with Part 2.13 (Adjustment of contribution rates in this Plan) of City of Parramatta Council Section 94 Development Contributions Plan (Former Hornsby LGA Land and Epping Town Centre).

Existing Development Credits

Prior to the payment of contributions required by this consent, the applicant may submit to Council a detailed survey plan and any other supporting information necessary to identify the existing gross floor area, uses and development on the site for the purpose of determining whether any credits are applicable under the City of Parramatta Council Section 94 Development Contributions Plan (Former Hornsby LGA Land and Epping Town Centre). Upon receipt and assessment of this information,

Council may adjust the contributions payable where it is satisfied that an entitlement to credits has been demonstrated in accordance with the Contributions Plan.

Unless and until Council determines that a credit is applicable, the contributions payable shall be the amount calculated in accordance with this consent (subject to any indexing).

Reason: To meet the cost of the provision or augmentation of new public facilities.

Note: Amended as per DA/61/2018/B and DA/61/2018/C.

Amend Condition 26 as follows.

Security Bonds

26. *In accordance with Section 4.17(6)(a) of the Environmental Planning and Assessment Act 1979, security bonds payable to Council for the protection of the adjacent road pavement and public assets during construction works. The bond(s) are to be lodged with Council prior to the issue of any application/approval associated with the allotment, (being a Hoarding application, Construction Certificate) and prior to any demolition works being carried out where a Construction Certificate is not required.*

The bond may be paid, by EFTPOS, bank cheque, or be an unconditional bank guarantee.

Should a bank guarantee be lodged it must:

- (a) Have no expiry date;*
- (b) Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA/61/2018;*
- (c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.*

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

Bonds shall be provided as follows:

<i>Bond Type</i>
<i>Hoarding (see Schedule of Fees and charges (\$2,652 -\$5,304 per street frontage in current financial year)</i>
<i>Development Sites (see Schedule of Fees and Charges, \$25,750 in current financial year)</i>
<i>Street Trees (\$2060 per street tree in current financial year)</i>
<i>Street Furniture (\$2060 per street tree item in current financial year)</i>

A dilapidation report is required to be prepared prior to any work or demolition commencing. This is required to be submitted to City of Parramatta with the payment of the bond/s.

The dilapidation report is required to document/record any existing damage to kerbs, footpaths, roads, nature strips, street trees and furniture within street frontage/s bounding the site up to and including the centre of the road.

Reason: To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner so as not to cause any disruption or possible accidents to the public.

Note: Amended as per DA/61/2018/C.

Amend Condition 32 as follows.

Adaptable Dwellings

32. At least 10% of all residential units (i.e. at least 13) shall be designed and fit-out as adaptable dwellings. Plans submitted with the construction certificate must illustrate that the required adaptable dwellings have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House. **In addition, plans must illustrate at least 6 adaptable dwellings with left-hand transfers onto the pans in the bathrooms (i.e. shower/pan locations swapped) to achieve equitable access and compliance with Part F4D5(g) of the BCA.**

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

Note: Amended as per DA/61/2018/C.

Amend Condition 35 as follows.

Waste and Recycling Storage Facilities

35. Waste and recycling storage facilities are to be provided in each residential and ~~retail~~ **non-residential (commercial)** unit. Details of the unit waste storage areas are to be provided to the satisfaction of the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Reason: To ensure adequate storage for refuse.

Note: Amended as per DA/61/2018/C.

Delete Condition 38A.

Storage of Bins Between Collection Periods

- ~~38A. Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods.~~

~~*Reason: To ensure waste is adequately stored within the premises.*~~

~~*Note: Amended as per DA/61/2018/A*~~

[Condition 38A deleted under DA/61/2018/C]

Delete Condition 38D.

Management of Waste Storage Facilities

- ~~38D. All waste storage areas are to be maintained in a clean and tidy condition at all times.~~

~~*Reason: To ensure the ongoing management of waste storage areas.*~~

~~*Note: Amended as per DA/61/2018/A*~~

[Condition 38D deleted under DA/61/2018/C]

Amend Condition 47 as follows.

Unit to Unit Acoustic Amenity

- ~~47. The internal layout in all residential units described on the approved drawings as type A02 on Levels 2 – 18 (inclusive) shall be flipped east/west such that the room uses match those~~

~~on adjacent units. Details shall be submitted to the satisfaction of the certifying authority prior to the issue of the relevant Construction Certificate~~ **Prior to the issue of the relevant Construction Certificate, an acoustic assessment of residential units which have noise-sensitive rooms (such as bedrooms) separated by party wall from noise-generating areas in adjacent units (such as kitchens, living/dining rooms or plant rooms) is to be submitted to the satisfaction of Council's DTSU Manager, demonstrating that suitable internal noise levels will be achieved for each affected unit.**

Reason: To improve acoustic amenity in keeping with the requirements of the Apartment Design Guide.

Note: Amended as per DA/61/2018/C.

Amend Condition 48 as follows.

BASIX – Additional Information

48. ~~The BASIX certification, and associated NatHERS documentation, shall be updated as follows:~~

- ~~• The NatHERS certificate number shall be inputted into the BASIX certificate;~~
- ~~• The assessor shall re-certify the approved drawings; and~~
- ~~• The stamped drawings shall be updated to include the required thermal performance schedule.~~

~~Details demonstrating compliance shall be submitted to the satisfaction of Council's Manager DTSU prior to the issue of the relevant Construction Certificate.~~

Prior to the issue of the relevant Construction Certificate, the approved drawings (per Condition 1) shall be re-certified (and stamped) by the BASIX assessor and submitted to the satisfaction of the principal certifying authority.

Reason: To ensure the proposal meets the requirements of the SEPP.

Note: Amended as per DA/61/2018/C.

Delete Condition 49.

Safety & Security

49. ~~The building design shall be amended as follows:~~

- ~~• The lower ground floor vehicle shutter locations shall be revised so as to ensure there are no concealed trap points within the site.~~
- ~~• The upper ground floor lift core shall be secured in such a way as to ensure there will be no concealed trap points or hiding places.~~
- ~~• The stairway between the upper ground floor and first floor communal terrace shall be secured in such a way as to only allow access for residents and to remove any concealed trap points.~~

~~Details demonstrating compliance shall be submitted to the satisfaction of Council's Manager DTSU prior to the issue of the relevant Construction Certificate.~~

Reason: To improve the safety and security of the building, its occupants, and the public.

[Condition 49 deleted under DA/61/2018/C]

Delete Condition 50.

Alignment Drawings

~~50. Prior to the issue of any construction certificate, the applicant is to submit, to the satisfaction of Council's Manager DTSU, revised alignment drawings demonstrating that the cross-fall in any public domain area will be between 1.0% and 2.5%.~~

~~Reason: To ensure the safety and comfort of pedestrians.~~

[Deleted under DA/61/2018/C]

Amend Condition 51 as follows.

Drawing Modifications

51. Notwithstanding Condition 1, the following drawing modifications shall be submitted to the satisfaction of Council's Manager DTSU prior to the issue of the relevant Construction Certificate:

- ~~a) The landings on the switch back ramp leading from the basement to the Rawson Street entry must provide a clear circulation width no less than 1540mm as shown in AS1428.1 Fig 25(C).~~
- b) Ensure step-free access to lift lobby apron at all basement levels
- c) ~~Details of the amenities block at Beecroft Road ground level shall be provided~~ **Planting shall be incorporated on the roof of the podium (above ground level) of the approved development. Planting beds must be provided around the outer perimeter of the roof (minimum 1m wide) at sufficient depths to support grass, shrubs and a minimum of seven (7) trees as per requirements of Part 4P of the Apartment Design Guide. Trees should be visible from the public domain.**
- d) Ensure the entries to the retail outlets are to provide compliant step free low level thresholds with any variation in heights taken up within the retail spaces without distorting the footpath.
- e) **Provision of an awning on Beecroft Road, extending the full length of the building frontage and of adequate depth to provide seamless protection at the boundary with the awning of properties either side of the site.**

Reason: To improve safety and accessibility for residents.

Note: Amended by DA/61/2018/A **and DA/61/2018/C.**

Amend Condition 55 as follows.

On Site Detention

55. Full engineering construction details of the stormwater system, including OSD structures, pipe networks and calculations as per following points, shall be submitted for the approval of the PCA prior to release of the Construction Certificate for any work on the site.

- (a) The stormwater drainage detail design shall be prepared by a Registered Stormwater Design Engineer and shall be generally in accordance with the following Stormwater Plans approved **under Condition 1 of** by this consent and with Council's Stormwater Disposal Policy, Council's Design and Development Guidelines, The Upper Parramatta River Catchment Trust On Site Detention Hand book (Third or Fourth Edition), the relevant Australian Standards and the National Construction Code.
~~a. "Stormwater Management Plan", Drawing No 1-6, Issue 4, dated 10/02/23, prepared by Wilson Consulting Engineers.~~

- (b) A Site Storage Requirement of 250m³/ha, and a Permissible Site Discharge of PSD 210 L/sec/ha (when using 3rd edition of UPRCT's handbook)
- (c) Orifice shall be adjusted to account of the flow from the stormwater filters.
- (d) Provisions shall be made to ensure emergency overflows from the OSD shall not enter any habitable floor space or the basement under any circumstances.
- (e) Adequate grate(s) to be provided so the OSD tank storage area can be inspected from outside for silt and debris, and to ensure adequate cross ventilation within the tank.
- (f) Certificate from registered structural engineer certifying the structural adequacy of the OSD tank structure.

(g) The OSD shall be located such that its footprint is outside of habitable floor area.

Reason: To minimise the quantity of storm water run-off from the site, surcharge from the existing drainage system and to manage downstream flooding.

Note: Amended by DA/61/2018/A **and DA/61/2018/C.**

Amend Condition 72 as follows.

Public Domain Requirements

72. Notwithstanding the approved Public Domain Drawings, the following requirements shall be included in the Public Domain Construction Drawings:

Footpath

The standard 'Granite flagstone', as per the PDG, 600x300x50mm, 400x300x50mm 'Sesame Grey', 'Austral Black' or 'Adelaide Black', with exfoliated/bush hammer finish shall be applied to the entire public domain areas in Beecroft Road and Rawson Street for the full length of the development site. This includes the public footway and any setback between the building/podium line and property boundary.

The footpath paving set out and details must comply with Council's design standard (DS45).

Pavement pattern within the site must offer direct visual link to the 24/7 publicly accessible link by continuing the public domain paving across the site. This pattern can integrate with alternative pavement pattern across the remainder of the site.

Direction of pavement should be perpendicular first to the kerb and second to the building as per the PDG. Pavement at the pedestrian lane should be perpendicular to Hunts Lane kerb. Also, at the intersection of pavements Council's standard details for merging of pavement is required as per the PDG.

A copy of the Design Standard (DS) Drawings referenced above can be obtained from Council's Customer Service department on 9806 5050, Mon – Fri (8:30am-4:30pm).

Kerb Ramps

Kerb ramps must be designed and located in accordance with Council's design standards (DS45), using 'Granite flagstone', as per the PDG, 600x300x50mm, 400x300x50mm 'Sesame Grey', 'Austral Black' or 'Adelaide Black', with exfoliated/bush hammer finish

Ramps are to be aimed to the ramp on the opposite side of the road.

Vehicle Crossing

Council's standard vehicle crossing is to be provided at vehicle entry from the lane to the north. Refer Council's design standard (DS45), using 'Granite flagstone', as per the PDG, 400x300x50mm, 200x300x50mm, 'Sesame Grey', 'Austral Black' or 'Adelaide Black', with exfoliated/bush hammer finish

Tactile Indicators (TGSIs)

TGSIs must be used on the public footpath and comply with the requirements in the Public Domain Guidelines. The TGSIs must be installed in the locations as shown on the approved Public Domain Construction Drawings.

TGSI's must comply as follows.

- *TGSI's are required at the top and base of each flight/ramp, to comply with AS1428.4.1 (2009) but, do not protrude into the public domain and interfere with the clear path of travel*
- *TGSI's are not required on a landing where handrails continue through the landing.*

Clear Path of Travel (Shore-Lining)

Council continues to develop uniform design approach(s) to delineating a clear path of travel past complex built forms at the footway level. Options could include, but not be limited to, change in pavement colour, textures and or other visual aids etc. that meet DDA requirements. Final design solutions to suit the project are to be proposed by the applicant for consideration and inclusion in the Public Domain Construction Drawings prior to issuing of CC approval.

Sealant

Sealant is to be applied to all paved surfaces in the public domain in accordance with Council requirements.

Non-slip surface – for non-Council standard pavements

The applicant shall provide test results (after applying paving sealant) to prove all pavement material and finishes used in the public domain and any plaza areas are non-slip surfaces that comply with a V5 rating (according to AS4586:2013) in both wet and dry conditions.

Street Furniture

Street furniture selection and detail shall be to Council's requirements where the furniture is located in publicly owned land. Street furniture in the public domain must comply with Council's Public Domain Guidelines.

Cycle racks

Public bike racks supplied and equally distributed (clusters of max 4-off racks) to the furniture zone of Rawson Street as per the PDG. Location outside of this zone to be agreed by Council's DTSU Manager prior to issue of Construction Certificate.

Cycle racks are to be located so that bicycles do not encroach onto the clear path of travel.

Lighting

Pedestrian and street lighting shall be to Council's requirements and Australian Standards. All the lighting features in the public domain shall be detailed in the Public Domain Construction Documentation. All new LED luminaires shall include 7pin NEMA socket.

Graded Walkways

Preference is to achieve graded walkways that do not require handrails, flatter than 1:20.

If ramps are required, steeper than 1:20, they must comply as follows:

- *Level landings at top and base*
- *Non-slip surfaces in wet and dry conditions*
- *Compliant handrails on each side with at least 1000mm between handrails*
- *A lower rail with maximum clearance of 65mm below.*
- *Any ramping, including handrail and tactile, must not extend beyond the future street wall and subsequent clear path of travel along Rawson Street and Beecroft Road.*
- **The width of the ramp at the south-western corner of the property must allow for compliant 1500x1500mm corner landing point that allows for wheelchair access per AS1428.1 requirements.**
- **Minimise retaining wall heights containing the ramp as much as possible (minimum 150mm above the ramp).**

Multi-media conduit

~~A conduit for Council's multi-media facilities shall be installed to the full length of the street frontages onStreet. The conduit must be positioned and installed in accordance with Council's design standard drawing and specifications.~~

Documentary evidence of compliance with these requirements is to be confirmed in the Public Domain Construction Drawings to be submitted to and approved by Council's DTSU Manager prior to the issue of the relevant Construction Certificate.

Reason: To comply with the Public Domain Guidelines.

Note: Amended as per DA/61/2018/C.

Amend Condition 73 as follows.

Awning

73. The awning hereby approved **(including the additional awning required pursuant to Condition 51)** is to extend the full length of the building frontage and be of adequate depth to provide seamless protection at the boundary with the awning of properties either side of the site.

Reason: To ensure awning provides adequate and seamless protection and comfort.

Note: Amended as per DA/61/2018/C.

Amend Condition 75 as follows.

Sydney Metro – Approved Documents

75. All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings, measures and recommendations detailed in the following documents:
- (a) Report on Numerical Modelling and Impact Assessment Proposed High- Rise Development 48-54 Beecroft Road and 52-54 Rawson Street, Epping Revision 0 prepared by Douglas Partners dated 12 February 2019
 - (b) Report on Geotechnical Investigation, Proposed Residential Development 48 to 54 Beecroft Road and 52 to 54 Rawson St Epping Revision 0 prepared by Douglas Partners dated 6 July 2018.
 - (c) Engineering Report for the proposed Epping Tower located at 48-54 Beecroft Road prepared by Bornhorst + Ward Consulting Engineers dated July 2019.
 - (d) Shoring Early Works Sheet 1 — SK-S0151 Revision G prepared by Bornhorst + Ward Consulting Engineers dated 12 July 2019.
 - (e) Shoring Early Works Sheet 2 — SK-S0152 Revision E prepared by Bornhorst + Ward Consulting Engineers dated 12 June 2019.
 - (f) Shoring Early Works Sheet 3 — SK-S0153 Revision A prepared by Bornhorst + Ward Consulting Engineers dated 12 June 2019.
 - (g) Shoring Early Works Sheet 4 — SK-S0154 Revision A prepared by Bornhorst + Ward Consulting Engineers dated 12 June 2019.
 - (h) Shoring Early Works Sheet 5— SK-S0155 Revision A prepared by Bornhorst + Ward Consulting Engineers dated 12 June 2019.
 - (i) Side walls shear reactions calculations prepared by Bornhorst + Ward Consulting Engineers dated 5 August 2019.
 - (j) Survey Plan Version H — Plan showing railway property location Lots 1&2 in DP541808, Lots 3 & 4 in DP541960, Lot 1 DP592094, Lot A DP325036 and Lot 2

DP592094: 52-54 Rawson and 48-54 Beecroft Rd Epping — prepared by RHCO Richard Hogan and Co Surveying and Development Consultants.

(k) *Memo — Response to Sydney Metro re modelling consistency with final shoring design prepared by Douglas Partners dated 31 July 2019.*

(l) *Memo — Response to Sydney Metro re bedding planes 48-52 Beecroft Road and 52-54 Rawson St Epping prepared by Douglas Partners dated 25 March 2019.*

(m) 48-54 Beecroft Road, Epping S4.55 Noise and Vibration Impact Assessment prepared by Acoustic Logic, Rev 1 dated 16 January 2026.

(n) 48-54 Beecroft Road & 52-54 Rawson St, Epping NSW 2121 Civil & Public Domain Drawings prepared by Wilson Consulting Engineers approved under Condition 1.

subject to any amendments to those documents required by Sydney Metro in accordance with this consent.

Reason: To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

Note: Amended as per DA/61/2018/C.

Amend Condition 79 as follows.

Sydney Metro - Survey

79. **Prior to the issue of a Construction Certificate:**

- (a) the Applicant must provide Sydney Metro with an accurate survey of the development and its location relative to the rail corridor boundary and any rail infrastructure. The survey is to be undertaken by a registered surveyor, to the satisfaction of Sydney Metro; and**
- (b) a registered surveyor shall peg-out the common property boundary between the development site and the rail corridor and any Sydney Metro easements to ensure that there is no encroachment by the development. A copy of the survey report indicating the location of pegs must be provided to Sydney Metro prior to the commencement of works.**

Prior to the issue of a Construction Certificate, the Applicant must undertake a services search to establish the existence and location of any rail services and provide the results of the search to Sydney Metro. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the development site, the Applicant must discuss with Sydney Metro whether the services are to be relocated or incorporated within the development site.

Reason: To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

Note: Amended as per DA/61/2018/C.

Amend Condition 80 as follows.

Sydney Metro - Noise & Vibration Legislation

80. *The development must:*

- (a) comply with State Environmental Planning Policy (Transport and Infrastructure) 2007 2021 and the NSW Department of Planning & Environment's document titled "Development Near Rail Corridors and Busy Roads - Interim Guideline" (2008) and the**

Sydney Metro Underground Corridor Protection Technical Guidelines (available from www.sydneymetro.info);

- (b) be designed, constructed and maintained so as to avoid damage or other interference which may occur as a result of air-borne noise, ground-borne noise and vibration effects that may emanate from the rail corridor during rail construction and operations; and*
- (c) not have any noise or vibration impacts on the rail corridor or rail infrastructure.*

Reason: To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

Note: Amended as per DA/61/2018/C.

Amend Condition 81 as follows.

Sydney Metro - Noise & Vibration Report

81. *The Applicant must:*

- (a) prepare a noise and vibration (acoustic) assessment report which confirms compliance with each of the matters outlined in condition 1.4; and*
- (b) incorporate as part of the development all the measures recommended in the noise and vibration (acoustic) assessment report.*

(c) Not have any noise or vibration impacts on the rail corridor or rail infrastructure.

A copy of the noise and vibration (acoustic) assessment report is to be provided to the Certifier and Council prior to a Construction Certificate being issued by the Certifier. The Certifier must ensure that the recommendations of the acoustic assessment report are incorporated in the construction drawings and documentation prior to issuing a Construction Certificate for the development.

Reason: To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

Note: Amended as per DA/61/2018/C.

Delete Condition 92.

Parking spaces to be provided

~~92.—Parking spaces are to be provided in accordance with the approved plans and with AS 2890.1, AS2890.2 and AS 2890.6. A total of 151 parking spaces are to be provided and be allocated as follows:~~

- ~~a.—96 spaces for the residential units including 14 spaces as accessible parking;~~
- ~~b.—18 residential visitor parking including 1 space as accessible parking and 3 spaces for electric vehicles;~~
- ~~c.—27 spaces for retail including 2 spaces as accessible parking;~~
- ~~d.—6 commercial/business spaces including 2 accessible spaces;~~
- ~~e.—4 spaces for car share~~

~~Note that one of the residential spaces are to be allocated to residential visitors to comply with the DCP requirements. Details are to be illustrated on plans submitted with the construction certificate application.~~

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

Note: Amended as per DA/61/2018/B

[Condition 92 deleted under DA/61/2018/C]

Amend Condition 93 as follows.

Bicycle parking

93. ~~155~~ **152** *bicycle spaces/racks are to be provided on-site and used accordingly, with 122 spaces dedicated to residents, 13 spaces dedicated as to (residential) visitors, 11 spaces dedicated to employees of non-residential uses, and 6 spaces dedicated to (non-residential) visitors. The bicycle storage/racks are to comply with AS 2890.3-2015. Details are to be illustrated on plans submitted with the construction certificate.*
Reason: To comply with Council's parking requirements.

Note: Amended as per DA/61/2018/B and DA/61/2018/C.

Delete Condition 94.

Parking amendments

94. ~~The bicycle parking and motorcycle parking spaces adjacent to the Cold Water Pump room on the lower ground floor plan shall be relocated within the basement. Details demonstrating compliance are to be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the relevant construction certificate.~~
~~Reason: To provide compliant manoeuvring space for adjacent parking spaces.~~

[Condition 94 deleted under DA/61/2018/C]

Amend Condition 95 as follows.

Construction and Pedestrian Traffic Management Plan

95. ~~A Construction Traffic Management Plan shall be prepared and submitted to the satisfaction of the Sydney Coordination Authority (Transport for NSW) and Council's Service Manager Traffic and Transport prior to the issue of any Construction Certificate. The following matters must be specifically addressed in the Plan:~~
- ~~A. Construction Management Plan for the Site~~
 - ~~1. A plan view of the entire site and frontage roadways indicating:~~
 - ~~2. Access arrangements to and from the site.~~
 - ~~3. Proposed number of trucks during the phases of development~~
 - ~~4. Hours of proposed truck movements to and from the site.~~
 - ~~5. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and demolition related vehicles in the frontage roadways.~~
 - ~~6. Turning areas within the site for demolition and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.~~
 - ~~7. The locations of proposed Work Zones in the egress frontage roadways.~~
 - ~~8. Location of any proposed crane standing areas.~~
 - ~~9. A dedicated unloading and loading point within the site for all demolition vehicles, plant and deliveries.~~
 - ~~10. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.~~
 - ~~11. The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.~~
 - ~~B. Traffic Control Plan(s) for the site:~~

- ~~1. All traffic control devices installed in the road reserve shall be in accordance with the Roads and Traffic Authority, NSW (RTA) publication 'Traffic Control Worksite Manual' and be designed by a person licensed to do so (minimum RTA 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.~~
- ~~2. Approval shall be obtained from City of Parramatta Council for any temporary road closures or crane use from public property.~~
- ~~C. A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided and a copy of this route is to be made available to all contractors.~~
- ~~D. The plan must address the following:~~
 - ~~1. A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.~~
 - ~~2. Minimising construction related traffic movements during school peak periods.~~
 - ~~3. The CTMP is to include a requirement that there be a sign on the hoarding that provides a phone number and email address for members of the local community to make enquires or complaints regarding traffic control for the site. The construction company for the site is to provide a representative for meetings that may occur once a month and may include representatives of the local community and Council staff to discuss traffic control at the site. It is likely that the CTMP will include restrictions on the hours of the day that truck movements, use of the kerb side lane and traffic control can occur (beyond that normally imposed on construction activity).~~

Prior to the issue of a construction certificate, the applicant shall submit a Construction and Pedestrian Traffic Management Plan (CPTMP) to the satisfaction of Council's Traffic and Transport Manager. The CPTMP shall be prepared by a suitably qualified and experienced traffic consultant. The CPTMP must be approved by Council prior to any works commencing and must be complied with at all times including any additional conditions imposed by Council and/or TfNSW in the approval of the plan.

In preparing the CPTMP, the following matters, but not limited to, must be specifically addressed:

- (a) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
- (b) Turning areas within the site for construction and spoil removal vehicles, allowing a forward entry and egress for all construction vehicles on the site,
- (c) The location of proposed Work Zones in the egress frontage roadways,
- (d) Location of any proposed crane standing areas,
- (e) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
- (f) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
- (g) The provisions of an on-site parking area for employees, tradeperson and construction vehicles as far as possible,
- (h) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors,

- (i) A detailed description of locations that will be used for layover for trucks waiting to access the construction site,
- (j) Proposed construction hours,
- (k) Estimated number and type of construction vehicle movements including morning and afternoon peak and off peak movements,
- (l) Construction program that references peak construction activities and proposed construction 'Staging',
- (m) Any potential impact to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works,
- (n) Cumulative construction impacts of the projects in Epping. Should any impacts be identified, the duration of the impacts,
- (o) Measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified,
- (p) The plan may be required to include restrictions on the number of trucks that can access the site in peak hours and a requirement for the developer to provide video footage of the frontage of the site on a weekly basis so that Council can enforce this requirement.
- (q) Evidence of Roads and Maritime Services concurrence where construction access is provided directly or within 20 m of an Arterial Road if applicable, and,
- (r) A schedule of site inductions on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations,

The CPTMP is to include the provision of a sign on the hoarding that provides a phone number and email address for members of the local community to make enquires or complaints regarding traffic control for the site. The construction company for the site is to provide a representative for meetings that may occur once a month and may include representatives of the local community and Council staff to discuss traffic control at the site.

Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Work Zone' restriction in the egress frontage roadways of the development site. Application fees and kerbside charges for 6 months (minimum) are to be paid in advance in accordance with the Council's Fees and Charges. The 'Work Zone' restriction is to be installed by Council once the applicant notifies Council in writing of the commencement date (subject to approval through Parramatta Traffic Committee processes). Unused fees for kerbside charges are to be refunded once a written request to remove the restriction is received by Council.

All traffic control devices installed in the road reserve shall be in accordance with the NSW Transport Roads and Maritime Services publication 'Traffic Control Worksite Manual' and be designed by a person licensed to do so (minimum RMS 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.

Approval shall be obtained from City of Parramatta Council for any temporary road closure or crane use from public property.

Reason: To ~~manage construction impacts~~ ensure the appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

Note: Amended as per DA/61/2018/C.

Amend Condition 97 as follows.

Accessible Car parking

97. *At least ~~19~~ 18 accessible car parking spaces must be provided as part of the total car parking requirements (at least ~~14~~ 13 residential, 1 residential visitor, 2 commercial and 2 retail). These spaces, and access to these spaces, must comply with AS2890.6: 'Parking facilities', 'Off-street parking for people with disabilities', AS1428.1: 'Design for access and mobility', 'General requirements for access - New building work' 2001 and 2009, and AS1428.4: 'Design for access and mobility', 'Tactile ground surface indicators for orientation of people with vision impairment', 'Means to assist the orientation of people with vision impairment - Tactile ground surface indicators' 1992 and 2009.*

Details are to accompany each application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation.

Note: Amended as per DA/61/2018/B and DA/61/2018/C.

Delete Condition 100.

Tree Pot Conversion

- ~~100. The tree pots outlined on the approved landscape drawing reference L-106 shall be replaced by permanent planters of a size certified by a qualified landscape arborist as being appropriate to house the trees proposed for those pots on the drawings. Details demonstrating compliance are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the relevant construction certificate.~~

~~Reason: To ensure plants cannot be removed after occupation.~~

[Condition 100 deleted under DA/61/2018/C]

Delete Condition 106.

Energy Provider Requirements for Substations

- ~~106. Documentary evidence to the satisfaction of the Certifying Authority is to accompany the application for the relevant Construction Certificate confirming satisfactory arrangements have been made with the energy provider for the provision of electricity supply to the development.~~

~~If a substation is required of the energy provider, it must be located internally within a building/s.~~

~~Substations are not permitted within the front setback of the site or within the street elevation of the building; unless such a location has been outlined and approved on the Council stamped Development Application plans. Substations are not permitted within Council's road reserve.~~

~~Reason: To ensure adequate electricity supply to the development and to ensure appropriate streetscape amenity.~~

[Deleted under DA/61/2018/C]

Amend Condition 109 as follows.

Acoustic Vents – Further Detail

109. ~~Further details of the acoustic vents outlined on Drawing No. A-DA-2973 Rev 3 by Woods Bagot dated 11/02/19, demonstrating that they will provide the required ventilation and acoustic insulation requirements to all required units, is to be provided to the satisfaction of Council's Manager DTSU prior to the issue of the relevant construction certificates.~~

Prior to the issue of the relevant Construction Certificate, detailed plans and specifications for acoustic ventilation measures shall be submitted to the satisfaction of Council's Manager DTSU for all residential units that contain external openings to, and achieve cross-ventilation from, the Beecroft Road frontage. The details shall demonstrate that the proposed acoustic ventilation measures are capable of achieving the required acoustic performance while maintaining compliance with the relevant ventilation requirements and providing adequate natural or mechanical ventilation to the affected dwellings.

Reason: To ensure amenity of future occupants.

Note: Amended as per DA/61/2018/C.

Insert Condition 174A as follows.

Management of Construction and/or Demolition Waste

- 174A. Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to reuse or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. Receipts of all waste/recycling tipping must be retained and produced in a legible form to any authorised officer of the Council who asks to see them.**

Reason: To provide for the appropriate collection/ recycling of waste from the proposal whilst minimising the impact of the development upon adjoining residents.

Note: Added under DA/61/2018/C.

Amend Condition 178 as follows.

BASIX Compliance

178. *Under Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all design measures identified in the BASIX Certificate No. 741782M_079, will be complied with prior to occupation.*

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

Note: Amended as per DA/61/2018/C.

Amend Condition 184 as follows.

Public Access

184. Prior to the issue of an Occupation Certificate, the applicant shall establish a public right of way on title over all external areas at the lower ground and ground floor levels (including, but not limited to, the front setbacks and the **east-west** through-site link **adjoining the southern property boundary**) for unrestricted public access in perpetuity.

Reason: To ensure that public benefits are provided in keeping with the applicant's offer.

Note: Amended as per DA/61/2018/C.

Amend Condition 190 as follows.

Strata Subdivision Certificate

190. ~~A separate application must be made to Council to obtain approval of the strata plan under section 37 of the Strata Schemes (Freehold Development) Act 1973. The linen plan must not be issued until a final occupation certificate has been issued~~ **A strata certificate must not be issued for the development until a Final Occupation Certificate has been issued.**

Reason: To comply with the Strata Schemes (Freehold Development) Act 1973 To ensure the development has been completed in accordance with the development consent prior to the creation and registration of strata lots.

Note: Amended as per DA/61/2018/C.

Amend Condition 192 as follows.

Drawing Modifications – Residential

192. Prior to the issue of the final Occupation Certificate the applicant is to submit, to the satisfaction of Council's Manager **DTSU**, a signage and lighting strategy for the Rawson Street residential entry demonstrating that it will be safe and legible.

Reason: To improve safety and accessibility for residents.

Note: Amended as per DA/61/2018/C.

Amend Condition 193 as follows.

Wayfinding Signage

193. Prior to the issue of the final Occupation Certificate the applicant is to submit, to the satisfaction of Council's Manager **DTSU**, a wayfinding signage strategy for the lane and implement the agreed wayfinding signage on site.

Reason: To ensure the through site link is legible to the public.

Note: Amended as per DA/61/2018/C.

Amend Condition 194 as follows.

Wayfinding Signage

194. Prior to the issue of the final Occupation Certificate the applicant is to submit, to the satisfaction of **the principal certifying authority** ~~Council's Manager~~ **DTSU**, a wayfinding signage strategy for the ~~lane~~ **ground floor, detailing the location and content of wayfinding signage directing visitors and staff to the basement level bathroom**

facilities and implement the agreed wayfinding signage on site.

Reason: To ensure **basement bathroom facilities are accessible to visitors** ~~the through site link is legible to the public.~~

Note: Amended as per DA/61/2018/C.

Delete Condition 195.

~~Wayfinding Signage~~

~~195. Prior to the issue of the final Occupation Certificate or Subdivision Certificate, the applicant is to ensure that adjacent basement storage cages are not allocated to the same strata unit.~~

~~Reason: To ensure that storage cages are not converted to parking spaces in the future.~~

[Deleted under DA/61/2018/C]

Amend Condition 207 as follows.

Sydney Metro - Noise & Vibration Certification

207. Prior to the issue of an Occupation Certificate, a noise and vibration (acoustic) assessment report must be prepared and submitted to the Certifying Authority, Council and Sydney Metro certifying that the completed development meets the requirements of:

- (a) State Environmental Planning Policy (**Transport and Infrastructure**) 2007 **2021**;
- (b) the Department of Planning, Infrastructure and Environment's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines"; and
- (c) any other noise and vibration requirements imposed by this consent. The acoustic report must demonstrate testing of external and internal noise levels for the completed development and ensure that external noise levels are representative of the typical maximum levels that may occur at the development and internal noise levels meet the required dB(A) levels. The report must also detail any works and corrective measures that were required to be undertaken to comply with this condition.

Reason: To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

Note: Amended as per DA/61/2018/C.

Delete condition 221.

~~Provision of Endeavour Energy Services~~

~~221. Submission of documentation confirming satisfactory arrangements have been made for the provision of electricity services from an approved electrical energy provider prior to the issue of an Occupation Certificate.~~

~~Reason: To ensure appropriate electricity services are provided.~~

[Condition 221 deleted under DA/61/2018/C]

Amend Condition 232 as follows.

Shopfront Appearance

232. *Roller shutters are not to be placed over any external door or window of the premises individual retail tenancies on the lower ground and ground floor of the approved development. Security gates are required to be installed and maintained at the following locations to prevent access to the commercial arcade after hours.*

- *Across the principal entry to the commercial arcade from Beecroft Road (indicated as 'retail entry' on drawing number DA-B1G0110 Rev. C dated 20 July 2026)*
- *Between the external façade of the commercial lobby and façade of the 127sqm retail tenancy, adjacent to the staircase connecting the approved laneway on Hunts Lane to the ground floor of the approved development.*

The security gates are to be positioned and designed so as to ensure no trap points/points of concealment are accessible after hours. The gates must not be in the form of a roller shutter and should provide visibility between the commercial arcade and public domain/outdoor areas of the approved development.

Reason: To provide an appropriate streetscape appearance.

Note: Amended as per DA/61/2018/C.

Amend Condition 236 as follows.

Waste Storage

236. *Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods. Signage to encourage correct recycling and reduce contamination is required within shared waste rooms / bin storage areas. Standard signage is available through Council.*

Reason: To ensure waste is adequately stored within the premises.

Note: Amended as per DA/61/2018/C.

All other conditions recommended to remain in situ.