



New South Wales Government  
Independent Planning Commission

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# Novus Build-to-Rent, Parramatta

## SSD-34919690

### Statement of Reasons for Decision

Wendy Lewin (Chair)  
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5 April 2024

## Executive Summary

Perpetual Corporate Trust Limited, as custodian for Aliro Trusco 1 Pty Ltd, the trustee for Harris Street Sub Trust (Novus) (Applicant) has sought consent for the development of a new 34 storey build-to-rent residential tower, comprising 210 rental apartments, retail and commercial uses and three basement levels (Project). The site (Site) is located at 39-43 Hassall Street, Parramatta NSW in the City of Parramatta Local Government Area.

The Project is stated to support approximately 329 construction and 66 operational jobs.

The NSW Independent Planning Commission (Commission) is the consent authority for the Project because the City of Parramatta Council made an objection to the Department of Planning, Housing and Infrastructure (Department).

Commissioners Wendy Lewin (Chair), Richard Pearson and Michael Wright were appointed to constitute the Commission Panel in determining the Project application. As part of its determination process, the Commission met with representatives of the Applicant, the Department and City of Parramatta Council (Council). The Commission also undertook a site inspection and received written public submissions on the Project.

The management of flooding and related risks were central concerns for the Commission. The Panel sought independent expert flood advice and on the basis of that advice imposed a number of requirements to ensure the risk of flooding is appropriately managed. Other key issues which are the subject of findings in this Statement of Reasons for Decision relate to built form; residential amenity; public domain and landscape; and traffic, transport and accessibility. Aboriginal cultural and non-Aboriginal heritage, construction noise, reflectivity, social impacts and waste management were also considered.

After careful consideration of the material, including additional information received from the Applicant, the Department and Council, and having considered the views of the community, the Commission has determined that consent should be granted to this State significant development application, subject to conditions.

The Commission finds that the Project is strategically justified for its contribution to housing supply and diversity. The Site is suitable for a build-to-rent development given that: the Project is permissible with consent; is consistent with the current and future character of the area; avoids and mitigates major environmental constraints; and has excellent connections to the public transport network, employment centres, and services.

The Commission has imposed conditions which seek to prevent, minimise, mitigate and/or offset adverse impacts of the Project and ensure appropriate monitoring and management of residual impacts. The Applicant will also be required to prepare a number of comprehensive management plans and strategies and report on mitigation and monitoring outcomes as well as demonstrate compliance with performance criteria.

Conditions have been imposed to respond to concerns raised by the community and stakeholders. These conditions include, but are not limited to, requirements for the Applicant to:

- improve flood safety for future occupants of the development by various measures, including:
  - implementing safer (higher) flood planning levels as imposed by the Commission;
  - lifting the driveway entrance crest to and from the basement at a level capable of withstanding a 1% AEP flood event;
  - requirement for independent engineering advice to ensure the building can withstand a probable maximum flood event;
  - requirements for a shelter in place strategy and restrictions on horizontal evacuation;
  - requirement for the development of a detailed Flood Emergency Response Plan;

- ensure an acceptable level of residential amenity is achieved including the requirement to provide 'Juliet balconies' to studio apartments that are under the minimum apartment size set by the NSW Apartment Design Guide;
- ensure the building is managed as build-to-rent accommodation for the life of the development;

The Commission finds that the Project is consistent with the existing strategic planning framework and relevant statutory considerations. The Commission is also satisfied that the Project is in accordance with the Objects of the EP&A Act, all environmental, social, land use and safety impacts are acceptable subject to the conditions of consent imposed by the Commission, and accordingly, the Project is in the public interest.

The Commission's reasons for approval of the Project are set out in this Statement of Reasons for Decision.

# Contents

<b>Executive Summary</b>	<b>i</b>
<b>Defined Terms</b>	<b>iv</b>
<b>1. Introduction</b>	<b>5</b>
<b>2. The Application</b>	<b>5</b>
2.1 Site and Locality	5
2.2 The Project	7
<b>3. The Commission's Consideration</b>	<b>9</b>
3.1 Material Considered by the Commission	9
3.2 Strategic Context	10
3.3 Statutory Context	10
3.4 Mandatory Considerations	11
3.5 Additional Considerations	12
3.6 The Commission's Meetings	13
<b>4. Community Engagement</b>	<b>13</b>
4.1 Public Submissions	13
4.2 Additional Material	16
<b>5. Key Issues</b>	<b>17</b>
5.1 Flooding	17
5.2 Built Form	25
5.3 Residential Amenity	29
5.4 Public Domain and Landscape	31
5.5 Traffic, Transport and Accessibility	33
5.6 Other Issues	35
<b>6. The Commission's Findings and Determination</b>	<b>38</b>

## Defined Terms

<b>ABBREVIATION</b>	<b>DEFINITION</b>
<b>ADG</b>	NSW Apartment Design Guide (2015)
<b>AEP</b>	Annual Exceedance Probability (relating to the percentage likelihood of a flood of a certain size (or larger) occurring in a given year)
<b>AHD</b>	Australian Height Datum
<b>Applicant</b>	Perpetual Corporate Trust Limited as custodian for Aliro Trusco 1 Pty Ltd as trustee for Harris Street Sub Trust (Novus)
<b>Application</b>	Novus Build-to-Rent, Parramatta (SSD-34919690)
<b>Approved Methods</b>	Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales (EPA, 2016)
<b>AR para</b>	Paragraph of the Department's Assessment Report
<b>BC Act</b>	Biodiversity Conservation Act 2016
<b>CCPF</b>	NSW Climate Change Policy Framework
<b>CIV</b>	Capital Investment Value
<b>Commission</b>	Independent Planning Commission of NSW
<b>Council</b>	City of Parramatta Council
<b>Department</b>	Department of Planning, Housing and Infrastructure
<b>Department's AR</b>	Department's Assessment Report, dated 22 December 2023
<b>DIP</b>	Design Integrity Panel
<b>EHG</b>	NSW Environment and Heritage Group
<b>EIS</b>	Environmental Impact Statement, dated February 2023
<b>EP&amp;A Act</b>	Environmental Planning and Assessment Act 1979
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>FPL</b>	Flood Planning Level
<b>FSR</b>	Floor Space Ratio
<b>GFA</b>	Gross Floor Area
<b>Housing SEPP</b>	State Environmental Planning Policy (Housing) 2021
<b>ICNG</b>	Interim Construction Noise Guideline
<b>LGA</b>	Local Government Area
<b>Mandatory Considerations</b>	Relevant mandatory considerations, as provided in s 4.15(1) of the EP&A Act
<b>Material</b>	The material set out in section 3.1
<b>Minister</b>	NSW Minister for Planning and Public Spaces
<b>NPfi</b>	NSW Noise Policy for Industry
<b>Planning Systems SEPP</b>	State Environmental Planning Policy (Planning Systems) 2021
<b>PMF</b>	Probable Maximum Flood
<b>Project</b>	Novus Build-to-Rent, Parramatta
<b>Regulations</b>	Environmental Planning and Assessment Regulation 2000
<b>RtS</b>	Applicant's Response to Submissions, dated 20 June 2023
<b>SAC</b>	Satisfactory Arrangement Certificate
<b>SES</b>	NSW State Emergency Service
<b>Site</b>	The site as described in section 2.1 of this report
<b>SSD</b>	State Significant Development
<b>TfNSW</b>	Transport for New South Wales

# 1. Introduction

1. On 22 December 2023, the NSW Department of Planning, Housing and Infrastructure (**Department**) referred the State significant development (**SSD**) Application SSD-34919690 (**Application**) from Perpetual Corporate Trust Limited as custodian for Aliro Trusco 1 Pty Ltd as trustee for Harris Street Sub Trust (Novus) (**Applicant**) to the NSW Independent Planning Commission (**Commission**) for determination.
2. The Applicant seeks approval for the Novus Build-to-Rent, Parramatta (the **Project**) located in the City of Parramatta (**Council**) Local Government Area (**LGA**) under section 4.38 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**).
3. The Application constitutes SSD under section 4.36 of the EP&A Act as the Project is permissible with consent and has a capital investment value (**CIV**) exceeding \$50 million for the purpose of build-to-rent housing, under section 27, Schedule 1 of the *State Environmental Planning Policy (Planning Systems) 2021* (**Planning Systems SEPP**).
4. In accordance with section 4.38 of the EP&A Act and section 2.7 of the Planning Systems SEPP, the Commission is the consent authority as Council objected to the Application.
5. Professor Mary O’Kane AC, the then Chair of the Commission, determined that Wendy Lewin (Chair), Richard Pearson and Michael Wright would constitute the Commission for the purpose of exercising its functions with respect to the Application.
6. The Department concluded in its Assessment Report (**AR**) that the benefits of the Project outweigh its residual costs, the Site is suitable for the proposed development, and that the Application is in the public interest and is approvable, subject to its recommended conditions of consent.

## 2. The Application

### 2.1 Site and Locality

7. The ‘Site’ is located at 39-43 Hassall Street, Parramatta, within the City of Parramatta LGA, as illustrated in Figure 1. It is located on the eastern edge of the Parramatta City centre within a mixed-use zone precinct less than 500 metres (**m**) east of the Parramatta train station / bus interchange, according to the Department’s Assessment Report paragraph (**AR para**) 1.1.1.
8. The Site is zoned B4 Mixed Use under the Parramatta Local Environmental Plan 2011 (**PLEP 2011**). The surrounding area is urban, characterised by residential, mixed-use and vacant buildings to the south, west and north with open space to the east (**AR para** 1.2.1). Clay Cliff Creek bounds the Site immediately to the south.

Figure 1 – Surrounding Context Map (Source: Department's AR)

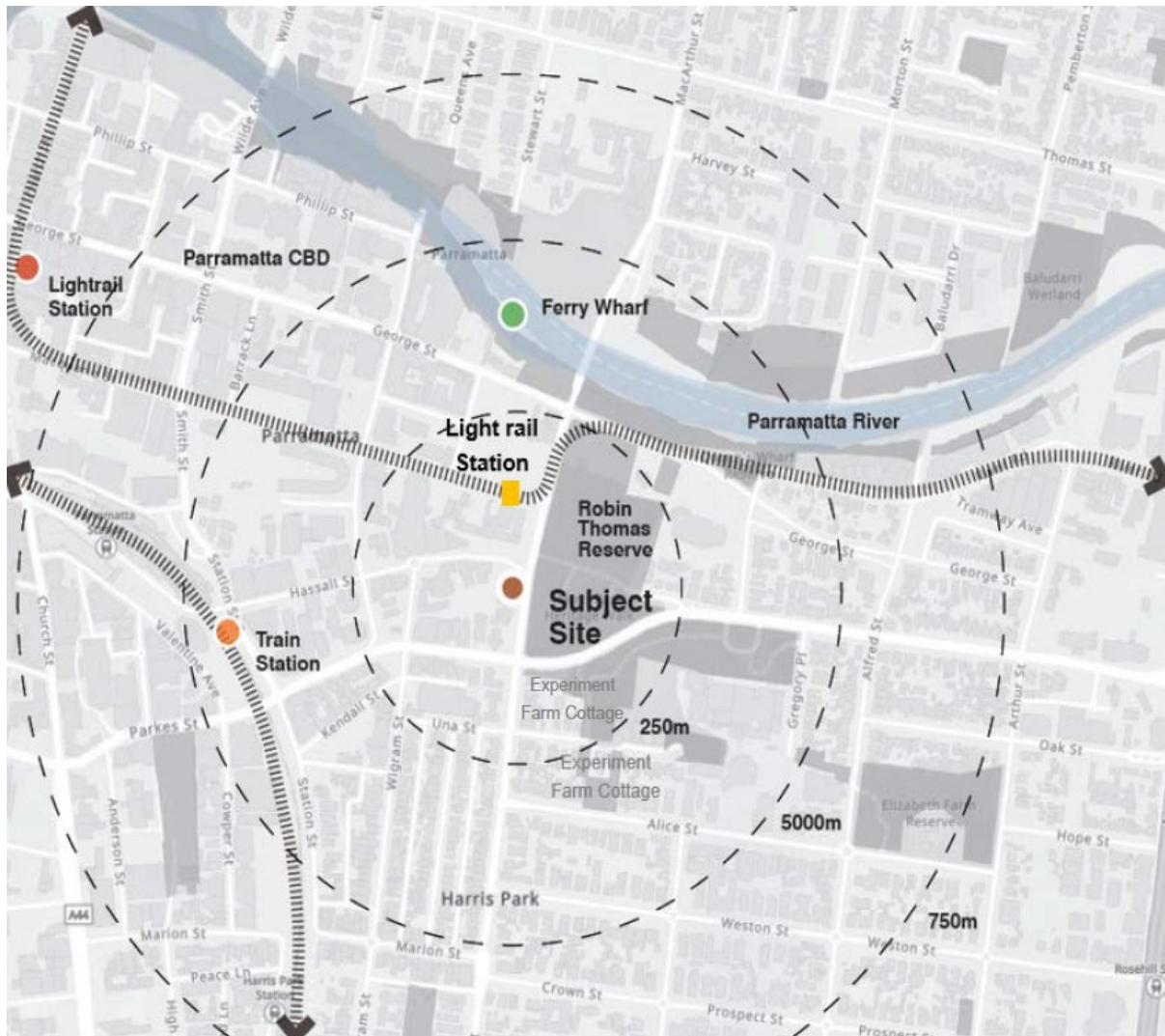


Figure 2 – Local Context Map (Source: Department’s AR)



## 2.2 The Project

9. The Application is seeking approval for the construction of a 34-storey mixed use building comprising build-to-rent apartments, retail and commercial uses and three basement levels. A summary of the Project is provided in Table 1 below. A detailed description of the Project is provided on page 20 of the Applicant’s Environmental Impact Statement (**EIS**) dated February 2023.

Table 1 – Key components of the Project (Source: Department’s AR)

Component	Proposed Project
<b>Proposal summary</b>	Construction of a 34-storey mixed use building, comprising: <ul style="list-style-type: none"> <li>• 210 build-to-rent apartments on level 3 through to level 33;</li> <li>• 3 basement levels and 2 mezzanine levels which include basement car parking, bike parking, end of trip facilities, storage and service areas;</li> <li>• retail and commercial uses on ground level and levels 1, 2 and 32 including a food and beverage/retail tenancy, gym, signage wall, wellness centre and co-working area; and</li> </ul>



	<ul style="list-style-type: none"> <li>residential amenities on levels 2, 7 and 32, including a pool, dog run, lounge, and private dining area.</li> </ul>
<b>Built form</b>	<p>The building form comprises:</p> <ul style="list-style-type: none"> <li>a 3-storey podium (ground to level 2);</li> <li>a 4-storey tower base/larger floorplate (levels 3-7) that is built partially to the boundary of the adjoining mixed-use building at No.31-37 Hassall Street; and</li> <li>a tower (levels 8-33).</li> </ul>
<b>Height</b>	A maximum height of RL 121.07 (approximately 116 metres above ground level).
<b>Gross Floor Area (GFA)</b>	<p>A maximum total gross floor area (<b>GFA</b>) of 16,656.3m<sup>2</sup> consisting of:</p> <ul style="list-style-type: none"> <li>residential GFA of 15,190.9m<sup>2</sup>; and</li> <li>non-residential GFA of 1,465.4m<sup>2</sup>.</li> </ul>
<b>Residential mix</b>	<p>210 build-to-rent apartments comprising:</p> <ul style="list-style-type: none"> <li>83 studio apartments (39.5%) including: <ul style="list-style-type: none"> <li>24 furnished apartments; and</li> <li>59 unfurnished apartments;</li> </ul> </li> <li>31 one-bedroom apartments (14.7%);</li> <li>94 two-bedroom apartments (44.8%) including: <ul style="list-style-type: none"> <li>29 apartments with a study; and</li> <li>65 apartments without a study; and</li> </ul> </li> <li>2 three-bedroom apartments (1%).</li> </ul>
<b>Residential communal areas</b>	<ul style="list-style-type: none"> <li>Level 2 – pool area and gym, flexi space and wellness centre;</li> <li>Level 7 – dog run/pet play area; and</li> <li>Level 32 – residents lounge, private dining space and outdoor lounge.</li> </ul>
<b>Public domain</b>	<ul style="list-style-type: none"> <li>Public domain works in Hassall Street and Harris Street; and</li> <li>Dedication of land identified for local road widening to Council.</li> </ul>
<b>Landscaping and open space</b>	Landscaping and open space provided on ground level adjacent to Clay Cliff Creek, on Harris Street and Hassall Street, on level 2, level 7 and level 32, associated with the pool, dog run, and outdoor lounge.
<b>Car parking</b>	Three levels of basement parking containing 71 car parking spaces and 2 car share spaces.
<b>Bicycle parking</b>	116 bicycle parking spaces and end of trip facilities located on the lower mezzanine level.
<b>Access and servicing</b>	<ul style="list-style-type: none"> <li>Vehicular access to the basement parking and loading dock from Hassall Street;</li> <li>Pedestrian access from Hassall Street and Harris Street, including a ramp to provide universal access from Harris Street;</li> <li>Shared residential and commercial loading dock including waste collection bay; and</li> <li>A new substation and main switch room located on ground level on Hassall Street.</li> </ul>
<b>Stormwater</b>	Diversion of Council's stormwater infrastructure that passes through the Site.

<b>Flood protection measures</b>	<ul style="list-style-type: none"> <li>Automatically activated flood gates to protect the basement, lift wells and stairwells from the ingress of flood waters;</li> <li>Flood warning signage and alarms; and</li> <li>Back-up power, water, and sewer collection.</li> </ul>
<b>Remediation</b>	Excavation and off-site disposal of the asbestos and polycyclic aromatic hydrocarbons impacted fill to ensure the Site is suitable for the proposed land use.
<b>Jobs</b>	329 construction jobs and 66 operational jobs.
<b>CIV</b>	\$113,600,000

### 3. The Commission's Consideration

#### 3.1 Material Considered by the Commission

10. In this determination, the Commission has considered the following material (**Material**):
- the Planning Secretary's Environmental Assessment Requirements issued by the Department, dated 13 January 2022;
  - the Applicant's EIS and supplementary information including the Applicant's Response to Submissions (**RtS**) and requests for further information dated 7 July 2023, 31 July 2023, 7 September 2023, and 8 December 2023.
  - all public submissions on the EIS made to the Department during public exhibition;
  - all Government Agency advice to the Department;
  - the Department's AR, dated 22 December 2023;
  - the Department's recommended conditions of consent, dated 22 December 2023;
  - comments and presentation material from meetings with the Department, Applicant and Council, as referenced in Table 3 below;
  - the Department's responses to the Commission, dated 16 February 2024 and 7 March 2024;
  - Council's response to the Commission, dated 14 February 2024;
  - the Applicant's State Voluntary Planning Agreement, dated 9 January 2024;
  - the Applicant's Satisfactory Arrangement Certificate, dated 13 February 2024;
  - correspondence between the Applicant and the Commission dated 13 February 2024;
  - correspondence between the Department and the Commission dated 20 February 2024;
  - Independent Flooding Advice prepared by Professor Seth Westra dated 21 February 2024;
  - all written comments received by the Commission up until 5pm, 8 February 2024;
  - all written comments received by the Commission on the additional flooding material up until 5pm, 14 March 2024; and
  - the Department's comments (dated 25 March 2024 and 3 April 2024) on the feasibility and workability of proposed conditions.

## 3.2 Strategic Context

11. The Department's 2023 Build-to-rent Housing and Flexible Design Factsheet (**BTR Fact Sheet**) states that build-to-rent housing contributes to a greater diversity of housing. Unlike more traditional forms of housing, it is held in single ownership and professionally managed, providing rental accommodation for tenants at a large scale.
12. The Department, at section 3 of its AR, states that the Project is consistent with the priorities of relevant strategic plans, including the Central City District Plan, Future Transport Strategy 2056 and the City of Parramatta Local Housing Strategy 2020.
13. The Commission has considered the strategic planning policies and guidelines relevant to the Site and the Project. The Commission agrees with the Department's view that the Project is consistent with the strategic planning framework as it will deliver additional rental housing with excellent access to the public transport network, employment centres, services and amenity.
14. The Commission notes that the Project represents an investment of over \$113 million, would include 210 rental apartments, and is stated to generate approximately 329 construction jobs and support 66 operational jobs.

## 3.3 Statutory Context

### 3.3.1 State significant development

15. As described in paragraph 3 above, the Application constitutes SSD under section 4.36 of the EP&A Act as the Project has a CIV exceeding \$50 million for the purpose of build-to-rent housing as set out in section 27 Schedule 1 of the Planning Systems SEPP.

### 3.3.2 Permissibility

16. Although the Parramatta Local Environmental Plan 2023 (**PLEP 2023**) came into effect on 2 March 2023, in accordance with clause 1.8A(1) of PLEP 2023, PLEP 2011 continues to apply to the Application as it was lodged prior to the date PLEP 2023 came into effect (AR para 4.3.2).
17. The Site is located within the B4 Mixed Use zone under PLEP 2011. The Project is a development for the purposes of 'shop top housing' under PLEP 2011 and is permissible with consent in the B4 zone. The Project is also permissible under the State Environmental Planning Policy (Housing) 2021 (**Housing SEPP**) as:
  - the proposal comprises development for the purposes of shop top housing;
  - more than 50 dwellings would be occupied by individuals under residential tenancy agreements; and
  - the building would be contained on the same lot (AR para 4.3.4).
18. In accordance with section 8.1 of PLEP 2011, the Applicant is required to obtain a Satisfactory Arrangement Certificate (**SAC**) to certify that satisfactory arrangements have been made for the provision of designated State public infrastructure. On 13 February 2024, the Applicant was issued a SAC for the Project.

### 3.3.3 Commonwealth Matters

19. According to the Department, the use of crane/s during construction would intrude into the airspace of Bankstown airport. This makes the proposal a controlled activity requiring approval under the *Commonwealth Airports Act 1996* (Part 12, Division 4). The Commonwealth Department of Infrastructure, Transport, Regional Development, Communications, and the Arts provided approval for the controlled activity on 4 July 2023 (AR Table 12). The Commission is satisfied the required approvals are in place for the protection of airspace operations.

## 3.4 Mandatory Considerations

20. In determining this Application, the Commission is required by section 4.15(1) of the EP&A Act to take into consideration such of the listed matters as are of relevance to the development the subject of the Application (**Mandatory Considerations**). The mandatory considerations are not an exhaustive statement of the matters the Commission is permitted to consider in determining the Application. To the extent that any of the Material does not fall within the mandatory considerations, the Commission has considered that Material where it is permitted to do so, having regard to the subject matter, scope and purpose of the EP&A Act.

Table 2 – Mandatory Considerations

Mandatory Considerations	Commission's Comments
Relevant EPIs	<p>Appendix B of the Department's AR identifies relevant EPIs for consideration. The key EPIs (in their present, consolidated form) include:</p> <ul style="list-style-type: none"> <li>• Planning Systems SEPP;</li> <li>• Housing SEPP;</li> <li>• <i>State Environment Planning Policy (Building Sustainability Index: BASIX) 2004</i> (Building Sustainability SEPP);</li> <li>• <i>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (Apartment Design Guide)</i>;</li> <li>• <i>State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP Transport and Infrastructure)</i>;</li> <li>• <i>State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPP Resilience and Hazards)</i>;</li> <li>• <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021 (SEPP Biodiversity and Conservation)</i>; and</li> <li>• PLEP 2011.</li> </ul> <p>The Commission agrees with the Department's assessment of EPIs set out in Appendix B of the AR. The Commission therefore adopts the Department's assessment.</p>
Relevant DCPs	<p>Section 2.10 of the Planning Systems SEPP states that development control plans do not apply to SSD. The Commission does not consider any development control plans to be relevant to the determination of the Application.</p>
Likely Impacts of the Development	<p>The likely impacts of the Application have been considered in section 5 of this Statement of Reasons.</p>

<b>Suitability of the Site for Development</b>	<p>The Commission has considered the suitability of the Site and finds that the Site is suitable for the following reasons:</p> <ul style="list-style-type: none"> <li>• the proposed use is permissible with consent;</li> <li>• the Project will provide rental housing with access to mass transit transport;</li> <li>• the Project meets the objectives of the B4 Mixed Use zone;</li> <li>• the existing Site is currently vacant, and the Project is an orderly and economic use of the land; and</li> <li>• impacts on surrounding land uses have been minimised where possible and are capable of being further mitigated through conditions of consent.</li> </ul>
<b>Objects of the EP&amp;A Act</b>	<p>In this determination, the Commission has carefully considered the Objects of the EP&amp;A Act. The Commission is satisfied with the Department's assessment of the Application against the Objects of the EP&amp;A Act provided at Appendix B1 of the AR, which finds that the Application is consistent with those objects.</p> <p>The Commission finds the Application has been assessed against relevant EPIs and, subject to the conditions imposed, is consistent with the objects of the EP&amp;A Act.</p>
<b>Ecologically Sustainable Development</b>	<p>For the reasons detailed in Section 5 of this Statement of Reasons the Commission finds that the development is consistent with ESD principles and would achieve an acceptable balance between environmental, economic and social considerations.</p>
<b>The Public Interest</b>	<p>The Commission has considered whether the grant of consent to the Application is in the public interest. In doing so, the Commission has weighed the predicted benefits of the Application against its predicted negative impacts.</p> <p>The Commission's consideration of the public interest has also been informed by consideration of the principles of ESD.</p> <p>The Commission has given consideration to the principles of ESD in its assessment of each of the key issues, as set out in Section 5 below. The Commission finds that, on balance, the Application – subject to the imposed conditions of consent - is consistent with ESD principles, and that the Project would achieve an appropriate balance between relevant environmental, economic and social considerations. In particular, the Project would directly help address the current undersupply of rental housing. The likely benefits of the Project warrant the conclusion that an appropriately conditioned approval is in the public interest.</p>

### 3.5 Additional Considerations

21. In determining the Application, the Commission has also considered:
- Greater Sydney Regional Plan – A Metropolis of Three Cities, 2018;
  - Central City District Plan, 2018;
  - Future Transport Strategy 2056;
  - Noise Policy for Industry (NPfI);
  - Interim Construction Noise Guideline (**ICNG**);
  - Social Impact Assessment Guideline for State Significant Projects (NSW Government, 2021) (**SIA Guideline**);
  - Parramatta Local Strategic Planning Statement 2020; and

- City of Parramatta Local Housing Strategy 2020.

### 3.6 The Commission's Meetings

22. As part of the determination process, the Commission met with various persons as set out in Table 3. All meeting and site inspection notes were made available on the Commission's website.

*Table 3 – Commission's Meetings*

<b>Meeting</b>	<b>Date</b>	<b>Transcript/Notes Available on</b>
<b>Department and GRC Hydro</b>	1 February 2024	5 February 2024
<b>Applicant</b>	31 January 2024	5 February 2024
<b>Council</b>	31 January 2024	5 February 2024
<b>Site Inspection</b>	31 January 2024	7 February 2024

## 4. Community Engagement

### 4.1 Public Submissions

23. As part of the Commission's consideration of the Application, all persons were offered the opportunity to make written submissions to the Commission until 5:00pm, 8 February 2024.
24. The Commission received a total of 18 written submissions on the Application through its website. Submissions received comprised:
- 2 submissions in support;
  - 15 objections; and
  - 1 comment.
25. For the reasons set out in this Statement of Reasons, the Commission considers that the matters raised in submissions do not preclude the grant of development consent and that the matters can be satisfactorily addressed by the conditions of consent imposed by the Commission.

Figure 3 – Submission received by the Commission

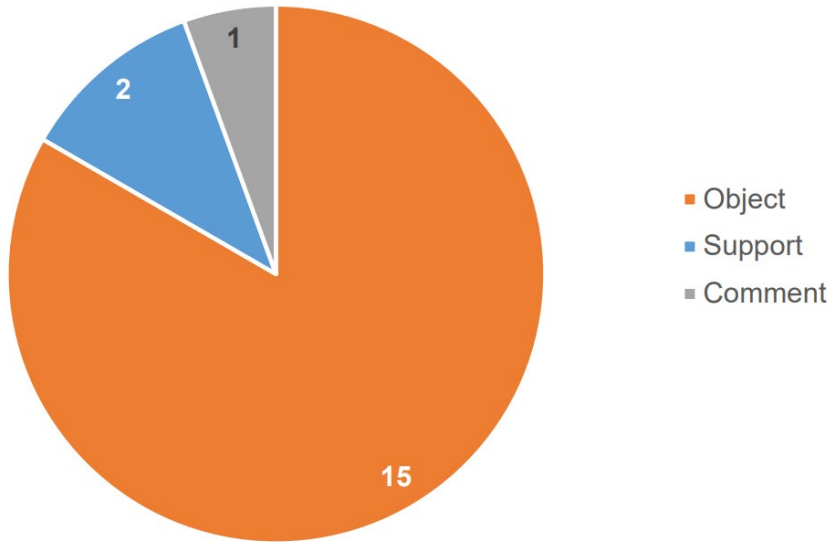
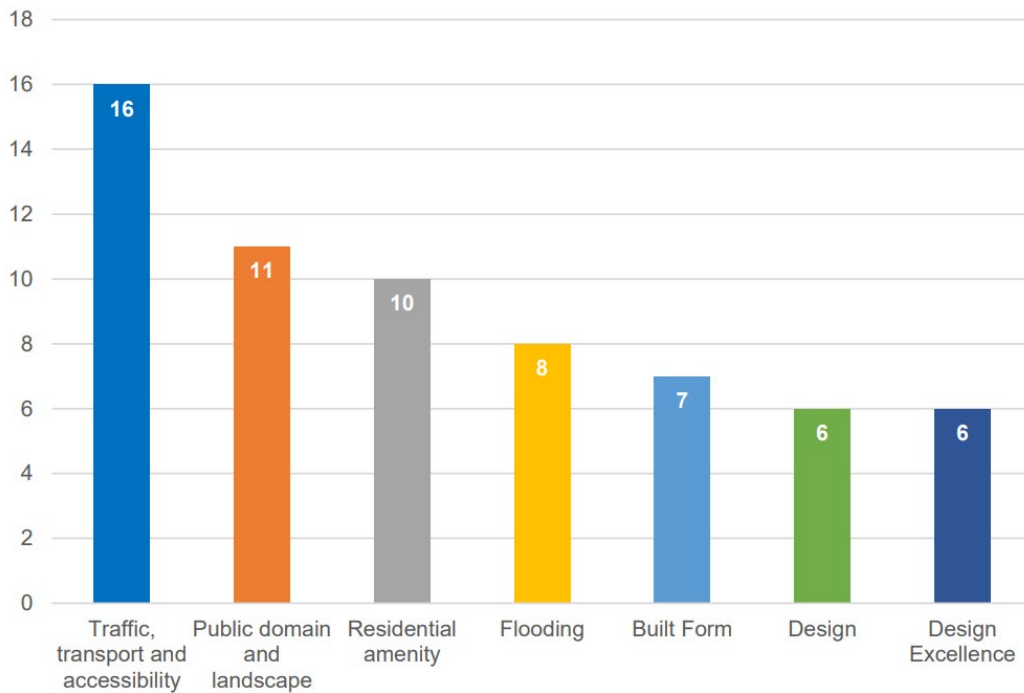


Figure 4 – Overview of issues raised in submissions



**4.1.1 Geographic Distribution**

26. No submissions were received from outside of the Sydney region. Most submitters resided in or near Parramatta with the furthest submitter living in Stanmore. The Commission notes that 12 of the 18 submissions were received from individuals living in Parramatta with an additional two submissions received from the adjacent suburbs of Harris Park and Rosehill. The two submissions in support of the proposal were received from Parramatta and Stanmore.

### 4.1.2 Issues Raised

27. Submissions to the Commission raised a number of key issues, which are outlined below. The Commission notes that the outline below is not an exhaustive report of the submissions considered by the Commission, but rather is reflective and illustrative of what the Commission regards as the key issues that emerge from those submissions.

#### *Traffic, transport and accessibility*

28. Submissions objecting to the Project raised traffic and transport as a significant potential issue resulting from the increase in population density in the surrounding area. Many submissions focussed on the impact to local road congestion and how slowly the traffic already moves in the vicinity.
29. There was also concern raised regarding impacts to on-street parking. Submitters rejected the assessment that adequate off-street parking was provided for the Project, positing that 73 car parking spaces for 210 apartments would create an unavoidable impact to the availability of local on-street parking. One submitter identified that the construction of the Project would potentially exacerbate cumulative traffic and parking impacts from other construction projects in the immediate area.

#### *Public domain and landscape*

30. Some submissions opposed to the Project argued that the interface between the development and the public domain was not well executed. One submission stated that the proposed ground level landscaping did not achieve a successful outcome for nearby residents or other members of the public.

#### *Flooding*

31. Submitters objecting to the Project raised flooding as a key area of concern related to the proposed development. One submitter also stated that the impacts of climate change could increase the intensity of flooding into the future, beyond what is being assessed.

#### *Built form*

32. The Commission received submissions which were opposed to the proposed built form of the Project. Most of these submissions objected to the height of the building, which they felt was too tall given its location adjacent to Robin Thomas Reserve. One submitter stated that in their view, as a development on the eastern edge of the Parramatta CBD, its height would result in a poorly executed contrast with the lower residential density of Harris Park to the east.

#### *Amenity*

33. Some submissions received by the Commission were from nearby or adjacent residents who were concerned that the proposed development would reduce their access to natural light and create privacy issues.
34. One submission opposed to the Project stated that the development will affect the solar access of the adjacent Robin Thomas Reserve, potentially overshadowing the park during the late afternoon.



### *Design*

35. Some submitters described the proposal as unattractive and out of character with the surrounding streetscape. Submitters stated that the design lacked character and would undesirably stand out at the edge of the high-rise area.

### *Residential Supply*

36. Some submissions argued that the impacts of the Project on nearby residents, infrastructure and services was not warranted given a perceived oversupply of residential developments in the local area. There was a general sense among submitters that Parramatta was growing too quickly, and that more negative effects associated with the Project would be experienced.
37. Two submitters supporting the Project cited the broad undersupply of housing in Sydney as the main factor for their support, one identifying that this is what is needed to address Sydney's 'housing crisis'.

## **4.2 Additional Material**

38. On 21 February 2024, the Commission received independent advice that it had commissioned from Professor Seth Westra, an expert in hydrology and climate risk, chartered engineer, and the director of the University of Adelaide Water Research Centre. Professor Westra's advice was sought by the Commission on the multiple flood studies and related documents presented to the Commission which provided differing conclusions as to the flood-related risks associated with the Project (**Independent Flood Advice**). On 7 March 2024, the Commission received a response from the Department to a request for information regarding the Independent Flood Advice and implications flooding impacts could have on the proposed development. The Department's response incorporated information provided by the Applicant.
39. The Commission considered that it would be assisted by public submissions on the material referenced above (**Additional Material**). In accordance with the Commission's *Public Submissions Guidelines*, the Commission re-opened public submissions on the Additional Material, with submissions permitted by email between Friday 8 March and 2024 and 5pm AEDT Thursday 14 March 2024.
40. The Commission received four submissions on this Additional Material. A summary of these submissions is provided below.

### **4.2.1 Public submissions on the Additional Material**

41. Submissions to the Commission on the Additional Material raised various issues which are outlined below. The Commission notes that this outline is not an exhaustive report of the submissions considered by the Commission, but rather is reflective and illustrative of what the Commission regards as the key issues that emerge from those submissions.

### *Flood Prediction Methodologies*

42. Two of the four submitters objecting to the Project suggested that the risk of flooding is worse now than it has been in the past, in part due to climate change, and that proposed developments in the Parramatta floodplain need to be reconsidered.

### *Flooding Impacts*

43. The submissions received by the Commission objecting to the Project due to flooding concerns considered that the proposed development would negatively impact flooding in the locality.
44. Council made a submission objecting to some key parameters of the Independent Flood Advice, including the flow rate of Clay Cliff Creek and the rainfall intensity, which it considered to be higher. This was based on Council's own yet to be adopted draft flood study for the LGA. Council agreed with the Independent Flood Advice's adoption of a blockage rate and consideration of the impact of climate change on determining flood levels. Council also agreed that no pedestrian evacuation (horizontal evacuation) would be possible in a 1% AEP event.

### *Shelter in Place*

45. In its submission, Council raised objection to the proposed shelter in place strategy, which would provide up to seven hours of electricity, potable running water and sewerage services. Council stated that storms and flooding in Parramatta have been observed to last for several days and that a 72-hour shelter in place strategy should be implemented to reflect this. Council also noted that even after floods subside, conditions outside might not be immediately safe for people to traverse.

## 5. Key Issues

### 5.1 Flooding

#### 5.1.1 Background

46. In their submissions to the Commission and meetings with the Commission, Council, the Department and the Applicant discussed numerous flooding-related issues.
47. The Site adjoins Clay Cliff Creek, a tributary (concrete lined canal) of the Parramatta River. The relevant applicable flood study to the Site is the Lower Parramatta River Floodplain Risk Management Study – Flood Study Review, 2005 (SKM) (**2005 SKM Study**). A revised flood study has been prepared by Council and was publicly exhibited in October 2023, but has yet to be adopted and is considered to be in draft form (**2023 Draft Flood Study**). Council advised the Department that the 2005 SKM Study remained the applicable study for the Project (AR para 6.6.14).
48. The Applicant engaged Lyall and Associates and Molino Stewart to prepare a site-specific flood model for the proposed development.

#### 5.1.2 Department's assessment

49. The Applicant and Council provided differing assessments of flooding and flood impacts on the Site to the Department during the assessment period.
50. The Applicant's Flood Impact Risk Assessment (**FIRA**), prepared by Molino Stewart and dated 20 June 2023, concluded that:
- the proposed development complies with most of the existing and draft LEPs and DCPs applicable to the Site;

- where controls are not strictly complied with, alternative solutions are provided to ensure adequate protection of life and property;
  - 6 hours of shelter in place provisions are sufficient as a Probable Maximum Flood (**PMF**) event would only isolate the Site for a maximum of 6 hours;
  - the ground floor is proposed to be more than 1.5m above the finished ground level, with enclosed basement levels proposed below the ground floor which do not include any habitable uses, and which will be protected up to the PMF level and evacuated during a flood event; and
  - vehicular evacuation is not required or proposed to be provided as the local streets would flood in events including the 5% AEP event, and therefore the preferred evacuation strategy is vertical evacuation to a safe area above the PMF.
51. The FIRA also provided a site-specific flood model which demonstrated the depths and hydraulic hazards of a combined creek and overland flood event of different post development scenarios with varying blockage factors and incorporation of climate change impacts.
52. The Applicant's proposed flood mitigation measures include:
- a ground floor of RL7.0m AHD, which is 0.7m above the adopted 1% AEP level and 0.3m above the Flood Planning Level (**FPL**) of RL6.7m AHD set by Council in the Flood Certificate for the Site;
  - a raised basement driveway entrance crest at the adopted FPL of RL6.7m AHD;
  - flood gates across the basement driveway and egress points designed to protect against a PMF event;
  - a communal refuge area located on Level 2, 6m above the adopted PMF level, with a 24 hour back up power supply and 6 hours of back up water and wastewater services;
  - a Flood Emergency Response Plan (**FERP**);
  - flood alarms and flood signage; and
  - the construction of the building and veranda, with associated ramp from Harris Street, constructed to withstand a PMF event.
53. Council's submissions to the Department dated 29 March 2023 noted its objection to the Project, with this objection maintained in its further submissions dated 12 July 2023, and 7 September 2023. Council's reasons for objection included a number of matters, however in relation to flooding, Council's key concerns relate to the methodology utilised in the Applicant's FIRA, discrepancies between the FIRA and the 2005 SKM Study, and the Applicant's proposed design responses (including lower flood and floor levels) and flooding mitigation measures. The Commission notes that EHG also raised concern with the Applicant's site-specific FIRA, including what it considered inadequate flood planning levels.
54. Council also advised the Department against the use of the new draft model or model results contained in its Draft Flood Study until such time as the model is formally adopted (AR para 6.6.14). AR para 6.6.18 states that the Department accepts that the 2023 Draft Flood Study is not yet formally adopted and therefore should not be relied upon for this Project.

55. As described in AR para 6.6.19, the Department engaged an independent expert, GRC Hydro, to conduct a peer review of the Applicant's site-specific study. GRC's peer review concluded, among other matters, that the Applicant's site-specific model is reliable and carried out according to best practice, the Project complies with all relevant clauses of the PLEP 2011 regarding flood planning and floodplain risk management, and that the shelter in place strategy proposed is appropriate having considered the DCP and the short-term duration of potential isolation (6 hours) during a PMF.
56. The Department has accepted the Applicant's site-specific modelling, and GRC Hydro's advice regarding flood safety and has concluded that the flooding concerns have been adequately addressed and that the Project will incorporate appropriate safety measures in a flood event.
57. The Department recommended a suite of conditions related to flooding including designing the building to withstand floodwaters, debris and buoyancy of a PMF event, the incorporation of flood mitigation measures into the detailed design and the implementation of the FERP during the operation of the development.

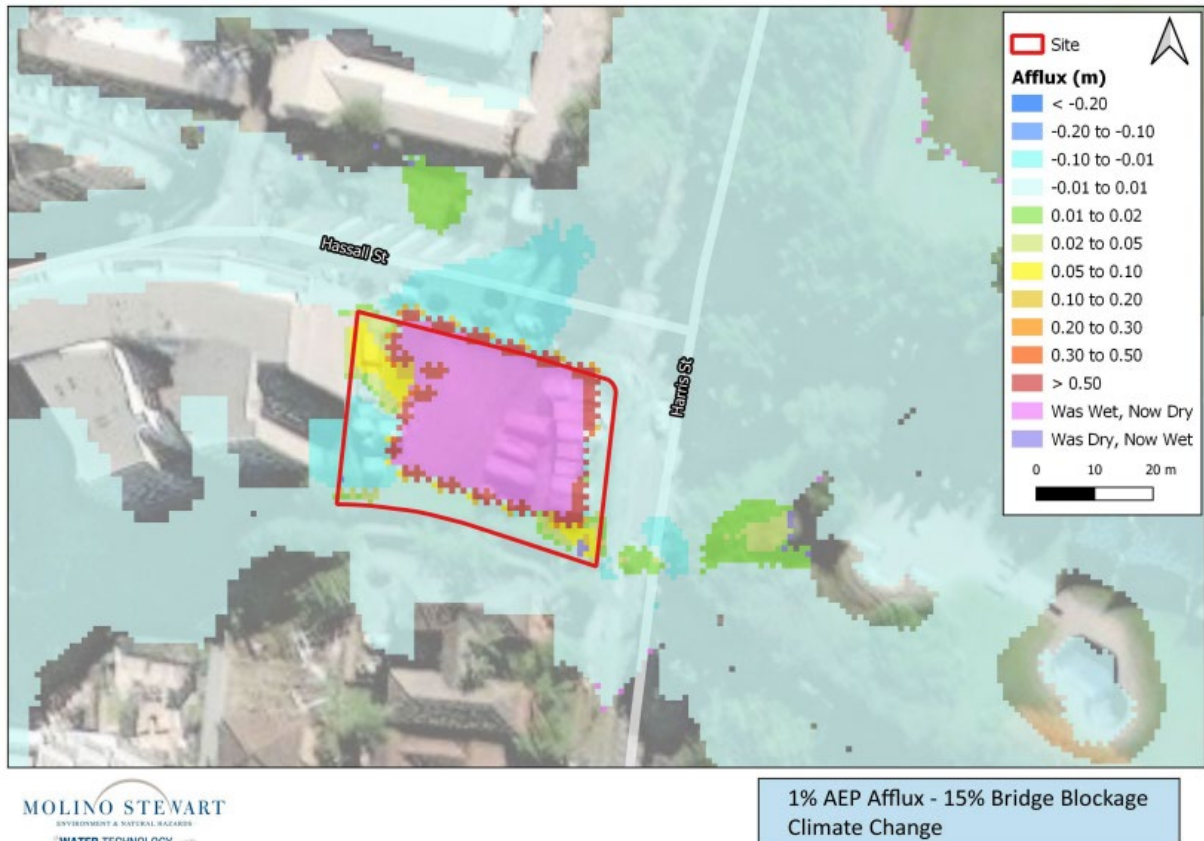
### 5.1.3 Commission's independent advice

58. The Commission engaged an independent expert, Professor Seth Westra, to provide independent advice considering the multiple flood studies and related documents including the Applicant's site-specific flood model, Council's submissions, NSW Government agency advice provided to the Department (including from NSW State Emergency Service and the Department's Environment and Heritage Group (**EHG**)) and GRC Hydro's independent review undertaken for the Department.
59. The Commission requested that the advice provide clear guidance as to whether the development as proposed adequately responds to flooding risk and/or whether specific changes to the physical design of the development should be required.
60. The independent advice concluded that:
- the PMF flood level relevant to the Site is RL9.5m AHD, as identified in the 2005 SKM study;
  - the 1% AEP levels based on the Lyall and Associates (2022) scenario with 15% blockage factor together with climate change should be adopted (**Westra recommended 1% AEP level**);
  - floor levels of the habitable parts of the building are set above the PMF and the proposed building is understood to be built to withstand a flood of PMF magnitude and as such, there is limited risk to life if occupants remain in the habitable parts of the building;
  - there is a non-zero probability of failure due to mechanical and/or human factors, including failure of flood gates having major impacts if occupants of the affected area are not evacuated in time;
  - the proposed development contains notable residual flood risks, of which the likelihood cannot be determined;
  - there is merit in reviewing the design levels to reflect a Flood Planning Level of at least 0.5m above the recommended 1% AEP level, including reviewing the basement crest level and other sources of water ingress;
  - the proposed development is situated in a floodplain with the potential to be surrounded by high hazard waters (H3 or above) during a 1% AEP flood event, and much deeper and more hazardous waters for rarer events; and

- modifying key levels will assist in reducing flood risk in several respects, however it is unclear that there are further mitigants available that would substantively reduce risks beyond those already proposed, without fundamental changes to the Project.

Figure 5 – Modelling from Lyall and Associates (2023) of afflux in the 1% AEP combined overland and creek flood with 15% blockage factor and in climate change conditions.

(Source: Flood Impact Risk Assessment prepared by Molino Stewart dated 20 June 2023)



61. Informed by the independent advice, the Commission requested additional material from the Department on proposed amendments to the Project to respond to the recommendations to reduce the flood risk of the Project, including the provision of a land connection at the recommended 1% AEP level, review of the design levels including the basement crest, to reflect the recommended 1% AEP level, a review of the FERP to include faster rate of rise flood events, consideration of a non-zero probability of failure of flood gates, consideration of human factors and a 72 hour shelter in place strategy.

#### 5.1.4 Additional Material

62. In its response to the Commission dated 7 March 2024, the Department provided a response to the Commission's independent advice, including a response from the Applicant which included the following amendments to the Project (**Additional Material**):
- increase of the height of the basement entrance crest to no lower than RL6.92m AHD (the recommended 1% AEP level at the location of the driveway);
  - increase of the height of the land connection adjacent to the south-eastern pedestrian ramp to no lower than RL6.2m AHD (the currently adopted 1% AEP level as per the 2005 SKM study);
  - commitment to the following additional mitigation measures to be provided in a revised FERP:
    - an early alert made by the building manager alerting residents of severe weather or flood warnings;
    - biannual (twice yearly) drills;
    - biannual reviews of emergency supplies stored above the PMF level by the building manager;
    - training of staff and wardens in the operation and fault detection of flood doors, routine maintenance and bi-annual testing of flood doors and a Flood Gate Management Plan;
    - provision of an additional hour (totalling 7 hours) of shelter-in-place provisions.
63. The Department's response also noted the following:
- the following design level below the recommended FPL are proposed to remain unchanged, which the Department supports, due to the constraints of the Site and adequate flood protection being provided:
    - substation access points at RL6.2m AHD; and
    - the loading dock entry which proposes flood gates up to RL6.7m AHD and flood doors to contain stored materials during a flood;
  - the provision of a land connection at the recommended 1% AEP level is not feasible as the surrounding land at its highest point is 6.2m AHD which is between 90mm and 299mm below the recommended 1% AEP level;
  - the proposal meets the statutory requirements of clause 7.9(3)(b) of PLEP 2011 as it provides access to land above the currently adopted 1% AEP flood level (2005 SKM study);
  - the Department's recommendation of amending condition E13 to require a detailed review of flood event scenarios including the 1% AEP event and up to the PMF event level and a suitability assessment of the strategies developed for each event;
  - the Department considers it unnecessary to provide a 72-hour shelter in place strategy due to the shorter inundation duration of a PMF event and therefore recommends the provision of a minimum 6 hours (with a contingency up to 7 hours) of emergency water and sewerage supply.

64. The Commission considered the submissions received on the Additional Material, including Council's submission. Council maintained its concerns with the flood impacts of the Project.
65. Public submissions on the Additional Material raised concerns with flood prediction methodologies and flood impacts as detailed in section 4.2.1.
66. The Commission also requested additional information from the Department on the proposed Build-to-rent model and the implications on flood response management. The Commission raised concerns on flood response management after 15 years, at which point the building could be strata-subdivided and therefore no longer under the sole management of a single party, which the FERP relies on for efficiency of response.
67. In its response dated 25 March 2023, the Department advised that the Applicant raised no objections to the development being approved as build-to-rent for the life of the development. Therefore, the Department recommended an additional condition requiring the restriction on the title of the property to require the apartments to be used as Build-to-rent housing for the life of the development.
68. Additionally, the Commission requested information on the potential for future adjacent site connections within the podium, based on the Parramatta CBD Horizontal Evacuation Pilot Study, dated 14 March 2017. The Department, in its response dated 25 March 2024, noted that the study references shelter in place as the first and most preferable emergency response strategy, and that the Applicant has demonstrated sufficient provision for shelter in place for the duration of a PMF event. Therefore, the Department advised that the inclusion of a future adjacent site connection condition is unreasonable, as it would require unnecessary but significant design modifications.

### *Commission's findings*

#### *Clause 7.9 of PLEP 2011*

69. The Commission considers the Project to comply with clause 7.9 (Floodplain risk management) of PLEP 2011, as the Project proposes:
- shelter in place above the PMF level;
  - connections to emergency electricity and water supply;
  - sufficient areas of habitable space to provide refuge for all occupants of the building;
  - an emergency access point to land above the 1% AEP event (as per the currently adopted 2005 SKM study level); and
  - will be able to withstand the forces of floodwaters, debris and buoyancy resulting from a PMF event.
70. The Commission notes Council's concerns regarding the use of the currently adopted 2005 SKM study 1% AEP level in satisfying clause 7.9(3)(b), which requires an emergency access point to land to be provided above the 1% AEP level.
71. Regardless of how the 1% AEP level is defined, the Commission is satisfied that a land connection is not required as a flood evacuation measure as the Project proposes a shelter in place strategy for all flood events. The Commission has also imposed a condition of consent requiring a FERP to include specific and clear text stating that:
- the land connection provided at the south-eastern corner of the Site is not to be used to evacuate in a flood emergency, and
  - no horizontal evacuation for floods at or above a 1% AEP level. The FERP is required to outline and describe the flood events for which horizontal evacuation might be deemed appropriate.

### Floor levels

72. The Commission is satisfied with the proposed ground floor level of 7.0m AHD, as this is above both the currently adopted FPL set by the 2005 SKM study (1% AEP) and the FPL recommended in Professor Westra's independent advice to the Commission (1% AEP plus 500mm freeboard). The Commission is also satisfied that all habitable areas are proposed to be located above the PMF level.
73. The Commission notes that although the Applicant has committed to raising the level of the basement crest of the car park to comply with the Westra recommended 1% AEP level, the substation and loading dock ingress points have not been raised. The Commission considers the basement car park to be the location of greatest risk below ground level as occupants are likely to be within the car park when a flood event occurs and objects within the basements such as vehicles have the potential to become mobile and create significant damage to property and the building's structure. The Commission is satisfied that raising the basement driveway crest to the recommended 1% AEP level is adequate to mitigate risk to life in the basement car park. The Commission has imposed a condition of consent requiring the Applicant to obtain approval of the Planning Secretary for revised plans detailing the basement crest to be no lower than RL6.92m AHD.
74. Additionally, the Commission is satisfied that the loading dock will be adequately protected from flooding through the proposed inclusion of flood gates up to 6.7m AHD, and that all structures below 6.7m AHD, including the substation, would be constructed of flood resistant building components.

### Flood emergency response

75. The Commission acknowledges the concerns raised by SES and EHG regarding sheltering in place as a strategy for new development and notes Council's concerns regarding the proposed duration of shelter in place provisions, being less than the 72 hours required by the DCP. The Commission notes that section 2.10 of the Planning Systems SEPP states that development control plans do not apply to SSD.
76. The Commission is satisfied with the provision of 7 hours of shelter in place and the provision of 7 hours of emergency electricity, potable water and sewerage supply as:
- enabling occupants of buildings subject to floodplain risks to shelter in place is an objective of clause 7.9 of PLEP 2011;
  - the estimated maximum flood duration of a PMF event is 6 hours and the independent advice prepared by Professor Westra and GRC Hydro both considered 6 hours to be representative of the duration of isolation of the Site during a PMF event;
  - the Commission's independent advice considered the proposed provisions for shelter in place and concluded that there is limited risk to life if occupants remain in the habitable parts of the building;
  - the Applicant has committed to, and the Commission has imposed as a condition of consent, the provision of an additional hour (totalling 7 hours) of emergency electricity and sewerage supply to provide a contingency to further mitigate any residual risk.
77. The Commission considers the amendments committed to by the Applicant in the Department's response dated 7 March 2024, in addition to the Department's recommended additional amendments to the FERP within this response, adequately address the residual risk relating to the Project's flood emergency response.



78. The Commission has therefore imposed condition E13 requiring the following additional details in addition to the Department's recommended condition:
- a detailed review of the emergency response plan for flood event scenarios, up to and including a PMF event (RL 9.5m AHD) from overland and creek flooding, including a suitability assessment of the strategies developed for each event;
  - consideration of human factors and the further development of any necessary mitigation measures to manage human behaviour, including provision and support of equitable access for occupants to refuge areas;
  - biannual reviews by the Building Manager of emergency supplies stored above the PMF level;
  - provisions to accommodate 7 hours of shelter in place. This includes the back-up power facility, sewage tank, potable water tank, evacuation refuge area, supplies for the refuge area such as food, medical, etc;
  - bi-annual emergency response drills;
  - consideration of further measures to minimise the risk to life in the event of any flood protection device failure;
  - training of staff and wardens in the operation and fault detection of flood gates and flood doors;
  - a Flood Gate Management Plan;
  - a requirement for the building manager to send an early alert to residents when severe weather or flood warnings are issued by relevant services; and
  - appropriate communication of the content of the FERP having regard to culturally and linguistically diverse populations (or other affected people who do not speak English) in the local government area.
79. Subject to the above details being included in the FERP, the Commission is satisfied that the flood emergency response and vertical evacuation strategy is adequate and will ensure residual risks associated with flood waters can be appropriately managed.
80. To ensure that the residual risk is managed for the life of the development, with potential future flood modelling altering the flood risk profile of the Site, the Commission has imposed a condition of consent requiring the FERP to be annually audited for the life of the development. Additionally, the Commission has imposed a further condition in which if the audit identifies any required updates to the FERP to comply with the recommendations, requirements or flood levels of any updated flood studies or modelling, an updated FERP must be submitted to the satisfaction of the Planning Secretary within 6 months of the audit, or an agreed timeframe.
81. Additionally, the Commission notes the Applicant's acceptance of the Project being approved as a build-to-rent development for the life of the development. The Commission is satisfied that the management of the building by a single entity will therefore not be impacted by future strata subdivision and the FERP as proposed is suitable for the life of the development, subject to the required audits and updates.
82. The Commission also notes the Department's and Applicant's concerns with the imposition of a condition of consent requiring the inclusion of a future adjacent site connection being unreasonable as it would result in significant design modifications which are not required for a significant flood event. The Commission is satisfied with the proposed shelter in place strategy for the Site as:
- the 2017 Horizontal Evacuation Pilot Study has not been developed further by Council;

- Council's current adopted Local Environmental Plan, the PLEP 2023, endorses vertical evacuation and shelter in place strategies above the PMF (however as noted at section 3.3.2 of this Statement of Reasons, the Project is subject to the PLEP 2011 and not the PLEP 2023); and
- the design amendments required to provide a horizontal evacuation point are unreasonable.

### Summary of findings

83. Subject to conditions, the Commission considers the flooding risks and impacts of the Project have been adequately addressed as:
- the Project complies with clause 7.9 of PLEP 2011;
  - the 1% AEP level has been independently reviewed and the 1% AEP level recommended by the Commission's Independent Flood Advice has been implemented in the design levels for the areas below the ground level where occupants may be located in a flood event (basement crest increase);
  - the FERP adequately addresses the necessary management measures and provisions required in a flood event including managing mechanical flood doors/gates, human behaviour, appropriate and timely warnings and communication to occupants, and a shelter in place strategy;
  - the proposal includes an adequate provision of 7 hours of emergency electricity and sewerage supply and 24 hours of emergency water access during a flood event, of which the maximum duration of inundation in a PMF event is estimated to be 6 hours; and
  - the FERP must be annually audited for the life of the development - if an audit identifies any required updates to the FERP to comply with the recommendations, requirements or flood levels of any updated flood studies or modelling, an updated FERP must be submitted to the satisfaction of the Planning Secretary within 6 months of the audit, or an agreed timeframe.

## 5.2 Built Form

### 5.2.1 Design Excellence

84. In accordance with PLEP 2011, an architectural design excellence competition was held for the development of a mixed-use tower on the Site between April 2022 and August 2022. The competition jury chose the winning scheme by Rothelowman Architects, who went on to prepare the architectural design for the proposal which was then reviewed by a design integrity panel (**DIP**). The DIP comprised the NSW Government Architect's Office, Council and a nominee of the Applicant. The DIP consulted on the design through the Application's exhibition and response to submissions, ultimately providing support for the final design (AR para 6.2.2 – 6.2.12).
85. The Department's AR (para 6.2.1) describes the proposed design as:
- *a podium comprising of a series of open decks on a floating platform, envisaged as a 'raft' above the flood plain, capped with a floating awning to mitigate wind impacts to the building entries and public domain;*
  - *a tower facade which responds to different climatic orientations while creating a cohesive design, including horizontal expression with sunshade devices and vertical articulation with panelling and fenestration; and*

- *connection with Country through the 'raft' design response to flooding, materials which respond to clay and paperbark, and opportunities for art in the awning soffit and walls.*

### *Commission's findings*

86. The Commission acknowledges some opposition to the proposed design received in submissions. However, the Commission also acknowledges that the design is a product of a design competition process and has been refined and endorsed by a DIP. Therefore, the Commission agrees with the Department that the proposal incorporates the design excellence consideration required by PLEP 2011 and that the proposal considers design excellence (AR para 6.2.17). The Commission finds that the DIP should be maintained to provide independent oversight of the Project design and imposes conditions A39 - A42, setting out key Project milestones where the DIP must review and endorse the detailed design and materials selection of the Project through to construction.

### **5.2.2 Floor space ratio**

87. The Department's AR sets out a number of clauses within the PLEP 2011 which contribute to the calculation of the proposed floor space ratio (**FSR**):
- clause 7.3(4) provides a maximum permissible FSR of 10:1 if the consent authority is satisfied that the proposal is subject to a competitive design competition, the building is an isolated site, and the building exhibits design excellence considering the matters specified in clause 7.11(2);
  - clause 7.13 provides the winner of a competitive design process and a proposal that exhibits design excellence an additional 15% of the maximum permissible FSR for the land, bringing the Project's maximum FSR to 11.5:1; and
  - clause 7.24 requires a gross floor area equal to a FSR of at least 1:1 to be used for only commercial purposes on the Site (AR Para 6.3.3 – 6.3.4).

The Department's AR states that the proposal therefore complies with the maximum allowable FSR, as shown in Table 4:

*Table 4 – GFA and FSR Summary (Source: Department's AR)*

<b>Land use</b>	<b>GFA (m<sup>2</sup>)</b>	<b>FSR</b>
<b>Residential</b>	15,190	10.49:1
<b>Commercial</b>	1,465.4	1.01:1
<b>Total</b>	16,656.3	11.5:1

### *Commission's findings*

88. The Commission agrees with the Department's assessment that the proposal meets the requirements of clauses 7.3(4) and 7.13 of PLEP 2011 to be granted a maximum FSR of 10:1 + 15%. The Commission finds that the Project is an isolated site and that it exhibits design excellence (developed through a competitive design competition), including the matters specified in clause 7.11(2) of PLEP 2011. The Commission is also satisfied that sufficient amount of floorspace has been reserved for commercial use as required by clause 7.24 of PLEP 2011.

### 5.2.3 Building height and overshadowing

89. The Department's AR states that the applicable building height is limited by clause 7.5 of PLEP 2011 which ensures Experiment Farm is protected from overshadowing between 10am and 2pm annually, on 21 June (the winter solstice). The application proposes an overall height of 34 storeys or 121.07m. An overshadowing analysis and surveyor's certificate was provided by the Applicant to verify that the building would not overshadow Experiment Farm in midwinter. The Department in its AR states that it is satisfied the Project would not cause any additional overshadowing on Experiment Farm (AR para 6.3.18).
90. The Department's AR found that the overshadowing of nearby buildings was minimal, including during midwinter, as recommended by the Apartment Design Guide. Although the Project would result in additional overshadowing of the adjoining No. 31-37 Hassall Street during the equinox, the Department considered that this was not unacceptable and is consistent with the impact of any tall building in a CBD location (AR para 6.3.41)
91. The Department also considers that the proposed height is consistent with the desired future character of the area, including the height of buildings currently proposed within the vicinity of the Site (AR para 6.3.18). This includes three mixed use developments which are proposed or under construction between 35 and 46 storeys within proximity to the Site.

#### *Commission's findings*

92. The Commission acknowledges the objections received from the community on the Project's bulk and scale, including the concern raised about overshadowing impacts on the adjacent reserves to the east of the Site and adjacent buildings. However, the Commission is satisfied that the proposed building height is consistent with the future character of the area, contiguous with the built form of Parramatta CBD, the applicable planning controls for the Site, and will not create a poorly executed transition to the lower density neighbouring suburb of Harris Park. The Commission finds that overshadowing impacts on the adjacent No. 31-37 Hassall Street during the autumn and spring equinox are acceptable within a CBD context. The Commission also considers that the overshadowing of James Ruse Reserve during midwinter is minimal and limited to the southwest corner.
93. The Commission is satisfied that the height of the proposed building avoids overshadowing Experiment Farm, including during midwinter, and imposes condition B1, limiting the maximum building height to RL 121.07 AHD. Condition E9 also sets out that prior to the issue of an occupation certificate, the Applicant must receive a certification from a registered surveyor validating the height and that no overshadowing will occur of Experiment Farm during midwinter.

### 5.2.4 Setbacks and building separation

94. The Department's AR states that according to the Parramatta City Centre DCP, there should be no setback to the street and that there should be a street wall height ranging from 14m to 21m above footpath level to achieve active street frontages on both Harris and Hassall Streets. The Project proposes stepped, undulating setbacks from level 4 down to the ground floor (AR para 6.3.19 – 6.3.22). The Department's AR also sets out the proposed setbacks above the street wall level; the tower achieves a 7.1m setback to the boundary of Clay Cliff Creek and a minimum distance of 8.15m to the adjacent No. 31-37 Hassall Street property (AR para 6.3.26).

95. Council objected to the proposed podium setbacks and considered that the design did not desirably achieve a distinction between the podium and tower, incorporate and connect to the public domain, or comply with the Parramatta City Centre DCP control. It also considered that the level of building separation between the proposal and the adjacent No. 31–37 Hassall Street, as well as the Clay Cliff Creek corridor, was insufficient.
96. The Department's AR states that it is satisfied with the proposed podium and tower setbacks. It found that the final setbacks up to level 6 on Hassall Street improved the relationship of the proposal with the adjacent building. It was also satisfied that the proposed outdoor dining, glazing and concrete bleacher seating would sufficiently incorporate and activate the public domain (AR para 6.3.24).
97. The Department's AR found that the Project's approximate 9.25m setback to the centreline of Clay Cliff Creek is satisfactory, and that the separation with the adjacent property on Hassall Street, while partially less than 9m to the boundary, would not result in adverse privacy impacts for neighbours (AR para 6.3.28). The Department's AR finds that with the incorporation of translucent glazing and privacy screens, the proposed setbacks would enable the Project to maintain acceptable privacy between No. 21–37 Hassall Street as well as current and future properties to the south.

### *Commission's findings*

98. The Commission has considered the concerns of Council in its consideration of the building setbacks and the impact the proposed podium and street wall would have on contributing to the character of the Hassall and Harris streetscapes. The Commission acknowledges Council's concern that the design of the street wall may not contribute to a completely consistent street environment. However, the Commission finds that the design accomplishes a satisfactory compromise between street activation, aligning with the adjacent property and managing flooding risks on a small site. The Commission also notes that the Project was the result of a design excellence competition and as SSD, is not required to comply with the Parramatta City Centre DCP.
99. The Commission agrees with the Department's assessment that the proposed tower setbacks between the adjacent No. 21–37 Hassall Street to the west and current and future properties to the south across Clay Cliff Creek are satisfactory. The Commission has heard the concerns of nearby residents regarding privacy and finds that potential privacy impacts can be minimised and managed, including through imposition of condition B4 requiring the Applicant to install permanent privacy screens and translucent glazing on the western and southern sides of the Project.

### **5.2.5 Accessibility**

100. The proposed design incorporates pedestrian access to the entry lobby from Harris Street via a ramp and from Hassall Street via stairs and a platform lift. In response to concerns raised by Council, the Applicant provided an Accessibility Design Review Report, dated 20 June 2023, which confirmed that the proposal complies with requirements for accessibility (AR para 6.3.30). The Department's AR states that the arrangements made for accessibility are in line with relevant standards and that the proposal provides universal access to both the Harris Street and Hassall Street entrances.

### Commission's findings

101. The Commission accepts the Department's assessment and imposes condition F1, which requires the Applicant to maintain and operate all plant and equipment including the external platform lift, in a proper and efficient manner, to ensure it is fully functional.

## 5.3 Residential Amenity

### 5.3.1 Internal amenity

102. The criteria for the provision of acceptable levels of internal amenity for build-to-rent developments are set out in the NSW Apartment Design Guide (2015) (**ADG**). However, the Housing SEPP (Part 4) requires that consent authorities apply flexibility regarding balconies and private open space, storage, and apartment mix for build to rent housing developments. The Department's BTR Fact Sheet states that flexibility may also be considered for apartment size and layout, and common circulation spaces.
103. The Applicant submitted a design report to the Department which provided an analysis of the proposal's compliance with the design criteria and guidance of the Apartment Design Guide. Table 5 summarises where the Application does not strictly comply with the Apartment Design Guide as well as the Department's assessment of these non-compliances in the context of the flexible design criteria (AR para 6.4.5).

Table 5 – Summary and Assessment of ADG Departures (Source: Department's AR)

ADG Criteria	Compliance	Department's Assessment
<b>4D – Apartment size</b>	<ul style="list-style-type: none"> <li>29% of studio apartments are less than minimum size;</li> <li>40% of apartments do not meet the minimum bedroom sizes or minimum dimensions of 3m; and</li> <li>55% of apartments do not achieve the minimum living room width.</li> </ul>	Departures from the ADG are acceptable as: <ul style="list-style-type: none"> <li>the smaller or narrower studio apartments are fully furnished;</li> <li>some narrower apartments have an increased length to compensate for reduced width;</li> <li>apartments with smaller bedrooms have an increased apartment size or balcony with ample daylight access; and</li> <li>floor plans showing furniture layouts demonstrate that apartments will be functional and satisfy resident requirements.</li> </ul>
<b>4E – Balconies and private open space</b>	<ul style="list-style-type: none"> <li>the majority of terraces and balconies are less than the minimum area; and</li> <li>furnished studios don't have a balcony.</li> </ul>	Departures from the ADG are acceptable as the proposal provides over 600m <sup>2</sup> of communal indoor and outdoor spaces, which provides a high level of amenity to offset smaller balconies and private open space.
<b>4F – Common circulation spaces</b>	A total of three lifts are provided, which means 70 apartments share a single lift (which exceeds the limit of 40).	Departures from the ADG are acceptable as the Applicant provided a lift traffic analysis which found that the number of lifts to the building is sufficient to service peak periods.

<b>4G – Storage</b>	Only 86% of apartments achieve the required minimum internal storage within the apartment.	Departures from the ADG are acceptable as internal storage space within apartments is supplemented by a large communal basement storage which is allocated according to needs of residents.
<b>4K – Apartment Mix</b>	<p>The proposal includes the following apartment mix:</p> <ul style="list-style-type: none"> <li>• Studios – 39.6% (83) (24 are fully furnished);</li> <li>• 1 bed – 14.8% (31);</li> <li>• 2 beds – 44.8% (94); and</li> <li>• 3 beds – 1% (2).</li> </ul>	The proposed apartment mix is acceptable as it provides a range of apartment types and sizes to cater for different household types within the CBD context.

### *Commission's findings*

104. The Commission notes the proposed departures from the ADG criteria regarding balconies and private open space, storage, apartment mix, apartment size and layout, and common circulation.
105. The Commission has considered each of the design aspects set out in Table 5. Although the flexible application of the ADG criteria is warranted, the Commission finds that there is a risk of cumulative impact to residential amenity when multiple ADG criteria are flexibly applied. This would be particularly felt by an individual living in a studio apartment with no balcony.
106. The Commission finds that design flexibility should be granted to the Project as appropriate mitigation measures have, on the whole, been provided and align with the requirements of Part 4 of the Housing SEPP. However, the Commission has imposed condition B3(c) which requires the Applicant to include a Juliet balcony with a minimum depth of 0.5m and minimum area of 2m<sup>2</sup> for all studio apartments of type D (that are under the minimum apartment size set by the NSW Apartment Design Guide) to improve the amenity and ventilation of these apartments as well as better align with the minimum requirements of the ADG.

### **5.3.2 Communal open space**

107. The Department's AR states that the Project proposes to provide a total of 197.5m<sup>2</sup> of communal open space / outdoor areas, including adjacent to the pool on level 2, the level 7 dog run and the level 32 outdoor lounge. This is less than the 25% of site area (362.15m<sup>2</sup>) required by the Apartment Design Guide for communal open space. The Department notes however, that the ADG allows developments which are located in dense urban areas to include the provision of indoor communal spaces elsewhere in the building or demonstration of proximity to nearby open space to fulfil this requirement (AR para 6.4.12).
108. The Department's AR states that the proposal provides over 400m<sup>2</sup> of communal indoor spaces (including an indoor pool, resident's lounge and private dining spaces) and that residents will have access to a gym, wellness centre and the nearby Robin Thomas and James Ruse reserves located immediately east of the Site. The Department finds the inclusion of indoor communal space and proximity of nearby parks to satisfactorily cater for the needs of residents (6.4.13).

### *Commission's findings*

109. The Commission finds that although the Project provides less than 25% of the Site area as communal open space, the additional indoor spaces and facilities available to residents, together with the Project's proximity to nearby parks, provide a satisfactory level of communal space for residents.

## **5.4 Public Domain and Landscape**

### **5.4.1 Land reservation acquisition and public domain**

110. In line with the PLEP 2011 land reservation acquisition map, the Applicant proposes to incorporate 3.5m setbacks along the Harris Street frontage of the Site to allow for local road widening. In response to a request from Council in a letter dated 12 September 2023, the Applicant proposed to enter into a planning agreement with Council to facilitate the dedication of this Harris Street setback at no cost to Council. The Applicant made its proposal for land dedication conditional on the approval of a FSR of 11.5:1 across the entire Site and that the dedication would occur prior to the issue of an Occupation Certificate (AR para 6.5.4).
111. The Department's AR states that the proposed road widening, public domain works and land dedication to Council will provide public benefit, given appropriate scheduling. The Department considers that these proposed works need to be agreed to prior to the issuing of the Construction Certificate and that works should be completed prior to the issuing of an Occupation Certificate (AR para 6.5.8).

### *Commission's findings*

112. The Commission acknowledges the proposed arrangement between the Applicant and Council but considers that the road widening and works associated with the land dedication would provide a benefit to the public domain. The Commission is satisfied with the Department's recommended condition requiring that prior to construction the Applicant must consult with Council and demonstrate to the Certifier that the streetscape design and treatment meets the requirements of Council and therefore has imposed condition E26.
113. Further, the Commission notes that the Department's recommended condition E5 requires that the public domain works must be completed to the satisfaction of Council prior to the issue of an Occupation Certificate. The Commission agrees with this and has imposed condition E5.

### **5.4.2 Deep soil planting**

114. The Department's AR states that the proposed basement car park extends the full area of the Site (excluding the land intended for acquisition and a 1m setback from Clay Cliff Creek). This results in minimal deep soil landscaping opportunities (3.8% of the Site). The Department's AR considers that this is acceptable for the following reasons:
- the Apartment Design Guide acknowledges that design criteria for deep soil zones (i.e. 10% of the Site) may not be able to be achieved on some sites within CBDs and high-density areas where there is limited space, as well as sites where there is 100% site coverage or non-residential uses at ground floor (AR para 6.5.12); and
  - the proposal includes alternative opportunities for planting, including a structured deep soil planting area and additional planting / landscape areas within the building structure (AR 6.5.13).



### *Commission's findings*

115. The Commission agrees that as the Project is situated in a dense CBD environment with non-residential uses proposed at the ground floor, and therefore meeting the Apartment Design Guide criteria for deep soil zones are not feasible.
116. The Commission is satisfied that the proposed structured deep soil area will supplement the proposed deep soil area along Clay Cliff Creek increasing the total landscaped area of the Site within the building structure and partially achieving the intent of the Apartment Design Guide deep soil criteria.

#### **5.4.3 Clay Cliff Creek and corridor**

117. Council and EHG raised concerns regarding the treatment of the land adjacent to Clay Cliff Creek, which runs along the southern boundary of the Site. Council considers that the bank of the creek should be a corridor that provides environmental and public access/connection between Wigram and Harris streets. EHG stated that Clay Cliff Creek could be rehabilitated as a riparian corridor (AR para 6.5.17).
118. The Applicant's revised design, submitted as part of the RtS, proposes to maintain a 1m setback from Clay Cliff Creek (AR para 5.5.4). The Applicant notes that naturalisation of Clay Cliff Creek is not planned to occur at any time in the near future (AR para 6.5.18).
119. The Department's AR considered the recommendations of Council and EHG. It finds that the proposed landscape treatment of Clay Cliff Creek is acceptable as the creek is not owned by the Applicant or identified as a riparian corridor by Council and Sydney Water's land ownership is not contiguous from Wigram to Harris Street, which complicates the establishment of a movement corridor (AR para 6.5.20).

### *Commission's findings*

120. The Commission agrees with the Department that due to the non-continuous ownership of land along Clay Cliff Creek and the fact that the land is not yet identified as a riparian corridor by Council, a publicly accessible corridor is not currently possible to implement. The Commission notes that opportunities for rehabilitation of Clay Cliff Creek as a riparian corridor could be pursued by Council (in consultation with EHG, the community, and impacted adjacent landowners) in the future and separate to this Application.
121. The Commission acknowledges the community and Council's dissatisfaction with the Project's landscaping as expressed in submissions but finds that an appropriate outcome can be achieved. The Commission is satisfied that the Applicant's proposed deep soil and structured soil landscaping along Clay Cliff Creek would provide an opportunity for future environmental connections along the waterway. The Commission has therefore imposed condition B30, requiring the Applicant to prepare a landscape plan including endemic species.

## 5.5 Traffic, Transport and Accessibility

### 5.5.1 Traffic and transport impacts

122. The Applicant's Transport Impact Assessment (**TIA**) dated 19 December 2022, stated that no worker parking will be provided during construction and that construction workers will be encouraged to use public transport. An average of 15 trucks per day will access the Site during construction with up to 50 trucks per day during peak construction activities.
123. The Applicant's TIA identified that once operational, the Project has the potential to generate approximately 80 trips in the AM peak and 44 trips in the PM peak. The TIA found that there would be no reduction in the performance of the nearby Hassall Street / Harris Street and Parkes Street / Harris Street intersections (**assessed intersections**) compared to the existing level of service assessed.
124. The Department engaged Pentelic Advisory to independently assess the traffic, transport and accessibility impacts of the Project. Pentelic reviewed the Applicant's TIA and concluded that the increase in traffic generated by the Project would be modest and agreed that the proposed development would not result in adverse effects on the assessed intersections. Pentelic stated that the Project has no unacceptable traffic implications relating to road network capacity, with projected peak hour traffic volumes within acceptable limits (AR para 6.7.14).
125. Transport for NSW (**TfNSW**) did not object to the proposal but recommended that a Green Travel Plan including the Travel Access Guide and Parking Management Plan be submitted to Council and TfNSW for approval (AR para 6.7.13).
126. The Department's AR acknowledges that some construction traffic would be unavoidable within the CBD environment but considers that the impacts can be kept within acceptable parameters with the implementation of suitable mitigation measures. The Department is also satisfied that the increased traffic generated during operation would be modest. It agrees with Pentelic that the Project would not result in unacceptable traffic impacts on the surrounding road network, given the assessed intersections will continue to operate at the same level of service category, experiencing only minor delays (AR para 6.7.15).

### *Commission's findings*

127. The Commission finds that although some construction traffic impacts would be unavoidable, especially given the Site's adjacency to the Parramatta CBD, mitigation measures can keep the impacts to acceptable levels. The Commission acknowledges the concerns raised by submitters but agrees with the Department that during operations, the Project would only represent a modest impact to traffic.
128. The Commission has also heard the concerns of the community regarding the potential cumulative impacts of construction in the local area on traffic and parking and has imposed the Department's recommended condition C12 requiring the Applicant to prepare a Construction, Pedestrian and Traffic Management Plan in consultation with Council and TfNSW. The plan must detail the measures to ensure road safety and network efficiency during construction. The Commission has also imposed the Department's recommended condition C20 which requires the Applicant to prepare a Construction Worker Transportation Strategy to provide details on the provision of alternate construction worker travel arrangements that will not impact parking in nearby residential streets or public parking facilities.

### 5.5.2 Car parking and electric vehicle charging

129. The Department's AR states that 88 car parking spaces is the maximum amount allowed for residential and commercial uses under Council's PLEP 2011. The Department considers that the proposed 73 car parking spaces (including 2 car share spaces) and 116 bicycle spaces for the development is appropriate given the Site's proximity to mass public transit, access to open space, amenities and employment, and that this is consistent with the maximum car parking rates in PLEP 2011. Pentelic Advisory also found in its assessment that the Project is unlikely to have an adverse impact on on-street parking given the car and bicycle spaces provided (AR para 6.7.25).
130. The National Construction Code was updated in October 2023 to require all new residential apartment car parking spaces and 20% of car parking spaces within commercial buildings to be provided with base infrastructure for electric vehicle charging (AR para 6.7.34). The Department's AR is satisfied the proposal will provide appropriate electric vehicle charging facilities if compliance with the requirements of the National Construction Code is adhered to (AR para 6.7.38).

#### *Commission's findings*

131. The Commission finds that the proposed amount of car parking spaces is sufficient, given the Site's proximity to the public transport network and provision of bicycle spaces. However, the Commission has heard the Community's concern about the impact the Project could have on on-street parking as a result of the number of car spaces provided. The Commission has imposed condition E27, requiring the Applicant to prepare a Green Travel Plan to promote the use of active and sustainable transport modes as alternatives to car use.
132. The Commission is also satisfied with the proposed provision of four electric vehicle chargers with the understanding that more chargers can be included over time. The Commission has imposed condition B28(e) requiring the Applicant to provide four electric vehicle charging parking spaces and 18 electric vehicle ready parking spaces to be located within the 73 car parking spaces.

### 5.5.3 Loading dock design and vehicular access

133. The Project includes a proposed vehicular access to basement levels and the loading dock via an entry and exit driveway at the western end of the Site, off Hassall Street. There is one loading dock space proposed at ground level to accommodate a 10.5m garbage truck (AR para 6.7.27).
134. The Department's AR states that the proposed loading and access arrangements are acceptable as:
- the Applicant has demonstrated through swept path testing that a 10.5m garbage truck can enter and exit the site in a forward direction;
  - the location of the vehicle access is appropriate to responds to surrounding site levels, flooding and overland flow issues;
  - pedestrian site lines can be accommodated through design considerations; and
  - the Applicant has proposed sufficient overhead clearance for the loading dock, a bin exhaust system and perforated roller shut doors.

### *Commission's findings*

135. The Commission agrees with the Department that the proposed loading and access arrangements are acceptable. The Commission has imposed condition B28(d) requiring the Applicant to provide mirrors, signage and flashing lights to warn pedestrians of vehicle movements. Further, the Commission is satisfied that provisions for pedestrian and traffic safety are also required to be considered in regard to loading and servicing management, as set out in the Department's recommended condition E45. The Commission has therefore imposed both condition B27(b) and condition E45.

## **5.6 Other Issues**

### **5.6.1 Aboriginal Cultural and Non-Aboriginal Heritage**

136. During the EIS stage, the Applicant undertook archaeological test excavations to inform the proposed development and the preparation of appropriate management and mitigation measures. A small number of artefacts were discovered. However, the Applicant's subsequent Aboriginal Cultural Heritage Assessment Report (**ACHAR**) deemed that salvage was not warranted as the artefacts were generally consistent with the Cumberland Plain and with too few present for detailed comparative analysis. Heritage NSW agreed with the conclusions of the ACHAR, finding the ACHAR to be adequate. The Department's AR states that the Applicant's ACHAR included sufficient testing to characterise the site and agrees with its conclusion that the site has been highly disturbed (AR Table 12).
137. The Site is located in the vicinity of State and local heritage items including Experiment Farm Cottage and semi-detached cottages on Wigram Street. The Department's AR finds that the proposal is unlikely to have any impacts on the nearby State and locally heritage listed items (AR Table 12).

### *Commission's findings*

138. The Commission agrees with the Department's assessment that the Site is currently highly disturbed and finds that any additional impacts from the Project would be manageable. The Commission also finds that the Project would be unlikely to impact State or locally listed heritage items and that any impacts to non-aboriginal heritage on site can be managed.
139. The Commission has therefore imposed the Department's recommended condition B16 requiring that prior to receiving a construction certificate, the Applicant must prepare a Heritage Interpretation Plan in consultation with registered aboriginal parties and the local community. The Heritage Interpretation Plan must detail methods and elements to retain and interpret the Site's heritage to be included in the detailed design.
140. The Commission has also imposed conditions D26 and D27, requiring the Applicant to implement an unexpected finds protocol in the event that surface disturbance identifies a new Aboriginal or non-aboriginal archaeological object.

## 5.6.2 Construction Noise

141. The Applicant seeks approval for construction between 7:00am to 6:00pm Monday to Friday and 8:00am to 1:00pm on Saturday, which align with the recommended construction hours in the Interim Construction Noise Guideline (**ICNG**). The Applicant submitted a Noise and Vibration Impact Assessment (**NVIA**), dated 16 December 2022 which estimated that the proposed works had the potential to generate 61 and 79 dB(A). The Department's AR notes that this exceeds the 'noise management' level of 65 – 66 dB(A) and potentially the 'highly noise affected' level of 75dB(A) as set out in the ICNG. The NVIA proposes noise mitigation measures such as noise barriers, use of engine noise silencers and non-tonal alarms (AR Table 12).
142. Some noise exceedances during construction would be unavoidable due to the proximity of the Site to neighbouring properties. Noting this, the Department considers that additional mitigation measures are necessary to mitigate noise impacts (AR Table 12).

### *Commission's findings*

143. The Commission agrees with the Department's assessment that due to the proximity of nearby residential properties, including adjacent to the Site, some noise exceedances during construction would be unavoidable. The Commission notes the proposed construction noise mitigation measures proposed in the NVIA and imposes the Department's recommended condition C11(c) requiring the Applicant to prepare a Construction Noise and Vibration Management Plan (**CNVMP**).
144. The Commission has also imposed condition D11, which requires that the development must be constructed to achieve the 'noise management' levels set out in the ICNG. Any activities which could exceed these noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved CNVMP. The Commission has also imposed condition D12, ensuring that construction vehicles do not arrive at the Site or surrounding area outside of the approved construction hours.
145. The Commission is satisfied that, subject to the above conditions, construction noise can be adequately mitigated and managed.

## 5.6.3 Reflectivity

146. In response to recommendations made in a Solar Light Reflectivity Study (**SLRS**) dated 15 December 2022, the Applicant incorporated design changes during the RtS process. These changes included rotating the eastern façade by 3 degrees and adding vertical fins to the northern façade to reduce glare issues. The Department's AR states that it is satisfied with the incorporation of the proposed reflectivity treatments and that the Project would not result in adverse reflectivity impacts (AR Table 12). The Commission agrees with the Department's assessment and imposes condition B12 ensuring that the design of the development has satisfactorily incorporated the mitigation measures recommended in the SLRS. Condition B13 requires the Applicant to keep building materials used on the façade to a maximum reflectivity of 20%.

#### **5.6.4 Social**

147. The Department's AR states that the Applicant has satisfactorily considered the potential negative social impacts of the proposal such as safety, air quality, hazardous materials and noise and vibration (AR Table 12). The Commission acknowledges the submissions which raised amenity impacts as a concern but agrees with the Department that negative amenity impacts to the locality, especially those linked to the construction period would be limited. Given the permissibility of build-to-rent on the Site, proximity to the Parramatta CBD, and the increasing need for rental accommodation, the Commission finds that when weighed against the social benefit of increased housing diversity, impacts to social amenity are acceptable and manageable.

#### **5.6.5 Waste Management**

148. The Applicant proposes to include separate waste streams for residential, commercial and bulky waste storage areas as well as a provision for food waste bins. The Department's AR considers the proposed waste management system to be acceptable and noted that staff would be available to assist with any operational issues associated with the garbage chutes, which was raised as a potential issue by Council (AR Table 12). The Commission finds the proposed waste management system to be acceptable and imposes conditions D28 – D32 setting out how the Applicant must manage waste storage and processing systems, and condition E38, requiring the Applicant to prepare an operational waste management plan. Subject to these conditions, the Commission is satisfied that future waste associated with the Project can be appropriately minimised and managed.

## 6. The Commission's Findings and Determination

149. The views of the community were expressed through public submissions and comments received (as part of exhibition and as part of the Commission's determination process), The Commission carefully considered all of these views as part of making its decision.
150. The Commission has carefully considered the Material before it as set out in section 3.1 and has weighed the broader strategic and social benefit of the provision of build-to-rent housing given the need for greater diversity and supply of housing while managing flood risks and impacts on the amenity of residents which were set out in section 5. Based on its consideration of the Material, the Commission finds that the Project should be approved subject to conditions of consent for the following reasons:
- the proposed use is permissible with consent;
  - the Project will provide rental housing for the life of the development;
  - the Project is in close proximity to a variety of mass transit transportation;
  - the Project meets the objectives of the B4 Mixed Use zone;
  - the existing Site is currently vacant, and the Project is an orderly and economic use of the land; and
  - impacts on surrounding land uses have been minimised where possible and are capable of being further mitigated through conditions of consent.
151. For the reasons set out in paragraph 150 above, the Commission has determined that the Project should be approved subject to conditions. These conditions are designed to:
- prevent, minimise and/or offset adverse social and environmental impacts;
  - set standards and performance measures for acceptable environmental performance;
  - require regular monitoring and reporting; and
  - provide for the on-going environmental management of the development.
152. The reasons for the Decision are given in the Statement of Reasons for Decision dated 5 April 2024.



Wendy Lewin (Chair)  
Member of the Commission



Michael Wright  
Member of the Commission



Richard Pearson  
Member of the Commission



**New South Wales Government**  
Independent Planning Commission

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