

Department of Planning, Housing and Infrastructure

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Telopea Stage 1A Proposal

State Significant Development Assessment Report (SSD-14378717)

May 2026





Acknowledgement of Country

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Executive Summary

This report details the Department's assessment of a State Significant Development (SSD) application (SSD-14378717) for Telopea Stage 1A located at 6, 12 and 14 Sturt Street and 1, 3 and 5 Polding Place, Telopea.

The NSW Land and Housing Corporation (LAHC), now known as Homes NSW, seek consent to develop five residential apartment buildings ranging in height from 6 to 15 storeys to provide a mix of market, social, and affordable housing as well as road upgrades and a new public plaza and park next to the Telopea Light Rail station.

The project is SSD under section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it is development carried out by or on behalf of LAHC with a value over \$30 million. Consequently, the Minister for Planning and Public Spaces (Minister) is the consent authority for the project under section 4.5A of the EP&A Act.

The Department exhibited the SSD application on two occasions:

- from 13 October 2021 to 9 November 2021, and
- from 4 December 2025 to 17 December 2025 to address amendments made to the project in accordance with Section 55AA of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation).

The amendments made to the project included removing the concept proposal for the redevelopment of the broader precinct and seeking approval for Stage 1A only, being the first five buildings of the original scheme. The Department notes that Homes NSW will continue to progress renewal opportunities for its broader landholdings within Telopea under various planning pathways in the future.

In response to the public exhibitions, the Department received a total of:

- 37 submissions from the public (26 objecting to the proposal, 8 providing comments, and 3 in support)
- a submission from City of Parramatta Council objecting to the concept proposal component of the EIS (not Stage 1A), and subsequently providing comments on the amended application
- advice from 8 Government agencies.

However, it is noted that, of the 37 public submissions received, only nine were in response to the amended application, comprising four objections, one submission in support, and four providing comments.

The key concerns raised in submissions related to traffic and parking, tree removal, amenity impacts, the provision of social housing, the bulk and scale, adequate public amenities, and general construction and operational impacts.

The Department has assessed the merits of the proposal in accordance with section 4.15(1) of the EP&A Act, the issues raised in the submissions and agency advice, and the Applicant's response. The Department considers the project to be acceptable for the following reasons:

- it supports the NSW Government's priorities to deliver well-located housing by providing 423 new homes, including 146 social and 99 affordable homes (58% of the proposed housing), in an accessible location next to the Telopea Light Rail Station
- it provides over a quarter of the site (29%) as public open space that would be dedicated to Council including a new station plaza and neighbourhood park that provide a multiuse court, play equipment, BBQs, seating areas, turf and landscaped areas
- it delivers a built form that has been reviewed by the State Design Review Panel and achieves design excellence
- it provides a density and scale aligned with the desired future character of the area, while achieving an appropriate outcome in terms of overshadowing, visual impact, traffic generation, and amenity for neighbouring properties
- while the proposal exceeds the maximum height controls applying to the site, it delivers an improved development outcome in terms of urban design, amenity, and open space by concentrating taller, slimmer towers toward the centre of the site
- it provides appropriate amenity for future residents, including appropriately sized apartments, solar access and natural ventilation, and communal and private open space areas
- it includes road and public domain upgrades to manage traffic and improve access and safety
- it would not result in adverse environmental impacts, including flooding, biodiversity, contamination, groundwater, geotechnical conditions, servicing, or archaeology.

The Department considers the impacts of the development are acceptable and can be appropriately managed or mitigated through the implementation of recommended conditions of consent. Consequently, the Department recommends the project be approved subject to conditions.

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1 Introduction

1.1 Project location

The site is located at 6, 12 and 14 Sturt Street and 1, 3 and 5 Polding Place, Telopea within the City of Parramatta local government area (LGA).

The project location details are summarised in **Table 1** and the site is shown in **Figure 1** below.



Figure 1 | Location of the site, outlined in red (Source: Nearmap and DPHI edits)

Table 1 | Key aspects of the project site

Aspect	Description
Address	6, 12 and 14 Sturt Street and 1, 3 and 5 Polding Place, Telopea (Lots 5-7 in Deposited Plan 128229).
Site area	Approximately 20,594 m ² in area, including 18,150 m ² of residential zoned land.
Local government area	City of Parramatta Council.

Aspect	Description
Existing development	The site comprises public open space adjoining the light rail corridor, an internal road (Polding Place), and three storey residential flat buildings providing a total 63 social housing units.
Existing access	The site is adjacent to the Telopea Light Rail stop and the Parramatta Light Rail line forms the western boundary of the site. There are also three public bus routes in Telopea and nearby arterial roads including Kissing Point Road to the south.
Surrounding development	The surrounding area comprises low to high density residential development interspersed with open space, community facilities, education uses, and a row of retail shops (Waratah Shops). The site is proximate to the Sydney Young Nak Presbyterian Church, Telopea Public School, and Sturt Park to the south.
Topography	The site is affected by steep topography, falling approximately 6 metres from the top of the ridgeline at the Parramatta Light Rail line down towards The Ponds Creek to the south.
Heritage	The site is located north-east of a State heritage listed house at 34 Adderton Road known as 'Redstone' (item number I1795). The site itself is not a heritage item or located in a heritage conservation area, and other surrounding heritage items are more than 500 m from the site. The site is identified as having moderate to high potential for historical archaeology associated with the previous agricultural uses and settlement of the land. Because of the degree of historic site disturbance, there is an overall low chance of Aboriginal relics.
Vegetation	There are mature trees on the site including former Sydney Turpentine Ironbark Forest and Blue Gum High Forest, interspersed with urban native and exotic vegetation.
Flooding	The site is in the Ponds Creek flood catchment that flows from north-east to south-west, crossing Stuart Street and Kissing Point Road through Sturt Park. Because of the raised elevation of the site and its distance to the Ponds Creek, the site itself is not affected by mainstream flooding.
Subsurface conditions	The site is identified as containing asbestos containing material (ACM) on the ground surface and within stockpiled fill in the northern fenced-off part of the site, as well as in the south-western corner of the site up to 0.5 m in depth. No groundwater contamination or potential groundwater sources were identified.

1.2 Relevant planning background

1.2.1 Telopea Master Plan

City of Parramatta Council and LAHC prepared a master plan for the redevelopment of Telopea and surrounding areas that came into effect on 19 December 2018. The master plan established new planning controls for the redevelopment of LAHC sites as well as sites under private ownership in the Parramatta Local Environment Plan 2011 and Parramatta Development Control Plan 2011. The master plan seeks to deliver more homes close to the new Parramatta Light Rail line as well as upgraded public domain and facilities (see **Figure 2**).



Figure 2 | Telopea Master Plan 2017, site outlined in red (Source: Telopea Master Plan Report 2017)

1.2.2 Telopea Concept Proposal

On 17 September 2021, LAHC and Frasers Property Australia lodged an SSD application to redevelop 29 sites (103 lots, 13.4 hectares of land) across four development precincts comprising the Core (including Stage 1A), North Precinct, South Precinct and East Precinct (see **Figure 3**). In each development precinct, a series of building envelopes (38 in total) were proposed that would be progressively designed and constructed over 10+ years.

On 3 October 2024, LAHC and Frasers Property Australia issued a joint statement dissolving their partnership to deliver the concept proposal.

As a result, the SSD application was amended by Homes NSW in December 2025 to remove the concept proposal component of the application and to only proceed with delivering the first five buildings as Stage 1A. Homes NSW will continue to progress renewal opportunities for the broader landholdings under various, separate planning pathways in the future.

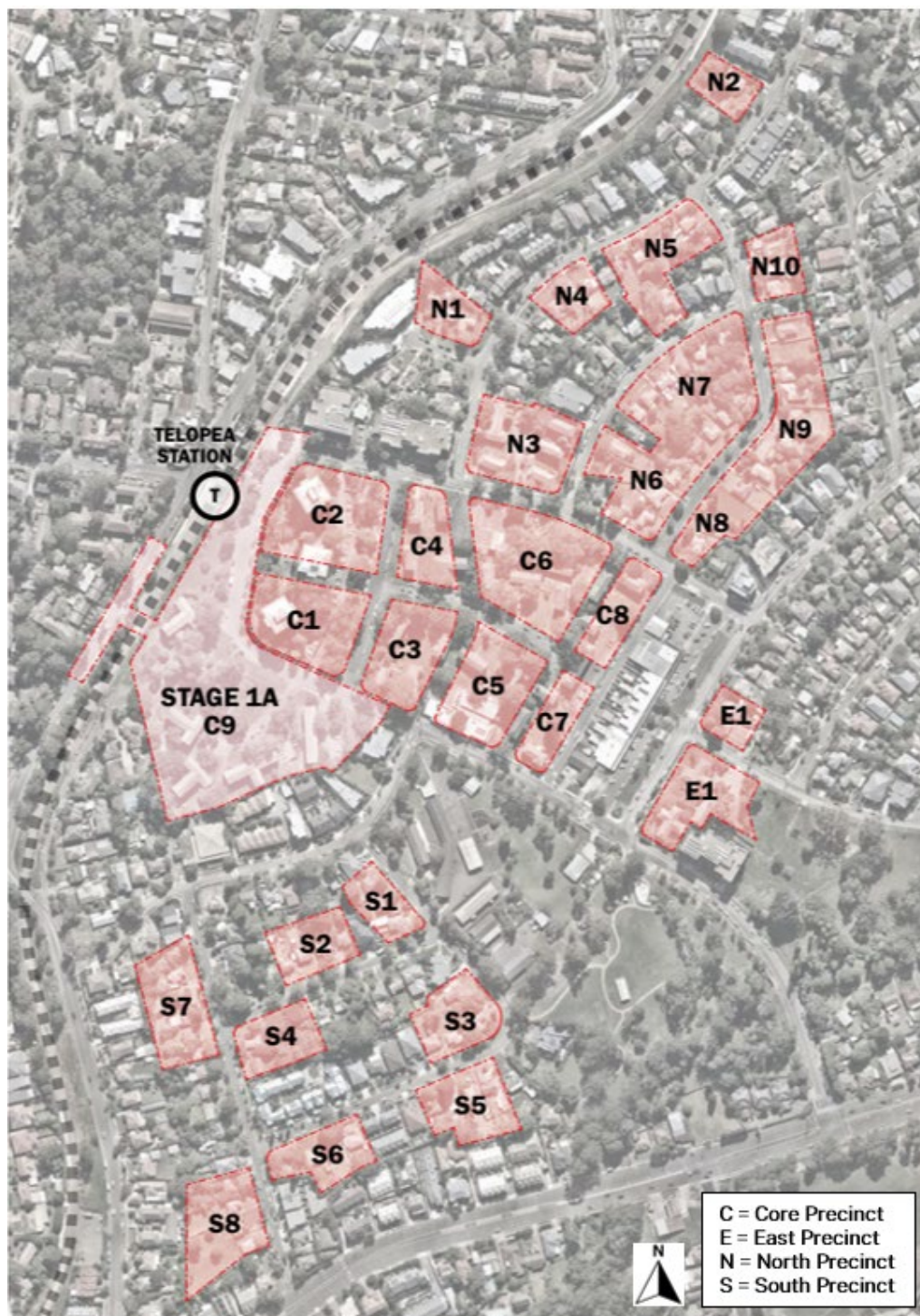


Figure 3 | Telopea Concept Proposal sites filled red, including the Stage 1A site also known as 'C9' (Source: Applicant's EIS)

2 Project

2.1 Project overview

The proposal seeks approval for five residential apartment buildings ranging in height between 6 and 15 storeys providing a mix of market, social, and affordable housing, road upgrades, and a new public plaza and park.

The key aspects of the project are outlined in **Table 2** below. Images of the project are shown in **Figure 4** to **Figure 6**.

Table 2 | Key aspects of the project

Aspect	Description
Built form	Construct 5 buildings comprising: • Building A: 6 storey social housing building • Building B: 2 towers for social and affordable housing ranging from 9-15 storeys, joined by a 1-2 storey podium • Building C: 10 storey social housing building • Building D: 10 storey market housing building • Building E: 9 storey market housing building.
Gross Floor Area (GFA)	A total GFA of 32,911 m ² comprising: • Building A: 1,746 m² • Building B: 13,149 m² • Building C: 3,527 m² • Building D: 7,188 m² • Building E: 7,301 m².
Residential mix	A total 423 apartments comprising: • 146 social housing dwellings (Building A with 26 dwellings, Building C with 46 dwellings, and Building B2 with 74 dwellings) • 99 affordable housing dwellings (Building B1) • 178 market housing dwellings (Building D and E with 89 dwellings each).
Dwelling mix	Overall: • 165 x 1 bedroom units (39%) • 214 x 2 bedroom units (51%) • 44 x 3 bedroom units (10%).

Aspect	Description
Parking and access	• Close Polding Place and open a new internal road (Mews Street). • Construct two shared basements providing car, bicycle, and motorcycle parking. • Provide a loading bay with a turntable in each basement and an on-street loading space on the internal road (Mews Street).
Public domain and landscaping	• A new plaza adjacent to the PLR and a new neighbourhood park linking to the plaza (totalling 5,952 m²). • Public domain upgrades including new planting and paving for the internal road (Mews Street) and upgrades to Sturt Street and Shortland Street. • Landscaping at the ground floor of all buildings. • Communal open space areas on the ground floor, podium and roof of buildings.
Road works	• Upgrade Sturt Street and Shortland Street including the road and kerbs, new footpaths and shared paths, landscaping, parking bays, bus zones, pedestrian crossing, and an on-street drop-off at the station. • Provide a roundabout at the intersection of Sturt Street and Manson Street.
Subdivision	Torrens Title subdivision of the site over two stages.
Site preparation works	• Demolish buildings and the internal road. • Bulk earthworks and excavation. • Augmentation of utilities and services. • Tree removal and protection.



Figure 4 | Proposed Stage 1A buildings and open space areas (Source: Amended Application)



Figure 5 | Render of Buildings A and B, as viewed from Sturt Street looking west (Source: Amended Application)



Figure 6 | Render of Buildings D and E, as viewed from the neighbourhood park looking south-west (Source: Amended Application)

3 Policy and statutory context

3.1 Housing supply

The NSW Government has an ambitious target of 377,000 well-located homes delivered over the next five years. This policy supports the National Housing Accord, which aims to deliver a national target of 1.2 million new, well-located homes over five years to June 2029.

This SSD application aligns with this policy that aims to support the delivery of well-located social, affordable and market housing.

3.2 Permissibility and assessment pathway

Details of the legal pathway under which consent is sought, and the permissibility of the project are provided in **Table 3** below.

Table 3 | Permissibility and assessment pathway

Consideration	Description
Assessment pathway	The project is declared SSD under section 4.36 of the EP&A Act as it satisfies the criteria under section 2.6(1) of the State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP). The proposed development is not permissible without development consent under Part 4 of the Act.
Consent authority	The Minister is the consent authority under section 4.5(a) of the EP&A Act.
Decision-maker	The Minister for Planning and Public Spaces is the decision-maker as the application as it was lodged by LAHC.
Permissibility	The site is partly zoned R4 High Density Residential and RE1 Public Recreation. The proposed residential flat buildings and driveways are located wholly within the R4 High Density Residential zone and are therefore permissible with consent.

3.3 Other approvals and authorisations

The project will not require an environment protection licence issued by the NSW Environment Protection Authority under section 42 of the *Protection of the Environment Operations Act 1997*.

Under sections 4.41 and 4.42 of the EP&A Act, several other authorisations required under other Acts are not required for SSD or must be substantially consistent with the SSD consent. This is because all relevant issues are considered during the assessment of the SSD application.

The Department has consulted with and considered the advice of the relevant Government agencies responsible for these other authorisations in its assessment of the project (**Section 4**). Suitable conditions have been included in the recommended conditions of consent (**Appendix E**).

3.4 Planning Secretary's environmental assessment requirements

The Department's review has determined that the EIS addresses each matter set out in the Planning Secretary's environmental assessment requirements (SEARs) issued on 1 April 2021 and is sufficient to enable an adequate consideration and assessment of the project for determination purposes.

3.5 Mandatory matters for consideration

Mandatory matters for consideration include:

- matters of consideration required by the EP&A Act
- objects of the EP&A Act and ecologically sustainable development (ESD)
- biodiversity development assessment report
- matters of consideration required by the EP&A Regulation
- matters of consideration required by environmental planning instruments.

The Department's consideration of these matters is summarised in **Appendix C**. As a result of this consideration, the Department is satisfied that the development meets the statutory requirements.

4 Engagement

4.1 Exhibition of the EIS

After accepting the development application and EIS, the Department:

- publicly exhibited the project from 13 October 2021 to 9 November 2021 on the NSW Planning Portal and made physical copies available at City of Parramatta Council's office and at the Dundas Branch Library
- notified occupiers and landowners in the vicinity of the site about the public exhibition, and
- notified and invited comment from relevant Government agencies and City of Parramatta Council (Council).

Following the exhibition of the EIS, the Applicant submitted an amended application in accordance with Section 55A of the EP&A Regulation, and the Department re-exhibited the development application. This included:

- publicly exhibiting the application from 4 December 2025 to 17 December 2025 on the NSW Planning Portal
- notifying surrounding occupiers and landowners about the re-exhibition period, as well as those who made a submission during the original exhibition period, and
- notifying relevant Government agencies and Council.

The Department also inspected the site and its surrounds on several occasions.

Across both exhibition periods, the Department received:

- advice from 8 Government agencies
- a initial submission from the City of Parramatta Council (Council) objecting to the concept proposal component of the EIS, and a subsequent submission providing comments on the amended application
- 37 submissions from the public (26 objecting to the proposal, 8 providing comments, and 3 in support). However, only 9 of these submissions were received in response to the amended application including 4 objections, 1 in support, and 4 providing comments.

4.2 Summary of advice received from Government agencies

A summary of the final advice is provided in **Table 4** below. A link to the fully copy of the advice is provided at **Appendix A**.

Table 4 | Summary of final agency advice

Agency	Advice summary
Transport for NSW (TfNSW)	• Raised no concerns noting the amended application maintains site access via the internal road and would have a lower traffic impact, but that Council should be satisfied traffic movements can be safely accommodated because the surrounding roads are managed by Council. • Requested conditions be imposed to manage the site's interface with the PLR line.
Conservation, Programs, Heritage and Regulation Group (CPHR)	• Raised no concerns except for some missing tree details in the Arboricultural Impact Assessment and requested retaining two trees (Tree 283 and Tree 300) that are potential remnant vegetation. • The recommendations in previous submission are to be implemented as conditions of consent.
Heritage NSW-European Heritage (HNSW EH)	Raised no concerns and supported the recommendation of the Historical Archaeological Assessment to prepare an Archaeological Research Design and Work Method Statement.
Heritage NSW Aboriginal Cultural Heritage (HNSW ACH)	Raised no concerns and were otherwise supportive of the recommendations in the Aboriginal Cultural Heritage Assessment Report (ACHAR).
Sydney Water	Raised no concerns except for further exploring recycled water noting that the Applicant does not support dual piping and Sydney Water is currently investigating recycled water services from the proposed new plant at Camellia.
Endeavor Energy	Raised no concerns but provided flooding and drainage requirements for substations and site remediation requirements for the removal of electricity infrastructure.
NSW Environmental Protection Authority (EPA)	Raised no concerns.
Western Sydney Local Health District (WSLHD)	Raised no concerns but requested further consultation regarding any redevelopment of the Community Health Centre and Dundas Area Neighbourhood Centre.

4.3 Summary of Council submission

Council's submission to the EIS objected to the concept proposal component of the application but supported Stage 1A. Council then subsequently provided comments in response to the exhibition of the amended application (i.e. Stage 1A).

A summary of Council's final comments is provided in **Table 5** below and a link to the full copy of Council's submission and feedback is also provided at **Appendix A**.

Table 5 | Summary of final Council advice

Agency	Advice summary
City of Parramatta Council	• Council supports the inclusion of social and affordable housing and the development's contribution to housing options. • Design amendments have addressed some of Council's outstanding concerns, and Council recommends a range of conditions to address outstanding issues including: – executing the planning agreement in accordance with the agreed Letter of Offer – the detailed design, construction and handover of public open space and road works is to be to Council's specifications – the detailed design of waste storage and service vehicle areas must achieve Council's standards to enable servicing – standard conditions for construction management, including traffic and the protection of Council assets, footpaths, street trees, stormwater and roads. • Council requests clarification whether a new waiver from the need to conduct an architectural design competition is required.

4.4 Summary of public submissions

The Department received 37 submissions during the exhibition of the EIS and the amended application (comprising 2 submissions from special interest groups and 35 submissions from individuals), as follows:

- during the first exhibition period: 28 submissions ¹ were received including 22 submissions objecting to the application, 4 submissions commenting on the application, and 2 submissions supporting the application
- during the second exhibition period: 9 submissions were received including 4 submissions objecting to the application, 4 submissions commenting on the application, and 1 submission supporting the application.

Further detail on the submissions received in response to the recent amended application are included in **Table 6** below and a link to all submissions in-full is provided in **Appendix A**.

Table 6 | Summary of public submissions in response to the amended application

Issue	% of submissions
Social and economic impacts: • concerns for social cohesion, safety and anti-social behaviour • concerns for the quantity and location of social housing • need for on-site community services and tenant support programs.	89%
Traffic, parking and access: • insufficient parking provided on the site • concern for potential pedestrian and vehicle conflicts in suburban streets.	78%
Infrastructure demand: • new and additional infrastructure needed to support demand including schools, transport, medical facilities, shops and services.	33%
Bulk and scale: • concerns for the height of buildings • desire to retain the existing medium density scale of development.	33%
Planning process: • inadequate consultation with the community • confusion on the status and the application's relationship to the Masterplan.	33%
Biodiversity and tree removal: • existing street trees and trees on the site should be preserved • development should retain the landscaped character of the area • concerns for loss of habitat.	22%

¹ A petition is counted as one submission in accordance with section 2.7(6) of the Planning System SEPP. Submissions lodged by the same individual during the same exhibition period were also considered together as one submission.

4.5 Response to submissions and amendments

On 24 March 2026, the Applicant submitted a further submissions report addressing the matters raised in the submissions and the feedback received in response to the amended application.

Further design changes were made including providing dedicated communal open space on the roof of Building E, incorporating additional privacy screens, retaining more existing trees, and a range of design changes to the public open space areas and building interfaces with the public domain.

5 Assessment

The Department has assessed the proposal, considering all documentation submitted by the Applicant, all issues raised in submissions, and all advice provided by Government agencies.

The Department considers the key assessment issues are built form and public open space and landscaping. The Department's consideration of other issues is outlined in **Section 5.3** and in the appendices of this report.

5.1 Built form

5.1.1 Design excellence

The State Design Review Panel (SDRP) reviewed the development on three occasions. The SDRP made several recommendations and expressed support for elements of the development including the architectural character, materials strategy, the diversity of apartment types, the approach to sustainability and connecting with Country, and the overall approach to design excellence.

Several changes were made to Stage 1A through the assessment process to align with SDRP advice. This included removing a road connection through the PLR that would have segregated the neighbourhood park and station plaza, reducing basement footprints to be outside of the street setbacks, increasing the tree canopy cover, reducing car parking, providing a shared lane on Stuart Street, and developing new social and affordable housing in addition to market housing.

On 13 March 2024, Council certified in writing that an architectural design competition had been waived under PLEP 2011 for Stage 1A. Council separately confirmed that a waiver was not required for the concept proposal. The Stage 1A waiver noted that the development had been reviewed by the SDRP and that the application had been refined through the assessment process to address many of Council's outstanding concerns.

The Department considers the amended application remains substantially the same as the development for which the waiver was granted noting it retains five residential buildings with the same access arrangements, open space areas and site layout, and with comparable scale, capacity, and design treatments. As a result, the Department is satisfied the Applicant has appropriately responded to the matters in clause 6.12 of PLEP 2011.

The Department considers that the proposal demonstrates design excellence, as it effectively responds to the SDRP's recommendations and the site's conditions and context. It achieves a high standard of architectural design, materials, and detailing, and will contribute to the renewal of ageing housing stock, enhancing the overall visual quality and amenity of the area.

5.1.2 Building height and scale

The site is subject to a maximum building height of 28 metres under PLEP 2011 and a floor space ratio (FSR) of 2.2:1, comprising a base FSR of 1.7:1 under PLEP 2011 and a 0.5:1 floor space bonus under the now repealed ARH SEPP. While the ARH SEPP has since been replaced by the Housing SEPP, its provisions remain applicable to this application. The bonus provision applies to development on LAHC-owned land and that delivers at least 50% social or affordable housing. However, the ARH SEPP does not provide any bonus to maximum building height.

The Stage 1A buildings comply with the site's maximum FSR and Building A is below the maximum building height limit. However, the remaining four buildings (Buildings B to E) exceed the maximum height control (see **Table 7**).

The proposed height variations are generally limited to lift overruns, plant, and the upper storey of buildings, except for the western component of Building B (B1) that exceeds the height limit by 7 storeys as the landmark building in the precinct (see **Figure 7**).

Table 7 | Proposed building height compliance

Building		PLEP 2011 limit (m)	Proposed height	Variation
Building A		28 m	21.745 m (RL 75.44)	N/A – 6.26 m below (22.3%)
Building B	B1 (west)	28 m	48.48 m (RL 107.58)	20.48 m (73.1%)
	B2 (east)	28 m	34.78 m (RL 91.68)	6.78 m (24.2%)
Building C		28 m	33.073 m (RL 91.35)	5.07 m (18.1%)
Building D		28 m	33.35 m (RL 90.25)	5.35 m (19.1%)
Building E		28 m	33.55 m (RL 88.95)	5.55 m (19.8%)

Council requested that the buildings in Stage 1A comply with PLEP 2011 and raised concerns with the development's elevated basement levels and interface with the site boundaries. Public submissions also raised concerns about the height of development and requested that the buildings retain the existing medium density scale of the area.

The Applicant provided a written request to vary the height of building development standard noting that the proposed building heights responded to design advice from the SDRP, maximised access to transport, allowed for consolidated areas of open space, complied with contemporary construction standards, and accommodated the permissible floor space. The Applicant's variation request is further considered at **Appendix D**.



Figure 7 | Variations to the maximum height of buildings control (28 m height plane coloured red)

In response to Council's concerns, the design was amended to provide layered planter boxes and additional landscaping in Building E's setback to Winter Street and in Building B's setback to Sturt Street, to reduce the visibility of above-ground parking areas and to better interface with these site frontages.

The Department has carefully considered the amended design and variation request and the concerns raised by Council and in submissions, and is satisfied the development appropriately interfaces with the site boundaries and achieves an acceptable built form. While the proposal exceeds the height controls for the site, the Department considers that it delivers an improved development outcome compared to a fully compliant scheme in terms of urban design, amenity, and open space. This is achieved by concentrating taller, more slender towers toward the centre of the site, thereby reducing bulk and enhancing site permeability.

Although the extent of the proposed variation is considerable, the Department is satisfied it is justified and acceptable for the following reasons:

- the proposal aligns with the intended future character of the precinct that anticipates buildings up to 70 m in height opposite the Stage 1A site near the light rail station, with heights stepping down to between 50 m and 28 m as development extends further from the station and down the ridgeline. The tallest building (Building B1) is centrally located within the Stage 1A site to interface with these future higher-density buildings, while the remaining

buildings appropriately transition in scale from the station-adjacent core to the surrounding lower-density areas

- varying the maximum building heights and reducing building footprints creates larger, more cohesive areas of public open space at the ground level, including the new neighbourhood park and station plaza and a new internal road
- the Applicant's Visual Impact Assessment confirmed the cluster of new buildings would not block any scenic or highly valued views and noted there are existing taller buildings visible in the landscape, including two 9 storey towers at 31-33 Sturt Street that are located at the top of the ridgeline and opposite the Stage 1A site
- the bulk and scale of the proposal has been mitigated through a combination of design measures, including compliant setbacks to Sturt Street, landscaping to soften and screen the development, a one to three storey brick podium that establishes an appropriate street wall, and varied façade articulation, recesses, and materials that break up the massing of the proposal.

Additionally, the Department notes that Buildings B2, C, D and E would otherwise comply with the Housing SEPP maximum height controls, which permit up to a 30% height bonus, if the application were lodged today. The development's FSR of 1.81:1 is also less than the maximum permitted FSR for the site, which demonstrates the proposal would not exceed the planned capacity for this site.

The Department is also satisfied that the proposal has responded appropriately to Council's concerns for creating a human-scale and activated street frontages. The development employs appropriate design measures to screen above-ground parking and address the street frontages including orientating balconies to the street for passive surveillance and providing landscaping and layered planter boxes to reduce the visibility of parking areas.

The Applicant also explored alternative design solutions to provide apartment or lobby entrances at the street frontages, including providing split-level or multi-storey apartments, apartments with individual entries rather than from a communal lobby, and partially subterranean units. However, these treatments were not supported by Homes NSW because they would not align with the accessibility and operational needs for social and affordable housing.

Overall, the Department is satisfied the proposal results in an acceptable built form outcome for the site. By concentrating taller, more slender buildings towards the centre of the site, the proposal reduces bulk, creates a clear transition at the edges, and improves ground-level permeability. Additionally, the proposal complies with the maximum FSR for the site and would not result in any significant visual, amenity or overshadowing impacts on neighbouring properties.

5.1.3 Overshadowing

The Applicant submitted plans detailing the shadows cast by the development between 9 am to 3 pm at different times of the year. The plans assessed the buildings in Stage 1A and provided a comparison to the overshadowing that would be created by a compliant height plane.

The overshadowing plans illustrated that during the winter solstice (21 June), when the sun is lowest in the sky, the proposed development would cast shadows on surrounding properties as follows:

- properties to the west of the site (1 and 3 Manson Street, 34 and 36 Adderton Road, and 2–12 Winter Street) would be overshadowed in the morning (before 12 pm, midday)
- the apartment buildings east and south-east of the site (25–27 and 17 Manson Street) would be overshadowed from mid-morning (10–11 am)
- the apartment buildings directly south of Buildings A and C (19–21 and 11–15 Manson Street) would receive extended periods of overshadowing to the northern façades, roofs, and open space areas, though the majority of buildings would still receive periods of direct sunlight over the day
- the northern windows and carpark of the church at 7–9 Manson Street would be overshadowed over the day, while other areas would receive intermitted direct sunlight, and
- the residences on the southern side of Manson Street and Telopea Public School would be unaffected until 3 pm.

The Department considers overshadowing from the proposed Stage 1A buildings would be acceptable and reasonable as:

- the Applicant's overshadowing plans demonstrate that most surrounding residential buildings would receive at least two hours of direct sunlight at midwinter, which is consistent with the recommended standard for urban areas
- the exception is the group of dwellings located directly south and downhill of the Stage 1A buildings at 17 Manson Street, 19–21 Manson Street, and 11–15 Manson Street that interface directly with the site boundary. Within these apartment complexes, each of the buildings still receive periods of direct sunlight at midwinter except for the south-easternmost apartments in 11–15 Manson Street. The Department notes that these apartments would be overshadowed throughout the day by a height-compliant building envelope as well as by the existing apartment buildings on the site. As a result, the proposed development would not significantly reduce the level of amenity of these apartments
- Telopea Public School would not be affected during core school hours, including important morning and lunchtime breaks, and is only overshadowed in the north-western corner of the site from 3 pm when the school day has ended

- the amended application also does not generate any additional overshadowing to Sturt Park or any other surrounding public recreation area.

5.1.4 Building separation

Council's submissions recommended that separation distances between buildings be designed in line with the Apartment Design Guide (ADG).

The ADG recommends setbacks are shared between neighbouring buildings and to site boundaries to ensure adequate building separation and privacy:

- buildings up to 4 storeys: 6 m between habitable rooms and balconies and 3 m between non-habitable and habitable rooms and balconies
- buildings between 5-8 storeys: 9 m between habitable rooms and balconies and 4.5 m between non-habitable and habitable rooms and balconies
- buildings over 9 storeys: 12 m between habitable rooms and balconies and 6 m between habitable and non-habitable rooms and balconies
- all scales: nil separation distance where a building includes blank party walls.

The proposed development is largely compliant with the ADG recommended building separation distances but seeks to vary these distances in a few locations including the setbacks to site boundaries for parts of Buildings A, C, D and E, internal separation distances between sections of Buildings A, B, C, D and E, and internal separation distances between parts of Buildings B and D owing to the L and U shaped floorplates of these buildings. A detailed analysis of these separation distances is provided at **Appendix C**.

In response, the Applicant has advised that the buildings have been designed to include angled facades, privacy screens, offset windows, blank walls and tree planting.

In each of these instances, the Department considers the variations to the proposed separation distances are minor and acceptable as they affect only a small number of apartments, and the development has adopted alternative design solutions to prevent overlooking between apartments and to mitigate potential privacy impacts including:

- locating non-habitable rooms or circulation areas along the affected interface to avoid direct views between apartments
- using privacy screens, blank walls, or offset windows to block or redirect sightlines
- angling façades or adjusting building geometry to prevent direct overlooking
- introducing landscaping, including tree planting and boundary planting, to soften views and provide visual screening

- committing to the installation of full-height screens on corner balconies at the detailed design stage to further mitigate privacy impacts (discussed further in **Section 5.3**).

The Department has considered the proposal along with the concerns raised in the submissions and the objectives of the ADG and is satisfied the building separation distances are acceptable when implementing the proposed design treatments. These measures ensure that the functional level of privacy and amenity is preserved within Stage 1A and to adjoining properties.

The Department also notes that many other locations within Stage 1A would exceed the recommended separation distances, contributing to an overall balanced and acceptable built form outcome for the precinct.

5.2 Public open space and landscaping

The development includes a range open space and landscaped areas including a new public station plaza and neighbourhood park, landscaping at the site boundaries, and landscaping in the verges of the new publicly accessible internal road and pedestrian links (**Figure 8** and **Figure 9**). These public and publicly accessible areas support passive and active recreation, contribute to the urban tree canopy, and create a high amenity environment.



Figure 8 | Indicative render of the public plaza (Source: Applicant's additional information)



Figure 9 | Renders of the neighbourhood park (Source: Applicant's amended submissions report)

Council requested that no underground parking be provided beneath open space areas, that any open space area dedicated to Council be subdivided into a separate lot, and provided detailed comments on the design of public open space areas, road verges, and communal open space areas.

Public submissions requested the development retain the landscaped character of the area and raised concerns about removing existing trees on the site and the loss of habitat.

The Applicant's revised Arboricultural Impact Assessment (AIA) confirmed the development would remove 139 existing trees and retain and protect 20 trees. No trees being removed were identified as potential remnant vegetation, and the BDAR confirmed that the development would not result in serious or irreversible impacts and would not require purchasing offsets.

CPHR requested two specific trees (identified as Trees 283 and 300) be retained as likely remnant vegetation and recommended a range of conditions for fauna management, salvaging seeds, root balls, and hollows, replacement nest boxes, and plant species selection.

The Department has considered the submissions and advice received, and the Applicant's assessments, and considers the proposed tree removal and landscaping works to be acceptable as:

- the development includes 5,952 m² of new public open space (29% of the site area) that would be embellished and dedicated to Council. These open space areas provide a multipurpose court, playgrounds, BBQs, seating, and landscaped areas for use by the local community

- the proposed public open space has been designed to be free of underground carparking and structures and would be subdivided into separate lots and dedicated to Council (discussed further in **Section 5.3** below)
- the development has been amended and designed to minimise impacts to trees where possible, including retaining Trees 283 and 300 and areas of potential remnant vegetation that were identified in the BDAR
- of the trees that are being removed, 91 trees (65%) are identified as being of low or very low significance (Category Z and ZZ trees) and only 7 trees are of very high significance (Category AA trees). These high significance trees are in the footprint of buildings, the internal road, and other works areas and could not be retained
- the Applicant has committed to significant replacement tree planting including providing 10 new trees for every Category AA tree removed and 5 new trees for every Category A tree removed. The trees planted would reference local ecology and support habitat creation
- the minimum 4-metre landscaped setback to Sturt Street complies with Council's DCP and provides adequate deep-soil planting to maintain Telopea's established green streetscape character
- the proposed landscaping along the boundary provides effective privacy screening for neighbours
- CPHR's recommended conditions and the AIA and BDAR's recommendations contain appropriate measures to retain and protect trees, find and relocate fauna, provide replacement habitat, and support local ecology.

The Department supports delivering public open space and other landscaped areas as part of the development to service the new community and provide areas for socialisation, recreation, and landscaping. The Department also recommends conditions for:

- the detailed design of all public spaces be reviewed by and endorsed by Council
- easements or similar mechanisms permitting public access are imposed on the new road and any pedestrian links that would be publicly accessible but remain in private ownership
- construction works will be guided by a Biodiversity Management Plan and CPHR's recommended conditions for supporting local wildlife and ecology, and the AIA recommendations for protecting existing trees.

5.3 Other issues

The Department's consideration of other issues is summarised in **Table 8** below.

Table 8 | Assessment of other issues

Issue	Findings and conclusions	Recommended conditions
Apartment Design Guide	- The Department has undertaken a detailed assessment of the proposal against the Apartment Design Guide at Appendix C. The proposed variations to building separation distances are considered in detail in Section 5.1.4. - In summary, the Department is satisfied that the proposal is consistent with the ADG's recommendations and that any variations are minor and acceptable. - Overall, the Department is satisfied that the proposed apartments would provide acceptable levels of amenity for future residents.	No conditions are recommended.
Infrastructure demand	- Public submissions raised concern that there would be insufficient infrastructure as part of the development and in the surrounding area to service the project. - On 9 August 2024, the Applicant entered into a planning agreement with the State Government to provide monetary contributions for State public infrastructure that could include upgraded roads, schools, or other services and infrastructure. On 20 May 2026, the development was then certified as having made satisfactory arrangements for the provision of State infrastructure. - On 8 December 2025, Council agreed to enter into a planning agreement with the Applicant to deliver and dedicate new public open spaces areas, construct a new local road (The Mews), and upgrade local roads including new roundabouts and shared paths. - The Department considers the proposed development can be accommodated on the site, noting the following: - the proposed development complies with the maximum FSR for the site and therefore the maximum planned capacity for this land - the planning agreement with Council ensures the development will upgrade local roads and construct and dedicate new areas of public open space that benefit the local community - the planning agreement with the State Government provides monetary contributions to fund other infrastructure upgrades. - The Department recommends that:	The Department recommends that: - consistent with Council's request, the planning agreement with Council is finalised and registered in accordance with section 7.6 of the EP&A Act - that evidence be provided to the Certifier that contributions in the State planning agreement have been paid.

Issue	Findings and conclusions	Recommended conditions
	– the planning agreement with Council is executed before commencing substantial works, and – the monetary contributions in the State planning agreement are paid in accordance with that agreement.	
Parramatta Light Rail	• The development borders the PLR corridor on the western boundary of the site. While most of this interface comprises the new station plaza, the shared basement for Buildings D and E will be constructed within 20 m of the corridor and apartments in Building E and the rooftop communal space area would face the PLR corridor at its north-western point. • The Applicant's EIS was accompanied by an assessment of ground movements under the rail corridor for the excavation and construction of Stage 1A, which found that the works would produce negligible movements (no greater than 0.04 mm) below the railway tracks. The EIS was also accompanied by Electrolysis Testing that found there was a minor (low risk) corrosion hazard to on-ground and in-ground metallic structures. • TfNSW recommended conditions that would ensure the PLR is appropriately protected during the construction and operation stages, including entering into a deed and interface agreement to manage the construction process, confirming detailed design information, and demonstrating compliance with transport asset standards and construction standards. • The Department has reviewed TfNSW's advice and is satisfied that the development would not adversely impact PLR infrastructure or operations when implementing the recommended conditions for those works occurring in proximity of the PLR.	The Department recommends: • the Applicant undertake the detailed design, construction and operation of the development in accordance with TfNSW's recommendations • without limiting the operation of any other condition, the Applicant is to consult in good faith with TfNSW and/or the light rail operator.
Traffic and roadworks	• The Applicant's transport statement confirmed that the amended application would generate up to 91 vehicle movements during peak periods. The level of service at nearby intersections was assessed for the Master Plan and confirmed that the surrounding intersections would be capable of operating effectively with minimal delay. • Council identified local road and intersection upgrades to accommodate the proposed development, including a new roundabout at the intersection of Sturt Street and Manson Street and other works to improve Sturt/Shortland Street. Council requested that the detailed engineering and design plans be submitted to the Parramatta Traffic Committee and approved by Council.	The Department recommends: • the detailed engineering plans for road works are submitted to and approved by the Parramatta Traffic Committee.

Issue	Findings and conclusions	Recommended conditions
	- Public submissions objected to new road connections to Winter Street and across the PLR, which were subsequently removed and do not form part of the amended application. - The Department notes Stage 1A forms part of the greater Telopea Master Plan redevelopment area and considers that the operation of the first five buildings would not adversely impact the local road network. - The Department notes that the development also includes satisfactory arrangements for upgrading local and State infrastructure through planning agreements, which would include local road works and may contribute to upgrades to State roads. - The Department accepts Council's recommended conditions that the detailed road works be reviewed and approved by the Parramatta Traffic Committee.	
Parking	- The development includes a range of car parking, motorcycle parking, and bicycle parking spaces for residents across two shared basements in compliance with the ARH SEPP and Council's DCP, except for the number of visitor parking spaces. Additional visitor bicycle parking would be provided in the public domain and eight visitor car parking spaces would be provided on-street. - Council requested providing additional visitor parking and public submissions raised concerns that there was overall insufficient parking. - TfNSW recommended reducing the amount of car parking overall (both off street and on street) to discourage private car use and incentivise other more sustainable modes of transport. - The Department has considered the submissions received, and notes the development would comply with the parking rates in the ARH SEPP and as such more onerous conditions cannot be imposed. The site is well-connected to public transport, close to amenities, and provides new bicycle parking for residents and visitors to promote sustainable modes of travel.	The Department recommends: - the proposed number and mix of car, motorcycle, and bicycle parking spaces are delivered - vehicle and bicycle parking are constructed to achieve Australian Standards.
Social and economic impacts	- Public submissions raised concern that the proposed social housing would affect property prices and social cohesion and safety. Public submissions also raised concerns for displacing existing residents on the site and with removing the existing medical/community facilities in the Dundas Centre. - The Applicant submitted a Social Impact Assessment (SIA) and a Crime Prevention Through Environmental Design (CPTED) confirming the development would have an overall positive social	The Department recommends: the detailed construction drawings address the recommendations of the CPTED report and adopt a

Issue	Findings and conclusions	Recommended conditions
	impact by providing new high-quality housing and by being designed to address CPTED principles. • The Applicant's amended application further confirmed that the Dundas Library and Community Centre would remain operational and owned by Council, and that providing new social and affordable housing on the site would contribute to housing affordability and choice. It was also advised that the residents of the existing social housing on the site had been relocated. • The Department has reviewed the Applicant's assessments and the issues raised in submissions and is satisfied the proposal would deliver a range of positive social outcomes, particularly through the provision of new social and affordable housing, new public open space and roads, and designing the development to address CPTED principles. • The Department notes that the long-term use of the site has been for social housing and supports the renewal of ageing housing in alignment with the State Government priorities to deliver more social housing and address housing supply and affordability. The potential impacts of the development would be appropriately managed through the recommended conditions.	tenure blind approach for market, social and affordable tenants • the social and affordable housing is managed by the relevant provider • the recommendations of the Applicant's SIA about community consultation and outreach are implemented.
Flooding and stormwater	• The Applicant's Flood Assessment (FA) determined that no lots within the Telopea CPA would be affected by flooding from The Ponds Creek or floodway areas and that the development would have no adverse impact on the flood behaviour of the creek during the 1% Annual Exceedance Probability (AEP) and Probable Maximum Flood (PMF) events. • Council requested that the FA assess the impact of overland flow and TfNSW requested that the FA address impacts to the PLR corridor. Endeavor Energy requested that substations be designed free of flood inundation or stormwater runoff. • The Department has reviewed the FA and considers the development is not affected by riverine flooding and would not adversely impact flood behaviour. The Department recommends further modelling be undertaken to address overland flow in consultation with Council and TfNSW for the detailed construction drawings, and that all drainage and water quality infrastructure be certified as achieving Council's standards. • The Department is satisfied that the storage and quality of stormwater can be appropriately managed subject to the recommended conditions, and that the detailed design would not adversely impact flood behaviour or neighbouring land. Further,	The Department recommends: • preparing further modelling addressing overland flow, the detailed design of stormwater drainage, and the potential impacts of climate change for the full range of events with Council and TfNSW • the detailed design of drainage, on site detention, and water quality measures be to

Issue	Findings and conclusions	Recommended conditions
	the Department is satisfied that all stormwater and water quality measures can be designed to achieved Council's standards.	Council's satisfaction.
Waste management	• The development provides two loading docks, one in each shared basement, as well as waste rooms in the basement and waste chutes in common areas. An additional on-street loading zone is proposed to service Building A that cannot be accessed from the proposed shared basements. • Council raised concerns about the reliability of the proposed turntables in the loading docks and recommended a range of conditions for the detailed design of waste management rooms and the access requirements of Council's waste trucks. • The Department accepts that the proposed loading docks are adequately sized to allow Council's standard waste truck (12.5 m) to enter and exit the site in a forward direction. If a turntable malfunctions, waste vehicles would still be able to reverse into the loading docks without disrupting traffic as these docks are accessed from the new internal private road and not from a public road. • The Department also accepts that direct basement access is not possible for Building A and considers kerbside waste collection from the new internal road is acceptable for the small number of apartments in Building A. • The Department recommends that the detailed design of waste storage and collection areas be to Council's standards and that appropriate easements and access control measures are implemented to permit Council's waste collection vehicles to use the proposed loading docks. The Department also recommends preparing Loading Dock Management Strategies for each loading dock detailing how loading and waste collection would be managed, including in the event of a turntable malfunction and for Building A's kerbside loading zone.	The Department recommends: • the detailed design of waste storage and collection areas and access arrangements for Council's waste trucks must address Council's standards • preparing a Loading Dock Management Plan for each of the buildings and on-street loading spaces.
Noise and vibration	• Public submissions raised concerns that noise from the development would impact local amenity. • The Applicant submitted a Noise Impact Assessment that confirmed that plant and equipment on the site would be designed and treated to minimise noise emissions. Further, the buildings would achieve good internal amenity with consideration of the light rail line and road noise when implementing recommended glazing and engineering treatments. • The Department considers the proposed shared basement entrance for Buildings D and E is in close proximity of	The Department recommends: • further reasonable and feasible measures be explored at the detailed design stage to mitigate potential acoustic impacts from the operation of

Issue	Findings and conclusions	Recommended conditions
	neighbouring residences to the east, and recommends that further reasonable and feasible measures be explored at the detailed design stage to mitigate potential acoustic impacts from carpark and loading operations, such as additional screening and landscaping at the boundary and operational hours for loading areas. • The Department is satisfied the development would not adversely impact the amenity of surrounding residences subject to the recommended conditions, and that the proposed apartments would also achieve the relevant noise intrusion requirements. • The Department recommends further mitigation measures are detailed for the development's interface with the eastern site boundary and that the detailed plans address the recommendations of the Noise Impact Assessment and achieve the relevant Australian Standards and guidelines with respect to constructing near transport corridors and busy roads.	carpark and loading area • the detailed plans address the recommendations of the NIA and achieve the relevant AS and guidelines with respect to constructing near transport corridors and busy roads.
Construction impacts	• Public submissions raised concerns that construction works would result in noise pollution and dust. • NSW EPA raised no concern with proposed construction impacts. Council requested that the Applicant's traffic control measures be reviewed and endorsed by Council, and recommended the Applicant provide an environmental management plan to address potential construction-related impacts and construction hour conditions. • The Applicant submitted a Preliminary Construction Management Plan (CMP) as well as noise and traffic assessments, and outlined management strategies to mitigate and manage noise, vibration, dust, soil, water, works zones, waste management and other construction impacts. • The Department acknowledges that the future construction works would unavoidably result in some acoustic impacts and dust emissions but considers that the works are temporary and potential impacts can be reasonably managed and mitigated. The Department recommends a range of conditions to ensure construction does not unreasonably impact the amenity of adjoining residents (in terms of noise, traffic and air quality) or result in any damage to adjoining properties and public domain.	The Department recommends: • preparing detailed CMPs • imposing standard construction hours and respite periods • requiring consultation with any nearby development sites to minimise impacts • include strategies to disincentivise workers using on-street parking.
Sustainability	• The EIS was accompanied by a Sustainability Report identifying the ecologically sustainable development (ESD) measures being targeted by the development. These include 5 Star Green Star Design and As-Built v1.2 Initiatives, 6 Star Green Star Communities v1.1 Initiatives, integrated infrastructure solutions, and WELL	The Department recommends: • the measures identified in the

Issue	Findings and conclusions	Recommended conditions
	Community certification. The proposed apartments also achieve the relevant BASIX and NatHERS standards. • Council requested that Stage 1A provide EV charging capabilities and not be serviced by gas. Sydney Water NSW requested that the development provide dual piping for recycled water services from a proposed new plant at Camellia. • The Department considers the proposed sustainability initiatives supportable, and notes that the proposed water resource recovery facility is not approved or under construction currently. Overall, the Department is satisfied the development would maintain a high standard of sustainability.	Sustainability Report and BASIX and NatHERS certification are incorporated into the construction drawings • standard Sydney Water conditions
Wind	• The Applicant provided a Qualitative Wind Assessment assessing conditions in the pedestrian wind environment and in outdoor spaces. The assessment concluded that all locations within and surrounding the site would pass the safety criterion, that footpaths would remain at similar wind levels as the existing environment, and that further screening and landscaping could be used in communal and private open space areas to further reduce wind impacts. • The Department finds the development can deliver a safe wind environment and designing spaces that are suitable for their desired use. The Department recommends that the detailed construction drawings implement the recommendations of the Qualitative Wind Assessment including providing solid side walls, screens, or fins for dual aspect balconies and incorporating balustrades and planting at the edges of communal open space areas.	The Department recommends: • the recommendations of the Qualitative Wind Assessment are implemented in the construction drawings.
Subdivision	• The proposal seeks to amalgamate and subdivide existing lots to provide a new Torrens Title lot for residential development (Lot 15) and for open space areas (Lots 16 and 17) that will be progressively dedicated to Council in accordance with the planning agreement. The new Torrens Title residential lot (Lot 15) will be further subdivided into two parts and include a new easement for public access to the Mews Street internal road. • The Department considers the proposed subdivision is appropriate and necessary for the orderly redevelopment of the site and to dedicate new public open space areas to Council. The Department also recommends standard subdivision conditions and accepts Council's recommended conditions for easements and other title restrictions for public access and other services.	The Department recommends: • standard subdivision conditions for amalgamating and subdividing lots and the creation of easements and covenants for public access, waste collection, servicing, and the like.

6 Evaluation

The Department's assessment has considered the relevant matters and objects of the EP&A Act, including the principles of ecologically sustainable development, advice from Government agencies, advice from Council and public submissions, and Government policies and plans.

The Department considers the project to be acceptable for the following reasons:

- it supports the NSW Government's priorities to deliver well-located housing by providing 423 new homes, including 146 social and 99 affordable homes (58% of the proposed housing), in an accessible location next to the Telopea Light Rail Station
- it provides over a quarter of the site (29%) as public open space that would be dedicated to Council including a new station plaza and neighbourhood park that provide a multiuse court, play equipment, BBQs, seating areas, turf and landscaped areas
- it delivers a built form that has been reviewed by the State Design Review Panel and achieves design excellence
- it provides a density and scale that is consistent with the desired future character of the area and results in an appropriate outcome in terms of overshadowing, visual impacts, traffic, and impacts to the amenity of neighbouring sites
- while the proposal exceeds the maximum height controls applying to the site, it complies with the maximum floor space ratio and delivers improved development outcomes in terms of urban design, amenity, and open space by concentrating taller, slimmer towers toward the centre of the site
- it provides appropriate amenity for future residents, including appropriately sized apartments, solar access and natural ventilation, and communal and private open space areas
- it includes road and public domain upgrades to manage traffic and improve access and safety
- it would not result in adverse environmental impacts, including flooding, biodiversity, contamination, groundwater, geotechnical conditions, servicing, or archaeology.

The Department considers the impacts of the development are acceptable and can be appropriately managed or mitigated through the implementation of recommended conditions of consent. Consequently, the Department recommends the project be approved subject to conditions.

7 Recommendation

It is recommended that the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of Telopea Stage 1A (SSD-14378717) as amended, subject to the conditions in the attached development consent
- **signs** the attached development consent (**Appendix E**).

Recommended by:



Anthony Witherdin

Director

Key Sites and TOD Assessments

Recommended by:



Ben Lusher

Executive Director

Housing and Key Site Assessment

Recommended by:



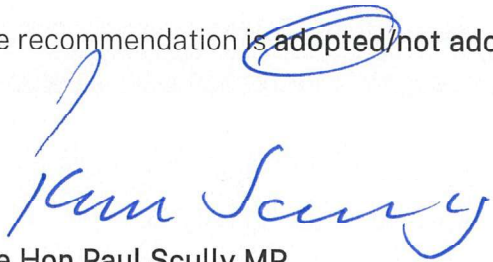
Madeliene Thomas

Acting Deputy Secretary

Development Assessment and Sustainability

8 Determination

The recommendation is adopted/not adopted by:

A handwritten signature in blue ink, appearing to read "Paul Scully", is written over the word "adopted" in the preceding line.

The Hon Paul Scully MP

Minister for Planning and Public Spaces

Glossary

Abbreviation	Definition
ADG	NSW Apartment Design Guide
AHD	Australian Height Datum
ARH SEPP	State Environmental Planning Policy (Affordable Rental Housing) 2009
Applicant	Homes NSW (formerly known as the NSW Land and Housing Corporation)
BCA	Building Code of Australia
Council	City of Parramatta Council
Concept Proposal	A development application as defined in Section 4.22 of the EP&A Act that sets out a vision for the future development of a site.
CPHR	Conservation, Programs, Heritage and Regulation Group
Department	Department of Planning, Housing and Infrastructure
EIS	Environmental Impact Statement
EPA	NSW Environment Protection Authority
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
HNSW ACH	Heritage NSW, Aboriginal Cultural Heritage
HNSW EH	Heritage NSW, European Heritage
LAHC	NSW Land and Housing Corporation, now also taken to mean Homes NSW
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
PLEP 2011	Parramatta Local Environment Plan 2011
PLR	Parramatta Light Rail
SDRP	State Design Review Panel
SEARs	Planning Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning, Housing and Infrastructure
SEPP	State Environmental Planning Policy
SSD	State Significant Development
SEPP Planning Systems	State Environmental Planning Policy (Planning Systems) 2021
TfNSW	Transport for NSW

Appendices

Appendix A – List of referenced documents

All key documents relied on by the Department in its assessments, including submissions and Government agency advice, can be found on the NSW Planning Portal:

<https://www.planningportal.nsw.gov.au/major-projects/projects/telopea-concept-plan-and-stage-1a>

Appendix B – Community views for draft Notice of Decision

Table 9 | Key views in response to both exhibition periods and how they have been considered

Issue	Consideration
Traffic, access and parking <i>Council and public issue</i>	Assessment • The Applicant’s traffic modelling and supplementary information prepared in consultation with TfNSW and Council (as the local road authority) demonstrated the additional vehicle movements associated with the development would not adversely impact the local road network subject. The development includes local road upgrades agreed with Council and provides monetary contributions for upgrades to State infrastructure. • The proposed car parking complies with the AH SEPP and bicycle parking complies with Council’s controls. • The potential road connections to Winter Street and over the PLR to Adderton Road were removed in the development application and do not form part of the amended design. • The new internal road will be designed and constructed to meet Australian Standards, and changes to local roads will be further detailed and endorsed by Council, ensuring that potential conflicts between pedestrians and vehicles are appropriately minimised. Recommended conditions • The Department recommends a range of conditions including implementing the executed planning agreements, providing the nominated carparking and bicycle parking spaces, submitting detailed engineering plans for road works to be approved by Council’s Traffic Committee, and certifying that the new internal road and parking and loading areas achieve the relevant Australian Standards.
Infrastructure demand <i>Council and public issue</i>	Assessment • The Applicant has entered into a planning agreement with Council and the State Government to deliver and dedicate new public open spaces areas, construct a new local road (The Mews), and upgrade local roads including new roundabouts and shared paths and to provide monetary contributions for State public infrastructure that could include upgraded roads, schools, or other services and infrastructure. • The Department considers the proposed housing would be adequately serviced by infrastructure and is well located close to public transport to access other surrounding centres. Recommended conditions • The Department recommends that the planning agreement with Council is executed before commencing substantial works, and that the monetary

Issue	Consideration
	contributions in the State planning agreement are paid in accordance with that agreement.
Bulk and scale <i>Council and public issue</i>	Assessment • The adopted street setbacks for Stage 1A comply with the minimum requirements in PDCP 2011 and provide adequate deep soil zones to support tree planting and an overall landscaped streetscape. • The proposed variations to the maximum building heights respond to advice from the SDRP, allows for consolidated open space areas at the ground plane, and does not result in additional floor space than what is permitted on the site. • The development uses a range of design measures to screen above-ground parking and activate street frontages including orientating balconies to the street for passive surveillance and providing landscaping and layered planter boxes to reduce the visibility of parking areas. Because of the slope of the site, the remaining design solutions including split-level or multi-storey apartments, apartments with individual entries, and partially subterranean units that were not supported by Homes NSW for social and affordable housing. • Further design measures are used to mitigate the bulk and scale of new development including façade recesses and varied building materials. • Overall, providing additional well-located housing supports Government policy, the National Housing Accord, and responds to the desired future character of the area under the Telopea Master Plan for greater density closer to the PLR. Recommended conditions • The Department recommends that the approved height and floor space be verified at the detailed construction drawing stage.
Site isolation <i>Council and public issue</i>	Assessment • The amended application does not include the concept proposal that had sought to redevelop a series of sites in the surrounding suburb. Because Stage 1A comprises a single consolidated site, the proposed development does not isolate land or prevent future redevelopment on adjoining lots. Recommended conditions • No conditions are recommended.
Social and economic impacts <i>Public issue</i>	Assessment • The Department supports the renewal of ageing social housing and increasing social and affordable housing as part of a new mixed tenure precinct. The Department notes that the long-term use of the site has been for social housing and the proposed development contributes to the NSW

Issue	Consideration
	Government's priorities to deliver more social housing and address housing supply and affordability. • The development has been designed to achieve CPTED principles, adopts a tenure-blind design approach, and would be managed by relevant community and social housing providers. • The Dundas Centre does not form part of the amended application and would be retained. No Council owned land or assets would be acquired by the Applicant as part of this application. • The residents of the existing social housing on the site had been relocated at the time of determination. Recommended conditions • The Department recommends detailed construction drawings address the recommendations of the CPTED and demonstrate a tenure-blind design, the social and affordable housing is managed by the relevant provider, and the recommendations of the Applicant's SIA for community consultation and outreach are implemented.
Dwelling mix <i>Council issue</i>	Assessment • The proposed mix of unit sizes responds to the demographic characteristics of the Homes NSW tenants, and the provision of more social and affordable housing instead of market housing in the amended application responds to the need for greater housing choice in accessible locations. • Buildings D and E provide adaptable apartments, while Buildings A, B and C provide 15% of apartments as Gold Liveable Housing Design apartments to align with Homes NSW's requirements for accessibility for social and affordable housing. All apartments would otherwise comply with the NCC requirements to meet Silver Liveable Housing Design standards. Recommended conditions: • No conditions are recommended.
Biodiversity and tree removal <i>Council and public issue</i>	Assessment • The trees that are proposed to be removed are not identified as potential remnant vegetation, and the Applicant's BDAR confirmed that the development would not result in serious or irreversibly impacts and would not require purchasing offsets. • The Department considers the redevelopment of the site consistent with the strategic vision for this area would result in the loss of some existing trees. However, the Department considers the impacts can be appropriately minimised and offset through planting replacement trees and adopting CPHR's recommended conditions.

Issue	Consideration
	- The Applicant has committed to significant replacement tree including landscaping along the boundary and in the street setbacks to contribute to the streetscape. Recommended conditions - The Department recommends adopting CPHR's recommended conditions and that the Applicant prepare a Biodiversity Management Plan and enact the AIA recommendations for protecting existing trees. - Detailed landscaping plans are to provide sufficient replacement planting, including 10 new trees for every one Category AA (very high retention value) tree removed, five new trees for every Category A (high retention value) tree removed.
Construction impacts <i>Council and public issue</i>	Assessment - The Department acknowledges that some construction impacts are unavoidable due to the transformative nature of the project and the proximity of neighbouring properties in this established urban area. However, the impacts associated with the proposal can be appropriately minimised and managed by conditions of consent. Recommended conditions - The Department recommends a range of conditions including preparing detailed management plans, the traffic management plan is to be endorsed by Council, and works are to occur in accordance with standard construction hours and respite periods.
Sustainability <i>Council and public issue</i>	Assessment - The Applicant's Sustainability Report confirmed the development would target 5 Star Green Star Design and As-Built v1.2 Initiatives, 6 Star Green Star Communities v1.1 Initiatives, integrated infrastructure solutions, and WELL Community certification. The proposed apartments also achieve the relevant BASIX and NatHERS standards. - EV charging is being delivered, and the development would not be serviced by gas. - Dual piping is not proposed currently, noting that the proposed water resource recovery facility is not approved or under construction at this time. Recommended conditions - The Department recommends the measures identified in the Sustainability Report and BASIX and NatHERS certification are incorporated into the construction drawings, and that the detailed design and servicing of water of wastewater servicing is coordinated with Sydney Water.

Issue	Consideration
Stormwater and flooding <i>Council and public issue</i>	Assessment - The Department has reviewed the Applicant's flood assessments and considers the development is not affected by riverine flooding and would not adversely impact flood behaviour. The Department recommends further modelling be undertaken to address overland flow in consultation with Council and TfNSW for the detailed construction drawings, and that all drainage and water quality infrastructure be certified as achieving Council's standards. Recommended conditions: - The Department recommends preparing further modelling addressing overland flow, the detailed design for stormwater drainage, and the potential impacts of climate change for the full range of events with Council and TfNSW.
Planning process <i>Public issue</i>	Assessment - The Department notes both exhibition periods were conducted in accordance with the applicable legislation and the Department's Community Participation Plan and Submissions Policy, including with respect to the length of the exhibition period, how the documents were provided for comment, and how the submissions were received and counted. As such, the Department is satisfied the community has had sufficient opportunity to make a submission on the proposal. - The application was amended to remove the broader master plan component of the application. Homes NSW would continue to progress renewal opportunities for its broader landholdings within Telopea under various planning pathways in the future. - The application was classified as SSD because it comprised development carried out by or on behalf of LAHC with a value of more than \$100 million, and would continue to be SSD because it provides more than 75 dwellings would cost more than \$30 million. The consent authority for this application is therefore the Minister for Planning and Public Spaces. Recommended conditions: - The Applicant will provide details and timing of proposed construction activities to affected stakeholders, including any changed traffic and access conditions.

Appendix C – Statutory considerations

Objects of the EP&A Act

A summary of the Department's consideration of the relevant objects (found in section 1.3 of the EP&A Act) are provided in **Table 10** below.

Table 10 | Objects of the EP&A Act and how they have been considered

Object	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The proposed development provides new market, social, and affordable housing with access to open space and public transport that benefits the social and economic welfare of the community. The development would not significantly or adversely impact natural or other resources subject to the recommended conditions in Appendix E .
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The development would not result in any serious or irreversible environmental damage and the proposal includes several measures to limit the ongoing cost, resource and energy requirements of the development. Overall, the proposal is generally consistent with ESD principles, and the Department is satisfied the proposed sustainability initiatives will encourage ESD.
(c) to promote the orderly and economic use and development of land,	The proposed development renews existing urban land, consistent with the land uses that are permitted with consent on this site and the strategic vision for this land. The merits of the proposal are considered in Section 5 .
(d) to promote the delivery and maintenance of affordable housing,	The proposed development will deliver 146 social housing and 99 affordable housing dwellings, replacing the existing social housing dwellings that are no longer fit for purpose on the site.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The application was accompanied by a BDAR and CPHR has recommended conditions of consent as discussed in Section 5 .

(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),

Aboriginal Cultural Heritage

- The Applicant's Aboriginal Cultural Heritage Assessment Report (ACHAR) found there were no Aboriginal objects or places recorded within the site or in close proximity, and that disturbance resulting from historical and current land uses had greatly reduced the potential for intact soil profiles and archaeology on the site.
- HNSW ACH agreed that intact soils could be present on the site, but that the site was unlikely to contain Aboriginal archaeological objects and therefore did not require test excavation works. The remaining recommendations in the Applicant's ACHAR were supported including ongoing consultation with Registered Aboriginal Parties and implementing an unexpected finds protocol.
- The Department considers the development would be unlikely to impact Aboriginal objects or places and supports the recommendations of HNSW ACH. The Department recommends:
 - the Construction Environmental Management Plan include an unexpected finds protocol
 - the Applicant update and inform the Registered Aboriginal Parties of the approved development, and identify any further opportunities for consultation.

Non- Aboriginal Heritage

- The Applicant's Heritage Impact Statement (HIS) considers the nearest heritage item is physically and visually separated from Stage 1A and therefore would continue to retain its curtilage and setting in the streetscape. The Historical Archaeological Impact Assessment (HAIA) confirmed that archaeological resources of potential local significance may be uncovered and recommended preparing an Archaeological Research Design and Work Method Statement.
- HNSW EH supported the findings of the HAIA, and Council did not raise concerns for impacts to local heritage.
- The Department is satisfied that the development would not impact the heritage significance of any surrounding items noting the generous separation distance between the development and the nearest heritage listed item.
- The Department also accepts the advice of HNSW EH and recommends the Applicant prepare an Archaeological Research Design and Work Method Statement prior to undertaking any in-ground works to guide monitoring, test excavation, and salvage. Ongoing works would be informed

Object	Consideration
	by an unexpected finds protocol and excavation works must be overseen by an Excavation Director.
(g) to promote good design and amenity of the built environment,	The proposal achieves a high standard of design and amenity as addressed in Section 5 .
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The application was accompanied by a Building Code of Australia report and a National Construction Code Section J report that concluded the development was capable of complying with the relevant sections of the Act.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the SSD application as outlined in Section 4 , which included consultation with Council and other Government agencies and consideration of their responses.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal as outlined in Section 4 , which included notifying adjoining landowners and displaying the proposal on the Department's website. The Department has considered all issues raised in submissions as part of its assessment.

Table 11 | Consideration of the matters listed under Section 4.15(1) of the EP&A Act

Section 4.15(1) evaluation	Summary
(a)(i) any environmental planning instrument	The proposal complies with the relevant legislation, as addressed in Section 3 and the consideration of relevant EPIs provided below.
(a)(ii) any proposed instrument	Consideration of any proposed instruments is provided below.
(a)(iii) any development control plan	Under clause 2.10 of SEPP Planning Systems, Development Control Plans (DCPs) do not apply to SSD. Notwithstanding this, consideration has been given to PDGP 2011 where relevant.
(a)(iiia) any planning agreement	The Applicant has determined to enter into a planning agreement with Council to provide works-in-kind and the dedication of land and has entered into a planning agreement with the State Government for monetary contributions to infrastructure upgrades.
(a)(iv) the regulations	The application satisfies the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6), public participation procedures for SSD, and Schedule 2 of the EP&A Regulation relating to preparing an EIS.

Section 4.15(1) evaluation	Summary
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department considers the likely impacts of the proposed development to be acceptable and/or these impacts have been demonstrated to be capable of being appropriately managed through the recommended conditions of consent as addressed in Section 5 .
(c) the suitability of the site for the development	The site is suitable for the development as addressed in Sections 3 and 5 .
(d) any submissions	The Department has considered the submissions received during the EIS exhibition period and the amended exhibition application period as addressed in Sections 4 and 5 .
(e) the public interest	The Department considers the proposal to be in the public interest as addressed in Section 5 .

EP&A Regulation 2000

EP&A Regulation 2000 applies in accordance with the savings and transitional provisions of Schedule 6, Sections (2) and (3) of the EP&A Regulation 2021 because the development application was made but not determined prior to 1 March 2022.

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for amending an SSD application (Part 6, Division 1), notification (Part 6, Division 6), determining an application (Part 6, Division 8), and fees (Part 15, Division 1AA) have been complied with.

Biodiversity and Conservation Act 2016

Section 7.9(2) of the Biodiversity Conservation Act 2016 (BC Act) requires all SSD applications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the project is not likely to have any significant impact on biodiversity values (as identified in the BC Act and in the Biodiversity Conservation Regulation 2017).

As discussed in **Section 5** of this report, the application was accompanied by a BDAR and the application was referred to CPHR. The Department has considered the BDAR and advice of CPHR and finds the development would not significantly impact biodiversity and can proceed subject to the recommended conditions (**Appendix E**).

Water Management Act 2000

A Water Access License must be obtained where groundwater is intercepted by a development, unless an exemption under Clause 7, Schedule 4 of the Water Management (General) Regulation 2018 applies.

The Applicant's Geotechnical Investigation and Detailed Site Investigation confirmed that groundwater was encountered at depths ranging from 2.6 m to 3 m on the site that may be intercepted during construction works and require draining via a pump-out system. The completed excavation areas would also need to be inspected by a hydraulic engineer to confirm the drainage system adequately addresses any seepage flow.

The Department recommends standard conditions for managing excavation works and the potential presence of groundwater. If the works require dewatering that would not meet an activity or volume exemption, the Applicant must obtain separate approval or authorisation prior to any water take occurring.

Environmental Planning Instruments (EPIs)

A more detailed assessment of the following EPIs has been provided:

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- State Environmental Planning Policy (Resilience and Hazards) 2021
- Parramatta Local Environment Plan 2011.

Several of the NSW State Environmental Planning Policies (SEPPs) have been consolidated since this development application was lodged. These consolidated SEPPs commenced on 1 March 2022 except for the State Environmental Planning Policy (Housing) 2021 that commenced on 26 November 2021.

SEPP consolidation does not change the legal effect of the repealed SEPPs, as the provisions of these SEPPs were transferred into the new SEPPs. Any reference to an old SEPP is hence taken to mean the new SEPP (except for the Housing SEPP that only partly applies to this project). As such, the Department has considered the development against the relevant provisions of the consolidated SEPPs.

State Environmental Planning Policy (Planning Systems) 2021

The proposal was classified as SSD at the time of lodgement under clause 26 of Schedule 1 of the Planning Systems SEPP because it was development carried out by or on behalf of LAHC (Homes NSW) for the purposes of the *Housing Act 2001* with a CIV in excess of \$100 million.

The proposal would continue to be classified as SSD as it would result in more than 75 dwellings and is being carried out on behalf of LAHC.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP) was repealed on 26 November 2021 but continues to apply to development applications that were made but not determined prior to the commencement of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) on that same day. The ARH SEPP therefore applies to this development.

The Department has considered the proposal against the ARH SEPP development standards at **Table 12** below.

Table 12 | Department's consideration of the ARH SEPP

Section	Department's consideration
Clause 10 In-fill affordable housing	The SEPP applies to the proposed development as: • residential flat buildings are permissible with consent under PLEP 2011 in the R4 High Density Residential zone • the site is not affected by a heritage item • over 20% of floor space is provided as affordable housing noting that Section 6(2) of the SEPP provides that residential development is taken to be for affordable housing if occurring on land owned by LAHC • the site is located within 500 m of the Telopea Light Rail Station.
Clause 13 Floor Space Ratios	Under Section 6(2), residential development is taken to be for the purposes of affordable housing if the development is on land owned by LAHC. Therefore, the 50% affordable housing threshold is met and a 0.5:1 floor space bonus applies to the development. As discussed in Section 5.1.2, the development complies with this maximum floor space.
Clause 14 Standards that cannot be used to refuse consent	The development achieves the following standards: • the site exceeds the minimum site area standard • the development includes large areas of public open space, meaning at least 30% of the site would be landscaped • 19.6% of the residential component of the site would be deep soil zones, exceeding the minimum requirement

Section	Department's consideration
	- the proposed car parking complies with the minimum rate in the SEPP (Section 5.3) - all apartments meet the prescribed minimum sizes. - while 70% of the apartments in each building do not receive more than 3 hours of solar access at midwinter, the development does overall achieve the ADG standards as discussed in Section 5 and Table 14 below.
Clause 16 Continued application of SEPP 65	State Environmental Planning Policy 65 – Residential Apartment Development (SEPP 65) was repealed on 13 December 2023, but the Design Principles of SEPP 65 and the ADG were saved in Chapter 4 and Schedule 9 of the Housing SEPP.
Clause 16A Character of Local Area	The Department considers the design of the proposed development is compatible with the character of the local area. The existing site is occupied by social housing and is adjacent to other high density social housing buildings. The proposed new market, social, and affordable housing is also permissible with consent and consistent with the strategic vision for this site, where homes are located close to public transport and within 30 minutes of employment. The proposal is compatible with the desired future character of the local area.

State Environmental Planning Policy (Housing) 2021

State Environmental Planning Policy 65 – Residential Apartment Development (SEPP 65) was repealed on 13 December 2023, but the Design Principles of SEPP 65 and the ADG were saved in Chapter 4 and Schedule 9 of the Housing SEPP.

Accordingly, while all other sections of the Housing SEPP do not apply to this project, the Department has assessed the residential component of the proposal against the Design Principles (**Table 13**) and the ADG (**Table 14**) in accordance with Clause 147(1) of the Housing SEPP.

Table 13 | Department's consideration of Schedule 9 Design Principles

Section	Department's consideration
Principle 1: Context and neighbourhood character	The proposed development is compatible with desired future character of the area as described in Section 3 and Section 5 .
Principle 2: Built form and scale	The application seeks to vary the development standard for height and will increase the scale and bulk of development on this site. However, the development is compatible with the desired future character of the area and is considered to have achieved acceptable building alignments, proportions, materiality, articulation and public domain outcomes.

Section	Department's consideration
Principle 3: Density	The development achieves acceptable levels of amenity for residents in accordance with the ADG and the proposed increased density can be appropriately serviced.
Principle 4: Sustainability	The proposal is generally consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives will encourage ESD.
Principle 5: Landscape	The proposal will provide a range of open space and communal and private landscaped areas that contribute to amenity and the urban tree canopy.
Principle 6: Amenity	The proposal will achieve good amenity by providing a built form that results in appropriate solar access to residential dwellings, communal and private open spaces, and adjoining land. It has been designed to minimise internal and neighbouring privacy impacts and promote high density residential living with convenient access to public transport.
Principle 7: Safety	The proposal promotes the principles of Crime Prevention through Environmental Design through appropriate design which provides opportunities for the passive surveillance of common areas from apartments and incorporating appropriate wayfinding, territorial reinforcement and safety design features into the development.
Principle 8: Housing diversity and social interaction	The proposal promotes housing diversity with a range of housing options including 1, 2 and 3 bedroom dwellings of various sizes and layouts and the provision of 58% social and affordable housing. The provision of public open space, publicly accessible open space, and communal spaces encourages social interaction amongst residents and visitors to the site.
Principle 8: Housing diversity and social interaction	The proposal would be of a greater scale than the existing buildings but achieves the strategic intent for this land and has been the subject of a formal Design Review process, with presentations to the SDRP throughout the design development to ensure design excellence principles and objectives are realised.

On 29 June 2017, the Planning Circular 'Using the Apartment Design Guide' was issued by the Department that emphasises the ADG is not to be applied as strict development standards. Where it is not possible to satisfy the design criteria, the consent authority is to consider how the objectives can be achieved.

Table 14 | Department's consideration of ADG design principles

Control	Department's consideration
3A Site Analysis	The development application has been informed by an analysis of the site and its context, and the relationship of the proposed buildings to this context.

Control	Department's consideration
3B Orientation	The layout of the development addresses the new street network and open space areas as explored in Section 5 . The amenity impacts of the proposal are also considered to be acceptable.
3C Public Domain Interface	The proposed development includes new public open space around the PLR and publicly accessible open space through the site. The development considers access arrangements for different spaces and promotes passive surveillance from balconies and windows.
3D Communal and Public Open Space	- Each building is provided with communal open space comprising 18.1% of the site (excluding RE1 zoned land and public open space areas): 350 m² on the rooftop of Building A 731 m² on the podium of Building B 309 m² at the podium of Building C 769 m² at the ground plane of Building D 769 m² of rooftop space for Building E - While the communal open space areas do not comprise 25% of the site, the Department is satisfied that the proposal can deliver adequate communal open space as a mixture of ground floor, podium and rooftop spaces that are supplemented by high quality public open space. - The Applicant's solar access diagrams also demonstrate that not all communal areas will receive 2 hours of direct sunlight to 50% of the open space, but that each open space area will receive sunlight at mid-winter. The degree of solar access to some communal areas is constrained by the orientation of site and the location and proximity of open space to surrounding, taller buildings. - The design of the communal open space areas supports passive recreation and include access control measures - The new public and publicly accessible open space areas delivered as part of the project are well connected to the new buildings and road and pedestrian networks.
3E Deep Soil Zones	3,553 m ² of deep soil is proposed, representing 19.6% of the site area (excluding the RE1 zoned land) which exceeds the ADG recommendation for 7% of the site to be provided as deep soil areas. The deep soil areas are concentrated in the neighbourhood park and street and boundary setbacks.
3F Visual Privacy	The development proposes some non-compliances for internal setbacks as well as setbacks to neighbouring sites. The ADG recognises that in areas undergoing transition from low density to higher densities, minimum building separation distances may not be achieved until the area completes transition. The proposed buildings comply with the minimum separation distances except in the circumstances below. The Department considers that where the recommended separation distance has not been achieved, appropriate design measures have been used to mitigate any adverse privacy impacts. Further, the layout of the development

Control	Department's consideration
	addresses the new street network and open space areas as explored in Section 5. The amenity impacts of the proposal are also considered to be acceptable. • The rear setback of Building A is 6 m from the eastern boundary rather than the ADG recommended 9 m, where the setback distance is evenly distributed between sites. Because of the slope of the site, this reduced separation distance only affects the top two floors of the building which have been designed so that primarily non-habitable rooms (bathrooms) or service and circulation areas interface with the boundary. Notwithstanding this, to promote privacy, screens are proposed for those apartment windows on the eastern and southern facades that face the rear setback. • The uppermost floor of Building A is setback 15 m from Building B rather than the ADG recommended 18 m separation distance. The most affected balcony and bedroom at the north western corner of Building A (apartment A.02.04) has been designed with privacy screens where it interfaces with Building B. • Above the podium, the southern corners of Building B's eastern and western towers are approximately 17 m apart (at the narrowest point) rather than the ADG recommended 18-24 m separation distance. To promote privacy, the interfacing building facades have been designed with privacy screens, offset windows, and angled facades to mitigate the potential for direct views between apartments. • Building C from Level 4 is separated 17.4 m at the narrowest point from Building B rather than the ADG recommended 18-24 m separation. This reduced building separation distance applies to three apartment types in Building B and two apartment types in Building C. The Building B1 facades have been designed as blank walls and with privacy screens to prevent overlooking, while the balcony in Building C that faces Building B2 is to be amended at the next detailed design stage to include a wind screen at the corner that would also promote privacy. • The two uppermost floors of Building C are separated from the rear boundary by 11 m rather than the ADG recommended 12 m, assuming an equal allocation of the separation distance between sites. This affects four apartments that have bedrooms and balconies overlooking the setback (C.07.01, C.07.02, C.08.01 and C.08.02). The Department notes that the non-compliance is minor, only relates to four apartments, and that all floors below would exceed the minimum separation distances to provide an acceptable outcome on average. Tree planting is also proposed at the façade of the building and at the boundary to provide screening. • The uppermost floor of Building C is separated 22.8 m from Building D rather than the ADG recommended 24 m separation distance. However, as the setback is splayed, this only affects the balcony of one apartment in Building C (C 08.02) and Building D (D 08.06). No bedrooms directly interface and the affected balcony in Building C is primarily oriented to the southern setback, minimising the potential for overlooking to Building D. The Applicant's plans also propose screens on the western façade of the Building C balcony and living area to address privacy impacts. • The north-western corner of Building D is separated from Building E by 11.7 m (rather than the ADG recommended 12 m) up to level 2, and 15 m (instead of 18 m-

Control	Department's consideration
	24 m) for all other levels. However, as the footprints of Buildings D and E are offset, this varied separation distance only directly affects one apartment type in each building. The development includes tree planting as a landscaped interface and screens on the balconies and the south facing windows of Building E. • The upper floors of Building D and Building E are setback 9 m (instead of 12 m) to the site boundary. Tree planting is proposed in this side setback to mitigate potential overlooking and privacy impacts. • The northern façade of Building E includes an indent for building articulation that has been treated as a blank wall to prevent overlooking between apartments and the common area corridor. • Building D has an L-shaped footprint with the potential for overlooking between apartments on the western side of the building. The development includes privacy screens on the living room windows and window hoods to restrict views and mitigate overlooking.
3G Pedestrian Access to Entries	The proposed buildings address Sturt Street and the new Mews Road, except for Building E. This building addresses the neighbourhood park, and the primary building entrance would be via the park from the internal road. All vehicles would access Building E via the carpark entrance shared with Buildings C and D. The Department is satisfied each building has a legible building entrance that can be enhanced through wayfinding measures detailed at the construction drawing stage. The overall development also provides new publicly accessible pedestrian connections through the site, including to the PLR.
3H Vehicle Access	The proposed buildings are serviced by two shared building basements that include a loading dock for waste removal and servicing. All vehicles would be able to enter and exit the site in a forward direction, and the loading docks are managed through a Loading Dock Management Plan to mitigate potential conflicts with pedestrians and cyclists. Vehicle access is proposed off the new internal road, to mitigate impacts to Sturt Street and a new cycle path along this road to the PLR.
3J Bicycle and Car Parking	The proposed buildings comply with the ARH SEPP parking rates for vehicles and the DCP parking rates for bicycles. While the topography of the site necessitates that shared building basements are above ground level in some locations, the visual impact of these above ground parking areas has been minimised through landscaping, providing a compliant setback to Sturt Street, and ensuring apartments and open space areas provide passive surveillance to these boundaries.
4A Solar and Daylight Access	• At least 70% of apartments in each of the proposed buildings achieve 2 hours of direct sunlight at midwinter, except for Building B2 that achieves 54% of apartments (or 11 less apartments than recommended).

Control	Department's consideration
	• The Department notes that Building B2 is located east of the tallest building in the precinct and south of existing high-density towers and adopts a largely east/west orientation to address the road network, which limits the ability to achieve the recommended daylight access. When considered together, Building B1 and B2 would exceed the minimum 70% requirement. • Less than 15% of apartments in each of the proposed buildings receive no direct sunlight at midwinter, except for Building C that includes 22% of apartments that receive no sunlight (or 3 more apartments than recommended). The Department notes the proposed variation is minor and Building C is located directly south of Building B1 and existing high-density towers at the light rail station. • The proposed buildings have also been designed to consider shading and glare including providing overhangs to balconies, recessed windows, extended slab edges, and privacy screens.
4B Natural Ventilation	All buildings achieve or exceed the cross-ventilation requirements, with the exception of Building B2 where 55% of apartments would be naturally cross ventilated (or 3 less apartments than recommended). The proposed variation is minor and the overall compliance for buildings within the precinct is 66% ensuring an overall high level of amenity is achieved. Single aspect apartments have been limited, and the façade indents have been used where possible to encourage cross ventilation.
4C Ceiling Height	The Applicant's Architectural Plans demonstrate all buildings would provide floor to floor heights that can achieve the ADG minimum floor to ceiling heights, and contemporary construction standards.
4D Apartment Size and Layout	All the apartment internal areas will meet or are greater than the required minimum sizes. The detailed design of apartments will be further addressed in the construction drawings, noting that the Applicant's ADG assessment confirms that all apartments can comply.
4E Private Open Space and Balconies	• The proposed balconies vary from the recommended depth and area requirements because of the articulation of building facades that creates irregularly shapes. However, the Applicant's Architectural Plans demonstrate these private spaces remain usable and contribute to the amenity of the apartment. • Ground floor apartments have been provided with private terraces where possible considering the sloping topography of the site.
4F Common Circulation and Spaces	• All communal corridors and lift cores have access to natural daylight. • Stage 1A provides between 4-11 apartments per circulation core which generally meets the design guidance of 12 apartments per floor per core. Building A, B2, and C also result in less than 40 apartments overall using a single lift. Buildings B1, D and E each result in more than 40 apartments sharing the same lift. • The proposed number of apartments per lift core can be appropriately managed through installing high quality efficient lifts.

Control	Department's consideration
4G Storage	Residential storage is located within the apartments and within storage cages in the shared basements. The proposed volume of storage would be provided in accordance with the minimum recommendations of the ADG and detailed in the construction stage plans.
4H Acoustic Privacy & 4J Noise and Pollution	Noise transfer can be minimised through attenuation measures detailed in the construction stage drawings in accordance with the recommendations of the Noise Impact Assessment. The buildings would comply with the Development Near Rail Corridors and Busy Roads Interim Guideline with respect to noise intrusion from the PLR and surrounding roads and all plant and services would be designed and installed to minimise noise emissions.
4K Apartment Mix	The proposed buildings provide a mix of apartment types and sizes.
4L Ground Floor Apartments	Individual ground floor apartment entries are provided where the topography of the site allows. Privacy and security would be achieved through fencing and landscaping.
4M Facades	The proposed buildings provide visual interest and relate to the developing streetscape character, including the proposed future buildings in adjoining areas. The proposed facades have been designed to break down the scale of the proposed buildings.
4N Roof Design	The buildings provide a mixture of communal open space and servicing at the roof level. The design of these spaces has been incorporated into the overall design of the buildings.
4O Landscape Design and 4P Planting on Structures	A range of landscaped areas are proposed including planting on structures in private and communal areas, new public domain areas, and public or publicly accessible open space areas. Adequate soil depths and volumes will be achieved at the detailed design and construction documentation stages to support mature plant growth.
4Q Universal Design	- The proposed development provides 5% of dwellings as adaptable and 15% of apartments would achieve a Gold level Liveable Housing Design apartments to align with Homes NSW's requirements for accessibility for social and affordable housing. All apartments would otherwise comply with the NCC requirements to meet Silver Liveable Housing Design standards. - All apartments are of a size and layout that allows for flexible use and design and therefore can accommodate a range of lifestyle needs.
4R Adaptive Reuse	No adaptive reuse is proposed.
4S Mixed Use	The development proposes residential buildings only.
4T Awnings and Signage	No awnings or signage are proposed.

Control	Department's consideration
4U Energy Efficiency	The proposed development would meet BASIX water, thermal and energy efficiency targets, as well as committing to 5 Star Green Star Design & As-Built v1.2 Initiatives, 6 Star Green Star Communities v1.1 Initiatives, integrated infrastructure solutions, and WELL Community certification across the project. The project has been designed to maximise solar access and natural ventilation where possible, as discussed above.
4V Water Management and Conservation	BASIX certification has been provided to confirm that water saving fixtures will be installed. Detailed modelling of overland flooding and the detailed stormwater design will also be undertaken prior to any works commencing on site (other than demolition). All stormwater management and quality devices will be designed to achieve Council's standards and the requirements of Sydney Water.
4W Waste Management	Each building contains garbage chutes, spaces for separating and sorting waste, and storing waste in the shared building basements.
4X Building Maintenance	The proposed buildings would use robust materials and have been designed to allow for future maintenance.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The proposed development has a frontage to the light rail corridor and proposes construction of a new internal road and upgrades to the intersections and treatments of other local roads.

Under Schedule 3 of the SEPP, the development was referred to TfNSW and their comments (summarised in **Section 4**) were considered in the Department's assessment in **Section 5** and the recommended conditions of consent (**Appendix E**).

The Department notes that Council, as the local roads authority, is satisfied with the design and treatments proposed for the local road network subject to the recommended conditions as detailed in **Section 5**.

State Environmental Planning Policy (Sustainable Buildings) 2022

This application was lodged prior to 1 October 2023, and as such the State Environmental Planning Policy (Sustainable Buildings) 2022 does not apply for the purposes of assessing the development application.

However, the next construction stage will be required to apply the BASIX standards in the Sustainable Building SEPP in accordance with Clause 4.2(4) of the SEPP when delivering the proposed housing.

The Applicant provided BASIX certificates for the dwellings and a Sustainability Report outlining the sustainable measures to be implemented. The Department is satisfied that the proposed works

will meet the relevant requirements, including the more contemporary BASIX standards in the Sustainable Building SEPP at the next construction stage.

State Environmental Planning Policy (Resilience and Hazards) 2021

The Applicant submitted a Detailed Site Investigation (DSI) that confirmed the presence of asbestos containing material (ACM), and recommended preparing an Asbestos Management Plan and removing ACM from the site. The DSI concluded that the site would be suitable for the proposed residential, recreational, and open space land uses.

Council recommended that a NSW EPA accredited Site Auditor review the DSI and that the Applicant obtain a Site Audit Statement verifying Stage 1A is suitable for the intended uses.

Endeavor Energy noted that the DSI did not identify existing electricity infrastructure but advised that the method of remediation would be to remove any redundant electricity infrastructure, stained surfaces, and excavate and dispose of any contaminated soils.

The Department accepts the recommendations of the DSI and the recommendations of Council and Endeavor Energy. The Department notes that the existing site is used for residential accommodation and open space and considers the site would remain suitable for its intended uses subject to the recommended conditions.

The Department recommends engaging an accredited Site Auditor, preparation an CEMP, Asbestos Management Plan, and Unexpected Finds Protocol. Any redundant electricity infrastructure encountered on the site should be coordinated with Endeavor Energy or the relevant service provider. All ACM must be removed by a licensed contractor and a Site Audit Statement issued prior to the occupation or commencement of the use.

Parramatta Local Environment Plan 2011

The development application was lodged prior to 2 March 2023 and the commencement of the Parramatta Local Environment Plan 2023, and as such the application is saved under PLEP 2011.

The Department has considered the relevant provisions of the PLEP 2011 at **Table 15**. The Department has also consulted with Council throughout the assessment process and considered the matters raised in submissions from Council and the public (see **Section 4**).

Table 15 | Department’s consideration of PLEP 2011

Clause	Department’s consideration
Clause 2.1 Land use zones	The site is zoned R4 High Density Residential and RE1 Public Recreation. The proposed residential and public recreation uses are permissible with consent and compatible with the objectives of the respective zone.

Clause	Department's consideration
Clause 4.3 Height of buildings	Four of the proposed building would exceed the 28m maximum height of buildings. This is discussed further in the Applicant's clause 4.6 variation and Appendix D .
Clause 4.4 Floor space ratio	The proposed development provides 32,911 m ² of GFA, equating to an FSR of 1.81:1, when excluding the part of the site that is zoned RE1 Public Recreation.
Clause 4.5 Calculation of floor space ratio and site area	When applying the 0.5:1 bonus FSR available under the ARH SEPP to the mapped FSR of 1.7:1, the overall development complies with the maximum permissible FSR.
Clause 4.6 Exceptions to development standards	The Applicant has provided a request to vary the maximum height of buildings development standard under clause 4.6 of the PLEP 2011. This is discussed further at Appendix D .
Clause 5.10 Heritage conservation	The site is not mapped as heritage item or as being within a heritage conservation area but is in proximity of local heritage items. The Department is satisfied that the development will not impact the heritage significance of surrounding heritage items under the PLEP 2011.
Clause 5.21 Flood planning	The site is not identified as being within a flood planning area, and the proposed buildings are outside of the probable maximum flood (PMF) level for riverine flooding. As discussed in Section 5 , the Department considers the development would not be subject to riverine flooding and would not adversely impact flood behaviour. The Department however recommends conditions that require further detailed modelling be undertaken prior to any works commencing on site (other than demolition) that is referred to Council and TfNSW for review and comment.
Clause 6.12 Design excellence	Development with a CIV of more than \$100 million requires an architectural design competition unless Council certifies that one is not required. The Department considers the project exhibits design excellence for the following reasons: - the development has been reviewed by the SDRP and refined through the assessment process and is considered to have achieved a high standard of architectural design, materials and detailing - the revitalisation of the ageing housing stock on this site and the provision of new open space areas will improve the quality and amenity of the public domain - while the development will materially increase the bulk and scale of buildings on this site, the proposed buildings are compatible with existing, adjacent high density residential development on Sturt Street, have been designed to consider the conditions of the site, and will also align with the strategic vision for this area - the design of the proposed buildings considering the suitability of the site, the relationship between buildings and neighbouring land, the bulk and

Clause	Department's consideration
	modulation of buildings, street frontage heights, access and circulation, ESD and environmental impacts have been considered throughout Section 5 and this appendix and been found to be appropriate. the development will achieve appropriate amenity and the provisions of the Parramatta DCP have been considered in the section below. A waiver has been issued by Council exempting the development from the need to conduct an architectural design competition. The Department considers the development for which the waiver was granted remains substantially the same as the amended application and the requirements in the LEP have been fulfilled.
Clause 6.18 Development requiring the preparation of a development control plan	Council adopted controls in the Parramatta Development Control Plan 2011 for the Telopea Local Centre, which includes the subject site. A specific DCP therefore applies to the land.
Clause 8.1 Arrangements for designated State public infrastructure	On 9 August 2024, the Applicant entered into a planning agreement with the State Government to provide monetary contributions for State public infrastructure that could include upgraded roads, schools, or other services and infrastructure. On 20 May 2026, the development was certified as having made satisfactory arrangements for the provision of State infrastructure.
Clause 8.2 Public utility infrastructure	The Applicant's Utility Servicing Assessment confirmed utilities and services could be appropriately upgraded to service the development, noting that the coordination and detailing of utilities and services would occur in consultation with the relevant authorities and providers at the construction stage. The Department recommends conditions for ongoing engagement with service providers.

Telopea Development Control Plan

In accordance with clause 2.10 of the Planning Systems SEPP, development control plans do not apply to SSD. Notwithstanding this, Clause 6.12(4)(e) of the PLEP 2011 requires the consent authority to consider the Parramatta DCP (PDCP 2011) in determining whether a proposal exhibits design excellence.

On 18 September 2023, Council adopted the Parramatta Development Control Plan 2023. However, because this application was lodged prior to the commencement of the Parramatta DCP 2023, the previous PDCP 2011 continues to apply.

The Department has considered the PDCP 2011 in **Table 16** below.

Table 16 | Department's consideration of PDCP 2011

Control summary	Department's consideration
Desired Future Character • deliver new open spaces, public domain, pedestrian links and streets to support higher densities • design buildings that respond to the topography, landscape and solar access, and improve safety and connectivity • ensure development promotes the reduction of water and energy consumption • ensure development maximises opportunities for future planting of trees and retention of existing trees	The proposed development is compatible with the desired future character of the site. It has been designed to transition in building height from the PLR and down to surrounding areas, to deliver a new open space area outside of the Telopea Light Rail Station, and to respond to the site's context. The development adopts ESD measures and has considered tree retention and replacement opportunities.
Traffic and Transport • provide new road connections and increase accessibility for motorists, pedestrians and cyclists • detailing controls for the design of road carriageways	The detailed design of all new public roads and public domain areas will occur in consultation with Council to address Council's guidelines, codes and specifications.
Vehicle Access • detailed controls for the design of driveways	The proposed shared basements will be accessed off the new internal Mews Road. The proposed carpark driveways enable two-way traffic, and all vehicles can enter and exit the site in a forward direction. The detailed design of the driveways in construction drawings would be required to achieve the relevant Australian Standards and would integrate with the design of buildings.
Off-Street Parking and Bicycle Storage • recommended minimum parking rates	The proposal provides 317 car parking spaces, which complies with the PDCP minimum rates for social/affordable and market housing except for the PDCP visitor parking rates. The development also provides 451 bicycle parking spaces which complies with the PDCP rates, and an additional 10 motorcycle parking spaces. The Department considers the proposed parking provision is sufficient to support the development and is consistent with TfNSW's advice to reduce parking in proximity to the PLR.
Active Transport Connections • provide new or improved pedestrian and cycle connections, including	The detailed design of all new public roads and public domain areas will occur in consultation with Council to address Council's guidelines, codes and specifications.

Control summary	Department's consideration
extended the through-site link from Manson Street towards the PLR and an extension from Sophie Street to the Greenway Corridor	The new Mews Road and improvements to Sturt Street will support pedestrian movements from Manson Street to the PLR stop.
Electric Vehicle Charging Infrastructure detailing controls for the provision and design of EV charging for cars and bicycles	The proposed development provides EV charging capabilities in the shared building basements.
Development Within Precincts - the developments should be sited and designed in accordance with the block and layout plans - residential flat buildings to have a 24 m street frontage - development is setback 4-6 m from the street, 3-6 m from the side, 10 m or 15% the length of the site from the rear - provide 30% of the site as deep soil - basement carparking should be accessed and located beneath the building - development up to 7 storeys must provide a 1 storey setback 3 m from the building line - detailed controls for retaining walls and fences	- The site has a street frontage greater than 24 m to Sturt Street. - The street setback complies with the minimum setback distance, ensuring the buildings are compatible with Council's controls and would not create an inconsistent streetscape character surrounding land is developed in the future. The side and rear building setbacks have been developed with consideration of the ADG recommended separation distances. - The proposed development provides 19.6% of the total site area. This is less than the DCP provision but exceeds the ADG recommendation. - The amended application removed sections of the basement that would extend below public open space areas. However, the basement will project above ground level in some locations because of the steep topography of the site. These sections have been screened by landscaping to minimise visual impacts. - The development uses materials to express a 1-3 storey podium scale across the buildings. While there is no consistent upper-level setback, the Department is satisfied the proposal can create an appropriate human-scale. - The detailed design of retaining walls to address the changes in topography and the detailed design of fences will be addressed at the construction drawing stage.
Public Space - detailed controls for public spaces dedicated to Council including universal access - provide open space adjacent to the PLR stop and a retail plaza between Wade Street and Sturt Street - provide new cycle and pedestrian connections	The detailed design of the station plaza and neighbourhood park will be developed in consultation with Council, in accordance with Council's guidelines, codes and specifications.

Control summary	Department's consideration
Tree Preservation and Enhancement - tree removal is to be justified and replacement trees planted - planting on structure is to be in accordance with the ADG - tree species should reference the DCP	The Applicant proposes to remove 139 existing trees and retain and protect 20 trees. The Applicant proposes a tree replacement ratio of 10 new trees for every one Category AA (very high retention value) tree removed and five new trees for every Category A (high retention value) tree removed. The project has been assessed by CPHR, and the Department has adopted a range of recommendations to support local biodiversity, including using species that reference the Blue Gum High Forest and Sydney Turpentine Ironbark Forest.
Heritage address surrounding heritage items including Redstone House and archaeology sites	The application has considered the potential impacts on built and archaeological heritage and is supported subject to the recommended conditions.
Sustainability all development to include a dual reticulation system	The application does not propose dual piping as the plant to service this infrastructure is still under assessment. Further, while a dual water reticulation system would be required under PLEP 2023 for buildings in the Parramatta City Centre, there is no existing requirement to provide this infrastructure as part of the development that is saved under PLEP 2011.
Urban Heat 50% of rooftop communal open space should be shaded - consider reflectivity and materiality	- The rooftop and podium communal open space areas incorporate tree planting and shade structures to shade sections of the open space. - The Applicant will be required to demonstrate external treatments, materials, and finishes used in the construction documentation would not cause adverse or excessive glare.
Heating and Cooling Systems incorporate efficient heating, ventilation and cooling systems	The Applicant's Sustainability Report and BASIX and NatHERS assessments detail the sustainability measures to be implemented. These detail that the proposed apartments achieve suitable thermal comfort ratings and will be ventilated.
Green Roof or Walls - green roofs should be structural and waterproofed - use rainwater or recycled water for irrigation - planting is to comply with the ADG	The construction documentation for the communal roof gardens in will demonstrate these spaces are structurally sound and waterproofed in accordance with the relevant standards. The documentation will demonstrate that planting on structures is of sufficient depth and soil volume to support mature vegetation.
Solar Light Reflectivity new buildings should not result in hazardous or uncomfortable glare	The detailed construction drawings must consider the final external treatments, materials and finishes of the development and confirm they would not cause adverse or excessive glare.

Control summary	Department's consideration
Water Sensitive Urban Design • integrate WSUD principles into the development • stormwater entering and being discharged from the site should be managed • detention and rainwater tanks to be in accordance with Council's guidelines • detailed targets for pollution reduction	The Department recommends conditions that require further detailed modelling be undertaken prior to any works commencing on site (other than demolition), and that all stormwater management and quality devices be designed to achieve Council's standards.

Appendix D – Clause 4.6 Variation Request

Clause 4.6(2) of PLEP 2011 permits the consent authority to consider varying a development standard imposed by an EPI. The aim of clause 4.6 is to provide an appropriate degree of flexibility in applying development standards, to achieve better development outcomes. In considering a proposed variation, clause 4.6 requires the following:

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

In accordance with clause 4.6(3), the Applicant has prepared a written request to vary the maximum height of buildings development standard. The Department's consideration of the Applicant's request to vary the maximum height of buildings under clause 4.6 is provided below.

The Department notes that changes to clause 4.6 of the Standard Instrument LEP came into effect on 1 November 2023, including an updated Guide to Varying Development Standards. However, the transitional provisions confirm these changes do not apply to DAs that were lodged before the commencement date.

Nature of the variation

The Applicant seeks to vary the 28 m maximum height of building development standard prescribed by PLEP 2011. No bonus height applies under the ARH SEPP.

The extent of the proposed variation is detailed in **Table 17** below.

Table 17 | Proposed variations to the maximum building height development standard

Building	Permitted height	Proposed height	Variation (m & %)
Building A	28 m	21.745 m (RL 75.44)	– 6.26 m (22.3%) below
Building B1	28 m	48.48 m (RL 107.58)	+ 20.48 m (73.1%) above
Building B2	28 m	34.78 m (RL 91.68)	+ 6.78 m (24.2%) above
Building C	28 m	33.073 m (RL 91.35)	+ 5.07 m (18.1%) above
Building D	28 m	33.35 m (RL 90.25)	+ 5.35 m (19.1%) above

Building	Permitted height	Proposed height	Variation (m & %)
Building E	28 m	33.55 m (RL 88.95)	+ 5.55 m (19.8%) above

Is the consent authority satisfied that the proposed development will be consistent with the objectives of the zone

All proposed buildings are located within the R4 High Density Residential zone, and do not extend into the RE1 Public Recreation zone.

The objectives of the R4 High Density Residential zone are as follows:

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide opportunity for high density residential development close to major transport nodes, services and employment opportunities.
- To provide opportunities for people to carry out a reasonable range of activities from their homes if such activities will not adversely affect the amenity of the neighbourhood.

The Applicant's written request justifies that the proposed development is consistent with the objectives of the R4 High Density Residential zones as follows:

- the development will deliver 146 new social housing and 99 new affordable housing units to help address the demand for affordable accommodation in NSW
- the proposal also provides a variety of housing types including a mix of one, two and three-bedroom units to contribute to housing options in the local area
- the development will deliver new public and publicly accessible open space areas and will augment utilities and services to meet the day-to-day needs of residents
- the development benefits from access to the Telopea Light Rail Station, an existing bus network, and employment opportunities in surrounding centres including the Parramatta CBD.

The Department is satisfied that the proposed development is compatible with the relevant objectives of the zones.

Is the consent authority satisfied that the proposed development will be consistent with the objectives of the standard

The objectives of this clause are as follows:

- (a) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,*
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- (c) to require the height of future buildings to have regard to heritage sites and their settings,*
- (d) to ensure the preservation of historic views,*
- (e) to reinforce and respect the existing character and scale of low density residential areas,*
- (f) to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.*

The Department is satisfied that the proposed development is consistent with the objectives of the height of buildings standard of the PLEP 2011, as the variation:

- is compatible with the future desired character of the Telopea Master Plan and provides an appropriate transition in scale to surrounding areas including the existing and future higher density development on the other side of Sturt Street and the existing lower density development to the south and east
- the additional height will materially change existing views and the outlook of residences, but the detailed design of the proposed buildings and the proposed transition in building heights will ensure the impact of this visual change is minimised and managed where possible
- the proposed buildings do not adversely impact surrounding residences with respect to amenity or privacy beyond what might otherwise be delivered in compliance with the PLEP 2011 mapped building heights
- additional overshadowing to residential properties and Telopea Public School would be limited to a short duration and would not adversely impact the operation or enjoyment of these places
- the additional height would not have any adverse impact on heritage items or historic views
- land adjoining the site is also planned to provide taller buildings under the Telopea Master Plan and PLEP 2011, ensuring the development is compatible with the scale of development that will be delivered over time as housing stock is renewed.

Has the consent authority considered a written request that demonstrates compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and they are satisfied that the matters required to be demonstrated have adequately been addressed

The Applicant demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, having regard to the five tests outlined in Wehbe v

Pittwater Council [2007] NSWLEC 827. It establishes that compliance with the development standard is unreasonable or unnecessary in the circumstances, as the proposed development achieves the objectives of the standard and accordingly justifies the variation to the height control, meeting the first test outlined in Wehbe.

The Department supports the Applicant's conclusions that the proposed development achieves the objectives of the standard. Compliance with the development standard is unnecessary in this case as the objectives of the height standard are still achieved and unreasonable as no purpose is served by requiring strict compliance.

Having considered the Applicant's written request, the Department is satisfied that the Applicant has adequately addressed that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

Has the consent authority considered a written request that demonstrates there are sufficient environmental planning grounds to justify contravening the development standard and with the Court the matters required to be demonstrated have adequately been addressed

The Applicant's written request justifies contravention of the development standard on the following environmental planning grounds:

- the proposed development complies with and provides less floor space than what is permitted under the PLEP 2011 and ARH SEPP. The additional height is therefore required to accommodate the available permissible floor space
- the proposed buildings were amended to comply with the requirements for residential floor to floor heights under the National Construction Code, which was not in force when the original application was prepared and submitted
- the additional height is partially the result of redistributing mass from Building A into other buildings, representing a partial trade-off in density to best respond to the surrounding context
- the additional height associated with Building B1 has been located adjacent to the future mixed-use core of the future Telopea centre, while the exceedances at the edges of the Stage 1A site (Buildings C, D and E) are less. This provides an improved transition in built form and land use intensity from the future core to the site, and to surrounding areas
- the proposal would deliver the neighbourhood park and station plaza, a pedestrian link from the new station plaza to the site, and an internal access road. These consolidated areas of open space and public domain would not be achievable if compliant building heights were pursued with larger building footprints to accommodate the permissible GFA

- the buildings respond to the site's topography which falls steeply towards the site boundaries, resulting in part of the upper storeys, roof features or lift overruns projecting above the maximum building height
- providing varied building heights and a range of built form promotes visually diverse and interesting high-density housing
- the proposed exceedances would have minimal impacts on the amenity of existing residents.

The Department concludes the Applicant's written request adequately addresses the matters required to be demonstrated under clause 4.6 of the PLEP 2011, and the proposed development will be in the public interest because it is consistent with the objectives of the development standard and the applicable land use zone.

Appendix E – Recommended instrument of consent

The Instrument can be found on the NSW Planning Portal at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/telopea-concept-plan-and-stage-1a>