

Department of Planning, Housing and Infrastructure

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Modification 2 of Novus Build-to-Rent, Parramatta

State Significant Development Modification Assessment Report (SSD-34919690-Mod-2)

July 2025





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Assessment Report

Published: July 2025

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Preface

This assessment report provides a record of the Department of Planning, Housing and Infrastructure's (the Department) assessment and evaluation of modification 2 of the State significant development (SSD) application for the Novus Build-to-Rent, Parramatta project located at 39-43 Hassall Street, Parramatta lodged by the Perpetual Corporate Trust Limited as custodian for Novus Trusco 1 Pty Ltd as trustee of Harris Street Sub Trust (Novus). The report includes:

- an assessment of the modification against government policy and statutory requirements, including mandatory considerations
- a demonstration of how matters raised by the community and other stakeholders have been considered
- an explanation of any changes made to the modification during the assessment process
- an assessment of the likely environmental, social and economic impacts of the modification
- an evaluation which weighs up the likely impacts and benefits of the modification, having regard to the proposed mitigations, offsets, community views and expert advice; and provides a view on whether the impacts are on balance, acceptable
- a recommendation to the decision-maker, along with the reasons for the recommendation, to assist them in making an informed decision about whether the consent should be modified and any conditions that should be imposed.

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1 Introduction

This report provides the NSW Department of Planning, Housing and Infrastructure's (the Department) assessment of an application to modify the State significant development (SSD-34919690).

The application was lodged on 15 November 2024 by the Perpetual Corporate Trust Limited as custodian for Aliro Trusco 1 Pty Ltd as trustee for Harris Street Sub Trust (Novus) (the Applicant) pursuant to section 4.55(2) of the Environmental Planning and Assessment Act 1979 (EP&A Act).

1.1 The proposal

On 5 April 2024, consent was granted by the Independent Planning Commission (IPC) for the construction and operation of a 34-storey mixed use building comprising of:

- 210 build-to-rent (BTR) units
- three levels of basement car parking for 73 car spaces
- a three storey podium with retail
- commercial floorspace and residential amenities, rooftop terrace and communal open spaces.

On 3 March 2025, consent was granted by the Team Leader, Social and Diverse Assessments as delegate of the IPC for a modification (SSD-34919690-Mod-1) for:

- modifications to the ground floor level and driveway to respond to Conditions B3(a) and B3(b)
- minor increase in building height from RL 121.07 to RL 121.275 (+205mm) to accommodate modifications at the ground floor level
- minor reconfiguration of the basement level layout
- adjustment of the lift core design and RL of all floor levels
- revised conditions of consent to amend the definition of 'above ground works' and add a new definition for 'site establishment and enabling works' to allow for an appropriate sequencing of the development construction.

The Applicant now proposes to modify the consent as follows:

- provision of an additional 23 BTR units within the approved building envelope including the introduction of dual key units
- revised layout of communal open space on levels 1 and 2
- minor decrease in GFA from 16,656.3m² to 16,655.6m²

- minor increase in car and bicycle parking spaces
- relocation of diesel fuel store and conversion of the approved parent room to a building manger's store room at Basement Level 1
- reallocation of infrastructure location and sizes including façade revisions

The updated project description provided in Section 2 of the modification report are the subject of this report and will form part of the consent if the modification is approved.

1.2 Project location

The subject site is shown in Figure 1 and Figure 2, and further project location details are described in Table 1.

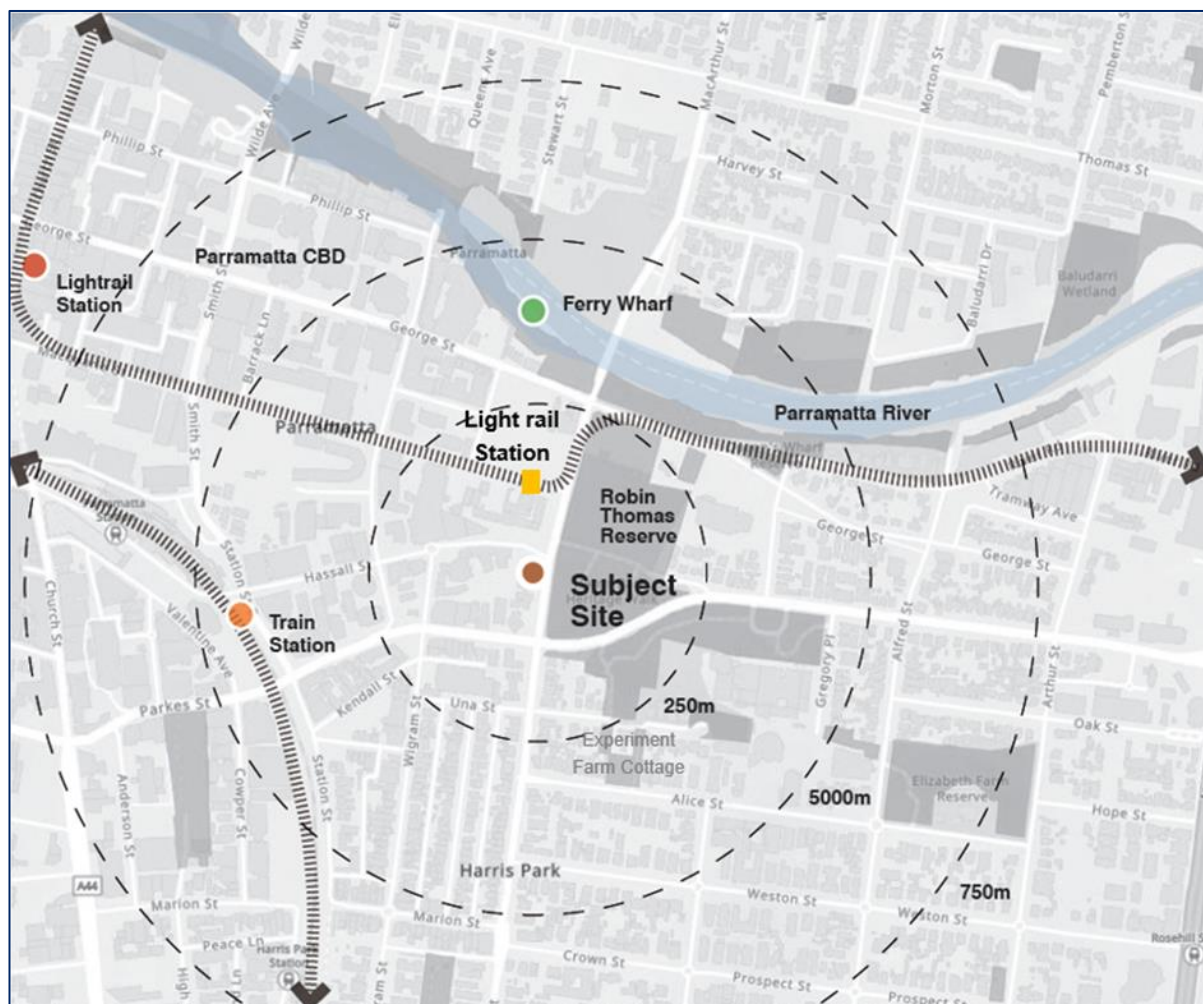


Figure 1 | Surrounding Context Map (Source: LANDFX Landscape Development Application Report 2022)

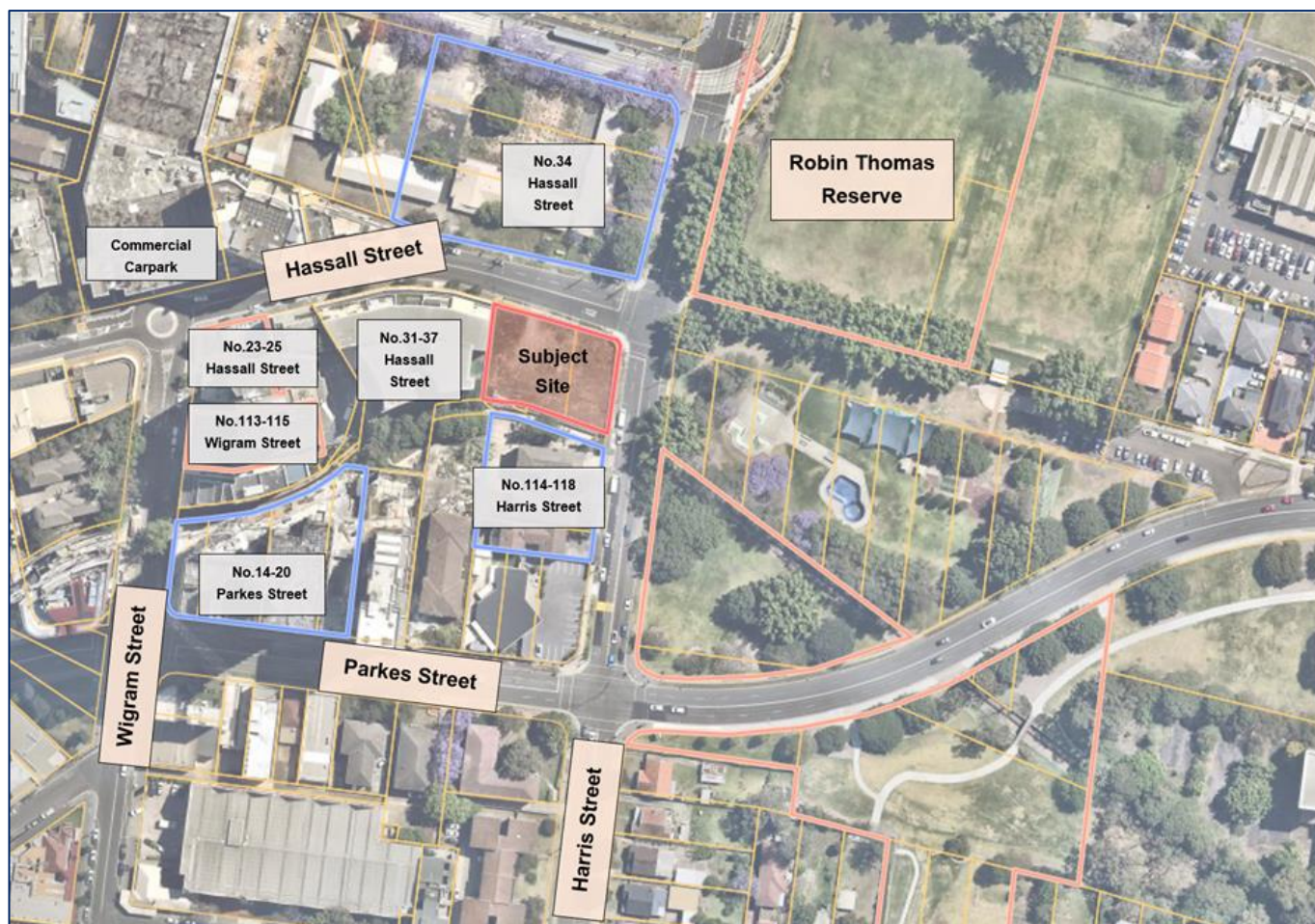


Figure 2 | Local context map commercial carpark, nearby development sites, heritage sites and open space
(Source: Nearmap 2023)

Table 1 | Key aspects of the project site

Aspect	Description
Address	39-43 Hassall Street, Parramatta
Local Government Area (LGA)	City of Parramatta
Legal description	Lot 1 DP 633851 Lot A DP 366506
Site area	1,448.6 m ²
Existing development	The site is vacant and construction has commenced.
Surrounding roads	The site is a corner lot with a frontage of approximately 43m to Hassall Street (a local street) and 30m to Harris Street (a collector road).

Aspect	Description
Topography	The site is generally flat, sloping gently to the south toward Clay Cliff Creek.
Existing access	The site has two existing driveways on Hassall Street.
Public transport	Less than 500m to Parramatta Station and bus interchange, approximately 280m north to Parramatta River and ferry stops and 100m north to the nearest Parramatta light rail stop.
Heritage	No heritage items listed within the site and the site is not within a heritage conservation area.
Flooding	The site is located adjacent to Clay Cliff Creek and is flood affected, as identified on Council's Floodplain Risk Management Map. It is subject to overland flow, creek flooding from Clay Cliff Creek rising, and riverine flooding from Parramatta River.

1.3 Approval history

On 5 April 2024, consent was granted by the IPC for the SSD of the Novus Build-to-Rent, Parramatta project (SSD-34919690). The approval established:

- construction of a 34-storey mixed use building comprising of 210 build-to-rent (BTR) apartments
- a maximum building height of RL 121.07m (approximately 116m above ground level)
- a maximum GFA of 16,656.3m² comprising 15,190.9m² of residential GFA and 1,465.4m² of non-residential GFA
- three basement levels and two mezzanine levels which include basement carparking for 71 car spaces and two car share spaces, bike parking, end of trip facilities, storage and service areas
- retail and commercial uses on ground level, levels 1, 2 and 32 including a food and beverage/retail tenancy, gym, signage wall, wellness centre and co-working area
- residential amenities on levels 2, 7 and 32, including a pool, dog run, lounge, and private dining area.

Construction has commenced on site and the consent has been modified on one occasion (see Table 2).

Table 2 | Summary of modifications

Modification	Description	Decision-maker	Type	Date
MOD 1	Minor amendments to building height, ground floor and driveway to respond to Condition B3(a) and B3(b) of the consent imposed by the IPC and minor changes to conditions to allow for an appropriate sequencing of the development construction.	Department	4.55(1A)	Approved 3 March 2025
MOD 2	Provision of an additional 23 units within the approved building envelope (partly by converting plant area on Level 34 which are surplus to requirements), revision of communal open space areas, relocation of infrastructure and facade amendments.	Department	4.55(2)	Subject application

2 Proposed modification

2.1 Modification overview

The key aspects of the modification are provided in Table 3 below.

Table 3 | Key aspects of the modification

Project element	Original project	Proposed modification
Dwelling Number	210	233
Gross Floor Area	16,656.3m ²	16,650.3m ²
Communal Open Space	841m ²	604.7m ²
Car Parking	73	74
Bicycle Parking	116	117

2.2 Physical layout and design

The proposed modifications to the layout and design across the development are outlined in Table 4 below.

Table 4 | Proposed modifications

Level	Modifications
Basement 3	• Provision of one additional car parking space for a total of 74 spaces.
Basement 1	• Diesel fuel room converted to store room.
Lower Mezzanine	• Conversion of parent/prayer room into a Building Manager's Store. • Provision of one additional bicycle parking space for a total of 117 spaces.
Upper Mezzanine	• Diesel generator relocated to the room housing the electrical standby plant.

Level	Modifications
Ground Floor	• Reconfiguration of egress south of the floodgates and landscaping. • Deletion of two Water Gum trees from the Harris Street frontage. • Realignment of pedestrian stepping stone path to accommodate the Blueberry Ash trees. • Minor reduction of commercial and retail GFA.
Level 1	• Relocation of co-working space from Level 32 to Level 1. • Minor reduction in commercial GFA.
Level 2	• Gym terrace reduced. • Minor increase in commercial GFA. • Deletion of second door and extension of planter. • Column shift at the southern balcony. • Increase wellness terrace by reduction of the planter.
Levels 3-7	• Slight adjustment to balcony and slab.
Levels 8-34	• Provision of an additional 23 BTR units including an additional 20 studio units, one two bedroom unit and two three bedroom units. • Introduction of dual key apartments. • Deletion of the commercial tenancies and conversion of the residents lounge, on level 32 only, to a lounge accessible by commercial tenants of the building. • Reduction in the service access corridor on Level 33.
External Works	• Change in materials, finishes and glazing to the external façade. • Modifications to passive tilt flood barriers and retractable fencing.

3 Policy and statutory context

3.1 Key strategic issues

The Department considers that the modified project is appropriate for the site as it enables the development as originally approved to remain consistent with the following strategies, plans and policies:

- Greater Sydney Region Plan
- Central City District Plan
- Future Transport Strategy 2056
- Parramatta Local Strategic Planning Statement 2020
- City of Parramatta Local Housing Strategy 2020.

4 Statutory context

4.1 Scope of modification and assessment pathway

Details of the legal pathway under which modification is sought and are provided in Table 5 below.

Table 5 | Permissibility and assessment pathway

Consideration	Description
Scope of modification	The Department has reviewed the scope of the modification and considers that it can be characterised as a modification as the proposal seeks consent for an additional 23 units within the approved building envelope, revision of communal open space areas, relocation of infrastructure and facade amendments. The Department is satisfied the proposed modification is within the scope of section 4.55(2) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(2) of the EP&A Act rather than requiring a new development application to be lodged.
Consent Authority	The Independent Planning Commission continues to be the consent authority for the project, as originally declared under section 4.5(a) of the EP&A Act and s 2.7(1) of the Planning Systems SEPP.

Consideration	Description
Decision-maker	The Director, Social and Diverse Housing Assessments, is the IPC delegate to determine the 4.55(2) modification application in accordance with the Independent Planning Commission's Instrument of delegation dated 14 June 2022.

4.2 Mandatory matters for consideration

4.2.1 Matters of consideration required by the EP&A Act

In determining the modification, the consent authority must take into consideration the matters referred to in section 4.15(1) of the EP&A Act as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified. The Department's consideration of these matters is shown in **Table 6** below.

Table 6 | Matters for consideration

Matter for consideration	Department's assessment
Environmental planning instruments, proposed instruments, development control plans & planning agreements	The Department considers that the modification does not alter the previous assessment of the EPIs or DCP. Refer to Section 6 - Assessment .
EP&A Regulation	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications, fees and public participation procedures for SSD.
Likely impacts	The modification report does not increase the likely impact of the development, as discussed in Section 6 - Assessment . The modification would result in the development providing improved flood resilience.
Suitability of the site	The information provided adequately demonstrates that the site is suitable for the modified development, Section 2 - Proposed modification , Section 3 - Policy and statutory context and Section 6 - Assessment .
Public submissions	See Section 5 - Engagement and Section 6 - Assessment .

Matter for consideration	Department's assessment
Public interest	The proposal is considered to be in the public interest, as discussed in Section 7 – Evaluation.

4.2.2 Objects of the EP&A Act

In determining whether or not to modify the consent, the consent authority should consider whether the modified project is consistent with the relevant objects of the EP&A Act (section 1.3) including the principles of ecologically sustainable development.

The Department is satisfied that the development is consistent with the objectives of the EP&A Act and the principles of ecologically sustainable development (ESD).

4.2.3 Biodiversity development assessment report

Section 7.17(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all SSD modifications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the authority or person determining the application is satisfied that the modification will not increase the impact on biodiversity values (as identified in the BC Act and in the Biodiversity Conservation Regulation 2017)

On 4 November 2022, the Biodiversity, Conservation and Science group of the NSW Department of Climate Change, Energy, the Environment and Water (NSW DCCEEW Biodiversity Group) determined that the original SSD application would not be likely to have any significant impact on biodiversity values and that a BDAR was not required. The Department supported NSW DCCEEW Biodiversity Group's decision and on 15 November 2022 determined that the original application was not required to be accompanied by a BDAR under section 7.9(2) of the BC Act.

The development is located in a highly urbanised environment and the site does not contain any significant existing trees or vegetation.

The Department is satisfied that the modification will not increase the impact on biodiversity values and consequently a BDAR is not required to accompany the modification application.

5 Engagement

5.1 Exhibition of the modification

5.1.1 Public exhibition of the modification application

After accepting the modification request and report, the Department

- made the documents publicly available on the NSW Planning Portal
- publicly exhibited the modification from Friday 22 November 2024 until Thursday 5 December 2024 on the NSW Planning Portal
- notified landowners in the vicinity of the site about the public exhibition
- notified each person who made a submission in relation to the original development application
- notified and invited comment from relevant government agencies and the City of Parramatta.

During the public exhibition period, the Department undertook a site visit on Thursday 28 November 2024.

5.1.2 Summary of advice received from government agencies

The Department received advice from Endeavour Energy, raising no concerns and providing no comment on the modification report.

A link to the full copy of the advice is provided in [Appendix A](#).

5.1.3 Summary of council submission on the Modification Report

City of Parramatta provided comments on the modification report on 4 December 2024.

A summary of the issues raised by council is provided in [Table 7](#) below.

Table 7 | Summary of issues raised by council

Issue	Submission summary
Dwelling Mix	The proportion of two bed units and ‘flexible size units’ should be increased.
Landscape Design	Several trees are proposed too close to the building and may require ongoing maintenance.

Issue	Submission summary
Traffic and Parking	Increased number of onsite parking spaces and driveway gradients.
Urban Design	Several of the proposed design modifications would result in a poorer amenity outcome for occupants. The application is unclear how the additional units does not increase the gross floor area of the development and if the floor space ratio control is exceeded, Council recommends additional public benefits such as affordable housing.
Universal Access	Changes to apartment type 2A require excessive works to convert to the post-adaptable state and involve a significant reduction in internal amenity.

5.1.4 Summary of public submissions

The Department received four submissions during the public exhibition period of the modification objecting to the project. A link to all submissions in full is provided in **Appendix A**.

The key issues raised by the public relate to overdevelopment, overshadowing, impacts to existing infrastructure, traffic and parking and construction impacts.

Table 8 | Key issues raised in submissions

Issue	% of Submissions
Overdevelopment	3 (75%)
Overshadowing	2 (50%)
Impacts on existing infrastructure	2 (50%)
Traffic and parking	1 (25%)
Construction impacts	1 (25%)

5.2 Response to submissions

Following the public exhibition period, the Department asked the applicant to respond to the issues raised in submissions and the advice received from government agencies. The Applicant provided a submissions report to the Department on 11 April 2024 (see **Appendix A**).

The Department published the response to submissions (RtS) on the NSW Planning Portal and forwarded the submissions report to relevant government agencies and City of Parramatta for comment on 11 April 2024.

The RtS provided revisions to the project scope and description as summarised in **Table 9** below.

Table 9 | Revisions to the project scope and description with RtS submission

Level	Updates
Basement 1	Diesel fuel room in Basement 1 is renamed as Store room. Diesel generator is relocated to upper mezzanine, the room housing the electrical standby plant due to services coordination.
Lower Mezzanine	- Conversion of parent/prayer room into a Building Manager's Storeroom. - Updated bicycle parking to 117 spaces.
Ground Floor	Reconfiguration of egress south of the floodgates and landscaping
Level 2	- Gym terrace reduced. - Deletion of second door and extension of planter. - Column shift at the southern balcony. - Increase wellness terrace by reduction of the planter.
Level 3/4-6/7	Slight adjustment to balcony and slab.
Level 8/9-25	Introduction of dual key apartments without impacting internal amenities or solar access.
Level 33	Reduction in the service access corridor.

5.2.1 Summary of council submission on the RtS

City of Parramatta provided comments on the RtS on 24 April 2024.

Issues previously raised in relation to landscaping, traffic and parking and universal access have been resolved with the RtS.

Council maintains their comments with regards to dwelling mix and urban design. Council additionally notes that the location of Watergum and Blueberry Ash trees conflicts with the construction and built form.

5.3 Request for further information

The Department requested the Applicant provide further information to address the location of Water Gum and Blueberry Ash trees to respond to Council's comments on the RtS.

The Applicant provided revised landscape plans on 7 May 2025 in response to Council's comments and confirmed the following additional changes had been made:

- the two Water Gum trees have been removed from the Harris Street frontage to provide sufficient clearances to underground infrastructure and the building line
- the Blueberry Ash tree has been relocated outside the podium line by adjusting the alignment of the pedestrian stepping stone path at the ground floor level.

6 Assessment

The Department has assessed the modification, 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 associated with the proposal are:

- floor space ratio
- density and dwelling mix
- communal open space

6.1 Floor Space Ratio

Council raised concern regarding the total gross floor area (GFA) of the development, requesting clarification that the proposal does not exceed the maximum floor space ratio (FSR) permitted on the site.

Clauses 7.3 and 7.15 of Parramatta Local Environmental Plan 2023 (PLEP 2023) establishes a maximum permissible FSR for the site of 11.5:1. Clause 7.26 of PLEP 2023 also requires an FSR of at least 1:1 to be used only for commercial purposes on this site which equates to GFA of a minimum of 1,448.6m².

The originally approved development proposed a total GFA of 16,656.8m², equating to an FSR of 11.5. The modified proposal results in a minor decrease of the approved GFA (16,650.3m²) and an FSR of 11.49:1 which complies with the maximum allowable FSR (11.5:1) as shown in Table 10 below.

Table 10 | Revised GFA Summary

Land Use	GFA	FSR
Residential	15,201.6m ²	10.49:1
Commercial	1,448.7m ²	1:1
Total	16,650.3m ²	11.49:1

The Department has carefully considered the concern raised by Council and is satisfied that the proposal meets the allowable floor space requirements of PLEP 2023 because the:

- proposal continues to comply with the maximum FSR allowed on the site.
- modifications continue to exhibit design excellence in accordance with the approved development.

- modifications maintain a commercial FSR of 1:1 and a condition is recommended to be imposed to ensure the lounge on level 32 is utilised by the tenants of the commercial premises only.

The Department is therefore satisfied the proposal maintains an appropriate FSR on site and recommends a new condition be added regarding the ongoing use of the lounge on level 32 and recommends modifications to Conditions B2 and E9 to reflect the updated GFA of the development.

6.2 Density and Dwelling Mix

Council raised concern regarding the proposed increased density and dwelling mix resulting from the additional 23 units proposed on site.

Public submissions raised concerns regarding overdevelopment of the site.

The modified proposal provides the following dwelling mix as summarised in Table 11 below.

Table 11 | Proposed dwelling mix

Configuration	Approved	Proposed
Studio	83 (39%)	103 units (44.2%)
1 bedroom	31 (15%)	31 units (13.3%)
2 bedroom	94 (45%)	95 units (40.8%)
3 bedroom plus	2 (1%)	4 units (1.7%)
Total	210 units	233 units

The Department is satisfied that the proposal has strategic merit and maintains the bulk and scale of the originally approved building, therefore being compatible with other existing and future residential developments in the locality.

The proposed 11% increase in dwelling numbers is contained within the approved building envelope and is accommodated despite a minor reduction in overall GFA. The Department is satisfied the additional 23 units would not cause any unreasonable traffic, visual, overshadowing, privacy or view impacts as discussed in Section 6.4 below and has been designed to ensure adequate internal amenity for residents is maintained.

The introduction of dual key units on levels 8 to 25 and intertenancy doors on Levels 33 and 34, create larger four-bedroom options while increasing the proportion of three-bedroom apartments from 5% to 9% through dual-key configurations. This results in 10% of the overall mix offering three

and four bedroom layouts, which align with the dwelling mix targets in Parramatta Development Control Plan 2023 and ensures a more diverse and adaptable housing offer is provided.

The development is also subject to contributions in accordance with Condition E2 of the original consent to help meet the increased demand for infrastructure and services.

On this basis, the Department is satisfied that the proposed density and dwelling mix is acceptable and recommends Condition E4 be modified to reflect the updated dwelling numbers.

6.3 Communal Open Space

Council raised concern regarding the reduction of communal open space as this would reduce amenity for residents and be inconsistent with the Apartment Design Guide (ADG).

Objective 3D-1 of the ADG requires 25% of the site area to be provided as communal open space for residents, which equates to 362.15m².

The proposed modification reduces the total amount of communal open space by 236.3m² from the originally approved development, but still provides a total communal open space area of 604.7m² or 42% of the site area. This is made up of 374.4m² of external communal open space and 230.3m² of internal communal open space.

The Department has carefully considered the concern raised by Council and is satisfied that the proposal provides adequate communal open space to support the future residents of the building because the:

- proposal retains adequate external communal open space that is consistent with the requirements of the ADG and the internal open space still maintains a high level of residential amenity.
- communal open space areas are located throughout the building and provide high levels of residential amenity as the external and internal communal open space areas continue to receive solar access during mid-winter.

The Department is therefore satisfied the proposal maintains suitable communal open space on site.

6.4 Other issues

The Department's consideration of other issues is summarised in Table 12 below.

Table 12 | Assessment of other issues

Issue	Findings and conclusions	Recommended conditions
Clay Cliff Creek Interface	Council raised concerns regarding the interface with Clay Cliff Creek as follows: - the southern access ramp should be moved further from the Clay Cliff Creek corridor to facilitate movement along the creek and a consolidated deep soil area. - the removal of the north-south commercial lobby corridor facing Clay Cliff Creek to the south reduces amenity to the lobby space. The Department has carefully considered the concerns raised by Council and the response provided by the Applicant and is satisfied that the proposal maintains a satisfactory interface with Clay Cliff Creek as: - the location of the southern access ramp was approved under MOD 1 and is not proposed to be further modified with this application. Nevertheless, the southern access ramp fronts Clay Cliff Creek which is not accessible or highly visible by pedestrians and adequate deep soil is retained on site as originally approved. - the commercial lobby at Level 1 is south facing and the modifications would not alter the solar access received by the commercial tenancies on the northern elevation. Furthermore, the proposed modification to the commercial lobby does not result in any decrease in solar access to residential units. Therefore, the Department is satisfied that the proposal maintains an appropriate interface to Clay Cliff Creek.	Nil
Internal Residential Amenity	The ADG provides planning guidance to ensure acceptable levels of amenity are provided to BTR units within the development and to surrounding developments.	Nil

Issue	Findings and conclusions	Recommended conditions
	The modified proposal remains generally consistent with the requirements of the ADG with regards to apartment size, circulation, solar access, cross ventilation, privacy and noise as originally assessed as the additional units have been integrated within the approved building envelope to provide a high level of amenity for future residents. The Department is therefore satisfied that modifications are generally consistent with the ADG as originally assessed and maintains amenity for future residents.	
External Amenity	Public submissions raised concerns regarding overshadowing and privacy impacts from the proposal. The Department has considered the concerns raised in the public submissions and is satisfied that the modifications are generally contained within the approved building envelope, with the exception of works occurring at the ground floor level and will not result in any additional overshadowing impacts. Furthermore, the provision of additional units is contained within the approved building envelope and no changes are proposed to building separation distances or setbacks as originally approved. The Department is therefore satisfied that modifications are generally consistent with the approved development and maintains suitable amenity to existing development.	Nil
Colours, Materials and Finishes	The modified proposal seeks various changes to the colours, materials and finishes used on the external elevations of the building. The Design Integrity Panel (DIP) reviewed the modifications prior to lodgement and endorsed the proposed changes. The Department has carefully considered the modified colours and materials and considers that the proposal maintains design excellence because:	Nil

Issue	Findings and conclusions	Recommended conditions
	- the modified scheme streamlines tones, removing some of the clay variations and offers a more balanced, neutral palette. - glazing refinements improve transparency and continuity, subtly enhancing light penetration and visual appeal. - the updated selection of metal finishes refines the interplay of silver, bronze, and dark brown, creating a more sophisticated contrast. - the introduction of artwork features for walls and awnings adds depth and a curated aesthetic, softening the overall composition and strengthening engagement at the pedestrian level. Therefore, the Department is satisfied with the proposed changes to colours, finishes and materials and considers the proposal retains design excellence.	
Landscaping	Council raised concerns regarding the location of the Watergum trees proposed along the Harris Street setback and Blueberry Ash trees to the south along Clay Cliff Creek. The Applicant has submitted revised landscape plans that have deleted the two Water Gum trees to provide sufficient clearances to underground infrastructure and the building line and the Blueberry Ash tree has been relocated outside the podium line by adjusting the alignment of the pedestrian stepping stone path at the ground floor level. The Department has considered the concerns raised by Council and the Applicant's revisions to the landscape plans and considers that the revised proposal provides a suitable landscaped setting for the development with all trees located a minimum of 3m from the building, adequately responding to concerns raised by Council.	Nil
Flooding	The proposed modifications seek the following changes to the approved tilt flood barrier system and retractable fencing at the southern end of the driveway:	Nil

Issue	Findings and conclusions	Recommended conditions
	• no use of a second flood barrier • fencing along the southern boundary is to be setback 2.5m from the Clay Cliff Creek channel • the handrail at the southern end of the driveway will be automatically retractable The Applicant has submitted a letter from a flood engineer, confirming that the proposed modifications will protect the driveway to the same flood level as previously approved and will not impact on the modelled flood behaviour. The Department is satisfied the proposed modifications are consistent with the requirements set out in the Flood Risk Assessment and the Flood Emergency Response Plan as approved.	
Car Parking	Clause 74(2)(d) of the Housing SEPP specifies a non-discretionary development standard (NDDS) of 0.2 car parking spaces per dwelling which equates to 47 spaces. Clause 7.17 of PLEP 2023 permits the following maximum car parking spaces for the modified proposal: • maximum of 90 car parking spaces for the residential component • maximum of three car parking spaces for the commercial component The modified proposal provides one additional car space in comparison to the original approval, resulting in a total of 74 car parking. The Department notes that the proposal continues to comply with the total maximum car parking permissible on site under the provisions of PLEP 2023 and the minimum car parking requirements established under the NDDS. The additional car parking space is also not anticipated to result in any adverse traffic generation impacts as originally assessed.	Modify Condition B28.

Issue	Findings and conclusions	Recommended conditions
Bicycle Parking	PDCP 2023 recommends the provision of one bicycle space per dwelling, plus bicycle parking for retail and commercial users. This equates to the following: • 233 residential bicycle spaces • 9 commercial bicycle spaces The modified proposal provides one additional residential bicycle space from the original approval, resulting in a total of 117 bicycle parking spaces where 111 spaces are for residential use and six spaces are to be used for the commercial premises. The Department has carefully considered the proposed bicycle spaces and is satisfied with the proposal, given the proposed bicycle parking is generally consistent with the bicycle parking as originally approved and the development is located in close proximity to transport options and employment and recreational opportunities.	Modify Condition B29.
Construction Impacts	Public submissions raised concerns regarding noise and dust from ongoing construction works on site. The Department has considered the concerns raised in the public submissions and notes that conditions have been imposed on the consent to manage impacts from construction. No substantial change in construction method is proposed and consequently no further conditions are required.	Nil
Building Height	Council raised concerns regarding an increased building height. The Department notes that this aspect of the modification is no longer included and has been previously assessed under MOD 1.	Nil
Ground Floor Level	Council raised concerns regarding a raised height of the ground floor level and requested the ground floor be maintained at RL 7.00. The Department notes that this aspect of the modification is no longer included and has been previously assessed under MOD 1.	Nil
Novus Sign	Council raised concerns regarding a 'NOVUS' business identification sign on the northern elevation of the ground floor	Nil

Issue	Findings and conclusions	Recommended conditions
	façade. The Department notes that this has been deleted with the submission of revised architectural plans with the RtS.	

7 Evaluation

The proposed SSD modification application seeks to amend the approved plans for Novus on Harris development located at 39-43 Hassall Street, Parramatta. The Department has reviewed the Applicant's Modification Report and appendices. The Department has assessed the merits of the proposal, taking into consideration all environmental issues associated with the proposal.

The Department's assessment of the proposal concludes it:

- is substantially the same development as originally determined
- is of minimal environmental impact
- would not result in loss of amenity for future residents or neighbouring properties

The proposed modification is not considered to alter the previous considerations of it being in the public interest and the public benefits would continue to be provided.

Based on its assessment, the Department considers that the project is justified and in the public interest, and that the site is suitable for the proposed development. The Department recommends that the State significant development modification for the Novus on Harris BTR development located at 39-43 Hassall Street, Parramatta be approved, subject to the recommended additional and modified conditions of consent.

8 Recommendation

It is recommended that the Director, Social and Diverse Housing Assessments, as delegate of the IPC:

- 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 approve the modification
- agrees with the key reasons for approval listed in the notice of decision
- modifies the consent for the Novus on Harris, Parramatta (SSD-34919690 MOD-2), subject to the conditions in the attached instrument of modification.
- signs the attached instrument of modification (**Appendix D**).

Recommended by:



Judith Elijah
Senior Planning Officer
Social and Diverse Housing Assessments

Recommended by:



Gabriel Wardenburg
Team Leader
Social and Diverse Housing Assessments

9 Determination

The recommendation is adopted by:

A handwritten signature in black ink, appearing to read 'P. Wythes'.

Paulina Wythes

Director

Social and Diverse Housing Assessments

Appendices

Appendix A – List of referenced documents

Modification report and appendices:

<https://www.planningportal.nsw.gov.au/major-projects/projects/novus-harris-39-43-hassall-street-parramatta-mod-2>

Appendix B – Community views for draft Notice of Decision

Table 13 | Key issues and how they have been considered

Issue	Consideration
Overdevelopment	<i>Assessment</i> • The proposed maximum gross floor area (GFA) for residential and non-residential uses complies with the Parramatta Local Environmental Plan 2023 as outlined in Section 6.1 of the Assessment report. • The Department is satisfied the proposed density to be acceptable as the modifications: – comply with the maximum GFA permitted on the site under the provisions of PLEP 2023. – balance residential and non-residential floor space of a high density development which is expected of a CBD context. – do no result in unacceptable environmental impacts as outlined in Section 6.4 of the Assessment Report. <i>Conditions</i> • Conditions B2 and E9 are recommended to be modified to reflect the updated GFA approved with the modification. • Condition F17 is recommended to be added to the consent to ensure the lounge on level 32 is utilised by the commercial tenants of the building only.
Overshadowing impacts	<i>Assessment</i> • The Department considered overshadowing impacts to neighbouring residential properties in Section 6.4 of the Assessment Report and notes that there are no additional overshadowing impacts as the proposed modifications are generally contained within the approved building envelope. <i>Conditions</i> No conditions are recommended.

Issue	Consideration
Impacts on existing infrastructure	<i>Assessment</i> • The Department considered impacts on existing infrastructure in relation to the increased density on site in Section 6.2 of the Assessment Report. • The development is subject to contributions in accordance with Condition E2 of the original consent to help meet the increased demand for infrastructure and services. <i>Conditions</i> No conditions are recommended.
Traffic and parking	<i>Assessment</i> • The Department considered traffic and parking impacts in Section 6.4 of the Assessment Report. • The proposed car parking complies with the maximum rates provided in PLEP 2023 and is to remain wholly contained within the site. • The Department is satisfied no adverse additional traffic impacts result from the proposed modifications as the modifications provide one additional car parking space only. <i>Conditions</i> • Condition B28 is recommended to be modified to reflect the updated car parking numbers within the development.
Construction impacts	<i>Assessment</i> • The Department considered construction impacts in Section 6.4 of the Assessment Report and notes existing conditions have been imposed on the consent to manage dust and noise during construction. <i>Conditions</i> No conditions are recommended.

Appendix C – Statutory considerations

Appendix C provides an updated assessment against relevant statutory considerations. An assessment of all statutory considerations is not provided as the proposal as modified remains largely consistent with the original development.

State Environmental Planning Policy (Housing) 2021

A summary of the Department's consideration of the relevant standards contained in the State Environmental Planning Policy (Housing) 2021 are provided in Table 14 below.

Table 14 | Housing SEPP compliance table

Housing SEPP standard	Consideration
Chapter 3, Part 4 – Build-to-rent housing	
72. Development for the purposes of build-to-rent housing permitted with consent	• The Housing SEPP enables certain residential accommodation to be used as BTR housing. • The proposal comprises residential development for the purposes of BTR housing on land zoned MU1: Mixed Use in PLEP 2023. • The proposal will result in at least 50 dwellings occupied or intended to be occupied by individuals under residential tenancy agreements, and all buildings containing dwellings that will be located on the same lot. A condition of consent requires lot consolidation prior to occupation. • The modified proposal demonstrates that a total of 233 resident dwellings can be provided and occupied by individuals under residential tenancy agreements.
73. Conditions of build-to-rent housing to apply for at least 15 years	• The Housing SEPP requires the tenanted component of the building to not be subdivided into separate lots and for the tenanted component of the building will be owned, controlled and operated by a managing agent who provides on-site management. • The tenanted component of the building will not be subdivided, and the building will be owned and controlled by the Applicant.

Housing SEPP standard	Consideration
74 (2)(a) Non-discretionary (development standard - building height	The building height is retained as previously approved.
74 (2)(b) Non-discretionary development standard - FSR	- The site has a prescribed maximum FSR of 11.5:1. - The Department is satisfied the proposal is consistent with the FSR requirements as discussed in Section 6.1.
74 (2)(d) Non-discretionary development standard -parking	The development provides 74 car parking spaces which complies with PLEP 2023 maximum parking rates for land in Parramatta City Centre. See discussion in Section 6.4.
75. Design requirements	The development utilises the flexible design criteria under this clause as originally approved and the modifications are generally consistent with the provisions of the ADG.
76. Active uses on ground floor of build-to-rent housing in business zones.	The modifications retain active street frontages as originally approved.
77. Contributions on Affordable Housing	The site is not required to deliver affordable housing and no affordable housing is proposed.
78. Subdivision	The proposal does not involve the subdivision of a residential flat building.

Schedule 9 Design Principles

1. Context and neighbourhood character	The proposed modifications respond appropriately to the site context and carefully considers the flood affectation, and the future envisioned character for the site.
2. Built form and scale	No change to the approved bulk and scale is proposed with the modifications.
3. Density	The proposed density complies with the maximum FSR permitted on the site under the requirements of PLEP 203 as discussed in Section 6.1.
4. Sustainability	The proposed modifications would not alter the approved ESD strategy for the development.

Housing SEPP standard	Consideration
5. Landscape	The proposed modifications to the landscaping maintains a variety of landscaped areas and is generally consistent with the approved development.
6. Amenity	The proposed modifications are generally consistent with the requirements of the ADG and the Department is satisfied that the proposal is capable of achieving satisfactory residential amenity in terms of communal open space, solar access, natural ventilation and privacy as discussed in Section 6.3, 6.4 and Appendix C.
7. Safety	The proposed modifications are consistent with CPTED principles.
8. Housing diversity and social interaction	The proposed modifications increase housing diversity in the Parramatta CBD by providing a mix of apartment sizes and is acceptable as discussed in as discussed in Section 6.2.
9. Aesthetics	The modification application was reviewed by the DIP prior to lodgement and the Department considers the modified proposal achieves design excellence.

Apartment Design Guide

The ADG sets out a number of guidelines for residential flat development to ensure apartments are provided with an appropriate level of residential amenity. A consistency assessment against the guidelines within the ADG, applying flexibility where sought, is provided in Table 15 below.

Table 15 | ADG consistency assessment

ADG Principle	Consistent
3A Site Analysis	Yes
3B Orientation	Yes
3C Public Domain Interface	Yes
3D Communal and Public Open Space	Yes. See discussion in Section 6.3.

ADG Principle	Consistent
3E Deep Soil Zones	Yes
3F Visual Privacy	Yes
3G Pedestrian Access and Entries	Yes
3H Vehicle Access	Yes
3J Bicycle and Car Parking	Yes. See discussion in Section 6.4.
4A Solar and Daylight Access	Yes
4B Natural Ventilation	Yes
4C Ceiling Heights	Yes
4D-1 Apartment Size and Layout	Yes. See discussion in Section 6.4.
4E Private Open Space and Balconies	Yes. See discussion in Section 6.4.
4F Common Circulation and Spaces	Yes. See discussion in Section 6.4.
4G Storage	Yes.
4H Acoustic Privacy	Yes
4J Noise and Pollution	Yes
4K Apartment Mix	Yes. See discussion in Section 6.2.
4L Ground Floor Apartments	N/A
4M Facades	Yes
4N Roof Design	Yes
4O Landscape Design	Yes
4P Planting on Structures	Yes
4Q Universal Design	Yes
4R Adaptive Reuse	Yes

ADG Principle	Consistent
4S Mixed Use	Yes
4T Awnings and Signage	Yes
4U Energy Efficiency	Yes
4V Water Management and Conservation	Yes
4W Waste Management	Yes
4X Building Maintenance	Yes

Parramatta Local Environmental Plan 2023

The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of PLEP 2023 and those matters raised by Council in its assessment of the modification application. The Department concludes that the development is consistent with the relevant provisions of PLEP 2023. Consideration of the relevant clauses of PLEP 2023 is provided in Table 16 below.

Table 16 | PLEP 2023 Compliance Table

LEP Clause/Requirement	Assessment/Comment	Complies
1.2 Aims of the Plan	The proposal is consistent with the aims of the plan.	Yes
Zoning	The site is zoned MU1: Mixed Use and development for the purpose of shop-top housing is permitted with development consent. While PLEP 2023 does not explicitly nominate build-to-rent housing as a permissible use within the MU1 zone, the Housing SEPP enables certain residential accommodation to be used as build-to-rent housing in the MU1 zone.	Yes
4.3 Height of Buildings	No change to approved development. No additional overshadowing to Experiment Farm on 21 June between 10am and 2pm.	Yes
4.4 Floor Space Ratio	See discussion in Section 6.1.	Yes
5.10 Heritage Conservation	No change to approved development.	Yes

LEP Clause/Requirement	Assessment/Comment	Complies
5.21 Flood Planning	See discussion in Section 6.4.	Yes
6.1 Acid Sulfate Soils	No change to approved development.	Yes
6.13 Design Excellence	The modification has been reviewed and endorsed by the DIP prior to lodgement. The Department is satisfied the modified proposal maintains design excellence. See discussion in Section 6.4.	Yes
7.7 Sun Access	No change to approved development.	Yes
7.9 Airspace Operations	No change to approved development.	Yes
7.10 Active Frontages	No change to approved development.	Yes
7.11 Floodplain Risk Management	See discussion in Section 6.4.	Yes
7.13 Design Excellence	The modification has been reviewed and endorsed by the DIP prior to lodgement. The Department is satisfied the modified proposal maintains design excellence. See discussion in Section 6.4.	Yes
7.17 Car Parking – General	See discussion in Section 6.4.	Yes
7.23 End of Journey Facilities	No change to approved development.	Yes
7.24 Dual Water Systems	No change to approved development.	Yes
7.28 Additional Floor Space Ratio for Office Premises	See discussion in Section 6.1.	Yes

Appendix D – Recommended instrument of modification

<https://www.planningportal.nsw.gov.au/major-projects/projects/novus-harris-39-43-hassall-street-parramatta-mod-2>