



# Modification Report

SSD-68708456

242 -244 BEECROFT ROAD, EPPING

MARCH 2026



## QUALITY ASSURANCE

<b>Project:</b>	Modification to SSD Application
<b>Address:</b>	242 -244 Beecroft Road, Epping
<b>Consent Authority:</b>	Department of Planning, Housing and Infrastructure
<b>Author:</b>	Think Planners

## Integrated Development (under S4.46 of the EP&A Act). Does the development require approvals under any of the following legislation?

Coal Mines Subsidence Compensation Act 2017	No
Fisheries Management Act 1994	No
Heritage Act 1977	No
Mining Act 1992	No
National Parks and Wildlife Act 1974	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	No
Water Management Act 2000	No

## Concurrence

SEPP (Industry and Employment) 2021	No
SEPP (Resilience and Hazards) 2021	No
SEPP (Transport and Infrastructure) 2021	No
SEPP (Planning Systems) 2021	No
SEPP (Precincts—Central River City) 2021	No
SEPP (Precincts—Eastern Harbour City) 2021	No
SEPP (Precincts—Regional) 2021	No
SEPP (Precincts—Western Parkland City) 2021	No
SEPP (Biodiversity and Conservation) 2021	No

Date	Purpose of Issue	Rev	Reviewed	Authorised
26 November 2025	Co-Ordination	A	BD	AB
28 November 2025	Final Issue	B	BD	AB
10 February 2026	Feedback from Planning NSW	C	BD	BD
<b>16 March 2026</b>	Feedback from Planning NSW	D	BD	AB

# CONTENTS

<b>1</b>	<b><u>INTRODUCTION</u></b>	<b>6</b>
1.1	PROPONENT DETAILS	6
1.2	PROJECT BACKGROUND	6
1.3	PROJECT OVERVIEW	8
1.4	PROPOSED AMENDMENT	8
<b>2</b>	<b><u>STRATEGIC JUSTIFICATION</u></b>	<b>12</b>
2.1	PROJECT JUSTIFICATION	12
2.1.1	Greater Sydney Region Plan: The Metropolis of Three Cities	12
2.1.2	Our Greater Sydney 2056: Central City District Plan	12
2.1.3	Future transport strategy	13
2.1.4	Parramatta Local Strategic Planning Statement	13
2.1.5	Parramatta Local Housing Strategy	13
2.2	KEY FEATURES OF SITE AND SURROUNDS	14
<b>3</b>	<b><u>DESCRIPTION OF AMENDMENTS</u></b>	<b>17</b>
3.1	MODIFICATION	17
3.2	S.4.55(1A) ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 SUBSTANTIALLY THE SAME DEVELOPMENT	20
3.3	PROPOSED AMENDMENT TO CONDITIONS OF CONSENT	22
3.4	SUBSTANTIALLY THE SAME DEVELOPMENT	23
3.5	MINIMAL ENVIRONMENTAL IMPACT	24
<b>4</b>	<b><u>STATUTORY CONTEXT</u></b>	<b>25</b>
4.1	STATUTORY REQUIRMENTS	26
4.2	PRE-CONDITIONS	29
4.3	MANDATORY CONSIDERATIONS	31
	STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021	33
	PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2023	49
<b>5</b>	<b><u>ENGAGEMENT</u></b>	<b>53</b>

5.1	ENGAGEMENT WITH THE DEPARTMENT OF PLANNING, HOUSING AND INFRASTRUCTURE	53
5.2	COMMUNITY ENGAGEMENT	53
<b>6</b>	<b><u>ASSESSMENT OF IMPACTS</u></b>	<b>54</b>
6.1	BUILT FORM	54
6.2	STRUCTURAL	54
6.3	TRAFFIC	54
<b>7</b>	<b><u>JUSTIFICATION OF MODIFICATIONS</u></b>	<b>55</b>
7.1	PROJECT DESIGN	55
7.2	STATUTORY CONTEXT	55
7.3	COMMUNITY VIEWS	56
7.4	LIKELY IMPACTS OF THE PROPOSAL	56
7.5	SUITABILITY OF THE SITE	57
7.6	PUBLIC INTEREST	58
<b>8</b>	<b><u>CONCLUSION</u></b>	<b>59</b>

## TABLE OF FIGURES

Figure 1: Aerial Map Extract (Source: Near Map 2025) .....	15
Figure 2: Aerial Map Extract (Source: Near Maps 2023) .....	16
Table 1 Statutory Requirements Table .....	26
Table 2 Pre-Condition Table.....	29
Table 3 Mandatory considerations table .....	31
Figure 3: Zoning Map Extract (Source: Parramatta LEP 2023).....	49

## 1 INTRODUCTION

This Modification Report to SSD-68708456 has been prepared by Think Planners on behalf of Dasco Property Development Services for the approved development at 242 -244 Beecroft Road, Epping. The subject site is legally described as Lots 220 and 222 in DP1251471

This report has been prepared in accordance with the *State Significant Development Guidelines – Preparing an Amendment Report (Appendix D) October 2022*.

This modification is being lodged concurrently with a modification to SSD 68939460 that is a Concept DA for the site.

This SEE has been updated following the return of the modification on 18 December 2025. Commentary around this is provided within section 5.1 of the report.

### 1.1 PROPONENT DETAILS

Description	Proponent Details
Company Name	Dasco Property Development Services
Postal Address	Level 2/9 George St, North Strathfield NSW 2137

### 1.2 PROJECT BACKGROUND

SSD 68708456 was approved by the Independent Planning Commission on 10 August 2025

The amended development is described in the consent notice as:

Alterations and additions to the approved mixed-use development, including:

- additional one to two storeys to Buildings A and D
- additional three to four storeys to Buildings B, C and E
- additional 105 apartments
- additional basement parking level
- minimum 15% of residential gross floor area to be used as affordable housing dwellings for at least 15 years
- stratum subdivision of the site

The revised overall development description is:

*Construction of a mixed use development with a scale of seven to 18 storeys and containing:*

- *five residential flat buildings containing 479 apartments including 81 affordable housing dwellings*
- *commercial premises*
- *basement car parking*
- *infrastructure upgrades, civil and stormwater works*
- *outdoor public plaza and through-site link*
- *stratum subdivision of the site.*

### 1.3 PROJECT OVERVIEW

This modification report is submitted to DPHI on behalf of Dasco Property Development Services support of the proposed amendments to the approved SSDA.

This application seeks to modify SSD-68708456 by making a series of minor design amendments to address compliance with the National Construction Code and as result of design refinement as construction drawings are prepared.

It is noted that the number of apartments, commercial floor space or number of parking spaces is not altered by this modification.

The Minister is the consent authority for the proposal in accordance with section 4.36(2) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

### 1.4 PROPOSED AMENDMENT

This application seeks to modify SSD-68708456 including by:

- Revised through site link design including the provision external lift vestibules to provide improved weather protection to users and revision of ramp grades so they do not exceed 1:20 to allow for handrail free ramps with associated changes in switchbacks accommodate these new grades. This minor adjustment improves the overall design outcome as it removes obstructions in the through site link and increases visibility from Ray Road.
- Revised basement mechanical strategy which has resulted in the provision of a carpark exhaust duct being provided on the communal podium between Buildings C and E as well as the utilisation of this structure to provide an additional BBQ facility for residents;
- Revised Basement levels design as a result of the detailed structural design and design refinement including:
  - Conversion of a small part of the gym to a plant room;
  - Relocation of some storage cages within the basement to ensure they are not counted as GFA;
  - Rearrangement and provision of additional service rooms within the basement as well as layout changes to other non parking areas including rainwater tanks, fan rooms etc.
  - Relocation of some parking spaces;
  - Provision of some open lobbies in the basement;

(It is noted that the modified development continues to comply with condition B31 and provides:

- 474 resident spaces comprising 433 market apartments spaces and 41 affordable housing spaces
  - 68 visitor spaces
  - 12 commercial spaces
  - 1 x carwash bay; and
  - 1 x car share space)
- Introduction of additional modest risers through the building to accommodate plant, stormwater disposal and air circulation.
  - Minor increase of some unit sizes through the minor reduction in corridor widths on levels 1 – 16. It is noted that the modified development continues to provide 49,010m<sup>2</sup> of residential floorspace and 819m<sup>2</sup> of commercial floorspace that continues to comply with the requirements of condition B12 of SSD 31576972);
  - Minor refinement of the internal layout of some residential apartments throughout the complex as a result of design refinement with associated changes to windows and doors;
  - Minor refinement of the internal layout of the commercial tenancies and associated spill out spaces as a result of design refinement with associated changes to windows and doors;
  - Revised location of hot water units and plant areas to suit (Building B & C rooftop) due to current non compliance with NCC requirements;
  - Amendments to all apartments to include nibs on facade to accommodate mechanical requirements for exhausting kitchen, bathroom and laundries and the provision of make up air;
  - Reallocation of 22 of the 96 liveable apartment types within Buildings B and E in alternate locations as a result of the detailed design. It is noted that the total number of liveable apartments or bedrooms is not altered by this modification.
  - Minor external material changes from precast to metal cladding, however, the design intent (i.e. the terracotta colour) remains the same.
  - Modification to 7 x 2 bedroom apartments residential unit being D106, D206, D306, D406, D506, D606 to include a new study and window in a riser no longer required for ventilation.
  - Building C fan room extended to align with flood model footprint.
  - Minor changes to the building footprint of Building E that results in the building being up to 300mm closer to the northern boundary of the site that adjoins the Sydney Metro Service Facility.

- Minor Modification of floor to floor heights as a result of the detailed design that increases the height of some of the buildings within the development as follows.

Building	Approved Height	Proposed Height	Change
<b>A</b>	RL 108.16 25.3m 8 storeys	RL 108.28 25.425m 8 storeys	+125mm +125mm
<b>B</b>	RL145.02 61.74m 16 storeys	RL145.08 61.8m 16 storeys	+60mm
<b>C</b>	RL 143.81 60.3m 18 storeys	RL 143.92 60.41m 18 storeys	+110mm +110mm Nil
<b>D</b>	RL 109.960 25.72m 7 storeys	RL 110.44 25.2m 7 storeys	-520mm -520mm Nil
<b>E</b>	RL142.96 59.8m 19 storeys	RL143.06 59.9m 19 storeys	+100mm +100mm Nil

- Building A portal entry extended towards Ray Road for way finding and increased weather protection; and
- Modification to Building D pool shape that decreases its size from 40.6kls to 35.6kls as a result of design refinement;

It is noted that the proposed modifications to parking do not alter overall carparking or bicycle numbers and no change is required or sought to conditions B31 or B32 that set out maximum vehicle and bicycle parking provision. It is also noted that condition B6 that relates to waste collection continues to be satisfied by this modification and no change is sought to this condition as part of this modification.

As a result of the above changes that include additional risers, changes to the basement and conversion of former plant rooms to GFA the GFA remains 49,910m<sup>2</sup>.

It is noted these amendments will again require a subsequent amendment to schedule 1 of SSD 31576972.

This modification is supported by:

- Revised Architectural Plans by Turner
- Revised Civil Plans by Northrop
- Revised landscape plans by Site Image

- Revised Civil report by Northrop
- Access Report letter by East Coast Accessibility
- Traffic Letter by JMT Consulting
- Basix certificate by Northrop
- Shadowing letter by Turner

## 2 STRATEGIC JUSTIFICATION

This section outlines how the modified proposal remains consistent with the strategic planning priorities relevant to the subject site.

### 2.1 PROJECT JUSTIFICATION

#### 2.1.1 Greater Sydney Region Plan: The Metropolis of Three Cities

This plan was released in March 2018 and is the first Regional Plan prepared by the Greater Sydney Commission. It encompasses a global metropolis of three cities where it is envisioned people of Greater Sydney will live within 30 minutes of their jobs, education and health facilities, services and great facilities. The three cities are the Western Parkland City, the Central River City and the Eastern Harbour City.

This site is located within the Central River City in the Central City District. The Plan sets a housing target of 53,500 new dwellings within the Central City District over 5 years. It also sets a 20-year strategic housing target of 207,500 new dwellings for the Central City District.

The proposed modification remains consistent with all the objectives outlined within the EIS. The proposed modification will facilitate increased amenity for a shop top housing development under construction in Epping.

#### 2.1.2 Our Greater Sydney 2056: Central City District Plan

The site is located within the Epping Town Centre, which is identified as a District Centre by the Plan for Growing Sydney, A Metropolis of Three Cities- Greater Sydney Region Plan-Central City District Plan.

The Central City District Plan sets out the priorities and actions for this District and these are structured around 3 key themes of: a Productive City, a Liveable City and a Sustainable City. The importance of the Epping Town Centre and growing this centre in terms of both jobs and housing are continually emphasised in the District Plan. Particularly with reference to the 30-minute city.

This development seeks to deliver both additional housing and employment within a 30-minute city scenario, and therefore, fulfills the needs outlined by the Plan for Growing Sydney. Furthermore, the development continues to provide affordable and market housing a, providing high quality units and amenities that will add diversity and choice to the Sydney housing market and remains consistent with the objectives outlined within the EIS.

The proposed modification will facilitate the continued construction of the development within the Epping Town Centre and within key transport catchment areas and is aligned with the objectives of the Central City District Plan.

### **2.1.3 Future transport strategy**

The Future Transport Strategy 2056 a 40-year long term transport strategy that is supported by plans and strategies for Regional NSW and Greater Sydney, that have been prepared to achieve a long-term vision for the NSW transport system as an 'enabler of economic and social activity and contributes to long term economic, social and environmental outcomes.

The proposed modification remains consistent with all six outcomes of the Future Transport Strategy 2056 outlined within the EIS.

### **2.1.4 Parramatta Local Strategic Planning Statement**

The Parramatta Local Strategic Planning Statement came into effect on 31 March 2020 and this document sets out the 20-year vision for land use planning for the City of Parramatta. The LSPS contains 16 planning priorities under 4 key themes which are:

- Local planning priorities.
- Liveability planning priorities.
- Productivity planning priorities.
- Sustainability planning priorities.

The modified development continues to deliver new housing and non-residential floor space within the Epping Town Centre which is entirely aligned with the LSPS. The development will continue to assist with growing the economy of Parramatta, enhancing liveability and housing diversity.

### **2.1.5 Parramatta Local Housing Strategy**

The Local Housing Strategy (LHS) seeks to provide direction at the local level about when and where future housing growth will occur.

This modified development will continue to assist in delivering Planning Priority C9 of the LHS by providing a nuanced form of housing that is within the 30-minute city scenario, being located within the Epping Town Centre. The housing will have access to existing and planned infrastructure including the; Epping Train Station, Epping Bus Exchange, the Epping Metro Station The modified development will facilitate the ongoing construction of the development within a key transport catchment areas.

## 2.2 KEY FEATURES OF SITE AND SURROUNDS

The subject site is legally described as Lots 220 and 222 in DP 1251471, though more commonly known as 242 -244 Beecroft Road, Epping

The subject site is in a highly visible site with frontages to both Beecroft Road and Ray Road. The site is located adjacent to the north western edge of the Epping Town Centre and is within 280m walking distance of Epping Station and Bus Interchange. The site is within proximity to the Epping retail and commercial precinct, recreational activities, educational establishments and employment opportunities.

The site is located on the western side of Beecroft Road and the eastern side of Ray Road and is located approximately 55m north of the intersection of Ray Road and Carlingford Road.

The site itself is as an irregular shaped land parcel with a frontage to Beecroft Road of 134.66m, a frontage to Ray Road of 84.08m and an overall site area of 10,137m<sup>2</sup>.

The immediate locality is characterised by a mix of land uses and built form comprising the following:

- South: Part one and part two storey Seven Eleven Service Station with a mechanical repair workshop and associated hand car wash with frontage to Beecroft Road, Ray Road and Carlingford Road;
- East: Beecroft Road that contains four lanes, then the above ground elevated Northern Rail Line and beyond this the high density Epping CBD that contains numerous recently constructed 15 -29 storey mixed commercial and residential; station
- North: Devlin's Creek reserve which is channelised creek with associated vegetation as well as the Sydney Metro Epping Services Facility which provides fresh air ventilation to the Northwest metro tunnel;
- West: is dominated by older style 3 -4 storey residential flat buildings on the adjacent side of Ray Road and beyond this more recently constructed 5 storey residential flat buildings.

The wider precinct is undergoing a significant amount of urban regeneration with various high density apartments, mixed use buildings and commercial developments recently constructed or currently under construction. The location is undergoing a dramatic period of change which will create a new and vibrant revitalised community.

Furthermore, the land is located adjacent to the Epping CBD which has a variety of retail, and commercial premises including a Coles full service supermarket, The

Epping Club, Epping Hotel, numerous retail outlets, commercial buildings and community services including a library.

An aerial extract of the site is provided below as well as a wider aerial photograph on the immediate precinct.

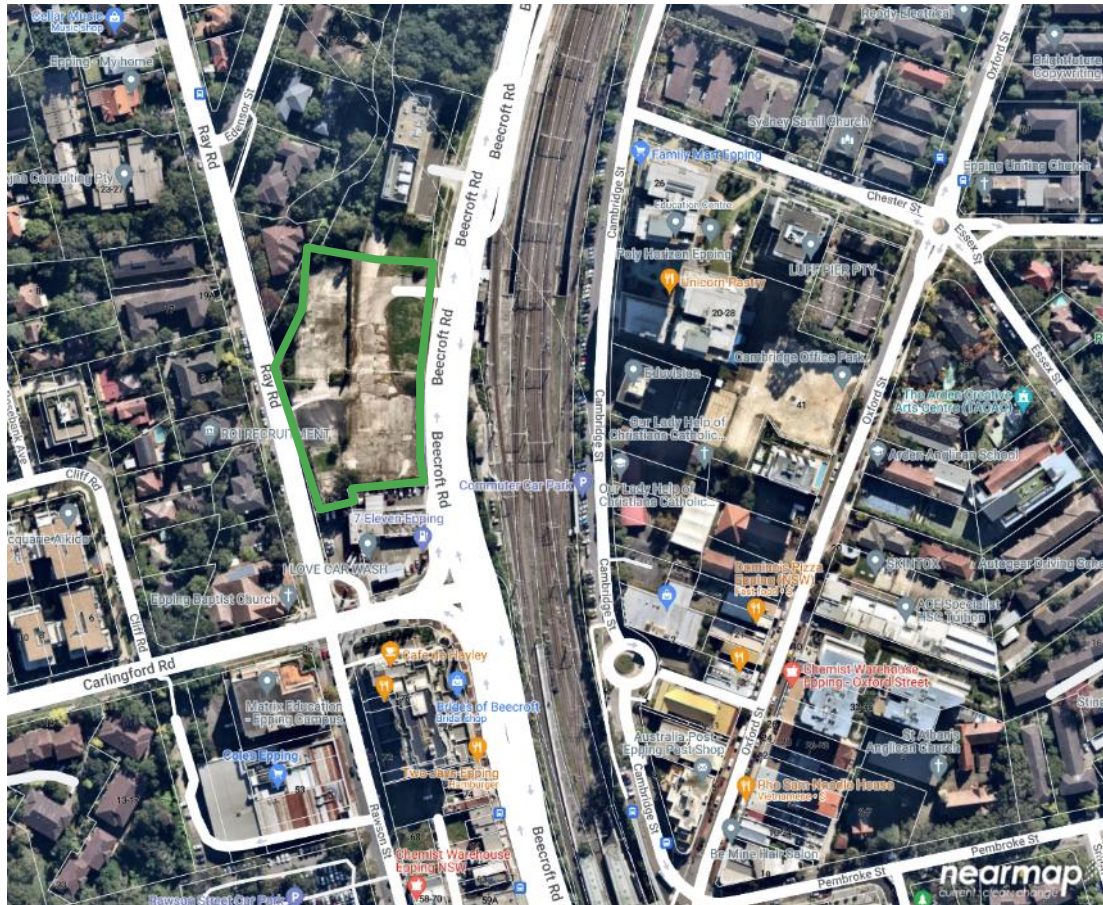
**Figure 1: Aerial Map Extract (Source: Near Map 2025)**



 Development Site

As illustrated by the aerial map extract below, the site is located adjacent to the north western edge of the Epping Town and is within 280m walking distance of Epping Station and Bus Interchange.

**Figure 2: Aerial Map Extract (Source: Near Maps 2023)**



 Development Site

### 3 DESCRIPTION OF AMENDMENTS

#### 3.1 MODIFICATION

This application seeks to modify SSD-68708456 including by:

- Revised through site link design including the provision external lift vestibules to provide improved weather protection to users and revision of ramp grades so they do not exceed 1:20 to allow for handrail free ramps with associated changes in switchbacks accommodate these new grades. This minor adjustment improves the overall design outcome as it removes obstructions in the through site link and increases visibility from Ray Road.
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- Building C fan room extended to align with flood model footprint.
- Minor changes to the building footprint of Building E that results in the building being up to 300mm closer to the northern boundary of the site that adjoins the Sydney Metro Service Facility.
- Minor Modification of floor to floor heights as a result of the detailed design that increases the height of some of the buildings within the development as follows.

Building	Approved Height	Proposed Height	Change
<b>A</b>	RL 108.16 25.3m 8 storeys	RL 108.28 25.425m 8 storeys	+125mm +125mm
<b>B</b>	RL 145.02 61.74m 16 storeys	RL 145.08 61.8m 16 storeys	+60mm
<b>C</b>	RL 143.81 60.3m 18 storeys	RL 143.92 60.41m 18 storeys	+110mm +110mm Nil

<b>D</b>	RL 109.960 25.72m 7 storeys	RL 110.44 25.2m 7 storeys	-520mm -520mm Nil
<b>E</b>	RL142.96 59.8m 19 storeys	RL143.06 59.9m 19 storeys	+100mm +100mm Nil

- Building A portal entry extended towards Ray Road for way finding and increased weather protection; and
- Modification to Building D pool shape that decreases its size from 40.6kls to 35.6kls as a result of design refinement;

It is noted that the proposed modifications to parking do not alter overall carparking or bicycle numbers and no change is required or sought to conditions B31 or B32 that set out maximum vehicle and bicycle parking provision. It is also noted that condition B6 that relates to waste collection continues to be satisfied by this modification and no change is sought to this condition as part of this modification.

As a result of the above changes that include additional risers, changes to the basement and conversion of former plant rooms to GFA the GFA remains 49,910m<sup>2</sup>.

It is noted that the proposed modifications to parking do not alter overall carparking or bicycle numbers and no change is required or sought to conditions B31 or B32 that set out maximum vehicle and bicycle parking provision. It is also noted that condition B6 that relates to waste collection continues to be satisfied by this modification and no change is sought to this condition as part of this modification.

As a result of the above changes that include additional risers, changes to the basement and conversion of former plant rooms to GFA the GFA remains 49,910m<sup>2</sup>.

It is noted these amendments will again require a subsequent amendment to schedule 1 of SSD 31576972.

The specific conditions of the development consent that are requested to be modified by this amendment are:

Condition	Requested Modification
<b>A2 -Terms of consent</b>	It is requested that this condition be updated to approve the revised architectural, landscaping and civil plans that accompany this modification
<b>B10 Maximum Building Heights</b>	It is requested that this condition be updated to reflect the increased heights to Buildings A,B,C and E as follows:

	<p>Building A RL 108.28          Building B RL 145.08          Building C RL 143.92          Building E RL143.06</p>
<b>B42 BASIX Certification</b>	It is requested that this condition be updated to reference certificate 1312666M_06 that accompanies this modification
<b>Condition A2 Terms of consent of SSD 315676972</b>	It is requested that this condition be updated to approve the revised architectural, landscaping and civil plans that accompany this modification
<b>B10 Maximum Building Heights of SSD 315676972</b>	<p>It is requested that this condition be updated to reflect the increased heights to Buildings A,B,C and E as follows:</p> <p>Building A RL 108.28          Building B RL 145.08          Building C RL 143.92          Building E RL143.06</p>

This modification is supported by:

- Revised Architectural Plans by Turner
- Revised Civil Plans by Northrop
- Revised landscape plans by Site Image
- Revised Civil report by Northrop
- Access Report letter by East Coast Accessibility
- Traffic Letter by JMT Consulting
- Basix certificate by Northrop
- Shadowing letter by Turner

As noted above, the proposed modification is to facilitate the ongoing construction of this shop top housing development.

### 3.2 S.4.55(1A) ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 SUBSTANTIALLY THE SAME DEVELOPMENT

Pursuant to Section 4.55 (1A) of the Act, the Department may consider an application to amend a development consent provided that it is substantially the same development and of minimal environmental impact.

An extract of Section 4.55 (1A) is provided below:

*(1A) Modifications involving minimal environmental impact A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—*

*(a) it is satisfied that the proposed modification is of minimal environmental impact, and*

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

*(c) it has notified the application in accordance with—*

*(i) the regulations, if the regulations so require, or*

*(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

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

*Subsections (1), (2) and (5) do not apply to such a modification.*

The application is of minimal environmental impact particularly noting that building footprints are only marginally altered by the modification, is substantially the same as the approved development, with the minor refinement of the scheme predominantly to facilitate compliance with the National Construction Code. . The minor changes to the plans are reasonably and appropriately considered ‘substantially the same development’ when having regard to case law set down by the Land and Environment Court

Section 4.55(3) of the Act is also relevant and states:

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

This SEE addresses the requirements of section 4.15(1) of the EP& A Act. The reasons for approval by the Independent Planning Commission were:

Based on its consideration of the Material, the Commission finds that both the Modification and SSD Applications should be approved subject to conditions of consent for the following reasons:

- the Project is consistent with the existing strategic planning framework as it will deliver additional housing with excellent access to public transport connections, employment centres, services and amenity;
- the proposed 923m<sup>2</sup> of commercial floor space is consistent with the Concept Approval and the R4 zoning of the Site;
- the proposed variation to the height of building standard and approved building envelopes are acceptable;
- additional architectural and landscape treatments at Residential Lobby A would enhance the interface of the Project with Ray Road and would also ensure the privacy and amenity for the occupants of Apartment AB101;
- the Project is able to achieve acceptable levels of residential amenity in accordance with the objectives of the ADG and SEPP 65;
- the design of the through-site link is satisfactory given it is consistent with the Concept Approval and ADG, improves overall accessibility, and contributes to the amenity of the Site;
- the landscaping proposed for the Site and the proposed tree planting along Beecroft Road are acceptable;
- the Applicant's commitment to relocate one substation and increase the setback of the two-remaining substations would improve Site access and reduce visual impacts from the public domain;
- the Project has acceptable traffic impacts;
- the proposed car parking and bicycle rates are consistent with the Concept Approval;
- the Project meets the design excellence requirements of the HLEP 2013;
- the Project would provide 19 well located affordable dwellings for a period of 15 years;
- the Project is in accordance with the Objects of the EP&A Act; and
- the Project is in the public interest.

The proposed modifications do not undermine the reasons for the approval and the modified development is considered to be consistent with them.

### 3.3 PROPOSED AMENDMENT TO CONDITIONS OF CONSENT

The specific conditions of the development consent that are requested to be modified by this amendment are:

Condition	Requested Modification
<b>A2 -Terms of consent</b>	It is requested that this condition be updated to approve the revised architectural, landscaping and civil plans that accompany this modification
<b>B10 Maximum Building Heights</b>	It is requested that this condition be updated to reflect the increased heights to Buildings A,B,C and E as follows:

	Building A RL 108.28 Building B RL 145.08 Building C RL 143.92 Building E RL143.06
<b>B42 BASIX Certification</b>	It is requested that this condition be updated to reference certificate 1312666M_06 that accompanies this modification
<b>Condition A2 Terms of consent of SSD 315676972</b>	It is requested that this condition be updated to approve the revised architectural, landscaping and civil plans that accompany this modification
<b>B10 Maximum Building Heights of SSD 315676972</b>	It is requested that this condition be updated to reflect the increased heights to Buildings A,B,C and E as follows:  Building A RL 108.28 Building B RL 145.08 Building C RL 143.92 Building E RL143.06

### 3.4 SUBSTANTIALLY THE SAME DEVELOPMENT

As clarified above the development continues to be classified as substantially the same development to the originally approved development as required by Section 4.55(1A) of the Act. The proposed modification does not alter the key principles of the development and continues to deliver a mixed-use development within Epping.

The proposal remains consistent to the approved SSD-68708456 as per below.

- The proposal continues to be for a mixed use development;
- The development is and will remain consistent with objectives of the R4 High Density Residential Use zone under the Parramatta LEP 2023 ;
- The development maintains the through site link;
- The scale and built form remain consistent with what was approved, with no change in GFA and a minor increase in height as a result of the modification;
- No adverse environmental impact is perceived from the modification and continues to comply; and
- Only minor changes are proposed to the façade and it remain consistent with the approved.

### 3.5 MINIMAL ENVIRONMENTAL IMPACT

The proposed modification will have minimal if any, environmental impacts as outlined below:

- **Built Form:** There are minimal changes to the approved built form as a result of the modification. The minor increase in Building Height does not result in a perceptible change to the overall built form and no increased impact to neighbouring properties.
- **Landscaping:** There are minor changes to the approved landscaping that will improve amenity for future residents as a result of the additional BBQ facility;
- **ESD** -There will be no change to the ESD measures incorporated in the development;

As described above the proposed amendments will only have minimal, if any environmental impact and will not result in an intensification of impacts. The modification is considered substantially the same development.

## 4 STATUTORY CONTEXT

This section describes all the relevant statutory controls which applies to the site.

The relevant Statutory Planning Controls include: -

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulations 2021;
- State Environmental Planning Policy (Planning Systems) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental planning Policy (Biodiversity and conservation) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- State Environmental Planning Policy (Housing) 2021;
- State Environmental Planning Policy (Sustainable Buildings) 2022;
- Parramatta Local Environmental Plan 2023
- NSW Biodiversity Conservation Act 2016

As set out in the SSD Guidelines, the following sections contain three separate tables that deal with the Statutory Requirements; Pre Condition Requirements; and Mandatory Considerations.

## 4.1 STATUTORY REQUIREMENTS

Table 1 Statutory Requirements Table

Category	Action required	Consistency with Approved Development
<b>Power to grant approval</b>	<p>The <i>Environmental Planning &amp; Assessment Act 1979</i> provides a legal framework for assessment and to grant approval for all developments within NSW.</p> <p>The <i>Environmental Planning &amp; Assessment Regulation 2021</i>, providing a legislative framework identifying processes and requirements for development applications.</p> <p>The modified development continues to have an estimated development cost that exceeds \$30 million.</p> <p>As the cost of works exceed \$30 million the proposal is classified as State Significant Development under the State Environmental Planning Policy (Planning Systems) 2021 (Schedule 1 – Clause 19(2)).</p> <p>Hence the consent authority for this state significant development is the Minister for Planning.</p>	<p>The modified development will remain consistent with the SEPP and remains characterised as SSD</p>
<b>Permissibility</b>	<p>The site is zoned R4 High Density Residential under the <i>Parramatta Local Environmental Plan 2023</i>, under which 'residential flat buildings' are permitted with consent.</p> <p>In the R4 High Density zone "Commercial premises" are prohibited however clause 4.38(3) of the Environmental Planning and Assessment Act allows partially prohibited developments to be approved with development consent, and this part of the development is consistent with the definition of Commercial Premises provided in the LEP:</p>	<p>The modification does not alter the use of the site.</p>
<b>Other approvals</b>	<p><b>NSW Road Act 1973</b></p> <p>Any proposed works on public roads and reserved will require consent of TfNSW. No works are proposed on public reserves however we note TfNSW may be notified regarding traffic during construction and has already been notified during initial consultation stage.</p>	<p>Remains consistent as approved.</p>

Category	Action required	Consistency with Approved Development
Pre-conditions to exercising the power to grant approval	Pre-conditions will be addressed in a table under section 4.2 below	
Mandatory Considerations	Mandatory Considerations are addressed in table under section 4.3 below	
Pre-conditions to exercising the power to grant approval	<p><b>Parramatta LEP 2023</b> Satisfactory arrangements in relation to infrastructure.</p> <p><b>State Environmental Planning Policy (Resilience and Hazards) 2021</b> State Environmental Planning Policy (Resilience and Hazards) 2021 requires the consent authority to consider if the subject site applicable to the development application is contaminated. Especially chapter 4 of the SEPP contains a state-wide planning framework for the remediation of contaminated land and to minimise the risk of harm. The development application is accompanied by a DSI report which confirms the contamination to be unlikely be an issue. Contamination is addressed as part of the report and it has concluded the site is suitable for 'BTR'.</p>	<p>Remains consistent as approved.</p> <p>No amendments are required.</p>
Mandatory matters for consideration	<p><b>Biodiversity Conservation Act 2016</b></p> <p>Biodiversity Conservation Act 2016 under section 7.9 requires a preparation of a biodiversity development assessment for SSD assessed under part 4 of the EP&amp;A Act.</p> <p>As this development will be assessed under Part 4 of the EP&amp; A Act it will require a biodiversity development assessment report. However, as this development is unlikely to have significant impact on any biodiversity values, exemption is granted under section 7.9(2) of the BC Act 2016 .</p> <p>Biodiversity Development Assessment (BDAR) waiver is included in this submission.</p>	Remains consistent as approved.
	<p><b>State Environmental Planning Policy (Biodiversity and Conservation)</b></p>	

Category	Action required	Consistency with Approved Development
	<p>Chapter 2 seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the state, and to preserve the amenity of non-rural areas of the State through the appropriate preservation of trees and other vegetation. The site is currently void of vegetation. The application is accompanied by a BDAR Waiver (Appendix 19).</p> <p>The subject site is subject to the broad planning principles contained within the chapter 10. The Sydney Harbour Catchment Planning Principles must be considered and achieved, where possible, in the carrying out of development within the catchment. The relevant principles include:</p> <p><i>Protect and improve hydrological, ecological and geomorphologic processes;</i></p> <p><i>Consider cumulative impacts of development within the catchment;</i></p> <p><i>Improve water quality of urban runoff and reduce quantity and frequency of urban runoff; and</i></p> <p><i>Protect and rehabilitate riparian corridors and remnant vegetation.</i></p> <p>The proposed development does not detract from the above listed principles given the nature of the development and the environmental safeguards proposed, including the detailed drainage concept and erosion and sediment controls that will be in place throughout the construction phase of the development.</p>	<p>Remains consistent as approved.</p>
	<p><b>State Environmental Planning Policy (Transport and Infrastructure) 2021</b></p> <p>The proposed development identified as a traffic generating development under Clause 2.121.</p>	<p>Remains consistent as approved noting no additional apartments or commercial floorspace proposed.</p>

Category	Action required	Consistency with Approved Development
	<p><b>State Environmental Planning Policy (Housing): Chapter 4 Design of Residential Apartment Development</b></p> <p>Clause 147 of the SEPP requires the consent authority to consider the 9 principles for apartment design.</p> <p>The parent development requires a Design Verification Statement from a registered architect</p>	<p>Remains consistent as approved.</p> <p>Remains consistent as approved, noting that a revised verification statement is not required for a 1A modification.</p>

## 4.2 PRE-CONDITIONS

Table 2 describes the pre-condition to exercising the power to grant approval which applies to the proposed development.

Table 2 Pre-Condition Table

Statutory Reference	Pre-condition	Consistency with Approved Development	Section in Report
State Environmental Planning Policy (Resilience and Hazard) 2021			
<b>Section 4.6 – Contamination and remediation to be considered in determining development application</b>	<p><i>(1) A consent authority must not consent to the carrying out of any development on land unless—</i></p> <p><i>(a) it has considered whether the land is contaminated, and</i></p> <p><i>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</i></p> <p><i>(c) if the land requires remediation to be made suitable for the purpose for which the</i></p>	<p>The parent development application was accompanied by a Remediation Letter which confirmed the approved Remediation Action Plan for the site remains relevant and ensures that the site is suitable for the development following remediation.</p> <p>The modification does not alter this and remains consistent as approved.</p>	N/A

Statutory Reference	Pre-condition	Consistency with Approved Development	Section in Report
<p><i>development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</i></p>			
<p>State Environmental Planning Policy (Transport and Infrastructure) 2021</p>			
<p><b>Clause 2.99 Rail Infrastructure</b></p>	<p>(2) Before determining a development application for development to which this section applies, the consent authority must—</p> <p>(a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and</p> <p>(b) take into consideration—</p> <p>(i) any response to the notice that is received within 21 days after the notice is given, and</p> <p>(ii) any guidelines that are issued by the Secretary for the purposes of this section and published in the Gazette.</p>	<p>There are no changes to the development that impact this clause. This issue was considered as part of the parent development and found to be satisfactory.</p>	<p>N/A</p>
<p><b>Clause 2.122 – Traffic-generating development</b></p>	<p><i>A public authority, or a person acting on behalf of a public authority, must not carry out development to which this section applies that this Chapter provides may be carried out without consent unless the authority or person has—</i></p> <p>(a) <i>given written notice of the intention to carry out the development to</i></p>	<p>The modification does not alter this and remains consistent as approved.</p>	

Statutory Reference	Pre-condition	Consistency with Approved Development	Section in Report
	<i>TfNSW in relation to the development, and (b) taken into consideration any response to the notice that is received from TfNSW within 21 days after the notice is given.</i>		

### 4.3 MANDATORY CONSIDERATIONS

The following table identifies all relevant mandatory considerations to exercising the power to grant approval.

Table 3 Mandatory considerations table

Statutory Reference	Mandatory Consideration	Section in Modification Report
Consideration under the EP&A Act and Regulations		
<b>Section 1.3</b>	Relevant objects of the EP&A Act	Section 3 and 4
<b>Section 4.15</b>	<u>Relevant environmental planning instruments</u>	Section 4
	Planning Systems SEPP	Table 1
	Resilience and Hazard SEPP	Table 1
	Transport and Infrastructure SEPP	Table 2
	Biodiversity and Conservation SEPP	Table 2
	State Environmental Planning Policy (Housing): Chapter 4 Design of Residential Apartment Development	Section 4.4
	Parramatta Local Environmental Plan 2023 (PLEP 2023)	Table 1
	<u>Relevant draft environmental planning instruments.</u> N/A	N/A
	<u>Relevant planning agreement or draft planning agreement:</u>	N/A
	<u>Development Control Plans:</u> Parramatta Development Control Plan 2023 (PDCP 2023)	N/A

Statutory Reference	Mandatory Consideration	Section in Modification Report
	The likely impacts of that development, including environmental Impacts on both the natural and built environments, and social and economic impacts in the locality.	Section 6
	The suitability of the site for the development	Section 7
	The public interest	Section 7
Mandatory relevant consideration under EPIs		
Resilience and Hazards SEPP	State Environmental Planning Policy (Resilience and Hazards) 2021 requires the consent authority to consider if the subject site applicable to the development application is contaminated. Especially chapter 4 of the SEPP contains a state-wide planning framework for the remediation of contaminated land and to minimise the risk of harm. The development application is accompanied by a DSI, PSI, SSI, Groundwater, ASS Assessment and Remedial Action Plan. Contamination is addressed and the site is suitable for 'Build-to-rent'.	N/A – No changes proposed as part of this development.
State Environmental Planning Policy (Housing): Chapter 4 Design of Residential Apartment Development	The development proposes a shop top housing development, which provides residential accommodation	The proposed modified development continues to comply with Chapter 4 Design of Residential Apartment development.
Transport and Infrastructure SEPP	Under Schedule 3 of this SEPP (Schedule 3 Traffic-generating development to be referred to Transport for NSW), Residential accommodation containing 300 or more dwellings is classified as Traffic Generating Development. The development proposes a total of 438 units and therefore is classified as Traffic Generating Development. This modification will require referral to Transport for NSW for their concurrence	Table 2
Parramatta LEP 2023	The proposed development is zoned R4 -High Density Residential.	Table 1
Consideration under other legislation		
Biodiversity Conservation Act 2016 (BC Act) – Section 7.14	BDAR waiver request	N/A – No changes proposed as part of this development.

Statutory Reference	Mandatory Consideration	Section in Modification Report
Development Control Plans		
Parramatta Development Control Plan 2023	As specified under Clause 2.10 of the Planning Systems SEPP, development control plans do not apply to SSD. As such, there is no requirement for the development to be assessed against the PDCP for this SSDA and is therefore not a mandatory consideration.	N/A
Development Contributions Plan		
Parramatta Contributions Plan 2022		N/A – No changes proposed as part of this development.

## STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

The Housing SEPP is relevant to the subject proposal, with consideration to be given to the following chapters:

- Chapter 2 Division 1 In-fill affordable housing
- Chapter 4 Design Quality of Residential Apartment Development
- Schedule 9 Design Quality Principles

Relevant chapters of the SEPP are addressed in the tables below.

### Chapter 2 Division 1 In-fill affordable housing

Housing SEPP 2021 (Chapter 2 Division 1 In-fill Affordable Housing)		
Clause	Comment	Compliance
<b>15C Development to which division applies</b>		
1) This division applies to development that includes residential development if—		
a) the development is permitted with consent under Chapter 3, Part 4 or another environmental planning instrument, and	The modified development is permitted with development consent.	Yes
		Yes

Housing SEPP 2021 (Chapter 2 Division 1 In-fill Affordable Housing)		
Clause	Comment	Compliance
<ul style="list-style-type: none"> <li>b) the affordable housing component is at least 10%, and</li> <li>c) all or part of the development is carried out—               <ul style="list-style-type: none"> <li>i) for development on land in the Six Cities Region, other than in the City of Shoalhaven local government area—in an accessible area, or</li> <li>ii) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.</li> </ul> </li> </ul>	<p>The modified development continues to provide 15% of its overall GFA as affordable housing</p> <p>The subject site is within an accessible area, being about 280 m from Epping Train Station.</p> <p>N/A</p>	<p>Yes</p> <p>N/A</p> <p>N/A</p>
<p>2) Affordable housing provided as part of development because of a requirement under another environmental planning instrument or a planning agreement within the meaning of the Act, Division 7.1 is not counted towards the affordable housing component under this division.</p>	N/A	N/A
<p>3) In this section— <i>relevant zone</i> means the following—</p> <ul style="list-style-type: none"> <li>a) Zone E1 Local Centre,</li> <li>b) Zone MU1 Mixed Use,</li> <li>c) Zone B1 Neighbourhood Centre,</li> <li>d) Zone B2 Local Centre,</li> <li>e) Zone B4 Mixed Use.</li> </ul>	<p>Noted but not applicable to this site as it meets the requirements of 1(c)</p>	N/A
<p><b>16 Affordable Housing Requirements for additional FSR</b></p>		
<p>1) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).</p>	<p>The base FSR is 3.8:1, with the site having an area of 10,137m<sup>2</sup>.</p> <p>The maximum permitted FSR is 4.94:1, representing an additional 30%. The modified development proposes an FSR of 4.91:1.</p>	Yes
<p>2) The minimum affordable housing component, which must be at least 10%, is calculated as follows—</p>	<p>15% affordable housing is provided, which facilitates an additional 30% FSR.</p>	Yes

Housing SEPP 2021 (Chapter 2 Division 1 In-fill Affordable Housing)			
Clause	Comment	Compliance	
<p>AHC = Additional FSR (as a %) ÷ 2</p> <p>3) If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).</p> <p><b>Example—</b> Development that is eligible for 20% additional floor space ratio because the development includes a 10% affordable housing component, as calculated under subsection (2), is also eligible for 20% additional building height if the development involves residential flat buildings or shop top housing.</p>			
	The proposal includes residential flat buildings and shop top housing. It therefore benefits from an additional 30% of building height. The current height is 48m, with an additional 30% taking the total maximum height to 62.4m. The modified development does not exceed the 62.4m height limit and has a maximum height of 61.8m.	Yes	
4)	This section does not apply to development on land for which there is no maximum permissible floor space ratio.	A FSR applies to the land.	Yes
<b>17 for housing</b>	<b>Additional floor space ratio relevant authorities and registered community providers</b>	Not relevant to this proposal	N/A
<b>18</b>	<b>Affordable housing requirements for additional building height</b>	Not relevant to this proposal as additional building height achieved via Cl.16.	N/A
<b>19 4.15</b>	<b>Non-discretionary development standards— the Act, s</b>		
1)	The object of this section is to identify development standards for particular matters relating to residential development under this division that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.	Noted	Noted
<b>Note—</b>			

**Housing SEPP 2021 (Chapter 2 Division 1 In-fill Affordable Housing)**

Clause	Comment	Compliance																							
See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.																									
2) The following are non-discretionary development standards in relation to the residential development to which this division applies—		Yes																							
a) a minimum site area of 450m <sup>2</sup> ,	The site area is 10,137 m <sup>2</sup> and complies	Yes																							
b) a minimum landscaped area that is the lesser of—	This is an Amending DA with the footprint of the proposal largely established by SSD68708456. Notwithstanding this the development is provided with 3,121m <sup>2</sup> of landscaping that equates to 30.7% of the site area. Complies.																								
i) 35m <sup>2</sup> per dwelling, or																									
ii) 30% of the site area,																									
c) a deep soil zone on at least 15% of the site area, where—	Does not apply, refer to Cl. 3 below.	N/A																							
i) each deep soil zone has minimum dimensions of 3m, and	Does not apply, refer to Cl. 3 below.	N/A																							
ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,																									
d) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter,	Does not apply, refer to Cl. 3 below	N/A																							
e) the following number of parking spaces for dwellings used for affordable housing—	<table border="1"> <thead> <tr> <th rowspan="2">Bedrooms</th> <th colspan="3">Affordable Units</th> </tr> <tr> <th>Parking Rate</th> <th>Units</th> <th>Parking</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>0.4</td> <td>18</td> <td>7.2</td> </tr> <tr> <td>2</td> <td>0.5</td> <td>40</td> <td>20</td> </tr> <tr> <td>3</td> <td>1</td> <td>14</td> <td>14</td> </tr> <tr> <td><b>TOTAL</b></td> <td></td> <td></td> <td><b>41.2</b></td> </tr> </tbody> </table>	Bedrooms	Affordable Units			Parking Rate	Units	Parking	1	0.4	18	7.2	2	0.5	40	20	3	1	14	14	<b>TOTAL</b>			<b>41.2</b>	Yes
Bedrooms			Affordable Units																						
		Parking Rate	Units	Parking																					
1		0.4	18	7.2																					
2		0.5	40	20																					
3		1	14	14																					
<b>TOTAL</b>			<b>41.2</b>																						
i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces,																									
ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,																									
iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,																									
f) the following number of parking spaces for dwellings	<table border="1"> <thead> <tr> <th>Bedrooms</th> <th>Residential units</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> </tr> </tbody> </table>	Bedrooms	Residential units			Yes																			
Bedrooms		Residential units																							

**Housing SEPP 2021 (Chapter 2 Division 1 In-fill Affordable Housing)**

Clause		Comment	Compliance
	not used for affordable housing—		
	i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces,		
	ii) for each dwelling containing 2 bedrooms—at least 1 parking space,		
	iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,		
	g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,		Yes
	h) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum floor area specified in the Low Rise Housing Diversity Design Guide,		N/A
	i) if paragraphs (g) and (h) do not apply, the following minimum floor areas—		N/A
	i) for each dwelling containing 1 bedroom—65m <sup>2</sup> ,		
	ii) for each dwelling containing 2 bedrooms—90m <sup>2</sup> ,		
	iii) for each dwelling containing at least 3 bedrooms—115m <sup>2</sup> plus 12m <sup>2</sup> for each bedroom in addition to 3 bedrooms.		Noted
3)	Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.	Noted	
<b>21</b>	<b>Must be used for affordable housing for at least 15 years</b>		
1)	Development consent must not be granted to development under this division unless the consent		

	Parking Rate	Units	Parking
1	0.5	76	38
2	1.0	198	198
3	1.5	133	199.5
<b>TOTAL</b>			<b>435.5</b>

Total parking required: 476.7  
Total parking provided 473.

Complies within minimum internal apartment areas of ADG.

Not relevant to this proposal

Not relevant to this proposal

Noted

Housing SEPP 2021 (Chapter 2 Division 1 In-fill Affordable Housing)		
Clause	Comment	Compliance
<p>authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development—</p> <p>a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and</p> <p>b) the affordable housing component will be managed by a registered community housing provider.</p> <p>2) This section does not apply to development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.</p>	<p>This DA satisfies this clause, with a condition of consent anticipated.</p> <p>Cubic Real Estate (Community Housing Provider Registration R7486190503) will manage the affordable housing component .</p> <p>Noted.</p>	<p>Yes</p> <p>Yes</p> <p>Noted</p>
<p><b>22 Subdivision permitted with consent</b></p> <p>Land on which development has been carried out under this division may be subdivided with development consent.</p>	<p>This Amended Concept Development Application does not seek any approval for subdivision.</p>	<p>N/A</p>

Housing SEPP 2021 (Chapter 4 Design of Residential Apartment Development)		
Clause	Comment	Compliance
<p><b>145 Referral to design review panel for development applications</b></p> <p>1) This section applies to a development application for residential apartment development, other than State significant development.</p> <p>2) Before determining the development application, the consent authority must refer the application to the design review panel for the local government area in which the development will be carried out for advice on the quality of the design of the development.</p> <p>3) This section does not apply if—</p> <p>a) a design review panel has not been constituted for the local</p>	<p>This proposal is a State Significant Development. Notwithstanding this, the parent development application was reviewed by the SDRP as a pre-lodgement on 15 May 2024.</p>	<p>Not applicable</p>

Housing SEPP 2021 (Chapter 4 Design of Residential Apartment Development)		
Clause	Comment	Compliance
<p>government area in which the development will be carried out, or</p> <p>b) a competitive design process has been held.</p> <p>4) In this section—</p> <p><b>competitive design process</b> means a design competition held in accordance with the Design Competition Guidelines published by the Department in September 2023.</p>		
<b>146 Referral to design review panel for modification applications</b>	The application is an amending DA and not a modification	Not applicable
<b>147 Determination of development applications and modification applications for residential apartment development</b>		
<p>1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—</p> <p>a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,</p> <p>b) the Apartment Design Guide,</p> <p>c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.</p>	<p>The Department can determine the application noting that this proposal includes a statement that addresses the design quality principles of Schedule 9</p> <p>The proposal includes an assessment against the ADG which has informed its design response.</p> <p>Not applicable. Refer to subclause (4).</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p>
<p>2) The 14-day period referred to in subsection (1)(c) does not increase or otherwise affect the period in which a development application or</p>	Noted	Noted

Housing SEPP 2021 (Chapter 4 Design of Residential Apartment Development)		
Clause	Comment	Compliance
<p>modification application must be determined by the consent authority.</p> <p>3) To avoid doubt, subsection (1)(b) does not require a consent authority to require compliance with design criteria specified in the Apartment Design Guide.</p> <p>4) Subsection (1)(c) does not apply to State significant development.</p>	<p>It is noted that numerical compliance is not required, so long as the proposal satisfies the objectives of the ADG. The proposal remains consistent with the ADG.</p> <p>Noted.</p>	<p>Yes</p> <p>Noted</p>
<p><b>148 Non-discretionary development standards for residential apartment development—the Act, s 4.15</b></p> <p>1) <b>The object of this section is to identify development standards for particular matters relating to residential apartment development that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</b></p> <p><b>Note—</b> See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.</p> <p>2) The following are non-discretionary development standards—</p> <p>a) the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,</p> <p>b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide,</p> <p>c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.</p>	<p>Noted</p> <p>In-fill affordable housing complies parking requirements of with Cl.19 (2) (e). A total of 473 spaces are provided for the residential component.</p> <p>Complies as shown in attached plans.</p> <p>Complies as shown in attached plans.</p>	<p>Noted</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

## Chapter 4 Design Quality of Residential Apartment Development

As this is a section 4.55(1A) modification, it is not required to be accompanied by a design verification statement.

A description of compliance with the limited relevant applicable development facets and guidelines such as setbacks, building heights etc. is provided in the local planning controls discussion and tables below. It is noted that this assessment is largely restricted to the proposed additions which relates to the in-fill affordable housing.

An assessment against the limited relevant objectives and design guidelines contained in parts 3 and 4 of the Apartment Design Guide can be found below:

Housing SEPP 2021 (Chapter 4 Design of Residential Apartment Development)		
Clause	Comment	Compliance
145 Referral to design review panel for development applications	It is not anticipated that the Department will refer this minor Section 4.55(1A) modification to the State Design Review Panel for advice.	Noted
146 Referral to design review panel for modification applications	It is not anticipated that the Department will refer this minor Section 4.55(1A) modification to the State Design Review Panel for advice.	Yes
147 Determination of development applications and modification applications for residential apartment development	<p>The proposal includes an assessment against the ADG which has informed its design response.</p> <p>It is noted that numerical compliance is not required, so long as the proposal satisfies the objectives of the ADG:</p> <p><i>(3) To avoid doubt, subsection (1)(b) does not require a consent authority to require compliance with design criteria specified in the Apartment Design Guide. [emphasis added]</i></p> <p>The proposal remains consistent with the ADG objectives and intent of design criteria and can therefore be approved by Council.</p>	Yes
148 Non-discretionary development standards for residential apartment development—the Act, s 4.15	Non-discretionary standards of the ADG relating to car parking, internal area of each apartment and ceiling heights are noted.	Yes

Housing SEPP 2021 (Chapter 4 Design of Residential Apartment Development)		
Clause	Comment	Compliance
	Likewise, it is understood that compliance with the above means that you cannot apply a more onerous standard.	
149	<p>A DCP provision will have no effect, with the ADG taking precedent for the following:</p> <ul style="list-style-type: none"> <li>– visual privacy, solar and daylight access, common circulation and spaces, apartment size and layout, ceiling heights, private open space and balconies, natural ventilation and storage.</li> </ul> <p>It is noted that compliance in the ADG relates to achieving the objective of the design criteria, not strictly, numerical compliance.</p>	Yes

The limited relevant provisions from the ADG are considered below:

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
Part 3 Siting the Development			
3A Site Analysis	Site Analysis	Provided with DA.	Yes
3E Deep Soil Zones	<p><u>Design Criteria:</u></p> <p>A deep soil zone equivalent to 7% of the site must be provided.</p>	Although there is a minor reduction in deep soil associated with the minor change in footprint to Block E this modification continues to result in the site being provided with 2,070m <sup>2</sup> of Deep soil that equates to 20.8% of the site.	Yes
3F Visual Privacy			
Building separation up to 4 storeys (up to 12m)	<p><u>Design Criteria:</u></p> <p>12m between habitable rooms (6m) 6m between non-habitable rooms (3m)  18m between habitable rooms (9m)</p>	Predominantly compliant at all levels. The development provides setbacks that are generally consistent with the concept approval. As buildings D,E and F wrap around a courtyard there are some point encroachment that are dealt with through the careful design	Minor variations

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
<b>Building separation between 5-8 storeys (up to 35m)</b>	9m between non-habitable rooms (4.5m)	of the complex. There is also a point encroachment on the south western boundary to the service station complex given the varied boundary and this is dealt with through the internal layout and window locations	
<b>Building separation for building 9 storeys or above</b>	24m between habitable rooms (12m) 12m between non-habitable rooms (6m)		
<b>3J Carparking</b>	<u>Design Criteria:</u>  <u>Design Guidelines:</u>  Guide to traffic generating development parking rates	Car parking for the residential component complies with the requirements of the Housing SEPP. There is no change to the volume of visitor or parking spaces associated with the commercial component of the development. Refer to the traffic and parking report for parking allocation and totals)	<b>Yes</b>
	Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas	A total of 479 bicycle parking spaces continue provided.	<b>Yes</b>
<b>Part 4 – Designing the Building</b>			
<b>4A Solar Access</b>	<u>Design Criteria:</u> Living rooms and private open space of at least 70% of units to receive 2 Hours Solar Access between 9am and 3pm Mid-Winter  A maximum of 15% of apartments receive no direct sunlight between 9am and 3pm Mid-Winter	72.4% of the apartments continue to achieve compliance with the minimum 2 hour requirement.  17.5% of apartments continue to receive no solar access in mid winter.  The orientation of the development and the approved Concept Design application leads to this. There is adequate solar access provided to communal areas to offset this.	<b>Yes</b>  <b>No change</b>

<b>4B Naturally Ventilation</b>	<u>Design Criteria:</u>		<b>No change</b>
	60% of units are cross ventilated in a building up to 9 storeys	This modification continues to facilitate 60.5% of the required apartments achieving compliance with this control.	
	Overall width of cross over or cross through apartments is < 18m		
	<u>Design Guidelines:</u>		<b>No change</b>
	The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths	Development has a mix of through and corner apartments. See attached architectural plans for detail.	
<b>4C Ceiling Height</b>	<u>Design Criteria:</u>		
	2.7m for habitable and 2.4m for non-habitable	Complies	<b>Yes</b>
<b>4D Unit Sizes</b>	<u>Design Criteria:</u>		
<b>1 bed 2 beds 3 beds</b>	50m <sup>2</sup> 70m <sup>2</sup> 90m <sup>2</sup>	All units comply with many units exceeding. Where additional bathrooms have been provided unit sizes have been increased by at least 5m <sup>2</sup> .	<b>Yes</b>
<b>+5m<sup>2</sup> for each unit with more than 1 bathroom</b>	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10%	Every habitable room is provided with a window.	<b>Yes</b>
<b>Habitable Room Depths</b>	<u>Design Criteria:</u>		
	Limited to 2.5m x Ceiling Heights	Despite the noncompliance with objective 4D-2, figure 4D.3 indicates that an 8.1m depth (3 x ceiling height) is okay for open plan apartments.	<b>Yes</b>
<b>Bedroom sizes Master Normal</b>	10m <sup>2</sup> 9m <sup>2</sup>	Complies Complies	<b>Yes Yes</b>

<b>Living room/dining areas have a minimum width of: 3.6m</b>			
<b>4m</b>	Studio/ 1 br 2br / 3br	Complies Complies	<b>Yes</b> <b>Yes</b>
<b>Open plan layouts that include a living, dining room and kitchen</b>			
	8m to a window	Complies given unit depths and design layouts.	<b>Yes</b>
<b>4E Private Open Space</b>			
<b>Balcony Sizes</b>			
<b>1 bed</b>	8m <sup>2</sup> & 2m depth	Complies	<b>Yes</b>
<b>2 beds</b>	10m <sup>2</sup> & 2m depth	Complies	<b>Yes</b>
<b>3 beds</b>	12m <sup>2</sup> & 2.4m depth	Complies	<b>Yes</b>
<b>Ground level / podium apartments</b>	15m <sup>2</sup> & 3m depth		<b>Yes</b>
		All ground floor units are provided with 15m <sup>2</sup> courtyards.	
<b>4G Storage</b>			
	<u>Design Criteria:</u>		
	1 bed: 6m <sup>3</sup> 2 beds: 8m <sup>3</sup> 3 beds: 10m <sup>3</sup>  Minimum 50% of required storage is within the apartment	The proposal provides:  1 bed: >6m <sup>3</sup> 2 bed: >8m <sup>3</sup> 3 bed: >10m <sup>3</sup>  Storage is provided within the basement/ground floor and within the units themselves,  The proposed development is considered to offer storage space that aligns with the provisions of the ADG.	<b>Yes</b>
<b>4H Acoustic Privacy</b>			
	<u>Design Criteria:</u>		
	Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses	Development has provided adequate separation from neighbouring buildings/properties in-line with 3F Visual Privacy – design criteria above.	<b>Yes</b>
	Windows and door openings are generally orientated away from noise source	Where appropriate windows and door openings are orientated away from noise sources.	<b>Yes</b>

	Noisy areas within buildings including building enters and corridors should be located next to or above each other and quieter areas next to or above quieter areas.	The application is designed to create different 'zones' with more active areas clustered together and more passive areas also clustered together to maximise acoustic privacy and takes advantage of the lot orientation.	Yes
<b>4M Facades</b>	<u>Design Guidelines:</u> Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale.	The proposed facades are well articulated with a mixture of vertical and horizontal features including windows, projecting walls and balconies. The facades also a mixture of materials to break down the scale of the buildings.  Overall, the proposed facade is considered a quality design outcome that is compatible with other comparable modern RFB within the wider locality	Yes
<b>4Q Universal Design 20% of the total apartments</b>	Achieve Liveable Housing Guidelines silver level universal design features	Complies	Yes
<b>4U Energy efficiency</b>		The application has been provided with a BASIX certificate indicating energy efficiency for each residential unit provided.	Yes
<b>4V Water management and conservation</b>	<u>Design Guidelines:</u> Reduce mains consumption, and reduce the quantity of stormwater runoff	The application has been provided with a BASIX certificate indicating water efficiency for each residential unit provided.	Yes
<b>4X Building Maintenance</b>	<u>Design Guidelines:</u> To ensure long life and ease of maintenance for the development	The proposed material is considered durable which may be easily cleaned.	Yes

## Design Quality Principles for Residential Apartment Development

Chapter 4 of the *State Environmental Planning Policy (Housing) 2021* requires that residential apartment development be assessed having regard to the nine design quality principles contained within Schedule 9 of the SEPP. The Apartment Design Guide (ADG) provides further guidance on how development proposals can achieve these principles through good design outcomes.

The modified development comprises the construction of a mixed use development with a scale of seven to 18 storeys, containing:

- five residential flat buildings comprising 479 apartments, including 81 affordable housing dwellings
- commercial premises
- basement car parking
- infrastructure upgrades including civil and stormwater works
- an outdoor public plaza and through-site link
- stratum subdivision of the site.

The design of the modified development has been informed by the design principles of the Housing SEPP, as outlined below.

### 1. Context and Neighbourhood Character

The modified development responds to the existing and planned urban context by delivering a built form that is consistent with the strategic planning framework for the locality. The scale, height and arrangement of buildings across the site integrate with the surrounding built environment and contribute to the evolving neighbourhood character.

### 2. Built Form and Scale

The modified development adopts a series of articulated building forms ranging from seven to 18 storeys. The distribution of buildings across the site, together with appropriate building separation and façade articulation, assists in reducing perceived bulk and establishing a balanced and legible built form.

### 3. Density

The modified development represents an efficient and appropriate use of land by delivering 479 residential apartments, including affordable housing, within a strategically located site. The proposed density supports urban consolidation objectives while maintaining appropriate levels of residential amenity.

### 4. Sustainability

The modified development incorporates sustainable design measures including appropriate building orientation, solar access, opportunities for natural ventilation and

compliance with BASIX requirements. These initiatives assist in reducing environmental impacts and improving the long-term environmental performance of the development.

#### 5.Landscape

Landscaping forms an integral component of the modified development, with landscaped areas, the provision of an outdoor public plaza and a through-site pedestrian link enhancing the public domain and providing high-quality communal spaces for residents and visitors.

#### 6.Amenity

The modified development provides a high level of residential amenity through well-designed apartment layouts, access to natural light and ventilation, private open space and communal open space areas. The site layout and building separation assist in maintaining privacy, outlook and solar access.

#### 7.Safety

The modified development incorporates principles of Crime Prevention Through Environmental Design (CPTED), including clearly defined building entries, active street frontages and passive surveillance of public areas such as the plaza and through-site link.

#### 8. Housing Diversity and Social Interaction

The modified development does not alter the approved dwelling mix provides a range of apartment types and sizes, including 81 affordable housing dwellings, contributing to housing diversity within the locality. Communal open spaces and the public plaza promote opportunities for social interaction and community engagement.

#### 9.Aesthetics

The architectural design of the modified development incorporates articulated façades, varied building forms and quality materials to create a cohesive and contemporary built form that contributes positively to the streetscape and surrounding urban environment.

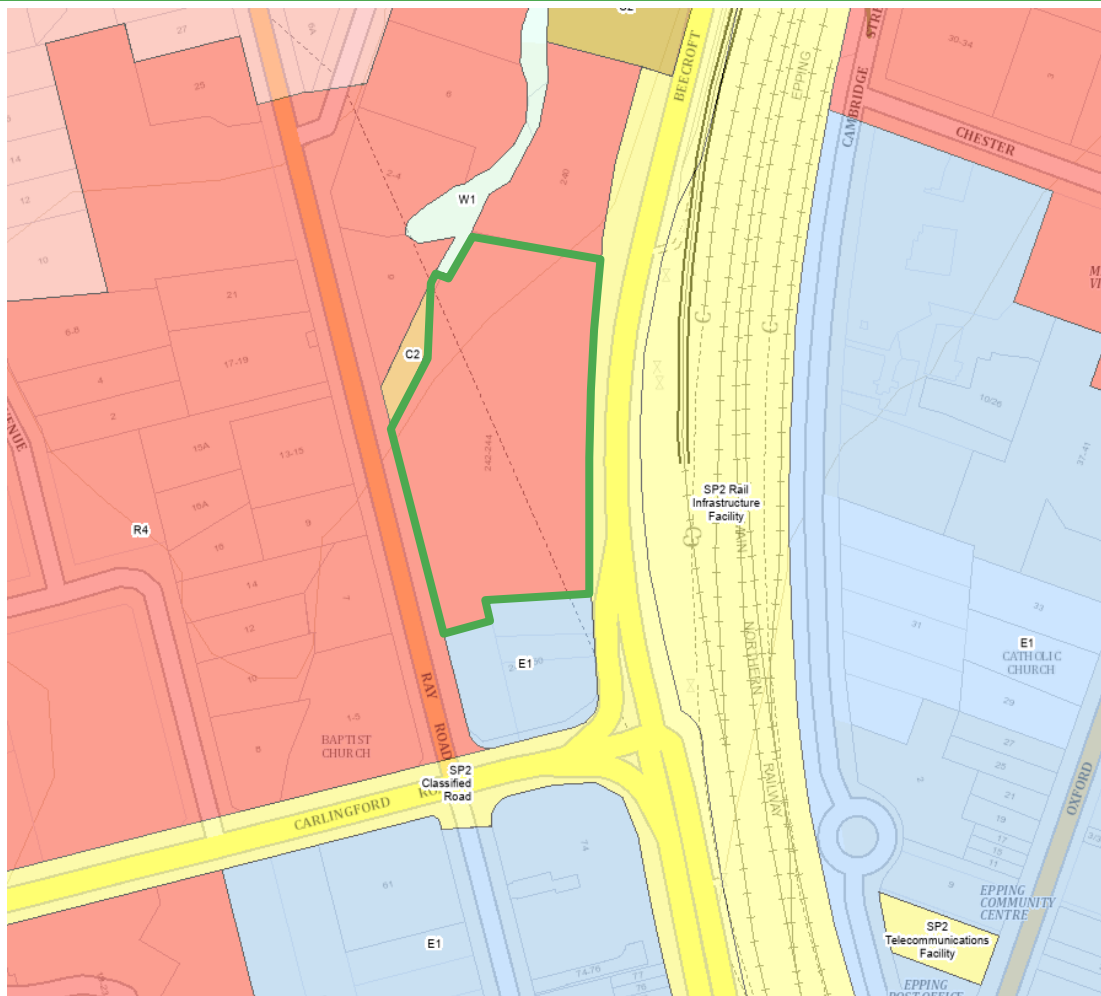
#### Conclusion

Having regard to the above, the modified development is considered to achieve the nine design quality principles contained within Schedule 9 of Chapter 4 of the Housing SEPP, and is consistent with the objectives of the Apartment Design Guide

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2023

As evident via the zoning map extract below, the development site remains zoned R4 High Density Residential by Parramatta Local Environmental Plan 2023.

Figure 3: Zoning Map Extract (Source: Parramatta LEP 2023).



 - Development Site

Residential Flat Buildings remain permissible with consent within the subject site and the proposal is consistent with the definition contained within the LEP and outlined below:

**Residential Flat Building** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

In the R4 High Density zone “Commercial premises” are prohibited however clause 4.38(3) of the Environmental Planning and Assessment Act allows partially prohibited developments to be approved with development consent, and this part of the development is consistent with the definition of Commercial Premises provided in the LEP:

*“Commercial premises means any of the following—*

- (a) business premises,*
- (b) office premises,*
- (c) retail premises.”*

The objectives of the R4 Mixed Use zone are listed below:

- 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 for high density residential development close to open space, major transport nodes, services and employment opportunities.*
- To provide opportunities for people to carry out a reasonable range of activities from their homes if the activities will not adversely affect the amenity of the neighbourhood.*

The modified development remains consistent with the objectives as:

- It provides for the housing needs of the community within a high density residential setting;
- It provides a mix of apartment types including affordable housing and a range of different bedrooms to provide a variety of housing types; and
- It provides other landuses that meet the day to day needs of residents including the on-site café.

The table below provides detail on the development standards relevant to the current proposal as well as other relevant LEP provisions.

**Parramatta Local Environmental Plan 2023 - Compliance Table**

Clause	Control	Comment	Complies
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<b>Zoning</b>	R4 – High Density Zone – Permitted with Consent	A residential flat building remains permissible with consent within the R4 - High Density Residential Zone. The commercial component is permissible in accordance with section 4.38 of the EP & A Act.	Yes
<b>Part 2 Permitted or Prohibited Development</b>			
<b>2.3</b>	Zone Objectives and Land Use Table	The amended development proposal remains consistent with the zone objectives of the R4 – High Density Zone.	Yes
<b>2.7</b>	Demolition Requires Consent	The demolition of the existing structures was approved in SSD 31576972.	Not Applicable
<b>Part 4 Principal Development Standards</b>			
<b>4.3</b>	Height of Buildings 48m	This amending development application utilises the 30% bonus height provisions in the Housing SEPP to achieve an overall height of 61.7m that complies with the Housing SEPP control.	N/A
<b>4.4</b>	Floor Space Ratio- 3.8:1	This amending development application utilises the 30% bonus floor space ratio provisions in the Housing SEPP to achieve an overall floor space ratio of 4.91:1 that complies with the Housing SEPP control.	N/A
<b>4.6</b>	Exception to Development Standards	The modification does not seek to further vary any LEP controls, other than height which are facilitated by the Housing SEPP.	Yes
<b>Part 5 Miscellaneous Provisions</b>			
<b>5.10</b>	Heritage Conservation	The site is not heritage listed or located within a heritage conservation area.	Yes
<b>5.21</b>	Flood Planning	The site is partially identified as being flood prone and the approved development appropriately responds to this constraint.	Yes
<b>Part 6 Additional Local Provisions</b>			
<b>6.1</b>	Acid sulphate soils	The subject site is not identified as being affected by Acid Sulphate Soils. Not applicable.	No change
<b>6.2</b>	Earthworks	No additional excavation is proposed as part of this modification.	N/A
<b>6.4</b>	Biodiversity	The site is not identified on the Natural Resources Biodiversity Map. Not applicable.	N/A



## 5 ENGAGEMENT

### 5.1 ENGAGEMENT WITH THE DEPARTMENT OF PLANNING, HOUSING AND INFRASTRUCTURE

Limited discussions have occurred with planning officers from the Department of Planning, Housing and Infrastructure about this proposed modification.

The Department formally rejected the proposed modification on 18 December 2025.

The following table outlines how the updated modification has responded to the rejection.

Department of Planning Clarification	Applicants Response
<b>Submit a concurrent modification application for the amending concept proposal for 242-244 Beecroft Road, Epping (SSD-68939460), aligning the proposed changes to approve maximum building heights</b>	As requested, a modification to Concept SSD 68939460 accompanies this revised section 4.55 modification.
<b>Submit landowners consent for both modification applications</b>	Landowners consent accompanies this revised submission
<b>Provide evidence that conditions before and B5 of SSD-68708456 open brackets below closed brackets have been satisfied:</b>	In accordance with condition B4 notification was provided to the Department on 24 December 2024. In accordance with condition B5, a request that the Key Sites team confirm that the modified proposal was submitted on 24 December 2025.

### 5.2 COMMUNITY ENGAGEMENT

It is understood that this modification will be placed on public exhibition and any submission received will be considered through the assessment of the application.

## **6 ASSESSMENT OF IMPACTS**

### **6.1 BUILT FORM**

The proposed amendments to the built form predominantly relate to the intent to improve constructability, and improving amenity for future residents. The changes have resulted in no changes to the overall GFA and a minor increase of building height by up to 125mm. These proposed modifications are considered negligible and will not significantly alter the approved built form.

As mentioned above the modified façade design is to improve buildability and to assist with building efficiency. The proposed changes to the façade will not have any adverse impacts on the locality.

### **6.2 STRUCTURAL**

The modified development does alter the structural columns due to service and structural coordination. The minor changes ensure the development complies with the NCC and is structurally sound,

### **6.3 TRAFFIC**

Minor changes are proposed to the carparking layout. The revised layout has been reviewed by traffic engineers and there are no perceived adverse impacts expected from this modification.

## 7 JUSTIFICATION OF MODIFICATIONS

This section outlines a comprehensive evaluation of social, biophysical and economic impacts, including the principles of ecologically sustainable development.

It will assess the potential benefits and impacts of the proposed development through consideration of specialist's reports and compliance with relevant policies and strategic frameworks.

### 7.1 PROJECT DESIGN

The proposed modification is minor in nature and has resulted from the design development and construction detailing. The amended design will enable improved efficiency and facilitate the construction of additional housing adjacent to the Epping Town Centre.

The proposed development continues to be suitable for the subject site and is located on the fringe of the Epping Town Centre with excellent access to public transport as well as to Sydney CBD. The proposal continues to contribute to the planning objectives outlined in District, region and the Parramatta Local Strategic Planning Statement.

### 7.2 STATUTORY CONTEXT

The proposed development continues to be permissible with consent and meets the requirements of the relevant statutory planning controls, including prescribed height limits, and floor space ratios, maximising the zoning potential. The compliance with the relevant provisions are as follows:

- The proposed development continues to be compliant with the relevant objectives of the EP&A Act as defined in Section 1.3 and especially in regard to S4.55 as addressed above.
- The modified development continues to be consistent with the principles of Ecological Sustainable Development specified on Schedule 2 (7)(94) of the *Environmental Planning and Assessment Regulation 2000* and will support the delivery of an Ecologically Sustainable Development.
- The proposed modification continues to have regards to the relevant matters required under the BC Act noting the original SSD application was supported by a request for BDAR waiver and initial assessment remains relevant and applicable.
- The SSDA pathways have been triggered in accordance with Schedule 1 Clause 19(2) of the *SEPP (Planning Systems) 2021* as the cost of development exceeds more than \$50 million.

- The modified development continues to comply with all the relevant SEPPs including *SEPP (Resilience and Hazard) 2021*, *SEPP (Transport and Infrastructure) 2021* and *SEPP (Housing) 2021*. The proposed modification complies with the relevant clauses of each of the SEPPs.
- The modified development continues to be compliant with the relevant clauses and controls stipulated under the Housing SEPP and Parramatta LEP 2023.

### 7.3 COMMUNITY VIEWS

No changes to community views are anticipated as part of this application, however, it is acknowledged that the modified development will be placed on public exhibition and all comments will be taken into consideration through the assessment by the Department.

### 7.4 LIKELY IMPACTS OF THE PROPOSAL

The following are the potential social, economic and environmental impacts perceived from the proposed development.

#### **Social Impacts**

- The modified development continues to include street activation works on Beecroft Road and Ray Road through new footpaths as well as commercial /retail spaces along Beecroft Road and the through site link and enhancing the pedestrian experience.
- The subject site benefits from large communal open spaces and the development will permit an increased number of people to live closer to these public benefits.
- The modified development continues to contribute to housing diversity within the Epping town Centre through the provision of multiple forms of housing and sizes that are limited in supply.

#### **Economic Impacts**

- The modified development will continue to provide significant benefits including jobs throughout the construction and operations of the building and supporting commercial floor space.
- The modified proposal will continue to provide additional retail spaces adjacent to the Epping Town Centre and will assist in supporting additional jobs.

#### **Environmental Impacts**

The modified proposed development seeks to minimise, avoid or offset impacts where possible, including by:

- Substantially complying with the Concept Building Envelope plans that were approved as part of the amended SSD concept application;
- Achieving a 5 star Green rating design for the development that ensures that the development is sustainable;
- Providing Residential Accommodation within walking distance of Epping Station to facilitate residents utilising public transport; and
- Providing Onsite services for future residents including a café, swimming pool, outdoor gym, BBQs. Communal lawns and a walking loop to promote casual social interaction;

## 7.5 SUITABILITY OF THE SITE

As described in the original application and within this report the proposed development for the subject site continues to be highly suitable for the following reasons:

- The development is permissible within the zone and is consistent with the prescribed objectives. The proposal will maximise its zoning potential for the subject site.
- The architectural design responds adequately to the site conditions
- The architectural design incorporates provides a through site link and will improve the public domain of both Beecroft Road and Ray Road through street activation.
- The proposal has addressed and is mostly compliant with State and Councils policies and objectives and controls for the subject site.
- The site is strategically located within proximity of the Epping Train and Bus Interchange and the Epping Metro. An increase in residential density within the Epping Town Centre and in close proximity to public transport has been supported through the Metropolis city, District plans and the LSPS.
- As supported by numerous specialists reports the proposed development will have minimal impacts on the surrounds and will not have any unreasonable impacts to neighbouring properties.

## 7.6 PUBLIC INTEREST

The proposed development continues to be in the public interest for the following reasons;

- The development will provide much needed upgrades on the public domain of Ray Road and Beecroft Road.
- Increase availability of housing and affordable housing within walking distances to extensive public transport.
- The proposal will provide diverse housing within the Epping Town Centre.
- The proposal will support the economic growth of the Epping Town Centre through an increase in jobs during construction and operation of the development.

## 8 CONCLUSION

Following a review of the relevant planning controls, it is concluded that the proposed modified development is consistent with the objectives, planning strategies and detailed controls of these planning documents. Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Having regard to the benefits of the proposal and considering the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the modification application, subject to necessary, relevant and appropriate conditions of consent.