

Department of Planning, Housing and Infrastructure

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Mixed Use Development with In-Fill Affordable Housing - Moseley Street and Donald Street, Carlingford

State Significant Development Assessment Report (SSD-83870463)

May 2026





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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Executive Summary

This report details the Department of Planning, Housing and Infrastructure's (the Department) assessment of the State significant development (SSD) application SSD- 83870463 for a mixed-use development, including infill affordable housing, located at 15A-15B Moseley Street and 25-31 Donald Street, Carlingford within City of Parramatta local government area.

The Trustee for Captag Investments Trust (the Applicant) seeks consent to construct a mixed-use development comprising two buildings up to 9 storeys with 118 apartments (95 market and 23 affordable), a childcare centre, and three levels of basement car parking. The proposal has an estimated development cost of \$101,819,136 and is expected to generate 159 construction jobs and 15 operational jobs.

The proposal is classified as SSD because it is an in-fill affordable housing development as specified in section 26A, Schedule 1 of the State Environmental Planning Policy (Planning Systems) 2021. The Minister for Planning and Public Spaces (Minister) is the consent authority for the proposal under section 4.5(a) of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The Department exhibited the environmental impact statement (EIS) from 9 October 2025 until 22 October 2025. During the exhibition period, the Department received:

- seven public submissions (four objections, one providing comments and two in support)
- a submission from City of Parramatta Council objecting to the proposal
- advice from two government agencies and one other external agency.

The Applicant submitted an amended application on 23 February 2026 under section 37 of the Environmental Planning and Assessment Regulation 2021. The amended application included a combined amendment report and a Response to Submissions (RtS) report which outlines how the proposal responds to the issues raised in submissions and by the Department.

Key amendments made to the proposal included the removal of two levels from Building B, removal of roof top communal open space from Building A, a reduction in number of residential apartments and car parking spaces, and facade amendments.

A further amendment report was submitted on 22 April 2026, which included the removal of demolition works, excavation works and the construction of three levels of basement floor slab and in-ground services from the proposal, as these works will be undertaken under DA/222/2024 and a subsequent modification application.

The Department has considered the merits of the proposal in accordance with the relevant matters under section 4.15(1) of the EP&A Act, the issues raised in the submissions, the Applicant's response and additional information.

The Department's assessment concludes that the proposal is acceptable as it:

- would support State government priorities to deliver well-located housing as it will deliver 118 apartments including 23 affordable housing apartments in an accessible location
- is permissible with consent and provides a mixed-use development with residential flat buildings, consistent with the objectives of Housing SEPP to increase housing density and support the delivery of affordable housing in accessible areas
- exhibits a high design quality that will deliver good internal amenity to future occupants of the development
- provides a massing and built form that will not result in unreasonable amenity impacts, including privacy or overshadowing impacts, to the surrounding area
- is well-located, near multiple public transport options, resulting in minimal traffic and parking impacts to the surrounding area.
- would provide for 159 construction jobs, 15 operational jobs

The Department considers the impacts of the proposal can be appropriately managed or mitigated through the implementation of recommended conditions of consent. The Department recommends that the proposal be approved, subject to conditions.

This report was provided to the decision maker for consideration when deciding whether to grant consent to the SSD.

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1 Proposal overview

1.1 Details of the application

Table 1 Key details

Application number	SSD- 83870463	Date lodged	29/09/2025
Applicant name	The Trustee for Captag Investments Trust		
Site address	15A-15B Moseley Street and 25-31 Donald Street, Carlingford		
Legal description	Mixed Use Development with In-Fill Affordable Housing	Local Government Area	City of Parramatta
Assessment pathway	State significant development specified in Section 26A of Schedule 1 of State Environmental Planning Policy (Planning Systems) 2021		
Zoning	R4 - High Density Residential under Parramatta Local Environmental Plan 2023 (PLEP)		
Permissibility	Permissible with consent		
Consent Authority	The Minister for Planning and Public Spaces		
Decision maker	Director, Affordable Housing Assessments, under delegation		

1.2 Proposal location

The subject site is shown in Error! Reference source not found. and Error! Reference source not found. with further location details in Table 2.

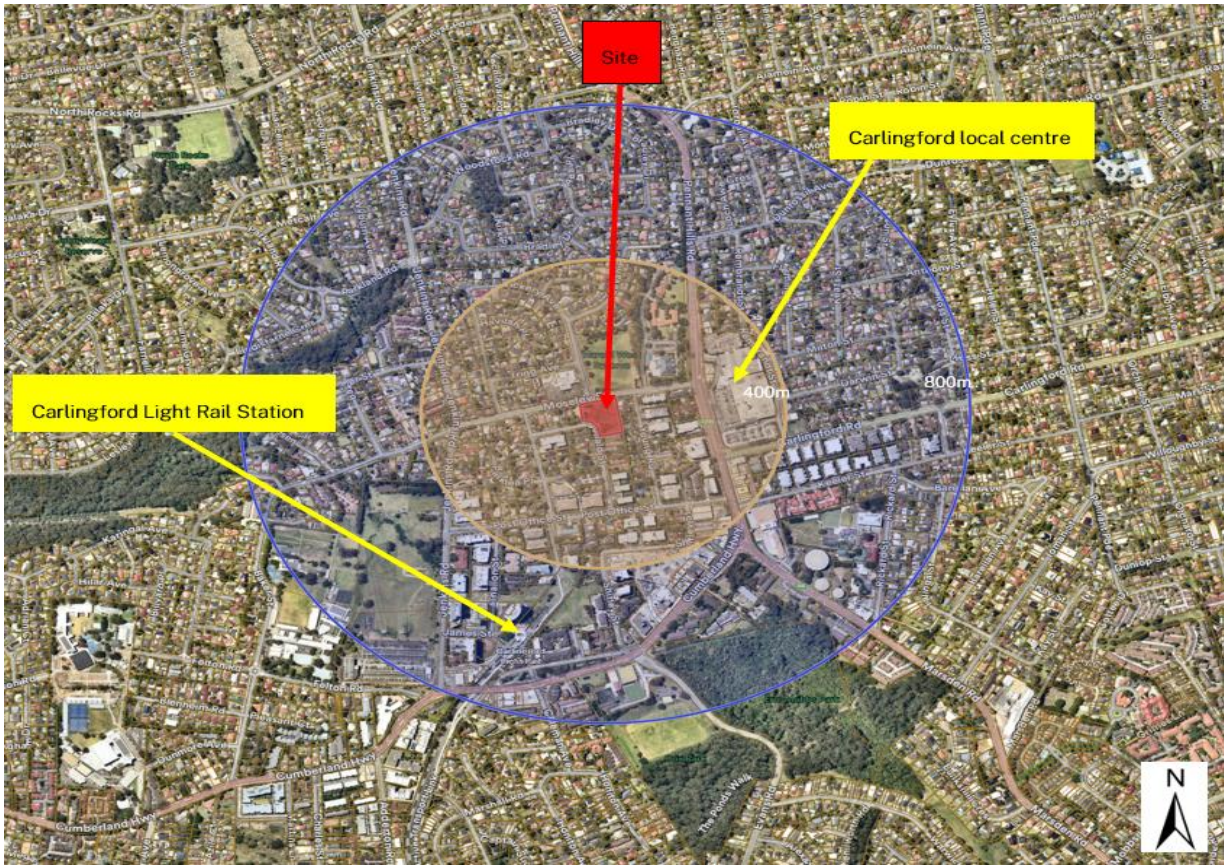


Figure 1 | Regional context map (Base source: Nearmap 2025)



Figure 2 | Local context map (Base source: Nearmap 2025)

Table 2 Proposal location details.

Aspect	Description
Legal Description	Lots 2 and 5 in DP35555, Lots 32–35 in DP536982
Site area	5,948 m ²
Existing development	The site is vacant, except for a display suite and sales office located at 31 Donald Street.
Surrounding Context	<p>The surrounding features include:</p> <ul style="list-style-type: none"> • single and two-storey low to medium density dwellings to the south • a vacant lot to the west • St Paul’s Anglican Church and Harold West Reserve to the north • single storey low density dwellings to the east. Further to the east, across Young Road, is a 6-storey residential flat building.
Surrounding roads	The site has a 79 m frontage to Moseley Street and approximately 45 m frontage to Donald Street.
Public transport access	<p>The site is located:</p> <ul style="list-style-type: none"> • approximately 657 m north-east of the Carlingford light rail station • within 220 m of a bus stop with high frequency services on Pennant Hills Road.
Low and mid rise (LMR) housing area	The site is located within 430 m walking distance of Carlingford Court Shopping Centre and is therefore within the LMR outer area.
Topography	The site slopes down from the north-east corner to the south-western portion of the site, with a diagonal fall of approximately 9 m.
Flooding	The site is not subject to mainstream flooding or overland flooding constraints.
Easements or covenants	The properties at 15A Moseley Street, 27 and 29 Donald Street, are burdened by a 1.83 m wide drainage easement benefiting City of Parramatta Council (Council).

1.3 Proposal description

The Applicant seeks consent for a mixed-use development comprising two buildings up to 9 storeys with 118 apartments (95 market and 23 affordable), a 410 m² childcare centre, communal space, landscaping and basement car and bicycle parking

The key aspects of the proposal are outlined in Table 3. Further detail is provided in the Description of Amendments chapter of the amendment reports (see Appendix A),

Table 3 | Key aspects of the proposal

Aspect	Description									
Built form	Mixed-use development comprising: <ul style="list-style-type: none"> • Building B: a 7-storey mixed-use building, including a ground floor childcare centre with residential apartments above • Building A (comprising Towers A1 and A2): 9-storey residential flat building • a common basement for the residential component. 									
Dwellings / residential apartment yield	118 Apartments (23 affordable and 95 market apartments), including:									
	Residential apartment size & mix (no. of bedrooms)									
	<table border="1"> <thead> <tr> <th>1 Bed</th> <th>2 Bed</th> <th>3 Bed</th> <th>4+ Bed</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>9</td> <td>74</td> <td>20</td> <td>15</td> <td>118</td> </tr> </tbody> </table>	1 Bed	2 Bed	3 Bed	4+ Bed	Total	9	74	20	15
1 Bed	2 Bed	3 Bed	4+ Bed	Total						
9	74	20	15	118						
Non-residential use	A childcare centre located on the ground floor of Building B.									
Gross floor area (GFA)	Total GFA of 12,242 m ² , comprising: <ul style="list-style-type: none"> • 11,832 m² residential GFA <ul style="list-style-type: none"> ○ 9,986 m² market housing GFA ○ 1,846 m² affordable housing GFA • 410 m² non-residential GFA (childcare centre). 									
Floor Space ratio (FSR)	2.058:1									

Aspect	Description
Building heights	<p>Maximum building heights (to lift overruns/ parapets), including:</p> <ul style="list-style-type: none"> • Building A, Tower A1: nine storeys - RL 130.450 (28.65 m) • Building A, Tower A2: nine storeys – RL 130.600 (29.1 m) • Building B: seven storeys – RL 131.500 (25.3 m).
Basement / other parking / bicycle parking	<ul style="list-style-type: none"> • 167 car parking spaces (20 accessible spaces) over three basement levels, including: <ul style="list-style-type: none"> ○ 126 market dwelling car parking spaces ○ 19 affordable dwelling car parking spaces ○ 22 visitor car parking spaces (including 1 car wash bay) ○ vehicular access from Donald Street • 105 bicycle spaces (including 10 visitor spaces) • 5 motorcycle parking spaces • 23 spaces (1 accessible space) provided for the childcare centre, including: <ul style="list-style-type: none"> ○ 11 visitors/ drop-off and pick-up spaces ○ 12 staff car parking spaces ○ vehicular access from Moseley Street.
Open Space and landscaping	<ul style="list-style-type: none"> • 1,508 m² (25.3 %) communal open space (COS) located at the ground level, between Buildings A and B. • 1927 m² (32.4 %) landscaped area, including 1,032 m² (17.35 %) deep soil areas.
Associated works that form part of the application	<ul style="list-style-type: none"> • Removal of trees T68 and T71. • Planting 34 new trees. • Stormwater with an on-site detention system. • Consolidation of 6 existing lots. • Landscaping and public domain works.
Community Housing provider	Link Wentworth
Estimated development cost	\$101,819,136.00

Aspect	Description
Employment	159 construction jobs and 15 operational jobs.
Staging	<p>Two construction stages are proposed:</p> <ul style="list-style-type: none"> • Stage 1: internal fit-out of three (3) level basement parking and construction of Building A (Towers A1 and A2), civil works and tree removal • Stage 2: Construction of Building B from childcare centre level and above, landscaping and public domain works <p>Note: Each stage will deliver 15% of its GFA as affordable housing.</p>



Figure 3 | Perspective – view from Moseley Street (Source: Applicant's RtS)



Figure 4 | Perspective – view from Donald Street (Source: Applicant's RtS)

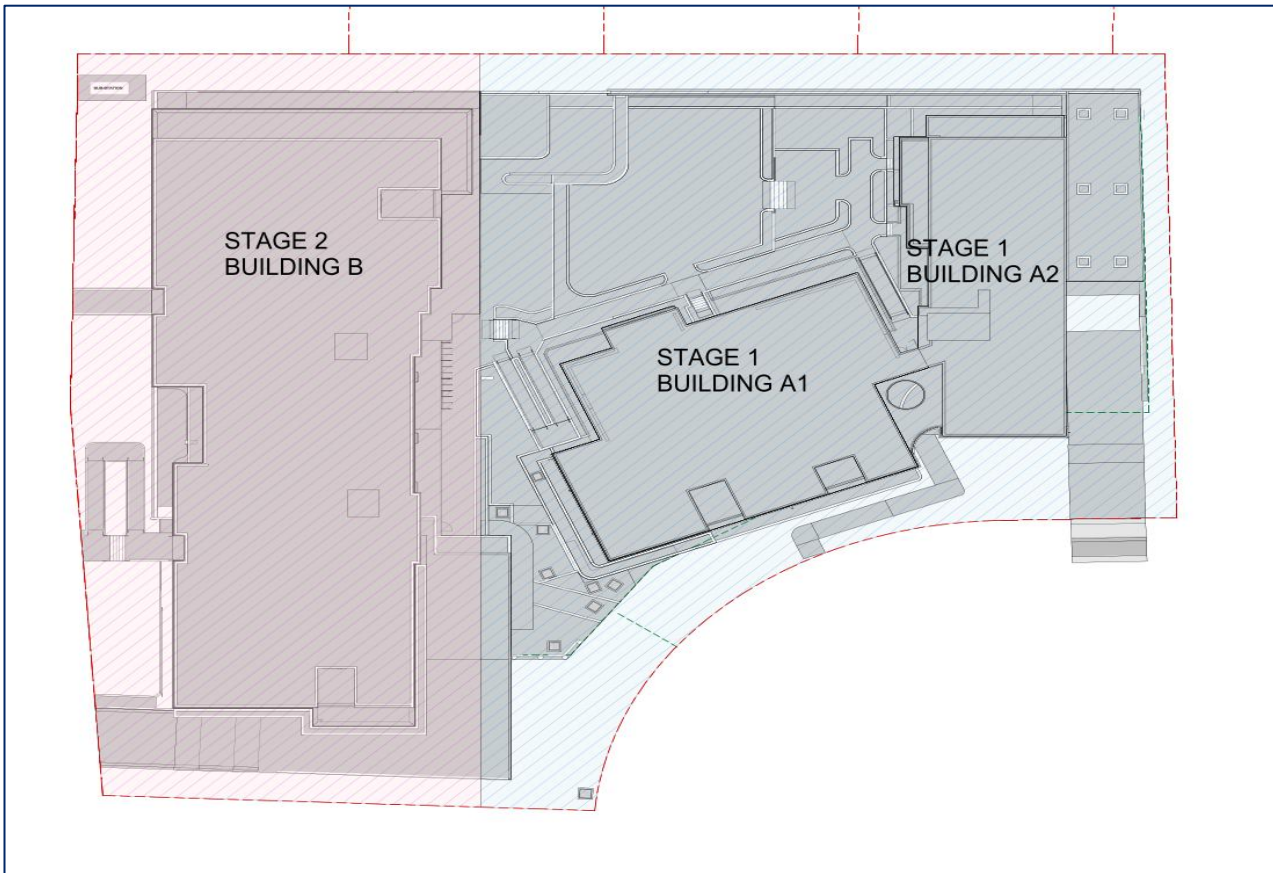


Figure 5 | Staging Plan (Source: Applicant's RtS)

1.4 Related projects and works

1.4.1 Related projects or work

Table 4 Related projects or works

Related works	Summary description
Development Consent DA/747/2023 (Change of use)	<p>A change of use approval for the existing dwelling at 31 Donald Street to use a display suite and sales office with associated parking landscaping and signage was granted in June 2024.</p> <p>This consent has been activated, and the approved use is operational.</p>
Development consent for early works DA/219/2024	<p>An approval for early works, including demolition of all existing buildings and structures on site, as well as tree removal (excluding the property at 31 Donald Street) was granted in October 2024.</p> <p>Demolition works have been completed.</p>
A staged Development application to construction a mixed-use development – DA/222/2024	<p>A staged development application for the demolition of existing buildings, and the construction of two residential apartment buildings up to 4-6 storeys in height comprising 91 apartments (including 22 affordable housing units), a childcare centre and associated basement car was granted deferred commencement approval by NSW land and Environment Court on 27 June 2025.</p> <p>The deferred commencement condition has been satisfied, making the consent operative, and excavation works have commenced under this consent.</p>
S4.56 modification application DA/222/2024/A	<p>S 4.56 modification of DA/222/2024 to include amendments to the building structure, services, fire egress, basement slab levels, and residential units was approved on 17 March 2026 by City of Parramatta Council.</p>

1.4.2 Relationship with approved DA

The SSD proposal seeks approval for a development that generally aligns with the design intent of the approved scheme under DA/222/2024, as well as the bonus applicable under the in-fill housing provisions of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP).

While the SSD seeks additional height and density, it maintains the key design attributes of the approved DA including:

- mixed-use building and residential flat buildings with a similar orientation, built form, basement footprint and layout

- articulation and building materials
- childcare use on the ground level of Building B
- vehicular access to the residential basement from Donald Street
- ground floor communal open space.

While the proposal maintains the above key design attributes, it includes changes that improve amenity and minimise potential conflicts between the childcare centre and the residential uses, including the relocation of the outdoor play area to the north-eastern corner. It also includes a separate car parking area and vehicular access from Moseley Street, improving the function and operation of both the residential component and the childcare centre, with minimal conflict.

The demolition and excavation works for the site have commenced and will be completed under DA/222/2024, including construction of basement floor slab and in-ground services. These works are not included in the SSD, as amended.

Accordingly, to ensure both consents can operate over the site without any inconsistencies, a condition of consent is recommended to modify DA/222/2024 under s 4.17 (1) (b) and (5) of the EP&A Act.

A comparison of the approved development and the proposed development is shown in Figures 6 and 7.



Figure 6 | Perspective images of Approved DA (left) and proposal (right) from Donald Street (Source: Applicant's RtS)



Figure 7 | Perspective images of Approved DA (left) and proposal (right) from Moseley Street (Source: Applicant's RtS)

2 Engagement

2.1 Exhibition of the EIS

After accepting the development application and EIS, the Department:

- publicly exhibited the proposal from 9 October 2025 until 22 October 2025
- notified occupiers and landowners in the vicinity of the site
- notified and invited comment from relevant government agencies and Council.

The Department officers visited the site and surrounding area on 30 October 2025 to gain better understanding of the site context and the issues raised in submissions.

2.2 Submissions and agency advice

All submissions and advice from government agencies can be found on the NSW planning portal ([link here](#)). A summary of the key issues raised and how the Applicant responded to those issues is set out below.

Table 5 Summary of engagement

Aspect	Details
Submissions received	<p>During the exhibition period, the Department received:</p> <ul style="list-style-type: none"> • Seven public submissions (four objections, one providing comments and two in support) • a submission from Council objecting to the proposal.
Council's views	<ul style="list-style-type: none"> • Council objected to proposal, key concerns being the variation to the height and FSR controls, and impacts on the desired future character.
Key issues raised during exhibition	<ul style="list-style-type: none"> • The bulk and scale of the development is not compatible with the local character • Visual privacy impacts • Potential negative impact on property values • Traffic congestion • Increased infrastructure demand (schools)
Advice from government agencies	<ul style="list-style-type: none"> • TfNSW raised no concerns regarding the impacts of the proposal on the classified road network. • DCCEE Water requested groundwater inflow details.
Other external agencies	<ul style="list-style-type: none"> • Endeavour Energy raised no concerns and recommended conditions.
Applicant's response to submissions	<ul style="list-style-type: none"> • The Applicant provided a submissions report, along with an amendment report on 23 February 2026 (see Appendix A). • Key actions to address the issues raised included: <ul style="list-style-type: none"> ○ removal of two levels from Building B, reducing from 9 to 7 storeys ○ removal of communal open space from the rooftop of Tower A1 in Building A ○ reduction in the total number of apartments from 136 to 118 ○ reduction in GFA/ FSR ○ reduction in car parking spaces façade changes to improve privacy between buildings.

Aspect	Details
Applicant's response to agency advice	<ul style="list-style-type: none">• Key actions to address the issues raised by agencies involved amending the proposal to exclude excavation works, as these works are instead being undertaken under DA/222/2024. The information requested regarding groundwater inflow is therefore no longer required.

3 Assessment

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

Section 3.1 outlines the key matters the Department considers are relevant to the assessment of the application. All other issues that are relevant to the assessment have been addressed in:

- Appendix B – Statutory matters for consideration
- Appendix C- Department’s consideration of community views
- Appendix D- Department’s consideration of other issues
- Appendix E – Consideration of Clause 4.6 variation requests.

Overall, the Department considers the likely impacts of the development are acceptable and can be appropriately managed or mitigated through the implementation of recommended conditions of consent.

3.1 Key issues

An assessment of the key issues relevant to the assessment of the proposal is provided in Table 6.

Overall, the Department is satisfied that the issues have been adequately addressed through changes to the proposal and the recommended conditions of consent.

Table 6 Consideration of key issues

The Department’s consideration of the key issues

Building height and density

The site has a maximum permissible FSR of 1.95:1 and a maximum permissible building height ranging from 22.75 m to 27.3 m comprising:

- an FSR of 1.5:1 and a maximum height of 17 m (excluding 25 Donald Street) as the site is located within the LMR outer area, in accordance with chapter 6 of the Housing SEPP
- a maximum height of 21 m for 25 Donald Street, in accordance with the PLEP
- an additional 30% increase in FSR (+0.45:1) and height (+ 5.25 m and 6.3 m), is permitted under the in-fill affordable housing bonus as a minimum of 15% of the total GFA is provided as affordable housing for 15 years.

The Department's consideration of the key issues

The proposal has a total GFA of 12,242 m² or an FSR of 2.058:1, which exceeds the maximum permitted FSR for the site by 5.54% (643.4 m²). The proposed building heights range between 25.3 m to 29.1 m, which also exceed the maximum permissible height of buildings for the site by up to 5.9 m (25.93%), as detailed in Table 6A and Figure 9 below.

Table 6A I Maximum building height exceedance

Component	Location	Development standard	Proposed height	Extent of variation
Building A (Tower A1)	Roof parapet	22.75m	28.65m (RL 130.450)	+5.9m (25.93%)
Building A (Tower A2)	Top of lift overrun	27.3m	28.65m (RL 131.500)	+1.35m (4.94%)
	Edge of the building	27.3m	29.1m (RL 112.600)	+1.8m (6.59%)
Building B	Top of lift overrun (eastern)	22.75m	25.3m (RL 131.500)	+2.55m (11.20%)
	western edge of the building (roof parapet)	22.75m	24.05m (RL 130.350)	+1.3m (5.71%)

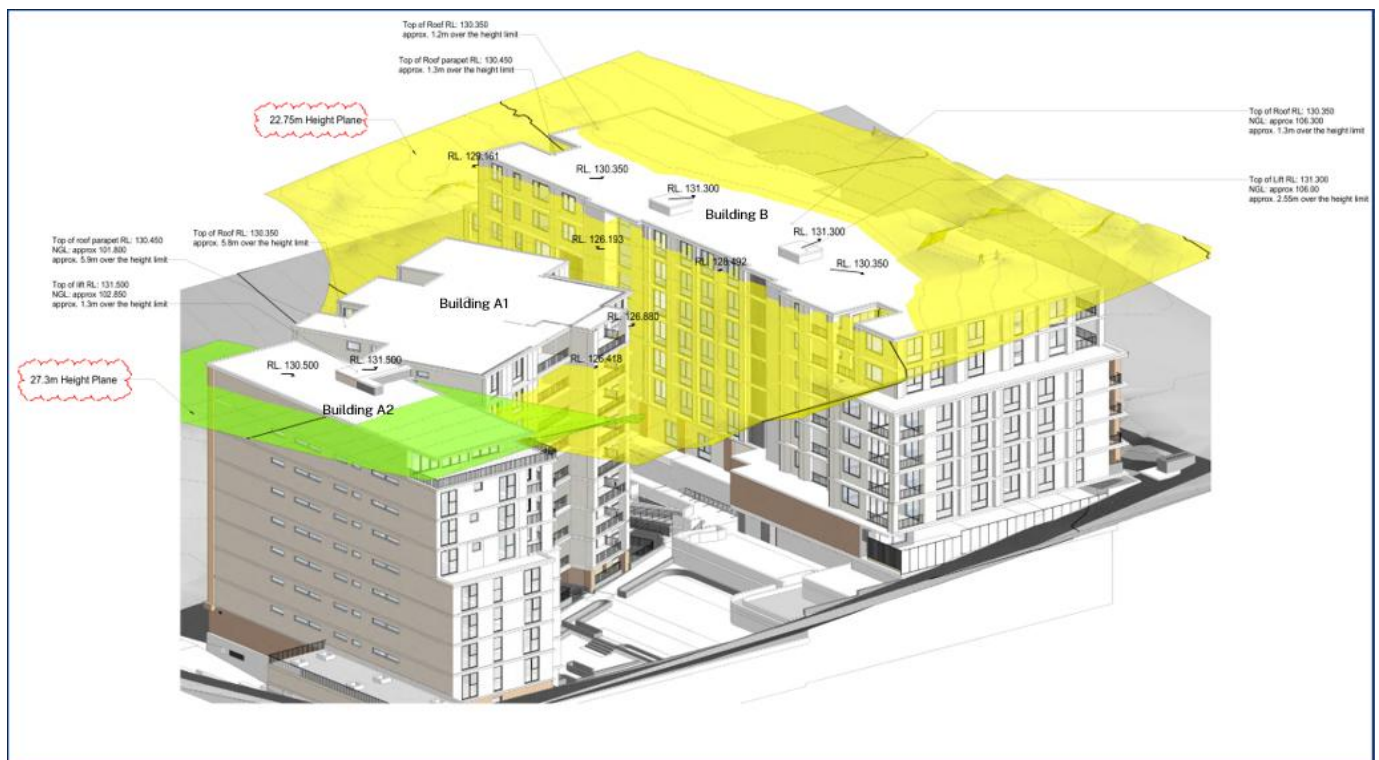


Figure 9 I Rooftop elements of Buildings A & B protruding above the maximum permissible height planes (Source: RtS)

The Department's consideration of the key issues

The Applicant submitted clause 4.6 variation requests for both the building height and FSR variations (Appendix A).

Both Council and public submissions raised concerns that the proposed bulk and scale is not compatible with the local character of the area. Council also considered that the submitted clause 4.6 variation requests are not well founded as the exceedances contribute to excessive bulk and scale.

The Department acknowledges the concerns raised about the proposed building height and density, as well as the resultant bulk and scale of the development.

The Department notes that the site is within a R4 high density zone, within an accessible area identified as being appropriate for midrise housing. The proposal is also eligible for a further 30% bonus as it provides for 15% of the gross floor area as affordable housing for 15 years. In this context, the Department is satisfied that the overall height, density and scale is appropriate for the site.

The Department has carefully considered both the building height and FSR variations against the requirements of clause 4.6 of the PLEP in Appendix E. On balance, the Department considers that these variations are acceptable in the circumstances as:

- while the proposal seeks additional height and density, it generally aligns with the design intent of the approved scheme under DA/222/2024 and maintains its key design attributes
- the proposal provides a bulk and scale that is compatible with the desired future high-density character of the precinct. The development presents a 6-storey building (at Moseley Street level) to the R2 and RE1 zoned land to the north, providing an appropriate transition in scale with the 9-storey building form located to the south, consistent with the R4 high-density zoned land to the east, south and south-west
- although Tower A1 in Building A, contains some GFA located above the maximum building height plane, it is centrally located within the site so that the bulk and scale of the building does not result in any unreasonable impacts on the adjoining properties
- the proposal would not result in any unreasonable impacts on neighbouring development in terms of privacy and overshadowing
- strict numerical compliance would not result in any meaningful improvement to the built form or reduction in impacts.

The Department therefore concludes that both the proposed density and building height are acceptable and that the variations would not result in any unreasonable environmental impacts.

Recommended conditions/response:

No specific conditions are required in relation to this issue.

The Department's consideration of the key issues

Relationship to neighbouring properties and future character

The Housing SEPP requires the consent authority to consider whether the design of the development is compatible with the desirable elements of the character of the area or, for precincts undergoing transition, the desired future character of the precinct.

Council and public submissions raised concerns that the proposal would be incompatible with the existing and desired character of the area. Council also raised concerns that the Moseley Street setback is not consistent with the approved DA or the Parramatta Development Control Plan 2023 (PDCP).

The Applicant provided a contextual analysis of the relationship of the proposal to potential future development of surrounding sites, particularly to the south and south-west, having regard to LMR controls. The Applicant contends that the proposal aligns with the desired future character of Carlingford as the proposed built form and scale responds to the existing streetscape and the evolving character of the area, the bulk and scale, and setbacks of the proposal are consistent with the approved DA, and the proposal would not unreasonably impact the amenity of neighbouring properties.

The Department notes that the surrounding area is categorised by a mix of low to high density residential development. While existing developments to the south and west are currently predominantly low density, the R4 zoning and applicable controls under the PLEP and LMR (see Figure 10) will enable Carlingford to transform into a high-density locality around Carlingford Light Rail station and Carlingford Court shopping centre.

In particular, the Department notes that the immediate neighbouring sites to the east, south and south-west are zoned R4, with maximum permissible heights ranging from 16 m to 27 m and FSRs from 1:1 to 1.99:1. The LMR controls applying to the surrounding areas range from 1.5:1 FSR and 17.5 m in height (outer area) to 2.2:1 and 22 m in height (inner area).

Future developments on surrounding sites may also utilise the infill affordable housing bonuses and increase the permissible FSRs and building heights by up to 30%.

Furthermore, the Department notes a Housing Delivery Authority (HDA) recently considered an expression of interest (EOI) for a residential proposal with an FSR of 4.6:1 and a building height of 52 m to the south-east of the site at 2-16 Young Road, Carlingford. The HDA considered that the proposal as set out in the EOI had State significance, and consequently the Minister declared the project SSD. While the HDA nor the Minister have endorsed the EOI, the SSD declaration allows for a proposal to be submitted to and assessed by the Department, potentially allowing for increased height and density on this site.

The Department's consideration of the key issues



Figure 10 | The proposed development (looking south from Mosley Street) in the context of LMR and PLEP controls, showing two different options for future development on adjoining sites (Source: RtS)

In this context, the Department is satisfied that this proposal would be compatible with the desired future character of the area as:

- the proposal provides a scale of development that generally aligns with the design intent of the approved scheme under DA/222/2024 and maintains its key design attributes
- the building height is compatible with the high-density zoning and relevant planning controls which would allow heights of 16 m – 27 m (from 4 to 8 storeys) on land immediately to the east, south and south-west
- the development presents a 6-storey building (at Moseley Street level) to the R2 and RE1 zoned land to the north, providing an appropriate transition in scale and is consistent with the exiting residential flat buildings along Moseley Street in terms of number of storeys and street setback
- the building form effectively distributes bulk across the site, responds to the site's topography, maintains sufficient setbacks to adjoining residential properties and provides deep soil buffers with landscaping that contribute positively to the streetscape.

The Department is satisfied that the proposal achieves a high standard of design that would positively contribute to the quality and amenity and desired future character of Carlingford.

Recommended conditions/response:

No specific conditions are required in relation to this issue.

The Department's consideration of the key issues

Visual impacts

Council and public submissions raised concerns regarding adverse visual impacts of the proposed development.

The Applicant has provided a visual impact analysis in the EIS, and the design report identifies key viewpoints along Moseley Street and Donald Street that demonstrate the visual appearance of the development in the locality. The analysis concludes that the amended proposal is visually well integrated into the surrounding context and would have limited visual impacts due to the site's lower elevation and building siting reducing prominence. The proposal is also consistent with existing residential buildings at the eastern end of Moseley Street and the southern end of Donald Street.

The Department has carefully considered the Applicant's visual impact analysis, and the community concerns about the visual impacts of the proposal.

The Department acknowledges that the proposal will be visually prominent, particularly when viewed from the existing low-density dwellings on the immediately surrounding properties. However, the R4 high density zoning of the land and applicable planning controls anticipate a change in the built form character of the area to high-density development.

On balance, the Department considers that the visual impacts on neighbouring properties are acceptable because:

- while the proposal is seeking variations to FSR and building height standards, the design locates the majority of the bulk and scale centrally within the site to minimise visual impacts to adjoining properties
- the building form effectively distributes the building bulk by presenting a 6-storey building (at street level) to the Moseley Street frontage and locating the 9-storey components away from the R2 and RE1 zoned land to the north
- the proposal maintains sufficient setbacks to adjoining properties, including a generous 8.8 m setback to the neighbouring properties to the south at ground level, and provides deep soil buffers with landscaping to minimise any visual impacts of the built form
- the proposal is consistent with the PLEP and the Housing SEPP provisions, which anticipate similar scaled building on the surrounding sites.

Overall, the Department concludes the visual impacts of the proposal are reasonable and consistent with the strategic intent for the area.

Recommended conditions/response:

No specific conditions are required in relation to this issue.

The Department's consideration of the key issues

Design quality

The Housing SEPP requires the consent authority to consider the design quality of the development.

Council raised a number of concerns about the proposed design, including:

- awkward relationships between the buildings results in poor internal amenity
- the reduction in useable communal open space (COS) due to the poor organisation of the buildings
- the overall presentation of the development
- the proposal does not maintain the approved front setback of 9m to Moseley Street.

The Department has considered the concerns raised by Council and the Applicant's response (Appendix A), a well as the design approved under DA/222/2024, which includes a 9 m setback to Moseley Street. On balance, the Department is satisfied that the proposal achieves a high-quality design for the following reasons:

- the proposal generally aligns with the design intent of the approved scheme under DA/222/2024 and maintains its key design attributes, including the building configuration and location of communal open space
- the 6.5 m setback to Moseley Street, although 2.5m less than the 9 m provided in the approved DA, maintains a positive relationship with the public domain and is compatible with the setback of nearby developments, including the residential flat building at 17-21 Moseley Street, while also providing increased separation between Buildings B and A, resulting in improved amenity
- the proposal includes the planting of five large canopy trees and other plants and shrubs within the setback to enhance the streetscape, soften the built form and contribute positively to the public domain
- the proposal provides approximately 1,508 m² (25.3%) of COS with principal area achieving at least 2 hours of solar access at mid-winter, in line with the ADG.
- the development presents a 6-storey building (at Moseley Street level) to the R2 and RE1 zoned land to the north, providing an appropriate transition in scale. it is also consistent with existing residential flat buildings along Moseley Street in terms of number of storeys and street setback
- the development promotes sustainable design and improves the immediate public domain through well-designed landscaped spaces and new planting
- the development would not result in unacceptable amenity impacts on the future occupants or neighbouring properties, is consistent with the design principles in the Housing SEPP, and provides good amenity to future residents in line with the ADG
- the proposal includes articulated facades, materials and colours that would complement the character of the locality.

The Department is satisfied that the proposal achieves a high standard of design that would positively contribute to the quality and amenity and desired future character of the precinct.

Recommended conditions/response:

Conditions recommended requiring the Applicant to adhere to the approved materials, colours and finishes and ensure that the reflectivity of the building is minimised.

The Department's consideration of the key issues

Building separation and visual privacy

The ADG recommends minimum building separations of 6 m (up to 4 storeys, 9 m (between 5 - 8 storeys), and 12 m (above 8 storeys).

The proposal is generally consistent with the above recommendations; however, the following variations are noted:

- Building A provides reduced setbacks to the southern boundary from Level 4 and above (8.51 m) and at Level 9 to the eastern (8.51 m) and southern (9 m) boundaries
- Building B also has reduced setbacks at Level 6, ranging from 6.29 m to 8.6 m.

These variations affect four apartments, including one in Building A (801) and three apartments in Building B (608, 612 and 617), as shown in Figure 11.

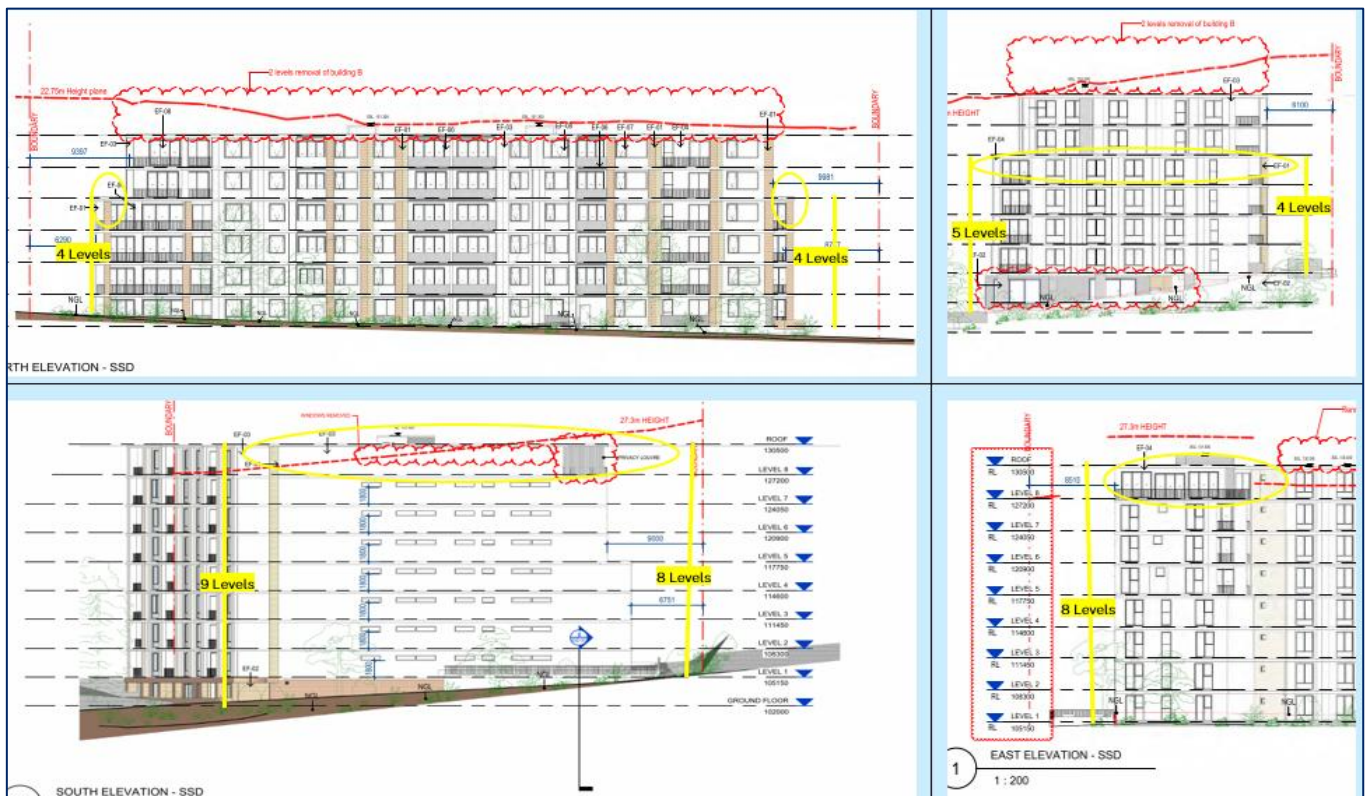


Figure 11 | Northern (left) and eastern (right) elevations of Building B (top) and southern and eastern elevations of Tower A2 in Building A (bottom) (Base source: Architectural Plans)

Council raised concerns that the proposal would reduce privacy to neighbouring properties. Additionally, a public submission also raised concerns regarding the privacy impacts on surrounding properties due the height of the development.

The Department has carefully reviewed the proposed setbacks and concludes the variations from the ADG recommended setbacks are acceptable in the circumstances as:

The Department's consideration of the key issues

- the variations arise primarily due to the steep topography of the site
- the southern façade of Building A at 9th storey has a blank wall, while the eastern balcony includes a privacy screen along its southern edge reducing opportunities for overlooking into neighbouring properties
- the variations at the northern façade of Building A at the 9th storey and the eastern façade of Building B at the 5th storey are primarily due to the slope of the land, and in both cases the buildings present as the 8th and 4th storey respectively from the neighbouring properties, thereby meeting the intent of the ADG design criteria providing a 6m setback up to 4 storeys and a 9m setback up to 8 storeys
- the western façade of Building B at level 6 (fifth storey) only affects one apartment (612) which has a setback of 8.6 m. Given the minor nature of this variation (0.4m), no unreasonable privacy impacts are anticipated
- the proposal includes a minimum of 8.51 m setback to the southern boundary at ground level, ensuring adequate separation and assisting in minimising overlooking and overshadowing impacts on adjoining properties.

The Department is therefore satisfied that the proposed building separation is acceptable and that the proposal is unlikely to result in unreasonable adverse amenity impacts on neighbouring properties.

Internal Privacy:

Council also raised concerns regarding the privacy within the development arising due to the configuration and separation of buildings.

The proposal generally achieves the recommended internal building separations between the proposed buildings except for the separation between Buildings A and B from Level 4 and above ranging between 12.13 m to 16.05 m.

The Department notes that the proposal generally aligns with the design intent of the approved scheme under DA/222/2024 and maintains its key design attributes, including the building configuration. The Department considers that the proposal incorporates appropriate design measures to mitigate any potential privacy impacts between the buildings, including offsetting habitable room windows, privacy screening, high sill windows and operable louvers.

Recommended conditions:

Provision of proposed privacy treatments prior to the issue of any occupation certificate.

The Department's consideration of the key issues

Overshadowing impacts

The ADG provides design guidance around minimising overshadowing to neighbouring development, including that overshadowing be minimised to the south or downhill by increased upper-level setbacks.

The Applicant has provided mid-winter (21 June) shadow diagrams between 9 am and 3 pm, which demonstrate the impact of the proposal, including the impacts of the building height exceedances (highlighted in yellow and green) on surrounding properties (Figure 12)

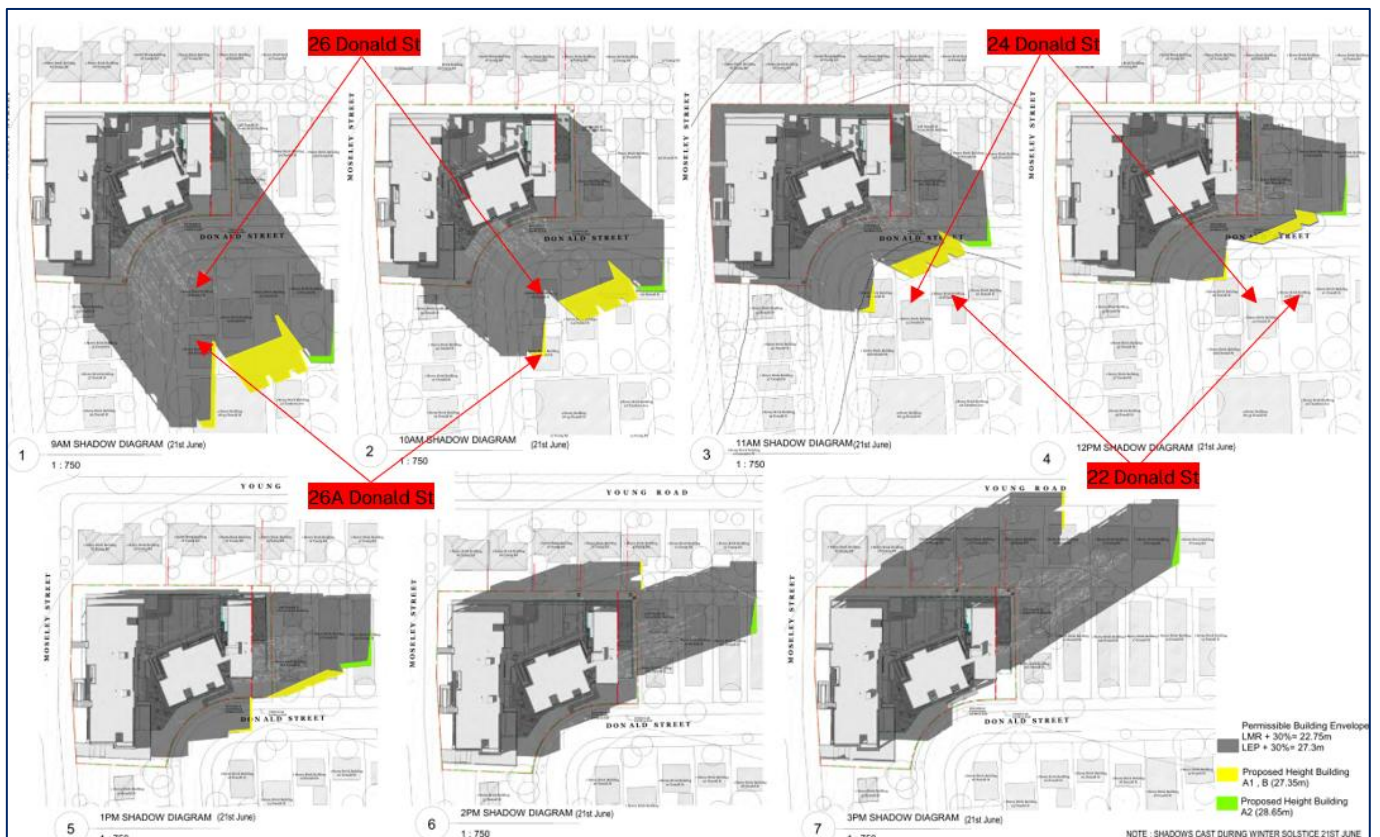


Figure 12 | Shadow diagrams showing overshadowing between 9am to 3pm (1 hour interval) mid-winter (Base source: RtS)

Council raised concerns regarding additional overshadowing of neighbouring properties.

The Department has carefully considered the overshadowing impacts of the proposal on neighbouring properties and acknowledges that the height exceedance would result in additional overshadowing of 22, 24, 26, 26A Donald Street, primarily between 9am to 11am.

The Department notes that due to topography of the site and surrounding area, as well as the siting of adjoining properties, any high-density redevelopment of the site, would overshadow neighbouring properties to the south and south-west. However, the Department considers the extent of proposed overshadowing acceptable and consistent with the ADG as:

The Department's consideration of the key issues

- all adjoining neighbouring properties, including 22, 24, 26, 26A Donald Street, would continue to receive at least two hours solar access between 9 am and 3 pm at mid-winter
- the height exceedance beyond the maximum permissible height control would result in overshadowing of private open space at 26 and 26A Donald Street, located at the front of these properties. However, these areas are surrounded by dense planting and are situated below the street level. As such, the majority of the additional shadow is cast either on the roof of the dwellings or within front yards already shaded by existing vegetation. Accordingly, the increase in overshadowing impacts between 9am and 11am is considered acceptable in the circumstances.

On balance, the Department is satisfied that the development would not unreasonably overshadow neighbouring residential developments in line with the ADG design guidance.

Recommended conditions/response:

No specific conditions are required in relation to this issue.

4 Evaluation

The Department's assessment has considered the merits of the proposal in accordance with the relevant matters under section 4.15(1) of the EP&A Act, the issues raised in the submissions, the applicant's response and additional information.

The Department's assessment concludes that the proposal is acceptable as it:

- would support State government priorities to deliver well-located housing as it will deliver 118 apartments including 23 affordable housing apartments in an accessible location
- is permissible with consent and provides a mixed-use development with residential flat buildings, consistent with the objectives of Housing SEPP to increase housing density and support the delivery of affordable housing in accessible areas
- exhibits a high design quality that will deliver good internal amenity to future occupants of the development
- provides a massing and built form that will not result in unreasonable amenity impacts, including privacy or overshadowing impacts, to the surrounding area
- is well-located, near multiple public transport options, resulting in minimal traffic and parking impacts to the surrounding area.
- would provide for 159 construction jobs, 15 operational jobs

The Department has recommended a range of conditions to manage any residual environmental impacts (see the recommended conditions of consent at **Appendix F**).

The Department has formed the opinion that the impacts of the development are acceptable and can be appropriately managed or mitigated through the implementation of recommended conditions of consent. Consequently, the Department considers the proposal is in the public interest and should be approved subject to conditions.

5 Recommendation

It is recommended that the **Director of Affordable Housing Assessments**, as delegate of the Minister for Planning and Public Spaces:

- considers the findings and recommendations of this report
- accepts and adopts the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- notes how community views have been considered in the assessment and agrees with the key reasons for approval listed in the notice of decision
- grants consent for the application in respect of mixed-use development with in-fill affordable housing - Moseley Street and Donald Street, Carlingford (SSD-83870463), as amended, subject to the conditions in the attached development consent
- signs the attached development consent (**Appendix F**).

Prepared by: Akshay Bishnoi
Senior Planner, Affordable Housing Assessments

Recommended by:



Andy Nixey
Team Leader
Affordable Housing
Assessments

6 Determination

The recommendation is adopted by:

AWatson

1 May 2026

Amy Watson

Director

Affordable Housing Assessments

Appendices

Appendix A – List of referenced documents, submissions and advice

The following documents can be accessed at <https://www.planningportal.nsw.gov.au/major-projects/projects/mixed-use-development-fill-affordable-housing-moseley-street-and-donald-street-carlingford>

- Environmental impact statement
- Amendment and submissions report
- Applicant’s additional information
- Clause 4.6 variation requests
- Submissions (public and Council)
- Government agency advice

Appendix B – Statutory matters for consideration

Matters for consideration required by the EP&A Act

Section 4.15 of the EP&A Act sets out general matters to be considered by a consent authority when determining a development application. The table below outlines the consideration of these matters.

Table 6 Matters for consideration

Matter	Consideration
Environmental planning instruments, proposed instruments, development control plans & planning agreements	The Department is satisfied that the development is consistent with the development standards and other provisions applicable to the site. Refer to Appendix B and Appendix E – Clause 4.6 variation requests. 0
EP&A Regulation	The Department is satisfied that the application meets the requirements of the EP&A Regulation.

Matter	Consideration
	The Department is satisfied that the State Significant Development Guidelines and the matters outlined in the Secretary’s environmental assessment requirements have been adequately considered and addressed.
Likely impacts	Refer to Section 3.1 – Assessment of key issues, this appendix (Appendix B), Impacts on the community (Appendix C) and Other impacts (Appendix D)
Suitability of the site	The Department is satisfied the site is suitable for the proposed development and is consistent with the policy and statutory framework. Refer to Section 3 – Assessment
Public submissions	Refer to Section 2 - Engagement & Appendix C – Consideration of community views
Public interest	Weighing all relevant considerations the Department considers the proposal is in the public interest. Refer to Section 2 - Engagement, Section 3 - Assessment & Section 4 – Evaluation.

Objects of the EP&A Act

In determining the application, the consent authority should consider whether the proposal is consistent with the relevant objects of the EP&A Act (s1.3). Consideration of those factors are provided in

Table 8 below.

As a result of its analysis the Department is satisfied that the development is consistent with the objects of the EP&A Act.

On 15 December 2025, the Environmental Planning and Assessment Amendment (Planning System Reforms) Act 2025 (PSR Act) repealed and replaced the objects of the EP&A Act. The objects have been revised to promote a proportionate and risk-based approach to planning.

However, the new objects do not apply to DAs and modification applications lodged before 15 December 2025. Accordingly, the SSD addresses the objects of the EP&A Act prior to the commencement of PSR Act.

Table 8 Objects of the EP&A Act and how they have been addressed

Object	Consideration
<p>(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,</p>	<ul style="list-style-type: none"> • The proposal promotes the social and economic welfare of the community by providing additional housing, including affordable housing, and jobs at an accessible site, contributing to the achievement of State, regional and local planning objectives. • Environmental impacts will be balanced by replacement tree planting and landscaping works. • The proposed development does not have any impacts on the State’s natural or other resources.
<p>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</p>	<ul style="list-style-type: none"> • The proposal includes ESD initiatives and sustainability measures such as passive solar design and thermal massing, which will meet and exceed the Building Sustainability Index (BASIX) requirements and achieve an average 7.2 Star NatHERs with individual apartments achieving a minimum of 6 Stars.
<p>(c) to promote the orderly and economic use and development of land,</p>	<ul style="list-style-type: none"> • The proposal represents the orderly and economic use of the land, primarily as it will increase housing and employment opportunities near services and public transport. • The proposed land uses are permissible, and the form of the development has regard to the planning controls that apply to the site, the desired character and context of the locality and surrounding sites.

Object	Consideration
(d) to promote the delivery and maintenance of affordable housing,	<ul style="list-style-type: none"> The proposal will provide 23 affordable housing apartments, to be managed by a registered CHP for a minimum of 15 years from the date of occupation.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	<ul style="list-style-type: none"> The proposal will not adversely affect the protection of the environment. A Biodiversity Development Assessment Report waiver was granted on 25 June 2024.
(f) to promote the sustainable management of built and cultural heritage, (including Aboriginal cultural heritage)	<ul style="list-style-type: none"> The proposal would not have an adverse impact on any built heritage items or conservation areas. The proposal is accompanied by an Aboriginal Heritage Impact Assessment report, which confirm that there is low potential for Aboriginal archaeological sites or historical relics to be present on the site.
(g) to promote good design and amenity of the built environment,	<ul style="list-style-type: none"> The proposal demonstrates a good design approach to the relevant planning controls and the below consideration of apartment design guide. The building has been designed to minimise amenity impacts to neighbours and the surrounding environment and to provide good levels of internal amenity. Other amenity impacts will be managed by either the form of the development or by the recommended conditions of consent for mitigation measures during the construction and operational phase of the development. The proposal generally aligns with the design intent of the approved scheme under DA/222/2024, including the proposed orientation, built form, building layout and façade articulation.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	<ul style="list-style-type: none"> The proposal demonstrates that construction work will be undertaken in accordance with national construction standards, relevant regulation and the site-specific construction management plan. Any impacts during this phase will be monitored and managed in keeping with the conditions of consent set out to mitigate any impacts. Ongoing management and maintenance of the development would be managed by the building management.

Object	Consideration
<p>(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</p>	<ul style="list-style-type: none"> The Department publicly exhibited the proposal as outlined in Section 2. This included consultation with Council and other government agencies, and consideration of their responses.
<p>(j) to provide increased opportunity for community participation in environmental planning and assessment.</p>	<ul style="list-style-type: none"> The Department publicly exhibited the EIS and the Amendment Report, which included notifying neighbouring landowners and displaying the application on the Department’s website. The Department placed the Applicant’s submissions reports and additional information on its website, in addition to providing a copy to Council and other relevant government agencies. The engagement activities carried out by the Department are detailed in Section 2.

Ecologically sustainable development

The EP&A Act adopts the definition of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

The Applicant has committed to achieving the following minimum sustainability targets:

- achieve minimum average of 7.2-star NatHERS rating
- meet or exceed BASIX minimum Energy and Water and thermal performance requirements.

The proposal also provides for good sustainable design through the provision of adequate cross-ventilation and solar access.

The Department has considered the proposal in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making process via a thorough and rigorous assessment of the environmental impacts of the proposal. The conservation

principle has been applied through the provision of new landscaping around, on and within the proposal and the valuation principle has been applied through the efficient use of the site, application of sustainability measures and creation of new employment opportunities.

The Department has recommended conditions requiring the implementation of ESD measures and minimum sustainability targets.

Subject to the above conditions, the proposal will be consistent with ESD principles, and the Department is satisfied the future detailed development is capable of encouraging ESD, in accordance with the objects of the EP&A Act.

Biodiversity development assessment report (BDAR)

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

A BDAR waiver request was submitted to the Department on 21 May 2025. The Environment Agency Head of DECCEW and the Team Leader Affordable Housing Assessments, as delegate of the Planning Secretary, determined that the development is not likely to have any significant impact on biodiversity values. Consequently, a BDAR waiver was granted on 25 June 2025.

EP&A Regulation

The EP&A Regulation requires the Applicant to have regard to the *State Significant Development Guidelines* when preparing their application. In addition, the SEARs require the Applicant to have regard to the following:

- *Social Impact Assessment Guideline for State Significant Projects*
- *Undertaking Engagement Guidelines for State Significant Projects*

The Department considers the requirements of the EP&A Regulations have been complied with.

The provisions of any Environmental Planning Instruments (EPIs)

State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)

The proposal is SSD under section 2.6(1) and section 26A of Schedule 1 of the Planning Systems SEPP, being an in-fill affordable housing development pursuant to Chapter 2, Part 2, Division 1 of the State Environmental Planning Policy (Housing) 2021 as it is located on land within the Central River City in the Six Cities Region with an estimated development cost of more than \$75 million.

State Environmental Planning Policy (Housing) 2021 (Housing SEPP)

A summary of the Department’s consideration of aspects of the proposal with the relevant provisions and non-discretionary development standards contained in the Housing SEPP are provided in Table 7.

Details of any aspects of the proposed development that are not wholly consistent with the requirements and controls of the Housing SEPP, and that are considered significant to the assessment are detailed in Section 3.

Table 7 Housing SEPP considerations

Housing SEPP 2021 Clause / Control	Requirement	Compliance
Chapter 2, Part 2 Development for Affordable housing		
15C: Applicability	<ul style="list-style-type: none"> Permissible with consent ≥10% affordable housing (AH) gross floor area (GFA), and in an accessible area. 	✓ <ul style="list-style-type: none"> Proposal has 15.07% AH. The site is 657 m from Carlingford Light Rail Station.
16: Floor space ratio (FSR) and building height bonus	<ul style="list-style-type: none"> Max FSR + up to 30% (based on AH%) where min. AH ≥10%. Max Height + up to 30% (based on AH%) where min. AH ≥10%. 	X FSR <ul style="list-style-type: none"> Base 1.5:1 of Chapter 6 of the Housing SEPP Maximum permissible 1.95:1 (including 30% bonus) Proposed 2.05:1 Exceedance by 643.4 m² (5.54%) X HOB <ul style="list-style-type: none"> Base Height for Buildings B and A1 under Chapter 6 of the Housing SEPP= 17.5 m Maximum permissible Buildings B and A1 = 22.75 m (including 30% bonus) Maximum proposed Building B and A1 = 28.65 m (exceeding by 5.9 m or 25.93%) Base Height for Tower A2 in Building A under PLEP= 21 m

Housing SEPP 2021 Clause / Control	Requirement	Compliance
		<ul style="list-style-type: none"> Maximum permissible Tower A2 in Building A = 27.3 m (including 30% bonus) Maximum proposed Tower A2 in Building A = 28.65m (exceeding by 1.35m or 4.94%) <p>The Department has considered variations to the maximum permissible FSR and building height in Appendix E.</p>
19: Non-discretionary development standards	<ul style="list-style-type: none"> Min. site area 450m² Min landscaped area: the lesser of 35m² per dwelling or 30% of site area Parking: Affordable dwellings: 0.4 (1 BR) / 0.5 (2 BR) / 1.0 (3+ BR), and Parking: Market dwellings: 0.5 (1 BR) / 1.0 (2 BR) / 1.5 (3+ BR) 	<p>✓</p> <ul style="list-style-type: none"> Site = 5948 m² [✓] Landscaping = 32.4% (1,927 m²) [✓] Parking = Car parking for affordable and market dwellings meets the minimum requirement [✓]
20: Design requirements	Design of the residential development is compatible with the desirable elements of the character of the local area or the desired future character of the precinct	✓ The proposal is considered compatible with the desired future character of Carlingford (Section 3).
21: Must be used for affordable housing for ≥15 years	AH component to be managed by registered CHP for ≥15 years.	✓ The application includes a letter from Link Wentworth confirming management of Affordable Housing component. Condition recommended.
Chapter 6 Low and Mid Rise Housing, Part 4 – Residential flat buildings and shop top housing		
174: Development permitted with consent	Residential flat buildings (RFBs) and Shop Top Housing are permitted with consent in low and mid-rise housing areas in Zone R2 and R3.	✓ Residential flat buildings are permitted in R4 Zoned Land under PLEP.
176: Development standards – outer area	Development standards for RFBs within the R3 and R4 zone in the Outer Area (FSR 1.5:1, Ht 17.5m, Max 4 storeys).	X The Department has considered variations to the maximum permissible FSR and building height in Appendix E .

Housing SEPP 2021 Clause / Control	Requirement	Compliance
177: Landscaping	Consent authority must consider the Tree Canopy Guide for RFBs/Shop Top Housing in low and mid-rise areas.	✓ The proposal addresses the tree canopy guide and provides a minimum of 21.2% tree canopy.

Design of the development

Under Section 147(1)(a) of Chapter 4 of the Housing SEPP consent authorities must consider the design principles for residential apartment development set out in Schedule 9 while Section 147(1)(b) requires the consent authority to consider the Apartment Design Guide (ADG).

However, Section 147(3) of the Housing SEPP does not require a consent authority to require compliance with the design criteria specified in the ADG.

The Department has considered the proposal against the design principles of Schedule 9 in Table 10 below and against the key design criteria of the ADG in Table 9.

Table 8 Department's consideration of the design principles in Schedule 9 of the Housing SEPP

Schedule 9 Principle	Requirement	Consistent?
Context and neighbourhood character	Respond to surrounding context, natural features, and desired future character.	✓ Consistent with the desired future character as discussed in Section 3.
Built form and scale	Ensure appropriate height, bulk and scale; provide sensitive transitions to adjoining development.	✓ The built form is acceptable as discussed in Section 3. Variation to the FSR and building height are discussed in Appendix E and Section 3.
Density	Density must be compatible with infrastructure capacity and strategic housing objectives.	✓ The proposed buildings are of an appropriate density and scale consistent with the desired future character of the area and the provisions of the Housing SEPP.

Schedule 9 Principle	Requirement	Consistent?
Sustainability	Incorporate passive design, cross ventilation, solar access, energy/water efficiency and BASIX.	✓
Landscape	Provide high-quality landscape design, canopy cover, deep soil zones, and retain significant trees where possible.	✓ The proposed deep soil zones and landscape areas meets the requirements specified in the ADG.
Amenity	Deliver good residential amenity including outlook, natural ventilation, solar access, privacy and open space.	✓ The proposal satisfies the intent of the ADG in terms of achieving a high level of residential amenity for future residents (see ADG assessment in Table 11 below)
Safety	Apply CPTED principles; ensure safe, legible and secure spaces.	✓ The submitted design report demonstrates that how proposal has been designed to positively contribute to the safety of the neighbouring streets and creates a welcoming and safe place to live for future residents.
Housing diversity and social interaction	Provide an appropriate dwelling mix and communal areas to support diversity and interaction.	✓ The proposed development provides a range of one, two, three and four-bedroom apartments with a variety of sizes and types
Aesthetics	Achieve a well-proportioned, articulated and visually attractive design with quality materials.	✓ The proposed development demonstrates a high standard of architectural design, with materials and finishes that effectively articulate the building form and respond to the site's context and constraints.

Apartment Design Guide

Table 9 Department's consideration against the ADG best practice design criteria

ADG – Relevant Criteria	Requirement	Consistent?
3A Site analysis	A site analysis must be prepared that identifies opportunities and constraints and informs the design response.	✓
3B Orientation	Orient buildings to optimise solar access and natural ventilation; minimise overshadowing of neighbours and the public domain.	<p>✓ 70% units achieve solar access, and 72% units achieve natural ventilation.</p> <p>Overshadowing to the adjoining properties to the south at Donald Street are assessed under Section 3.</p>
3C Public domain interface	Provide active street frontages, clearly defined entries, minimal blank walls, and services screened.	✓
3D Communal open space	At least 25% of site area as communal open space; principal usable part ≥50% to receive 2 hrs direct sunlight between 9am–3pm on 21 June (mid-winter); minimum dimension of principal area ≥3 m.	<p>✓</p> <ul style="list-style-type: none"> • 25.3% of the site area is provided as communal open space • At least 50% of the principal communal open space would receive 2 hours of solar access (between 9am to 11am) mid-winter.
3E Deep soil zones	<p>Deep soil provided per site size:</p> <p>Sites >1,500 m²: 7% of site, min dimension 6 m</p>	✓ 11.4% (minimum dimension 6m)
3F Visual privacy	<p>Minimum separation distances:</p> <ul style="list-style-type: none"> • Up to 12 m (≤4 storeys): 6 m habitable / 3 m non-habitable • 12–25 m (5–8 storeys): 9 m habitable / 4.5 m non-habitable • >25 m (9+ storeys): 12 m habitable / 6 m non- 	X Minor variations proposed (see Section 3.1).

ADG – Relevant Criteria	Requirement	Consistent?
	habitable +3 m separation where adjoining lower-density zones. Balconies may be reduced with privacy screening.	
3G Pedestrian access	Entrances must be safe, direct, universally accessible, and clearly identifiable from the street.	✓
3H Vehicle access	Locate and design vehicle access to be safe, efficient, and minimise conflict with pedestrians and landscaped areas.	✓
3J Bicycle and car parking	Comply with the SEPP (or Guide to Traffic Generating Developments) or Council’s lesser rate.	✓ Proposed car parking rates consistent with the Housing SEPP.
4A Solar and daylight access	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.	✓ <ul style="list-style-type: none"> • 70% (83/118) of apartments receive minimum required solar access. • 15% (18/118) of apartments receive no solar access.
4B Natural ventilation	Minimum 60% of apartments to be naturally cross-ventilated.	✓ <ul style="list-style-type: none"> • 72.9% (86/118) of apartments are naturally ventilated. • While apartments 708 and 806 have a cross over depth of 18m, these units have three external aspects and therefore are considered acceptable.
4C Ceiling heights	Ceiling heights: <ul style="list-style-type: none"> • Habitable rooms = 2.7 m • Non-habitable rooms = 2.4 m • Two-storey apartments: min 2.7 m to main 	✓

ADG – Relevant Criteria	Requirement	Consistent?
	living level, min 2.4 m to 2nd level if ≤50% of dwelling • Ground/first floor in mixed-use = 3.3 m • Retail = 3.3–4.0 m (depending on use)	
4D Apartment size and layout	Minimum internal areas: • Studio = 35 m ² • 1 br = 50 m ² • 2 br = 70 m ² • 3 br = 90 m ² +5 m ² for each additional bathroom +12 m ² for each additional bedroom beyond 3.	✓ <ul style="list-style-type: none"> • 1 bedroom – 52 to 55 m² • 2 bedroom – 75 to 85 m² • 3 bedroom – 96 to 183 m² • 4 bedroom – 127 to 135 m²
4E Private open space and balconies	Minimum private open space: • 1 br: 8 m ² , depth ≥2 m • 2 br: 10 m ² , depth ≥2 m • 3+ br: 12 m ² , depth ≥2.4 m • Ground floor apartments: 15 m ² , depth ≥3 m Only areas ≥1 m wide count toward total.	✓ <ul style="list-style-type: none"> • Ground floor apartments have private open space areas greater than 15m². • All upper-level apartments include a balcony that meets or exceed the minimum size and depth requirements.
4F Common circulation and spaces	Maximum 8 apartments per core per level; in buildings ≥10 storeys, maximum 40 apartments per lift.	✓ A maximum of 7 apartments are proposed off a circular core
4G Storage	Minimum storage: • Studio: 4 m ³ • 1 br: 6 m ³ • 2 br: 8 m ³ • 3+ br: 10 m ³ At least 50% must be within the apartment.	✓ <ul style="list-style-type: none"> • Storage provided within apartments and basement. • Volume of storage for each apartment is provided in accordance with the minimum rates recommended in the ADG
4H Acoustic privacy	Apartments to comply with ADG 4H acoustic criteria and relevant Australian Standards; minimise internal and external noise impacts.	✓ Apartments are appropriately stacked and laid out to prevent noise transfer between apartments.

ADG – Relevant Criteria	Requirement	Consistent?
4K Apartment mix	Provide a mix of dwelling sizes appropriate to market demand and demographics.	✓ <ul style="list-style-type: none"> • 1 Bed - 7.6%, • 2 Bed - 62.7% • 3 Bed - 16.9%, • 4 Bed - 12.7%
4L Ground floor apartments	Must achieve adequate privacy, outlook, and street activation (min 1 m elevation or landscape buffer).	✓
4M Facades	Facades must be articulated, well-proportioned, and use materials/detailing appropriate to context.	✓
4N Roof design	Roofs must integrate with the building form; screen plant and equipment.	✓
4O/4P Landscape & planting on structure	Provide quality landscape design; podium/roof planting must allow for adequate soil depths.	✓
4Q Universal design	Developments over 20 units to include ≥20% adaptable units; universal design features to be incorporated.	✓ <ul style="list-style-type: none"> • 24 Liveable housing dwellings (20%) • 15% (18 units) of all apartments would be adaptable as well as liveable
4T Awnings and signage	Awnings and signage must be integrated and appropriate to the street.	✓
4U Energy efficiency	Meet BASIX and NatHERS targets; maximise passive design.	✓
4V Water management	Ensure stormwater quality, reuse, and compliance with Council/ADG.	✓

ADG – Relevant Criteria	Requirement	Consistent?
4W Waste management	Provide adequate, accessible and well-designed waste storage/collection facilities.	✓
4X Building maintenance	Buildings must demonstrate safe and efficient access for ongoing maintenance.	✓

State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP)

Chapter 2

The T&I SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

Section 2.48 of the T&I SEPP requires the consent authority to notify the relevant utility authority about the proposal. Accordingly, the Department notified Ausgrid. Ausgrid raised no concerns subject to recommended conditions of consent.

The proposal was referred to Transport for NSW (TfNSW) for comment pursuant to Section 2.122 and Schedule 3 of the T&I SEPP. TfNSW raised no concerns, subject to conditions of consent, regarding the impacts of the proposal on classified road network surrounding the site.

Chapter 3

Clause 3.23 requires that the provisions of the Child Care Planning Guideline be taken into consideration. An assessment of the proposed childcare centre against the design quality principles and spatial controls is provided in Table 12.

Table 12 | Consideration of the Child Care Planning Guideline

Section	Response
2. Design Quality principles	
Principle 1 - Context	The proposed childcare centre is located on the ground floor of Building B and is surrounded by similar scaled development adjoining Carlingford Court shopping centre.

Section	Response
Principle 2 – Built form	The proposal is considered consistent in scale with the surrounding area. The overall proposal includes appropriate articulation to ensure it both break up the building scale and sit comfortably in the broader Carlingford locality.
Principle 3 – Adaptive learning spaces	An outdoor play area is provided to accommodate 76 children. The fit out and operation of the proposal will be undertaken through a separate application.
Principle 4 – Sustainability	The proposed building includes measures to minimise consumption of resources including high performance glazing systems and sun shading devices on the façade.
Principle 5 – Landscaping	The proposal includes well designed landscaping to the outdoor play area which contributes to diversity in function and use, learning assets and amenity.
Principle 6 – Amenity	The proposed building envelope provides for a building that can achieve natural ventilation and solar access. The internal layout of the childcare centre will be subject to a separate application for the fit out and operation of the centre. The proposal is not expected to lead to adverse privacy, acoustic or visual impacts to the surrounding area.
Principle 7 – Safety	Operation of the proposed childcare centre will be detailed in a separate application for the fit out and operation of the centre. Fencing is proposed around the outdoor play area to provide for acoustic and privacy protection.

3. Matters for Consideration

3.1 Site selection and location	The proposed childcare centre is located in a mixed-use residential building adjacent to several residential flat buildings and Carlingford Court shopping centre. The proposal is not located on flood prone, or bushfire prone land.
3.2 Local character, streetscape and public domain interface	The proposed childcare centre is located in a contemporary mixed-use development which is consistent with the zoning of land and emerging development in the area surrounding Carlingford Court shopping centre. The proposal includes measures delineate between the childcare centre and other areas of the development.
3.3 Building orientation, envelope and design	The proposal is located on the ground floor of Building B and is setback appropriately from the adjoining eastern and northern boundaries in line with ADG building separation requirements. The proposed childcare centre has a primarily north-eastern aspect to optimise solar access. The future application for fit-out and operation of the centre will identify further design measures to ensure good amenity to both the indoor and outdoor play areas.
3.4 Landscaping	The proposal includes well designed landscaping to the outdoor play area which contributes to diversity in function and use, learning assets and amenity. Deep soil planting in the northern setback contributes to landscape character.

Section	Response
3.5 Visual and acoustic privacy	The location of the centre provides for minimal opportunities for overlooking from within the development. To ensure acceptable noise intrusion and emission from the centre, the proposal includes acoustic fencing/wall along the eastern side of outdoor play area and part northern side to minimise any noise impacts arising from the use of the centre.
3.6 Noise and air pollution	The Noise Impact Assessment confirms that subject to acoustic design of the façade, noise impacts will be appropriately managed. Given the location of the site and nature of surrounding uses, there is a low likelihood of potential air pollution issues.
3.7 Hours of operation	Operational requirements will be considered as part of a separate application for the fit-out and operation of the childcare centre.
3.8 Traffic, parking and pedestrian circulation	Off-street car parking on the ground floor of Building B, separate to the residential parking is proposed in accordance with the PDCP rates.
4. Applying the National Regulations to development proposals	
4.1 Indoor space requirements	<p>A minimum of 3.25 m² of unencumbered indoor space is required per child. The proposal has the capacity to provide for 247 m² of unencumbered indoor play area to accommodate up to 76 children.</p> <p>However, the future application for fit out and operation of the centre will set the maximum capacity for the centre with consideration of the final internal layout of the centre.</p>
4.9 Outdoor space requirements	<p>A minimum of 7 m² of unencumbered outdoor space is required per child. The proposal has 534 m² of outdoor space to accommodate up to 76 children.</p> <p>However, the future application for fit out and operation of the centre will set the maximum capacity for the centre with consideration of the final internal layout of the centre.</p>
4.13 Soil assessment	The proposal includes a Preliminary Site Investigation (PSI) Report which concludes that there is no contamination on the site that will preclude the development.

Section	Response
4.2 Laundry and hygiene facilities	These requirements will be considered in a separate application for the fit-out and operation of the childcare centre.
4.3 Toilet and hygiene facilities	
4.4 Ventilation and natural light	
4.5 Administrative space	
4.6 Nappy change facilities	
4.7 Premises designed to facilitate supervision	
4.8 Emergency and evacuation procedures	
4.10 Natural environment	
4.11 Shade	
4.12 Fencing	

Section 3.26 provides non-discretionary development standards relating to location, indoor or outdoor spaces, site area, site dimensions and building materials. The Department is satisfied that the proposal complies with the non-discretionary standards.

The Department considers the proposal is consistent with the relevant provisions of the Transport SEPP and recommended conditions in **Appendix F**.

State Environmental Planning Policy (Resilience and Hazards) 2021 (Hazards SEPP)

Chapter 4 of this SEPP aims to promote remediation of contaminated land to reduce risk to human health and the environment.

The EIS included a PSI – phase 1 Report which concludes there is no contamination on the site that will preclude the development and provided recommendations, including a hazardous material survey of all existing buildings and structures to be undertaken by a qualified person prior to commencement of any demolition works.

The Department considers the site can be made suitable for the proposed development, since demolition and excavation works will be undertaken under the existing approval that applies to the site. A condition is recommended requiring preparation of an unexpected finds protocol for any potential contamination sources identified during construction.

The site is considered suitable for the development and complies with the Hazards SEPP, based on the above assessment.

State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Building SEPP)

The Sustainable Buildings SEPP encourages sustainable residential development by setting targets that measure efficiency of buildings in relation to water and energy use and thermal comfort.

A BASIX certificate was submitted demonstrating that the proposal achieves compliance with the BASIX water, energy and thermal comfort requirements under the SEPP. The Department recommends a condition of consent requiring compliance with the BASIX certificate.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity SEPP)

Relevant chapters of the Biodiversity SEPP aim to protect the biodiversity values of vegetation in non-rural areas and to protect the water quality and quantity of water catchments.

The Department considers the proposed removal and planting of replacement trees is acceptable. The proposal includes a BDAR waiver, as it will not have any significant impacts on the local biodiversity.

Water quality will be appropriately addressed through the implementation of proposed water sensitive urban design measures, including directing runoff from roof and landscaped areas to storm filter chambers within the on-site detention system to achieve pollution reduction.

Parramatta Local Environmental Plan 2023 (PLEP)

A summary of the Department's consideration of the relevant standards and provisions contained in the PLEP is provided in Table 13 below

Table 103 | PLEP provisions

Provision	Assessment
2.3 Zone objectives and land use table	<p>The site is zoned R4 High Density Residential. The proposed development is permitted with consent.</p> <p>The proposal is consistent with the objective of the R4 zone.</p>
4.3 Height of buildings	<p>The proposed development relies on the PLEP development standard for height for Tower A2 in Building A (25 Donald Street) 21 m as the maximum permitted height on the site. The proposal exceeds this standard under Section 16 of the Housing SEPP as discussed in Section 3.1 and Appendix E.</p>

Provision	Assessment
4.4 Floor Space Ratio (FSR)	The proposal exceeds the maximum permissible FSR under section 16 of the Housing SEPP as discussed in Section 3.1 and Appendix E .
4.6 Exceptions to development standards	The Applicant has submitted clause 4.6 variation requests to vary the maximum permitted building height and FSR development standards as discussed in Section 3.1 and Appendix E .
5.10 Heritage conservation	The site does not contain a heritage item and is not located in a heritage conservation area. No heritage items or heritage conservation areas are within 350 m of the site
5.21 Flood planning	The site is not impacted by flooding.
6.2 Earthworks	Not applicable, as the proposal, as amended, does not include excavation works.
6.5 Stormwater Management	The proposal includes an on-site detention tank in the south-west corner within lower basement and proposes to connect stormwater to Donald Street consistent with Council's requirements, supporting reduced reliance on mains water and helping to manage peak flow discharge. Council has recommended regarding stormwater management.
6.7 Essential Services	The Applicant has submitted an Infrastructure Report confirming the availability of necessary infrastructure and services for the site.

Appendix C - Department's assessment of other issues

The Department's consideration of other issues are summarised in **Table 14** below.

Table 114 Assessment of other issues

Issue	Findings and conclusions	Recommended conditions
Traffic Impacts	The proposal provides vehicular access to the residential component via Donald Street, while the childcare centre is accessed via Mosley Street. Both streets are a two-way traffic local street with a speed limit of 50km/hr.	The Department has recommended a condition of consent requiring the preparation and

Issue	Findings and conclusions	Recommended conditions												
	<p>The Applicant submitted Traffic Impact Assessment (TIA) which concludes that the proposal would not result in adverse traffic impacts or operational impacts on Moseley Street and Donald Street or the surrounding road network, as:</p> <ul style="list-style-type: none"> the proposal would result in a net traffic generation of 85 vehicle trips per hour in AM and 85 vehicles per hour in the PM peak period the traffic generation would not result in any detrimental impacts on the capacity of surrounding roads or the performance of intersections. <p>Public submissions raised concerns regarding the adverse traffic and congestion of the road network.</p> <p>The Department is satisfied that the proposal is unlikely to result in adverse traffic impacts to Moseley Street and Donald Street or the surrounding road network as:</p> <ul style="list-style-type: none"> the traffic generated by the proposal would not result in any material impacts to the road network, equating to an average of less than two vehicle movements every minute during peak periods the site is within 657 m walking distance of Carlingford light rail station a GTP is required to be prepared and implemented, which will include measures towards achieving the target car mode share and reducing traffic generation from the site. 	<p>implementation of CTMP and GTP.</p>												
<p>Car and bicycle parking / vehicular access and servicing</p>	<p>The Housing SEPP provides non-discretionary development standards, including minimum car parking rates for market and affordable housing.</p> <p>The proposal provides a total of 190 car parking spaces (including 23 childcare parking spaces), which meets the minimum residential parking rates in the Housing SEPP as outlined below.</p> <table border="1" data-bbox="331 1715 1262 2020"> <thead> <tr> <th>Control</th> <th>Required car spaces</th> <th>Proposed car spaces</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td>Market Housing</td> <td>112 (Housing SEPP)</td> <td>126 (+14)</td> <td>Yes</td> </tr> <tr> <td>Affordable</td> <td>11 (Housing SEPP)</td> <td>19 (+8)</td> <td>Yes</td> </tr> </tbody> </table>	Control	Required car spaces	Proposed car spaces	Compliance	Market Housing	112 (Housing SEPP)	126 (+14)	Yes	Affordable	11 (Housing SEPP)	19 (+8)	Yes	<p>The Department has recommended conditions requiring the provision of car parking / bicycle parking in accordance with the relevant Australian Standards, provision of car wash bays and compliance with the NCC.</p>
Control	Required car spaces	Proposed car spaces	Compliance											
Market Housing	112 (Housing SEPP)	126 (+14)	Yes											
Affordable	11 (Housing SEPP)	19 (+8)	Yes											

Issue	Findings and conclusions				Recommended conditions
	Visitor	18 (PDCP)	21 (+3)	Yes	
	Car Wash	1 (PDCP)	1	Yes	
	Childcare	22 (PDCP)	23 (+1)	Yes	
	Total	164	190	Yes	
	<p>In addition to the above the proposal also includes 5 motorcycle and 105 bicycle parking spaces.</p> <p>Council raised concerns regarding car parking layout for the childcare centre.</p> <p>The Department notes that under section 19 of the Housing SEPP, a minimum of 123 residential car parking spaces (comprising 112 market and 11 affordable housing) is required. This is a non-discretionary development standard that, if complied with, prevents a consent authority from requiring more onerous standards.</p> <p>The Department has reviewed other car parking and bicycle parking provisions and considered the concerns raised in submissions. The Department concludes that:</p> <ul style="list-style-type: none"> the proposed residential parking complies with the minimum Housing SEPP rates and visitor parking would meet the needs of future visitors, minimising reliance on on-street parking 105 bicycle spaces is sufficient to encourage non-private vehicle use. <p>In response to Council’s concern about the car parking layout for the childcare centre, the Department recommends a condition requiring that the basement and car parking design and access, including the layout of parking for the childcare centre, must satisfy Australian Standards.</p>				
Landscaping, tree and biodiversity impacts	<p>The majority of trees within the site are approved for removal under development consent DA/222/2024. The proposal incorporates the following:</p> <ul style="list-style-type: none"> removal of Trees T68 and T71, retention of Tree T30 and planting of 34 new trees 				<p>The Department has recommended conditions for a detailed landscape plan and a landscape</p>

Issue	Findings and conclusions	Recommended conditions
	<ul style="list-style-type: none"> • 32% of the site as landscaped area within setbacks and between buildings • 11.4% dedicated 6m wide deep soil zones within setbacks. <p>Council raised concerns in relation to the removal of Trees T68 and T71.</p> <p>The Applicant submitted an arborist report and an addendum, which conclude that Tree 68, while classified as a high category tree, it has health issues that limits its lifespan, making the retention inappropriate. Both Trees 68 and 71 can be replaced to achieve a better long-term landscape outcome.</p> <p>The Department has carefully reviewed the landscape plans, arborists report, as refined by the amendment report, and the concerns raised by Council. The Department acknowledges that the proposal seeks to remove Trees 68 and 71, which were previously identified as being retained in the approved DA. The Department has carefully considered this impact and notes that:</p> <ul style="list-style-type: none"> • while the revised Moseley Street setback, driveway and podium level car parking impact on these trees, they provide for an overall improved outcome as: <ul style="list-style-type: none"> ○ the reduced setback to Moseley Street allows for increased separation between Buildings B and A and allows greater flexibility in floor configuration of Building B, resulting in improved amenity ○ the separate podium level car parking for the childcare centre and associated vehicular access from Moseley Street, improves the function and operation of both the residential component and the childcare centre, with minimal conflict • in relation to Tree 68, the arborist report identifies significant damage and decay to its base, indicating a decline in structural integrity and overall health • in relation to Tree 71, which is impacted by the podium level car parking and associated retaining walls, it is not considered endemic to the area and is of limited landscape significance. The arborist report indicates that, given the extent of encroachment 	<p>maintenance program.</p>

Issue	Findings and conclusions	Recommended conditions
	<p>into its root zone and the likely impact on its long-term viability, retention is not considered feasible.</p> <ul style="list-style-type: none"> the trees proposed for removal have also been assessed for ecological significance in the preliminary biodiversity assessment, which confirms that their removal would not result in significant ecological impacts. <p>Having regard to the above, the Department is satisfied that the proposed tree removal is appropriate in the circumstances, and also notes that the tree removal will be offset by the planting of 34 replacement trees, including 18 large canopy native species (e.g. Sydney gum, spotted gum and Illawarra flame tree) of 100L pot size, to be planted within the setbacks, improving the landscape outcome.</p> <p>The proposal would also achieve an overall tree canopy coverage of 21.2%, encouraging reinstatement of wildlife habitat.</p> <p>The Department also notes the preliminary biodiversity assessment identified no significant impact on biodiversity values and consequently, a biodiversity assessment report (BDAR) waiver was granted on 25 June 2025 (Appendix B).</p> <p>On balance, the Department is satisfied that the proposal would result in a high-quality landscape outcome in an emerging high-density environment and positively contribute to the established character of the site frontage and the surrounding streetscape, subject to recommended conditions.</p>	
<p>Noise impacts (operational)</p>	<p>The Applicant provided a Noise Impact Assessment (NIA), which concluded that the proposal, including childcare centre and other noise emitting sources, would not result in unreasonable noise impacts on the locality subject to the following recommendations:</p> <ul style="list-style-type: none"> noise generated by mechanical plant to comply with the relevant criteria noise barriers to outdoor play areas to minimise noise emissions from the operation of the childcare centre a noise barrier along the southern boundary to minimise any impacts on the nearby residential receivers 	<p>Department has recommended conditions requiring:</p> <ul style="list-style-type: none"> compliance with construction measures outlined in the Acoustic report preparation of an operational plan of management with measures for noise

Issue	Findings and conclusions	Recommended conditions
	<ul style="list-style-type: none"> acoustic treatment to the doors, windows and external walls of the building to alleviate noise intrusion. <p>The Department is satisfied that the proposal can be designed to mitigate any noise impacts on surrounding properties, subject to recommended conditions of consent.</p>	<p>management of communal and loading areas.</p>
<p>Construction Impacts</p>	<p>The Applicant provided an assessment of likely construction impacts including a:</p> <ul style="list-style-type: none"> Construction Traffic Management Plan (CTMP) which identified that during construction periods, on a typical day, up to 12-16 construction vehicles may access the site via Moseley Street and Donald Street NIA which notes that noise impacts at the nearest residential properties are estimated to reach between 48-75 dB from construction equipment and provided recommendations to ensure appropriate levels of impacts to nearby sensitive receivers during construction Construction Waste Management Plan which considered construction waste removal and minimisation. <p>TfNSW and Council reviewed the proposal having regard to construction traffic impacts and raised no concerns subject to conditions of consent.</p> <p>The Department notes that the NIA recommends several mitigation measures to reduce noise amenity impacts on the neighbours including maximising the offset between the source and the receiver, using quieter equipment, respite periods, community liaison and consultation.</p> <p>The Department also notes the preliminary CTMP identified appropriate construction vehicle routes to ensure residential streets are not impacted. The CTMP also states construction workers would be encouraged to use public transport or carpool.</p> <p>The Department acknowledges that construction will result in some temporary unavoidable impacts in the locality, particularly in relation to construction traffic and noise.</p> <p>The Department recommends several conditions to ensure that the construction noise impacts are managed to avoid unreasonable impacts on the amenity of adjoining residents including:</p>	<p>The Department has recommended conditions of consent including:</p> <ul style="list-style-type: none"> the preparation and implementation of a CNVMP, installation of hoardings, respite periods and construction hours implementation of the CTMP, Waste Management Plan and Air Quality Management Plan preparation of pre and post construction dilapidation surveys and reports.

Issue	Findings and conclusions	Recommended conditions
	<ul style="list-style-type: none"> preparation of a final Construction Noise, Vibration Management Plan (CNVMP) and CTMP, as well as other management plans, with mitigations measures to manage impacts implementation of respite periods from the noisiest activities standard, ICNG stipulated construction hours being Monday to Friday – 7 am to 6 pm and Saturday – 8 am to 1 pm no noise to be ‘offensive noise’ under the <i>Protection of Environmental Operations Act 1997</i>. <p>Subject to the implementation of the above measures, the Department concludes that construction impacts can be managed in a manner that minimises adverse impacts to surrounding residential properties.</p>	
Development Contributions	<p>Council has requested additional infrastructure contributions, noting that the scale of growth generated by the proposed development creates a need for additional infrastructure improvements that are above and beyond the level of growth anticipated in the Council’s Contributions Plan. Council considers that these additional requirements should be addressed through a Voluntary Planning Agreement.</p> <p>The Department acknowledge Council’s request for additional contributions, however notes that there is no requirement for the applicant to enter into a VPA with Council.</p> <p>The development will contribute to both local and State infrastructure through the following contribution requirements:</p> <ul style="list-style-type: none"> Section 7.11 contributions under Council’s Contributions Plan Housing and Productivity Contribution (HPC) for 95 market apartments. 	<p>The Department has recommended conditions requiring payment of HPC and Section 7.11 contributions.</p>
Amenity of Affordable Housing	<p>Each stage will deliver 15% of its GFA as affordable housing dwellings. Of the 23 units, 12 would be delivered in Stage 1, with the remainder delivered in Stage 2.</p> <p>Overall, 17 out of 23 units (74%) would have dual aspects and be naturally ventilated. However, only 9 out 23 units (40%) would receive 2 hours of solar access in mid-winter. While solar access for the affordable units is comparatively lower than for the market units, the Department considers</p>	<p>The Department recommends conditions ensuring that 23 affordable housing apartments to be completed and delivered in stages.</p>

Issue	Findings and conclusions	Recommended conditions
	<p>the affordable apartments would still achieve a good standard of amenity, due to:</p> <ul style="list-style-type: none"> spacious apartments, storage and balconies meeting or exceeding ADG design criteria direct access to COS, promoting social interaction and outdoor amenity consistent design quality with market housing, ensuring equity and avoiding segregation one- and two-bedroom apartments across levels G - 6 that support a range of household types. 	

Appendix D - Department's consideration of public and Council submissions

Table 125 Consideration of community views

Issue	Consideration
<p>Impacts on the character of the area</p> <ul style="list-style-type: none"> bulk and scale incompatible with the local character of the area out of scale with surrounding properties due to excessive height. 	<p>The Low and Mid Rise (LMR) provisions and in-fill affordable housing provisions of the Housing SEPP apply to the site.</p> <p>The Department has had regard to the future character of the area including consideration of the R4 zoning and applicable controls under the PLEP and LMR.</p> <p>The proposed height, scale and density would be compatible with the desired future high-density development of surrounding sites to the east, south and south-west, which allow maximum heights ranging permissible heights ranging from 16 m to 27 m and FSR from 1:1 to 2.2:1 under the PLEP and the Housing SEPP.</p>
<p>Urban Design and setbacks</p> <ul style="list-style-type: none"> poor organisation of buildings poor street presentation of the buildings Moseley Street setback is not provided as per Parramatta Development Control Plan and the approved DA 	<p>The proposal generally aligns with the design intent of the approved scheme and retain its key design attributes. The building presents articulated facades, materials and colours that would complement the desired character of the locality.</p> <p>The overall massing and sitting respond to the site context and future development potential of neighbouring sites. Importantly, the proposal continues to generally aligns with the ADG and provides adequate building setbacks to the front, side and rear boundaries.</p>

Issue	Consideration
	<p>The 6.5 m setback to Moseley Street, although 2.5m less than the 9 m provided in the approved DA is acceptable as it maintains a positive relationship with the public domain and is compatible with the setback of nearby developments, including the residential flat building at 17-21 Moseley Street. The reduced setback also allows for increased separation between Buildings B and A and allows greater flexibility in floor configuration of Building B, resulting in improved amenity.</p> <p>The proposal includes the planting of five large canopy trees and other plants and shrubs within the setback to enhance the streetscape, soften the built form and contribute positively to the public domain</p>
<p>Amenity impacts</p> <ul style="list-style-type: none"> • visual impact • visual privacy impacts 	<p>The visual impact of the proposal is consistent with the envisaged future development in areas surrounding the Carlingford Court shopping centre and Carlingford Light Rail station, as set out in the PLEP and the Housing SEPP. Future development within Carlingford is likely to result in similar scaled buildings visible from public domain.</p> <p>The proposal provides adequate building separation to reasonably protect privacy to neighbouring properties. Minor variations are acceptable as the proposal includes blank walls and operable louvers to the balconies to minimise opportunities for overlooking into the neighbouring properties.</p> <p>The proposal incorporates appropriate design measures to mitigate any potential privacy impacts between the buildings, including offsetting habitable room windows, privacy screening, high sill windows and operable louvers.</p> <p>Recommended conditions:</p> <ul style="list-style-type: none"> • Provision of privacy treatments prior to the issue of any occupation certificate.
<p>Traffic and parking</p> <ul style="list-style-type: none"> • Traffic congestion • Car parking not consistent with relevant Australian standard 	<p>The proposed traffic generation (an additional 85 vehicles per hour in the AM and 85 vehicles per hour in PM peaks) is not expected to result in any detrimental impacts on the capacity of surrounding roads or the performance of intersections.</p>

Issue	Consideration
	<p>The development proposes two-way vehicular access for both the residential component and childcare centre, complying with the relevant standards.</p> <p>The proposed car parking complies with the minimum car parking rates outlined in the Housing SEPP. The proposal also provides visitor parking spaces within the basement and would implement a Green Travel Plan (GTP) to promote alternate transport modes and reduce reliance on cars.</p> <p>Recommended conditions:</p> <ul style="list-style-type: none"> • Preparation and implementation of the GTP. • Provision of on-site car parking, and bicycle parking spaces in accordance with the Australian Standards. • EV charging stations.
<p>Public benefits and impact on property values</p>	<p>The Department has undertaken a detailed assessment of the proposal having regard to the requirements of the PLEP, the Housing SEPP and has considered the views of the community, Council and advice from relevant agencies. The Department has also considered the likely impacts of the development and suitability of the site and concludes that the proposal will have acceptable impacts and is in the public interest. The proposal would deliver public benefits in terms of additional market and affordable housing in an accessible area, upgraded public domain immediately adjoining the site and payment of local and State contributions.</p>
<p>Increased infrastructure demand (schools and Parks)</p>	<p>The Department notes that there is an existing park located directly north of the site known as Harold West reserve. The proposal also includes the provision of high-quality communal open space with infrastructure to support social interaction and meet the needs of future residents.</p> <p>Furthermore, the Applicant will be required to contribute to infrastructure through the payment of both local and State contributions.</p> <p>Recommended conditions:</p> <ul style="list-style-type: none"> • Approval from utility providers prior to connecting to their infrastructure or provision of new infrastructure.

Issue	Consideration
	<ul style="list-style-type: none"> • Payment of section 7.11 contributions in accordance with City of Parramatta Council’s Contributions Plan, to be utilised in the improvement of public infrastructure within the LGA. • Payment of Housing Productivity Contributions, which will help fund the delivery of infrastructure in high growth areas including public school infrastructure.
<p>Childcare Centre</p> <ul style="list-style-type: none"> • Indoor play area configuration • Requirements of Plan of Management and Evacuation Management Plan • Overlooking of outdoor play areas from within the development 	<p>The proposed childcare centre is located on the ground floor of Building B of the development in the north-eastern corner of the site addressing Moseley Street. This location provides minimal opportunities for overlooking from both within the development and the public domain</p> <p>While the application indicates a capacity of 76 children and provides are proposed indicative indoor and outdoor play areas, approval is sought for use only. A future application for the fit-out and operation of the centre will set the maximum capacity having regard to the final internal layout of the centre, including indoor play area. A plan of management and an emergency evacuation plan will also need to be assessed as part of the future application.</p> <p>Recommended conditions</p> <ul style="list-style-type: none"> • Consent is granted for use only. A separate approval is required for the fit-out, operation of the centre and maximum number of children.

Appendix E - Consideration of Clause 4.6 Variation Requests

The proposal seeks a variation of the following development controls:

- Height of Buildings
- FSR.

Clause 4.6(3) of the PLEP permits the consent authority to consider a variation to a development standard imposed by the PLEP or any other environmental planning instrument. The objectives of Clause 4.6 are to provide an appropriate degree of flexibility in applying certain development standards and to achieve better outcomes for and from the development by allowing flexibility in particular circumstances. In consideration of the proposed variation, Clause 4.6(3) requires the following:

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that-

- a) compliance with the development standard is reasonable or unnecessary in the circumstances; and
- b) there are sufficient grounds to justify contravention of the development standard.

In accordance with s35B of the Environmental Planning and Assessment Regulation 2021 the Applicant has prepared written requests to vary the development standards (see Appendix A).

The Department’s consideration of the Applicant’s requests is provided below, including consideration of the Guide to Varying Development Standards November 2023 and other relevant tests.

Height of Buildings

The site at 25 Donald Street has a maximum height of 21 m under the PLEP while the remainder of the site is subject to a maximum building height of 17.5m under Chapter 6 of the Housing SEPP.

Accordingly, the proposal applies two separate maximum building height standards. For the portion of the site using the PLEP height standard and in-fill affordable housing bonus under Section 16 of the Housing SEPP, the maximum permissible building height is 27.3 m (21 m + 30%). For the remainder of the site under Section 176 and Section 16 of the Housing SEPP, the maximum permissible building height is 22.75 m (17.5 m + 30%).

The Applicant proposes building heights ranging between 25.3 m to 29.1 m which exceed the maximum permissible height of buildings for the site by up to 5.9 m (25.93%) as detailed in Table 16 and Figure 9 below.

Table 16 | Maximum building height exceedance

Component	Location	Development standard	Proposed height	Extent of variation
Building A (Tower A1)	Roof parapet	22.75m	28.65m (RL 130.450)	+5.9m (25.93%)
Building A (Tower A2)	Top of lift overrun	27.3m	28.65m (RL 131.500)	+1.35m (4.94%)
	Edge of the building	27.3m	29.1m (RL 112.600)	+1.8m (6.59%)
Building B	Top of lift overrun (eastern)	22.75m	25.3m (RL 131.500)	+2.55m (11.20%)
	western edge of the building (roof parapet)	22.75m	24.05m (RL 130.350)	+1.3m (5.71%)

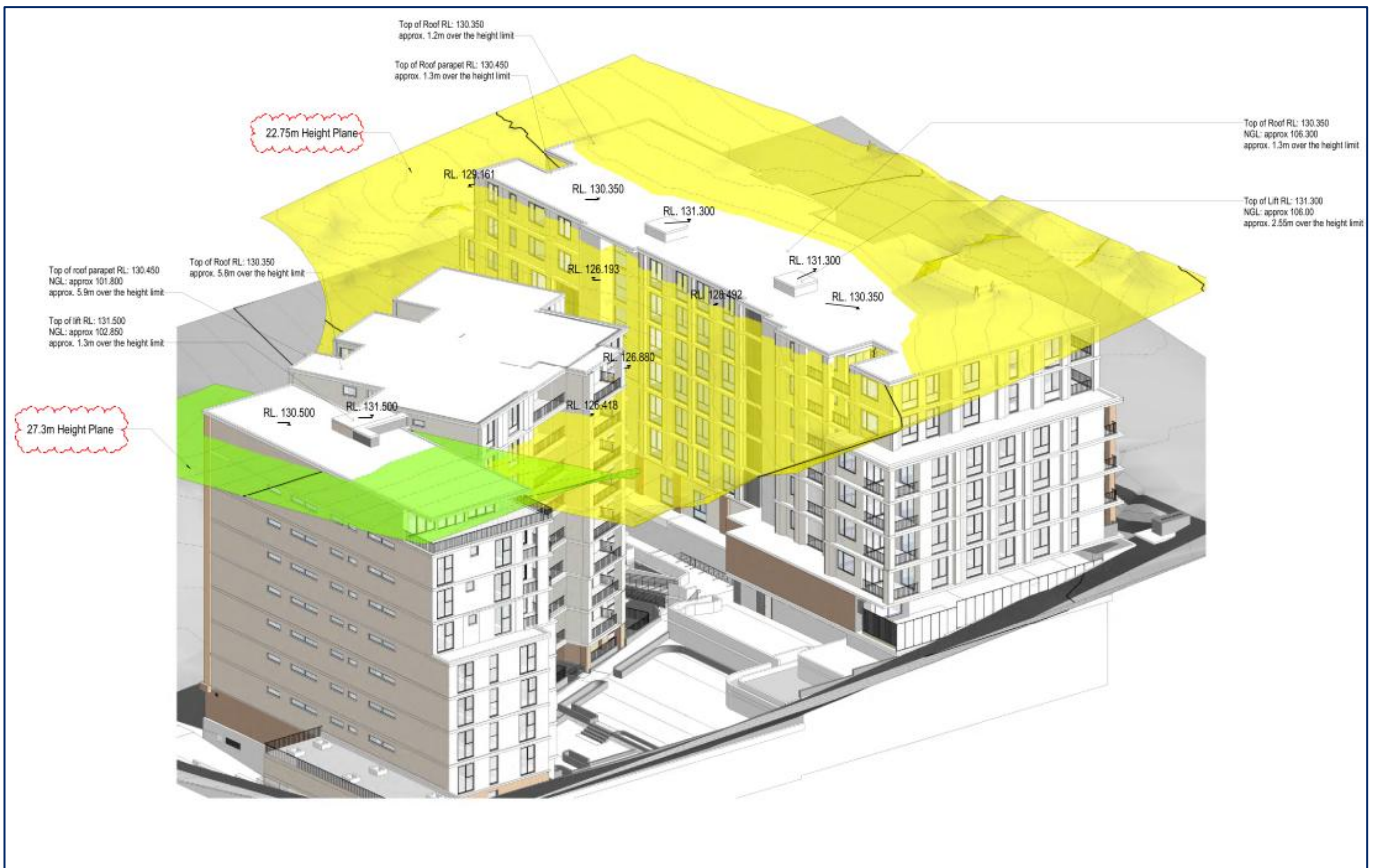


Figure 9 | Rooftop elements of Buildings A & B protruding above the maximum permissible height planes (Source: RtS)

Has the Applicant demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances (clause 4.6(3)(a))?

The Applicant has submitted a written request (see Appendix A), seeking a variation to the building height standard that applies to the site.

In summary, the Applicant’s clause 4.6 request demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case because:

- the proposal is consistent with the objectives of Division 1 of the Housing SEPP and the objectives of the height of building development standard of the PLEP
- the site is well positioned to accommodate additional density given its direct proximity to the local centre and public transport services
- the exceedances are partly a result of the site’s topography, which slopes more than 9 m from the north (Moseley Street) to the south (Donald Street), including steep levels changes
- the proposal has been designed to primarily locate the main exceedance within the central portions of the site (Tower A1 in Building A) to minimise any potential amenity impacts on the neighbouring properties

- a portion of exceedance relates to lift overruns and fire stairs which do not comprise GFA and are centrally located within the buildings to minimise visual impacts
- the proposal will contribute positively to meeting the housing demand in the locality, including delivery of 23 affordable housing apartments.

For the reasons provided above, the Department accepts that compliance with the building height development standard is unreasonable or unnecessary given the circumstances of the case.

Has the Applicant demonstrated there are sufficient environmental planning grounds to justify the contravention of the development standard (4.6(3)(b))?

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

- the proposal provides a bulk and scale that is compatible with the desired future high-density character of the precinct. It presents a 6-storey building (at Moseley Street level) to the R2 and RE1 zoned land to the north, providing appropriate zone transition, while accommodating a 9-storey building form to the south that is consistent with the R4 high-density zoned land to the east, south and south-west
- Tower A1 in Building A with the highest variation, is centrally located within the site so that the height breach does not result in unreasonable impacts to neighbouring properties
- for Buildings B and A, the lift overruns and fire stairs exceeding the maximum permissible height have been integrated into the roof and are setbacks from the roof edges. These rooftop elements would not be visible from the immediate public domain and neighbouring properties
- the portions of the development exceeding the height limit do not result in any unacceptable increased overshadowing of neighbouring properties, particularly those to the south along Donald Street
- the proposal would not result in any unreasonable impacts on neighbouring development in terms of privacy
- the development responds appropriately to the underlying aim of the clause 16 and Division 1 of the Housing SEPP by facilitating the delivery of new in-fill affordable housing to meet the needs of very low to moderate income households
- strict numerical compliance would not result in any meaningful improvement to the built form but would reduce housing availability.

Conclusion

The Department considers the Applicant has adequately demonstrated there are environmental planning grounds to justify the variations to the development standard. The variations would result in a supportable planning outcome in the circumstances of the case.

Floor Space Ratio

The maximum permissible FSR standard for the site is 1.5:1 with the additional FSR afforded by section 16 of the Housing SEPP, the relevant FSR development standard increases to 1.95:1 (1.5:1 + 30%)

The proposal exceeds the maximum permissible FSR, as detailed in the Table 17 below

Table 17 | Maximum floor space ratio exceedance

	Maximum permissible	Proposed	Variation
Floor space ratio	1.95:1	2.058:1	+0.108:1 (5.54%)
Gross floor area	11,598.6 m ²	12,242 m ²	+643.4 m ² (5.54%)

Has the Applicant demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances (clause 4.6(3)(a))?

The Applicant has submitted a written request (see Appendix A), seeking a variation to the FSR standard that applies to the site.

In summary, the Applicant's clause 4.6 request demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case because:

- the proposal is consistent with the objectives of Division 1 of the Housing SEPP and the objectives of the FSR development standard of the PLEP
- the site is well positioned to accommodate additional density given its direct proximity to the local centre and public transport services
- the proposal has been designed to primarily locate the exceedance within the central portions of the site (Tower A1 in Building A and rear of Building B) to minimise any potential amenity impacts to neighbouring properties
- the exceedances would not result in any adverse environmental impacts
- a compliant proposal would not represent the orderly and economic development of the land and constrain the ability to deliver new housing, including affordable housing, in an accessible area
- the proposal will contribute positively to meeting the housing demand in the locality, including delivery of 23 affordable housing apartments.

For the reasons provided above, the Department accepts that compliance with the FSR development standard is unreasonable or unnecessary given the circumstances of the case.

Has the Applicant demonstrated there are sufficient environmental planning grounds to justify the contravention of the development standard (4.6(3)(b))?

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

- the proposal provides a scale and character that is compatible with the desired future high-density character of the precinct. It presents a 6-storey building (at Moseley Street level) to the R2 and RE1 zoned land to the north, providing appropriate zone transition, while accommodating a 9-storey building form to the south that is consistent with the R4 high-density zoned land to the east, south and south-west
- Tower A1 in Building A has GFA located above the maximum building height plane, is centrally located within the site so that the bulk and scale of the building does not result in any unreasonable impacts on the adjoining properties
- the proposal would not result in any unreasonable impacts on neighbouring development in terms of privacy and overshadowing
- the development responds appropriately to the underlying aim of the clause 16 and Division 1 of the Housing SEPP by facilitating the delivery of new in-fill affordable housing to meet the needs of very low to moderate income households
- strict numerical compliance would not result in any meaningful improvement to the built form but would reduce housing availability.

Conclusion

The Department considers the Applicant has adequately demonstrated there are environmental planning grounds to justify the variations to the development standard. The variation would result in a supportable planning outcome in the circumstances of the case.

Appendix F – Recommended instrument of consent

<https://www.planningportal.nsw.gov.au/major-projects/projects/mixed-use-development-fill-affordable-housing-moseley-street-and-donald-street-carlingford>