

1 December 2025

Department of Planning, Housing and Infrastructure
4 Parramatta Square
12 Dacy Street
Parramatta, NSW 2150

Attention: Angela Berryman

PLANNING OBJECTION TO SSD-35609161-MOD-1 (FOR REDUCING BUILDING HEIGHT, ADDING 47 DWELLINGS, ADJUSTING LAYOUTS, SETBACKS, FAÇADES, AND AMENITIES, AND RELOCATING SERVICES—ALL WITHIN THE APPROVED ENVELOPE)

PROPERTY: 1 - 12 HASSALL STREET, PARRAMATTA, 2150 (LOTS 156 DP 1240854)

Dear Angela,

I am writing to formally object to Modification of State Significant Development Application **SSD-35609161-Mod-1** (SSDA) for the reduction of building height, addition of 47 dwellings, adjustment to the layouts, setbacks, façades, and amenities, and the relocation of services—all within the approved envelope (the **proposed development**) at 1-12 Hassall Street, Parramatta (the Site).

Following a detailed review of the modification of the SSDA at the Site, a number of matters of concern have been identified in relation to the potential adverse impacts the proposed development will have on the area and more specifically, the occupants of **1 Charles Street, Parramatta**.

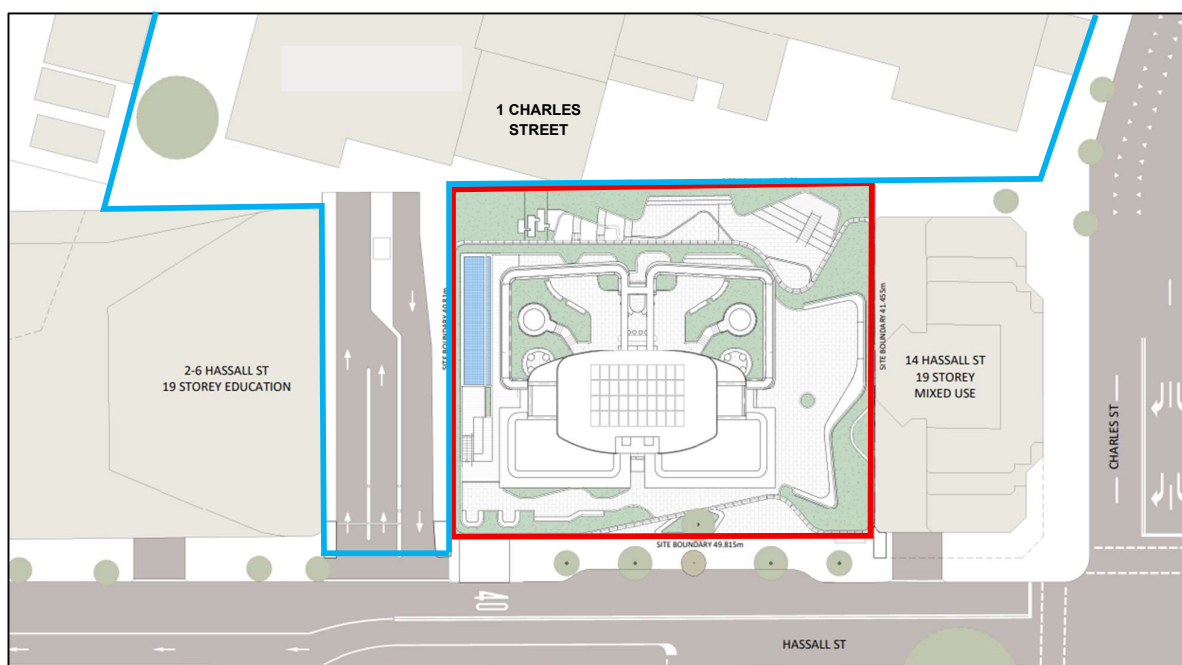


Figure 1. Proposed Development Site Plan (Red) and 1 Charles Street (Blue)

As shown in **Figure 1** above, 1 Charles Street sits immediately to the north of the Site and comprises a 13-16 storey commercial building complex that gains its exclusive access from Hassall Street to the south. The building accommodates the well-established NSW Police Headquarters amongst other commercial tenancies, representing a significant operational presence within the Parramatta CBD.

This modification application seeks, what the applicant characterises as, "minor refinements" to improve buildability and efficiency. However, a detailed analysis of the proposed changes reveals that the cumulative effect of these modifications is far from minor and raises serious concerns regarding:

- **Compliance with the "substantially the same development" test** – When considered holistically, the modifications materially alter key characteristics of the approved development including dwelling yield, apartment mix, setback amendments, amenity provision (particularly the removal of private open space in favour of communal areas), and the overall balance between residential amenity and development intensity.
- **Increased development intensity** – The addition of 47 dwellings represents a 12% increase in residential density, with apartment numbers rising from 391 to 438 units. The result is that studios and 1-bedroom apartments will comprise 71% of the total development (310 of 438 dwellings), compared to 55% in the approved scheme. This intensification occurs despite a reduction in building height by 7 storeys, achieved primarily through the removal of balconies above Level 24, a lift, and internal reconfiguration that maximises floor space.
- **Substantial parking reduction creating overflow impacts** – While the proposal increases dwelling numbers by 47 units (12%), it simultaneously reduces car parking by 95 spaces (54%), from 175 spaces in the approved scheme to only 80 spaces. This results in a provision rate of only 0.18 spaces per dwelling compared to 0.45 in the approved scheme, a 60% reduction per unit. The Addendum Traffic Impact Assessment Report acknowledges that it does not comply with the Transport for NSW guidelines. In accordance with the Transport for NSW guidelines, the development would require 198 spaces based on the apartment mix, meaning the proposal creates a shortfall of 118 car parking spaces (60% of requirement). It is worthwhile noting that the SSDA residential component for car parking was assessed under Clause 7.15 of PLEP2011. This modification application makes no assessment against this clause, and this raises concern surrounding the carparking shortfall and reduction.
- **Amenity impacts on 1 Charles Street** – The modifications include substantial changes that directly impact the interface with 1 Charles Street, including alterations to façade treatments, the intensification of residential density, and the relocation of the loading dock and waste collection from Basement 01 to Ground Floor Level. The repositioning of these service functions to ground level introduces operational impacts, including vehicle movements, noise, and waste management activities in closer proximity to the shared interface with 1 Charles Street. Additionally, adjustments to the rear stepped landscaping to accommodate the relocated loading dock alter the ground plane relationship between the developments. These changes give rise to amenity impacts that were not fully contemplated or assessed in the original consent and are of particular

concern to the occupants of 1 Charles Street, which shares an immediate interface with the development site along its southern boundary.

The proposed modifications constitute an over-intensification of the development site through increased dwelling numbers and a fundamental shift toward smaller apartment types (71% studios and 1-bedroom dwellings), resulting in a materially different development outcome. Critically, the modification application lacks sufficient consideration of the cumulative impacts of these changes, particularly regarding the interface with 1 Charles Street and the amenity of its occupants.

The proposal is not considered suitable for approval via modification given the range of impacts associated with the intensified development outcome and the inadequacy of assessment regarding effects on occupants' amenity at 1 Charles Street. While the applicant's modification report addresses individual technical matters in isolation, it fails to properly assess the cumulative effect of:

- Adding 47 dwellings (12% increase)
- Shifting to 71% studios and 1-bedroom apartments
- Reducing car parking by 95 spaces (54%) while increasing dwellings.
- Relocating loading dock and waste collection facilities to ground level
- Increasing Gross Floor Area (GFA) by 359m² despite losing 7 storeys, a lift, and balconies
- Fundamentally reconfiguring the approved envelope to maximise dwelling yield

These changes, considered together, represent a material alteration to the character, intensity, and impact of the development beyond what was reasonably anticipated in the original approval.

While the applicant references recent Land and Environment Court judgments regarding the "substantially the same development" test, it is submitted that those cases are distinguishable from the proposed modification. The proposed modification involves a fundamental reconfiguration that increases GFA despite losing 7 storeys, adds 47 dwellings, substantially alters apartment typology to achieve 71% studios and 1-bedroom dwellings, and creates a 118-space parking shortfall that will displace demand to surrounding streets. Considered together these changes exceed the scope of what is permissible under Section 4.55(2) of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Accordingly, the proposed modifications sought under SSD-35609161-Mod-1, in their current form, do not warrant a favourable determination. The specific matters of contention relevant to this proposal are discussed in detail in the following sections of this submission.

Matters of Contention

A thorough assessment of the publicly exhibited modification application documents available via the NSW Major Projects Planning Portal reveal concerns regarding the proposed changes and their impact on 1 Charles Street. The key grounds of objection are set out below.

1. Compliance with the "substantially the same development" test

While the applicant relies on Section 4.55(2) of the EP&A Act and cites established case law regarding the "substantially the same development" test, the proposed modifications fail to satisfy this threshold requirement when properly assessed.

The "Substantially the Same Development" Test

The applicant references *North Sydney Council v Michael Standley & Associates Pty Ltd (1998) 97 LGERA 433*, which established that modifications must not constitute a "radical transformation" of the approved development. However, the applicant's reliance on this case is misplaced.

The present modification involves:

- An increase of 47 dwellings (12% increase in yield)
- A fundamental reconfiguration of apartment typology to 71% studios and 1-bedroom units
- A reduction of 95 car parking spaces (54% decrease) while simultaneously increasing dwelling numbers with no mention of Clause 7.15 of PLEP2011.
- An increase in GFA of 359m² despite reducing the building by 7 storeys
- Removal of private open space in favour of communal areas
- Relocation of loading dock and waste collection facilities to ground level

When considered cumulatively, these changes constitute a radical transformation of the approved development's character, intensity, and impact.

Moto Projects Test

Important to note *Moto Projects (No 2) Pty Ltd v North Sydney Council* [1999] NSWLEC 280, which requires both qualitative and quantitative assessment to determine if a modified development remains "essentially or materially" the same as the approved development.

Quantitatively, the modifications are significant:

- 12% increase in dwelling yield
- 54% reduction in car parking provision
- Shift from balanced apartment mix to 71% studios/1-beds
- Material increases in GFA despite substantial height reduction (loss of 7 storeys)

Qualitatively, the development's essence has been fundamentally altered:

- The original approval balanced residential amenity with development intensity through a particular built form envelope, apartment mix, and parking provision.
- The modified proposal prioritises dwelling yield maximisation over amenity outcomes.
- The parking shortfall of 118 spaces will displace demand onto surrounding streets, creating external impacts not contemplated in the original approval.
- The loss of private open space and reconfiguration toward smaller dwellings fundamentally changes the character and target demographic of the development.

Ahmad Corp

Regarding *Ahmad Corp Pty Ltd v Fairfield City Council* [2018] NSWLEC 1526, the Court found that adding one storey and 12 units did not "materially change the development or the essence of the development" because:

- The building retained the same use and typology
- The increase, while quantitatively significant as a percentage, was "not so large so as to transform the development"

By contrast, the present modification:

- Adds 47 dwellings while simultaneously reducing height by 7 storeys - demonstrating a fundamental envelope reconfiguration to maximise yield
- Creates a 118-space parking deficit that will generate off-site impacts not assessed in the original application
- Fundamentally alters the apartment mix from a balanced typology to predominantly small-format dwellings
- Increases GFA despite the substantial height reduction, evidencing intensification beyond the original approval's contemplated density

Critically, the Court in *Ahmad Corp* emphasised that the modified building "retains the same "building typology". Here, the building typology has been fundamentally reconfigured, the envelope has been redesigned to accommodate 47 additional dwellings within a 7-storey lower structure, achieving greater intensity through internal reconfiguration rather than additional height.

Cumulative Impact Assessment

The applicant's modification report addresses individual technical matters in isolation but fails to properly assess the cumulative effect of the proposed changes. The "substantially the same development" test requires holistic consideration of whether the modified development remains essentially the same as that originally approved.

When the modifications are considered together, increased dwelling yield, altered apartment typology, substantial parking reduction, envelope reconfiguration, amenity trade-offs, and infrastructure impacts, they cumulatively represent a material departure from the development that was originally assessed and approved.

Conclusion on Section 4.55(2) Compliance

The proposed modification does not satisfy the threshold requirements of Section 4.55(2)(a) of the EP&A Act. The development, as modified, is not substantially the same development as originally approved. The changes constitute a radical transformation that materially alters:

- The character and intensity of the development
- The balance between residential amenity and development yield
- The infrastructure demands and external impacts on the surrounding area
- The target market and demographic mix anticipated by the original approval

These modifications exceed what is permissible under Section 4.55(2) and should properly be assessed as a new development application that allows for comprehensive assessment of the cumulative impacts arising from this fundamentally reconfigured development proposal.

2. Increased development intensity

The applicant's modification report fundamentally mischaracterises the nature and extent of the proposed intensification. While the application attempts to frame the changes as minor efficiencies and improvements to buildability, a proper analysis reveals a deliberate strategy to maximise dwelling yield within a reduced building envelope, an intensification that materially exceeds what was contemplated and approved under the original consent.

Cumulative Intensification Not Adequately Assessed

The modification proposes:

- 47 additional dwellings (12% increase from 391 to 438 units)
- Increase in GFA of 359m² despite reducing the building by 7 storeys (RL 20.9m)
- Fundamental reconfiguration of apartment typology to 71% studios and 1-bedroom units
- Reduction of 95 car parking spaces (54% decrease) while simultaneously increasing dwelling numbers
- Removal of private open space (balconies above Level 24) in favour of communal areas

The applicant's reliance on clause 75(2)(a) of the Housing SEPP 2021, which allows flexibility in applying Apartment Design Guide (ADG) criteria for items 4E (private open space), 4G (storage), and 4K (apartment mix), does not justify the wholesale reconfiguration proposed. This clause is intended to permit reasonable variations where Build to Rent (BTR) operational models differ from conventional apartment developments, not to facilitate significant intensification that compromises resident amenity and no justification has been provided.

Non-Compliance with ADG Requirements Inadequately Addressed

Private Open Space (ADG 4E): The modification results in substantial non-compliance with ADG minimum balcony requirements for apartments on Levels 25-52. The applicant's SEPP 65 Assessment Report states that balconies have been removed above Level 24 "due to unfavourable wind conditions."

The modification proposes a reduction in outdoor communal amenity of 29m² while increasing indoor communal area by 144m². This represents a net loss of outdoor amenity space. The ADG Design Criteria 4E-1 requires specific minimum balcony areas based on apartment type, these are mandatory considerations that cannot be entirely substituted with communal facilities, regardless of BTR operational flexibility. No justification has been provided how this results in a better design outcome.

Apartment Storage (ADG 4G): The SEPP 65 Assessment Report acknowledges: "50% of the required storage space in each apartment has not been achieved." The applicant attempts to justify this through clause 75(2)(a) flexibility and claims that "The build-to-rent housing model

allows developers to value storage separately, so residents can choose the level of storage they need."

This rationale is fundamentally flawed. The ADG storage requirements are minimum standards based on functional needs, not optional extras that can be "valued separately" in a BTR model. The modification provides no evidence that the proposed storage provision is adequate for resident needs. While additional basement storage cages are referenced, the application fails to demonstrate these meaningfully compensate for the 50% shortfall in apartment storage, particularly given the admission that 'not all apartments have a storage area' in the basement. The statement that "Limited space in the basement results in not all apartments having a storage area" directly contradicts the claim of adequate provision.

Apartment Mix Reconfiguration: The modification fundamentally alters the approved apartment mix that does not result in a better design outcome for the community and future residents

TABLE 1. Changes to Apartment Mixes					
Type	Approved No.	Approved Yield	Proposed No.	Proposed Yield	Difference
Studio	65	17%	106	24%	+7%
1Bed	148	38%	204	47%	+9%
2Bed	158	40%	104	24%	-16%
3Bed	20	5%	24	5%	0%

The shift to 71% studios and 1-bedroom apartments (from 55% under the original approval) represents a material change in the development's character and target demographic. The Modification Report justifies this reconfiguration by referencing "a shift toward smaller households between 2016 and 2021" and claiming the modified mix is "more appropriate fit for the emerging BTR demographic than the mix under the Parramatta DCP."

This justification is insufficient for several reasons:

1. The original approval already contemplated a BTR development with a specific apartment mix that was assessed and found acceptable
2. Market demand for smaller apartments does not override planning requirements for housing diversity within mixed-use developments
3. The concentration of small-format dwellings fundamentally changes the development's contribution to housing diversity within Parramatta CBD

The modification effectively transforms an approved development that provided a balanced housing offering into one predominantly comprising small-format dwellings, a material change that exceeds the scope of a section 4.55(2) modification.

Parking Deficiency Creates Off-Site Impacts Not Originally Assessed

The reduction of 95 car parking spaces (from 175 to 80 spaces) while adding 47 dwellings creates a shortfall of 118 spaces against the parking provision that would be expected for 438 apartments. The applicant's Traffic Impact Statement concludes that reduced parking will

result in less traffic generation, therefore there are "no adverse impacts as a result of this modification."

This analysis is manifestly inadequate. The reduction of on-site parking does not eliminate parking demand; it displaces it to surrounding streets and public car parks. The original approval assessed parking provision in the context of 391 apartments. The modification proposes 438 apartments with significantly less parking than was approved for the smaller development. This displaced demand represents an external impact that was not contemplated in the original assessment.

The justification that the Site's proximity to public transport reduces parking demand was already factored into the original approval's parking rates. The modification seeks to further reduce provision while simultaneously increasing dwelling numbers, a compounding intensification that the applicant's traffic assessment fails to properly analyse and justify.

Envelope Reconfiguration Enables Intensification Not Previously Assessed

The modification proposes amendments to tower setbacks on the eastern and western boundaries "to provide a consistent building setback back which aligns with the southern portion of the approved building". While described as maintaining consistency with the competition-winning design, this reconfiguration enables additional floor space and dwellings within the building envelope.

The ability to achieve 359m² additional GFA and 47 additional dwellings while reducing the building by 7 storeys demonstrates that the modification fundamentally reconfigures the approved envelope to maximise yield. This is not an efficiency improvement or construction detail; it represents a material intensification of the development beyond what was approved. Minimal assessment has been undertaken to demonstrate that the impacts of these modifications is acceptable and how these modifications result in a better design outcome than originally approved.

Inadequate Assessment of Cumulative Amenity Impacts

The applicant's modification report assesses individual technical matters in isolation but fails to properly consider the cumulative effect of:

- Increased dwelling numbers in a reduced building height
- Removal of private open space on Levels 25-52
- Reduction in apartment storage below ADG requirements
- Fundamental shift to small-format apartment typology
- Significant parking shortfall displacing demand to surrounding streets

These changes collectively represent a material alteration to the balance between development intensity and residential amenity that was struck in the original approval. The modification prioritises dwelling yield maximisation over amenity outcomes in a manner that exceeds what is permissible under section 4.55(2).

Conclusion on Development Intensity

The modification does not constitute minor refinements or improved efficiency within the approved development concept. It represents a fundamental reconfiguration that increases development intensity through:

- Maximised dwelling yield (47 additional units, 12% increase)
- Reduced amenity provision per dwelling (private open space, storage)
- Altered development character (71% studios/1-beds vs 55% approved)
- Created infrastructure shortfalls (parking) displacing impacts to surrounding area

These cumulative changes materially alter the development's intensity, character, and impact beyond what was reasonably contemplated in the original approval. The intensification is not justified by the applicant's reliance on BTR flexibility provisions, which are intended to facilitate reasonable operational variations, not enable wholesale reconfiguration that compromises resident amenity and creates external impacts not previously assessed.

The modification should not be approved in its current form. If intensification is to be pursued, it should properly be assessed as a new development application that allows comprehensive evaluation of the reconfigured development's impacts.

3. Substantial parking reduction creating overflow impacts

The Traffic Impact Statement fundamentally mischaracterises the parking implications of the modification. While the Traffic Impact Statement attempts to demonstrate compliance with maximum parking rates under the Parramatta Local Environmental Plan 2023, this technical compliance obscures the reality that the modification creates a significant parking shortfall that will displace demand onto surrounding streets, an impact not contemplated or assessed.

The Parking Reduction in Context

The modification proposes:

- Reduction from 175 to 80 car parking spaces (reduction of 95 spaces, 54% decrease)
- Increase from 391 to 438 apartments (+47 dwellings, 12% increase)
- Net result: 438 apartments served by 80 spaces (0.18 spaces per apartment)

The original approval provided 175 spaces for 391 apartments (0.45 spaces per apartment). The modification therefore reduces the parking ratio by 60% while simultaneously increasing dwelling numbers by 12%. Adequate justification has not been provided for this reduction and shortfall, and the impacts have not been satisfactorily addressed or mitigated to compensate for this car parking reduction.

Compliance Does Not Equal Adequacy

The Traffic Impact Statement correctly notes that the proposal complies with *maximum* parking rates under the Parramatta LEP 2023:

- Studios: not specified (0 spaces applied)
- 1-bedroom: 0.3 spaces per dwelling
- 2-bedroom: 0.7 spaces per dwelling

- 3-bedroom: 1.0 spaces per dwelling

Applying these rates to the proposed mix yields a maximum of 228 spaces. The proposal provides 80 spaces, therefore it complies with maximum rates.

However, this analysis is misleading. Maximum parking rates are designed to prevent over-provision in highly accessible locations, they do not represent the actual parking demand generated by residents. The question is not whether the proposal complies with maximum rates, but whether the substantial reduction from the approved provision will displace demand onto surrounding streets.

Displaced Demand Not Adequately Assessed

The original approval assessed and accepted a parking provision of 175 spaces for 391 apartments in the context of the Site's public transport accessibility. That approval balanced several factors:

- Proximity to Parramatta Station and bus interchange
- Future light rail and metro connections
- Anticipated car ownership rates for the BTR demographic
- Capacity of surrounding street network and public parking

The modification now proposes to serve 438 apartments (47 more than approved) with 80 spaces (95 fewer than approved). This represents a compounding impact:

- 12% more dwellings generating parking demand
- 54% less on-site provision to accommodate that demand
- Net shortfall of 118 spaces against what would be provided if the approved parking ratio were maintained ($438 \times 0.45 = 197$ spaces)

The Traffic Impact Statement claims this will result in reduced traffic generation because there are fewer on-site parking spaces available. This reasoning is fundamentally flawed. Reducing on-site parking does not eliminate residents' parking needs—it displaces them elsewhere.

Transport for NSW Guide Misapplied

The Traffic Impact Statement references the Transport for NSW *Guide to Traffic Impact Assessment*, noting the Site would be classified as "Sub-Category 1A" due to its proximity to public transport. The Traffic Impact Statement applies traffic generation rates per parking space rather than per dwelling, concluding that fewer spaces will generate less traffic.

This methodology is inappropriate for assessing the impacts of this modification for several reasons:

1. **The original approval already factored in public transport accessibility** when determining appropriate parking provision. The 175 spaces approved represented a reduced provision specifically because of the Site's location. The modification seeks additional reductions beyond what was already assessed as appropriate.

2. **Traffic generation per parking space analysis assumes constrained parking reflects actual demand.** In this case, the parking constraint is artificially created by the modification itself. Residents will still own vehicles; they simply won't be able to park them on-site.
3. **The analysis ignores displaced parking demand.** The consultant's conclusion that "traffic impacts of the modified proposal would be similar or less than that which was approved" only considers vehicles entering and exiting the Site's basement. It does not assess the impact of residents parking on surrounding streets and then driving to/from those locations.

Inadequate Assessment of Surrounding Street Capacity

The Traffic Impact Statement provides no analysis of:

- Current on-street parking occupancy in surrounding streets
- Capacity of nearby public car parks
- Cumulative impact of displaced parking from this and other developments
- Whether surrounding streets have available capacity to absorb 118 additional vehicles seeking parking

The original approval's parking provision was determined in the context of the specific development proposed (391 apartments). The modification fundamentally alters this equation by adding 47 dwellings while simultaneously reducing parking by 95 spaces. This displaced demand represents an external impact that requires assessment but has not been provided.

Build-to-Rent Model Does Not Justify Under-Provision

The applicant implicitly relies on the BTR operational model to justify reduced parking, assuming BTR residents will have lower car ownership rates than traditional apartment residents. Any reduction in car ownership associated with BTR use was already factored into the original approval and does not warrant a reassessment of parking provision.

More importantly, the modification's apartment mix reconfiguration to 71% studios and 1-bedroom units (from 55% in the approved scheme) does not guarantee lower car ownership. Many singles and couples own vehicles even when living in small apartments near public transport. The lack of on-site parking does not prevent vehicle ownership; it simply forces those vehicles onto surrounding streets.

The Traffic Impact Statement provides no empirical data on:

- Expected car ownership rates for the proposed BTR demographic
- Comparative analysis with the approved development's anticipated rates
- Evidence that the reduced provision (0.18 spaces per apartment) is adequate for resident needs

Conclusion on Parking Impacts

The modification creates a significant parking shortfall that will displace demand onto surrounding streets, an impact not assessed in the original approval. While the proposal technically complies with maximum parking rates, this compliance obscures the reality that:

1. The original approval provided 175 spaces for 391 apartments after considering public transport accessibility—this was the assessed appropriate provision
2. The modification proposes 80 spaces for 438 apartments, a 60% reduction in provision per apartment while increasing total dwellings
3. The shortfall of 118 spaces (against the approved parking ratio) will displace demand onto surrounding streets.
4. No assessment has been provided of whether surrounding streets and public parking can absorb this displaced demand. Even if surrounding streets are found to have capacity, this directly contradicts a key objective of Parramatta DCP which is to *“Ensure that adequate off-street parking is provided to serve the needs of development to minimise adverse impacts on surrounding streets”*.

The Traffic Impact Statement concludes that reduced on-site parking will generate less traffic, ignoring that residents' vehicles don't disappear, they simply park elsewhere and generate traffic to/from those locations. This represents a material external impact that exceeds what was contemplated in the original approval and requires comprehensive assessment that has not been provided.

The parking reduction should not be approved without proper assessment of displaced demand impacts on the surrounding street network and demonstration that adequate capacity exists to absorb 118 additional vehicles seeking parking in the vicinity of the site.

4. Amenity impacts on 1 Charles Street

The modification application proposes substantial changes that directly affect the interface with 1 Charles Street yet fails to adequately assess the cumulative amenity impacts these changes will impose on the building's occupants, particularly the NSW Police Headquarters.

Interface and Operational Impacts

The modification introduces several changes to the northern interface with 1 Charles Street that were not contemplated in the original approval:

- **Façade Treatment Alterations:** The approved scheme specified frosted glass louvres on Levels 5-13 along the northern façade facing 1 Charles Street. The modification proposes replacing these with perforated aluminium louvres. While both treatments provide screening, this material change alters the visual character, light transmission, and acoustic properties of the interface. The original approval's façade treatment was specifically assessed and approved in the context of the relationship with 1 Charles Street. This modification materially changes that assessed outcome without proper consideration of impacts on the adjoining property.
- **Service Infrastructure Relocation:** The modification proposes relocating the loading dock and waste collection facilities from Basement 01 to Ground Floor Level. This repositioning introduces operational impacts including vehicle movements, noise, and

waste management activities in closer proximity to 1 Charles Street's southern boundary and ground-level interface. The original approval located these service functions in the basement, minimising ground-level operational conflicts with the adjoining Police Headquarters. The modification fundamentally alters this arrangement without adequate assessment of the resulting amenity impacts.

- **Ground Plane Relationship:** The relocation of service infrastructure requires adjustments to the rear stepped landscaping to accommodate the new loading dock configuration. These changes alter the ground plane relationship between the developments and subsequently provides 'justification' for 'consistent building alignment'. Nonetheless, these are unnecessary and clearly highlights the objective of simply increasing dwelling yield.

Development Intensity at the Interface

Beyond the specific infrastructure changes, the overall intensification of the development creates additional interface pressures not properly assessed:

- The addition of 47 dwellings increases the residential population and associated activity levels adjacent to 1 Charles Street
- The shift to 71% studios and 1-bedroom apartments may result in different occupancy patterns and noise profiles than the approved mix
The reduction in parking provision while increasing dwelling numbers suggests greater reliance on rideshare, delivery, and street activity that may affect access and operations at 1 Charles Street

Inadequate Assessment of Cumulative Impacts

The modification application addresses individual technical matters in isolation but fails to properly assess the cumulative effect of these changes on 1 Charles Street. The Police Headquarters represents a significant operational presence requiring appropriate amenity protection. The proposed modifications introduce:

- Material changes to the approved interface treatment
- Relocation of service functions to ground level in closer proximity to the shared boundary
- Overall development intensification increasing activity and operational pressures
- Alterations to ground-level landscaping and spatial relationships

These cumulative changes give rise to amenity impacts that were not contemplated or assessed in the original consent and warrant comprehensive evaluation before any consideration of a determination.

The modification should not proceed without proper assessment demonstrating that the reconfigured development, with its relocated services, altered façade treatment, and increased intensity, maintains appropriate amenity outcomes for the occupants of 1 Charles Street.

Recommendations and Conclusions

The justification for the proposed modifications relies substantially on claimed buildability improvements and efficiency gains. However, this approach delivers a built form that represents a marked departure from the approved development's character and intensity. The resulting development is inconsistent with the "substantially the same development" test under Section 4.55(2) of the Environmental Planning and Assessment Act 1979, principally concerning excessive development intensity, inadequate parking provision creating off-site impacts, and insufficient assessment of amenity impacts on adjoining properties. The proposal also demonstrates material non-compliances with ADG design criteria, particularly regarding private open space and apartment storage, contrary to the requirements of State Environmental Planning Policy (Housing) 2021.

The modification demonstrates insufficient regard for the interface with 1 Charles Street, especially as it relates to the relocation of service infrastructure to ground level and the alteration of approved façade treatments. The addition of 47 dwellings within a reduced building envelope, achieved through fundamental internal reconfiguration, represents an intensification that was not contemplated in the original approval. Should the modification be approved, the resulting development would constitute a material departure from what was originally assessed, with cumulative impacts on parking demand, residential amenity, and adjoining property operations that have not been properly evaluated.

Having regard to the above matters, I respectfully recommend that the Department of Planning, Housing and Infrastructure refuse the modification application.

Yours faithfully,

Daniel Brazel

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