



**Planning &
Infrastructure**

MAJOR PROJECT ASSESSMENT

***45-47 Macquarie Street & 134-140 Marsden Street
Parramatta***

Proposed by: Crown International Holdings Pty Ltd

MP 09_0167



**Director-General's
Environmental Assessment Report
Section 75I of the
*Environmental Planning and Assessment Act 1979***

October 2011

ABBREVIATIONS

CIV	Capital Investment Value
Department	Department of Planning & Infrastructure
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning & Infrastructure
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning and Infrastructure
PAC	Planning Assessment Commission
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PEA	Preliminary Environmental Assessment
PFM	Planning Focus Meeting
PPR	Preferred Project Report
Proponent	Crown Investments Pty Ltd
RtS	Response to Submissions

Cover Photograph: Artist Impression of the Proposed building at the corner of Macquarie and Marsden Streets, Parramatta

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EXECUTIVE SUMMARY

This is a report on a Major Project Application pursuant to Part 3A of the *Environmental Planning and Assessment Act, 1979* (the EP&A Act). The site is located within the Parramatta Local Government Area, approximately 25 km from the Sydney CBD. The Proponent is Crown International Holdings Pty Ltd.

The application seeks Project Approval for the redevelopment of the site for a 26 storey mixed use scheme consisting of 367 residential units, commercial and retail floor space, 6 levels of basement car parking, an archaeological display area and public plaza.

The Environmental Assessment (EA) was exhibited for a 30 day period from Wednesday 19 May 2010 to Friday 18 June 2010. The Department received 7 submissions from public authorities and 2 submissions from the public. Parramatta City Council raised no objection to the proposal.

The site is zoned B4 (Mixed Use Zone). Commercial and residential uses are permitted within the zone.

The proposal has a Capital Investment Value of \$150 million and will create 200 operational jobs and 767 new jobs during construction.

The project was subject to a review by an independent Design Review Panel. The Panel met on six occasions to comment on the design in relation to design excellence. Issues raised by the Panel related to the building's height (including podium level), protection of archaeology and compliance with SEPP 65.

On 4 August 2011, the Proponent submitted a revised Preferred Project Report. Key changes within the report compared with the initial Preferred Project Report included rotation of the building by 2.5 degrees to the west, reducing the width of the building, altering the external material composition and alterations to the unit layout including the introduction of split-level apartments.

The Department has assessed the merits of the proposal and is satisfied that the impacts of the proposed development have been satisfactorily addressed within the EA, the revised Preferred Project Report and the Department's recommended conditions of approval.

The proposed development achieves an appropriate level of design and amenity for future residents, will have an acceptable impact upon the locality and surrounding development and will protect on-site archaeology. In addition, the proposal will assist in contributing towards the long term housing target for Parramatta as contained within the West Central Draft Sub-Regional Strategy. For the above reasons, the project is supported, subject to recommended conditions of approval.

As the Proponent has made a Reportable Political Donation, the Proposal will be forwarded to the Planning Assessment Commission for determination.

Part 3A of the EP&A Act, as in force immediately before its repeal on 8 April 2011 and as modified by Schedule 6A to the Act, continues to apply to transitional Part 3A projects. Director-General's environmental assessment requirements (DGRs) have been issued in respect of this project and the environmental assessment report was lodged prior to 8 April 2011. The project is therefore a transitional Part 3A project.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove of the carrying out of the project under section 75J of the Act.

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1. BACKGROUND

1.1 Site Description

The site is located on the south-western corner of Macquarie Street and Marsden Street, Parramatta (Lot 1 DP6103, Lots A, B & C in DP 82967, Lots 1 & 2 in DP 213184, Lots 1 in DP 530068 and Lots 101, 102 & 103 in DP 785428) and is located within the Parramatta Local Government Area which is approximately 25 km west of the Sydney CBD.



Figure 1 – Location Site

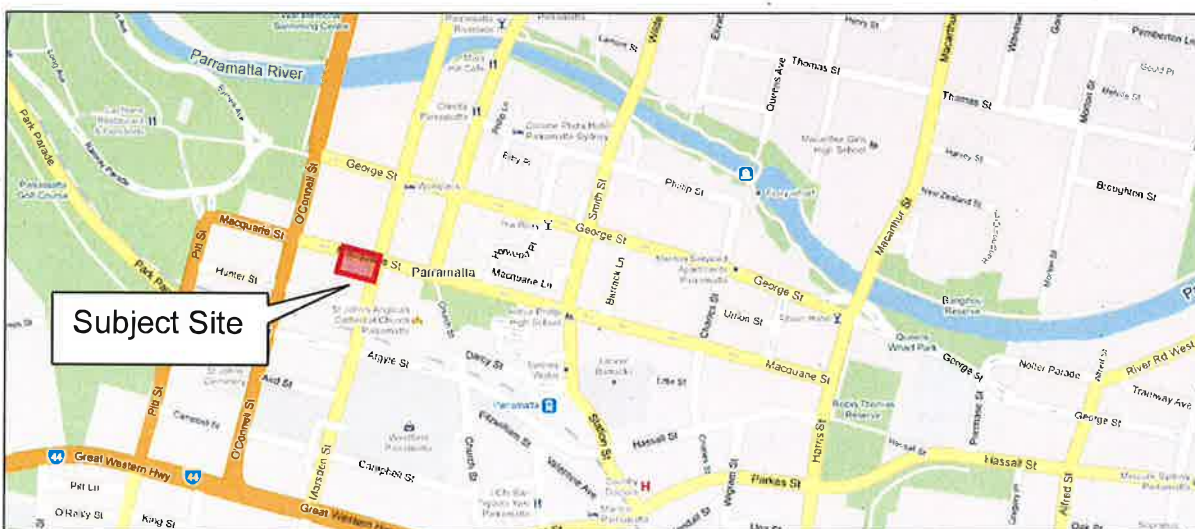


Figure 2 – Parramatta CBD

The site is located approximately 100 metres north of the Parramatta Westfield Shopping Centre, to the west of the main commercial core of Parramatta.

It is noted that if the scheme was assessed under Part 4 of the *Environmental Planning and Assessment Act 1979*, it would have been subject to Council's design competition requirements. As a Part 3A project, such a requirement is strictly not required. However, in order to satisfy Council's design requirements, the Proponent requested that the competition be replaced with a Design Review Panel (Panel). The Department considered the request reasonable as the primary reason for the Panel was to ensure the scheme achieved 'Design Excellence'. The Panel's comments and the Department's response are contained within Section 4.4 of this report.

1.2 Existing Site Features

The site covers an area of 4,879m² and contains important archaeology centred around early (European) convict settlements. The site is not a State Heritage item, however is protected by the Parramatta City Centre LEP 2007 as a Archaeological Management Unit.

The relics include:

- evidence of the footings of a convict hut;
- evidence of occupation by a wheelwright;
- evidence of the cellar of the Wheatsheaf Hotel (C1801), one of the earliest remnants of a hotel building; and
- the footings of a larger colonial period cottage with a deep well.

The relics are important as they are evidence of the early heritage of Parramatta and are within close proximity of the Governor's Domain in Parramatta Park, which is a World Heritage Listed site for its Australian Convict heritage (**Figure 10**). Archaeology on the site is currently housed within two secure metal sheds located in the northern section of the site.

Previous Consents and Orders

On 24 February 2006, the then Minister for Planning issued a Interim Heritage Order (No.101) for the site. The Order was placed over the site to protect the in situ archaeology. The Order lapsed 12 months from the date of issue and no other Order has been placed over the site.

In 2008, Parramatta City Council granted consent for a mixed use retail and commercial building on the site (DA470/2006). The approved development (**Figure 3**) had an overall height of RL 75.3 AHD (16 storeys or approximately 66 metres) and an FSR of 8.44:1.



Figure 3: Photomontage of the approved retail/commercial building

1.3 Surrounding Development

Surrounding development is generally commercial in the form of buildings between 4 and 10 storeys in height (Figures 6 to 8). However, the Jesse Centre to the north-west of the site, with a height of RL 82.55 AHD (72.57 metres) or 20 storeys (**Appendix E**) is the tallest building in the western section of the Parramatta CBD. Parramatta Westfield is located approximately 100 metres to the south of the site on the southern side of the railway line.

A number of locally listed heritage items lie within the vicinity of the site including 41 Hunter Street (**Appendix E**) which is located on the corner of Hunter and Marsden Streets.

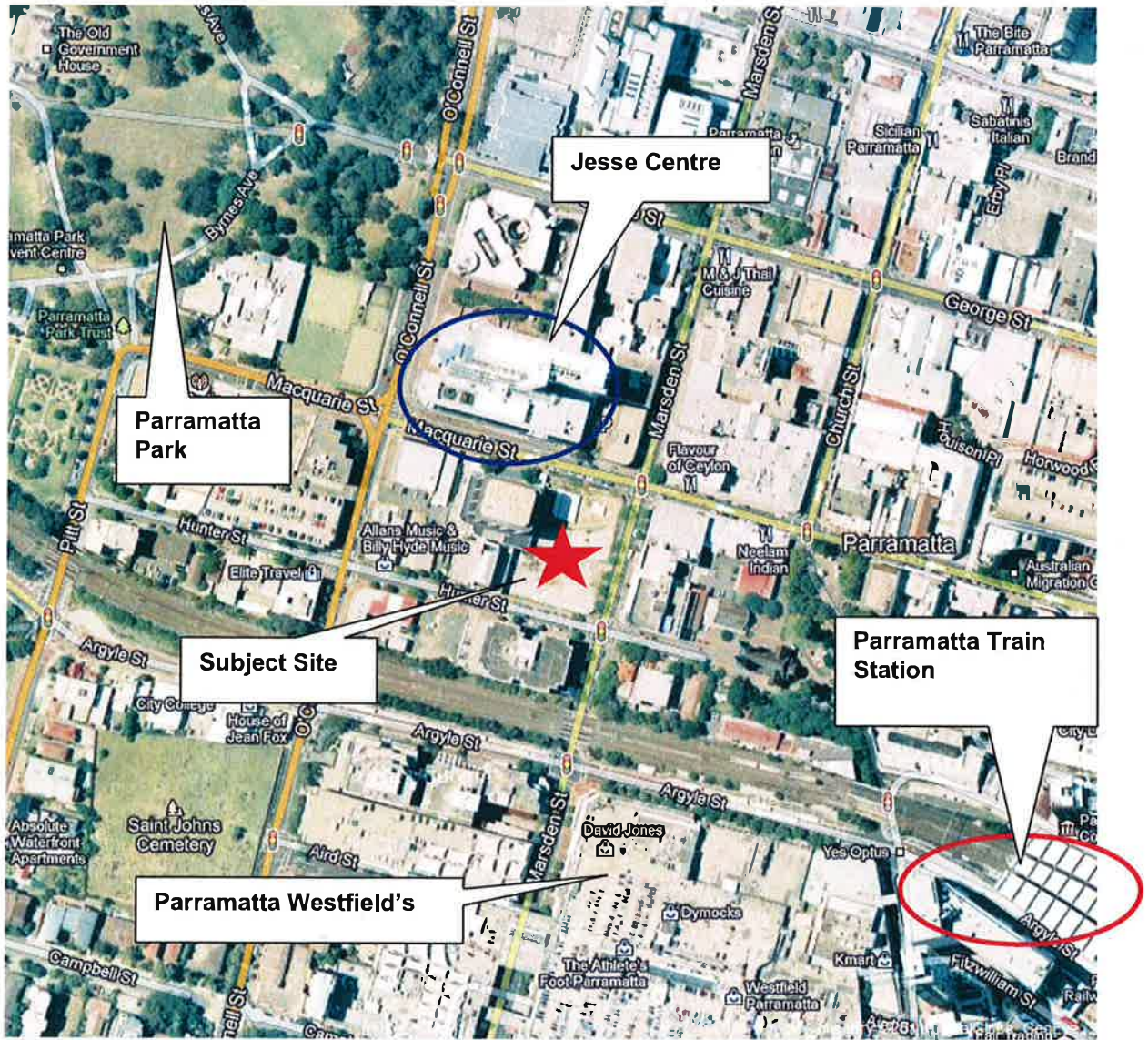


Figure 4: Aerial view of Parramatta CBD

2. PROPOSED PROJECT

2.1 Project Application (As Exhibited)

The Project Application seeks approval for a mixed use development consisting of basement car parking, a public plaza with archaeology viewing area, a podium with commercial, retail and residential uses, and a residential tower of up to 26 storeys. Table 1 outlines the key statistics of the project.

2.2 Preferred Project

In February 2011, the Proponent submitted a Preferred Project Report (PPR) addressing issues raised by the Department, the Panel and submissions received. The PPR was reviewed by both the Department and the Panel. Both the Department and the Panel were not satisfied that the amended project resolved concerns with the proposal's compliance with SEPP 65 and the RFDC.

On 4 August 2011, the Proponent submitted a revised PPR which improved the proposal's compliance with SEPP 65 and slightly altered the building's external appearance. The key changes to the proposal are shown in Table 1 below.

In addition to the changes outlined within Table 1, the Proponent also provided additional information concerning SEPP 65 compliance, the height of the building, built form and archaeology. Section 5 of this report outlines the project's compliance with both SEPP 65 and the RFDC.

Development Statistics	Original Application	Original Preferred Project Report	Revised PPR
GFA	40,307m ²	39,825.7 m ²	40,522.4m²
FSR (SREP 28)	8.44:1	8.44:1	8.44:1
Building Height	84.6m (RL 94.50 AHD)	85.2m (RL95.10 AHD)	84.6m (RL94.5 AHD)
Unit Mix	89 x 1 bed 193 x 2 bed 57 x 3 bed Total 339	115 x 1 bed 204 x 2 bed 48 x 3 bed Total 367	115 x 1 bed 204 x 2 bed 48 x 3 bed Total 367
Vehicle Parking	506 car spaces 48 bicycle spaces 10 motorcycle spaces	508 car spaces 68 bicycle spaces 4 motorcycle spaces	535 car spaces 86 bicycle spaces 4 motorcycle spaces
Communal Open Space	756m ² (15%)	1,571.4m ² (32.4%)	1,571.4m² (32.4%)

Table 1: Key development Statistics

2.3 Project Need and Justification

NSW 2021

NSW 2021 replaces the State Plan as the NSW Government's strategic business plan for setting priorities for action and guiding resource attention. NSW 2021 is a ten year plan to rebuild the economy, provide quality services, renovate infrastructure, restore government accountability and strengthen the local environment and communities.

The project will provide a number of residential units of varying size within a regional centre. The proposal's location within the Parramatta centre will contribute to the Plan's goal of building liveable centres and the introduction of smaller residential units will also help achieve the goal of placing downward pressure on the cost of living by providing more affordable housing.

Metropolitan Plan for Sydney 2036

The Metropolitan Plan for Sydney 2036 is a strategic document that guides the development of the Sydney Metropolitan area towards 2036. The Metropolitan Plan sets out housing and employment targets for the Sydney region at 769,000 additional dwellings and 760,000 new jobs, by 2036. At least 70% of new dwellings are to be located within existing urban areas.

The proposal is consistent with the aims of the Metropolitan Plan and will contribute towards meeting new dwelling targets (367 Units) and, in its delivery, provide a number of construction jobs (767 positions).

West Central Sub-Regional Strategy

The West Central Draft Sub-Regional Strategy identifies Parramatta as a regional city and the economic hub and gateway to Western Sydney. Key strategies within the plan include the need for greater housing mix near jobs, transport and services and to increase densities in centres whilst improving liveability. The site's position and proposed residential/commercial land uses within the mixed use commercial zone of Parramatta city centre means that the proposal will satisfy the strategic vision for growth in Parramatta by facilitating residential growth within the centre that is close to services and facilities, the Parramatta Railway Station and bus services.

Parramatta City Centre Local Environmental Plan 2007 (PCCLEP 2007)

The aim of the Plan is to promote the economic revitalisation of the Parramatta city centre in order for it to fulfil its role as a primary centre in the Sydney Metropolitan Region. The Plan also aims to protect and enhance the vitality, identity and diversity of the Parramatta city centre and promote it as a pre-eminent centre in Sydney by promoting employment, residential, recreational, arts, social, cultural and tourism opportunities in an appropriate and sustainable manner. In order to achieve this, the Plan encourages building design excellence, improved quality of urban design, the enhancement of the public domain and public transport, the protection of the city's heritage and the implementation of more sustainable social, economic and environmental outcomes.

The site falls within the B4 (Mixed Use) zone which has a number of FSR and building height controls. The PCCLEP 2007 limits the FSR on the site to 6:1 and the building height to 54 metres. Both the proposed height and FSR have been discussed in detail within Section 5 of this report. The proposed building height is consistent with height controls on adjacent sites and the FSR is consistent with the previously approved development on the site.

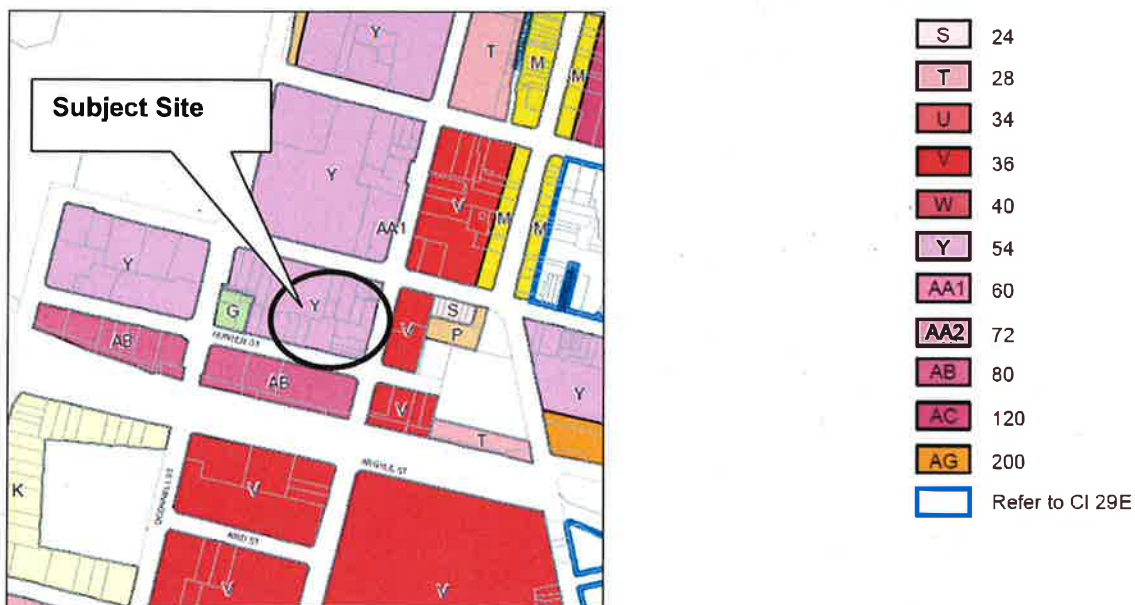


Figure 5: PCCLEP 2007 Height Controls

The proposal achieves the aims and objectives of the PCCLEP 2007 by providing a mixed use development that will provide employment floor space and needed residential accommodation within the city centre. In addition, the proposal protects important archaeology and the proposed interpretation centre is likely to encourage some tourism opportunities.

3. STATUTORY CONTEXT

3.1. Major Project

The project was declared a Major Project by the Deputy Director General under the former discretionary provisions of the State Environmental Planning Policy (Major Development) 2005 as it had a Capital Investment Value (CIV) of more than \$50 million in accordance with Schedule 1 C1.13. It is therefore a project to which Part 3A of the *Environmental Planning and Assessment Act, 1979* applies.

On 26 October 2010, the Director-General issued DGR's pursuant to Section 75F of the EP&A Act. A copy is contained in Appendix D. The DGR's were addressed in the EA which was deemed adequate for public exhibition.

Consequently, the Minister is the approval authority for the proposal. However, the Planning Assessment Commission may determine the application on the Ministers behalf under delegation.

3.2. Permissibility

Under the Parramatta City Centre Local Environmental Plan 2007 (CCLEP 2007) the site is zoned B4 (Mixed Use). The scheme is permissible under the CCLEP 2007.

The Department considers the proposed land use to be acceptable as residential, retail and commercial activities are permissible within the zone and will not result in any additional adverse impacts upon the surrounding land uses.

3.3. Environmental Planning Instruments

Under Sections 75I(2)(d) and 75I(2)(e) of the EP&A Act, the Director-General's report for a project is required to include a copy of, or reference to, the provisions of any State Environmental Planning Policy (SEPP) that substantially governs the carrying out of the project, and the provisions of any environmental planning instruments (EPI) that would (except for the application of Part 3A) substantially govern the carrying out of the project and that have been taken into consideration in the assessment of the project.

The Department's consideration of relevant SEPP's and EPI's is provided in Appendix D.

3.4. Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in Section 5 of the Act. The relevant objects are:

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The proposed redevelopment of the site will increase densities to a suitable level allowing for a more economic utilisation of the site. The provision of residential units within the Parramatta CBD will allow for a greater variety of housing types thereby contributing to the provision of more affordable housing within the area. The provision of publicly accessible archaeology viewing platforms and plaza will protect important archaeology whilst providing additional land for a public purpose.

3.5. 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:

- (a) *the precautionary principle,*
- (b) *inter-generational equity,*
- (c) *conservation of biological diversity and ecological integrity,*
- (d) *improved valuation, pricing and incentive mechanisms.*

The ESD principles are addressed in Appendix D.

3.6. Statement of Compliance

In accordance with section 75I of the EP&A Act, the Department is satisfied that the Director-General's Environmental Assessment requirements have been complied with.

4. CONSULTATION AND SUBMISSIONS

4.1. Exhibition

Under section 75H(3) of the EP&A Act, the Director-General is required to make the Environmental Assessment (EA) of an application publicly available for at least 30 days. After accepting the EA, the Department publicly exhibited it from 19 May 2010 until 18 June 2010 on the Department's website and Parramatta City Council. The Department also advertised the public exhibition in the Sydney Morning Herald, Daily Telegraph and the Parramatta Advertiser on 19 May 2010 and notified landholders and relevant State and local government authorities in writing.

The Department received eight submissions during the exhibition of the EA including six submissions from public authorities and two submissions from the general public.

A summary of the key issues raised in submissions is provided below.

4.2. Public Authority Submissions

Six submissions were received from public authorities.

Parramatta City Council

Council support the proposal as it will rejuvenate the city centre whilst preserving the archaeological history of the area. Council considers the proposed scale and built form (including FSR and height) to be compatible with existing surrounding development and the desired future character for this part of the city centre. Council requested that the impact upon nearby heritage items and overshadowing of neighbouring properties be carefully considered.

Sydney Metro (Former Infrastructure Division of Transport NSW)

Sydney Metro raised no objection to the proposed redevelopment of the site. However, they raise some concern about the potential impacts of the proposed development on the future construction, operation and maintenance of the West Metro (if constructed). In order to mitigate any potential conflicts and to protect the identified transport corridor, Sydney Metro have requested conditions relating to excavation and the provision of construction and maintenance details (to Sydney Metro) be placed on any consent issued.

The Department considers the request to be reasonable as it will ensure the viability of the Metro line is retained in the future (**Conditions A12 and E6**).

NSW Department of Transport and Infrastructure (NSWTI)

The Department of Transport and Infrastructure (NSWTI) raised concern that the proposal does not adequately address the issue of promoting public transport usage and pedestrian and cycle linkages and also the potential for implementing a location-specific sustainable travel plan. The NSWTI requests that:

- the number of proposed car parking spaces be reduced;
- car sharing scheme be included within the scheme;
- a location specific sustainable travel plan be prepared; and
- that bicycle parking and facilities meet the specifications outlined within the NSW *Planning Guidelines for Walking and Cycling*.

The requirements for a travel plan and for the bicycle parking to satisfy applicable NSW controls has been included within the recommended conditions of the approval (**Condition A11**). Vehicle parking has been discussed within Section 5 of this report.

Rail Corp

Rail Corp raised no objection to the proposal, however, requested that a condition requiring the scheme to comply with the Department's 'Development Near Rail Corridors and Busy Roads – Interim Guidelines' be included.

As the site is located within 100 metres of a rail line, the Department considers this request to be reasonable (**Condition B15**).

Roads and Traffic Authority

The RTA raised no objection to the proposal subject to additional phasing of traffic lights at the Hunter Street and Marsden Street intersection and that no stopping signs being placed along the Hunter Street frontage. Conditions requiring these works have been included within the recommended conditions included within the approval instrument (**Condition B14 and F13**).

The Office of Environment and Heritage (formerly the Department of Environment, Climate Change and Water)

The Office of Environment and Heritage requested that:

- the Proponent consult with the local Aboriginal community;
- prepare an Aboriginal cultural report;
- undertake additional evaluation of the Aboriginal archaeology on the site;
- update the Aboriginal heritage assessment to incorporate all recent information about Aboriginal heritage in the area;
- consideration of whether or not further salvage excavations are warranted; and
- consideration of whether or not Aboriginal heritage is present under European archaeology on the site.

As part of the PPR, the Proponent provided additional information concerning the local Aboriginal community's involvement in on-site excavation works. The report also outlined that the site was highly disturbed and therefore very unlikely to contain Aboriginal archaeology. In addition, the Proponent also stated that the existing consent for the site includes a four level basement car park. This approval, which could have been implemented did not require additional consultation with the local Aboriginal community or further evaluation of Aboriginal archaeology.

The Department considers that the Proponent has undertaken sufficient investigation into Aboriginal heritage on the site and that appropriate measures have been included within the Statement of Commitments to ensure that, if found any Aboriginal objects will be adequately protected. However, to ensure the preservation of any Aboriginal objects found on the site, a condition has been recommended within the approval (**Conditions D29**).

Sydney Water

Sydney water confirms that the drinking water system has sufficient capacity to serve the proposed development. With regard to connection to Sydney water's sewerage system, some amplifications and adjustments will be required. All works are to be in accordance with the Sewerage Code of Australia and Guidelines for Building Over or Adjacent to Sydney Water's wastewater mains.

As part of the submitted PPR, the proponent has provided details that demonstrate that they are able to undertake required works in a manner that is compliant with relevant regulations. A condition has been included to ensure such works occur (**Condition C19**).

4.3. Public Submissions

Two submissions were received from the public. The first, from a neighbouring property who requested that the heritage significance of nearby buildings be adequately protected during the construction of the building in terms of excavation and vibration.

The second submission offers general support to the scheme as it will be an important catalyst in increasing and achieving the goal of establishing Parramatta as a regional City in accordance within the Metropolitan Plan. However, the submission does raise objection over the proposed height, the exterior finishes of the proposed building and the impact the building will have upon the amenity of neighbouring buildings.

The proposal's height, external appearance and impact upon the amenity of neighbouring properties has been discussed in detail within Section 5 of this report.

4.4. Design Review Panel

The site is located within the Parramatta CBD and such proposals are normally subject to the Council's Design Competition when assessed under Part 4 of the *Environmental Planning and Assessment Act, 1979*. The Proponent requested the Department waive a design competition in favour of the project being reviewed by a Design Review Panel. The Department agreed and a Panel consisting of representatives from the NSW Government Architect's Office, independent architects, the Heritage Branch and Council were engaged.

The Panel has reviewed the scheme on five occasions, before and after the Environmental Assessment was lodged with the Department. The Panel raised concern with the scheme's non-compliance with SEPP 65, particularly with regard to the RFDC controls of building and apartment depths, ventilation, acoustic and visual privacy and daylight. Prior to the lodgement of the PPR, the Panel was of the opinion the scheme failed to achieve its primary objective which is to facilitate design excellence.

On 11 April 2011, the Design Panel provided the Department with its final review comments that responded to the Proponent's presentation of their PPR on 3 March 2011. The Panel identified a number of outstanding issues (below) with the proposal, which in its view prevented the scheme from achieving design excellence:

Compliance with SEPP65 / RFDC

- The Proposal exceeds the following RFDC controls:
 - maximum building depth (proposed: up to 29m, required: 10m-18m);
 - maximum single aspect apartment depth (proposed 6m-10.5m, required 8m); and
 - natural cross ventilation (proposed 52% required 60% min). Note: the Panel does not support the proposed reliance on airshafts to satisfy natural ventilation requirements.

Building Height

- The Panel raised concern regarding the following non-compliances and stated that insufficient justification had been provided:
 - the Podium heights do not comply with Parramatta DCP 2007 urban design framework; and
 - the Proposed tower height (96.9m & 99.7m) is nearly double the Parramatta LEP height control (54m).

Built Form

- The depth of the building results in a building of excessive bulk when considered in the Parramatta context.

Archaeology

- The use of archaeology as justification for a development bonus should ensure long term conservation, public access and interpretation.

In response to the Panel's final report, the Department requested the Proponent review the PPR against the Panel's final comments.

On 4 August 2011, the Proponent provided a revised PPR to address those issues raised by the Panel. The Department believes that the revised PPR adequately addresses the concerns raised by the Panel. This was achieved, by modifying the design to improve compliance with RFDC, and further justifying the various heights of the building. The assessment of the revised scheme has been discussed in detail within Section 5 of this report. The Panel's final report is at **Appendix F**.

5. ASSESSMENT

The Department considers the key environmental issues for the project to be:

- residential amenity;
- built form; and
- protection of archaeology and heritage.

5.1. Residential Amenity

Residential amenity was a key issue raised by the Department and the Panel. It is essential that the project demonstrates that it will achieve a high standard of residential accommodation for future residents.

Table 2 below, outlines the proposal's compliance with the relevant design guidelines (SEPP 65) and the Residential Flat Design Code (RFDC).

Design Element	Required	Proposed	Complies
Building depth	10-18m	26.3	No
Building Separation	24m	12	Able to comply
Deep Soil Zone	25%	17%	No
Open Space	25-30%	32.4%	Yes
Vehicle Access	6m	7.3m	No
	Location of Vehicle entry on Secondary frontage	Hunter Street	Yes
Apartment depth (single aspect)	8m	Up to 10.8m	No
Kitchen from a window	8m	8.8m	No
Apartment size	1 Bed - 50 m ² 2 Bed - 70m ² 3 Bed - 95m ²	1 Bed - 54.5m ² to 80.7m ² 2 Bed - 82.9 m ² to 88.9 m ² 3 Bed - 103.8 m ² to 155.7 m ²	Yes
Balcony depths	2m	1.6	No
Ceiling Heights	2.7	2.7	Yes
Internal Circulation	8 units off single corridor	21	No
Storage	6 to 10m ³	8.6 to 31.4m ³	Yes
Daylight Access	70% - 2 hours b/w 9 and 3	74% for 2 hrs b/w 9 and 3	Yes
Single Aspect with southerly aspect	10%	9%	Yes
Natural Ventilation	60%	65%	Yes
	25% Kitchens	54%	Yes

Table 2: SEPP 65 Compliance

As demonstrated by **Table 2**, the proposal is generally consistent with the aims and objectives of SEPP 65 and the RFDC and will provide adequate residential amenity for future occupants within this inner city location. It is however noted that the proposal does not strictly comply with the RFDC guidelines for building and apartment depth, deep soil zone, balcony depth, internal circulation and the distance of kitchens from windows. These issues are discussed in detail below.

Building/Apartment Depth

The use of building depth in combination with other controls ensures adequate amenity for future building occupants. At an average of 26.3 metres the proposed depth (at residential levels) exceeds the recommended maximum building depth of 18 metres.

The RFDC states that a building's depth may be greater than 18 metres (and apartment depth of 8 metres) only if the building/apartments achieve satisfactory daylight and natural ventilation. The Proponent has demonstrated that the residential component of the development achieves the required amenity guidelines as set out within the RFDC. By rotating the building 2.5 degrees to the west, enlarging the ventilation slots and the staggering of balconies/external apartment facades, the building will exceed the minimum requirement for daylight (74% compared with 70% required) and natural ventilation (65% compared with 60% required). **Figure 6** illustrates the changes to the typical floor (Original, PPR and revised PPR).

The Department considers the depth of the building and apartments to be reasonable as the amended layout overcomes the Panel's concerns about amenity by demonstrating a proposal that satisfies the ventilation, privacy and daylight guidelines. In regard to visual impact, the buildings depth is discussed further in Section 5.2 of this report.

Macquarie Place
134-140 Marsden Street
Parramatta

Preferred Project Report

Crown International
Holdings Group



Level 13 Comparison

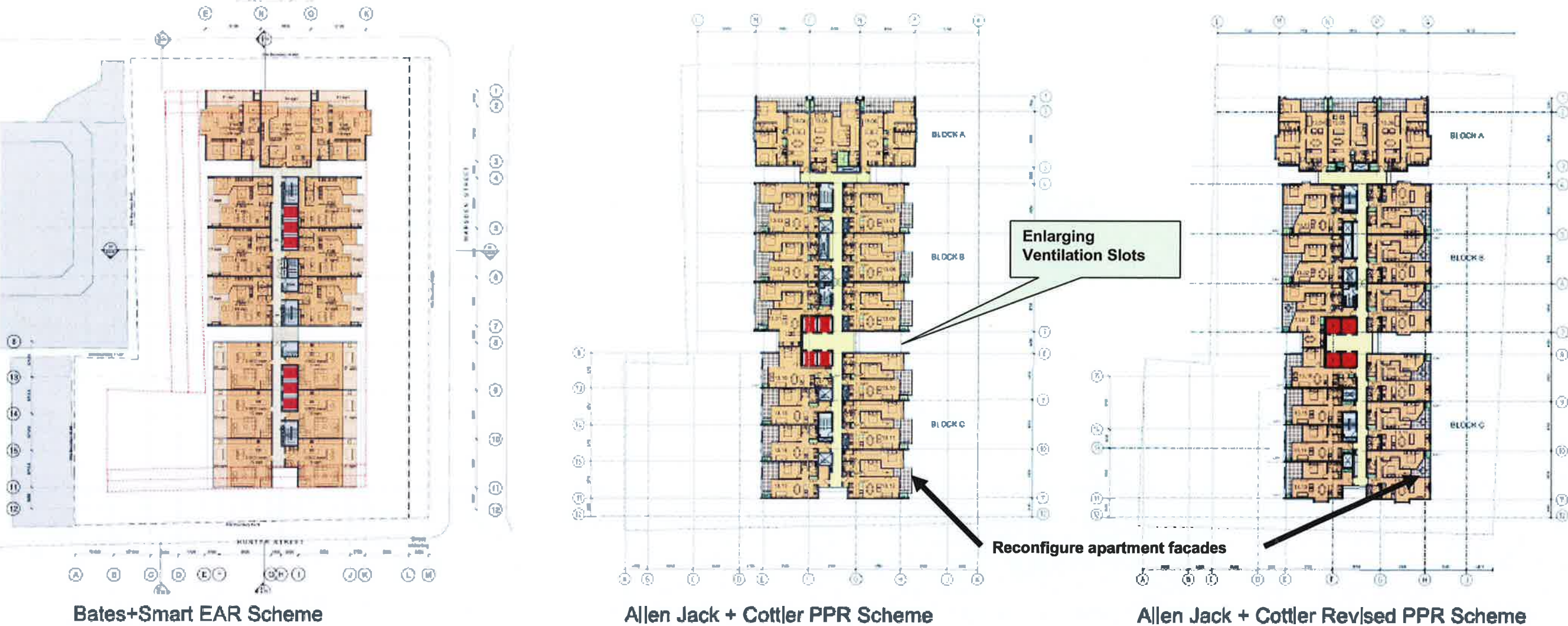


Figure 6 - Typical Floor Level (Original Submission, PPR and Revised PPR)

General Amenity for the Proposal

Ventilation

The Department and the Panel raised concern with the proposal's ability to provide adequate natural ventilation. The original proposal stated that the scheme was capable of satisfying the 60% RFDC requirement, however did not demonstrate how this was to be achieved. As part of the PPR scheme, the design was amended to include four vertical air shafts. These shafts are centrally located and through variations of air pressure, the shafts enhance cross-through ventilation to those single aspect units positioned on the western side of the building. The increased air flow created by the shafts would allow 74% of units to be naturally ventilated. The Panel welcomed the improved ventilation, however, raised concern with the shaft's ability to be adequately fire rated and adequately insulated to prevent undue noise impacts. The Panel was also concerned with the effectiveness of the shafts given that they have not been used before.

Although two of the ventilation shafts remain, the revised PPR scheme illustrates that the building will achieve the 60% natural ventilation requirement (providing 65%) of the RFDC **without** the need for the shafts. Compliance with the natural ventilation requirements has been achieved by amending openings, the internal layout of apartments and reconfiguring external walls and balconies. As the development can meet the RFDC requirement without the need for the shafts, the Department considers ventilation to be acceptable.

Privacy

The Panel raised concern with the visual separation and potential noise levels between the units. Of particular concern was the privacy between units located at the internal 'elbow' section of the building (**Figure 7**), which is located on the western side of the building between levels 2 and 10, and those units adjoining the ventilation slots.

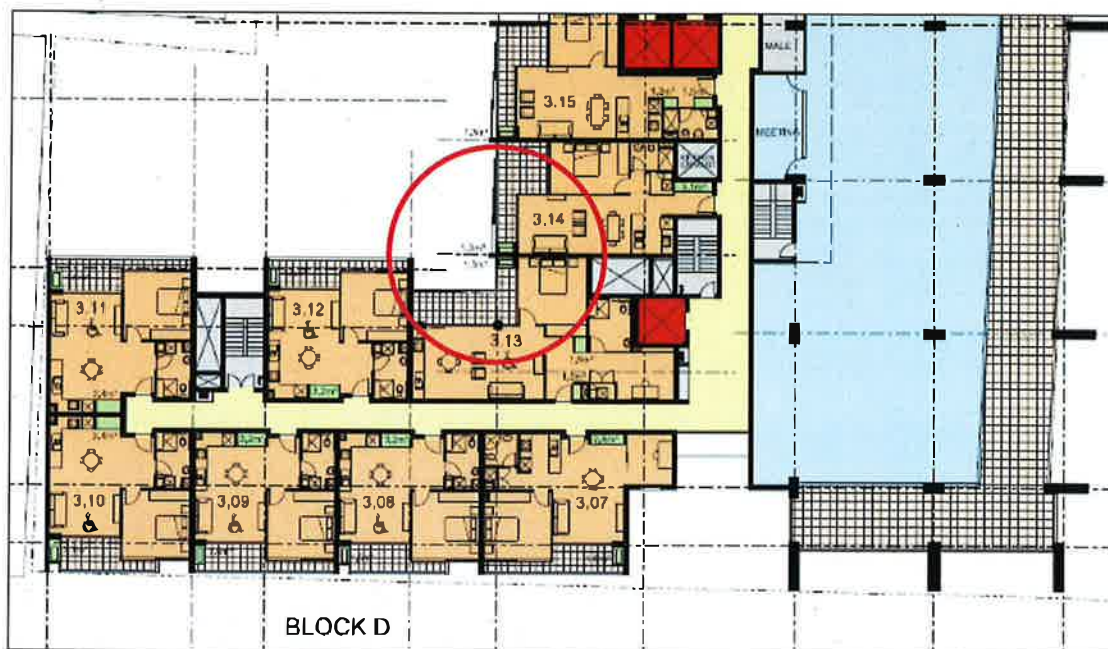


Figure 7: Location of Elbow Units

To further enhance both visual and noise privacy, the revised design modified balcony/external facades of the apartments and amended the position of windows located within the widened ventilation slots.

The Department consider these changes, together with the movable shade screens (to be fitted to the outside of the balcony of the west facing units) will provide adequate privacy between apartments. In terms of noise, the separation is consistent with other unit developments in terms of balcony positions.

Communal Open Space and Deep Soil Planting

The PPR scheme introduced additional communal open space at level 11 over the south-western portion of the residential tower and at level 22 over the southern portion of the tower. These two areas increase the total area of communal open space from 756m² to 1571.4m² or 32.4% which is above that required by the RFDC (25%).

The Department considers that the position of the two communal roof areas together with the pool and garden area on level 1 will provide convenient and usable communal open space for all residents.

At 17%, the proposal falls short of the RFDC deep soil requirement (25%). The shortfall is considered acceptable given the site's location within the Parramatta CBD and that Council requires a zero setback along the street frontages. Further, the protection of on-site archaeology, the provision of large usable communal open spaces on upper levels and the inclusion of water recycling facilities mitigate the impacts that the reduced deep soil will have on the site.

Balcony Widths

At 1.6 metres, balconies to some of the single bedroom apartments located on the Hunter Street elevation fall short of the minimum 2 metre width outlined within the RFDC. Although the balconies in question are narrow, each has a floor area in excess of 6m² and are directly accessed from living areas. The Department considers the balconies provide adequate external amenity given the size of the apartments and the availability of large communal open spaces and recreational facilities which are located on levels 1, 11 and 22.

Residential Storage

The Department and the Panel required additional information concerning the proposal's ability to comply with the RFDC storage requirements. The PPR illustrated that storage for each residential unit will exceed the following minimum requirement outlined by the RFDC:

- One bedroom apartments – 6m²
- Two bedroom apartments – 8m²
- Three bedroom apartments – 10m²

Each residential unit will be provided with a 5m³ storage locker in the basement and between 3.6m³ and 26.4m³ of internal storage. The internal storage provisions meet the 50% minimum, and overall each unit will be provided with residential storage that exceeds the minimum storage requirements.

Internal Circulation

The RFDC requires that no more than 8 units should be access from a single internal corridor. With 21 units being access from each corridor at the lower levels, the proposal exceeds this requirement. However, the central position and number of lifts (5) results in no more than 9 apartments being accessed from any one direction. This together with the 'L' shaped layout and the inclusion of a minimum of 4 windows within each corridor, results in corridors that are well lit, open and have high visibility. The Department considers that the corridors will adequately services the units and will provide adequate amenity, security and safety for residents.

Neighbouring Amenity

The site is located within a mixed use zone that permits residential development. At present, no residential properties are located in the vicinity of the site. The absence of residential properties on neighbouring sites means the scheme will not result in any immediate amenity impacts on neighbouring properties in terms of overlooking, noise and overshadowing.

The RFDC requires a 24 metre separation between windows to habitable rooms. The 12 metre setback along the western boundary allows for the 24 metres to be achieved if or when the adjoining site (to the west) is redeveloped for residential purposes. The 12 metre setback therefore provides a suitable setback in order to achieve privacy, daylight and ventilation requirements on the neighbouring site (to the west) as outlined within the RFDC.

5.2. Built Form

The Department and the Panel raised concern with the built form, particularly the proposal's parapet heights and the building's depth. Concern was also raised with the proposed external materials and the building's relationship with the existing urban form.

Bulk and Scale

Throughout the design process, the Department and the Panel raised concern over the bulk of the building. The building's depth and height together with the proposed external colour pallet presented a bulky building that would have an overbearing impact upon the locality.

As illustrated by **Figures 8, 9 and 10**, the scheme has been amended to reduce its bulk and lessen its impact upon the area. The building's depth has been reduced by approximately 6 metres and the large eastern façade, facing Marsden Street, has been further broken up by enlarging the ventilation slots and reducing the prominence of the balconies. To further reduce the dominance of the building, the external colour pallet has also been modified.



Although, the overall height of the building remains largely unchanged, the modifications above will present a more lightweight and streamlined building. The varying parapet heights and the forecourt/undercroft, together with the more streamline tower, ensures the building's bulk and scale is representative of a modern residential building. The mass of the building is consistent with the neighbouring Jesse Centre (**Figure 11**) and will sit well in the future urban context of the area which is likely to include larger buildings given the allowable FSR and height controls of the mixed use zone.



Figure 11: The 20 Storey Jesse Centre (Located to the North-West of the Site)

Height

Tower Element

The Panel raised concern that the Proponent did not provide an urban design rationale for the non-compliance within the PCCLEP 2007 height controls. The Panel stated that it is essential that the height of the proposal respects the existing and future built form of the Parramatta CBD. Council raised no objection to the height subject to the scheme not having an unacceptable impact upon solar access to neighbouring properties.

The proposed building will have a maximum height of RL 99.7 AHD, 35.8 metres above Council's height control of 63.9 AHD (54 metres) and 24.4 metres above the height of the previous approval.

The height is similar to the 20 storey Jesse Centre, a commercial building located to the north west of the site which at more than 72 metres stands over 18 metres above the 54 metre height control.

Although the height of the building is greater than neighbouring properties, its prominence in the future is likely to be diminished as Council control's (PCCLEP 2007) permit buildings of up to 80 metres on sites to the south, fronting Hunter Street (**Figure 5**). This together with the demand for more affordable housing within centres, and Council's support for the project suggest that buildings of similar or greater height are likely to be constructed in the vicinity of this CBD location.

It should also be noted that a variation from the maximum height control was previously granted for the approved commercial development on the site. The commercial development was approved with a maximum height limit of RL75.30 (approximately 66 metres). The height variation was justified partly on the public benefits afforded by the preservation and display of archaeological heritage items on the site. Given the proposed development will also retain the archaeological heritage items and considering the development constraints and costs associated with the preservation of the archaeology, the height variation is considered to be reasonable, given the public benefit associated with retaining important archaeology of early (European) convict settlement.

As the height of the building is comparable to the adjoining Jesse Centre and the allowable building height on adjoining sites, together with the public benefit afforded by retaining the heritage archaeology, the Department considers the overall height of the building will sit well within both the existing and future context of the Parramatta CBD.

Podium Height

In terms of parapet and setback controls, the proposal satisfies Council's guidelines with respect to the provision of a zero setback, the inclusion of podium levels and setting back of the tower element. However, as outlined in Table 3, the podium levels vary from those outlined within Council's controls.

	CCDCP 2007	Proposed (PPR)
Building Height	RL63.9 AHD (54m)	RL99.7 AHD (84.6m)
Podium Height Marsden	26 – 30 metres	22.4 metres
Podium Height Hunter Street	18 – 22 metres	36.5 metres
Podium Height Macquarie Street	18 – 22	13 metres
Tower element	Setback 8 metres from street boundary	8 metres

Table 3: Building Heights

The Department has considered the Panel's comments, Council's controls and reviewed the height of neighbouring properties in order to ascertain whether the proposed building/podium heights are acceptable. The variations in building/podium heights are considered to be acceptable in this instance as:

- this section of the Parramatta city centre does not have an established podium height, with many nearby buildings either not having podium levels or being of a height below the proposed podium height;
- the need to preserve on-site archaeology reduces the ability to provide a podium on that portion of the site;
- the retention of existing street trees together with the proposed external material mix and podium arches facing Marsden Street will create visual interest;
- the proposed podium heights will not prevent the creation of attractive street vistas in the future once neighbouring sites are redeveloped;
- the setback of the tower element is consistent with DCP controls; and
- the additional height of the tower will not impact upon neighbouring properties in terms of overlooking or overshadowing.

The Department considers the proposed podium height to be reasonable as the resulting building will sit well within the locality and streetscape, and will not adversely impact upon redevelopment opportunities or amenity of neighbouring properties.

Streetscape

The retention of the street trees together with the podium height and the generous setback of the tower element will create a vertical scale that ensures the building will not dominate the street to the benefit of pedestrians. The separation of the commercial and residential lobbies also defines each use within the building. In addition, the inclusion of retail units at ground level and the forecourt will activate the frontages thereby relating positively with adjoining commercial developments.

It is noted that the Department and the Panel raised particular concern with the Hunter Street elevation as it included two vehicular entries and a substation. To resolve this, as part of the PPR, the Proponent combined the two vehicle entries, included a residential lobby and increased the active retail frontage along Hunter Street from 41% to 65%. The reconfiguration improves the visual appearance of the development at street level while the provision of additional retail and the residential lobby activates the Hunter Street elevation (**Figure 12**).



Figure 12: Hunter and Marsden Street Elevation



Figure 13: Marsden and Macquarie Street Elevation



Figure 14: Corner of Hunter and Marsden Street



Figure 15: West along Hunter Street



Figure 16: Marsden Street



Figure 17: North from Hunter Street across site

5.3. Protection of Archaeology and Heritage

The Heritage Branch and the Panel raised particular concern regarding the preservation of the on-site archaeology which includes four important relics within two archaeological conservation zones both located along the Macquarie Street frontage. The Panel also raised concern over how the archaeology will be presented to the public.

The project has been designed to allow the archaeology to remain in situ. The building's commercial forecourt will be constructed over the relics, providing an open publicly accessible space (**Figures 21 and 22**).

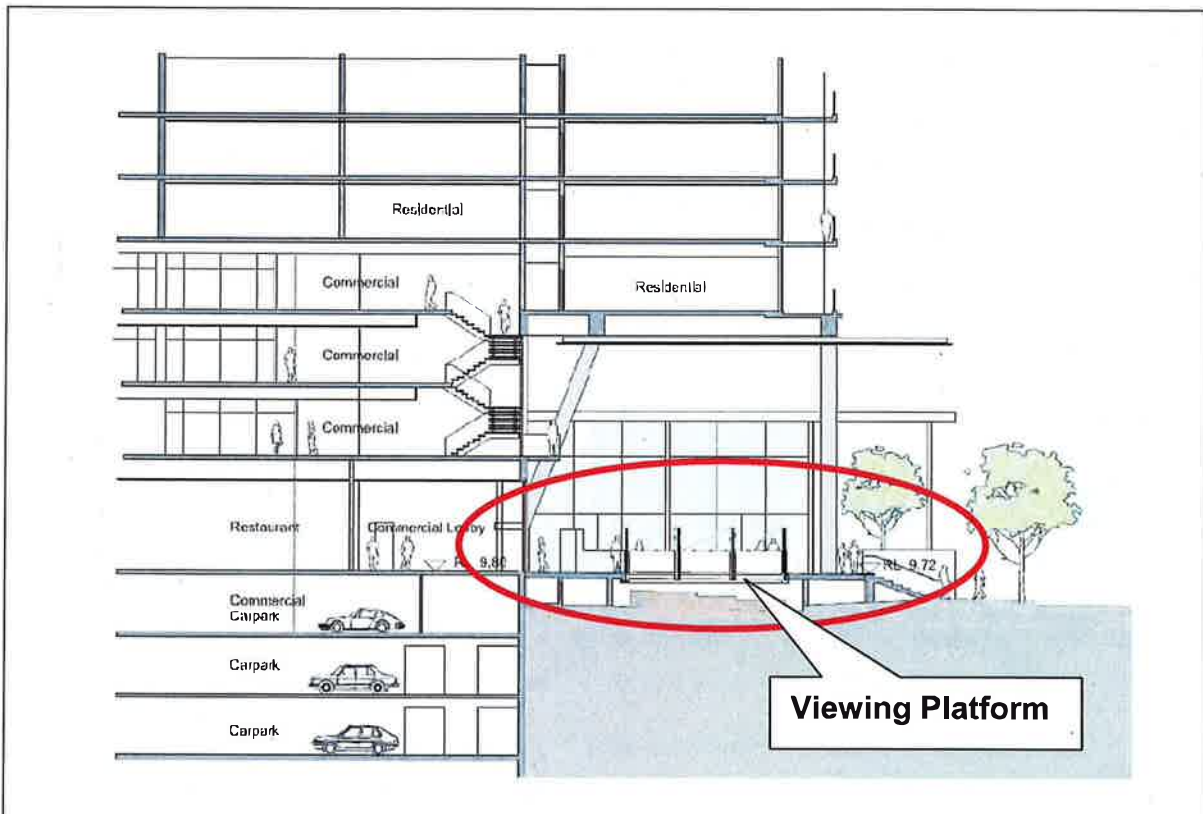


Figure 21: Cross Section of the building forecourt and archaeology

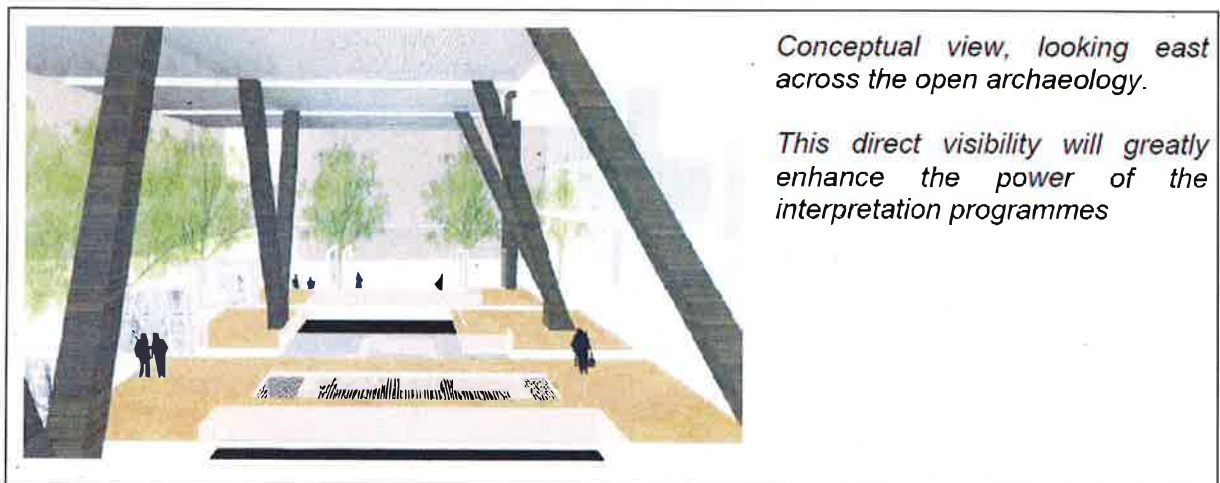


Figure 22: Conceptual view of building forecourt

The platforms, as illustrated by **Figure 23** are level with the forecourt floor and utilise glass balustrades to enclose the two archaeology areas. The balustrades minimise the impact upon the openness and navigability of the forecourt and allow easy unimpeded viewing of the relics.

To secure the area after hours, a second glass balustrade raises above the existing balustrade to create a double height wall (2.35 metres) around the archaeology. The double height glass balustrade will significantly inhibit access to the relics after hours whilst retaining visibility for the benefit of the public.

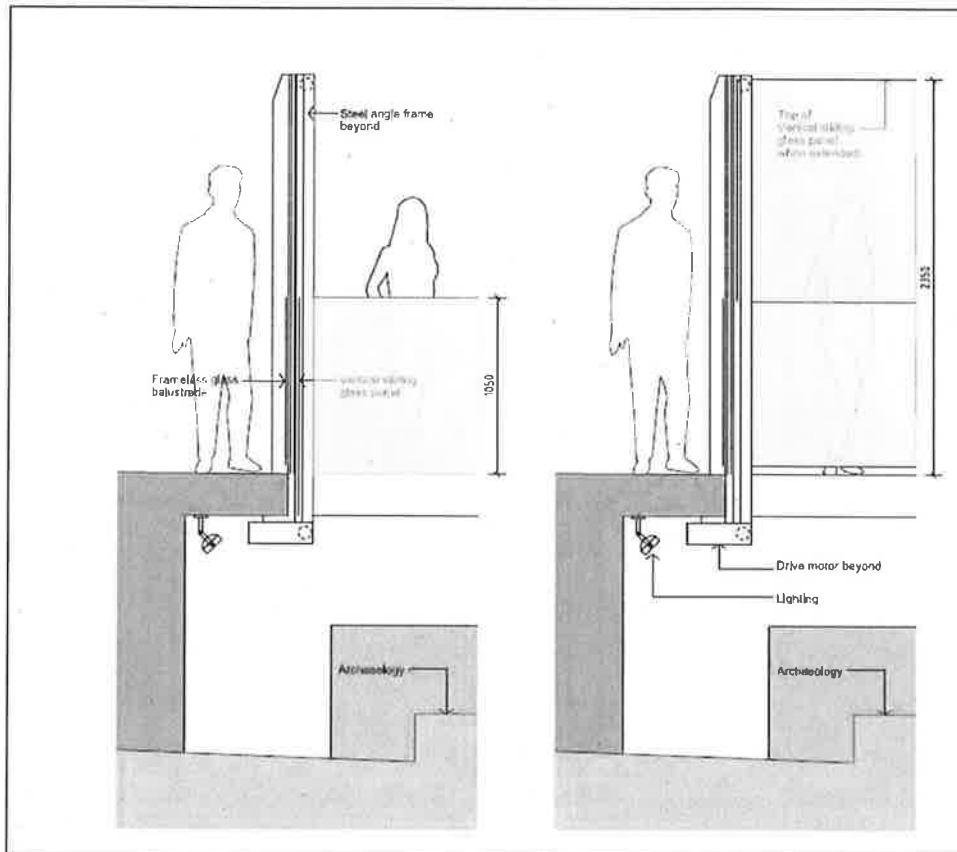


Figure 23: Proposed Balustrade around Archaeology

The EA included a detailed archaeology and heritage report prepared by Graeme Brookes & Associates. The report concludes that the proposed method of preserving and displaying the on-site archaeology is appropriate subject to conditions being included that require that:

- a specialist heritage manager or heritage consultant with appropriate qualifications and experience shall be nominated to manage the works;
- all personnel on site are appropriately trained in relation to protecting the on-site heritage;
- the protection of heritage on site during construction;
- the preparation of a professional archaeological excavation methodology; and
- nominate a repository for the relics salvaged from any further historical archaeological excavations.

The Heritage Branch has reviewed the report prepared by Graeme Brookes & Associates and is satisfied that subject to the implementation of these recommendations, the on-site archaeology will be adequately protected and recorded during the construction works. The Heritage Branch raised no objection to the proposed display areas and interpretation centre.

The Department is satisfied that the Proponent has demonstrated how they are able to adequately protect and record all archaeology and relics on the site by way of implementing recommended conditions outlined within the Graeme Brookes & Associates Archaeological Assessment Report. The conditions outlined within the report have been recommended

within the instrument of approval (**Conditions A10, A14, A15, C21, D27, D30, E13 and E14**).

5.4. Other Issues

Section 94 Contributions

Parramatta Council has stated that it requires a monetary contribution of \$1.5 million pursuant to the Parramatta City Centre Civic Improvement Plan and Section 94A of the *Environmental Planning and Assessment Act 1979*. The Proponent has agreed to the payment of the Section 94 contribution. A condition requiring the payment prior to the issuing of the Construction Certificate has been included within the recommended approval instrument (**Condition B4**).

Parking

Transport NSW requested that the development reduce the number of parking spaces. The scheme provides 535 spaces, which is 24 below the 559 required by the CCLEP 2007. The Proposal also includes 30 stacked parking spaces located at basement levels B2 and B6.

The Department considers that the reduced parking rate encourages occupants to use alternative transport methods (walking, cycling and public transport), however is sufficient to provide suitable levels of vehicle parking for residents given the site's location within the Parramatta CBD. Ideally, to further encourage the use of more sustainable transport methods, the removal of the 30 stacked spaces could occur.

However, as the proposed parking is already below the maximum required by Council, and that the removal of these spaces would not result in an alteration to the basement area, such a request has little justification.

Overall, the Department considers parking to be acceptable given the site's location within the Parramatta CBD and access to good levels of public transport and services.

6. RECOMMENDATION

The proposed development achieves an appropriate level of design, will provide suitable level of amenity for future residents and adequately protects on site archaeology. The proposal will present a bulk and scale suitable for the locality without impacting upon the redevelopment opportunities of neighbouring sites. In addition, the proposal would assist in contributing towards long term dwelling targets contained in the West Central Sub-Regional Strategy and will reinforce the role and function of the Parramatta Regional centre. For the above reasons, the proposal is supported, subject to recommended conditions of approval.

It is recommended that the Planning Assessment Commission:

- (a) **Consider** the findings and recommendations of this report;
- (b) **Approve** the Project Application request under delegated authority, subject to conditions; and
- (c) **Sign** the attached Instrument of Approval for MP 09_0167.

Prepared by: Scott Schimanski

Endorsed by

 12/10/11

Anthony Witherdin
Team Leader
Metropolitan & Regional Projects South

 12/10/2011

Michael Woodland
Director
Metropolitan & Regional Projects South

 13/10/2011

Marcus Ray
A/Deputy Director-General
Development Assessment & Systems Performance

 16/10/11

Richard Pearson
A/Director General